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SENATE

TUESDAY, OCTOBER 1, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Albert Joseph McCartney, D. D., pastor of the Covenant-First Presbyterian Church, Washington, D. C., offered the following prayer:

God is our refuge and our strength. I will lift up mine eyes unto the hills from whence cometh my help. He that dwelleth in the secret place of the Most High shall abide under the shadow of the Almighty.

Let us pray:

Almighty God, we, Thy servants, here assembled humbly acknowledge our constant need of divine guidance. Especially amid all the tumult and confusion of these days of decision through which our people are passing, when our hearts are anxious and our minds perplexed, we are made deeply conscious, in a very new and real sense, of our dependence on the wisdom and the counsel that cometh down from above, and is ever profitable to direct.

Behold the needs of these representatives of the people. Give them strength of body, clarity of mind, and honesty of heart, that they may counsel and act together for the welfare of our Nation and the world. Strengthen any who are especially burdened among us, and give us fortitude of spirit for all our undertakings. God bless our land, defend our liberties, preserve our unity, and give us peace. In the name of Jesus Christ the Prince of Peace. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, September 30, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 253. An act to authorize the leasing of certain Indian lands subject to the approval of the Secretary of the Interior;

S. 3636. An act to amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes;

S. 3868. An act for the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration;

S. 4258. An act to remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, N. Y.; and

S. J. Res. 267. Joint resolution providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Act.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 960) extending the classified executive civil service of the United States; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RAMSPECK, Mr. RANDOLPH, Mr. FRIES, Mrs. ROGERS of Massachusetts, and Mr. REES of Kansas were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 8868. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Bolinross Chemical Co., Inc.; and

H. R. 9722. An act to provide for the regulation of the business of fire, marine, and casualty insurance, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1160) for the relief of Roland Hanson, a minor, and Dr. E. A. Julien.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills of the House:

H. R. 3481. An act for the relief of C. Z. Bush and W. D. Kennedy; and

H. R. 4126. An act for the relief of Warren Zimmerman.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Burke	Davis	Guffey
Andrews	Byrd	Downey	Gurney
Ashurst	Byrnes	Ellender	Hale
Austin	Capper	Frazier	Harrison
Bailey	Caraway	George	Hatch
Barkley	Chavez	Gerry	Hayden
Bilbo	Clark, Idaho	Gillette	Herring
Brown	Connally	Glass	Hill
Bulow	Danaher	Green	Holt

Hughes	Norris	Schwellenbach	Townsend
Johnson, Calif.	Nye	Sheppard	Truman
Johnson, Colo.	O'Mahoney	Shipstead	Tydings
King	Overton	Smathers	Vandenberg
McKellar	Pepper	Stewart	Van Nuys
McNary	Pittman	Taft	Walsh
Maloney	Radcliffe	Thomas, Idaho	Wheeler
Mead	Reed	Thomas, Okla.	White
Minton	Russell	Thomas, Utah	Wiley
Murray	Schwartz	Tobey	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Kentucky [Mr. CHANDLER] are absent because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Missouri [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from Arkansas [Mr. MILLER], the Senator from West Virginia [Mr. NEELY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Illinois [Mr. SLATTERY], the Senator from South Carolina [Mr. SMITH], and the Senator from New York [Mr. WAGNER] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from New Jersey [Mr. BARBOUR], the Senator from Vermont [Mr. GIBSON], the Senator from Oregon [Mr. HOLMAN], and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

PUBLIC-SCHOOL BUILDINGS, FROID, MONT.—VETO MESSAGE (S. DOC. NO. 301

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Indian Affairs and ordered to be printed:

To the Senate:

I return herewith, without my approval, the enrolled bill S. 1450, which would authorize an appropriation of $30,000 for cooperation with school district numbered 15, Froid, Mont., for the extension and improvement of public-school buildings.

Of a total school enrollment for the Froid district for the current year of 214, the Indian enrollment is only 14. Less than 7 percent, in other words, of the enrollment in the Froid district is comprised of children whose education is a responsibility of the Indian Service. Tuition for these Indian children is paid at the rate of 30 cents per day, with 10 cents a day per child additional for the noonday lunch.

In view of this ratio of Indian to white school children, and of the payment of tuition on account of the Indian children, it does not seem to me that the improvement of school facilities in the amount proposed in this bill may properly be regarded as a responsibility of the Indian Service.

While the bill provides for the recoupment by the United States, through reduction or elimination of the annual Federal tuition payments, of the amount to be expended, with interest at 3 percent per annum, within a period of 30 years, it is apparent that such recoupment would not be effected in view of the fact that the amount required to be paid to the Government for the first year would be $1,900 ($1,000 principal, and $900 interest), whereas the amount that would be earned by the school district on account of tuition for the Indian children—if in the same amount as for the last year—would be only $658.

For the foregoing reasons I am compelled to withhold approval of the bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 1, 1940.*

FEDERAL POWER COMMISSION INVESTIGATION OF PENNSYLVANIA SUBSIDIARIES OF ASSOCIATED GAS & ELECTRIC SYSTEM

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Power Commission, transmitting copies of the order and opinion of the Commission in its investigation of six Pennsylvania subsidiaries of the Associated Gas & Electric System, also a copy of the trial examiner's report approved by the Commission, and making reference to holding companies, affiliates, and operating companies, which, with the accompanying papers, was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 4218) to extend to the Virgin Islands the provisions of certain laws relating to vocational education and civilian rehabilitation, reported it with amendments and submitted a report (No. 2189) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 8333. An act for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army (Rept. No. 2190); and

H. R. 8613. An act to amend the act to provide for the retirement of disabled nurses of the Army and the Navy (Rept. No. 2191).

Mrs. CARAWAY, from the Committee on Commerce, to which was referred the bill (S. 4363) granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn., reported it without amendment and submitted a report (No. 2192) thereon.

BILL INTRODUCED

Mr. BAILEY introduced a bill (S. 4392) for the relief of Thomas P. Waters, which was read twice by its title and referred to the Committee on Military Affairs.

ACQUISITION OF CERTAIN BRITISH POSSESSIONS AND REDUCTION OF GREAT BRITAIN'S INDEBTEDNESS TO THE UNITED STATES—REFERENCE OF BILL

Mr. KING. Mr. President, yesterday I introduced Senate bill 4391, to authorize negotiations for the acquisition of certain British possessions, to provide for reducing the indebtedness of Great Britain to the United States, and for other purposes. The bill is upon the table. I ask that it be referred to the Committee on Foreign Relations, where I think it is appropriate for it to go.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT

Mr. OVERTON submitted the following notice in writing:

In accordance with rule XL of the standing rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 5 of rule XVI for the purpose of proposing to the bill (H. R. 10539) making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely:

At the proper place in the bill, to insert the following:

"GEORGE WASHINGTON BICENTENNIAL COMMISSION

"For payment to Mrs. Katherine Clagett and to the estate of Dr. John Fitzpatrick $2,700 and $6,666.66, respectively, for services rendered the George Washington Bicentennial Commission in connection with the compilation of the definitive writings of George Washington, $9,366.66: *Provided*, That the payment to the said Mrs. Katherine Clagett shall be in full, complete, and final compensation of any and all claims arising out of services rendered to the George Washington Bicentennial Commission prior to June 30, 1940."

Mr. OVERTON also submitted an amendment intended to be proposed by him to House bill 10539, supra, which was referred to the Committee on Appropriations and ordered to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT TO MERCHANT MARINE ACT, 1936—MOTION TO RECONSIDER WITHDRAWN

Mr. KING. Mr. President, yesterday I interposed in the absence of a Senator a motion to reconsider the vote by which the bill (H. R. 9581) to amend the Merchant Marine Act, 1936, as amended, was passed. I desire now to withdraw the motion to reconsider.

The VICE PRESIDENT. The motion to reconsider having been withdrawn, the bill stands passed.

ADDRESS BY SENATOR LUCAS AT GRAND RAPIDS, MICH.

[Mr. BROWN asked and obtained leave to have printed in the RECORD the address delivered by Senator LUCAS at Grand Rapids, Mich., on Monday, September 23, 1940, which appears in the Appendix.]

EDUCATION'S DEFENSE OF DEMOCRACY—ADDRESS BY DANIEL L. MARSH

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address delivered by the Honorable Daniel L. Marsh, president of Boston University, at the Boston University summer school commencement on August 10, 1940, on education's defense of democracy, which appears in the Appendix.]

STATEMENT BY HON. GEORGE C. PEERY ON LIMITATION OF PRESIDENTIAL TERM

[Mr. BURKE asked and obtained leave to have printed in the RECORD the statement of Hon. George C. Peery, formerly Governor of Virginia, before the subcommittee of the Senate Committee on the Judiciary on the question of the limitation of the Presidential term, which appears in the Appendix.]

EDITORIAL FROM MILWAUKEE SENTINEL ON THE THIRD TERM

[Mr. BURKE asked and obtained leave to have printed in the RECORD an editorial from the Milwaukee Sentinel of July 6, 1939, on the subject of a third Presidential term, which appears in the Appendix.]

ENGLISH PREDICTIONS OF AMERICAN ACTION

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article entitled "English Publications Predict the Action of the United States With Great Accuracy," which appears in the Appendix.

PROFITS OF CORPORATIONS

[Mr. HOLT asked and obtained leave to have printed in the REDORD an article entitled "War Profits," which appears in the Appendix.]

GERMAN-ITALIAN-JAPANESE PACT

[Mr. PEPPER asked and obtained leave to have printed in the RECORD several articles on the subject of the German-Italian-Japanese pact, which appears in the Appendix.]

LABELING OF WOOL PRODUCTS; TRUTH IN FABRICS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

The VICE PRESIDENT. The question before the Senate is on agreeing to the conference report on what is known as the truth-in-fabrics bill.

Mr. SCHWARTZ. Mr. President, I move the adoption of the conference report on Senate bill 162.

The VICE PRESIDENT. The motion is unnecessary. The question is already before the Senate.

Mr. THOMAS of Oklahoma. Mr. President, I desire to advise the Senate that I wish to be heard before a vote is taken on the motion.

The VICE PRESIDENT. The question is debatable.

Mr. THOMAS of Oklahoma. I shall be glad to yield to the proponent of the bill if he cares to take the time now.

Mr. GUFFEY and Mr. SCHWARTZ addressed the Chair.

The VICE PRESIDENT. Does the Senator from Oklahoma yield, and if so, to whom?

Mr. THOMAS of Oklahoma. I yield to the Senator from Pennsylvania.

S. FORRY LAUCKS AND THE YORK SAFE & LOCK CO.

Mr. GUFFEY. Mr. President, on Monday, September 23, 1940, the junior Senator from West Virginia [Mr. HOLT] addressed the Senate on the subject of politics in national defense. During the course of his remarks the Senator referred to Mr. S. Forry Laucks, president of the York Safe & Lock Co. The Senator read a statement published in a York newspaper concerning Mr. Laucks' appointment as head of a Statewide organization to form Roosevelt-Wallace clubs.

The Senator further referred to another item in the paper announcing the awarding of an artillery material contract to the York Safe & Lock Co. in the amount of $2,914,720. The Senator referred to other contracts awarded the York Safe & Lock Co. He stated that he had found a half-page advertisement of the York Safe & Lock Co. in the Democratic campaign book of this year, and that the company paid approximately, "he imagined," $4,000 for that.

Any reasonable man who heard or read the Senator's remarks about Mr. Laucks could not help concluding that he, the Senator, was inferring, if not actually stating, that Mr. Laucks and his company were obtaining their business from the Government on a political or favor-granting basis.

I cannot permit that inference to stand unchallenged. I have known Mr. Laucks for many years. He is one of the most public-spirited citizens with whom I or anyone else could come in contact. He is well-to-do, and became thus, not through inheritance or speculation, but through his ability to build up and operate in an efficient manner one of the finest plants in this country engaged in his particular kind of business.

The wherewithal which he has earned as an honest businessman is used to a considerable extent in support of worthy charities in the community of which he has been a part for many years.

There are employed in his plant many men of the highest skill in their respective trades. They have been with him for years.

When the depression hit this country during the Hoover administration, and corporations without souls were laying off men right and left, in order that they might conserve their capital, Mr. Laucks, who practically owns the York Safe & Lock Co., continued his men on the pay roll, even though they could not be kept busy, at a cost of hundreds of thousands of dollars to himself.

These men had been with him for years. They had been faithful to him. He was faithful to them, and would not throw them out upon the community when he knew they would be unable to find employment at that time. He is that kind of man.

Mr. Laucks is a Democrat of long standing. To my personal knowledge he was one prior to the election of Woodrow Wilson. He has been a generous contributor to Democratic campaign funds for many years. He contributed his share, or more, even, when the party was out of power. He did so because he believes in the principles of the party.

He did place an advertisement in this year's Democratic yearbook. He paid $1,000 for that ad, and not $4,000, as the junior Senator from West Virginia imagined. I have in my possession the receipt covering the advertising contract.

The junior Senator from West Virginia referred to the following contracts awarded the York Safe & Lock Co. by the Government:

Artillery matériel Ordnance Department, contract worth $2,914,720.

War Department, gun mounts worth $604,188.

Navy Department, gun mounts worth $59,846.27.

War Department, cradle assemblies worth $57,050.

War Department, gun carriages worth $794,300.

Every single one of those contracts was obtained as a result of competitive bidding, and I want to emphasize the word "competitive." In each and every instance the York Safe & Lock Co. was the low bidder.

The $2,914,724 contract for artillery matériel was obtained in competition with the National Pneumatic Co., whose bid amounted to $3,264,000. The York Safe & Lock Co. underbid that firm $349,276.

The $604,188 contract for gun mounts was obtained in competition with the Buckeye Traction Ditcher Co., of Findley, Ohio, and the Baldwin Locomotive Co., of Eddystone, Pa. The bids of the Buckeye Traction Ditcher Co., and the Baldwin Locomotive Co. were $752,960 and $838,760, respectively, as compared with the York Safe & Lock Co.'s bid of $604,188.

The $59,846.27 contract for gun mounts was obtained in competition with the Buckeye Traction Ditcher Co., of Findley, Ohio, the Westinghouse Electric Elevator Co., of Jersey City, N. J., and the Pollack Manufacturing Co., of Arlington, N. J.

These companies bid $60,253.01, $87,057, and $124,055.05, as compared with the York Safe & Lock Co. bid of $59,846.27.

The $57,050 contract for cradle assemblies was obtained in competition with the Harvey Machinery Co. of Los Angeles, Calif., and the Tucker Manufacturing Co. of Detroit, Mich. The latter two companies bid $57,258.64 and $79,038.70, respectively, as compared with the York Safe & Lock Co. bid of $57,050.

The $794,300 contract for gun carriages was obtained in competition with the Western Austin Co. of Harvey, Ill., and the Duplex Printing Press Co. of Battle Creek, Mich. These latter two companies bid $963,300 and $975,468, respectively, as compared with the York Safe & Lock Co. bid of $794,300.

The figures and statements just given and made by me are matters of public record and are available to those of us who care to take the time to see them. There is nothing in the record to warrant impugning the integrity of Mr. S. Forry Laucks or the York Safe & Lock Co. The junior Senator from West Virginia has done so by inference. If he is willing to accept facts, he should be glad to apologize to Mr. Laucks and the York Safe & Lock Co. I hope he will do so.

Mr. President, I ask that there be printed in the RECORD following my remarks a front-page article printed in the York (Pa.) Gazette and Daily, under date of September 25, 1940, entitled "S. Forry Laucks Hits Back at Senator HOLT"; a column from the same paper of the same date entitled "Around the Town"; and a column entitled "Around the Town" printed in the same paper under date of September 26.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

[From the York (Pa.) Gazette and Daily of September 25, 1940]

S. FORRY LAUCKS HITS BACK AT SENATOR HOLT—POINTS OUT ALL CONTRACTS AWARDED TO YORK SAFE & LOCK CO. WERE AWARDED ON OPEN BIDS IN WHICH THE COMPANY WAS THE LOW BIDDER—HAS LONG BEEN A DEMOCRAT

S. Forry Laucks, president of the York Safe & Lock Co., last night denounced Senator RUSH D. HOLT, of West Virginia, for impugning the integrity of the Army and Navy procurement divisions in the matter of defense contracts awarded to the York Safe & Lock Co.

"All the contracts awarded our company," stated Mr. Laucks, "were awarded on open bids; and our company was the low bidder. The actual facts about them could have been ascertained by Senator HOLT if he had chosen to secure accurate information instead of just using the forum of the Senate to make misstatements about the national defense in order to raise suspicion of Federal officials at a time when the United States is going through a critical period.

NOTHING TO HIDE

"So far as orders placed with the York Safe & Lock Co. are concerned, we have nothing to hide. Every transaction is a matter of public record. We have no objection to that record being made public, but we deserve to have any citation of that record conform with the facts.

"We are proud of the fact that the York Safe & Lock Co. has been the successful bidder on a number of Government contracts. We entered the field of providing defense materials as soon as the need for better defense was apparent. We did not try to hold up the Government for high profits and special concessions as many manufacturing concerns have.

"Our plant is peculiarly adapted for making ordnance materials that require precision. It would be unpatriotic of us not to make this plant and its machine tools available to the Government when the Government needs it. We did it during the World War when we converted 95 percent of our plant capacity to war work. We shall continue that practice, and we will strain every effort to make as much of our plant as the Government needs available for Government work in spite of Senator HOLT or anybody else.

LOW BIDDER BY $349,276

"On one contract to which Senator HOLT referred, we were low bidder by $349,276. On another contract we were low bidder by $208.64, and we assured delivery in 280 days as against 550 days by the second lowest bidder. On another contract we were low bidder by $169,000 and promised delivery 150 days earlier than the second lowest bidder. On still another contract we were low bidder by $406.74.

FROM LONG LINE OF DEMOCRATS

"I have been a Democrat all my life. My father was a Democrat all his life and he died in 1916 at the age of 92. His father before him was a Democrat when he died at the age of 81. On my mother's side my grandfather was a Democrat and attended a Democratic Convention in York in 1836 and was a member of the resolutions committee of the convention.

"All my life I have been a contributor to the Democratic Party. I am happy to do my little bit now to help reelect Franklin D. Roosevelt, whom I supported in 1932 and 1936. What I contribute to the cause of the Democratic Party is in line with the Democratic tradition in which I was reared and has no connection whatever with my business.

"It seems strange, indeed, that a lifelong Democrat should have his integrity impugned, and that Federal officials should be made suspicious, when contracts are awarded on open bidding, but no question is raised when large numbers of firms who are now supporting the Republican candidate are given defense contracts by negotiation.

"The interest of the York Safe & Lock Co. in defense contracts is an interest in helping to provide for the defense of the country we love and in bringing into the community, in which I have spent my entire life, work for the highly skilled workmen for which York has an international reputation."

[From the York (Pa.) Gazette and Daily of September 25, 1940]

AROUND THE TOWN

York industry came in for a bit of free publicity in the Senate of the United States on Monday.

"Lame duck" Senator RUSH D. HOLT, who has an almost perfect record in the Senate for being misinformed and obnoxious, who will be retired to private life when the Senate adjourns, brought the matter up.

Senator HOLT would have us believe that the Democratic Party is macing firms receiving defense contracts for contributions to the Democratic Party.

He cited the case of Mr. S. Forry Laucks, whose firm, the York Safe & Lock Co., has been receiving numerous defense contracts.

Mr. Laucks, he says, paid $4,000 for an ad in the Democratic campaign book.

Senator HOLT picked a very unhappy example. We who live in York and York County, if we are at all acquainted with the political situation, know a little something of Forry Laucks' allegiance to the Democratic Party. Laucks was a Democrat before Woodrow Wilson became President. That was about the time Senator HOLT was falling out of his cradle.

Laucks has been a generous contributor to Democratic campaign funds for many years. Even when Democrats were out of power Laucks contributed more than his share to Democratic campaign funds.

It so happens that the York Safe & Lock Co. was engaged in a type of manufacturing that is peculiarly adaptable to conversion for defense materials. The York Safe & Lock Co. was among the first companies on the job. It wasn't holding back waiting for a chance to gouge the Government on orders. It began to expand its plant and equipment before other firms even got the notion that by concerted pressure they might get the Government to pay for expansion.

It didn't wait for contracts to be negotiated. It bid on Government orders and got those orders because it was the lowest bidder.

York industries have as a whole been cooperative with the national-defense program. They have been among the first to receive contracts. They might have been among that group which has been holding up the national defense in the hope of gouging higher profits and special concessions.

Other York industries that have Government contracts are the Read Machinery Co., the York Ice Machinery Co., the S. Morgan Smith Co., the American Chain & Cable Co., the A. B. Farquhar Co., and Joseph Black & Sons. There may be others.

Why Senator HOLT should have picked the one industry whose president has always been a Democratic angel we don't know, except that one might attribute it to the Senator's penchant for being wrong all the time.

York industries have a good record for cooperation with the Government's national-defense program. We hope they keep it up. Senator HOLT'S charges of macing are simply ridiculous.

[From the York (Pa.) Gazette and Daily of September 26, 1940]

AROUND THE TOWN

Since Senator RUSH D. HOLT'S attack on the York Safe & Lock Co., and its president, S. Forry Laucks, connecting Mr. Laucks' contributions to the Democratic Party with Government contracts, we have gone a little deeper into the matter of Government contracts.

What we find is that Willkie supporters in York are among those who received substantial contracts from the Government.

If the Democrats were making support of Roosevelt as a condition of receiving Government contracts, York industries would be in the doldrums.

The American Chain Co. has Government contracts. Its local plants manager is a registered Republican.

The International Chain Co. has Government contracts. Its executives have been outspoken Willkie supporters.

The Joseph Black & Sons Hosiery Co. has Government contracts. One of its executives is active in organizing Willkie clubs.

The York Ice Machinery Co. has Government contracts. The chairman of the board, Mr. William S. Shipley, is actively supporting the Willkie candidacy. So are other executives of the company.

The P. H. Glatfelter Co., Spring Grove, has large Government contracts. Its president, Philip Glatfelter, is a vociferous supporter of Willkie.

The Hanover Shoe Co. has Government contracts. The Sheppards and the Myers are strong Republicans.

The S. Morgan Smith Co. has received many Government contracts during the Roosevelt administration. Only recently this company was awarded a contract to furnish turbines in the amount of $763,000. This is small compared with previous Government contracts received by this firm.

But the Smiths were among the original Willkie supporters. Members of the Smith family were active in circulating Willkie petitions among the country-club set when the people were supposed to be demanding that the Republicans nominate Willkie.

A. B. Farquhar Co. has received Government contracts. The president of this company is a Democrat and the vice president a Republican.

Senator HOLT implied that it paid the York Safe & Lock Co. to be on the right side. He also charged macing by the Democrats on Government contracts.

If the Democrats were being maced, it would seem that the Farquhar Co. would have been maced. If all industrialists were being maced on Government contracts, then all of these many Republican industrialists must have been maced.

If such is the case, these Republican industrialists can elect Willkie. All they need to do is come forward and show that they have been blackjacked into contributions for Government orders. The reaction would be such that Roosevelt wouldn't have a chance.

If they have not been maced, then it would seem that they owe it to their fellow industrialist, Forry Laucks, to come out and say so and to join in denunciation of Senator HOLT's accusations.

We confess that we feel rather good about so many York firms getting Government contracts. It shows they have been active. It shows they have been right on the job when the country needed them. It shows that they are not overly greedy for profits.

But we are also glad about it because these Government contracts have brought millions of dollars' worth of work to York, providing our workmen with opportunities to use their skills, providing our merchants with a population that has purchasing power, and making York a good market for consumers' goods.

And we don't care whether the leaders of York's industries are Republicans or Democrats. We'd hate to think, however, that the contracts were secured because they were on the right side and contributing to party campaign funds in order to get them. We don't believe this is the case in any instance.

The mixture of the Smith family, the S. Morgan Smith Co., the Commonwealth & Southern Co., and Government contracts is interesting. It seems a case of the right hand ignoring what the left hand is doing.

The S. Morgan Smith Co. built turbines for the Georgia Power Co. Later on the Smith family became heavy security holders in the Georgia Power Co. One of the family sat on its board of directors for many years. In 1929 when Commonwealth & Southern was being formed by the Morgans, the Georgia Power Co. became an operating unit in the Commonwealth & Southern system. Members of the Smith family became heavily interested in Commonwealth & Southern.

When the Tennessee Valley Authority was created, the Georgia Power Co. became one of the foremost opponents of public power in the Tennesssee Valley. The parent company, Commonwealth & Southern, and Wendell Willkie, in particular, formed the spearhead of the drive against the Tennessee Valley Authority. The issue was public power versus private power. Public ownership was being severely condemned.

But all the while this fight against public power was going on, the S. Morgan Smith Co. was building hydroelectric-power equipment for Government controlled power development. And all the while, even up to the present time, that the Smith family were closely associated with the fight against public power, the Smith Co. was helping to bring public power to reality by building the machinery necessary. The latest contract of the S. Morgan Smith Co. for hydroelectric equipment for the Tennessee Valley Authority amounts to $763,000.

Mr. HOLT. Mr. President——

The PRESIDING OFFICER (Mr. CONNALLY in the chair). Does the Senator from Oklahoma yield?

Mr. THOMAS of Oklahoma. I shall be glad to yield until preliminary matters are disposed of, when I shall claim the floor again in my own right.

Mr. HOLT. Mr. President, relative to the remarks of the junior Senator from Pennsylvania [Mr. GUFFEY], he has not disputed a single, solitary statement I made on the floor of the Senate. I ask unanimous consent at this point in my remarks to have printed what I said on the floor of the Senate on the 23d day of September this year, as it appears on page 12449 of the RECORD.

The PRESIDING OFFICER. Is there objection to printing in the RECORD the matter suggested by the Senator from West Virginia?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

POLITICS IN NATIONAL DEFENSE

Mr. HOLT. Mr. President, for a long while we have heard the statement that there should be no politics in national defense. I agree with that; I feel that we should have an adequate, strong national defense, but I do object to politics in the awarding of contracts.

The other day there was sent to me a newspaper containing a very significant item, which could be duplicated, I think, in many instances. It is a newspaper published in York, Pa., and the article is headed "Heads State Drive." It reads in this way:

"Appointment of S. Forry Laucks, president of the York Safe & Lock Co., as head of a State-wide organization to form Roosevelt-Wallace clubs, was announced yesterday by Dr. Luther A. Harr, Pennsylvania Democratic campaign chairman, at Harrisburg. The appointment was made by National Chairman Edward J. Flynn.

" 'It is my purpose to establish Roosevelt-Wallace clubs in every county,' Mr. Laucks said in a statement, 'and through their membership to prosecute a vigorous campaign, not only for these able candidates on our national ticket but for the reelection of United States Senator Joseph F. Guffey and for G. Harold Wagner for State treasurer and for F. Clair Ross for auditor general.

" 'In addition, the clubs will give special attention, too, to the candidacies of every Democratic aspirant to a seat in the State senate and in the house of representatives.' "

There is nothing particularly significant about that; Mr. Laucks has a perfect right to be chairman, but in the same newspaper I find this item:

"Local firms get war contracts totaling $3,046,120."

This is what is said under the heading—I will not burden the Senate by reading the complete list but in naming the contracts the newspaper says:

"Largest was an artillery matériel Ordnance Department contract awarded to the York Safe & Lock Co. and worth $2,914,720."

The York Safe & Lock Co. has as its president Mr. S. Forry Laucks, who, on the very day he got a contract for $3,000,000 from the United States Army, was named as chairman of the Pennsylvania Roosevelt-Wallace Clubs. It may only be a coincidence; I do not know; but it is quite an unusual thing to pick up a newspaper and see a man named as State chairman who at the same time gets $3,000,000 worth of contracts from the United States Government.

So I thought I would look a little further into the York Safe & Lock Co. I find that Mr. Laucks has a perfectly good reason to be for the ticket. I am not discussing whether he should or should not be, but here is what I find:

During the week of January 13, 1940, the York Safe & Lock Co. got a contract from the War Department for $604,188 worth of gun mounts, to be delivered on the 15th day of September. Then on the 10th of February 1940 I find the Navy gave a contract to the York Safe & Lock Co.—the Army had given them the other one—the Navy gave them a contract for $59,846.27 worth of gun mounts.

Not satisfied with that we find that on February 24, 1940, the War Department again gave the same York Safe & Lock Co. a $57,050 contract for cradle assemblies.

By the way, we find that delivery was to be made on the 2d day of November 1940. Of course, November 2, 1940, is a very good time to have the factories going.

Here is another thing. We find that in the week of August 24, 1940, the same York Safe & Lock Co. got a contract from the War Department for gun carriages amounting to $794,300. Add to those the recent contract given to the York Safe & Lock Co. amounting to $2,914,720, and it will be seen that it pays to be on the right side.

It will be remembered that in 1937 I discussed the Democratic campaign book of 1936. I picked up the Democratic campaign book of this year with the words "Price, 25 cents" marked out. I turn to page 114, and I find a half-page advertisement of the York Safe & Lock Co. They paid approximately, I imagine, $4,000 for that. Of course, that was a pretty good investment; there can be no doubt about that, because we find that in September they got a $3,000,000 contract from the Government.

Mr. HOLT. Mr. President, I stated that a copy of the York paper containing matter relative to Mr. S. Forry Laucks had been sent to me, and I have the paper in my hand at this time. At the head of one column is the line "Heads State Drive," and then it is shown that Mr. S. Forry Laucks had been named as president of the Roosevelt-Wallace Clubs in Pennsylvania as president of the York Safe & Lock Co.

On the same identical front page of the same paper, down in the fifth column from the left, is the reference, "Local firms get war contracts totalling $3,046,120," and it states what I said on the floor of the Senate:

Largest was an artillery matériel Ordnance Department contract awarded to the York Safe & Lock Co. and worth $2,914,720.

I listed contracts which were given to Mr. S. Forry Laucks, and I found that I did not list them all. But, let me state the situation.

Mr. Laucks, as president of the York Safe & Lock Co., donated money to the Democratic campaign fund in direct violation of section 313 of the Corrupt Practice Law, which provides:

It is unlawful for any national bank or any corporation * * * to make a contribution * * * in connection with any election at which Presidential and Vice Presidential electors or a

Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.

I am sure the Senator from Pennsylvania does not want the Senate to think that the activities in Pennsylvania are as pure as the icicles which hung from Diana's temple. He might be able to tell that to the people of Afghanistan or Zanzibar, but he cannot tell it to the United States Senate.

I say that Mr. S. Forry Laucks took a half page "ad" in the Democratic campaign book. I say that the very day when he was awarded a $2,000,000 contract, as shown by the York paper, he came out publicly not only for the President and Vice President, but for the Senator from Pennsylvania and all other candidates on the ticket. I say that he rendered himself liable for this public indictment when he did so, taking Government contracts under those circumstances.

I do not blame the Senator from Pennsylvania for replying to me; and I say this with no personal ill will at all, and I want him to know that. I know that he told the truth when he said that S. Forry Laucks had been a great contributor to the party. No one denies that. I find that on March 23, 1940, Mr. S. Forry Laucks donated to the Joseph F. Guffey State campaign committee in Philadelphia $2,500. I find that on the 20th day of April 1940, Mr. S. Forry Laucks donated $500 more to the York County Joseph F. Guffey campaign committee.

I have not checked all the record. That has been impossible, I have had so much work to do, but the Senator from Pennsylvania had told the truth about Mr. Laucks, because I find that during the months of March and April of this year he donated $3,000 to the Guffey campaign committee, and, of course, I do not blame the Senator for defending him on the floor of the Senate. However, I do not want him to think there is any personal feeling about the matter.

I also read in the York Dispatch under date of April 20, 1940, Mr. Laucks' paid advertisement, for which he paid the Dispatch Publishing Co. $48, and the purpose of that advertisement, which I have here, is indicated in the reading:

> To all Democrats who wish for fair play and success of their party. Why GUFFEY should be renominated.

That is in the York Dispatch of April 20.

I find that he also paid $48 for the same kind of an advertisement in the York Gazette and Daily as to why JOSEPH F. GUFFEY should be elected to the United States Senate.

Mr. President, I say that no one can dispute the fact that Mr. Laucks, as president of the York Safe & Lock Co., did take an advertisement in the Democratic campaign book. What he paid for it I do not know, and I said I did not know. If he got the advertisement for $1,000 it was pretty cheap advertisement and a very good investment. No one denies that. But I say that he received millions of dollars worth of contracts. Anyone who reads the record will find that out.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. HOLT. Yes; I shall be glad to yield.

Mr. GUFFEY. I ask the Senator from West Virginia if Mr. Laucks did not win, in open competition, every contract the Senator looked up?

Mr. HOLT. I am coming to that.

Mr. GUFFEY. I ask, did he not win it in open competition?

Mr. HOLT. I will answer the Senator in just a moment. I will say that I tried to get those contracts. I have called the office of the Chief of Ordnance of the War Department, I have called the Assistant Secretary of War, and they say they cannot find those contracts anywhere. I do not know where they are. I am not saying where they are. But it is unusual when a Member of the Senate calls up and they cannot even find the contracts. One person said over the telephone—I do not recall who it was in the Department—"He did not get any contracts in 1940." I said, "If you will look back on a certain date you will find one." My office gave him the date, gave him what the contract was for, and who the contract was to, and he said, "We cannot find that information unless you get us the contract number."

How in the world could a Member of the Senate, or anyone else, know what contract number was assigned? I have tried to find out, but cannot. I say that on the face of it—

Mr. GUFFEY. Mr. President, will the Senator again yield?

Mr. HOLT. I shall be glad to yield.

Mr. GUFFEY. Why did the Senator not offer a resolution asking for that information from both the War Department and the Navy Department? If the Senator does that he will get that information. I have a copy of the contract here from Mr. Laucks' files. The Senator can obtain it if he offers the proper resolution asking for it.

The Senator is trying to impugn Mr. Laucks' motives and actions. I have known Mr. Laucks since 1912. He was a large contributor to the Woodrow Wilson campaign fund, and he has contributed to the party campaign fund ever since, whether he had contracts or not. The Senator can obtain the information if he honestly desires to obtain it, by offering a resolution; but the trouble is that the Senator does not honestly want to obtain it. [Laughter in the galleries.]

Mr. HOLT. I will say to the Senator from Pennsylvania that I did not think it was necessary for a Member of the United States Senate to introduce a resolution for that purpose when I personally have tried to get the information from the War Department by means of telephone calls time after time. I do not know what is in those contracts, but I do say, knowing how competitive bidding is done in the State of Pennsylvania which the Senator from Pennsylvania discussed in connection with a gravel contract last spring—I know how competitive bidding is done. Everyone knows how it is done. Competition in Pennsylvania is easy. If you allow me to write the contract, I will tell you who will get the contract without question. And I repeat again on the floor of the Senate what I have previously said, that Mr. S. Forry Laucks took the campaign leadership on the day that he got his contract for $3,000,000 and became president of the Roosevelt-Wallace clubs. I have shown here today that the Senator from Pennsylvania's campaign received $3,000 at the very time this man Laucks was getting Government contracts.

I do not think the Senator's speech was worth $3,000 to him, but nevertheless the fact is here. The contracts are known. Mr. Laucks indicts himself by his actions. I make no apology to Mr. Laucks, and I make the statement that his actions do indict his own record, because at the very time he was getting contracts he should not have accepted this political appointment.

I want the RECORD to show that every statement I have made is based on facts. Mr. Laucks, in my opinion, has been a good party worker in Pennsylvania—I do not deny that—he has been paid well for that party work.

I have been told recently another very interesting thing in connection with Mr. Laucks and the Government, and I will come back and discuss that a little later on. I did not intend to go into the matter this morning. I did not know that the Senator from Pennsylvania was going to speak, but I do wish the RECORD to show that I told the truth, and now I want to add to it the fact that Mr. Laucks donated to the Senator from Pennsylvania $3,000 at the time that Mr. Laucks was getting Government contracts.

LABELING OF WOOL PRODUCTS; TRUTH IN FABRICS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

The PRESIDING OFFICER (Mr. BROWN in the chair). The question is on agreeing to the conference report.

Mr. THOMAS of Oklahoma. Mr. President, the motion pending before the Senate is to agree to the conference committee report on Senate bill 162. The bill with respect to which the conference report assumes to bring about an agreement, relates to wool. The bill is sometimes called a truth-in-fabrics bill. The proposed legislation has been pending

before the Congress for 38 years. Members have come to Congress, have introduced bills designed to solve this problem, have tried to secure their passage, and have failed. Many years ago the senior Senator from Kansas [Mr. CAPPER] introduced such a bill in the Senate and at the same time Representative French introduced a similar bill in the House. They tried to write bills which would enable the consumer to know what kind of cloth was contained in a garment; but they decided they could not write such legislation.

Mr. President, we are now dealing with the subject of wool. The purpose of the bill is to raise the price of wool. This particular bill was introduced in the Senate early in the present Congress. The bill was referred to a subcommittee. The subcommittee made many amendments to the bill, and reported it to the Senate.

The Senate made some amendments to the bill, and sent it on to the House of Representatives. The House made 25 amendments to the bill, and sent it back to this body. At that time a motion was made that the Senate agree to the House amendments. I objected to that motion, and after discussing it for some time it was agreed that the bill should go to conference. The bill went to conference. Conferees were appointed on behalf of the Senate and likewise on behalf of the House.

I made objection to the bill because, first, it is an anticotton bill. I made objection, secondly, because the bill would raise the price of wool, which means that it would raise the price of wool products, the price of wool cloth, and the price of many textile articles which must be bought for the United States Army that is now in process of making.

I made the charge, Mr. President, that the bill would regiment one of the great industries of America, that is, the woolen industry. I made the further charge that the bill, if passed, would set a precedent for the regimentation of every class of industry, and because no good purpose could be served by the passage of the bill, I opposed it, and I oppose it now.

Mr. President, because the bill has had little consideration on the floor of the Senate, I shall take what time is necessary to make a statement for the RECORD. I do not expect Senators to stay on the floor and listen to me speak. They have not done so in the past, and I cannot expect them to do so now. But the RECORD will show, I hope, the reasons I have for voting against the bill and for opposing the adoption of the conference report. I shall not take a moment's time that I do not conceive to be necessary to explain what the bill means. It has to do with wool. It is a bill, so I understand, to provide a plan by which the public may ascertain the "truth in fabric," and, wool being the main part of the fabric that is referred to, I asked the question on a former occasion if some Member of the Senate could define wool, and as I remember, not a Member on the floor could define wool. There were two or three Members present on that occasion, the junior Senator from Wyoming [Mr. SCHWARTZ], the author of the bill, the senior Member from Wyoming [Mr. O'MAHONEY], and the junior Senator from Colorado [Mr. JOHNSON], who did have some understanding about this piece of proposed legislation.

Mr. President, I desire to call attention to the conference committee. It was a carefully selected committee. I make no complaint about that, because the author of the bill has the right to submit his recommendations in that respect. The author of the bill selected a conference committee on behalf of the Senate. The chairman of the committee was the Senator from Montana [Mr. WHEELER]. I made the charge that this was an anticotton bill; and, of course, there is no cotton grown in the State of Montana.

The second member of the committee was the Senator from New Hampshire [Mr. TOBEY]. Of course, there is no cotton grown in the State of New Hampshire.

The third member was the junior Senator from Wyoming [Mr. SCHWARTZ]. There is no cotton grown in that State, so far as I know.

The fourth member of the committee was the junior Senator from Kansas [Mr. REED]. There may be a little cotton grown in Kansas, but I doubt it. I think cotton does not grow that far north. Certainly no cotton of any consequence or value is grown in Kansas.

The fifth member of the committee was the junior Senator from Colorado [Mr. JOHNSON]; and there is no cotton grown in the State of Colorado.

So the members of the conference committee on behalf of the Senate were selected from non-cotton-growing States. They were selected from States which produce wool. I make no complaint about that, but I do make complaint that when the committee, appointed as it was, conferred with the conferees on the part of the House—they did not have a conference, they had a meeting, and that is all they had.

The conference report reads as follows:

Having met—

Well, the conferees met all right—

after full and free conference—

That they did not have. I was not present. I was not a member of the conference committee, but I understand from three members of the House conference committee, who did not sign the report, that there was no conference; that the moment the conferees got together the Senate conferees said, "We accept the House bill," and the majority of the House members said, "We have passed the House bill, and we have nothing to concede; you accept our amendment; therefore there is no occasion for a conference." So in this particular case the Senate conferees accepted the 25 amendments of the House without discussion.

Mr. President, I wish to call attention to one of the amendments which the Senate conferees accepted. On page 9 of the conference committee's confidential print we find amendment No. 17. Amendment No. 17 relates to the word "wood." In some manner as the bill passed the House it contained the word "wood"—w-o-o-d, instead of the word "wool," w-o-o-l. So the bill came to this body with the word "wood" in it.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. SCHWARTZ. I do not expect to interrupt the Senator, but I simply wish to say, in respect to his suggestion as to the word "wood," that if the Senator will read the RECORD he will find that the bill which the House was discussing was read into the RECORD in full, and it uses the word "wool," and not "wood."

Mr. THOMAS of Oklahoma. Mr. President, I can only know what we see before us. Amendment No. 17 refers to the word "wood," and the conferees did not give sufficient consideration to the 25 amendments to correct the word "wood" to what it should be, the word "wool." We are now asked to agree to a conference report relating to wood. So I make the positive statement, Mr. President, that there was no full conference; there was no free conference. The Senate conferees met with the House conferees, and the Senate conferees accepted 25 amendments at one fell swoop, and the report is sent back to the Senate with the recommendation that the Senate agree to the House action, containing 25 amendments to the Senate bill. We have before us a copy of the Senate bill, and by turning to page 16 of the text of the bill we find there are 25 amendments.

The last amendment, the twenty-fifth amendment, is an entirely new section, which exempts furniture cloth from the provisions of the bill. I desire to read the twenty-fifth amendment:

EXCEPTIONS

SEC. 14. None of the provisions of this act shall be construed to apply to the manufacture, delivery for shipment, shipment, sale, or offering for sale any carpets, rugs, mats, or upholsteries, nor to any person manufacturing, delivering for shipment, shipping, selling, or offering for sale any carpets, rugs, mats, or upholsteries.

I am not opposed to that amendment. I think such articles should be excepted from the bill, because oftentimes the materials which go into furniture cloth are largely materials other than wool. They are a mixture of fibers. Perhaps there is some wool in the cloth used for upholstering. It may also contain cotton, rayon, or perhaps silk. So there is no excuse, so far as I can see, for not excepting the cloth used

in connection with furniture. But the same reason which applies to the cloth used to make furniture should exempt every other class of cloth made from wool.

Mr. President, in my judgment, those who vote for the conference report vote for higher prices for wool. If wool were at a low price, I should not complain about that. I like to see reasonably high prices; but at the present time wool is selling at 120 percent of parity. We have been striving for 100-percent parity. We like to have wool up to 100 percent of parity. The same statement applies to wheat, cotton, and all other agricultural products. Parity means a price bearing the same relation to the price of the finished product as the price of the finished product bears to 100. Today wool is selling at 120 percent of parity.

Let me call the attention of the Senate to what happened yesterday. I read a news item from today's Washington Post. It is on page 21, under the heading "Woolen Prices Up 5 Cents a Yard." That was yesterday, Mr. President. I read:

WOOLEN PRICES UP 5 CENTS A YARD

NEW YORK, September 30.—The American Woolen Co. announced today a boost of 5 cents a yard on woolen and worsted goods and 2½ cents a yard on tropical and blended lines. The price changes apply to spring goods recently put on the market.

Textile prices have been stiffening as result of heavy buying both for military and civilian needs.

In the wool top futures market, a sharp rise in price continued. At one time contracts were up about 3 cents a pound today.

We now have pending before the Senate a bill proposing to raise the price of wool still higher, when it is now at 120 percent of parity, and went up yesterday 3 cents per pound. I cannot vote for such a bill. Those who desire to do so will have the privilege later today to vote for a still higher price for wool. That means a higher price for wool products—woolen cloth, woolen suits, and woolen coats. It means a higher price for every uniform worn by an American soldier or sailor when we are assembling a force to protect the property and people of the United States.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. CHAVEZ. The argument of the Senator from Oklahoma sounds very plausible, but he forgets that it is possibly the fault of Congress that the prices of wool are now what they are. I do not think they are outrageous. I think the wool growers have gone through as much agony as have the cotton growers or any other producers of commodities. Only lately have the wool growers been able to obtain sufficiently high prices to pay the cost of production of their product. Congress itself set a limit on the profits.

Only a few short months ago we passed an appropriation bill for the War Department which contained an item for wool. Some of us, even from wool-growing States—and I happen to be one of that number—wanted to limit the profit. Nevertheless, Congress did otherwise.

If anyone needs protection, it is the wool grower. I do not mean that he should be the only one protected. I feel that the cotton grower should have protection as well, but the wool grower has certainly suffered sufficiently at the hands of Congress. I do not think Congress would be doing too much for the wool grower if it should pass a bill providing, in effect, that if one asks for a wool blanket it shall be a wool blanket. That is all there is to the bill.

Mr. THOMAS of Oklahoma. Mr. President, I am not complaining against fair prices for wool; I stand for fair prices for wool. My State produces wool in abundance. My State likewise produces cotton; it can produce 1,000,000 bales of cotton. I maintain that the bill is an anticotton bill. If the bill increases the demand for wool, it decreases the demand for products such as cotton, silk, rayon, nylon, and other substitutes for wool.

Mr. CHAVEZ. Mr. President, will the Senator further yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. CHAVEZ. The only reason why the price of wool is what it now is, and the only reason why the wool grower is not bankrupt this very day, is the fact that Congress passed a bill containing an item of $75,000,000 to buy the necessary woolen cloth for the soldiers whom we are trying to take care of, to provide them with suits, coats, trousers, underwear, hats, blankets, and so forth. That is the only reason why the price of wool is at a reasonable level. Otherwise the wool growers would be in worse condition than are the cotton growers.

Mr. THOMAS of Oklahoma. At a time such as this, when we cannot foresee when we shall not be in the market for wool, I maintain that we should not place upon the statute books a law which would still further increase the price of wool.

Mr. President, those who vote for the conference report will vote for higher prices for wool. There can be no doubt about that. Those who vote for the conference report will vote for higher prices to be paid for Army uniforms, overcoats, blankets, underwear, socks, sweaters, and gloves.

Mr. CHAVEZ. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from Oklahoma yield to the Senator from New Mexico?

Mr. THOMAS of Oklahoma. I yield.

Mr. CHAVEZ. I do not wish to impose upon the good nature of the Senator; but is it not true that the only reason why industries in general, including the steel industry, the munitions industry, powder makers, and explosives makers, are receiving any profit whatsoever is because of the emergency of the moment? It is not because anyone wants to provide some special benefit for the wool grower. It happens that there is an emergency at the moment, and that is the only reason why the wool grower is now able to pay his sheep herders.

Mr. THOMAS of Oklahoma. So far as I know, there is no bill before the Senate to increase the price of steel. So far as I know, there is no bill before the Senate to increase the price of copper or the prices of foodstuffs to the American people.

Mr. CHAVEZ. That is correct; but this is the first bill in a lifetime wherein the wool grower has been in some measure protected, even though it had to happen during the emergency.

No one can tell me that the dividends to the steel companies or copper producers will not be larger than those received by wool growers. Whether or not the United States can produce copper more cheaply than it can be produced elsewhere is immaterial. We have an emergency, and we need copper at this particular moment.

Mr. THOMAS of Oklahoma. The Senator from New Mexico has now qualified as a wool expert, and I wish to ask him some questions. He is almost the only Senator who is willing to listen to me, and I presume he is glad to answer questions.

Mr. CHAVEZ. Certainly.

Mr. THOMAS of Oklahoma. The bill relates to wool; does it not?

Mr. CHAVEZ. That is correct.

Mr. THOMAS of Oklahoma. What is wool?

Mr. CHAVEZ. I shall try to answer as best I can. Wool is the fleece of the sheep.

Mr. THOMAS of Oklahoma. It is not so defined in the bill.

Mr. CHAVEZ. I think it is.

Mr. THOMAS of Oklahoma. Let me read the definition to the Senator.

Mr. CHAVEZ. We are not talking about shoddy. We are talking about wool.

Mr. THOMAS of Oklahoma. Under the terms of the bill, wool means the fiber from the fleece of the sheep or lamb. The Senator left out lambs.

Mr. CHAVEZ. I hope the Senator will not quibble over the difference between a sheep and a lamb.

Mr. THOMAS of Oklahoma. The definition also includes the hair of the Angora or Cashmere goat. Is that wool?

Mr. CHAVEZ. It is a fleece.

Mr. THOMAS of Oklahoma. Is the hair of a goat wool?

Mr. CHAVEZ. It answers the same purpose.

Mr. THOMAS of Oklahoma. Shoddy would answer the same purpose.

Mr. CHAVEZ. Except that it is of a different quality.

Mr. THOMAS of Oklahoma. There are different qualities of sheep; are there not?

Mr. CHAVEZ. A shirt is a shirt; but a shirt may be made of wool or of cotton.

Mr. THOMAS of Oklahoma. The bill defines wool as a fiber from the fleece of the sheep or lamb, or the hair of the Angora or Cashmere goat. The Senator was not present the other day when this matter was being discussed. The fleece of a goat would include his whiskers; would it not? Under the terms of the bill, a billy goat's whiskers are defined as virgin wool. Does the Senator believe that to be correct?

Mr. CHAVEZ. In the case of cotton, there is Delta cotton, New Mexico cotton, long-staple cotton, and short-staple cotton.

Mr. THOMAS of Oklahoma. The bill makes no distinction. I shall come to that question later. The bill also defines wool as the fiber from the hair of a camel. Is camel's hair wool?

Mr. SCHWARTZ. Mr. President——

Mr. THOMAS of Oklahoma. I am asking the Senator from New Mexico some questions. I shall be glad later to yield to the Senator from Wyoming.

Mr. SCHWARTZ. If I may——

Mr. THOMAS of Oklahoma. I am asking the Senator from New Mexico some questions.

Mr. CHAVEZ. I shall try to answer the question. The hair of a camel is used for certain purposes.

Mr. THOMAS of Oklahoma. The bristles of a hog are used for certain purposes, but they are certainly not virgin wool.

Mr. CHAVEZ. That is correct; but the fleece of an Angora goat is used for the same purpose as is the fleece of a sheep, lamb, or wether, or whatever one may choose to call it.

Mr. THOMAS of Oklahoma. Under the terms of the bill, the hair of an alpaca is wool.

Mr. SCHWARTZ. Mr. President——

Mr. THOMAS of Oklahoma. Under the terms of the bill the hair of a llama is wool.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. No; I will not yield now. I am asking the Senator from New Mexico some questions.

Mr. SCHWARTZ. The Senator from New Mexico has resumed his seat.

Mr. THOMAS of Oklahoma. I yield.

Mr. SCHWARTZ. The Senator from Oklahoma said that no Member of the Senate seems to be able to give a definition of wool.

Mr. THOMAS of Oklahoma. I did.

Mr. SCHWARTZ. I hold in my hand the American Wool Handbook, which is the textbook of the wool industry and of the textile industry. It is used in the Columbia University Textile College, and it has the indorsement of Mr. Besse, who is the head of the wool industry. I wish to read his definition of wool. I ask the Senator to bear in mind that we are not dealing with wool from the biological standpoint alone. We are dealing with wool as it enters into commerce; so we are interested in the commercial definition of wool as well as the biological definition. This is the definition given by the handbook:

> Wool. The hair of the sheep. Commercially includes the hairs of alpaca, Angora goat, camel, Cashmere goat, llama, and vicuna.

I will say for the benefit of the Senator, inasmuch as we are discussing this particular subject at this time, that every one of those hairs and every one of those special fibers is more expensive than wool. Although in one section of the bill those fibers are included in the definition of wool, under another section of the bill the Federal Trade Commission may give them a special classification.

The Senator just asked the Senator from New Mexico again as to whether whiskers are wool. I want to say to the Senator that, while it may be all very fine to engage in some poor bucolic humor, this is a serious matter. However, the Senator was talking about the whiskers of the Angora goat, and the other day he referred to the fact that he used to be a school teacher. I never taught school, but I have talked to many school teachers. When I was in the primary grades I believed everything I was told; when I reached high school I began to have some doubt, and when I come into the Senate and hear a school teacher begin to talk, I want to take some exception. I show to the Senator an article [exhibiting] which contains sheep wool and also Angora goat wool. If he will look at it, he will see that it is as soft as a baby's kiss, as white and pure as a maiden's dream, and as warm as the love of a good woman. [Laughter.] Yet the Senator talks about the whiskers of the Angora goat.

Mr. THOMAS of Oklahoma. Mr. President, on a former occasion——

Mr. SCHWARTZ. I should like to show the Senator one more sample. Here is a cloth, a tapestry. The pile of it is Angora; all of it is mohair.

Mr. THOMAS of Oklahoma. Mr. President, on a former occasion, I exhibited to the Senate a sample of a pure wool sock. It was made for a man who wore about a No. 11½ or 12 shoe. The sock was sufficiently large so that a man with a foot of that size could get both feet into one sock. After the sock had been laundered three times it was too small for any man to wear, and only a very small youngster could get the sock upon his foot. I am not sure what this is. It seems to be a dollar pair of Woodward & Lothrop's socks, and, from what I know about socks, if this pair should be laundered about twice it would be suitable for a baby to wear.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. SCHWARTZ. The Senator has brought up the matter of the socks. The other day the Senator held up a sock and said it was a No. 11, adapted to fit his feet. Here [exhibiting] is a No. 11, 100-percent wool sock, and I assume it is just about what the Senator bought. It has a lot of loose wool in it so as to give warmth to keep the Senator's "tootsies" warm, but it is also well-knit, though rather loosely here and there, so as to ventilate his feet. I wish to state to the Senator that this particular sock has on it a label with which the Senator was not familiar or did not take the trouble to read. Every housewise in America knows how to launder a wool sock so that it will not shrink.

Mr. THOMAS of Oklahoma. That is more than the laundryman knows sometimes.

Mr. SCHWARTZ. But every laundryman should know. On occasions the dudes and dudeens from down East go West and there they wash their own socks. So the average dealer puts a label on them telling how to wash them. That is done also for the benefit of the tenderfeet who come from the sunburned stretches of Oklahoma and go to Alaska in the middle of the summer with the idea that there is a very cold climate there when really the Alaskan climate is salubrious and mild. This [exhibiting] is the sock about which the Senator spoke. He said he sent that sock to the laundry, and this [exhibiting] is what came back. When he was talking about that sock the distinguished senior Senator from Maryland [Mr. TYDINGS] was acting as interlocutor, and I thought I saw a naughty twinkle in his eye. On first blush—and I thought he was blushing—I thought I had an answer, but I did not express it, because knowing the Senator as I do, having traveled all over the United States with him by air, I knew that blushing was not necessary in his case, but this is the thought that occurred to me—

> Little Bo Peep
> Lost her sheep (her socks)
> And did not know where to find them.
> She let them alone, and finally they came home
> In the Senator's laundry.

[Laughter.]

But that was not what happened. What happened was he sent his socks to the laundry in good faith, to some laundry that did not happen to know or did not take the trouble to

find out how the socks should be ironed. That is one suggestion as to what happened to the Senator's socks. But the more probable one is that his laundry, by mistake, took a pair of ladies' little socks and sent them back to the Senator, and the Senator, in his innocence, assumed that the socks he sent to the laundry had shrunk and lost their wool content, and whereas before they may have weighed some 3 or 4 ounces when they got back, for some mysterious reason, they did not weigh more than an ounce.

Mr. THOMAS of Oklahoma. Mr. President, it is very interesting to hear the Senator talk about presumption. The facts are that this large pair of socks was made large because the maker knew that they would shrink, and when they were sent to the laundry they did shrink. The more they are laundered the more they shrink, the more they shrink the smaller they get, and, after a while, they are worthless for any purpose whatever. For that reason, one cannot buy such hose at the same place he bought them a while ago, because they are not serviceable, they will not wear well, they shrink, and the store quits selling them anymore. The kind that I had reference to had legs as long as the whole sock the Senator exhibits.

Mr. SCHWARTZ. What the Senator had were ribbed, making them a little longer, and the ones that came back even had about the top the pretty little red stripe of which the Senator spoke. But as for saying that one cannot get them, everybody knows that every yarn-and-sock manufacturer in the United States makes them of all wool, and makes them for use in cold climates. This particular one, I want to say, was made by the Hand Knit Hosiery Co., of Sheboygan, Wis., and any dealer who understands woolen goods and woolen socks will say that that particular concern does not make any socks that have shoddy in them. They make a good, all-wool sock for all-wool purposes.

Mr. THOMAS of Oklahoma. I admit that these socks are apparently made out of what is called virgin wool, but because they are made out of virgin wool, when they are laundered, when they are boiled in water, they shrink.

Mr. SCHWARTZ. Mr. President——

Mr. THOMAS of Oklahoma. I am going to make my own speech for a while, and the Senator can have the floor in his own time.

Mr. SCHWARTZ. Very well, but anybody who would boil that sock would expect it to shrink.

Mr. THOMAS of Oklahoma. It is often necessary to boil socks, and because they do shrink they are not serviceable. Imagine a soldier being equipped with a full virgin woolen suit of underclothing.

Mr. SCHWARTZ. Mr. President——

Mr. THOMAS of Oklahoma. I ask the Senator to let me proceed if he will.

Mr. SCHWARTZ. But the Senator looked at me and asked me a question about something we know does not happen.

Mr. THOMAS of Oklahoma. It does happen.

Mr. SCHWARTZ. The soldier does not wear a 100-percent-wool sock.

Mr. THOMAS of Oklahoma. He may wear a woolen undersuit. Imagine a soldier clothed in a 100-percent virgin wool suit of underclothing, a pair of socks of 100-percent virgin wool, with a blouse made out of 100-percent virgin wool, then a pair of trousers made of wool 100-percent virgin, a coat made out of wool 100 percent virgin, and a 100-percent virgin-wool overcoat and a sweater, going forth to battle. The storms come and the rain descends and he gets wringing wet. He might be in a tropical country. The water might not be boiling, but it might be warm, and the next morning when the soldier gets up to put on his outfit what would he find? The Senator has demonstrated what he would find. He could not get into his underclothing, he could not get into his socks, he could not get into his trousers, he could not get into his blouse, he could not get into his coat, and he could not wear his overcoat. For that reason the Army does not specify 100 percent virgin wool to be used in making some of the clothing the soldier has to wear.

Mr. SCHWARTZ. But, generally, the soldier wears woolen goods instead of cotton goods.

Mr. THOMAS of Oklahoma. That is true; he wears woolen rather than cotton, and that is one reason I have, for being against this bill; namely, that it discriminates against cotton. Many of the blankets issued to soldiers contain cotton; many of the clothes that are worn by the public contain cotton. This bill places cotton below shoddy; it provides that any garment which is made of all wool, no matter what kind of wool, just so it is wool, so it is a wool product, it is all right; but if it contains the finest cotton in the world it is discriminated against because the public would not want to buy an all-wool suit presumably and then find out later on it had a percentage of cotton in it. Cotton gives it strength and color. Rayon will give it strength and color; silk will give it strength and color. Yet under this bill they are discriminated against and the cheapest grade of shoddy under this bill has a higher ranking in the public estimation—for, otherwise, the bill is of no effect—than the highest grade of silk, the highest grade of rayon, the highest grade of nylon, or the highest grade of cotton.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. CHAVEZ. I think the Senator from Oklahoma has the wrong idea of the purpose of the bill. The purpose of the bill is not to discriminate against cotton. The purpose of the bill is to protect wool where wool should be protected. Cotton has its uses. The Army is not discriminating against cotton. It is buying cotton for particular purposes for which it is needed just as the Army, with $75,000,000 that was provided by the Congress of the United States, is buying wool for the purposes for which wool is needed.

All this bill seeks to do is to cause the manufacturer to tell the American housewife, who is interested, whether she is getting cotton or shoddy or wool when she purchases an article at Woodward & Lothrop's, or elsewhere. If she wants wool, she should be protected to the extent of knowing that what she buys is not a reworked suit of old clothes which has been torn to pieces and remade into cloth. That is my understanding of the bill.

Mr. THOMAS of Oklahoma. If that is the understanding the Senator has of this bill he is not voting for that kind of a bill, because, if this bill becomes a law, there is no power under the heaven, save by constant inspection from the beginning, that can tell the housewife what she is getting in a garment that she buys. There is no test known to man that can detect the presence of worked wool or reprocessed wool in a garment. The War Department, in order to protect itself, provides its own system of inspection.

Mr. President, under the terms of this bill, the lowest quality of wool that is grown on the runtiest sheep that lives stands on the same pinnacle with the finest fleece grown on the back of a full-blooded merino sheep. The housewife may go to a store, such as Woodward & Lothrop's, and buy an all-woolen product of virgin wool, and yet that virgin wool may have sold in the beginning at from 2 to 5 cents a pound.

Now, Mr. President, I desire to call the attention of the Senate to some charts which I have had placed on the wall.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WILEY. I have here a letter from a manufacturing company of my State, and I should like, if the Senator will permit me to take a moment, to read a part of it into the RECORD, and then ask the Senator if the conclusions stated are correct. The writer of the letter, among other things, says:

1. No fair manufacturer objects to a practical truth-in-fabric bill if such can be worked out.
2. The impracticability lies in the fact that research laboratories are unable to distinguish virgin from reworked wool.
3. This statement is acknowledged by all reliable laboratories, including the Bureau of Standards.
4. Because identification is impossible, such a law invites rather than stops unfair labeling of fabrics by those manufacturers who take advantage of this situation.

5. Therefore the honest manufacturer is punished through being compelled to compete against an unfair fabric; also,
6. There are two sources of wool:
a. As clipped from the sheep.
b. As pulled from the pelt of slaughtered animals.
7. Proposed bill unfairly excludes pulled wool from being labeled virgin wool.
8. Fair-practice rules must be workable or they are a decided detriment rather than a help.

I am wondering whether in the Senator's judgment that is a fair synopsis of what the bill provides.

Mr. THOMAS of Oklahoma. Mr. President, I will not represent myself on the floor of the Senate as an expert on wool. If there be any experts on wool on the floor of the Senate, I should like to know them, and I should like to have them analyze the bill, and tell the Senate, the woolen industry, the sheep-growing industry, the consumers of the United States, and the taxpayers of the United State, what the bill means.

Mr. President, as I understand the matter, the statements made in the letter just read are 100 percent correct. Under the terms of the bill it makes no difference from what part of the sheep the wool comes; it is all on a par.

I have here a chart on the wall showing comparative values. Then there is a chart on the wall to my right likewise showing comparative values.

The chart to the left is a list of virgin wools, and the chart on the right gives a list of wool wastes.

First, there is the top sort. That is a type of wool. I suppose Senators somewhere, if not on the floor, know what "top sort" means. That comes from the back of the sheep. It is the best wool that grows on a sheep's back, or on the sides, or anywhere else where the sheep grows wool. That is the best part of the fleece. It is "tops." Tops sell at the present time for about 90 cents a pound.

The second is stained wool. That is scoured wool. As the wool comes from the sheep's back, it is full of grease, it is full of oil from the back of the sheep. The wool fiber is hollow. The tube or fiber of wool being hollow, is full of a substance, and that substance is called grease. When the wool comes from the sheep's back it is discolored, it is stained, it is dirty, and it takes over 2 pounds of the raw wool to make 1 pound of scoured wool. When it is washed and cleaned thoroughly, 2 pounds of raw wool dwindle into 1 pound of scoured wool.

So the stained wool is the wool that grows on a part of the sheep that becomes stained, and it does not bring as high a price as tops.

The next is gray wool. It is really gray, and that is why it is so called.

"Paint" wool is another definition of wool. When a sheep grower shears his sheep he rolls the fleece into a bundle, but occasionally, like the cotton growers, he puts a little paint on the bundle to identify the bundle as coming from ranch No. 1 or ranch No. 2. This grade is the wool which contains the paint. The paint comes off readily, but when it first reaches the factory it is a cheaper grade of wool.

Then there are the breech wool, the seedy wool, and the dead wool. They are all virgin types of wool. The top one is selling for 90 cents a pound, and as we go down the list it becomes cheaper, until we come to burry wool and vat wool. Then there follow tanners' wool, shank wool, and tags.

Mr. President, this bill, if enacted, would convey by legislative fiat the inference, if not the statement, that tags, the cheapest form of wool, are elevated to a parity with tops. That is what it means, for tags are virgin wool. The Senator from Wyoming or the Senator from New Mexico or the Senator from Connecticut or the Senator from Colorado or the Senator from Arizona, doing me the honor to listen to me now, could have a suit of clothes made of tags, selling for from 2 to 5 cents a pound, and the suit would be virgin wool and could be so labeled not only by the processor, not only by the weaver, not only by the spinner, not only by the coatmaker, but it would be virgin wool under the terms of the bill, although the wool would be so cheap and so inferior and so worthless as to command on the markets of the country a price of only from 2 to 5 cents a pound. I am opposed to trying to pass a measure equalizing by legislation the different grades of wool. It cannot be done. The bill cannot make tops out of tags.

Mr. SCHWARTZ. Mr. President——

The PRESIDING OFFICER (Mr. GURNEY in the chair). Does the Senator from Oklahoma yield to the Senator from Wyoming?

Mr. THOMAS of Oklahoma. I yield.

Mr. SCHWARTZ. The Senator referred to the Senator from Wyoming and stated I could buy a suit of clothes made out of breeches and tags. As a matter of fact, I suppose the Senator understands, or he should understand, that the small, weak wools about which he is speaking now cannot be carded and made into a suit of clothes unless one wants to buy a garment which, when it is picked up, he can run his finger through. There are purposes for which that class of wool can be used.

Again I wish to refer to the American Wool Handbook and give the definitions of a couple of these "offsorts" the Senator has been discussing. I first refer to breech wool. The Senator put in a good deal of time a few days ago in dilating upon the breech wool found on the back end of a sheep. This is the definition:

Breech: Wool from the extremity of the hindquarters, usually the coarsest in the fleece and often dung-matted and urine-stained. It is one of the less desirable offsorts, and is often used for the same purpose as carpet wool.

That is what it is used for. The other definition to which the Senator referred is of belly wool. The Senator put in a good deal of time a few days ago in prospecting around on the bellies of the ewes to find out what kind of wool there was there. This is what the handbook says:

Bellies (or belly wool): From the belly of the sheep; shorter, heavier, more wasty and tender. Often less uniform, more likely to be urine- and dung-stained.

Of course, as a matter of fact, these particular "offs," these particular low grades, which constitute probably 3 or 4 percent of the fleece, are short, coarse, thick, and weak. The quality of a wool is, of course, not determined entirely by its length; it is determined by the fineness and the diameter of the particular wool. The high-grade wools—tops, as the Senator was discussing them—have a diameter of possibly 19 to 20 microns, and when we come to the wools about which he is now talking they have a thickness up to a diameter of 46 microns and greater. So they are not used in the making of ordinary garments or ordinary clothing, but are used for fillings in heavy overcoats. When a man buys a cheap overcoat that is quite heavy, and thinks he is getting a lot of warmth he is getting weight instead of warmth. Further, they are used to make felt, and felt is used for many purposes, but it is mixed with cow's hair, and goes into many articles.

Mr. THOMAS of Oklahoma. Mr. President, in the last few moments the Senator has confessed that the bill is not a truth-in-fabric bill but is just the reverse. The Senator from New Mexico said the housewife should be able to go to the store and be able to tell from the label what she is buying. The Senator from Wyoming, the author of the bill, has just admitted that the housewife can go to a store in Washington and demand a 100-percent virgin-wool garment, and that garment can be made out of breech wool, can be made out of tag wool, can be made out of shank wool, can be made out of tanner's wool, or any other kind of wool.

Mr. SCHWARTZ. I said it might be so fabricated that it would hold together, but no housewife or anyone else would buy it, because if she started to hold it up to look at it, it would tear apart.

Mr. WALSH. Mr. President, will the Senator from Oklahoma yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WALSH. I have many telegrams supplementing what the Senator from Oklahoma has said. He referred to the detrimental effect the proposed legislation would have upon the cotton growers, also the effect it would have upon even the wool growers themselves, and even the effect it would have upon the consumers.

I find among the telegrams this phrase:

This legislation not in public interest as would tend to fraud by unscrupulous manufacturers and deception of consumer.

This is from the American Felt Association, and it seems to bear out just what the Senator has said.

Let me in this connection call the attention of the Senator to a letter which I have received from a felt manufacturer, in which he says:

The felt manufacturer depends on the shorter wools, as for instance the short fall Texas and the noils, for felting; he also depends on the fine garnetted woolen and worsted threads for cushioning effects. Under the proposed labeling bill one of our finest products, used for corn plasters for instance, because of being made of fine garnetted stocks and noils, even though it sells for well over $2 per pound, would have to be labeled "Made of wool substitutes," which just doesn't make sense.

Mr. SCHWARTZ. What did the Senator say the article was?

Mr. WALSH. The letter is from a felt manufacturer. He said articles they make which sell for $2 a pound would have to be labeled "Made of wool substitutes." I think this confirms what the Senator from Oklahoma has said about the deception which the bill is likely to bring about.

Mr. SCHWARTZ. Possibly the value is reflected in the felt that goes into the hat which is rabbit fur, and the rabbit fur imported from France sells for $5.65 a pound. Perhaps that is the reason why this particular felt has such a high value.

Mr. WALSH. I do not know about that. But the communication is for the purpose of calling attention to a very expensive article which would have to be labeled for the public as being made of wool substitutes. That is the point I assume he is trying to make.

Mr. SCHWARTZ. Of course, there is nothing to prevent the manufacturer stating what is in the garment, what is in the particular product, in addition to the small amount of wool. He can state that expensive rabbit fur is in it, or what the particular stuff is that gives the value.

Mr. WALSH. I shall ask the Senator from Oklahoma, who has so ably and so effectively called attention to the shortcomings and dangers of the proposed legislation, to explain later about the labeling provisions of the bill and give the details as to how the bill would operate.

In the meantime, I call attention to another expression on which I should like to have his opinion:

Proper enforcement is impossible, and we are greatly disturbed that operation under this bill will favor importations greatly.

I should like to have the Senator's view upon that.

Mr. THOMAS of Oklahoma. I will give it now, Mr. President. The Navy Department and the War Department have had more to do with the making of cloth than anyone else, save the manufacturers themselves. The Navy Department and the War Department have very explicit specifications. The Navy and War Departments understand that they cannot tell when the cloth is delivered whether or not it is made of virgin wool, or reworked wool, or reprocessed wool. So, in order that they may be sure, they send inspectors to the factory, who receive the wool from the growers, the producers, and who keep track of the wool from the time it reaches the factory until it comes out in the form of the finished product. It takes 22 inspectors to follow wool from the back of the sheep to the finished uniform. I cannot give all the steps, but I will state a few of them. When the wool comes in it is a roll or mass of fibers from the sheep's back. There is an inspector who examines it as it arrives. The inspector sees to it that the best part of the fleece is taken out of the mass.

That is the tops. That is laid over on one pile. Then the inferior parts of that fluff are torn from this mass and laid aside in another pile. That is called the sorting. An inspector must be present to see to it that the wool is properly sorted when it first reaches the factory from the producer. The wool as yet is in its dirty shape, in its greasy form. After there has been obtained a sufficient quantity of the better part of the wool from the back of the sheep. so that it can be scoured, it goes to the scouring department. The inspector follows that wool from the sorting room to the scouring room, and he sees to it that no mixtures are placed in the wool; that the sorted wool is properly scoured; that the grease is all removed so that when the wool reaches the sorting room the inspector who is there can see that it is properly scoured.

The Senator from Massachusetts asked me a question and I am trying to answer it, but, not being an expert, I may omit something, so I will not depend upon my memory but shall call the attention of the Senator and the Senate to the Technical Manual of the War Department relating to inspection of textiles. I want to read at this point the number of inspectors that are necessary to follow the wool from its receipt at the factory until it comes out as a finished product.

Mr. WALSH. Mr. President, will the Senator again yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WALSH. Of course, no such inspection is possible for imported woolen cloth and goods.

Mr. THOMAS of Oklahoma. Exactly so.

Mr. WALSH. And, therefore, it would be quite possible for importers, unless a larger army of inspectors were available, to deceive the public and avoid this proposed law and to bootleg so-called woolen goods into the country.

Mr. THOMAS of Oklahoma. The Senator is 100-percent correct.

I do not want to be put in the attitude of criticising the distinguished Senator from Wyoming [Mr. SCHWARTZ]. He is undertaking to solve an unsolvable problem. He has worked hard on this matter for years, and I congratulate him for the success he has had. He has brought the matter to the attention of at least the United States Senate and the House of Representatives. I compliment him for his success, but I am sorry that after all these months and years he has come to such a point with this bill that if it should be passed, it would bring harm to America rather than good. If the bill should be passed, it would discriminate against every mill in America, and favor every mill outside America.

Mr. WALSH. I will say that I have found that to be the universal opinion among the mill owners in my section of the country. I am glad the Senator from Oklahoma does not happen to live in an industrial section, because he then would be accused of seeing only the viewpoint of the manufacturer. The Senator's service is of extraordinarily high character and useful to the country becaue he comes from the section of the country he does, and because he has a disinterested viewpoint, at least as compared with the viewpoint of the manufacturer.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I shall yield to a question, but not for a speech.

Mr. SCHWARTZ. Very well, I will ask the Senator a question then. The Senator stated that he sympathized with me because of the work I had done upon this bill, and said in effect that it would not protect the consumer and would not accomplish the results sought to be accomplished. Does not the Senator realize that possibly he is mistaken, and that it would accomplish the result sought to be accomplished, and if that be true, while I, of course, appreciate the Senator's sympathy, I certainly do not need it.

Mr. THOMAS of Oklahoma. Mr. President, the Senator from Massachusetts has put his finger on one of the weak points of the bill. It is admitted by everyone who knows anything about the wool industry that there is no test known to man or known to science by which it can be detected whether or not wool is virgin wool, or reprocessed wool, or used wool, and I shall come to that later on.

Mr. WALSH. That is the universal opinion I received from manufacturers.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. SCHWARTZ. The Senator in connection with every angle of the bill as he discusses it says, "It must be admitted by everybody that they do not know this, or that that or the other is true." We who are sitting here want to keep silent, but we do not want our silence to be an admission with respect to anything the Senator says as being admitted by everybody.

Mr. THOMAS of Oklahoma. I now yield, Mr. President, so that the distinguished Senator from Wyoming may place in

the RECORD the test that will determine whether or not the wool in this coat, if it be wool, is virgin wool, or reprocessed wool, or shoddy.

Mr. SCHWARTZ. Mr. President, I will endeavor to answer possibly in more detail later on, but I will try to answer the question that seems to be bothering the Senator from Oklahoma. I shall have to refer to something he said the other day also.

In the first place, he quoted the Senator from Kansas [Mr. CAPPER] as having said that there was no method by which the presence of reworked wool, with virgin wool, could be ascertained. Mr. President, the Senator from Kansas said that in 1937, and that was true at that time. Nobody disputed it.

The Senator also said that some time in 1938, I think it was, I had said in reply to a letter from Mr. Besse that we did not rely upon any scientific test and examination or microphotography to make a scientific test, but that we relied principally upon the records kept by the manufacturer. That was true at that time. That is largely true today so far as the value and the practical applicability of this measure is concerned, because every manufacturer, when he makes a garment, knows to a pound out of a thousand just how much new wool he has put into it; just how much reworked wool he has put into it; he knows exactly what amount of each kind of wool is put into it; so that his own records will always show exactly what goes into any lot of garments. We are still assuming that the great bulk of the manufacturers are honest, and those who are not honest will have to keep the records anyway, and the records are always available and must be kept for 3 years, under the provisions of the bill.

Mr. WALSH. Will the Senator speak of the test that may be made to determine the contents of imported woolen cloth?

Mr. SCHWARTZ. Yes. On February 21, 1939, I received a letter from J. R. Mohler, Chief of the Bureau of Animal Industry, United States Department of Agriculture, which appears on page 37 of the Senate committee hearings on the Wool Products Labeling Act of 1939. Mr. Mohler wrote an even better letter later on. In the letter of February 21, 1939, he said:

1. The presence of reclaimed wool fiber of any grade in a wool product can be determined scientifically.

2. The relative contents of virgin wool and reclaimed wool fibers in a fabric containing only these two kinds of fibers can, according to recent investigations, be determined within 10 percent of the actual content of these fibers.

I want to call the attention of the Senator from Oklahoma to the fact that prior to the time activity began in connection with wool-labeling legislation there had been no effort made by the Bureau of Standards and no effort made by general manufacturers to make scientific tests; so the development of scientific tests on these dates was not advanced as far as it is now advanced. On March 18, 1939, Mr. Mohler, of the Department of Agriculture, wrote a letter, which appears on page 407 of the House hearings, addressed to Mr. F. R. Randolph, assistant committee clerk, Committee on Interstate and Foreign Commerce, in which he said:

DEAR SIR: Receipt is acknowledged of your letter of March 11, with reference to H. R. 944, and stating that the subcommittee would appreciate at its hearings the appearance of a representative from this Bureau to give testimony concerning fiber analysis. The Bureau will be glad to send a representative to such hearings as you may designate.

The questions you asked are listed and answered below:

1. Can your Department determine the presence of reworked wool (or shoddy) in fabrics and garments? Yes.

2. Can you detect the percentage of reworked wool in a fabric composed of virgin wool and reclaimed wool, and can you detect the percentage of virgin wool in such fabrics? The percentage of virgin wool and reworked wool in a fabric may be determined. Based upon the Bureau's research with microscopical methods upon fabrics of known fiber content in which only new and reworked wool are present, the content of reworked wool or virgin wool may be detected within 10 percent.

And Dr. Hardy said:

I might mention first one thing which made it difficult for us to get close results—earlier work done in the examination of the fibers, the examinations were made for damage on all fibers as they would appear in the field under the microscope, regardless of location along the fiber; but we discovered a few months ago that if we confined our efforts to the ends of the fibers that greater accuracy might be achieved.

The present method which we are following is to mount the fibers in glycerin. First, we separate the fibers of the yarn on the slide and arrange the ends parallel to each other so that you can just see the ends, and then they are projected with a microprojector and magnified from 200 to 500 diameters magnification, and an examination is made of the ends of the fibers for damage. It is examined there [indicating]. We have here illustrations of 10 different types of damage which may be found in reworked wool fibers. They are taken from actual cases showing the ends of the fibers as we saw them. I will just pass this exhibit around.

Mr. THOMAS of Oklahoma. Thus we have the answer, Mr. President, to my question. The answer is that someone, some place, states that he can take old, worn, slick shoddy, and tell that it has been worn some time. That is true. There is only one way to detect whether or not wool has been worn, and I will state what it is. A wool fiber is a little hollow tube. It might look like a pipestem if it were enlarged, especially as many times as referred to in the letter the Senator from Wyoming read. This little pipestem is covered with scales. If the scales are not removed or disturbed the wool has not been used, and if the wool has simply been washed and spun and woven into cloth and never worn, the scales have not been disturbed. Then if that cloth is torn apart and reduced back to the fluffiness it had when it came from the sheep's back, the scales are not disturbed, and there is no process known to science that can detect whether or not that wool has ever been in the form of yarn, or even in the form of cloth.

It is true that the Senator might have a very fine suit of clothes, which he might wear for a long time. Certain parts of that suit would become shiny. I have seen shiny clothes; I have seen shiny wool. Why does a good suit of woolen cloth become shiny? The answer is simple. It is worn, it is rubbed against some substance. The scales on the little fibers are worn off. When the scales are worn off, that leaves exposed a little stem; if the suit continues to be used, the stem rubbing against something wears off the place where the scale was attached to the fiber, and if the suit is still further worn, even after this, it leaves there the slick, shiny fiber of the wool. It is often said that one can see himself in the back of a man's coat. That is the reason. The scales are gone. Even the places where the scales are attached to the fiber are erased. Friction erases them, and there is nothing left but the polished fiber or wool. When that stage of wear is reached the scales are gone, and the suit is shiny. If such a suit should be sent in as rags, and anyone with a microscope should be given the task of examining the wool fibers, he could easily tell that the scales were gone and that the wool had been used. It would be rubbed so much that even the places where the scales were attached to the fibers would be gone. So it would not take very much of a scientist to tell that the wool had been used. That is the only way in which science can detect whether or not the woolen fiber has been used.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 2103. An act to exempt certain Indians and Indian tribes from the provisions of the act of June 18, 1934 (48 Stat. 984), as amended;

S. 3990. An act to transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court, Government counsel, and stenographic clerks as set forth therein for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all acts inconsistent therewith to the extent of such inconsistency, and for other purposes; and

S. 4107. An act to transfer the jurisdiction of the Arlington Farm, Va., to the jurisdictions of the War Department and the Department of the Interior, and for other purposes.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 3437. An act for the relief of the Franco-American Construction Co.; and

S. 3920. An act to amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10413) to provide revenue, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4257. An act for the relief of the estate of Bartholomew Lawler;

H. R. 6450. An act to provide for the issuance, by the Administrator of Veterans' Affairs, of regulations providing for more liberal policies in determining the service connection of disabilities, and for other purposes;

H. R. 6711. An act for the relief of Mary Pruett Townsend;

H. R. 7405. An act to repeal an obsolete section of the District of Columbia Code;

H. R. 7694. An act to require vessels engaging in the coastwise trade or in the whaling or other fisheries to be wholly owned by citizens of the United States, and for other purposes;

H. R. 7784. An act for the relief of Howard R. M. Browne;

H. R. 7916. An act granting 6 months' pay to Lillian M. Reymonda;

H. R. 8705. An act for the relief of Howard Mondt;

H. R. 9625. An act for the relief of Moses Limon and Ida Julia Limon;

H. R. 9756. An act granting an increase of pension to Nellie J. Merriman;

H. R. 9918. An act relating to citizenship requirements for manning of vessels, and for other purposes;

H. R. 10122. An act to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869);

H. R. 10190. An act for the relief of Charles T. Dulin;

H. R. 10194. An act for the relief of the late John L. Summers, former disbursing clerk, Treasury Department;

H. R. 10219. An act for the relief of Dr. Wilhelm Wolfgang Krauss;

H. R. 10221. An act to provide for the acquisition of additional land along the Mount Vernon Memorial Highway in exchange for certain dredging privileges, and for other purposes;

H. R. 10244. An act for the relief of Dr. Michel Konne and Pauline Lucia Konne;

H. R. 10245. An act for the relief of Meier Langermann, his wife, Friederike, and son, Joseph;

H. R. 10253. An act for the relief of Eugene Gruen and his wife, Kate;

H. R. 10311. An act for the relief of Ernst Gottlieb, his wife, Margot, and daughter, Mary;

H. R. 10326. An act for the relief of Dr. Frantisek Blonek and Erna Blonek;

H. R. 10354. An act for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 10380. An act to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes;

H. R. 10381. An act to repeal sections 4588 and 4591 of the Revised Statutes of the United States;

H. R. 10398. An act to amend part II of the Interstate Commerce Act, as amended, so as to make certain provisions thereof applicable to freight forwarders;

H. R. 10495. An act to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes;

H. R. 10501. An act to amend section 509, as amended, of the Merchant Marine Act, 1936;

H. R. 10518. An act granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.; and

H. R. 10541. An act granting pensions and increase of pensions to certain dependents of veterans of the Civil War.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 55), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress of the United States that any political party or organization which advocates the overthrow by force of the form of government of the United States established by the Constitution should not be recognized as a political entity, and the Congress recommends to the several State legislatures the enactment of legislation prohibiting the recognition of any such political party or organization on the official ballot of such States for the election to any office within such States, and for the choice of electors of the President and Vice President of the United States and for the election of Senators and Representatives in Congress.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President.

H. R. 428. An act for the relief of Edward Workman;

H. R. 532. An act for the relief of W. J. Hance;

H. R. 554. An act for the relief of Meta De Rene McLoskey;

H. R. 775. An act for the relief of W. M. Hurley and Joe Whitson;

H. R. 1174. An act for the relief of Euel Caldwell;

H. R. 1183. An act for the relief of Ben L. Kessinger and M. Carlisle Minor;

H. R. 1857. An act for the relief of Nell Mullen;

H. R. 1912. An act for the relief of the estate of Alfred Batrack;

H. R. 2036. An act for the relief of Umberto Tedeschi;

H. R. 2214. An act for the relief of M. Grace Murphy, administratrix of the estate of John H. Murphy, deceased;

H. R. 2286. An act for the relief of Wasyl Kulmatycki;

H. R. 2684. An act for the relief of Emma Knutson;

H. R. 4441. An act for the relief of Alex Silberstein, Magdalene Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, minors;

H. R. 4571. An act for the relief of LaVera Hampton;

H. R. 4954. An act for the relief of Rosa Paone;

H. R. 5264. An act for the relief of Maj. Clarence H. Greene, United States Army, retired;

H. R. 5365. An act for the relief of John J. Murphy;

H. R. 5400. An act for the relief of those rendering medical and hospital services to Evyline Vaughn;

H. R. 5417. An act for the relief of Isaac Surmany;

H. R. 5771. An act for the relief of Louis St. Jacques;

H. R. 5776. An act for the relief of Albert DePonti;

H. R. 5863. An act for the relief of the estate of James A. Rivera;

H. R. 6060. An act for the relief of John P. Hart;

H. R. 6108. An act for the relief of Regina Howell;

H. R. 6210. An act for the relief of George R. Stringer;

H. R. 6230. An act for the relief of James Murphy, Sr.;

H. R. 6409. An act to record the lawful admission to the United States for permanent residence of Motiejus Buzas and Bernice Buzas, his wife;

H. R. 6456. An act for the relief of John Toepel, Robert Scott, Widmer Smith, and Louis Knowlton;

H. R. 6457. An act for the relief of the Wallie Motor Co.;

H. R. 6480. An act to amend the Agricultural Adjustment Act of 1933;

H. R. 6605. An act for the relief of Louis A. Charland;

H. R. 6639. An act for the relief of George F. Kermath;

H. R. 6782. An act for the relief of James Robert Harman;

H. R. 6842. An act for the relief of Rufus E. Farmer;

H. R. 6946. An act for the relief of Salvatore Taras;

H. R. 7179. An act authorizing the naturalization of Louis D. Friedman;

H. R. 7425. An act for the relief of the parents of Charldean Finch;

H. R. 7515. An act for the relief of Joseph B. Rupinski and Maria Zofia Rupinski;

H. R. 7681. An act for the relief of Emelie Witzenbacher;

H. R. 7747. An act for the relief of Estelle M. Corbett;

H. R. 8124. An act to provide funds for cooperation with public-school districts (organized and unorganized) in Mahnomen, Itasca, Pine, St. Louis, Clearwater, Koochiching, and Becker Counties, Minn., in the construction, improvement, and extension of school facilities to be available to both Indian and white children;

H. R. 8295. An act for the relief of Leo Neumann and his wife, Alice Neumann;

H. R. 8474. An act to further amend the Alaska game law;

H. R. 8743. An act for the relief of Luther Haden;

H. R. 8830. An act to amend the records at the port of New York to show the admission of Steve Zegura, Jr., and B. Dragomir Zegura as aliens admitted for permanent residence;

H. R. 8906. An act to record the lawful admission to the United States for permanent residence to Nicholas G. Karas;

H. R. 9024. An act relating to the status of retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, and to amend section 113 of the Criminal Code;

H. R. 9123. An act to approve Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise";

H. R. 9124. An act to approve Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai";

H. R. 9264. An act to provide for uniformity of allowances for the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty;

H. R. 9636. An act authorizing the conveyance to the Commonwealth of Virginia of a portion of the naval reservation known as Naval Proving Ground, Dahlgren, Va.;

H. R. 9688. An act to provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the act of June 23, 1938;

H. R. 9898. An act to further amend section 13a of the National Defense Act so as to authorize officers detailed for training and duty as aircraft observers to be so rated, and for other purposes;

H. R. 10036. An act for the relief of John A. Kames;

H. R. 10080. An act to amend section 3493 of the Internal Revenue Code, formerly section 404 of the Sugar Act of 1937;

H. R. 10191. An act for the relief of Anthony Borsellino;

H. R. 10295. An act to amend the act of June 23, 1938 (52 Stat. 944); and

H. R. 10405. An act to provide for adjusting the compensation of persons employed as masters at arms, and guards at navy yards and stations, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 4257. An act for the relief of the estate of Bartholomew Lawler;

H. R. 7784. An act for the relief of Howard R. M. Browne;

H. R. 10190. An act for the relief of Charles T. Dulin;

H. R. 10194. An act for the relief of the late John L. Summers, former disbursing clerk, Treasury Department; and

H. R. 10354. An act for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes; to the Committee on Claims.

H. R. 6450. An act to provide for the issuance, by the Administrator of Veterans' Affairs, of regulations providing for more liberal policies in determining the service connection of disabilities, and for other purposes; to the Committee on Finance.

H. R. 6711. An act for the relief of Mary Pruett Townsend; and

H. R. 7916. An act granting 6 months' pay to Lillian M. Reymonda; to the Committee on Naval Affairs.

H. R. 7405. An act to repeal an obsolete section of the District of Columbia Code; to the Committee on the District of Columbia.

H. R. 7694. An act to require vessels engaging in the coastwise trade or in the whaling or other fisheries to be wholly owned by citizens of the United States, and for other purposes;

H. R. 9918. An act relating to citizenship requirements for manning of vessels, and for other purposes; and

H. R. 10501. An act to amend section 509, as amended, of the Merchant Marine Act, 1936; to the Committee on Commerce.

H. R. 8705. An act for the relief of Howard Mondt; and

H. R. 10495. An act to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes; to the Committee on Military Affairs.

H. R. 9625. An act for the relief of Moses Limon and Ida Julia Limon;

H. R. 10219. An act for the relief of Dr. Wilhelm Wolfgang Krauss;

H. R. 10244. An act for the relief of Dr. Michel Konne and Pauline Lucia Konne;

H. R. 10245. An act for the relief of Meier Langermann, his wife Friederike, and son Joseph;

H. R. 10253. An act for the relief of Eugene Gruen and his wife Kate;

H. R. 10311. An act for the relief of Ernst Gottlieb, his wife Margot, and daughter Mary; and

H. R. 10326. An act for the relief of Dr. Frantisek Blonek and Erna Blonek; to the Committee on Immigration.

H. R. 9756. An act granting an increase of pension to Nellie J. Merriman; and

H. R. 10541. An act granting pensions and increase of pensions to certain dependents of veterans of the Civil War; to the Committee on Pensions.

H. R. 10221. An act to provide for the acquisition of additional land along the Mount Vernon Memorial Highway in exchange for certain dredging privileges, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 10398. An act to amend part II of the Interstate Commerce Act, as amended, so as to make certain provisions thereof applicable to freight forwarders; to the Committee on Interstate Commerce.

H. R. 10518. An act granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a

free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.; to the calendar.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 55) recommending that any parties or organizations advocating overthrow of the United States Government be prohibited from entering candidates in any State or national election, was referred to the Committee on the Judiciary.

CORPORATION-INCOME AND EXCESS-PROFITS TAXATION—CONFERENCE REPORT

Mr. HARRISON. Mr. President, will the Senator from Oklahoma yield?

Mr. THOMAS of Oklahoma. For what purpose, may I ask?

Mr. HARRISON. The purpose is to present the conference report on the excess profits tax bill, which I think will not require any great length of time.

I very much dislike to interfere with the pending conference report but, as everyone realizes, the conference report on the excess profits tax bill is a very important matter. It was agreed to in the House earlier today and is now on the Vice President's desk. I should very much like to have it disposed of.

Mr. SCHWARTZ. Mr. President, has the Senator any idea how long a time will be required to dispose of it?

Mr. HARRISON. I do not think there is any disposition to speak at length on the conference report. I wish to make a very brief explanation, which I think will require not more than 10 minutes. I think the Senate is entitled to such an explanation. I do not believe there will be any prolonged discussion of the conference report.

Mr. THOMAS of Oklahoma. I shall be glad to yield for that purpose.

Mr. SCHWARTZ. Can the Senator from Oklahoma give us any idea how long he desires to talk on the pending conference report?

Mr. THOMAS of Oklahoma. Until Senators have some opportunity to understand the bill, which they do not now have, and which I fear they never will have.

Mr. SCHWARTZ. That means that the Senator intends to talk forever.

Mr. THOMAS of Oklahoma. I would if I could.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. OVERTON. I am a member of the Appropriations Committee, and I desire to be present during the discussion. I wish to ask the Senator from Oklahoma a question.

I recall that when the other conference report was before us for consideration, the very able Senator from Oklahoma pointed out that the adoption of that conference report would have a very bad effect on the marketing of cotton. I wish to know if that objection has been removed by the new conference report.

Mr. THOMAS of Oklahoma. The new report is no different from the motion made in the first instance. The motion was to accept the House bill. The conference report accepts the House bill.

Mr. SCHWARTZ. Mr. President, referring to the request of the Senator from Mississippi, it is perfectly agreeable to me to proceed to consider the conference report on the tax bill, with the understanding that when that report shall have been disposed of we shall resume consideration of the pending conference report.

Mr. HARRISON. That is my understanding.

Mr. SCHWARTZ. Very well.

Mr. HARRISON. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10413) to provide revenue, and for other purposes.

[For conference report see p. 12945 of the proceedings of the House of Representatives.]

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. HARRISON. I yield.

Mr. AUSTIN. Is it the intention of the Senator to call for a quorum?

Mr. HARRISON. It was not my intention; but if the Senator feels that a quorum should be present on so important a bill, it is perfectly satisfactory to me.

Mr. AUSTIN. I shall not suggest the absence of a quorum at this moment. However, it is understood that I shall suggest the absence of a quorum if the tax bill conference report becomes the order of business.

Mr. HARRISON. I ask unanimous consent that the Senate proceed to the consideration of the conference report on the excess profits tax bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10413) to provide revenue, and for other purposes.

Mr. AUSTIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Johnson, Colo.	Sheppard
Andrews	Ellender	King	Shipstead
Ashurst	Frazier	McKellar	Smathers
Austin	George	McNary	Stewart
Bailey	Gerry	Maloney	Taft
Barkley	Gillette	Mead	Thomas, Idaho
Bilbo	Glass	Minton	Thomas, Okla.
Brown	Green	Murray	Thomas, Utah
Bulow	Guffey	Norris	Tobey
Burke	Gurney	Nye	Townsend
Byrd	Hale	O'Mahoney	Truman
Byrnes	Harrison	Overton	Tydings
Capper	Hatch	Pepper	Vandenberg
Caraway	Hayden	Pittman	Van Nuys
Chavez	Herring	Radcliffe	Walsh
Clark, Idaho	Hill	Reed	Wheeler
Connally	Holt	Russell	White
Danaher	Hughes	Schwartz	Wiley
Davis	Johnson, Calif.	Schwellenbach	

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present. The question is on agreeing to the conference report.

Mr. HARRISON. Mr. President, I desire to explain briefly the conference report on the tax bill.

First, I will discuss the important changes.

Under the Senate bill there were three important changes over the House bill.

First, the Senate bill increased the ordinary corporation tax on all corporations by 3.1 percent.

Second, the Senate bill removed the penalty of 4.1 percent on corporations electing the average-earnings method as well as the 5-percent differential in brackets of the rate schedule with respect to those corporations electing the average-earnings method. In the conference report, of course, both methods are left in the bill, and the taxpayer may elect as to which one he chooses in the computation of his excess-profits taxes.

Third, the Senate bill increased the specific exemption allowed corporations, for the purpose of the excess-profits tax, from $5,000 to $10,000.

Under the conference we were able to reach the following agreement:

The 3.1 percent increase in the normal rate was retained with respect to corporations with net incomes in excess of $25,000. Those with income less than $25,000 were removed from the increased normal corporate taxes.

The 4.1-percent penalty and the 5-percent differential in rate schedules between those electing the average-earnings method and those electing the invested-capital method were eliminated. In lieu of these, it was agreed to permit corporations electing the average-earnings method to use only 95 percent of their base-period earnings as a credit in computing their excess-profits tax.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. VANDENBERG. As I understand the Senator, then, there is still a penalty against the average-earnings option. Is that correct?

Mr. HARRISON. In computing and arriving at the average-earnings method there is a difference of 2½ percent with respect to the largest corporations, but in the average case it would not exceed 1¾ percent. The method, too, is a very simple one.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. WALSH. Will the 95-percent base result in increasing the revenue from the excess-profits tax?

Mr. HARRISON. Yes. It was very difficult to get a true estimate of it, but the bill, as finally agreed upon, will bring slightly more revenue than either the bill as it passed the House or the bill as it passed the Senate.

Mr. WALSH. I should think that fixing the base at 95 percent in determining the excess-profits tax upon incomes for the 4 years prior to this year would result in some increase.

Mr. HARRISON. It would result in some increase, estimated to be about $40,000,000, I may say to the Senator.

Mr. WALSH. From that one change which has been made in the House and the Senate bills?

Mr. HARRISON. Yes. That provision will result in a material increase in the revenue.

Mr. WALSH. I think that is desirable and beneficial.

Mr. HARRISON. I may say that under the estimates of the Treasury experts—their very conservative estimates—there will be realized a gross revenue yield of between four hundred and five and five hundred and twenty-five million dollars in 1940 from the bill as agreed to in conference. I may state, however, that the staff of the Joint Committee on Internal Revenue Taxation, in whom I have great confidence, estimates $532,000,000 in revenue for the year 1940 and for the year 1941 a yield of $905,000,000. The Treasury Department, as Senators will see from a table which I will ask to have inserted in the RECORD at this point, makes a breakdown of its estimates in connection with this bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Second revenue act of 1940 [1]*—estimated yield at estimated calendar year 1940 income levels and under arbitrary assumptions as to increase in net income over the lower estimates for calendar year 1940*

[Millions of dollars]

	1940 levels [2]	Assuming arbitrary income increase				
		10 percent	15 percent	20 percent	25 percent	30 percent
Gross yield:						
Excess-profits tax	185–295	400	505	610	725	850
Increase in normal tax	220–230	240	250	260	270	280
Total	405–525	640	755	870	995	1,130
Net yield: [3]						
Excess-profits tax	155–245	330	410	490	580	675
Increase in normal tax	185–190	195	205	210	220	225
Total	340–435	525	615	700	800	900

[1] H. R. 10413, conference agreement, Sept. 29, 1940.
[2] Probable range of revenue yields.
[3] Allows for decrease in income tax collections.
Source: Treasury Department, Division of Research and Statistics.

Mr. WALSH. That is for all income?

Mr. HARRISON. We will get over $900,000,000 in revenue from this bill in 1941, according to the estimates of the joint committee staff.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. VANDENBERG. Am I to understand the Senator to say that out of the excess profits tax section of the bill we are to get five hundred or six hundred million dollars this year?

Mr. HARRISON. No; under the excess profits tax section of the bill it was estimated by the Treasury that for 1940 between $185,000,000 and $295,000,000 would be derived, and on the increase in the normal tax of 3.1 percent on all corporations having incomes over $25,000 there would be derived between $220,000,000 and $230,000,000, making a total of between $405,000,000 and $525,000,000. That is the estimate the Treasury has given us for 1940.

Of course, the Senator realizes that it has been made plain to the committee that work under the national-defense program will not fully get under way until 1941. In 1941 the revenue will increase quite perceptibly.

Mr. VANDENBERG. I should be glad to have the Senator explain the matter to me at a point at which I am finding it difficult to follow him. The excess-profits tax for the present year was estimated at $100,000,000 as the bill left the Senate. Now the exemption has been increased to $25,000, which would take off $20,000,000. That would leave a net of $80,000,000. What has happened to increase the excess profits tax revenue for this year from $80,000,000 to $250,000,000?

Mr. HARRISON. It would take me until doomsday to explain to the Senator the different formulas which were placed on the blackboard and the different arguments upon the part of the experts and to show him how the 2½-percent differential would make the return from the excess-profits taxes somewhat higher than it was in the bill as it left the Senate. I am unable to explain how the experts arrive at their estimates, but there must have been other factors besides this 2½-percent differential.

Mr. VANDENBERG. I am not going to press the Senator, because I will concede in advance that it will take him and me until doomsday to understand anything that is in this particular bill.

Mr. HARRISON. It is much simpler than when it came from the House, and I am inclined to think that it is somewhat simpler than as passed by the Senate. So, roughly, it is estimated that from this bill we will get a billion dollars.

Mr. VANDENBERG. Next year?

Mr. HARRISON. For 1941, and between $500,000,000 and $600,000,000 in 1940.

Mr. VANDENBERG. Of which the Senator now attributes $250,000,000 to the excess-profits tax?

Mr. HARRISON. The Treasury estimates between one hundred and eighty-five and two hundred and ninety-five million dollars in 1940 from the excess-profits tax.

Mr. VANDENBERG. But the Senator says I will have to wait until doomsday to find out how that estimate was reached.

Mr. HARRISON. No; I said if I had to explain it, it would be doomsday before I could convince the Senator or explain it definitely. I hope the Senator will realize that that is a very frank statement.

Mr. VANDENBERG. I appreciate the Senator's candor; I underwrite it and endorse it, because I think doomsday is an excellent word to describe what he has presented.

Mr. HARRISON. As I have said, the 3.1-percent increase in the normal rate was retained with respect to corporations with incomes in excess of $25,000.

The 4.1-percent penalty and the 5-percent differential in rate schedules between those electing the average-earnings method and those electing the invested-capital method were eliminated; and in lieu of that there was imposed what amounts to about 2½-percent differential between the two methods. The differential under such a plan could never exceed 2½ percent with respect to the largest corporations, and in the average case it would not exceed 1¾ percent.

The method is a very simple one.

The conference report restores the $5,000 specific exemption allowed under the House bill. However, the small corporation was protected by not applying the increase of 3.1 percent to them.

The Senate provision allowing an exemption of 8 percent of the invested capital of the taxable year was accepted by the conference. That provision remains as recommended by the Senate. This was also true with respect to the Senate provision making an allowance of 50 percent for borrowed capital. That was recommended by the Senate.

A single rate schedule was adopted which applied to all corporations, whether they elected the average-earnings method or the invested-capital method. This was the rate schedule adopted by the Senate Finance Committee. Because of loss in revenue, the rate schedule which was added to the Senate bill on the floor was not accepted.

In regard to the amortization provisions, the Senate changes were accepted by the conference, with the exception of the date after which the construction, reconstruction, erection, or installation of any facility must have been completed or its acquisition have taken place in order that the cost thereof may be subject to amortization. Under the Senate bill, amortization was allowed when the facility was constructed or acquired after January 1, 1940. The House bill had as its date July 10, 1940. The conferees agreed to the date of June 10, 1940, which was the date of the Ways and Means Committee report on the first Revenue Act of 1940. The Ways and Means Committee's report stated that the subject should be studied with a view toward enacting legislation which might apply to incomes earned in 1940. We felt that when that report was made it was notice to the taxpayers of the country that some allowance would be made for amortization.

In this report, the conference agreed to relieve what we termed hard cases, such as the following:

First. Under the Senate bill, for instance, losses from the sale of depreciable assets were allowed to be deducted in computing the income for the taxable year. This was agreed to.

Second. The Senate bill did not require refunds and interest on Agricultural Adjustment Act taxes to be included in income for the purposes of the excess-profits tax. That was agreed to in conference.

Third. The Senate bill allowed corporations electing the average-earnings method to deduct in full dividends received from other corporations, whether domestic or foreign. A similar deduction was allowed under the House bill to corporations electing the average-earnings method. Under the conference agreement, the Senate provision was retained as to domestic dividends. In the case of foreign dividends, relief was granted under the abnormality or general relief section.

Fourth. With respect to awards of the Mixed Claims Commission, United States and Germany, the Senate bill provided that such awards should not be subject to the excess-profits tax. It was pointed out that these awards were already covered by the general relief provision of the bill with respect to abnormalities in income, and that under that provision they would not be subject to the excess-profits tax. With this in mind, and an agreement to put in the conference report a specific statement to that effect, the specific provision of the Senate bill dealing with the subject was eliminated.

Fifth. The Senate bill exempted from the excess profits tax income attributable to the recovery of a bad debt if such debt was deductible from gross income for any taxable year prior to January 1, 1940. This was agreed to.

Sixth. The Senate bill prevented income in the base period from being reduced by deductions on account of retirement or discharge of bonds. This was agreed to.

Seventh. The Senate bill prevented income in the base period from being reduced by losses arising from demolition, abandonment, or loss of useful value of property not compensated for by insurance. This was agreed to.

Eighth. The Senate bill prevented income in the base period from being reduced by deductions attributable to claims, awards, or judgments against the taxpayer, or interest thereon, if, in the light of the taxpayer's business, it was abnormal for the taxpayer to incur a liability of such character, or if the amount of such liability in the tax period was grossly disproportionate to the amount of such liability in the 4 previous years. This was agreed to.

Substantially all the special relief provisions which were incorporated in the Senate bill were adopted by the conference.

Mr. VANDENBERG. Mr. President, were there any Senate relief provisions which were not incorporated in the conference report?

Mr. HARRISON. I know of only one special relief provision which was not so incorporated. That was the one which was offered by the Senator from Kentucky [Mr. BARKLEY], to give relief relative to an unrecovered debt in connection with a loan made by a parent corporation to its subsidiary; and the House conferees would not accept that amendment.

Mr. BARKLEY. Mr. President, I understand that that provision went out on the insistence of the Treasury Department.

Mr. HARRISON. The Senator is right.

Mr. BARKLEY. Which raises a question, after all, whether the Congress or somebody else writes these bills.

Mr. KING. Mr. President, let me say to the Senator, if he will pardon me, that the question is frequently raised whether Congress itself writes any bills, or whether they come from the executive department.

Mr. BROWN. Mr. President, I was interested, as the Senator recalls, in the consideration of the record with respect to development of a process, patents, and so forth, of the predecessor corporation, or copartnership, or other form of business organization, of a taxpayer in figuring the excess-profits tax. I understand that while the provision I introduced in the Senate was stricken out of section 721, section 722 was added, which reads as follows:

> For the purposes of this subchapter, the Commissioner shall also have authority to make such adjustments as may be necessary to adjust abnormalities affecting income or capital—

With the right of appeal to the United States Board of Tax Appeals. Under that section, does the Senator think the relief could be given to corporations which had been formed out of prior corporations or partnerships substantially similar in ownership, as is given to a taxpayer who had no change in its corporate organization?

Mr. HARRISON. If, as the result of such a situation, there developed an abnormality of income, it is entirely possible that section 722 would afford relief.

Mr. BROWN. May I ask if section 722 is taken from the Excess-Profits Tax Act of 1918? Is it substantially the same provision that is in that act?

Mr. HARRISON. No; it is substantially the provision of the Senate bill. I may say, in that respect, that in my opinion the general-relief provision is one of the most important features in this bill. Indeed, I would have liked to have seen it perfected; but the Senator will recall that when the relief provision was recommended by the Senate Finance Committee, some doubt was expressed by the drafting experts and the Treasury Department representatives as to whether or not they could draft it in perfect form, and so forth. We gave them the time to do it in the way that they insisted it be done, and brought in a draft dealing only with abnormalities in income for the taxable year. This was subject to some criticism, and on the floor the Senator from Georgia [Mr. GEORGE] offered another provision giving the Commissioner general authority to make adjustments where abnormalities existed in income or capital and giving the Board of Tax Appeals the right to review the decision of the Commissioner.

One of the hardest fights made in the conference was the attempt of the Senate conferees to get this Senate amendment or the substitute offered by the Senator from Georgia [Mr. GEORGE] adopted. The Senate amendment, with slight modifications, was finally adopted and the Treasury and the staff of the Joint Committee on Internal Revenue Taxation were instructed by the conference to study the entire problem covered by this section, and report to the appropriate committees on the subject as soon as possible.

Mr. BROWN. Mr. President, the idea is that the report will be made soon enough so that the Congress may legislate upon that subject, with effect upon the tax returns for the calendar year 1940?

Mr. HARRISON. The Senator is correct.

Mr. BROWN. And the Senator feels that section 722, on page 14 of the bill, which is a very general relief section, may be used for the purpose of assisting corporations which have been formed out of other corporations, partnerships, or individuals with substantially the same ownership?

Mr. HARRISON. The Senator is correct. Of course, the Senator is aware of the fact that the whole Finance Committee was insistent that something like the 1918 law, with some discretion vested in the Commissioner or the Board of Tax Appeals, should be written into the law.

Mr. BROWN. The Senator will recall that the Finance Committee unanimously approved the general proposition that the development period and earnings, or lack of earnings, of predecessor corporations, predecessor partnerships, and predecessor individuals should be considered in the calculation of the excess-profits tax base.

Mr. HARRISON. The Senator is correct. I merely wish to say that we did our best to hold that provision, so that there would be no question about the matter.

Mr. BROWN. I thank the Senator very much.

Mr. ADAMS. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. I yield.

Mr. ADAMS. I am interested, as are all those from the mining sections, in the provision in reference to abnormal incomes, incomes which appear as a result of a process of development and research carried on over a period of years which result in a substantial profit in 1 year because of the activities of the preceding year or years. That matter was before the Finance Committee, of course, and before the conference committee.

As the bill came from the Senate committee it contained relief provisions, and gave authority to the Commissioner of Internal Revenue, with the approval of the Secretary, to make adjustments. On the floor an effort was made by an amendment to not only give the authority to make such adjustments, but to make it compulsory, and to establish a mathematical method by which they should be applied. In other words, it provided that if a process of development, say in a mine, had been carried on for 5 years, and there had been loss for 4 years, and if, at the end of the fifth year, if a fortunate mineral discovery were made, the profit should be distributed back over the period of 5 years. That has been taken out. The conference committee recommends the elimination of this mathematical formula for the distribution. As the bill comes from the conference committee power is given the Commissioner, with the approval of the Secretary, to make adjustments, but, as I read it, there is absolutely no compulsion upon the Commissioner to make any such adjustments. We are left absolutely at the mercy of the judgment and decision of the Commissioner and the Secretary of the Treasury.

Mr. HARRISON. That has relation to the amendment the Senator offered, the 5-year amendment?

Mr. ADAMS. Yes.

Mr. HARRISON. We believe that the bill as now written absolutely requires the Commissioner to make the allocation of the income to the proper year.

Mr. ADAMS. Will the Senator be good enough to satisfy my mind a little, to ease it, by telling me where the provision is?

Mr. HARRISON. Under section 21 of the bill as agreed to in conference, the amount attributable to any previous taxable year or years is to be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary. In the case of income from exploration, and so forth, the Commissioner is required under the language of this section to allocate so much of such income as is not attributed to the taxable year to each of the preceding years.

Mr. ADAMS. The Senator is reading the statement as to the Senate amendment, but not a statement as to the conference report.

Mr. HARRISON. I am referring to the section of the law itself and the interpretation placed upon it by both the Treasury and our own experts.

It was the viewpoint of every expert in our conference—those representing our joint committee and those representing the Treasury—that we had taken care of the very situation the Senator pointed out in his amendment; that explorations might not run back just 5 years, but might run back 20 years, and that the Commissioner would be required to make the adjustments.

Mr. ADAMS. The Senator is quite correct that the authority exists in the Treasury Department to make the adjustments, but in the conference report there is no compulsion upon the Treasury Department to make the adjustments. It is all within their discretion.

The amount to be attributed to previous years is to be determined by the Commissioner or the Treasury Department. Then the subsections which follow deal with the amount to be attributed to previous years; but the amount to be attributed comes from the exercise of the discretion of the Treasury Department. In other words, there is not a particle of compulsion upon the Treasury Department to meet the problem. Of course, I am hopeful that the Treasury Department will recognize the implications of the language rather than the unrestricted discretion.

Mr. HARRISON. If anyone was misled and there could be the interpretation the Senator fears, we were the ones who were misled, because, as I have stated, we were told by every representative of the Treasury Department, and it was as well the belief of our own staff, that the situation was taken care of.

I give the Senator this assurance, that, so far as I am concerned, if, when the question arises, it should be held that what I have stated is not the correct interpretation and construction of the law, we will certainly make every effort to amend the law in order to take care of the situation.

Mr. ADAMS. I am very hopeful that the Senator's views in the matter will be carried out. Of course, the Treasury Department naturally, as is true of every other great department, likes to have the power vested in it to make decisions. I am not saying they would not do as the Senator expects, but I am saying that they are not compelled to, under the proposed law, and out of the bill has gone the provision which would have compelled them.

Mr. HARRISON. Because we were all very sympathetic with what the Senator had in his mind, when he restricted the matter to 5 years, we thought we were giving him more than his own amendment was giving him by eliminating the 5-year limitation. There may be a difference between the construction on the part of the conferees and the Senator's construction, but I give him every assurance that if there should be any doubt about the construction the Treasury puts on this provision, when the question arises, we will join hands with the Senator in remedying the situation.

Mr. ADAMS. I am very happy to have the Senator's assurance. I hope he will not have any occasion to act upon it.

Mr. HARRISON. I hope so, too.

Mr. President, agreement was reached on the subject of bad debts, and it is incorporated in the report.

In the Senate bill we allowed a 2-year carry-over of the unused exemption with respect to the canning and mining industries. We finally compromised, after a long discussion, by providing a 1-year carry-over of the unused exemption to be applied to all corporations whose income did not exceed $25,000 for the taxable year.

Mr. JOHNSON of Colorado. Mr. President, I have been unable to discover that section. Will not the Senator give me a reference to it?

Mr. HARRISON. The Senator will find that section on page 3 of the conference report.

As to the Senate amendment which the senior Senator from Nevada [Mr. PITTMAN] offered, and which was adopted by the Senate, dealing with strategic metals, we were able to work out a compromise confining the exemption to the mining of such metals by domestic corporations within the United States. That was the very best arrangement that could be made.

The Senator from Nevada [Mr. PITTMAN] offered another amendment which would have permitted a corporation to take 3 out of the 4 base years in computing its tax under the average earnings method, but because of changes in other parts of the bill, and because of the large loss in revenue which would result from such an amendment the conferees were unwilling to accept it.

Mr. PITTMAN. Mr. President, will the Senator explain again the matter of exemption of taxation of the profits derived from the mining of strategic metals? What is his understanding with regard to the change made in the provision.

Mr. HARRISON. I stated that there were some six or seven metals represented or dealt with in the Senator's amendment. We were not able to get the House conferees to agree to the exact language of the Senate amendment, but we were able to point out that the President in a message to the Congress, as I recall—I do not know that he included all of these metals—had asked us to enact legislation to preserve these strategic metals in the United States for our own defense.

Mr. PITTMAN. I simply wanted to see how it was worded.

Mr. HARRISON. It is section 731 of the committee report. It reads as follows:

> In the case of any domestic corporation engaged in the mining of tungsten, quicksilver, manganese, platinum, antimony, chromite, or tin, the portion of the adjusted excess-profits net income attributable to such mining in the United States shall be exempt from the tax imposed by this subchapter. The tax on the remaining portion of such adjusted excess-profits net income shall be an amount which bears the same ratio to the tax computed without regard to this section as such remaining portion bears to the entire adjusted excess-profits net income.

Mr. PITTMAN. Does that mean there is no excess-profits tax charged against the profits derived from that character of industry?

Mr. HARRISON. In effect, yes.

Mr. PITTMAN. I could not tell from reading it what it means.

Mr. HARRISON. That is what it means.

Mr. PITTMAN. I thank the Senator.

Mr. HARRISON. The question of personal-service corporations was advanced in the debate. We were unable to get the House conferees to agree to the Senate amendments in toto. However, under the conference agreement, the definition of a personal service corporation was defined to mean a corporation where income was attributed primarily to the activities of shareholders who are regularly engaged in the active conduct of the affairs of the corporation and are the owners at all times during the taxable year of at least 70 percent in value of each class of stock of the corporation and in which capital is not a material income-producing factor. Under the House bill, the persons actively engaged in the business had to own 80 percent of the stock.

In the case of determining whether the shareholders own the requisite shares of stock the Senate provision was adopted, which permitted that the individual shall be considered as owning stock owned not only by his spouse or minor child but by any guardian or trustee representing them.

So we did the best we could in trying to work out that very delicate question.

The Senate amendment permitting credit against the Federal unemployment tax was offered by the Senator from Missouri [Mr. CLARK]. The Senate amendment permits credit against the Federal unemployment tax for the calendar years 1936, 1937, 1938, or 1939 on employers of eight or more employees for contributions paid by the employer before the sixtieth day after the date of the enactment of this act into an unemployment fund under a State law. The conference limits the credit for 1939 to 90 percent of the amount which would have been allowable to conform to the limitation of existing law.

An important amendment was offered by the Senator from Michigan [Mr. VANDENBERG] relative to social-security legislation affecting persons to be called into the military or naval service. A more general provision was later offered as a substitute in order that all of these problems might be studied by the conferees. The conferees were able to report on two of the most urgent problems, one relating to insurance and the other to the railroad-retirement provisions.

Part I of amendment No. 35 permits persons in military service to take out national service life insurance up to $10,000. This insurance is similar to war-risk insurance with certain modifications based on experience gained over the past 20 years. This new insurance permits waiver of premiums upon total disability, but benefits are not payable for such disability as was the case under war-risk insurance. The new insurance will be 5-year term insurance with the right to convert to life, 20-year life, or 30-year life. Premium rates based on the average age—25 years—will be 67 cents per thousand per month. Rights of World War veterans under existing law with respect to war-risk insurance is not changed.

Because that fund had been built up by the older men who served in the World War, we did not feel we ought to impair or injure it. It would also cause a great deal of controversy and trouble, so we did not affect that fund at all.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. VANDENBERG. I am unable to determine from the report where the responsibility is lodged for setting up the national service life insurance and for operating it. Where does that responsibility go?

Mr. HARRISON. To the Veterans' Bureau.

Mr. VANDENBERG. It goes to the Veterans' Bureau rather than to the Social Security Board?

Mr. HARRISON. Yes; to the Veterans' Bureau.

Mr. VANDENBERG. Is it presumed to be built comparably with and on the basis of war-risk insurance?

Mr. HARRISON. Yes. There is not much difference between the two. They are along the same line, but separate and distinct insurance policies are issued under these two services.

Part II of the amendment permits individuals who are covered under the Railroad Retirement Acts to use past military service in a war-service period for the purpose of determining eligibility for and the amount of annuities. If a man had 2 years military service during the World War and 28 years railroad service, he could use the 2 years to compute his annuity, based on 30 years' service.

So we took care of those phases of the problem, but we have to make a further study of the social security features that were embraced in the amendment of the Senator from Michigan.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. VANDENBERG. Now as I understand it, amendment No. 35, which is the outgrowth of my original suggestion, does not cover a protection of the conscript, the National Guardsman, taken into military service, with respect to any of his rights under the Social Security Act?

Mr. HARRISON. It takes care of none of the provisions with reference to the Social Security Act, because we found there were so many angles to it, that it was so complicated, and that without question it would be better and wiser not to go into that matter in a conference committee, and if we had done so we would have been unable to submit a conference report within any reasonable time. Moreover, public hearings would have been necessary before the problem could have been fairly dealt with.

Mr. VANDENBERG. I am inclined to agree with the Senator that the thing is so complex that it would probably require further study, although it is probably no more complex than about 98 percent of the other subjects dealt with in the conference report.

Mr. HARRISON. There are plenty of complexities in the measure.

Mr. VANDENBERG. What does the Senator propose that we shall do with respect to these rights under the Social Security Act? Is he proposing that there shall be a specific study made?

Mr. HARRISON. I personally thought that was a very good way to do it—that is, to have those who will consider this question appointed by the Presiding Officer of this body, and the Presiding Officer of the House, and thus have a joint committee, but the conferees did not all agree with me. So they are going to proceed in the House, because legislation pertaining to social security must originate in the House, and it will go through the regular channels as expeditiously as possible.

Mr. VANDENBERG. I suppose our special committee on the exploration of the Social Security Act which the able Senator appointed in the Finance Committee could take jurisdiction of the subject on its own motion if it chose to do so.

Mr. HARRISON. I think that would be very well, although I think the subcommittee which was named will have its hands full when it gets to work. However, I am sure there will be no trouble about that question.

Mr. VANDENBERG. The Senator agrees that it is something which ought to be covered?

Mr. HARRISON. I agree; and the whole conference was in agreement on that point.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. KING. Dr. Altmeyer and various other representatives of Federal agencies connected with social security, public welfare, and so forth, were before the committee. We had considerable discussion trying to work out some plan by which we might take care of the question suggested by my dear friend from Michigan, but many matters were in nebulous form, and we did not have the concrete evidence and facts before us. So we finally concluded that it would be unwise for us to cover the entire ground of social security and make adjustments in the tax bill. For that reason, as indicated by our chairman, the matter was pretermitted for the present, and it was understood that both the House and Senate, through appropriate committees if a joint committee were not appointed, would address themselves immediately to the consideration of those very complicated questions.

Mr. HARRISON. Mr. President, that completes about all I desire to say with reference to the conference report. The report was signed by every member of the conference—seven Members of the House and five Members of the Senate.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. VANDENBERG. The Senator has not indicated what happened to the Connally amendment.

Mr. HARRISON. I neglected to refer to the action taken on that amendment. Twice we have passed the Connally amendment in the Senate. Twice it has been to conference. The conferees in the first instance were pretty much the same as the conferees in this instance. On Sunday we took a last whack at trying to persuade the House conferees to accept the Connally amendment. We failed, so there was nothing for us to do but recede or not have a conference agreement.

Mr. VANDENBERG. Was I misinformed in hearing that at one point the Senate conferees were almost in a panic when they learned that the House conferees were about to agree with them on the Connally amendment? [Laughter.]

Mr. HARRISON. No. In this political year the Senator is probably seeing hobgoblins. There is nothing in that rumor. From the very beginning I was favorable to the Connally amendment. I disliked to have to go through the whole business we went through. This was not by any means an easy conference. The Connally amendment was written by a subcommittee of the Finance Committee which studied the matter carefully. In the event war should come, the rates would have to be increased materially. It might be a good idea for some persons to be a little frightened at the taxes they would have to pay if war should come. We did what we could for the Connally amendment.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. CONNALLY. Will the Senator from Mississippi advise us whether or not the House conferees ever understood what the Connally amendment was all about?

Mr. HARRISON. I am informed that they understood it, although I have a wee bit of doubt as to whether or not they understood it.

Mr. CONNALLY. Was it because of jealousy on the part of the House toward the Senate, the House being supposed to initiate revenue legislation; or was it simply because the House did not want any war-profits taxes in time of war?

Mr. HARRISON. The House conferees were not very sympathetic with the war profits tax bill. I do not know whether or not they were influenced by jealousy, rivalry, or feeling against the Senate. I should not say that, because I am too glad to have got out of the confused state which existed for a long time.

Mr. KING. Mr. President, as stated by the Senator from Mississippi [Mr. HARRISON], the conference report was signed by all the conferees. That does not mean that all of the conferees agreed to the provisions of the measure submitted by the conferees. Speaking frankly, there are many provisions of the bill embodied in the conference report with which I do not agree. I declined to sign the conference report at the conclusion of the conference, and also for some time thereafter, though, as I was advised, all other conferees had affixed their signatures to the same. I had numerous objections to the conference report, believing that the measure agreed upon contained provisions to which valid and substantial objections could be made. Upon further consideration, and weighing all of the questions—ethical and otherwise—involved, I concluded to join with my colleagues in signing the conference report.

Though I still have objections to many of the provisions of the pending measure, I am frank to confess that it is far superior to the bill which came from the House. The Senate bill made important changes in the House bill, and I regret that the conferees did not accept the Senate bill with a few suggested changes. As stated, I reached the conclusion that, notwithstanding my objections to the House bill and to many of the provisions of the bill agreed upon in conference, I would not be justified in attempting to defeat the will of the conferees. I realized that because differences of opinion existed conferees are appointed for the purpose of reconciling the differences between the two Houses in order that legislation may be enacted. Perhaps there is a question of ethics as to how far a conferee is under obligation to sacrifice his own views and to join in a conference report in order to secure legislation. When conferees are appointed, it is with the understanding that they will reach an agreement, if possible, to reconcile the differences between the two Houses in order to obtain legislation. Perhaps this imposes upon each conferee a duty, after striving valiantly to secure the adoption of the views of the body which appointed him, to yield if and when it becomes apparent that failing so to do no agreement would be possible and the bill under consideration might therefore fail.

Because the measure agreed upon in conference contained objectionable provisions, as indicated, I was not disposed to sign the conference report. Upon further consideration, and appreciating the fact that I represented the Senate and was expected to cooperate with the conferees of the House and the Senate to the end that a measure might be agreed upon, I finally signed the conference report.

I repeat when I state that I contended earnestly for the Senate bill. I believed it to be a better bill and a more just measure than the House bill or the one which had been reported to both Houses. As I have stated, the bill agreed upon, though imperfect I know, and as much as I should desire, is better and fairer than the House bill, and I therefore felt warranted in waiving my objections to the report in its present form.

I appreciate the fact that scarcely any measure—certainly no measure of great importance—which has been the subject of consideration by both branches of Congress is free from objections and will command the approval of conferees

representing the House and the Senate. On important and indeed vital questions it is not expected that conferees of both branches of Congress will be in agreement upon all provisions; and it is obvious that conferees will have differences of opinion with respect to many provisions of important legislation.

The revenue measure before us was the subject of study by the Treasury Department and its experts. Undoubtedly there were differences of opinion among the representatives of the Treasury Department. The Committee on Ways and Means of the House contains many men of great ability. Some of them have been members of the committee for many years, and all of them have been students of plans for the raising of revenue to meet the expenses of the Federal Government. It is to be expected that in their studies their views upon tax measures and tax policies would not be entirely harmonious. After hearings were conducted by the Committee on Ways and Means, the members formulated a tax bill which received approval at the hands of the House of Representatives. Upon the bill being received by the Senate it was referred to the Committee on Finance, and that committee devoted itself for some time to a study of the House bill and to a consideration of the questions pertinent to the issues involved and to the consideration of the testimony submitted by a large number of persons from various walks of life. There was considerable criticism by witnesses and by various segments of the public of the House bill; and the Senate hearings, in my opinion, justified much of the criticism and warranted the Committee on Finance in insisting upon important modifications of the House bill and important changes in some of its provisions.

I know that the members of the Committee on Finance addressed themselves in a patriotic way to the discharge of the duty resting upon them. They were anxious to agree upon a sound and just tax measure and to that end were willing to modify in many respects the views which individually, if not collectively, they entertained.

There is no exact science of taxation, and differences of opinion are bound to arise when measures are being devised to raise revenue. Taxes mean that the heavy hand of the Government will be laid upon individuals and upon their property, and all tax measures will contain provisions that are not entirely just and which do not bear equally upon all individuals and classes.

With an industrial and economic system such as that prevailing in the United States, many complicated and difficult situations arise which have to be met in the formulation of revenue measures. We do not have a unitary form or system of government; the States and their political subdivisions have to meet heavy burdens and provide revenues for their growing and expanding needs. The Federal Government reaches out its powerful hands and makes heavy exactions upon States and their political subdivisions and their citizens.

Notwithstanding these heavy burdens deficits, Federal and State, are increasing, and it is certain that though taxes may and will be increased, deficits will likewise increase and reach mountainous, if not dangerous heights. There are some persons who seem quite indifferent to the exactions which are made under the guise of taxation. There are some who would look with concern upon tax levies which would destroy private capital and pave the way to State socialism.

Undoubtedly Federal expenditures will increase, and this will call for heavier taxes. Congress has passed two tax bills during this year and the one under consideration will add at least a billion dollars more to the burdens of the people. Only a few weeks ago Congress increased the taxes imposed upon the people, but it is evident that the billion dollars which will be provided by the pending measure will be wholly inadequate to meet the needs and pressing demands of the Federal Government for additional revenue.

I might add that I was not in favor of enacting a tax bill at this time. I knew that the next session of Congress, which will meet in January, will have the duty resting upon it to enact a tax measure which will call for not alone one billion, but many billions of dollars, because of the enormous expenditures which are being made by the Federal Government.

It seemed to me that the wise and proper course to pursue was to enact a law dealing with amortization alone.

The administration, including the National Defense Council, called attention to the fact that the defense program was being delayed because no provisions were being made for the amortization of facilities required in the execution of the national-defense program.

Many individuals and corporations were ready to enter into contracts for the production of military and naval supplies, but until reasonable provisions were made for amortization of facilities which were required, they hesitated to enter into contracts which might result in heavy liabilities.

As indicated, in view of the fact that within a few weeks—or, at least, a few months—Congress would be called upon to enact another tax bill—one which, as I have stated, will call for billions of dollars of revenue—it seemed unwise to attempt to enact a tax bill during the closing days of this session. It is obvious that when Congress frames a new tax bill within the next few months, it will be called upon to invade fields covered by the bill under consideration. Many of its provisions will be modified. Undoubtedly some will be repealed, and the work of this session, so far as that work is represented in the bill under consideration, will be largely nugatory. If we had passed an amortization bill several weeks ago, undoubtedly the work of national defense would have been further advanced, and, as I have stated, no little part of the framework of the bill before us will be undermined, if not wholly destroyed. So I have felt that we were engaged in a work of futility aside from the provision of the pending measure which deals with amortization.

In the consideration of a revenue measure when Congress meets in January, all revenue measures then in force will have to be considered; their provisions examined; and, as I have stated, subjected to material changes and, in many respects, to complete destruction.

A comprehensive and far-reaching tax bill, such as will be required when Congress again meets, of necessity will cover fields which have been invaded by revenue laws; and, as I have stated—and I am repeating—such laws will be changed and modified and many of them absolutely repealed. The tax measures now on the statute books, burdensome as many of them are, will prove wholly inadequate to meet the increasing demands of the Federal Government. With increasing expenditures and mounting deficits, obviously heavier burdens must be laid upon the people and every avenue explored for the purpose of finding and obtaining additional revenues. Only a few years ago the Federal expenditures were less than $1,000,000,000. We know that the appropriations for the next fiscal year will, perhaps, exceed $20,000,000,000, and the tax burdens placed upon the people may reach the stupendous sum of $12,000,000,000. Indeed, it is impossible to determine, in view of the confused condition of the world, what our Government will be compelled to expend in order to meet the heavy responsibility which will rest upon it. Notwithstanding billions of taxes will be collected and expended, there will be deficits aggregating many billions of dollars. It is a serious condition confronting the American people, and in order to meet that condition there must be a united purpose, a high degree of patriotism, and an unflinching determination that this Republic shall carry high the standard of liberty and justice.

Mr. GEORGE. Mr. President, I desire to say a very few words about the conference report, because there are some very important principles in it to which I wish to direct a very brief observation.

I have been interested in looking at the newspaper comments throughout the country on the bill. So far as I have been able to find them since the conference report was made, they are generally summarized in one or two editorials from which I wish to quote briefly. Practically all the newspapers of the United States—at least all the respectable publications—recognize that there is a certain unsoundness in this tax bill. In order that the record may be kept perfectly straight, I wish to put into the RECORD a brief statement from the Baltimore Sun which covers the point.

Speaking of the conference report, the Baltimore Sun has this to say:

One of these objections touched the basic provisions for deciding when profit becomes excessive. There are two obvious methods for making such a decision. Profits which exceed earnings made in average and normal years may be called excessive. Or profits which exceed a certain percentage of return on invested capital may be called excessive. Equity required that taxpayers have a free choice between the two methods. The House bill allowed a choice but, under Treasury pressure in behalf of the invested-capital method, it penalized corporations using the other method.

They were to be taxed on excess profits not merely at higher rates, but a special tax of 4.1 percent was to be imposed on their normal incomes.

The conferees have now agreed to strike away the penalty tax on normal income where corporations chose the average earnings base. The discriminatory rates are also stricken away. But a free choice between the two methods is still not offered. For the conferees propose to credit corporations using average earnings as a base, not with 100 percent of those earnings against excess-profits taxation, but with only 95 percent. Five percent of earnings agreed to be perfectly normal, in brief, will be taxed as excess profits.

Again, the aspect of excess profits which ought to be taxed is clearly their excessiveness. But the bill which passed the House taxed excess profit in accordance with mere dollar volume. It is clear that a large corporation may make an excess profit large in dollar volume, but exceeding allowable normal earnings by only a slight margin. On the other hand, a company with a profit small in dollar volume may actually be exceeding its allowable normal earnings by a very wide margin. The Senate accepted, from the floor, an amendment which brought margin of excess into the picture as a measure of the tax. The conferees have dropped this provision. The bill as it stands, then, is a tax not on the excessiveness of profits, but on mere bigness of excess profits, a different thing.

That, Mr. President, is quoted from the Baltimore Sun of October 1. The New York Times has substantially the same comment to make upon the conference report. I quote from the New York Times of the current date, October 1, 1940:

The compromise removes the penalties of the House bill on corporations choosing the prearmament "average earnings" basis for taxation—which ought to be the primary basis of an excess-profits tax—at the same time as it retains the much fairer allowance of an 8 percent "normal" profit on invested capital as provided in the Senate bill. Yet the new bill also retains many quite unnecessary complications. One of these is the graduated scale of taxation based on the absolute amount of "excess" earnings. As applied to corporations this is a mere tax on bigness which penalizes mass production methods but bears only a capricious relationship to the individual incomes on which it must ultimately fall.

A needless complication is introduced in the bill when it taxes everything above 95 percent of pre-1940 income, instead of merely taxing the excess above the whole of such income. This is doubtless a compromise granted to the House as a return for its abandonment of other penalties on corporations choosing 1936–39 earnings. But its effect is to tax as "excess" earnings which might, in fact, be somewhat smaller than before the armament program.

Mr. President, I will not read further from the press of today, but substantially, throughout the country, those are the comments.

I wish to make my own record perfectly clear. There is no possible justification in an excess profits tax bill for taxing earnings which are purely normal; but we were compelled to agree to reduce the normal earnings in the period not fairly representative of corporate earnings in this country by 5 percent in order to effect an agreement with the House conferees. For that reason, and for that reason only, I agreed to this particular provision of the bill.

Furthermore, Mr. President, on this floor I offered the amendment which is commented upon in these editorials and in nearly all other editorials, which would have imposed the excess-profits tax not upon brackets arranged according to the mere dollar income of a corporation, but upon the proper relationship between the earnings and profits and the excess-profits credit. That has been pronounced sound by every reasonable commentator who has commented upon this bill. That, I thought, was one of the most important provisions of the bill. It is one of the provisions for which I fought hardest and longest in conference, as my colleagues will attest.

While I have agreed to the report upon the basis that there must be agreement in order to obtain a report, I want my record to be perfectly clear, that this arrangement of the excess profits upon a mere dollar-bracket basis, is one of the most unsound, one of the most inequitable, and one of the most indefensible provisions that ever was written into a harsh bill such as the excess profits tax bill, and it is done for the sole purpose of taxing bigness according to somebody's idea of bigness, without any possible consideration of how the burden falls upon the individual owner of stock which must be made less valuable and less productive under such a crude arrangement as this.

Mr. President, I wanted to make my position clear on these two points, particularly in this bill.

There is one other feature of the bill to which I wish to refer. On the floor, in addition to the specific provisions for relief made in extreme hardship cases in section 721, I offered an amendment known as section 721½. That amendment, in substance—and I think as it was intended to mean at the time—is contained in the bill as section 722. Broadly, it gives authority to the Commissioner of Internal Revenue to make adjustments in the case of abnormally affected income or capital and also makes his decision reviewable by the Board of Tax Appeals. Not only, Mr. President, is that in the bill, but it is in the bill with my express concurrence; but coupled with the statement that at the very first opportunity, on bills that must be favorably considered by the House and Senate, I propose to offer and carry through, if it is humanly possible, additional provisions to make effective, and provide the method of procedure by which it can be made effective, this broad provision in this bill, because in no other way can exceptional hardship cases be saved under this particular bill.

Mr. BROWN. Mr. President, will the Senator yield at that point?

Mr. GEORGE. I am glad to yield to the Senator from Michigan.

Mr. BROWN. On page 51 of the report, under the subsection in regard to the predecessor-corporation proposition, in which I have taken a good deal of interest, appears this statement:

Income resulting from activities of such a character carried on by a predecessor corporation is not entitled to the treatment provided in section 721.

Then following section 721 in the conference report—the bill as it is about to pass—is section 722, which, I understand, is the section which the Senator from Georgia drafted and which reads:

For the purposes of this subchapter the Commissioner shall also have authority to make such adjustments as may be necessary—

To take care of these abnormalities. Would the relief provided for in section 722, in his opinion, be open to a taxpayer whose predecessor, substantially identical in ownership, was the business organization that had developed the patent or process which resulted in the profit for the taxable year? I ask this in view of the fact that such relief is denied under section 721; could it be granted under section 722?

Mr. GEORGE. I do not think it would specifically come within section 722, except under these circumstances: If the failure to permit the history of the predecessor to be considered resulted in an abnormality either in capital investment or in income, then that abnormality, if it resulted in exceptional hardship, would clearly come within the spirit of the section.

Mr. BROWN. I am satisfied with that answer, because, as I understand, relief is not given in any case unless there is an abnormality.

Mr. GEORGE. That is true.

Mr. BROWN. If the abnormality existed because of the predecessor-corporation situation, it seems to me a fair interpretation of section 722 is that relief could be granted.

Mr. GEORGE. I believe it should and could be, if the failure to consider the history of the predecessor had brought about circumstances and conditions which resulted in an abnormality in investment or in income for the taxable year.

Mr. BROWN. I agree with the Senator. May I ask him if that opinion is concurred in by Mr. Stam, counsel for the joint committee who aided in drafting this section?

Mr. GEORGE. I should think Mr. Stam would concur in that opinion, and my recollection of some discussion of it

leads me to that belief. Of course, I would not speak for him otherwise.

Mr. BROWN. My understanding was that he did agree.

Mr. GEORGE. I think he did.

Mr. KING. Mr. President, I am very glad the Senator from Michigan brought to the attention of the Senate the matter now under discussion.

I share the views expressed by my colleague the Senator from Georgia [Mr. GEORGE]. If there should be any dubiety upon the part of the representatives of the Treasury in the interpretation of the provision, I am sure the statements made by conferees as to their interpretation would be considered as part of the res gestae, and would influence the representatives of the Treasury in arriving at an interpretation of the provision; and that is one reason why, among others, I finally yielded instead of contending to the end for the amendment offered by the Senator from Georgia. It was a just and fair amendment, and ought to have been adopted, but with the provisions now in the bill, together with the statement just made, I think the Treasury Department will place upon the provision referred to the interpretation which has just been indicated.

Mr. GEORGE. Mr. President, just a final word with reference to an amendment adopted by the Senate which was specifically omitted in the conference; that is to say, an amendment dealing with the awards of the German-American Mixed Claims Commission, and exempting those awards from the excess profits tax provisions of the bill.

I had the honor to offer that amendment in the Senate, at the request of some Senators who necessarily had to be absent. We were assured—and I think beyond all doubt it is a correct statement—that section 721 (a) (1) of the bill as reported by the conference committee clearly covered the case in hand, and that these awards, when paid and to the extent that they do no include current interest, should not and would not be subject to the excess-profits tax. I take it from the discussion which was had in conference, and the report which has been submitted, that it is important now to note that all such payments made upon these awards—specifically, the German-American awards—except for interest accruing during the taxable year 1940 or thereafter, will be exempt from the excess-profits tax.

Mr. CONNALLY. Mr. President, I very greatly regret that the House conferees refused to agree to the war profits tax amendment which I had the honor to offer and which the Senate adopted on this bill, and which it adopted as an amendment to the last tax bill, the Revenue Act of 1940.

I cannot, of course, know the motives which actuated the House conferees; but I assume, of course, that they were proper. I make no reflection upon the House conferees; but I urge upon Senators and upon the country that they impress upon the Members of the House the importance of enacting legislation of this character in advance of a state of war, rather than waiting until after the country is involved in war, perhaps—I hope not; I pray God we do not have a war—to adopt a taxing system.

In the first place, such a system can be considered more deliberately and more carefully and more cautiously in time of peace. We have a better picture of the whole field of taxation than if we wait until war is upon us and then, in a great emergency and under great stress, and under whip and spur, we hastily and probably improvidently adopt a plan of war taxation which over the long years would not be wise or not be best for our economy.

Of course the rates carried in the particular amendment to which I refer are very high; but war is not a normal condition. War is a state at variance with all normal procedures. I have an abiding conviction that in time of war, while we want to preserve as well as we can our industrial and commercial and business activities, every citizen, whether he be in the armed forces or in the civilian economic structure, ought to be willing during the existence of the state of war to give up, either in his personal services or out of his own resources and income, substantially all above a comfortable living. So these rates are very highly graduated. I want the country to know, however, that the present Congress has already authorized appropriations of something like $15,000,000,000 for preparedness and national defense, and those sums will have to be repaid. In addition, during the past several years we have accumulated a tremendous deficit in time of peace in the form of the national debt. That debt will have to be paid. We might as well make up our minds now that beginning in January it will become the duty of the Congress to revamp and revise the entire tax structure in order to raise what we would ordinarily regard as staggering sums for the purpose of meeting the national needs.

Much of the ground which has been plowed over by the Finance Committee in the present bill will have to be reviewed in January. Much of what transpired in the last revenue bill will have to be reharrowed and replowed and recombed for sources of revenue. I think we ought to let the country know that that is the case. If we do not let them know, we shall lull the country into the belief that this apparently inexhaustible supply of money which comes purely from loans and not from taxation will continue. It will not continue. We all know that after a while the springs will dry up. I hope the Members of the House of Representatives will come back here in January with a resolve to be willing to survey the whole field of taxation and impose much heavier rates.

The truth of the matter is that in this period of emergency, so far as income and outgo are concerned, we are in a state practically comparable to a state of war. We are spending vast sums and supposedly having profits. So far as I am concerned, I believe that even the rates carried in this war-profits tax amendment, if put into effect now, during this period of emergency, would have a great effect upon the economy of the country. They would tend to stabilize it. They would tend to arrest any movement toward inflation. They would tend to put the brakes on any inordinate profits on the part of those who are manufacturing war materials, or those who have negotiated or may negotiate contracts with the Government.

I regret very deeply, Mr. President, that the House of Representatives, through its conferees, has a second time rejected the war profits tax amendment. That amendment by its specific terms would become effective only upon a declaration of war by the Congress, and by the declaration in a congressional pronouncement of a state of emergency, hedged about with all necessary safeguards protecting the authority and the power of the Congress itself. I repeat, it is a very great disappointment.

The Senate has performed its duty with respect to this matter. The Senate Finance Committee, through a subcommittee, spent many weary months in exhaustive hearings, in laborious sessions, and in consultation with experts, in the preparation of the bill. It is not a wildly conceived, visionary plan of confiscation; it is a carefully studied and a carefully implemented plan, of heavy taxation, it is true, but so drawn as to spread the burden in a way which would make the ability to pay the real test, and yet would leave in everyone's possession and enjoyment a sufficient income to meet the necessities of the period and of the times.

Mr. President, we shall not despair, but the Senate I am sure will continue to insist, upon every legitimate occasion, that we should look into the future, or just a little farther than our footsteps might lead us, and prepare for that particular period when, if we should become engulfed in war, automatically this form of taxation would come into effect, and as a result we would have the vast increase of our national income and a slowing down of the accumulation of vast profits as a result of the country's misfortune in being plunged into war.

Mr. VANDENBERG. Mr. President, inasmuch as there apparently will be no roll call on the conference report, I wish to make it plain for the RECORD that my view has not changed respecting the bill. I found it impossible to accept membership on the conference committee because I was so completely out of sympathy and out of harmony with

the Senate's version, and since the conference version inevitably had to be less palatable than the Senate version, in fairness to the chairman of the Senate conferees I was unable to be a party to the crime.

I still think this bill is an imponderable mess, which is being perpetrated upon the poor American businessman at a time when he should be allowed a slight modicum of freedom to attend to his own business in behalf of a healthy public economy.

I think it is a tax atrocity in many of its features. It is not an excess profits tax law in any adequate or legitimate sense of the word, because it merely uses the pious excuse of an excess-profits tax to reach into normal taxes and penalize the taxpayer.

It certainly is not a war-profits tax, which probably two-thirds of the country thinks it is, because it does not even remotely reach into the area which is going to prevent the so-called war millionaire, and the extraordinary war profits, which the able Senator from Texas has been most appropriately discussing.

Mr. CONNALLY. Mr. President, the Senator from Michigan was favorable to the war-profits amendment, was he not?

Mr. VANDENBERG. Oh, yes; and I am about to say something further about it.

The bill not only fails to justify an excess profits tax definition, it not only fails to justify war profits tax definition, but it is not even a revenue bill within the reasonable definition of that term, in the presence of the Government's present fiscal needs. Again I agree with the able Senator from Texas when he insists that the responsibility of the Congress should be to face the fiscal realities, and do something measurable to meet them.

This is the second extraordinary revenue bill we have had this year. The two of them put together in this particular year will not produce over a billion dollars, in all probability. Yet, this year's deficit is already $10,000,000,000, and it is perfectly obvious, as the Senator from Texas has said, and as every Senator knows, that there has to be a realistic, fundamental, basic reorganization of the entire tax structure of the country, and there has to be courage enough to lay the heavy hand of Government upon sufficient revenue to approximately balance a portion of our books, at least, or we shall lose the first line of national defense, which is the protection of a solvent public credit.

So, Mr. President, without any criticism of the Senate conferees, because they have done the best they could with an impossible task—their possibility of operation was entirely bounded by the infirmities of the original measure—I continue to feel that in the present critical emergency the bill is a positively pathetic travesty upon the proper approach to the steps necessary to the maintenance of public credit. I think it fails completely to justify the theory or principle of a real excess-profits tax. I think it fails completely even to approach the rim of an assault upon so-called war millionaires. Since the conference report leaves very little I could approve, I wish to make it plain that I still think the bill is an imponderable mess, and I still think it is a tax atrocity.

Mr. BARKLEY. Mr. President, I merely wish to express a word of regret that the Senate conferees were compelled to yield on a small and relatively unimportant amendment which I offered, and which was adopted by the Senate. Under the bill as it was passed by the House, and as it was reported by the Senate committee, corporations which lose money because they have purchased bonds are allowed certain credits with respect to the fixing of the average earnings over the base period. The amendment which I offered provided the same privilege where a parent corporation made a loan to a subsidiary, and lost it entirely, not by a bond issue, but by accepting a promissory note.

The Treasury experts apparently objected to that, and therefore it went out. I do not know what objection there was. It did not affect very many people, it did not affect very much in the way of revenue to the Government, but it seemed to me to be a measure of justice to business institutions which made loans to corporations which they owned, where they lost money through bankruptcy or other proceedings.

I appreciate the efforts made by the Senate conferees to retain the amendment, and I hope that when we have before us another tax bill, we may be able to give more consideration to that relatively small question.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

EXTENSION OF OIL AND GAS PROSPECTING PERMITS

Mr. BARKLEY. Mr. President, yesterday on the call of the calendar the Senate passed Calendar No. 2207, House bill 8448, to provide for the extension of certain oil and gas prospecting permits. A similar Senate bill (S. 3172) was postponed indefinitely.

When the bill was called I overlooked that I had received a letter some 2 weeks ago from the Secretary of the Interior calling attention to the fact that this same extension was granted 3 years ago, and that the President at that time announced that he would not approve any further extension of the same leases. I did not object to the consideration of the bill at the time it was reached on the calendar because I had overlooked the objection of the Interior Department.

I ask unanimous consent that the vote by which the bill was passed be reconsidered, and that the bill be restored to the calendar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BARKLEY. I ask also that the action postponing indefinitely Senate bill 3172 be reconsidered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

LABELING OF WOOL PRODUCTS; TRUTH-IN-FABRIC CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

Mr. THOMAS of Oklahoma. Mr. President, as I understand, the so-called truth-in-fabric conference report regains its place before the Senate as the unfinished business.

The PRESIDENT pro tempore. The conference report was laid aside only by unanimous consent for the consideration of the conference report on the tax bill. It is the unfinished business, and will continue so until the time of adjournment or recess.

Mr. THOMAS of Oklahoma. Mr. President, before a consent agreement was presented for the consideration of the tax-bill conference report, the senior Senator from Massachusetts [Mr. WALSH] asked me whether in my opinion the truth-in-fabric bill, if enacted into law, would not favor foreign manufacturers over domestic manufacturers. My answer is, emphatically, "Yes."

It is conceded by those who have made a study of the proposed legislation that it is impossible to tell by examining a piece of cloth whether or not the cloth is made from so-called virgin wool or a mixture of so-called virgin wool and reprocessed wool.

Mr. PEPPER. Mr. President, will the Senator from Oklahoma yield?

Mr. THOMAS of Oklahoma. Mr. President, last night the junior Senator from Florida sought the floor, and because of conditions over which he had no control, and over which no one else had control, he did not get the floor. I promised at that time to yield the floor at any time he desired to address the Senate, and I now yield for that purpose.

Mr. PEPPER obtained the floor.

Mr. SCHWARTZ. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. SCHWARTZ. I desire to make a parliamentary inquiry.

The PRESIDENT pro tempore. Does the Senator from Florida yield for that purpose?

Mr. PEPPER. I yield.

Mr. SCHWARTZ. I wish to know whether, if the Senator from Oklahoma yields for other than a question, he surrenders the floor and concludes his speech for the day.

Mr. PEPPER. Mr. President, I should like to say that if such would be the effect of the generous action of the Senator from Oklahoma, I would feel constrained not to accept the benefit of his generosity. Unless he intentionally yields the floor, I do not desire to cause him to lose the floor.

Mr. THOMAS of Oklahoma. Mr. President, I am advised that I have the privilege of speaking twice on any day upon any subject. I yielded to the Senator from Mississippi [Mr. HARRISON] in order that the conference report on the tax measure could be brought up. I have not yielded at this moment for any other purpose save to permit the Senator from Florida to speak. If it is held that by yielding I should lose the floor, I should not yield, but continue my remarks. I am only too glad to yield if later I may be recognized by the Chair and may resume the floor.

The PRESIDENT pro tempore. The Chair is not advised as to whether or not the Senator has spoken once before today. He is entitled to make two speeches on the same day. If he yields the floor now and takes the floor again, it will be his second speech.

If a point of order is made as to a third speech, the Chair will have to rule that the point of order is well taken. The Chair cannot determine these matters until the point of order is made by some Senator and the facts are presented to the Chair.

Mr. THOMAS of Oklahoma. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. THOMAS of Oklahoma. Does the Chair hold that the Senator from Oklahoma has already spoken once on this day?

The PRESIDENT pro tempore. If the Senator yielded by unanimous consent for the consideration of the conference report on the tax bill, he will not be considered as having yielded the floor under the Senate rules.

Mr. THOMAS of Oklahoma. I now ask unanimous consent that I may yield the floor to the Senator from Florida on condition that I may not lose the floor and that I may proceed with my remarks on the conclusion of the remarks of the Senator from Florida.

The PRESIDENT pro tempore. Is there objection?

Mr. O'MAHONEY and Mr. SCHWARTZ objected.

Mr. THOMAS of Oklahoma. Then I yield the floor, Mr. President, to the Senator from Florida.

THE PACT AMONG GERMANY, ITALY, AND JAPAN

Mr. PEPPER. Mr. President, in the last few days the world has seen another challenge by the dictatorships to the democracies of the earth. This is simply another chapter in the long story which for the past few years has been sadly written before the eyes of mankind. This book started, so far as recent history is concerned, in the case of one of those governments signatory to the Three Power Pact, with its assault upon the independent character of China, under the pretense that it had to attack that country for its own defense.

In spite of the fact that there is no other country in the world which has borne for centuries the pacific reputation which the Chinese people have borne, the aggressions of this country, Japan, were directed against this peaceful country of China, as the world later learned, for no purpose except to aggrandize itself, out of the great wealth of that peaceful people. That policy on the part of the Japanese Government found expression a little bit later in making a definite assault upon the main body of that nation, when its cities were plundered, its people were enslaved, its women were ravished, and its wealth appropriated to satisfy the appetite of this oriental conqueror.

It soon became apparent that its appetite was not even satisfied by this huge morsel of China, but that it extended its gaze to the south and looked upon territory that belonged to what were then considered impregnable nations of the West. We have found it turning its lustful eyes first upon a French island, and later upon territory of a France now lying prostrate under the foot of another ruthless conqueror.

Finally with that appetite growing upon what it had fed, we find that same unsatisfied lust turning itself even farther to the south to gobble up the relatively unprotected area formerly belonging to a land which now itself is a slave to another master.

So that country, starting out upon the pretense that it was necessary to defend itself, has now made the open declaration to the world that it is interested in one thing, loot, and it has one purpose, conquest of all that may be brought within its sway. That is one power to this pact which was enacted with the usual ceremonial before these conquerors in the city of Berlin last week.

Another nation which was signatory to that pact, the Italian Nation, gave to the world its first modern exhibition of the totalitarian state. As early as the early twenties it established itself by the famous march upon the capital of the Italian Empire, and proceeded thereafter to destroy first the integrity of its own country by bringing its people to slavery, by persecuting them with cruel punishment, by suppressing all evidence of freedom, and molding the will of a noble people to the dictates of a ruthless conqueror. So, the first conquest in that march was of its own people, as has been the unhappy experience of every people who came within the sway of that form of modern state.

Now, a little while later we see that same state, which at first had no declared purpose except its own integrity and safety, not satisfied with what it had at home, and what it might gain legitimately from exchange of goods and services with its neighbors and the world—we find that government turning a lustful eye upon a simple people living far to the South, which had an ancient and an honorable past, which certainly threatened no other people, not indeed the Italian people, with any form of aggression imaginable to the mind of man.

Here again this nation found it necessary to enhance its prestige and to give expression to what it considered its legitimate national interest by offending the conscience of mankind and turning the mighty power of an enlightened nation upon the ignorance and, in some instances, the savagery of an unenlightened people helpless against the attacks of modern war and modern machines.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield to me before he gets too far away from the subject of the situation in the Pacific? I wonder if he would mind if I make some remarks in reference to it?

Mr. PEPPER. I yield.

Mr. SCHWELLENBACH. I wish to start out—and I say this with no spirit of criticism at all—I wish to start out by congratulating the Senator from Florida in finally having joined with those of us in the Senate who for some years have recognized the seriousness of the situation in the Pacific. It was in January 1937 that I first introduced a joint resolution in this body which provided for an embargo against the shipment of scrap iron and scrap steel. If that joint resolution had been adopted in 1937, I am confident that Japan would never have continued on in China in August 1937.

After Japan took its position and attempted to take China proper, I introduced into this body a joint resolution based purely upon the obligation which we had as a signatory to the nine-power agreement, which would have enabled our Government to have stopped Japan at that time; and the present Presiding Officer, the President pro tempore of the Senate, the chairman of the Foreign Relations Committee of the Senate [Mr. PITTMAN], introduced a similar joint resolution. The philosophy of our two joint resolutions was a little

different, but there was never any disagreement between us as to the purpose of those joint resolutions.

Now we find, after 3 years, when we either knew or should have known what the situation was to be in the Far East, that we are told we must do something, or else. I simply wish to express my regrets that the Congress of the United States has not seen fit to take the very simple step which was suggested by us, a step which could not be honestly complained of by any nation in the world, because it was a step which was based upon a responsibility and an obligation which we had under a solemn treaty into which we had entered; and if we had recognized our responsibility under that treaty at any time during the last 3 years we would not today be confronted with the situation that confronts us so far as Japan and the Far East is concerned.

We are now faced with a situation where, having delayed, having lagged behind in our responsibility for a period of 3 years, any step we might take might be fraught with great danger; and I wish respectfully to suggest that the steps that we take in the Pacific be based upon the same grounds as have been suggested by the Senator from Nevada and by me during these last few years—that they be based upon our responsibility as signatories under the nine-power pact.

So long as we take a position which has as its basis a definite commitment which was made many years ago, a commitment which we made during time of peace, a commitment which was made because we wanted certain things to be done in the Far East, if we carry out that commitment, no matter what may be the results, I am sure the people of the country will stand behind the administration and the Congress in carrying it out. I am only sorry that we must have all the things which have happened during the past week in order to bring forcibly to the attention of the country the situation in the Far East. In every poll which has been taken the people of the country, to the extent of from 60 to 80 percent, have indicated their desire that we carry out the provisions of the Nine Power Agreement and that we stop our policy of violating our obligations under the Nine Power Agreement. But it is unfortunate that the Three Power Agreement of last week was required to bring the matter forcibly to our attention.

Mr. PEPPER. Mr. President, I am very much indebted to the able Senator from Washington for the valuable contribution he has made to the subject. The Senator is undoubtedly deserving of the thanks of the country for the enlightened leadership which he has afforded in the effort which he has just described. The difficult thing is for us, now looking back upon what has happened—and particularly what has not happened—to explain why we did not do what the Senator suggested.

Mr. SCHWELLENBACH. Mr. President, will the Senator further yield?

Mr. PEPPER. I yield.

Mr. SCHWELLENBACH. I am only sorry that I did not furnish leadership. I am only sorry that my voice was a voice in the wilderness, to which nobody paid any attention; because had the resolutions which I introduced, or the resolution which the Senator from Nevada introduced, been adopted by the Congress of the United States, we should not today be confronted with the serious problem which now confronts us.

Mr. PEPPER. Mr. President, the situation which the Senator describes is not at all attributable to lack of leadership on the part of the able Senator from Washington. It is rather attributable to that strange psychological phenomenon, the moral and spiritual apathy of the peoples as a whole constituting the democracies of the world. It was not only the people of the United States who expressed that apathy. It was the major nations of the world. I go further and supplement what the able Senator from Washington has said by stating that had the nations of the world interested in peace, law, and orders, and something like international decency, acted when Japan entered into Manchukuo upon a policy of willful aggression and unjustifiable conquest, perhaps there would not have been a World War, taking boys from American homes to the training camps of America in the year 1940.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HOLT. Will not the Senator agree with me that the country which sabotaged the Nine Power Pact was Great Britain? Was it not Great Britain which said to the United States, "Do not bother about Manchukuo"?

Mr. PEPPER. I will say to the Senator that undoubtedly Great Britain had a large share of the responsibility for what was done. It has always been assumed that the newspaper reports and the common understanding of the facts are true, that Secretary Stimson appealed to the British Government to cooperate with the American Government in taking some steps to prohibit the aggressions of the Japanese in Manchukuo.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. SCHWELLENBACH. I think that our attitude in reference to Great Britain and the Far East must necessarily be the same attitude which I find myself compelled to take so far as the Senator from Florida is concerned. It was not more than a couple of months ago that I interrupted the Senator from Florida in a speech which he was making, and asked him a question about the speech. He turned to me and said that I was very belligerent—I think I am quoting him accurately—so far as Japan was concerned, but that I was not belligerent so far as Germany was concerned. I took great care at that time to explain that neither he nor anyone else could find in any speech I had ever made, or anything I had ever written, any belligerency toward Japan. I have always consistently taken the position that our course was outlined for us when we signed the Nine Power Agreement, and that I did not need to be belligerent toward Japan in insisting that we should comply with the provisions of that agreement. The Senator from Florida did not agree with me then. In the same way, in 1931, Sir John Simon did not agree with our then Secretary of State, Mr. Stimson. I cannot find it in my heart to be critical of the Senator from Florida, now that he has seen the light and joined with me in my position; and I do not think that we as a nation should be critical of Great Britain because of the fact that at long last she has seen the light and has recognized the dangers involved in the situation in the Far East.

Mr. HOLT. Mr. President, will the Senator from Florida yield to me so that I may ask the Senator from Washington a question?

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Florida yield to the Senator from West Virginia?

Mr. PEPPER. I yield.

Mr. HOLT. It is not because of the fact that Great Britain has seen the light. It is because of the fact that Great Britain's self-interest is at stake.

Mr. SCHWELLENBACH. After all, in international relations there is the responsibility of self-interest upon the part of every Nation. We certainly have a very definite responsibility of selfish interest. For 3 years I have been outlining our responsibility under the Nine Power Agreement. I have been outlining it as a course, on the basis that it was to our selfish interest to insist upon the integrity of international contracts. Hardly anybody has agreed with me.

Mr. HOLT. Mr. President, will the Senator from Florida yield? He is always very generous, and I do not mean to impose on his time.

Mr. PEPPER. I yield.

Mr. HOLT. My point is this: We have heard that this is an unselfish act. I agree with the Senator from Washington that all nations must be selfish. Frankly, I feel that we are not selfish enough. I feel that we have tried to pull too many chestnuts out of the fire for too many countries, at the expense of American boys. I have no objection to what Great Britain has done; but I do object to Great Britain

pushing American boys to the front to do battle for her. I thank the Senator from Florida.

Mr. SCHWELLENBACH. Mr. President, if the Senator will further yield, I cannot agree with the last statement. We are now talking about the situation in the Far East. On Armistice Day, 1921, there was called by Mr. Hughes, the then Secretary of State, now Chief Justice of the United States, what was known as the Washington Conference. The war was over. There was a very definite desire upon the part of our Government to decrease the expenditures for the Navy. After the Treaty of Versailles had been concluded the people of China were very much outraged at the fact that Japan, which had merely rendered lip service in the war, was not only given rights outside of China, not only given the right to take over all the German possessions in the Far East, but was given certain rights in China. China declared war against the Imperial German Government at the specific request of the President of the United States. She declared war because of the fact that through the years she had had such a friendly relationship for the United States. She did not render very great service, but she rendered about as much service as did Japan. Yet when the Treaty of Versailles was written all the advantages in the Far East were given to Japan, including, as I say, certain advantages in China itself. So the Chinese people declared a boycott on the use of Japanese goods.

The meeting in Washington had many purposes. One of the important purposes was a naval agreement. We were anxious to enter into an agreement with Great Britain and Japan on a 5–5–3 basis. Japan was very anxious to have the boycott, which was destructive so far as Japanese trade was concerned, lifted, because Japan was then much more dependent upon her trade in China than she is at the present time. So the Japanese said to us, "If you can persuade your friends the Chinese to call off their boycott, we will agree to a naval reduction program." We did so. China said, "We have just about succeeded in our boycott, and we want something in consideration for giving it up." So the Nine Power Pact was written, under the terms of which nine of the great nations of the world agreed to respect the territorial and administrative integrity of China. We were paid for it. We wanted naval reduction. Japan was paid for it. She wanted an abolition or abandonment of the boycott. China obtained the Nine Power Agreement.

I have consistently taken the position that we owed a responsibility under that agreement, since we knew that Japan was attempting to destroy the territorial and administrative integrity of China. We owed the very definite responsibility not to furnish about 80 percent of the war materials which Japan was using for that purpose. With relation to the Far East I cannot agree with the Senator from West Virginia that we are simply pulling somebody's chestnuts out of the fire. We made a contract. I have taken the position that we should keep that contract by telling our people who produce and ship scrap steel, scrap iron, and gasoline, "You may not ship those things in violation of an agreement which your Government has made."

There is no nation in the world that could possibly object to our taking such a position. It is not for the purpose of protecting Great Britain; it is merely for the purpose of trying to be honest in international affairs.

I think no one can deny that the break-down, insofar as international affairs are concerned, has come because many nations of the world have refused to recognize their treaty obligations. We have always tried to take the position of insisting upon treaty obligations, and when one nation, in violation of a treaty, took over another nation, we said "We will not recognize that acquisition of territory." It was not merely because it was acquired by aggression; it was because it was acquired in violation of all the rules which we have felt were right so far as international affairs were concerned. We cannot consistently defend our position, having supplied the military equipment and munitions to Japan in order that Japan might use them to destroy the territorial and administrative integrity of China, without recognizing that we ourselves have been most derelict in our duty so far as treaty obligations are concerned.

Mr. HOLT. Mr. President, I do not want to impose upon the Senator from Florida——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from West Virginia?

Mr. PEPPER. I yield.

Mr. HOLT. I repeat, I do not wish to impose on the Senator from Florida, for he is always a gentleman, and I appreciate his courtesy, although we frequently disagree; but the Senator from Washington spoke about treaty obligations. The Senator from Washington knows that the United States has had a high reputation for keeping its treaty obligations in international law, but a few weeks ago the United States Government broke its own treaty when it allowed the transfer of destroyers, because in doing so it violated a solemn pact which it signed at the Hague Conference. So we ourselves are not entirely clear. I thank the Senator from Florida and do not desire to take any more of his time.

Mr. PEPPER. I am grateful to the able Senators for their valuable contributions in the discussion of this subject.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MINTON. I ask the Senator if it would be a violation of the Hague Pact, since Great Britain is not a party to the Hague Pact?

Mr. PEPPER. The observation of the Senator from Indiana is pertinent, and even my friend, the able Senator from West Virginia, knows my sentiments on the question of the transfer of the destroyers and its justification and legality.

Mr. President, while what I have done individually or what I have thought individually is not important, there has never been a time when I have not been ready to vote for the resolution of the Senator from Washington and the Senator from Nevada. I think, perhaps, the Senators will recall that I so indicated to them in the committee, and commended the Senators for the action they had taken in trying to preserve something like a lawful and decent world, knowing that the kind of a world it was determined very definitely the kind of life this Nation had in it.

I will state further, Mr. President, that three things might be considered to have influence on the decision of Great Britain and the United States when the Manchukuo question arose. I have heard it disputed even by officials of our own Foreign Service, while at Geneva in 1938, that there was any such clear proposition as has been supposed, made to the British Government by this Government. Whether there was or not, I am not informed, and I have no authority to speak on the subject at this time. Let us assume there was——

Mr. SCHWELLENBACH. If I may interrupt the Senator, I wish to tell him that there was.

Mr. PEPPER. As I said, let us assume that there was, I can well understand how any foreign government might have some little reluctance, without any affirmative action being taken by the American people or the American Congress, to accept the action of the executive department as binding on this Nation to an affirmative policy which might have led actually to belligerency in a territory so remote from this country as is the Far East where the Manchukuo incident arose. I am not saying that that was what actually moved the British Government in the action it took or did not take, but that is at least a theoretical possibility.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Washington?

Mr. PEPPER. I yield.

Mr. SCHWELLENBACH. I do not think anybody who had studied the situation, so far as Japan is concerned, in the last 10 years could come to any other logical conclusion than that the keeping of the obligations under the Nine Power Agreement by our Government or by the British Government, would not have led to belligerency. There was not the slight-

est possibility of such a thing and every authority on the Far East agreed as to that. I remember, I think it was last year, or perhaps it may have been early in this year, I posed to Admiral Yarnell, who is probably the best authority on far eastern matters so far as our official life is concerned, the question whether or not if we should adopt either the resolution submitted by the Senator from Nevada or the resolution submitted by me there was any possibility of getting into war with Japan, and he answered the question categorically, "No."

Now, we have reached the point where there is a very definite alinement between Japan and Germany and Italy, and we are confronted with a question of an entirely different nature than that which has confronted us ever since August 1917 as a definite proposition.

If I may make some claim for being a prophet, I prophesied in January 1937 that, unless we stopped supplying war materials to Japan, sooner or later she was going to go farther into China and attempt to take over China in violation of the Nine Power Agreement. But there is no authority upon the Far East, no one who knows anything about the Far East, who has had any doubt during this period of time that if we had shut off the supply of war materials the Chinese-Japanese War would not have been started in 1937.

Mr. PEPPER. Mr. President, of course, the Senator in making the prediction to which he has referred was being moved by principles as old as the race itself and its experience; that is to say, if we permit one nation to make aggression upon aggression without being checked and without being restrained, in other words, if the lusts of mankind are permitted to be satisfied without restraint or remonstrance, of course, they will be extended and expanded as far as their reach may go.

The Senator will also agree, I imagine, that if there had been a concert of the law-abiding and law-observing nations of the world at any time during the last 20 years in restricting and restraining these international illegalities, and this international brigandage which from time to time has reared its ugly head, it would have been stopped and there never would have been the chaotic and terrible situation which faces mankind today. Although there might not have been actual war, the fear of it or something akin to the fear of it or some other quality to which I was about to refer, the moral let-down on the part of the civilized people of the world and their shrinking from boldness, definiteness, and positiveness on moral issues has been responsible for not curbing those activities, however hideous they have appeared.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. SCHWELLENBACH. I think the Senator knows that, so far as Ethiopia was concerned, Mr. Hoar and Mr. Laval, representing the English and French Governments, respectively, gave assurance over a period of 8 months to Haile Selassie that they would not permit Italy to attack Ethiopia, and yet when the time came they presented the so-called Hoar-Laval agreement to Haile Selassie under which Italy would get all the best part of Ethiopia and Haile Selassie and the Ethiopians would get the remainder of it. Then, after the attack was made upon Ethiopia and the League of Nations declared the sanctions policy, practically every nation which was a member of the League of Nations secretly walked out on the agreements, and the necessary oil, which Italy had to have in order to carry on the campaign against Ethiopia, was very speedily supplied.

Mr. PEPPER. Mr. President, I think that the period between 1920 and 1935, we will say, will be looked upon and written about by future historians as being one of the ignoble periods of the world's history. I spoke of the moral let-down that occurred in the period subsequent to the World War. That let-down in morality and appreciation for moral principles was not confined to the chancelries of the great powers; it was not restricted to the statesmen of the world; it actually reached into private homes, even to the internal, political life of this great Nation, for it was in the wild twenties that young men and young women, and older men and older women lost the sense of personal moral values.

It was the jitterbug age, when youth seemed to have no anchor, when older men and women seemed to have no faith in the security of a world that was good here or anywhere else. It was a world where life was the so-called wild life. It was pleasure-seeking and money-grabbing that came to be the chief incentive of the people of this country, and the distorted figure of the dollar mark would perhaps have been the most appropriate symbol to place upon the flag of our dear country if many of the acts of this country had been expressed in that unhappy period. Indeed, that was one of the periods in our national history when corruption entered into the official life of this Nation, and reached to such high places that it shocked the conscience of an honorable people. That was in the same period when the standards of decency were not being observed by the powers of the earth.

Mr. President, I have spoken of two powers which were signatories to the Axis pact to which I adverted, and something of their history during the period from 1920 to 1940. The third signatory to that pact, Germany—a republic subsequent to the World War, hard-pressed economically, stifled politically and from a military point of view—yearned for law and order, for the old organization, and the economic comfortableness which she had enjoyed prior to the war. So the people of Germany listened to the siren call of a man named Hitler, who started out to give the dispairing German people all the things they had yearned for.

I have seen with my own eyes the scars upon the public buildings at Munich where bullets were fired in melee and civil war in that great and ancient city. This man Hitler, promising security to that disturbed and disordered people, held out to them alluring hope. He had one great trump card to play, and that was, "I will throw off of you the shackles of this hideous Versailles Treaty," and he told them it was the Versailles Treaty which was responsible for all their ills. Once they got rid of that, he told them, upon earth would open again a beautiful and golden horizon, and life would be lovely, and comfortable, and profitable, and luxurious, and full of pride, as it had been, for the great German Nation. He continued to use that pretext while he rearmed the Rhineland, and while he remilitarized his country, and while, plank by plank, and part by part, he tore the Versailles Treaty to shreds before an apathetic world.

And still the great nations signatory to the Versailles Treaty stood by and did nothing. Why they did nothing only the psychologists of the future will be able to say. That they did not is one of the dark spots in the history of the race; but they did not, because they believed the persuasive assurances that were given. So step by step went the conquests of this Nation, still under the pretense of bringing Germans back into the Reich, of giving Germans their naturally admitted national rights, of relieving the German people from oppression by other nations, until finally Germany had spread and spread and expanded and expanded until it came to be a cruel giant standing astride of Europe, ready to devour it in its ruthless career of conquest.

Now, there is no balance of power in Europe any more. There is no Europe; but this successor to Charlemagne, who in 1938 brought the sword and the crown of Charlemagne from Vienna to Nuremberg and placed them there for keeping and exhibition, has Europe under his military heel. Fair France, beautiful in its traditions and in its spiritual contributions to the literature and the learning of the world, today is but a base slave that moves under the scorpion-like lash of a dictator's whip; and brought within the compass of the same power are proud Spain and the other territorial areas of Europe. Not even the Scandinavian or the Low Countries have escaped.

Now that power knocks at the door of the British nation itself, seeking to realize an ancient ambition to be able to destroy that proud island. Now it reaches its strong and mighty arm across the sea, and tries to bring within its range every people upon whom its fingers may lay their foul clutch.

That is the third power which signed the new pact a few days ago.

I suppose now there is nobody who is deceived by the pretensions of these powers. Whatever may have been the delusions of the trusting and the faithful a little while ago, those who believed the protestations of this conqueror that he meant nothing but good and abhorred, above all, evil—I suppose even the most simple now are assured that the object of that tripartite pact was but one, and that was to bring within the sway of those who signed the pact the people and the property of the world.

They were determined to make the world over by their pattern, and to distribute among themselves the obtainable spoils of the earth.

Mr. President, if one overlooks the character of this movement, if he fails to observe that it is a world-wide revolution, he misses the whole point about this world disturbance. Mussolini has been very valuable as an interpreter of this movement for the rest of the world. When the Italian people entered the war it was he who gave the one straightforward and unequivocal declaration of purpose.

He said it was a world revolution. He said the have-not nations, the poor nations, were going to take the property of the haves, the rich nations; and one thing at which they aimed, he specifically said, was the gold of the world. He said it was a battle of the vigorous and vital new nations against the decadent and degenerate old nations; that it was the new states struggling for dominance against the diseased old states which had held sway in the centuries past. How reluctant all of us have been to embrace in our minds the full, terrible significance of those awful statements which the leaders of mighty states brazenly have been declaring to the world.

Obviously what these dictators in confederacy assembled aspire to do is to break down every bit of opposition to their march of conquest. There are just two great citadels of democracy which stand in the way of their ruthless progress. One of them is the brave British people, who for the last few months, to the glory of their race, have defended their little island, under the leader of Britain who personifies that courageous people, Winston Churchill, who has declared to the world that the British people would fight the invader upon the beaches, they would fight him in the cellars, they would fight him in the dungeons or by the hilltops and in the fields. I believe the first note of fear which has penetrated the cavernous heart of Hitler was the consciousness that in Winston Churchill there was a mortal soul which he neither could intimidate or frighten.

That is the reason Hitler said, "If Churchill becomes a member of the British Cabinet it means war with England," because he knew that that indomitable spirit could not be crushed by his threats.

So the Germans hoped they might destroy Britain alone, "divide and destroy" having been their policy, which had worked out so successfully in the past. But the "blitzkrieg" did not work on schedule. The Germans expected to erase the British people from the face of their land by bombings from the air or paralyze them by the terror of fright; but they did not do it. Many of the British people died, but the survivors kept on fighting; their babies were killed, but they fought on and they kept on looking to the west with hope in their hearts, and they kept on saying, "The inevitable day of victory will come when this evil thing, this scourge to mankind, will be overcome."

So the signers of this pact looked upon another nation beyond the ocean's confines, and they saw a stream of material aid coming across the ocean to this embattled people; as the Senator said a moment ago, not altruistically, not generously, not as a gratuity, but as a contribution to the strengthening of the first line of defense of America's physical, moral, and spiritual solidarity and security.

They would like now to say that is the reason why the "blitzkrieg" has not worked; that it is the aid from America which has made the British able to withstand their horrible assault.

Now, as the dictators see the volume of that aid ever increasing, day by day and month by month, under the determined demands of the American people; as they see the stout-hearted resolution of this Nation not to permit Great Britain to be the victim of this cruel conquest; as they come to understand that this Nation has been aroused at last out of its lethargy and apathy, now is sending its sons to the training camps for her defense, equipped with modern weapons of war; as they see that we are no longer a divided people, but that we stand resolutely unified for liberty, regardless of party or personal conditions; as they see these things they see that the ranks of democracy are closing up, and at last free men have their blood up and their spirit up; that they have straightened up, like the mighty men they are, and have dared to look their would-be conquerors in the face, and defy them to the conquest of their sacred soil.

It is not the same kind of enemy these monarchs of power have been running into. Not one of us but feels some personal pride in being a part of this race of freemen. It is a slowly aroused people. It is reluctant to enter the crucible of war. It is peacefully inclined. It gets so much out of its culture and its life that it hates to lay them down upon the cold sod of the battlefield. But they have not been afraid to die, and if demand be made upon this generation, as much as they love the richness of this generation's life, they, too, are not afraid to die, because they have an inheritance for which to die—of which they are proud.

So what do these creators of new worlds do? They devise another scheme for another squeeze play. Poor France, divided, disunited, unprepared in body and in spirit, fair country that it was, fell prostrate between the Frankenstein to the north and the stiletto to the south. Now these men of war say, "Before our victory is achieved we must crush the United States. Let us try the same tactics upon her." So they look beyond the wide Pacific to another conqueror, where totalitarianism, also having spread from the other infested areas of the earth, reigns supreme and dictatorship is the policy and form of government. Before such greedy eyes the prospect of rich loot is held out. The tempter says, "Take and enjoy of the world's good things, won by the blood of great men." This newest of the dictatorships would like to take them by stabbing in the back the helpless ones who owned them and running away like a thief in the night in the security that it cannot be apprehended.

The one that might keep them back these greedy men thought they had better dispatch; the one who stood in the way of the "blitzkrieg" Hitler thought he must dispose of; so they put the squeeze play from the Atlantic and the Pacific upon the United States of America. Now they have made dire threats. They say, "If you dare let this avalanche of supplies continue to beleaguered people of Britain, if you dare impede our conquest, it means war, attacked by 250,000,000 organized, trained, and equipped people, now the masters of the Old World and the continents of Africa and Asia and Eurasia. Dare you to meet that kind of foe, particularly just before an election, while the people are still unsettled in domestic policy?"

I cannot but recall how they have manifested an interest in our domestic political situation, and how they have tried to time what they have done toward that particular situation. I remember when Britain was about to put Churchill in the Cabinet, as I stated, they dared her to do it, because they did not want that kind of a foe in the British Government.

A little while ago a certain eminent citizen of this country—Colonel Lindbergh—was considered the potential leader of a third party, and I remember how I read on the Senate floor, and all Senators saw in the press, about the satisfaction in the newspapers of Rome at such a prospect, which might divide the political sentiment of this country and defeat that brave and strong man who sits today in the White House of a free people.

Then a little bit ago, after the election in our good State of Maine, again I saw the headlines in the papers of Rome expressing jubilation over that election going against the party now in power, not jubilation because Rome loves republicanism, not jubilation because the empire of the new Caesar prefers

the Hamiltonian theory of government over another, but jubilation because of the possibility that such election returns mean that Franklin D. Roosevelt would be driven out of the leadership of a mighty nation.

Again I find these pact-signers saying just before the election that this great and peace-loving President of ours is leading this Nation toward war. They would like to hold up the horrible spectacle of war as a specter to frighten the citizenry of this country against continuing in leadership that majestic figure.

Mr. President, there has never been a time in the history of this Nation when another nation could level such a challenge to the courage of this people without the assurance that it would be flung back into their scowling faces with the aroused spirit of a strong and a brave people.

This time is no exception. I know that if they expected to frighten this Nation from continuing its aid to Britain, if they expected to keep that material aid from increasing in great volume day by day, week by week, and month by month until Britain shall become so strong on sea and in the air that they can throw back this would-be conqueror, they have misjudged the character and the purpose and the policy of the American people.

If they think they can raise the nightmare of war and pretend that it was incited by our President before the electorate of this Nation, interfere in our internal political affairs, and cause us to repudiate the foresighted and courageous leadership he has given us; if they think they can silence that brave voice which has been the spokesman for the democracies of the world, again, Mr. President, they have misjudged the character and the purpose and the policy of the American people.

Now, therefore, I think it well behooves our people, appreciating as we do the situation in which we find ourselves for the first time with a Navy almost comparable to ours threatening us on the Pacific side and a navy potentially the equivalent of ours threatening us on the Atlantic side, with the British Navy removed, and with all this long coast line open to approach over the highway of the wide ocean, I say in these circumstances, instead of cringing before threats, it behooves us to redouble, I venture to say, our efforts at defense and preparation so that if we could, our strength would be twofold and threefold what it would have been had this challenge not been leveled from those insidious and iniquitous sources.

I think we must leave no doubt in anyone's mind, in the mind of friend or potential foe, as to whether we are so full of folly and so short-sighted in vision that we will let the single democracy which is able to raise its hand upon the face of the earth go down in defeat under the aggression of the conquerors of the world all acting in concert.

If we permit this tyrannical policy of "divide and destroy" to be the means of the destruction of the citadel of freedom in the British people upon their isle and in their Navy we forfeit our obligation to our own people to think first, last, and all the time about their own physical safety and security.

In saying that, Mr. President, I do not say or imply that we should ever send troops or that we should ever send a boy from a mother's heart from this continent to fight in Britain or elsewhere unless some part of this hemisphere were attacked. But I do say, let us give until it hurts in augmenting the material resources of England so that they may be assured of superiority in the air, on the sea, and in arms; that they may be able to save their innocent homes, women, and children from the murderous assault of the night raiders who would terrorize by death a brave civilian population until they could make their Government capitulate to what means the dismemberment of that nation and that temple of freedom.

I think we should go a bit further and tender and keep open always the offer of our services to the warring nations for the purpose of finding a decent occasion for peace, but peace only upon democratc principles and upon decent safeguards for a future peace which will keep subsequent generations from bearing upon their burdened backs the scourge and the blood of another war.

I think also we should resolve in our hearts that in any future time we will and must bear our own share of responsibility for the kind of a world this is. If there was ever a time when this Nation could pursue its own indifferent way, regardless of the character of the rest of the world, that time has passed. As a matter of fact, there has never been any such era in the whole history of this Nation.

Between the time when this country was discovered and the year 1914 there were seven world-wide wars in all of which we participated; those wars originating in Europe and being world-wide in their significance. That is not generally appreciated. The one century of isolation we enjoyed, the one period when we had the consciousness of security was between 1823, when the Monroe Doctrine was promulgated by joint action and policy in substance on the part of the British and the American Governments, and the year 1914, when the first World War began. That period of peace arose not out of our geographical isolation; it arose out of the safeguards thrown around this country's security by the statesmanship of the founding fathers of this country.

Monroe, upon the advice of Jefferson and Madison, promulgated the Monroe Doctrine, by which, as Jefferson said in connection with another matter, we wedded ourselves to the British Fleet. That is what has given us the security of the past century, and the absence of it is what would give us the insecurity of the present century.

So, Mr. President, it was not geography which has saved us from attack, for wide oceans give highways of access to a territory. Germany has had a short and a small coastline which it has been able to defend for the ages past against the mightiest navies in Europe or in the world. But we have a coastline of 15,000 miles, from Nova Scotia around to Puget Sound, or 43,000 miles of coastline if you follow the indentations of the coast in all that vast territory.

How many ships, how many submarines, cruisers, and destroyers and lighter craft, would it take to patrol an area like that? Moreover, the able Senator from Vermont [Mr. GIBSON] a few days ago told the Senate that the Germans were preparing one of the greatest air fields in the world on the western coast of Africa, within 5 hours flying time of the coast of Brazil, upon our own continent.

So we find ourselves beset on all sides by potential or declared foes, the victims of a world-wide squeeze play intended to intimidate us against giving aid to Britain, and against the continuation of our preparedness program. I say that I know the American people have properly appraised this threat to our spiritual and to our physical welfare, and I know what the response of this people and its Government will be.

Mr. President, I am glad to see that there has come back again something of the old religious fervor in the hearts of the peoples of the world defending the institutions of democracy. I have been somewhat ashamed of the difference in the way the citizenry of this country has responded to democracy as compared to the way the citizenry of the dictatorships have responded to their appeals. Where they bravely gave their lives for their dictatorial purposes, we seem to shrink from such a contest, and perhaps from such a sacrifice. I am glad to see now coming back into the spirit of our people an aroused courage and determination comparable to the patriotism of our soldiers and statesmen of an earlier day.

Let me read to the Senate words which the author of the play, Sunrise in My Pocket, put into the mouth of David Crockett while he was besieged at the Alamo at San Antonio defending democracy:

> I didn't mean I'm looking forward to being dead. I'm not. I've got a wife and children somewhere, and that gives a man a mighty powerful want to go on living. Yes; there's an awful lot of me wants to go on living—most of me, I guess, if it comes to that, but there's some of me that's willing to die too, and I'll tell you why. You ask me how I feel about dying, and I ask you, how do you feel about living? And that seems the important thing to me, even now, maybe more than ever now, not how you feel about dying, but how you feel about living. Any fool can die. There's no trick to it at all, but a knowledgeable man

can die in such a way that his way of dying, and what he dies for, can give a blessing to life at the very moment he leaves it.

Now take me. I'm no one in particular, just a common frontiersman out of the Tennessee Shakes, but even so, I've got a bee in my bonnet and I've always had it; a bee that stings out the word "liberty" over the whole universe in every red dawn. For I believe in liberty—really believe in it, and I don't just wear it on my lips for a decoration, like the French ladies wear scarlet paint there. No; it's come to mean more than just a word to me, it's come to mean a mighty real thing to me. It's come to mean that the man who does a slavish task of sowing and plowing the fields ought to have the liberty of reaping the fields. The right to think for myself, the right to talk for myself, the right to act for myself—so long as I don't hurt my neighbors—and the right to reap what I have sown; that's what I call liberty.

And I could no more get along without it than I could get along without air in my lungs. For life is liberty. I never could see a hair's difference between the two. And now, all over the world—in America, too—there's a fight going on between the men who believe in that and the men who believe that they were born booted and spurred and ready to ride, while the rest of mankind were born saddled and ready to be ridden. One of those men is outside these walls now, getting ready to batter them down. His name is Santa Anna, and you heard what Travis called him—a dictator. And if I understand these things at all, then a dictator is all the little tyrants in a country rolled up into one big one.

If I understand these things at all, then a dictator is a man who says to the people, you shall sow the fields, and you shall plow the fields, but my own particular friends shall reap them. My thought may be as black as a mountain tarn, but just the same, you shall think only my black thoughts; my words may be as frenzied as a devil's tongue, but, just the same, you shall speak only my devilish words; my deeds may be as accursed as Cain's own crime, but just the same, you shall all be Cains with me! That's Santa Anna; that's a dictator; that's a man who proves he loves his country by hating the whole world.

Some call that patriotism, but I call it the patriotism of Hell. And so, when you ask me, how do I feel about dying, I ask you, how do you feel about living in Hell? How do you feel about living under the thumb of a man who hates the light of day and the love of life; a man with night in his brain and death in his heart? I don't know how you feel about that, but I know how I feel about it. I'm still an American. And so I say, it's a good thing to fight a man like that, and an even better thing to die fighting a man like that.

Mr. President, 1,500 years ago a little body of people called Armenians received a message from the king of kings, the King of Persia, and that king said to that brave people, who had embraced the doctrine of Christianity:

You must give up Christianity and worship the gods of fire, which are the gods of Persia. I decree that you do it, and if you do it not, I will destroy you.

They were not only a brave people, but their own God raised up a great poet among them to speak for them their Christian, ccurageous sentiments; and this is what he said:

From this faith none can move us, neither angels nor men, neither sword nor fire, nor water nor any deadly punishment.

So, Mr. President, we say to the peoples of the world who are oppressed today:

Take heart. Take new courage. The democracies are standing up like men again. You need not be ashamed to be a democracy, and it will be but a little while until you need not be afraid to be a democracy.

I know that that sentiment is coming out of the brave heart of America toward the oppressed countries of mankind, for more than any other nation we have been the defender of liberty, and so long as that Statue of Liberty in New York harbor shall turn its illuminated hand and head toward the peoples of a besieged world, so long as our mountains shall reach up and touch and kiss the ethereal skies, so long as the red blood of Americanism shall course through brave American hearts, so long as the leadership of our country shall live up to the traditions of our glorious past, these sad peoples can look here with assurance, because we so love liberty that we are willing to help give it to and preserve it for the other liberty-loving peoples of the world.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 4353) to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9980) to revise and codify the nationality laws of the United States into a comprehensive nationality code; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DICKSTEIN, Mr. LESINSKI, Mr. KRAMER, Mr. REES of Kansas, and Mr. VAN ZANDT were appointed managers on the part of the House at the conference.

LABELING OF WOOL PRODUCTS: TRUTH IN FABRIC—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

Mr. THOMAS of Oklahoma. Mr. President, for some time we have listened to the eloquent address of the distinguished Senator from Florida [Mr. PEPPER], and we are made much better because of his eloquent appeal.

Mr. President, the United States faces a future which is somewhat uncertain. About 20 years ago, at the end of what was called the World War, the democracies were in the ascendency. The democracies came out of that world conflict victorious. The democracies in 10 years' time permitted the totalitarian nations, or the so-called dictator nations, to rehabilitate themselves with armies and navies, until today the future of democracies is in the balance.

In Europe today we find the German Government alined with the Italian Government, and now more recently alined with the Japanese Government in Asia; and we hear threats that these alined Governments are to be joined by still other governments of the so-called totalitarian or dictatorial form.

Mr. President, because of the threats which confront the United States, our people have become interested in having our Military Establishment so expanded as to be able, we hope, to take care of the people of our country, our property, and our Government.

Last November I thought I foresaw what might come in the next year or two. Being the chairman of the subcommittee of the Appropriations Committee dealing with the War Department appropriation bill, I suggested to some of my colleagues that, inasmuch as we had to hold hearings and make recommendations it might be a good idea for a number of members of the subcommittee of the Committee on Appropriations of the Senate and a number of members of the Committee on Military Affairs of the Senate to join with similar delegations from the House and make a survey of the status of our present Military Establishment. That was in the latter part of October or the first of November.

Pursuant to that suggestion, a number of Members of the Senate and a number of Members of the House joined together; and the group, with some Army officials, made a tour, visiting approximately 150 military posts and establishments, air fields, airports, and airplane factories, located not only in continental United States but in Puerto Rico and Panama. When we returned late in December we found the people of the United States still not especially interested in the development of our military program and our military power.

When Congress convened in the early part of January, the President of the United States submitted to the Congress his recommendations for approprations in the form of the annual Budget. As is the custom, the Budget was first referred to the House of Representatives for its consideration. After some months of consideration the Appropriations Committee of the House, acting through its subcommittee, brought forth the War Department appropriation bill. The President had been very conservative in making requests for funds with which to expand our military program; but when the House of Representatives began to consider the recommendations of the President and the Budget requests, the House committee proceeded to cut down, pare, and diminish the conservative requests submitted by the President in the Budget for 1941.

Some time in April the House passed on the War Department appropriation bill. The House sustained the reduction made by the House committee in the Budget estimates, and the bill in that form came to the Senate.

Had the Senate agreed to the reductions made by the House of Representatives and passed the bill promptly, we should have had no expansion to speak of in the Military Establishment of the United States. There would have been a slight increase in the number of soldiers, a slight increase in the number of planes, practically no increase in the number of antiaircraft guns, practically no increase in the number of small arms, no expansion in powder, no expansion in ammunition, and, so far as I can tell, but little expansion elsewhere.

Mr. President, it required the invasion of the Netherlands and Belgium to awaken the people of the United States. The awakening came pretty late. I hope it did not come too late. At the time of the invasion of the Low Countries of Europe by the German military machine, when the people of the States became alarmed, Congress was criticized for not having had at that moment a strong military machine able to protect our property, our interests, and our Government, even though they should be attacked by the strong military power of Germany.

Mr. President, that would have been an impossibility. We cannot develop soldiers overnight. I have heard it said that if we should be attacked by some foreign foe, millions of American youth would spring to the service of the country. They might do so, but I wonder what they would carry along with them in their spring. They would have no weapons of any kind. They would have no uniforms. They would not be trained. I should like to know what effect springing to the front would have if we should be confronted with the military might of the present German Government.

So, Mr. President, as a result of what has transpired during the past year, the Congress of the United States is still in session. This is the 1st of October 1940. I have been a Member of this body for some 14 years, and this is the longest single session in which I have served. At the present time I see no probability of adjournment. In all probability, the Congress now in session will remain in session until the next Congress convenes in January 1941.

So, Mr. President, because of the things so eloquently portrayed by the distinguished Senator from Florida, today we are forced to expand our military organization. We must have men, and we must train them. However, trained men will not suffice. The men must have equipment. They must have planes. They must have rifles. They must have antitank guns, antiaircraft guns, and coast-defense guns. We must have guns for the battleships. We are trying to provide those things as fast as we can.

Today we find some difficulties in the expansion of our military program. We are calling boys to the colors, and they are coming by the thousands. To care for those boys we must have cantonments.

We must have housing facilities. Today we find that there is a shortage of lumber. The United States desires to buy so much lumber that there is not sufficient lumber in sight to supply the demand. As a result, the price of lumber is higher than it has been for years, and it is advancing daily.

In order to make antiaircraft guns, rifles, antitank guns, tanks, and battleships, we must have iron. I am not an expert on iron, but I am advised that scrap iron—which means a mixture of all kinds of iron and steel—when melted makes a higher quality of steel than does the iron which comes from the ore in the first instance. If I am not correct in that particular, I shall be glad to be corrected. However, I am advised that scrap iron makes a better quality of steel for making tanks, battleships, and armor plate than does the iron made from the ore as it comes from the mine. In other words, scrap iron is a better iron for military purposes than is virgin iron.

In order to equip our boys we must provide housing for them. We must provide implements and weapons for them. We must provide uniforms for them. Very soon we shall undoubtedly have a million men in cantonments. In order that those 1,000,000 men may be properly trained, they must have facilities. They must have not only weapons but clothing. Clothing for the soldiers is made mainly from wool.

We now have pending in the Senate a bill which has for its purpose increasing the price of wool. I wonder what the Senate would think if some Member of this body should rise in his place and introduce a bill to raise the price of lumber at a time when the Government must have lumber, and when there is not in sight enough lumber to supply the demand. I wonder what would happen in the Senate if some Senator should introduce and press for consideration a bill raising the price of scrap iron or pig iron necessary for the use of the Government in the development of its military expansion program. Yet at this hour we have pending before the Senate a bill having for its sole purpose raising the price of wool. To the extent that the bill, if passed, would raise the price of wool, it would raise the price of woolen cloth. To the extent that the bill would raise the price of woolen cloth, it would raise the price of uniforms; it would raise the price of overcoats; it would raise the price of blankets; it would raise the price of every woolen article which the Government must have to clothe the soldiers who may be called upon to fight the battles of the Nation.

Mr. President, at this time I desire to place in the RECORD a statement as to some of the influences back of the bill. A little while ago I asked unanimous consent to yield the floor in order that the Senator from Florida [Mr. PEPPER] might address the Senate. Both the Senators from Wyoming objected to my yielding the floor for that purpose. I desire to indicate for the RECORD at this time some of the influences back of this particular bill.

I read from what purports to be a copy of the hearings on this bill.

The Senator from Vermont [Mr. AUSTIN] was a member of the committee that held hearings on this wool bill. When the hearings were held, a gentleman by the name of Mr. J. B. Wilson, of McKinley, Wyo., was a witness. Mr. Wilson had previously testified in behalf of the bill. He claimed to represent the Wyoming Wool Growers' Association and the National Wool Growers' Association. Mr. Wilson said he was Washington representative for the wool growers on various matters before Congress affecting their interests.

To Mr. Wilson the Senator from Vermont [Mr. AUSTIN] put the straightforward question:

Is there any such thing as Consumers' League for Honest Wool Labeling?

Mr. Wilson had been before the committee and testified that he represented the wool growers of Wyoming and the National Wool Growers' Association, and he had just published, shortly before that, a little booklet entitled "Honest Wool Labeling," headed, "Why enactment of truth-in-fabrics legislation is necessary to protect the consuming public from fraud and deception in the purchase of woolen products."

So the Senator from Vermont asked Mr. Wilson some questions. Mr. Wilson is now in the gallery; and if I misquote him—I do not intend to do so—I shall probably be advised of the fact, and I shall be glad to make the correction tomorrow; but he is listening to what I have to say.

So the Senator from Vermont asked Mr. Wilson a question. In answering the question, "Is there any such thing as Consumers' League for Honest Wool Labeling?" Mr. Wilson said:

The Consumers' League for Honest Wool Labeling, Senator, is the outgrowth of organizations we have had in Wyoming for some 19 years that have been attempting to secure truth-in-fabrics legislation. The organization you speak of is an organization of which I suppose, if there be a head, I am the directing head, but there are no salaries connected with it, and it is just an organization to——

Then he stopped for a moment—

regarding this particular bill that is now under consideration before your committee.

Senator AUSTIN. What kind of an organization is it?

Mr. WILSON. Well, it is just a loose organization of friends of mine from Wyoming, with no dues.

Senator AUSTIN. Is it incorporated?

Mr. WILSON. No.

Senator AUSTIN. Is it a copartnership?
Mr. WILSON. No. It is just——

Then he paused for a few moments, and said—

and I want to be perfectly frank with you in saying so.

That is not a very good sentence, but that is the record.

Senator AUSTIN. To be perfectly accurate, is it not yourself doing business as the Consumers' League?
Mr. WILSON. No, sir. It is myself and some friends in Wyoming.

I concede that Mr. Wilson has a right to be in the gallery. The humblest citizen of Wyoming or of Oklahoma or of any other State is welcome to the best seat in the gallery of the Senate of the United States, and I am not criticizing him for being there. He has a right to be there. I am not criticizing Mr. Wilson for appearing before the committee. He had a right to appear before the committee. He had a right to testify, and I have a right to quote his testimony. So Mr. Wilson is interested in this bill in behalf of the wool growers of Wyoming and the National Association of Wool Growers, and he has a right to represent them.

Mr. President, this bill is intended to have an influence on wool, to raise the price of raw or virgin wool, and to discredit the use of reworked or reprocessed or used wool. The enactment of the bill would divide the woolen industry into two parts: On the one hand, the growers of wool—that is, the producers of raw virgin wool—and, on the other hand, those interested in reprocessed wool or reused wool, or wool sometimes called shoddy.

Mr. President, if a suit worn by a Senator upon this floor should be discarded, and should find its way back to some woolen mill, it could be put through various processes, taken all apart, and fibers separated and recarded and respun and rewoven into cloth; and, if so, the cloth would be called shoddy under the terms of the bill, because, under the terms of the bill, such cloth would be made from reused wool.

The bill has for its purpose, I say, first the advancement of the price of raw or virgin wool. It has for its purpose, second, the degrading, if I may use that term, or the disuse of all wool which has been used once, either in woven cloth or in worn cloth. So, as I see the bill, it will have the force and effect of increasing the price of wool. Even the prospects of the passage of the bill on yesterday were responsible for increasing the price of wool 3 cents a pound, and increasing the price of woolen cloth 5 cents a yard. If the bill becomes the law, it is my judgment that the price of raw wool will be enhanced still further. Wool will go higher and higher and higher; and as the Government has to buy millions of yards of woolen cloth for uniforms, millions of yards of woolen cloth for overcoats, millions of pounds of wool for blankets and other woolen products, the bill, if passed, will increase the cost of woolen products to the Government in the sum of many million dollars.

I wonder what would happen if I should introduce in the Senate a bill providing that ashy-green tobacco should be placed on a parity with bright-red tobacco. That, in effect, is what this bill does in the case of wool. If this bill becomes a law, it will place on a parity, so far as the law is concerned, tag wool selling for 5 cents a pound and top wool selling for 90 cents a pound. If I should introduce a bill providing that under the law ashy green tinted tobacco, cured in the sunshine, should be of the same character as bright red tobacco, which sells for 30 or 40 cents a pound, while the other tobacco sells for almost nothing—it is a nondescript tobacco—I imagine I should find the Senator from Kentucky [Mr. BARKLEY] and the other Senators from the tobacco-growing States resisting that kind of legislation; and if they did not, they should.

If I should introduce a measure seeking to discredit the cane sugar of the South, would I not find the Senators from the cane sugar producing States of the South resisting it? On the other hand, if I should introduce a bill seeking to discredit and minimize and depreciate the beet sugar of the Northwest, would I not find the Senators from that area resisting that type of legislation? If they did not, they should. Here is a bill proposing to classify cotton on a lower grade than even the lowest-grade shoddy; and so far Senators from the cotton-growing States, if not asleep, are dozing.

At the present time hundreds of thousands of bales of cotton are used in conjunction with wool in making cloth. I repeat, hundreds of thousands of bales of cotton today are used in conjunction with wool in making cloth. Take the case of the rugs on which Senators stand: The base of those rugs is cotton; the top is wool.

In many kinds of cloth the warp is cotton and is stronger than wool. It does not stretch; it does not shrink. But if this bill becomes a law, a man who makes cloth must reveal that it contains a certain percentage of cotton. The bill will, in effect, depreciate cotton; it will, in effect, in my judgment, have a tendency to make the public not want cotton.

I realize that cotton is a firmer fiber than wool. Wool has a sort of soft fiber. Wool is warmer than cotton, I realize; and in making cloth, manufacturers use cotton for the warp to make the cloth stronger, to keep it from stretching and from shrinking. Then they put in for the woof, or the main part of the cloth, wool. The wool gives the cloth warmth, and its appearance and its texture. But the cotton, when used in connection with wool, gives it strength and keeps it from shrinking and stretching.

If the bill becomes law, I am fearful that there will be little cotton used in the future in connection with wool in making cloth, because the label will have to state how much wool is in the cloth, and whether the wool is virgin wool, or whether it is reused wool or reprocessed wool. The label will have to state whether or not there is cotton in the cloth and how much—how much silk is in the cloth, and how much wool. The label will have to relate how much rayon or how much nylon is in the cloth, and the percentage. It is my judgment that, if the bill becomes a law, a consumer who goes to a store to purchase a suit or a coat, if he sees on the label "75 percent wool and 25 percent cotton," will lay the garment aside and say, "I don't want that garment; that has cotton in it. I want an all-wool garment," and the dealer will bring out an all-wool garment. Under the bill the all-wool garment may be made out of shoddy. It is my judgment that the consumer would much rather have a garment labeled "all-wool product" than have the garment labeled "75 percent wool and 25 percent cotton." It is my conviction, if the bill becomes law, that cotton and wool will not be used together any more to any extent, because the public will not want wool and cotton mixed.

It is a fact now that most of the blankets which are made by woolen mills contain a large percentage of cotton. The cotton gives the blanket strength. A blanket with a cotton warp will not stretch. A blanket with a cotton warp will not shrink. One does not dare to wash an all-wool blanket, made of pure, virgin wool, unless it is washed by a particular process. It can be dry-cleaned; but if washed, it draws up and shrinks and is not a satisfactory blanket. Yet, in my judgment, if this bill becomes a law, the use of cotton in connection with making blankets will almost cease. That is the purpose of the bill. It has no other purpose except to magnify and increase the use of wool, and to the extent it increases the use of wool it will decrease the use of cotton.

The bill, if enacted, will stab cotton in the back. The people in 11 or 12 States depend on cotton as the money crop. If the bill becomes a law, it will still further embarrass the cotton industry. In my judgment, it will decrease the use of cotton, in conjunction with wool, by many hundreds of thousands of bales.

Mr. President, I made the statement before upon this floor that, in my judgment, if the bill shall be enacted, cotton will take a place one grade lower in the textile industry than that occupied by poor shoddy, because shoddy is wool. Under the terms of the bill a suit of clothes could be made out of shoddy as a wool product, and the merchants could label the garment an "all-wool product." It might be reused wool; it might be reprocessed wool; but it would be wool. So the purpose of the bill is to increase the demand for wool and decrease the demand for cotton; decrease the demand for rayon; decrease the demand for silk; and decrease the de-

mand for everything else that is used in making textiles, and to magnify the use of wool. It is because of that fact that I have opposed the proposed legislation from its inception. I am opposed to it now, and I shall give some reasons why I am opposed to it.

First. The bill should not pass because there is no test that can disclose the presence or percentage of reprocessed or reused wool in any garment; hence, foreign factories may make merchandise with cheap labor and cheap wool, and label such merchandise as they desire, and compete with United States products where inspectors may be placed in domestic mills.

Second. The bill, if enacted, may force United States mills to establish branches in foreign countries to compete with merchandise made for sale abroad, as well as for sale in the United States.

Third. The bill should not be passed because it places cotton in a class with or below the poorest grade of shoddy; hence, is an anticotton act.

Fourth. The bill should not be passed because its purpose is to increase the price of wool at a time when the price of wool is some 20 percent above parity, while other farm commodities are far below parity, and to the extent that such a bill does increase the price of wool, it is an antinational defense act, thereby obviously increasing the cost of woolen uniforms, overcoats, and all other items of clothing necessary for the comfort and welfare of our soldiers.

Fifth. Since there is no test which can disclose the presence of reprocessed or reused wool, in order to enforce the act it will be necessary to provide inspectors for the entire woolen industry embracing, first, the scouring of wool, carding, spinning, weaving, and manufacture of woolen products at vast expense.

Mr. President, my sixth reason is that the bill would provide for the regimentation of the textile industry, not only the regimentation of the wool industry, but likewise the regimentation of all kinds of textile industries located in the United States.

I was somewhat surprised to find on the conference report the signature of the distinguished junior Senator from Kansas [Mr. REED]. I doubt if he knows that the bill would regiment one of the great industries of the United States. I doubt if he knows that the bill would regiment the woolen industry, would likewise regiment the cotton industry, and would likewise regiment the other textile industries of the United States.

There will be an occasion for a vote upon the conference report, and I shall be amused, if not chagrined, when I see some of the names of those who vote in favor of the regimentation of the woolen industry, the cotton industry, the rayon industry, the Nylon industry, the silk industry, and other industries of the United States.

Mr. President, at this point I desire to place in the RECORD in connection with my remarks the names of the textile companies and woolen mills in the several States which are opposed to the conference report.

I commence, first, with the State of California. The Eureka Woolen Mills, of Eureka, Calif., are against the bill. The Western Wool Manufacturing Co., of San Francisco, Calif., is against the bill. Worth Bros., Inc., Los Angeles, Calif., is against the bill.

I next come to the State of Connecticut. The Airlie Mills, Hanover, Conn., are against the bill. Assawaga Co., Killingly, Conn., is against the bill. Broad Brook Co., Inc., Broad Brook, Conn., is against the bill. D. & M. Woolen Mills, Putnam, Conn., are against the bill. Davis & Brown Woolen Co., East Killingly, Conn., is against the bill. Gordon Bros., Inc., Hazardville, Conn., are against the bill. Jordan Mills, Inc., Waterford, Conn., are against the bill. Angus Park, Angus Woolen Co., Glastonbury, Conn., is also against the bill. So is William Park & Sons, Inc., of Stafford, Conn. The Phoenix Woolen Co., of Stafford, Conn., is against the bill. The Rhode Island Worsted Co., Stafford Springs, Conn., is against the bill. The Saxton Woolen Corporation, of Norwich, Conn., is against the bill. The Saxony Corporation, of Norwich, Conn., is also against the bill. So is the Stafford Worsted Co., of Stafford Springs, Conn., as well as the Warren Woolen Co., of Stafford Springs, Conn., and the Warrenton Woolen Co., of Torrington, Conn.

I next come to the State of Georgia.

Mr. KING. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. KING. It is now nearly half past 5. It seems to me we have been in session long enough today. I was wondering if we might not at this time, if agreeable to the Senator, take a recess.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to have printed as part of my remarks the list of States, as well as the names of woolen mills and textile mills in such States, which are opposing the proposed legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

WOOLEN AND WORSTED MILLS OPPOSED TO S. 162 (WOOL-LABELING BILL)

CALIFORNIA

Eureka Woolen Mills, Eureka, Calif.
Western Wool Manufacturing Co., San Francisco, Calif.
Worth Bros., Inc., Los Angeles, Calif.

CONNECTICUT

Airlie Mills, Hanover, Conn.
Assawaga Co., Killingly, Conn.
Broad Brook Co., Inc., Broad Brook, Conn.
D. & M. Woolen Mills, Putnam, Conn.
Davis & Brown Woolen Co., East Killingly, Conn.
Gordon Bros., Inc., Hazardville, Conn.
Jordan Mills, Inc., Waterford, Conn.
Park, Angus Woolen Co., Glastonbury, Conn.
Park, William & Sons, Inc., Stafford, Conn.
Phoenix Woolen Co., Stafford, Conn.
Rhode Island Worsted Co., Stafford Springs, Conn.
Saxton Woolen Corporation, Norwich, Conn.
Saxony Corporation, Norwich, Conn.
Stafford Worsted Co., Stafford Springs, Conn.
Warren Woolen Co., Stafford Springs, Conn.
Warrenton Woolen Co., Torrington, Conn.

GEORGIA

National Dixie Mills, Inc., Newman, Ga.
Peerless Woolen Mills, Rossville, Ga.

ILLINOIS

Caron Spinning Co., Chicago, Ill.

INDIANA

LaPorte-Daniels Woolen Mills, Inc., LaPorte, Ind.
Seymour Woolen Mills, Seymour, Ind.

IOWA

Amana Society, Amana, Iowa.

MAINE

Abbott Amos Co., Dexter, Maine.
Bridgton-Pondicherry Woolen Mills, Inc., Bridgton, Maine.
Camden Woolen Co., Camden, Maine.
Cascade Woolen Mills, Oakland, Maine.
Cummings, Daniel E. Co., Skowhegan, Maine.
Farnsworth Mill, Lisbon Center, Maine.
Georges River Woolen Co., Warren, Maine.
Goodall Worsted Co., Sanford, Maine.
Hughes Woolen Mill, Camden, Maine.
Kezar Falls Woolen Co., Kezar Falls, Maine.
Limerick Yarn Mills, Limerick, Maine.
Lincolnsfield Mills, Inc., Lincoln, Maine.
Madison Woolen Co., Madison, Maine.
Maine Spinning Co., Skowhegan, Maine.
North Berwick Co., North Berwick, Maine.
Old Town Woolen Co., Inc., Guilford, Maine.
Park, George, Manufacturing Co., Inc., Dexter, Maine.
Robinson Manufacturing Co., Oxford, Maine.
Rocky, George Woolen Co., South Berwick, Maine.
Sanford Mills, Sanford, Maine.
Wilton Woolen Co., Wilton, Maine.
Worumbo Manufacturing Co., Lisbon Falls, Maine.
Wyandotte Worsted Co., Waterville, Maine.

MARYLAND

Dickey, W. J. & Sons, Inc., Oella, Md.
Melville Woolen Co., Sykesville, Md.

MASSACHUSETTS

Abbott Worsted Co., Graniteville, Mass.
Aetna Mills, Fitchburg, Mass.
Arlington Mills, Boston, Mass.
Barbour Mills, Montello, Mass.
Barre Wool Combing Co., Ltd., Boston, Mass.
Belgian Spinning Co., Waltham, Mass.

Berkshire Woolen Co., Pittsfield, Mass.
Blackinton Mills, Blackinton, Mass.
Buckley & Mann, Inc., Franklin, Mass.
Charles River Garnetting Mills, Waltham, Mass.
Charlton Woolen Co., Charlton City, Mass.
Clapp Charles & Co., Inc., Braintree, Mass.
Clover Worsted Mills, Franklin, Mass.
Coe Woolen Co., Worcester, Mass.
Comins & Co., Rochdale, Mass.
Concord Garnet Mills, Inc., West Concord, Mass.
Cordingly, W. S. & Son, Newton Lower Falls, Mass.
Doran & Kuriss, Waltham, Mass.
Draper Bros. Co., Canton, Mass.
East Weymouth Wool Scouring Co., East Weymouth, Mass.
Ellis, A. D., Mills, Inc., Monson, Mass.
Elmvale Worsted Co., Pittsfield, Mass.
Gilet Carbonizing Co., Inc., Lowell, Mass.
Hayward Woolen Co., West Douglas, Mass.
Hopeville Manufacturing Co., Worcester, Mass.
Hudson Worsted Co., Hudson, Mass.
Huntington Textile Co., Inc., Huntington, Mass.
Intervale Mills, Inc., Webster, Mass.
Jefferson Manufacturing Co., Jefferson, Mass.
Klous, Henry, Co., Lawrence, Mass.
Leominster Mills, Inc., Leominster, Mass.
Lewis, E. Frank, Co., Lawrence, Mass.
Livingston Worsted Mills, Inc., Holyoke, Mass.
Lodge, John T. & Co., Inc., Boston.
Mabbett, George & Sons Co., Plymouth, Mass.
Massachusetts Mohair Plush Co., Boston, Mass.
Mayflower Worsted Co., Kingston, Mass.
Mayo Woolen Mills, Millbury, Mass.
Merchants Wool Scouring Co., East Boston, Mass.
Merrimac Mills Co., Methuen, Mass.
Millbury Woolen Co., Millbury, Mass.
Modern Garnetting Co., Stoughton, Mass.
Monomac Spinning Co., Lawrence, Mass.
Moore, George C. Wool Scouring Mills, North Chelmsford, Mass.
Neponsett Woolen Mills, Inc., Canton, Mass.
Pacific Mills, Boston, Mass.
Packard Mills, Inc., Webster, Mass.
Pondville Woolen Mills, Auburn, Mass.
Reliance Garnetting Mills, Inc., Waltham, Mass.
River Mills, Inc., Fall River, Mass.
Rockwell Woolen Co., Leominster, Mass.
Royal Worsted Mills, Lowell, Mass.
Sawyer Regan Co., Dalton, Mass.
Schuster Woolen Co., East Douglas, Mass.
Scott, S. F. & Sons, Uxbridge, Mass.
Seabright Woven Felt Co., Boston, Mass.
Selden Worsted Mills, Methuen, Mass.
South Acton Woolen Co., South Acton, Mass.
Steacie Garnetting Co., Framingham, Mass.
Stevens, M. T., & Sons, Co., North Andover, Mass.
Strong Hewat & Co., Inc., North Adams, Mass.
Stirling Mills, Lowell, Mass.
Suttons Mills, North Andover, Mass.
Taft, D. N., Manufacturing Co., Oxford, Mass.
Talbot Mills, North Billerica, Mass.
Taunton Wool Stock Co., Taunton, Mass.
Uxbridge Worsted Co., Uxbridge, Mass.
Wave Woolen Co., Wave, Mass.
Wancantuck Mills, Uxbridge, Mass.
Whitney Worsted Co., Franklin, Mass.
Whittaker, James & Sons, Inc., Oxford, Mass.
Windle, A. D. & Co., Inc., Millbury, Mass.
Windle, W. W. Co., Millbury, Mass.
Woonsocket Worsted Mills, Boston, Mass.
Wuskanut Mills, Inc., Farnumsville, Mass.

Top makers

Basford, J. & W. Co., Boston, Mass.
Draper Top Co., Boston, Mass.
Houghton Wool Co., Boston, Mass.
Nichols & Co., Inc., Boston, Mass.
Prouvost, Lefebure & Co., Boston, Mass.
Rosenthal Bros., Boston, Mass.
Willey, Francis & Co., Boston, Mass.
Winterbottom & Brown, Boston, Mass.

MICHIGAN

Clinton Woolen Manufacturing Co., Clinton, Mich.
Horner Bros. Woolen Mills, Eaton Rapids, Mich.
Yale Woolen Mills, Yale, Mich.

MISSOURI

Moniteau Mills, California, Mo.
Ashaway Woolen Mills, California, Mo.

MINNESOTA

Faribault Woolen Mills Co., Faribault, Minn.

NEW HAMPSHIRE

Abbott Worsted Mills, Wilton, N. H.
Brampton Woolen Co., Newport, N. H.
Cheshire Mills, Harrisville, N. H.
Cocheco Woolen Manufacturing Co., East Rochester, N. H.
Dartmouth Woolen Mills, Claremont, N. H.
Derry Fibre Mills, Inc., Derry, N. H.
Dodge-Davis Manufacturing Co., Bristol, N. H.
Dorr Woolen Co. Guild, N. H.
Faulkner & Colony Manufacturing Co., Keene, N. H.
Gonic Manufacturing Co., Gonic, N. H.
Gordon Woolen Mills, Newport, N. H.
Hillsborough Mills, Wilton, N. H.
Homestead Woolen Mills, Inc., West Swanzey, N. H.
Keene Silk Fibre Mills, Inc., Keene, N. H.
Lebanon Woolen Mills Corporation, Lebanon, N. H.
Packard, L. W. & Co., Inc., Ashland, N. H.
Somersworth Textile Co., Inc., Somersworth, N. H.
Somersworth Woolen Co., Somersworth, N. H.

NEW YORK

Albany Woolen Mills, Inc., Rensselaer, N. Y.
American Woolen Co., New York City.
Atlas Waste Manufacturing Co., Inc., Glendale, Long Island, N. Y.
Barnet, William & Son, Inc., Rensselaer, N. Y.
Broadalbin Knitting Co., Ltd., Broadalbin, N. Y.
Clayville Knitting Co., Clayville, N. Y.
Enterprise Garnetting Co., Cohoes, N. Y.
Faith Mills, Inc., Averill Park, N. Y.
Gloversville Knitting Co., Gloversville, N. Y.
Hudson River Woolen Mills, Newburgh, N. Y.
Huyck, F. C. & Sons, Albany, N. Y.
Jamestown Worsted Mills, Jamestown, N. Y.
Lowenthal, W., Co., Inc., Cohoes, N. Y.
Millard Yarn Co., Ballston Spa, N. Y.
Niagara Shawl Co., New York, N. Y.
Peerless Fibre Co., Cohoes, N. Y.
Sheble & Wood, Inc., Salamanca, N. Y.
Star Woolen Co., Cohoes, N. Y.
Stroock, S. & Co., Inc., Newburgh, N. Y.
Thermo Mills, Inc., Hudson, N. Y.
Troy Waste Manufacturing Co. (Garnetting Department), Cohoes, N. Y.
Abbott Worsted Sales, Inc., New York, N. Y.
Aetna & Shirreffs Sales Corporation, New York, N. Y
Almy, Frederick & Co., New York, N. Y.
American Woolen Co., New York, N. Y.
Ardross Worsted Co., New York, N. Y.
Bachmann, Louis & Co., New York, N. Y.
Battey, Trull & Co., New York, N. Y.
Botony Worsted Mills, New York, N. Y.
Brackett, M. R., New York, N. Y.
Bry, Edwin & Louis, Inc., New York, N. Y.
Buckley & Cohen, New York, N. Y.
Burke, J. Franklin & Co., Inc., New York, N. Y.
Continental Mills, Inc., New York, N. Y.
Deering, Milliken & Co., Inc., New York, N. Y.
De Land, C. M., New York, N. Y.
Dommerich, L. F. & Co., New York, N. Y.
Dorr Woolen Co., New York, N. Y.
Dougherty & Co., Inc., New York, N. Y.
Dunn Worsted Mills, New York, N. Y.
Faulkner & Colony Co. of New York, Inc., New York N. Y.
Gera Mills, New York, N. Y.
Glenerry Woolen Co., New York, N. Y.
Gloversville Knitting Co., New York, N. Y.
Greenwich Fabrics Corporation, New York, N. Y.
Hayward-Schuster Co., Inc., New York, N. Y.
Hird, Samuel & Sons, Inc., New York, N. Y.
Hockanum Mills Co., New York, N. Y.
Holden-Leonard Co., Inc., New York, N. Y.
Horner Bros. Woolen Mill Sales Co., New York, N. Y.
Hudson River Woolen Mills, New York, N. Y.
Huyck, C. F., & Sons, New York, N. Y.
Jacob, J. G., Co., New York, N. Y.
Johnson, Cyril, Woolen Co., New York, N. Y.
Juilliard, A. D., & Co., Inc., New York, N. Y.
Kaufman, B. M., Inc., New York, N. Y.
Kent-Hampton Sales, Inc., New York, N. Y.
Laidlaw Co., Inc., New York, N. Y.
Lawton, Herbert & Co., New York, N. Y.
Leeds, Herbert R., & Co., New York, N. Y.
Leonard & Keily Co., New York, N. Y.
Libby, Hoff & Co., New York, N. Y.
Lima Woolen Mills, Inc., New York, N. Y.
Lincolnsfield Mills, Inc., New York, N. Y.
Lippitt Woolen Co., New York, N. Y.
Lorraine Manufacturing Co., New York, N. Y.
Lynx Corporation, New York, N. Y.
Mabbett, George, & Sons Co., New York, N. Y.
Mali, Henry W. T., & Co., New York, N. Y.
Mayflower Worsted Co., New York, N. Y.
Melville Woolen Co., New York, N. Y.
Merrill, Howard R., New York, N. Y.
Metcalf Bros., New York, N. Y.
Mitchell, Allen R., & Son, New York, N. Y.
Montrose Worsted, Inc., New York, N. Y.
National Dixie Mills, Inc., New York, N. Y.
Oughton's, John, Sons, New York, N. Y.
Pacific Mills, New York, N. Y.
Paragon Worsted Co., New York, N. Y.
Parker, Wilder & Co., New York, N. Y.
Peerless Woolen Mills, New York, N. Y.
Penn State Mills Agency, Inc., New York, N. Y.
Prendergast, William H., Co., New York, N. Y.
Princeton Worsted Mills, Inc., New York, N. Y.

on, Leonard, New York, N. Y.
'er Regan Co., Inc., New York, N. Y.
ny Corporation, New York, N. Y.
:n Worsted Mills, Inc., New York, N. Y.
:r, Charles E., & Co., Inc., New York, N. Y.
zelbach, A., Sons Co., New York, N. Y.
ens, J. P., & Co., Inc., New York, N. Y.
.ekirk Worsted Co., New York, N. Y.
ng, Hewat & Co., Inc., New York, N. Y.
ock, S., & Co., Inc., New York, N. Y.
ior, J. K., & Co., New York, N. Y.
iune, Yereance & Wolff, Inc., New York, N. Y.
tile Banking Co., New York, N. Y.
rmo Mills, New York, N. Y.
cy & Smith, New York, N. Y.
emand, D. R., New York, N. Y.
itman, William, Co., Inc., New York, N. Y.
se, William, & Co., Inc., New York, N. Y.
rumbo Co., New York, N. Y.
andotte Worsted Co., New York, N. Y.

NEW JERSEY

iedict, Henry H., Co., Camden, N. J.
:any Worsted Mills, Passaic, N. J.
)ft, Howland, Sons & Co., Camden, N. J.
venson & Levering Co., Camden, N. J.
ra Mills, Passaic, N. J.
'd, Samuel, & Sons, Inc., Garfield, N. J.
rshall Spinning Co., Camden, N. J.
w Jersey Worsted Mills, Garfield, N. J.
kes, Thomas, & Co., Inc., Bloomfield, N. J.
:nceton Worsted Mills, Inc., Trenton, N. J.
.ritan Mills, Raritan, N. J.

NORTH CAROLINA

iatham Manufacturing Co., Winston-Salem, N. C.

OHIO

ish Woolen Mills Co., Dresden, Ohio.
)lonial Woolen Mills Co., Cleveland, Ohio.
uenzel Mills Co., New Bremen, Ohio.
ma Woolen Mills Co., Lima, Ohio.
)ckwood, L. B., Co., Cleveland, Ohio.
ational Woolen Co., Cleveland, Ohio.
:. Marys Woolen Manufacturing Co., St. Marys, Ohio.
uler & Benninghofen, Hamilton, Ohio.

OREGON

regon Worsted Co., Portland, Oreg.
)ndleton Woolen Mills, Portland, Oreg.

PENNSYLVANIA

rdross Worsted Co., Philadelphia, Pa.
lue Ridge Woolen Co., Chambersburg, Pa.
rumbach, A. J., Inc., Easterly, Pa.
ry, Edwin & Louis, Inc., Norristown, Pa.
'aledonia Woolen Mills, Clifton Heights, Pa.
:lear Springs Worsted Mills, Doylestown, Pa.
'ontinental Mills, Inc., Philadelphia, Pa.
)earnley Bros. Worsted Spinning Co., Inc., Philadelphia, Pa.
)oak, James, Jr., Co., Philadelphia, Pa.
:agle Textile Manufacturing Co., Philadelphia, Pa.
:nergetic Worsted Corporation, Bridgeport, Pa.
:rben-Harding Co., The, Philadelphia, Pa.
:sterly Woolen Co., Esterly, Pa.
Grundy, William H., Co., Inc., Philadelphia, Pa.
rving, James, & Sons, Chester, Pa.
Kent Manufacturing Co., Clifton Heights, Pa.
.ees, James, & Sons Co., Bridgeport, Pa.
.ewisburg Mills, Inc., Lewisburg, Pa.
.incoln Worsted Co., Philadelphia, Pa.
McGraw, P., Wool Co., Pittsburgh, Pa.
Merion Worsted Mills, West Conshohocken, Pa.
Mitchell, Allen R., & Son, Philadelphia, Pa.
)ak Worsted Mills, Philadelphia, Pa.
)earce Manufacturing Co., Latrobe, Pa.
)enn State Worsted Mills, Philadelphia, Pa.
)enn Worsted Co., Philadelphia, Pa.
)hiladelphia Wool Scouring & Carbonizing Co., Philadelphia.
Ring, Jonathan, & Co., Philadelphia, Pa.
Scatchard's, Joseph, Sons, Inc., Philadelphia, Pa.
Sheble, Frank J., Philadelphia, Pa.
Steel, Warner J., Inc., Bristol, Pa.
Vernon Textile Co., Philadelphia, Pa.
Windsor Manufacturing Co., Philadelphia, Pa.
Wolstenholme, Thomas, Sons & Co., Inc., Philadelphia, Pa.
Woolrich Woolen Mills, Woolrich, Pa.

RHODE ISLAND

Ashaway Woolen Mills, Ashaway, R. I.
Bay Mill, East Greenwich, R. I.
Belmont Woolen Yarn Mills, Woonsocket, R. I.
Bean, Joseph, Corporation, Greystone, R. I.
Bonin Spinning Co., Woonsocket, R. I.
Branch River Wool Combing Co., Inc., Woonsocket, R. I.
Collins & Aikman Corporation, Bristol, R. I.
Dunn Worsted Mills, Woonsocket, R. I.
Esmond Mills, Esmond, R. I.
Falls Yarn Mills, Woonsocket, R. I.
French Worsted Co., Woonsocket, R. I.
Greenwich Mills, East Greenwich, R. I.
Guerin Mills, Woonsocket, R. I.
Juilliard, A. D., & Co., Inc. (Atlantic Mills Division), Providence, R. I.
Lafayette Worsted Co., Woonsocket, R. I.
Lexington Worsted Co., Pawtucket, R. I.
Lippitt Woolen Co., Woonsocket, R. I.
Lorraine Manufacturing Co., Pawtucket, R. I.
Lymansville Co., Lymansville, R. I.
Mackie Worsted Mills, Inc., Providence, R. I.
Masurel Worsted Mills, Inc., Woonsocket, R. I.
Oakland Worsted Co., Oakland, R. I.
Olneyville Wool Combing Co., Providence, R. I.
Onawa Spinning Co., Woonsocket, R. I.
Paragon Worsted Co., Providence, R. I.
Premier Worsted Mills, Bridgeton, R. I.
Prendergast, William H., Mills, Inc., Bridgeton, R. I.
Priscilla Worsted Mills, Thornton, R. I.
Providence Combing Mills, Inc., Providence, R. I.
Rathbun Knitting Co., Woonsocket, R. I.
Riverside Worsted Co., Woonsocket, R. I.
Silver Lake Worsted Mills, Providence, R. I.
Star Carbonizing Co., Woonsocket, R. I.
Wanskuck Co., Providence, R. I.
Woonsocket Spinning Co., Woonsocket, R. I.

SOUTH CAROLINA

Southern Worsted Corporation, Greenville, S. C.

TENNESSEE

American Textile Woolen Co., Sweetwater, Tenn.
Jefferson Woolen Mills, Knoxville, Tenn.
Lebanon Woolen Mills, Lebanon, Tenn.

VERMONT

Bridgewater Woolen Co., Bridgewater, Vt.
Dewey, A. G., Co., Queechee, Vt.
Gay Bros. Co., Cavendish, Vt.
Hartford Woolen Co., Hartford, Vt.
Holden-Leonard Co., Bennington, Vt.
Slack, John T., Corporation, Springfield, Vt.

VIRGINIA

Charlottesville Woolen Mills, Charlottesville, Va.
Hampton Looms of Virginia, Bedford, Va.
Virginia Woolen Co., Winchester, Va.

WASHINGTON

Foundation Worsted Mills, Washougal, Wash.
Washougal Woolen Mills, Washougal, Wash.

WEST VIRGINIA

Dunn Woolen Co., Martinsburg, W. Va.

WISCONSIN

Appleton Woolen Mills, Appleton, Wis.
Badger Worsted Mills, Grafton, Wis.
Crescent Woolen Mills Co., Inc., Two Rivers, Wis.
Rick River Woolen Mills, Janesville, Wis.

Mr. KING. Mr. President, by my request I did not intend to suggest to the Senator that he pretermit the presentation of those names. I thought perhaps he would be glad to have a recess taken at this time and resume his address tomorrow morning.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WALSH. Did the Senator have a chance to develop the question I asked him some time ago about the method of labeling and the system of labeling?

Mr. THOMAS of Oklahoma. I have not come to that yet, and I have not answered the Senator's question with regard to whether or not the bill, if enacted, would favor foreign corporations; and, if so, obviously discredit and discriminate against domestic corporations. I should like to develop that more at a later time, but it is now 5:30 o'clock. I wish to assure the Senator from Massachusetts and our leader and others that I am not attempting to delay unduly a vote upon the bill. There has been no discussion of the bill to speak of save the statements made by the Senator from Wyoming [Mr. SCHWARTZ] and myself, together with the helpful suggestions made by the Senator from Massachusetts, and a few other suggestions that have come from different Senators.

Mr. WALSH. Let me say that I do not know of any more able presentation or analysis of any bill that has been made here in recent years than has been made by the distinguished Senator from Oklahoma. It is very informative and instructive, especially in view of the fact that so few of us have had a chance to study its details and in view of the rapid changes that have been made in the bill in recent months from the original bill.

Mr. THOMAS of Oklahoma. Mr. President, in the remainder of the time I shall occupy in opposition to this meas-

ure I desire to present for the RECORD an analysis of the bill as I see it and the reasons why it should not be passed, especially at this particular time. If we could pass a bill that would be beneficial I would be for it. The Senator from Wyoming has an imposing task upon his hands. The senior Senator from Kansas [Mr. CAPPER] tried it for years, and he could not prepare a bill which satisfied him, and he quit. Representatives in the House have tried to write a bill, and they have failed and quit.

While I compliment the Senator from Wyoming, I must say that he is up against a stone wall. He is trying to define virgin wool. Mr. President, there are 16 different types of virgin wool, and there are as many kinds of virgin wool as there are kinds of sheep. The full-blood Merino sheep is one kind. There are 16 kinds of wool among full-blood Marino sheep. Then there are the half-blood sheep, and again there are 16 different kinds of wool among them. Then there are the three-eighths-blood sheep, and there again we find sixteen different kinds of wool. I shall discuss that tomorrow. The wool from the three-eighths-blood sheep is not the same kind of wool as that from the half-blood sheep.

Then there is the nondescript sheep coming from my State, coming from the desert, and from South America. There are thousands of kinds of wool. The bill makes no distinction. So long as it is wool which comes from a sheep, dead or alive, that has never been used, it is virgin wool. I cannot accept that kind of a definition of wool.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BARKLEY. I have no desire, of course, to curtail the Senator or any other Senator in debating this measure. I do not know who else desires to speak on it, either for or against it, but would the Senator from Oklahoma be willing to fix an hour sometime tomorrow when the conference report could be voted on?

Mr. AUSTIN. No; Mr. President.

Mr. THOMAS of Oklahoma. I could not do that now. I do not know how many questions may be asked. I can place most of my data in the RECORD without reading them, and I plan to do so. I realize that but few Senators are sufficiently interested in the matter to remain on the floor, and I do not blame those who do not. Nevertheless, I think the RECORD should show what I conceive to be the objections to the measure, and I think the RECORD should show what I think is a proper analysis of it. When I shall have completed my statement I shall be very glad to agree to a time to vote.

Mr. AUSTIN. Mr. President, I hope the Senator will not agree to that without realizing that I hope to use some time to discuss the report, and I should not like to have a time limit placed upon my discussion.

Mr. BARKLEY. I have not proposed to do that. I was feeling out the Senator from Oklahoma with respect to that matter, and evidently we cannot reach an agreement at this time.

Mr. THOMAS of Oklahoma. Let me assure the Senator from Kentucky that under the conditions there is no possibility of a filibuster, because one Senator cannot carry on a filibuster.

Mr. BARKLEY. No; not indefinitely.

Mr. THOMAS of Oklahoma. There will be no adjournment, in my opinion, so I cannot speak indefinitely.

Mr. BARKLEY. The Senator realizes the legislative situation.

Mr. THOMAS of Oklahoma. Yes. I shall be glad to yield at any time for any matter that is important to be taken up.

Mr. BARKLEY. I understand that, but it is important that we make progress with what we have to do yet before any Senator can get away, if he ever does get away. I thought we might be able to arrange an agreement, but I see we cannot do so. I am perfectly willing to suspend now and let the Senator conclude in the morning, if that is his wish.

Mr. THOMAS of Oklahoma. Then, I assume I shall have the floor when the Senate convenes tomorrow.

CONTRACT ASSIGNMENT ACT OF 1940

Mr. BARKLEY. Mr. President, yesterday on the call of the calendar there was passed, Calendar No. 2293, House bill 10464, which provided for the assignment of contracts with the Government. My attention has been called to the fact that inasmuch as certain language of the bill containing the amendments is in quotations, it is necessary to correct it.

I ask unanimous consent that the vote by which the bill was ordered to a third reading and passed be reconsidered in order that I may make a technical correction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AUSTIN. Mr. President, will the Senator state the correction which he wishes to make?

Mr. BARKLEY. On page 2, line 4, I move to strike out "this act" and insert "the Contract Assignment Act of 1940", and on page 3, line 4, to strike out "this act" and insert "the Contract Assignment Act of 1940".

I wish also to add a new section:

This act may be cited as the Contract Assignment Act of 1940.

Mr. AUSTIN. Would the amendments suggested change the bill?

Mr. BARKLEY. No. They would simply show that the reference is to this act, and not to a previous act, which the bill amends.

Mr. AUSTIN. I have no objection.

The PRESIDING OFFICER (Mr. REED in the chair). Without objection, the amendments proposed by the Senator from Kentucky are agreed to.

Mr. BARKLEY. Of course, the amendments just agreed to would not interfere with the amendment which I offered yesterday at the end of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the additional amendments and the third reading of the bill.

The additional amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ROLAND HANSON AND DR. E. A. JULIEN—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1160) for the relief of Roland Hanson, a minor, and Doctor E. A. Julien, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment, as follows: In lieu of the figures "$2,000" insert "$1,250"; and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3 and 4, and agree to the same.

ALLEN J. ELLENDER,
H. H. SCHWARTZ,
ALEXANDER WILEY,
Managers on the part of the Senate.
AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
Managers on the part of the House.

The report was agreed to.

AMENDMENT OF COMMODITY EXCHANGE ACT—CONFERENCE REPORT

Mr. BILBO (for Mr. THOMAS of Oklahoma) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4088) to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, and 5, and agree to the same.

ELMER THOMAS,
G. W. NORRIS,
W. J. BULOW,
Managers on the part of the Senate.
H. P. FULMER,
HARRY P. BEAM,
STEPHEN PACE,
CLIFFORD R. HOPE,
J. ROLAND KINZER,
Managers on the part of the House.

The report was agreed to.

FRANCO-AMERICAN CONSTRUCTION CO.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3437) for the relief of the Franco-American Construction Co., which was, on page 1, line 6, to strike out "$4,258.60" and insert "$9,323.75."

Mr. WALSH. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. REED in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Harvey M. Johnson, of Nebraska, to be judge of the Circuit Court of Appeals for the Eighth Circuit, to fill an existing vacancy, which was referred to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nominations of sundry Foreign Service officers of class 8 and secretaries in the Diplomatic Service, to be also consuls of the United States.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS—NOMINATION PASSED OVER

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

Mr. BURKE. Mr. President, the Senator from Tennessee requests that the nominations of postmasters be confirmed en bloc. With respect to the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr., I desire to make a brief statement before the nomination is confirmed.

I am not opposing the confirmation on the ground that the nominee is personally obnoxious to me, because he is not. He is a very good friend of mine. However, I wish to make a statement with respect to the nomination.

Mr. McKELLAR. Mr. President, may I ask the Senator whether or not the nomination was submitted to him?

Mr. BURKE. It was submitted to me, and on the card which I returned, I stated what I am now stating. I wanted the nomination to be reported and placed on the calendar. I have no objection on personal grounds, but the nominee who has been selected replaces a postmaster who was appointed by Woodrow Wilson. I had recommended the reappointment of the incumbent. I desire to make a statement on the subject which will require 15 or 20 minutes, and I desire to have a quorum present when I make the statement. I have no desire to suggest the absence of a quorum at this time.

Mr. McKELLAR. Mr. President, let us accept the statement of the Senator from Nebraska, and let the particular nomination be passed over. I ask unanimous consent that the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr., be passed over, and that the remaining nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

Mr. BURKE. Mr. President, before leaving that subject I should like to propound an inquiry to the Senator from Tennessee, and to the majority leader.

I take it that during the remaining days of the session it will not be possible to have anything like a quorum present when we reach the close of the day. I really desire to have a quorum present when I make the comparatively brief statement which I shall make. Would it be possible tomorrow, after the first quorum call, to have a brief executive session? I assure the Senate that I shall consume not more than 15 minutes. The matter is important, and I wish to present my views.

Mr. BARKLEY. Personally, I should not object to the suggestion. However, a conference report is pending, and it has been set aside from time to time for many other matters. Perhaps we can have an executive session a little earlier in the afternoon tomorrow.

Mr. BURKE. That is satisfactory. I should like to make my statement on an occasion when, without putting anyone to the inconvenience of having a quorum call, I may have a reasonable number of Senators present when I present my views, which are not at all based upon any personal obnoxiousness of the nominee. However, it seems to me that a vital principle is involved, and I should like to discuss the matter briefly.

Mr. McKELLAR. I have no objection. However, I can understand the situation of the Senator from Kentucky.

Mr. SCHWARTZ. Mr. President, I hope the Senator from Nebraska will not insist upon making his statement during the consideration of the conference report, because I desire to get through with it.

Mr. BURKE. I have not insisted upon it. I merely threw out the suggestion, which did not fall upon fertile ground. It will not sprout or grow. Sometime later we can work it out.

Mr. BARKLEY. Mr. President, I hope the Senator was not emphasizing the infertility of the ground upon which he threw the suggestion. [Laughter.]

The PRESIDING OFFICER. The clerk will state the next nomination on the calendar.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. Mr. President, I ask unanimous consent that the Army nominations be confirmed en bloc, and that the President be notified.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc, and the President will be notified.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask that the nominations in the Navy be confirmed en bloc and that the President be notified.

The PRESIDING OFFICER. Without objection, the nominations in the Navy are confirmed en bloc, and the President will be notified.

That completes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 36 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, October 2, 1940, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate October 1 (legislative day of September 18), 1940

JUDGE OF THE UNITED STATES CIRCUIT COURT OF APPEALS

Harvey M. Johnsen, of Nebraska, to be judge of the United States Circuit Court of Appeals for the Eighth Circuit, to fill an existing vacancy.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1 (legislative day of September 18), 1940

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Lt. Col. James Veto McDowell
Maj. Harry Cullins
Maj. Duncan Philip Frissell

TO SIGNAL CORPS

First Lt. William Potter Turpin 3d

APPOINTMENTS IN THE REGULAR ARMY

TO BE ASSISTANTS TO THE CHIEF OF THE AIR CORPS WITH THE RANK OF BRIGADIER GENERAL

Herbert Arthur Dargue
Davenport Johnson
Carl Spaatz

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE MAJOR GENERALS

Lesley James McNair
William Bryden
Jay Leland Benedict
Richard Curtis Moore
Adna Romanza Chaffee
Edmund Leo Daley
Henry Conger Pratt
Frederic Harrison Smith
Philip Bradley Peyton
Joseph Michael Cummins
Karl Truesdell
Robert Charlwood Richardson, Jr.
Charles Fullington Thompson
Henry Tacitus Burgin
Jonathan Mayhew Wainwright
James Lawton Collins
Edwin Martin Watson
Joseph Warren Stilwell
Bruce Magruder
Lloyd Ralston Fredendall
James Eugene Chaney
Jacob Loucks Devers
Charles Lewis Scott
Thomas Alexander Terry
Jacob Earl Fickel
Barton Kyle Yount
James Henry Burns
Frederick LeRoy Martin
George Howard Brett

TO BE BRIGADIER GENERALS

John Hutchison Hester
Edward Postell King, Jr.
Wallace DeWitt
Albert Gallatin Love
Howard McCrum Snyder
George R. Allin
Morrison Clay Stayer
James Kerr Crain
William Vaulx Carter
Gerald Clark Brant
Innis Palmer Swift
Edmund Louis Gruber
Francis Bowditch Wilby
Ralph Talbot, Jr.
Arthur Willis Lane
Dawson Olmstead
Cortlandt Parker
Henry Black Clagett
Clyde Rush Abraham
René Edward DeRussy Hoyle
Rush Blodgett Lincoln
Henry Welles Baird
John Boursiquat Rose
Harry Keneth Rutherford
James Preston Marley
Charles Henry White
William Lloyd Sheep
Glen Edgar Edgerton
Clarence Lynn Sturdevant
Harvey Douglas Higley
Richard Donovan
Robert Clive Rodgers
John Francis Curry
Homer McLaughlin Groninger
Walter Reed Weaver
Richard Herbert Somers
Eugene Reybold
John Alden Crane
Marshall Magruder
John Piper Smith
Jacob Herman Rudolph
Frank Sheldon Clark
John Clifford Hodges Lee
George Smith Patton, Jr.
James Garesché Ord
Horace Hayes Fuller
Henry Dorsey Farandis Munnikhuysen
Robert Lawrence Eichelberger
Edwin Forrest Harding
William Hood Simpson
Rollin Larrabee Tilton
Raymond Eliot Lee
John Magruder
Richard Ferguson Cox
James Luke Frink
Fred Clute Wallace
Burton Oliver Lewis
Ernest Joseph Dawley
John Millikin
Durward Saunders Wilson
Frank Floyd Scowden
Walter Hale Frank
Frederick Elwood Uhl
Oscar Wolverton Griswold
Edgar Bergman Colladay
Russell Peter Hartle
Gladeon Marcus Barnes
Harvey Clark Allen
Oliver Loving Spiller
John Porter Lucas
Douglas Blakeshaw Netherwood
Lewis Hyde Brereton
Leonard Townsend Gerow
Levin Hicks Campbell, Jr.
Follett Bradley
Clarence Leonard Tinker
Martin Francis Scanlon
Henry William Harms
Millard Fillmore Harmon
Terry de la Mesa Allen
Oliver Patton Echols

PROMOTIONS IN THE NAVY

TO BE CAPTAIN

William K. Harrill

TO BE COMMANDERS

Herbert J. Meneratti
John E. Whelchel
Duncan Curry, Jr.
Arnold J. Isbell
Arthur DeL. Ayrault

TO BE LIEUTENANT COMMANDERS

James H. Carrington
Linwood S. Howeth
George J. King
Charles B. Hart
Edmund M. Ragsdale
Frank O'Beirne
William J. Whiteside
Douglas H. Fox
Samuel M. Tucker
Paul W. Watson
Allen R. Joyce
William R. Shaw
Stanley G. Nichols
Upton S. Brady, Jr.

TO BE LIEUTENANTS

Alfred R. Matter
George E. Pierce
Peris G. Bunce
John L. Chittenden
DeWitt C. McIver, Jr.
George S. James, Jr.
John P. Roach
Jack Roudebush
William C. Jonson, Jr.
Robert L. Strickler
Roland E. Stieler
David H. McDonald
Frank E. Wigelius
Lloyd H. McAlpine
William J. Widhelm
Otto A. Scherini
Howard E. Born
John G. Tennent 3d
Hinton A. Owens
Lloyd W. Parrish
John D. Shea
David Lambert
James R. Ogden
Merle F. Bowman
Charles K. Duncan
Waldemar F. A. Wendt
Norman W. Gambling
Frank R. Arnold
John A. Tyree, Jr.
Julian S. Hatcher, Jr.
Hayden L. Leon

TO BE LIEUTENANTS (JUNIOR GRADE)

Ralph Kissinger, Jr.
Paul E. Hartmann
Saverio Filippone
Francis E. Clark
Fred E. Wexel
Charles A. Burch
Charles L. Browning
Charles F. Putman
Talbot E. Harper
John P. M. Johnston
Richard B. Hughes
Henry D. Sipple
Donald "G" Baer
James S. O'Rourke
Ernest S. Friedrick
Eugene P. Rankin

TO BE COMMANDER

Walter F. Christmas

TO BE ASSISTANT PAYMASTER

Perry C. Conner

TO BE MEDICAL DIRECTOR

William J. C. Agnew

TO BE SURGEONS

Hubert J. VanPeenen
Harold L. Weaver
William R. Whiteford
Guy E. Stahr
Lester E. McDonald
Charles B. Stringfellow

TO BE PAYMASTER

Philip White

TO BE PASSED ASSISTANT PAYMASTERS

Frederick O. Vaughan
Carl F. Faires, Jr.

TO BE CHAPLAIN

Frank H. Lash

TO BE CHIEF ELECTRICIAN

Albert C. DeBlanc

TO BE CHIEF MACHINIST

Peter A. Dufly

TO BE LIEUTENANTS

Alvin W. Slayden
Frederic N. Howe
Theodore S. Lank
Harmon T. Utter
Malcolm E. Garrison
Charles E. Phillips

TO BE PASSED ASSISTANT SURGEON

James C. Flemming

POSTMASTERS

ALABAMA

Luther E. Brown, Andalusia.

ARIZONA

Virgil T. Denham, Snowflake.

INDIANA

Clarence A. Thompson, Columbus.

MARYLAND

Edward Lynch Gross, Brunswick.

MINNESOTA

Stuart P. Schaefer, Ely.
John R. Coan, Minneapolis.
A. Elton Jones, Twin Valley.

MISSOURI

James W. Brown, Jr., Willow Springs.

MONTANA

Jess B. Simkins, St. Ignatius.

SOUTH CAROLINA

Ernest F. Lewis, Seneca.

VIRGINIA

Retta V. Hart, Boykins.

WASHINGTON

Clyde E. Simon, Moxee City.

WISCONSIN

Edward G. Shaw, Blackcreek.
Joseph R. Coyle, Menasha.
Victor A. Patterson, Solon Springs.

WYOMING

Margaret L. Cooper, Medicine Bow.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 1, 1940

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, in the midst of the teeming, pain-stricken multitudes of earth is the broken peace, the bleeding heart, and the bitter cup shuddering on the verge of despair. We most humbly pray Thee, as the wind, the earthquake, and the fire are storming by, let the still, small voice break the silence. We bless Thee for the Christ, whose very garment is charged with sympathy and healing. For His sinless life, for His majesty and dignity, for His gentleness with the weary, the aged, and the suffering; for His patience with dull and ignorant men, for His passion to save the lost, and for His undying words that fell from His guileless lips, O Father of mercies, accept our deepest praise and gratitude. As the world is on the high seas which threaten to sweep it to an awful destiny, we pray that this Congress, as master and servant, lord and steward, may be clothed with a passion for doing the works of God and man. O Thou Holy One, who feels, loves, and lives, be Thou our imperishable strength and support that the high hopes of good men everywhere may not die at the touch of this present world's cruel reality. God bless America, our President, our Speaker, the leaders, and the Congress; encompass us with Thy truth, justice, and brotherhood. In our Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 1999. An act to confer jurisdiction upon certain United States commissioners to try petty offenses committed on Federal reservations;

H. R. 2728. An act to add certain lands to the Cleveland National Forest in Orange County, Calif.;

H. R. 3009. An act for the relief of June Thompson, a minor;

H. R. 4066. An act for the relief of Josefina Alvarado;

H. R. 4615. An act for the relief of Sallie Barr;

H. R. 4656. An act to record the lawful admission to the United States for permanent residence of Esther Klein;

H. R. 4724. An act for the relief of Charles F. Martin, a minor;

H. R. 4815. An act for the relief of Henry J. Wise;

H. R. 5040. An act for the relief of Arthur Joseph Reiber, a minor;

H. R. 5314. An act for the relief of Paul J. Kohanik;

H. R. 5814. An act for the relief of David J. Williams, Jr., a minor;

H. R. 6215. An act for the relief of John E. Avery;

H. R. 6512. An act for the relief of F. W. Heaton;

H. R. 6820. An act for the relief of Mrs. Hama Torii Emerson;

H. R. 6888. An act for the relief of Esther Jacobs;

H. R. 7139. An act for the relief of Joe L. McQueen;

H. R. 7276. An act for the relief of Walter B. McDougall and Herbert Maier;

H. R. 7302. An act for the relief of Lillian Brown and Silas Young;

H. R. 7357. An act to amend section 4472 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 465) to provide for the safe carriage of explosives or other dangerous or semidangerous articles or substances on board vessels; to make more effective the provisions of the International Convention for Safety of Life at Sea, 1929, relating to the carriage of dangerous goods, and for other purposes;

H. R. 7731. An act to provide for the burial and funeral expenses of deceased veterans of the Regular Establishment who were discharged for disability incurred in the service in line of duty, or in receipt of pension for service-connected disability;

H. R. 7815. An act for the relief of Boston & Maine Railroad;

H. R. 7910. An act for the relief of Betty Jane Bear Robe;

H. R. 8069. An act to re-form the lease for the Sellwood station of the Portland (Oreg.) post office;

H. R. 8163. An act for the relief of Antonio Sabatini;

H. R. 8301. An act for the relief of Allen B. Boyer;

H. R. 8369. An act authorizing a per capita payment of $10 each to the members of the Red Lake Band of Chippewa Indians from any funds on deposit in the Treasury of the United States to their credit;

H. R. 8744. An act for the relief of Ernest Lyle Greenwood and Phyllis Joy Greenwood;

H. R. 9073. An act to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe*, at Norfolk, Va., on October 27, 1939;

H. R. 9284. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. A. L. Ridings;

H. R. 9561. An act granting the consent of Congress to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Sauk Rapids, Minn.;

H. R. 9656. An act to authorize the acceptance of donations of property for the Vicksburg National Military Park, in the State of Mississippi, and for other purposes;

H. R. 9670. An act to provide an 8-hour workday and payment for overtime for dispatchers and mechanics-in-charge in the motor-vehicle service of the Postal Service;

H. R. 9734. An act authorizing allocation of funds for the construction of Saco Divide unit, Milk River project, and for other purposes;

H. R. 9840. An act for the relief of Bela Karlovitz;

H. R. 9921. An act to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project;

H. R. 9942. An act authorizing the Secretary of the Interior to issue to Henry W. Shurlds and W. H. White a patent to certain lands in the State of Mississippi;

H. R. 9943. An act authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi;

H. R. 9952. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Ind.;

H. R. 9989. An act authorizing the Administrator of Veterans' Affairs to grant an easement in certain land to the city of Memphis, Tenn., for street-widening purposes;

H. R. 9991. An act to amend section 4021 of the Revised Statutes and to repeal section 4023 of the Revised Statutes relating to establishment of postal agencies;

H. R. 10155. An act for the relief of William M. Irvine;

H. R. 10246. An act to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission;

H. R. 10267. An act to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration Facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes;

H. R. 10337. An act to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes;

H. R. 10406. An act to authorize the appointment of graduates of the Naval Reserve Officers' Training Corps to the line of the Regular Navy, and for other purposes; and

H. J. Res. 603. Joint resolution to authorize the United States Maritime Commission to furnish to the State of Pennsylvania a vessel suitable for the use of the Pennsylvania State nautical school, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H. R. 892. An act to extend to custodial-service employees employed by the Post Office Department certain benefits applicable to postal employees;

H. R. 1284. An act for the relief of Sophrania Holmes;

H. R. 1874. An act for the relief of Mrs. E. V. Maki;

H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;

H. R. 5154. An act for the relief of Charles Kliewe;

H. R. 5336. An act for the relief of Peter Bavisotto;

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.;

H. R. 6091. An act for the relief of Samuel Roberts;

H. R. 6813. An act to accept the cession by the States of North Carolina and Tennessee of exclusive jurisdiction over the lands embraced within the Great Smoky Mountains National Park, and for other purposes;

H. R. 7738. An act to amend the act entitled "An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public-airport use, and for other purposes";

H. R. 8150. An act providing for the barring of claims against the United States;

H. R. 8846. An act to provide for the retirement of certain members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the members of the Fire Department of the District of Columbia;

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska;

H. R. 10061. An act to consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code;

H. R. 10094. An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes;

H. R. 10339. An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes; and

H. J. Res. 467. Joint resolution to exempt from the tax on admissions amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 7. An act to revise the boundaries of the Saguaro National Monument;

S. 1146. An act for the relief of the leader of the Naval Academy Band;

S. 3133. An act for the relief of the Cherokee Indian Nation or Tribe, and for other purposes;

S. 3485. An act to amend section 226 of the act of March 4, 1909;

S. 3489. An act authorizing and directing the Comptroller General of the United States to allow credit in the accounts of Lt. Col. Frank H. Lusse, formerly of the Kentucky National Guard;

S. 3610. An act to provide for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority;

S. 3943. An act providing for judicial review in certain cases involving the disposition of the public lands;

S. 4083. An act to change the designation of the Organ Pipe Cactus National Monument, in the State of Arizona, and for other purposes;

S. 4085. An act for the relief of Max von der Porten and his wife, Charlotte von der Porten;

S. 4087. An act to legalize the construction by the Big Creek Bridge Co., Consolidated, of a bridge across the Tug Fork of the Big Sandy River at or near Nolan, W. Va.;

S. 4130. An act to provide for the establishment of the Coronado International Monument, in the State of Arizona;

S. 4135. An act to legalize the construction by the State Highway Board of Georgia of a free highway bridge across the Withlacoochee River, between Valdosta, Ga., and Madison, Fla., at Horns Ferry;

S. 4152. An act to authorize the Secretary of Agriculture to make analyses of fiber properties, spinning tests, and other tests of the quality of cotton samples submitted to him;

S. 4212. An act for the relief of certain Navajo Indians, and for other purposes;

S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch;

S. 4232. An act for the relief of the Eastern Cherokees;

S. 4233. An act for the relief of the Eastern and Western Cherokees;

S. 4236. An act for the relief of Ida Valeri;

S. 4270. An act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard;

S. 4295. An act to authorize the Pennsylvania Railroad Co. by means of an underpass, to cross New York Avenue NE., to extend, construct, maintain, and operate certain industrial sidetracks, and for other purposes;

S. 4299. An act to authorize the United States Maritime Commission to furnish suitable vessels for the benefit of certain State nautical schools, and for other purposes;

S. 4319. An act authorizing the transfer of land owned by the United States back to the Spring Park Club, of Richfield Springs, N. Y.;

S. 4338. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended;

S. 4356. An act making provision for payment of employees of the United States Government, its Territories or possessions, or the District of Columbia, when ordered to active duty with the military or naval forces of the United States;

S. 4360. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore

R. Troendle, sole stockholder of the Dawson Springs Construction Co.;

S. 4362. An act to provide for the completion of certain local protection works at East Hartford, Conn.;

S. 4365. An act to create the grade of aviation cadet in the Air Corps, Regular Army, and to prescribe the pay and allowances therefor, and for other purposes;

S. 4370. An act authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties;

S. 4373. An act to amend the act of June 25, 1938, entitled "An act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes";

S. 4374. An act to amend the Agricultural Adjustment Act of 1938;

S. J. Res. 225. Joint resolution relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area;

S. Res. 295. Joint resolution authorizing the participation of the United States in the celebration of a Pan American Aviation Day, to be observed on December 17 of each year, the anniversary of the first successful flight of a heavier-than-air machine; and

S. J. Res. 301. Joint resolution to authorize the acquisition of a suitable frame for the painting of the signing of the Constitution to be used in mounting said painting in the Capitol Building.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6687. An act to authorize the levy of State, Territory, and District of Columbia taxes upon, with respect to, or measured by sales, purchases, or use of tangible personal property or upon sellers, purchasers, or users of such property measured by sales, purchases, or use thereof occurring in United States national parks, military and other reservations or sites over which the United States Government may have jurisdiction.

The message also announced that the Senate insists upon its amendments to the foregoing bill; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GEORGE, Mr. BROWN, and Mr. LA FOLLETTE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9980. An act to revise and codify the nationality laws of the United States into a comprehensive nationality code.

The message also announced that the Senate insists upon its amendment to the foregoing bill; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SCHWELLENBACH, Mr. KING, and Mr. AUSTIN to be the conferees on the part of the Senate.

THE LATE COL. F. C. HARRINGTON

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM of Virginia. Mr. Speaker, our hearts have been saddened with the news of the untimely passing of Lt. Col. F. C. Harrington, Work Projects Commissioner. Colonel Harrington, with the background of a long and distinguished service in the United States Army, was drafted by the Works Progress Administration in 1935, where he served as Chief Engineer until 1938, when he assumed the direction of W. P. A.

In my capacity as acting chairman of the Deficiency Subcommittee, as well as the W. P. A. Investigation Committee, I came in close and intimate touch with Colonel Harrington. I have observed him under stress and under fire. I am glad to pay tribute to him as being a sincere and conscientious public servant whose ambition was to make of the work-relief program what I am sure Congress meant it should be, namely, a helping hand to deserving citizens who, through no fault of their own, were in need of assistance. Colonel Harrington was diligent, conscientious, courteous, and sincere. I have no doubt the ardous and exacting duties of his office took a fatal toll from his otherwise vigorous strength. Virginia has lost an honored son, the United States Army a gallant officer, the Federal Government a capable servant, and the Work Projects program an efficient Commissioner.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I desire to join the gentleman from Virginia [Mr. WOODRUM] in paying my humble tribute to a worthy American. A man of impeccable rectitude, a fine officer, and a splendid public official passed to the beyond when Col. Frank C. Harrington, Federal Work Projects Administrator, died at New London, Conn., last night. Our Subcommittee on Deficiencies, which had original jurisdiction over relief appropriations and which investigated the W. P. A. from top to bottom, went over the acts of Colonel Harrington with a fine-tooth comb, and while we did not always agree with him as to policies and performances we did agree that he was an honest man. Charged with the responsibility of distributing astronomical sums of the taxpayers' money, he was never swayed by favoritism and his spear knew no brother.

Born in Virginia, where Democrats thrive, I doubt whether he had any politics and I doubt whether he ever voted. He held himself to the rigid rule of duty and never deviated from it a hair's breadth. He was an Army man and exemplified Army traditions at their best, always ready to perform any duty that fate assigned to him and to give it the best that was in him. Over the desk in his office was the following quotation of George Washington, which was the ruling principle of his life:

> Do not suffer your good nature, when application is made, to say "Yes" when you ought to say "No"; remember that it is a public and not a private cause that is to be injured or benefited by your choice.

I sometimes feel that we are too sparing of our flowers for the living. Last March the gentleman from Missouri [Mr. CANNON] and I, during our committee hearing on the W. P. A., handed some flowers to Colonel Harrington, which we thought were deserved. I quote from page 548 of the hearing as follows:

> Mr. CANNON. Down to the present time, Colonel Harrington, from the beginning of the Works Progress Administration to date, what is the total amount of money expended?
>
> Colonel HARRINGTON. About seven and a half billion dollars.
>
> Mr. CANNON. That is a stupendous sum. In the expenditure of that sum, if no grounds for criticism arose, it would be nothing short of any ancient biblical miracle recorded in Holy Writ?
>
> Colonel HARRINGTON. There is no doubt of that, sir.
>
> Mr. CANNON. It was expected that there would be some mistakes made. Business always makes an allowance for that. The point is not that you made mistakes, which is only human, but that you are not making the same mistakes now. Are you still doing things which were subject to criticism after these criticisms have been justified?
>
> Colonel HARRINGTON. No, sir; we are not. The W. P. A. is about 4½ years old. It got started in the autumn of 1935, and this is the spring of 1940, and I think, when we put the record of W. P. A. up alongside Government departments with 150 years behind them, that we do not need to hang our heads in W. P. A. about the job that has been done.
>
> Mr. CANNON. It amounted to pioneering in an uncharted field without a compass and with no blueprints to go by?
>
> Colonel HARRINGTON. That is right.
>
> Mr. WOODRUM. Mr. Ludlow.
>
> Mr. LUDLOW. Mr. Chairman, I think the gentleman from Missouri [Mr. CANNON] has stolen some of my thunder.
>
> Mr. CANNON. Certain classes of people think along the same channels.
>
> Mr. LUDLOW. Colonel Harrington, I just want to start with an observation of my own, if I may, for what it is worth, which almost paraphrases what the gentleman of Missouri was just saying.
>
> Considering the vast volume of money handled and the size of personnel involved in administering the W. P. A., and making due allowance for the weaknesses of human nature, I think the wonder

is not that there has been some crookedness in the W. P. A., but that there has been as little crookedness as the records indicate. I should say that, judged by accepted moral standards, W. P. A. is 99 percent clean. While I do not agree with some of the W. P. A. policies, I want to say that Colonel Harrington has discharged a task of monumental magnitude and difficulty honestly, faithfully, and conscientiously, and I do not want anything I may say to be construed as any criticism of him.

Colonel HARRINGTON. Thank you very much, sir.

I am glad that I spoke those words to Colonel Harrington when he was living, and there is a solemn and saddening satisfaction in repeating them now that he is dead.

His was an engaging and lovable personality. In conferences at the White House I could not fail to observe the affection with which the President referred to him as "Pink," calling him by the nickname that was fastened upon him long ago at West Point and with which he was indissolubly associated in the minds of his friends.

Responsible as he was for the execution of a trust of inconceivable magnitude, he leaves as a heritage to his children a faithful and efficient record of service for his country which they may well be proud of to the last day of their lives.

EXTENSION OF REMARKS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by my colleague the gentleman from New York [Mr. BARTON].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. REED of New York and Mr. KNUTSON asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Vermont [Mr. PLUMLEY] may be permitted to extend his own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made on the subject of gold on May 9 of this year.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. TALLE asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an address by Chester G. Meyers on safety for air travel.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ELSTON asked and was given permission to revise and extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend my remarks by including a letter which I shall read in the course of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, as a member of the Deficiency Subcommittee I want to say that we appreciated the good work of Colonel Harrington. If it had not been for his support we would not have had the 18-month provision successfully continued or the elimination of the prevailing wage in relief, both of which were excellent amendments.

I now want to read a letter that I recently received:

OMAHA, NEBR., *September 29, 1940.*

Representative W. P. LAMBERTSON,
Washington, D. C.

MY DEAR REPRESENTATIVE: It may interest you to know that during my 40 years as traveling salesman I have gone through panics, depressions, and poor business, but never anything like it has been since the recent conscription bill was signed.

Since the passage of this bill—so strange in peacetimes—everything has been at a standstill, the almost complete slump in sales not only affecting the present but apparently apt to have much the same paralyzing effect on future business.

Naturally all men of the draft age are reluctant to invest, even to the point of being unwilling to buy for actual current needs. This applies not alone to the 21 to 35 age brackets but millions of others, who, uncertain of the future and their own status, do not feel sufficiently secure to act upon their ordinary initiative with normal regard for future activity.

And, after all, why should young men from 25 to 35, who either hold good jobs or in some kind of individual enterprise which is perfectly legitimate and a benefit to the community and this country, be forced to drop all such constructive endeavor in peacetime for a year's military training? Few, if any, American citizens, regardless of the alarming statements consistently being made to the contrary, actually fear or have reason to fear invasion of our shores. Therefore, such a drastic step as this conscription bill, in a free country like ours, in peacetime, is one which in its repercussions generally and its deadening influence on privately owned business, which surely needs to be stimulated rather than further handicapped, may occasion Mr. Roosevelt some unpleasantness.

I urge you to pass this along to Senators in the hope that the situation may be corrected or at least in some measure alleviated.

May God bless you.

Sincerely,

MARTIN J. BREMER,
5009 Sheridan Road, Chicago, Ill.

EXTENSION OF REMARKS

Mr. KEAN asked and was given permission to revise and extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, the Roosevelt far eastern policy of bluff and bluster has driven Japan into the arms of Nazi Germany and Fascist Italy. This was a foregone conclusion when President Roosevelt determined on a policy of policing and quarantining the world from Washington. The issue is rapidly developing into whether we are to police Asia with American blood and treasure or while insisting on our rights to trade to keep out of war.

If the American foreign policy is to be determined by sentiment then President Roosevelt is right and we should have gone to war immediately when Abyssinia, China, and Czechoslovakia were invaded. If the policy laid down by George Washington and Thomas Jefferson of nonintervention and keeping out of foreign conflicts means anything there is still time to arbitrate our difficulties with Japan.

A perilous situation has developed as a result of the blunders of the New Deal diplomacy in taking such an aggressive and belligerent attitude toward Japan with nothing to back it up. No one in Japan really wants war with the United States but it is quite evident that this highly proud and militaristic nation has gotten tired of being threatened and slapped in the face by us.

All the American people are sympathetic with China, but I do not believe that 1 percent of the Members of Congress or of our people want war with Japan unless we are attacked or the right of Americans to trade is suppressed. It is time for us to remain calm and keep our powder dry and to build up our own national defense. We must not let our sympathies run away with our judgment and involve us in any Asiatic war 10,000 miles away that has no connection with the defense of the American Continent.

The New Deal dictatorial administration of confusion and hysteria with a chip on its shoulder persists in passing out moral judgments all over the world which is the open road to war. Our foreign policy in the Far East is filled with dynamite and any provocative action may ignite the fatal blast of war. The Congress is prepared to spend billions for defense but not one dollar to send an American soldier to Asia to fight other people's battles. President Roosevelt must not make any military or naval alliances or war commitments without the consent of Congress. If he does, I predict that we will be holding the bag and doing all the fighting in the Far East. [Applause.]

EXTENSION OF REMARKS

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SECOND REVENUE BILL OF 1940

Mr. DOUGHTON. Mr. Speaker, I call up the conference report on the bill (H. R. 10413) to provide revenue, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10413) to provide revenue, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 34, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 25, 28, 29, 30, 31, 32, and 33, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I—CORPORATION INCOME TAX

"SEC. 101. Corporation income tax.

"(a) Tax on corporations in general: Section 13 (b) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

"'(b) IMPOSITION OF TAX.—There shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation the normal-tax net income of which is more than $25,000 (except a corporation subject to the tax imposed by section 14, section 231 (a), Supplement G, or Supplement Q) whichever of the following taxes is the lesser:

"'(1) GENERAL RULE.—A tax of 22½ per centum of the normal-tax net income; or

"'(2) ALTERNATIVE TAX (CORPORATIONS WITH NORMAL-TAX NET INCOME SLIGHTLY MORE THAN $25,000).—A tax of $3,775, plus 35 per centum of the amount of the normal-tax net income in excess of $25,000.'

"(b) TAX ON FOREIGN CORPORATIONS.—Section 14 (c) (1) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

"'(c) FOREIGN CORPORATIONS.—

"'(1) In the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, the tax shall be an amount equal to 22½ per centum of the normal-tax net income, regardless of the amount thereof.'

"(c) TAX ON MUTUAL INVESTMENT COMPANIES.—Section 362 (b) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

"'(b) IMPOSITION OF TAX.—There shall be levied, collected, and paid for each taxable year upon the Supplement Q net income of every mutual investment company a tax equal to 22½ per centum of the amount thereof.'

"(d) DEFENSE TAX FOR FIVE YEARS.—The first sentence of section 15 of the Internal Revenue Code, added to such Code by section 201 of the Revenue Act of 1940, is amended to read as follows: 'In the case of any taxpayer, the amount of tax under this chapter for any taxable year beginning after December 31, 1939, and before January 1, 1945, shall be the tax computed without regard to this section, increased by 10 per centum; except that in the case of a corporation the increase shall be limited to 10 per centum of the tax computed without regard to the amendments made by section 101 (a), (b), and (c) of the Second Revenue Act of 1940.'

"(e) TAXABLE YEARS TO WHICH APPLICABLE.—Amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939.

"TITLE II—EXCESS PROFITS TAX

"SEC. 201. Excess Profits Tax of 1940.

"The Internal Revenue Code is amended by inserting after section 706 the following new subchapter which may be cited as the 'Excess Profits Tax Act of 1940':

"'SUBCHAPTER E—EXCESS PROFITS TAX

"'PART I

"'SEC. 710. Imposition of Tax.

"'(a) IMPOSITION.—There shall be levied, collected, and paid, for each taxable year beginning after December 31, 1939, on the adjusted excess profits net income, as defined in subsection (b), of every corporation (except a corporation exempt under section 727) a tax as follows:

"'(1) Upon adjusted excess profits net incomes of less than $20,000, 25 per centum of the adjusted excess profits net income.

"'$5,000 upon adjusted excess profits net incomes of $20,000; and upon adjusted excess profits net incomes in excess of $20,000, and not in excess of $50,000, 30 per centum in addition of such excess.

"'$14,000 upon adjusted excess profits net incomes of $50,000; and upon adjusted excess profits net incomes in excess of $50,000, and not in excess of $100,000, 35 per centum in addition of such excess.

"'$31,500 upon adjusted excess profits net incomes of $100,000; and upon adjusted excess profits net incomes in excess of $100,000, and not in excess of $250,000, 40 per centum in addition of such excess.

"'$91,500 upon adjusted excess profits net incomes of $250,000; and upon adjusted excess profits net incomes in excess of $250,000, and not in excess of $500,000, 45 per centum in addition of such excess.

"'$204,000 upon adjusted excess profits net incomes of $500,000; and upon adjusted excess profits net incomes in excess of $500,000, 50 per centum in addition of such excess.

"'(2) Application of rates in case of certain exchanges: If the taxpayer's highest bracket amount for the taxable year computed under section 752 (relating to certain exchanges) is less than $500,000, then in the application of paragraph (1) of this subsection to such taxpayer, in lieu of each amount, other than the percentages, specified in such paragraph, there shall be substituted an amount which bears the same ratio to the amount so specified as the highest bracket amount so computed bears to $500,000.

"'(b) DEFINITION OF ADJUSTED EXCESS PROFITS NET INCOME.—As used in this section, the term "adjusted excess profits net income" in the case of any taxable year means the excess profits net income (as defined in section 711) minus the sum of:

"'(1) SPECIFIC EXEMPTION.—A specific exemption of $5,000;

"'(2) EXCESS PROFITS CREDIT.—The amount of the excess profits credit allowed under section 712; and

"'(3) UNUSED EXCESS PROFITS CREDIT.—In the case of a taxpayer the normal-tax net income of which for the taxable year is not more than $25,000, the amount by which the excess profits credit for the preceding taxable year (if beginning after December 31, 1939) exceeds the excess profits net income for such preceding taxable year.

"'SEC. 711. Excess profits net income.

"'(a) TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1939.—The excess profits net income for any taxable year beginning after December 31, 1939, shall be the normal-tax net income, as defined in section 13 (a) (2), for such year except that the following adjustments shall be made:

"'(1) EXCESS PROFITS CREDIT COMPUTED UNDER INCOME CREDIT.—If the excess profits credit is computed under section 713, the adjustments shall be as follows:

"'(A) Income Taxes.—The deduction for taxes shall be increased by an amount equal to the tax (not including the tax under section 102) under Chapter 1 for such taxable year;

"'(B) Long-term Gains and Losses.—There shall be excluded long-term capital gains and losses. There shall be excluded the excess of gains from the sale or exchange of property held for more than eighteen months which is of a character which is subject to the allowance for depreciation provided in section 23 (l) over the losses from the sale or exchange of such property;

"'(C) Income From Retirement or Discharge of Bonds, and So Forth.—There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

"'(D) Refunds and Interest on Agricultural Adjustment Act Taxes.—There shall be excluded income attributable to refund of tax paid under the Agricultural Adjustment Act of 1933, as amended, and interest upon any such refund;

"'(E) Recoveries of Bad Debts.—There shall be excluded income attributable to the recovery of a bad debt if a deduction with reference to such debt was allowable from gross income for any taxable year beginning prior to January 1, 1940;

"'(F) Dividends Received.—The credit for dividends received shall apply, without limitation, to dividends on stock of domestic corporations.

"'(2) EXCESS PROFITS CREDIT COMPUTED UNDER INVESTED CAPITAL CREDIT.—If the excess profits credit is computed under section 714, the adjustments shall be as follows:

"'(A) Dividends Received.—The credit for dividends received shall apply, without limitation, to all dividends on stock of all corporations, except dividends (actual or constructive) on stock of foreign personal-holding companies;

"'(B) Interest.—The deduction for interest shall be reduced by an amount equal to 50 per centum of so much of such interest as represents interest on the indebtedness included in the daily amounts of borrowed capital (determined under section 719 (a));

"'(C) Income Taxes.—The deduction for taxes shall be increased by an amount equal to the tax (not including the tax under section 102) under Chapter 1 for such taxable year;

"'(D) Long-term Gains and Losses.—There shall be excluded long-term capital gains and losses. There shall be excluded the excess of gains from the sale or exchange of property held for more than eighteen months which is of a character which is subject to the allowance for depreciation provided in section 23 (l) over the losses from the sale or exchange of such property;

"'(E) Income From Retirement or Discharge of Bonds, and So Forth.—There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, including, in the case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

"'(F) Refunds and Interest on Agricultural Adjustment Act Taxes.—There shall be excluded income attributable to refund of tax paid under the Agricultural Adjustment Act of 1933, as amended, and interest upon any such refund;

"'(G) Interest on Certain Government Obligations.—The normal-tax net income shall be increased by an amount equal to the amount of the interest on obligations held during the taxable year which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income, if the taxpayer has so elected under section 720 (d); and

"'(H) Recoveries of Bad Debts.—There shall be excluded income attributable to the recovery of a bad debt if a deduction with reference to such debt was allowable from gross income for any taxable year beginning prior to January 1, 1940.

"'(3) TAXABLE YEAR LESS THAN TWELVE MONTHS.—If the taxable year is a period of less than twelve months the excess profits net income shall be placed on an annual basis by multiplying the amount thereof by the number of days in the twelve months ending with the close of the taxable year and dividing by the number of days in the taxable year. The tax shall be such part of the tax computed on such annual basis as the number of days in the taxable year is of the number of days in the twelve months ending with the close of the taxable year.

"'(b) TAXABLE YEARS IN BASE PERIOD.—

"'(1) GENERAL RULE AND ADJUSTMENTS.—The excess profits net income for any taxable year subject to the Revenue Act of 1936 shall be the normal-tax net income, as defined in section 13 (a) of such Act; and for any other taxable year beginning after December 31, 1937, and before January 1, 1940, shall be the special-class net income, as defined in section 14 (a) of the applicable revenue law. In either case the following adjustments shall be made (for additional adjustments in case of certain reorganizations, see section 742 (e)):

"'(A) Income Taxes.—The deduction for taxes shall be increased by an amount equal to the tax (not including the tax under section 102) for such taxable year under Title I or Chapter 1, as the case may be, of the revenue law applicable to such year;

"'(B) Long-Term Gains and Losses.—There shall be excluded long-term capital gains and losses. There shall be excluded the excess of gains from the sale or exchange of property held for more than eighteen months which is of a character which is subject to the allowance for depreciation provided in section 23 (l) over the losses from the sale or exchange of such property;

"'(C) Income From Retirement or Discharge of Bonds, and So Forth.—There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

"'(D) Deductions on Account of Retirement or Discharge of Bonds, and So Forth.—If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, the following deductions for such taxable year shall not be allowed:

"'(i) The deduction allowable under section 23 (a) for expenses paid or incurred in connection with such retirement or discharge;

"'(ii) The deduction for losses allowable by reason of such retirement or discharge; and

"'(iii) In case the issuance was at a discount, the amount deductible for such year solely because of such retirement or discharge;

"'(E) Casualty, Demolition, and Similar Losses.—Deductions under section 23 (f) for losses arising from fires, storms, shipwreck, or other casualty, or from theft, or arising from the demolition, abandonment or loss of useful value of property not compensated for by insurance or otherwise shall not be allowed;

"'(F) Repayment of Processing Tax to Vendees.—The deduction under section 23 (a) for any taxable year for expenses shall be decreased by an amount which bears the same ratio to the amount deductible on account of any repayment or credit by the corporation to its vendee of any amount attributable to any tax under the Agricultural Adjustment Act of 1933 as amended as the excess of the aggregate of the amounts so deductible in the base period over the aggregate of the amounts attributable to taxes under such Act collected from its vendees which were includible in the corporation's gross income in the base period and which were not paid bears to the aggregate of the amounts so deductible in the base period;

"'(G) Payment of Judgments, and So Forth.—Deductions attributable to any claim, award, judgment, or decree against the taxpayer, or interest on any of the foregoing, shall not be allowed if in the light of the taxpayer's business it was abnormal for the taxpayer to incur a liability of such character or, if the taxpayer normally incurred such liability, the amount of such liability in the taxable year was grossly disproportionate to the amount of such liability in the four previous taxable years;

"'(H) All expenditures for intangible drilling and development costs paid or incurred in or for the drilling of wells or the preparation of wells for the production of oil or gas, or expenditures for development costs in the case of mines, which the taxpayer has deducted from gross income as an expense, shall not be allowed to the extent that in the light of the taxpayer's business it was abnormal for the taxpayer to incur a liability of such character or, if the taxpayer normally incurred such liability, to the extent that the amount of such liability in the taxable year was grossly disproportionate to the amount of such liability in the four previous taxable years; and

"'(I) Dividends Received.—The credit for dividends received shall apply, without limitation, to dividends on stock of domestic corporations.

"'(2) CAPITAL GAINS AND LOSSES.—For the purposes of this subsection the normal-tax net income and the special-class net income referred to in paragraph (1) shall be computed as if section 23 (g) (2), section 23 (k) (2), and section 117 were part of the revenue law applicable to the taxable year the excess profits net income of which is being computed, with the exception that the net short-term capital loss carry-over provided in subsection (e) of section 117 shall be applicable to net short-term capital losses for taxable years beginning after December 31, 1934. Such exception shall not apply for the purposes of computing the tax under this subchapter for any taxable year beginning before January 1, 1941.

"'SEC. 712. Excess profits credit—allowance.

"'(a) DOMESTIC CORPORATIONS.—In the case of a domestic corporation which was in existence before January 1, 1940, the excess profits credit for any taxable year shall, at the election of the taxpayer made in its return for such taxable year, be an amount computed under section 713 or section 714. (For election in case of certain reorganizations of corporations not qualified under the preceding sentence, see section 741.) In the case of all other domestic corporations the excess profits credit for any taxable year shall be an amount computed under section 714. In the case of a domestic corporation which for any taxable year does not file a return before the expiration of the time prescribed by law for filing such return, the excess profits credit for such taxable year shall be an amount computed under section 714.

"'(b) FOREIGN CORPORATIONS.—In the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, the first taxable year of which under this subchapter begins on any date in 1940, which was in existence on the day forty-eight months prior to such date and which at any time during each of the taxable years in such forty-eight months was engaged in trade or business within the United States or had an office or place of business therein, the excess profits credit for any taxable year shall, at the election of the taxpayer in its return for such taxable year, be an amount computed under section 713 or section 714. In the case of all other such foreign corporations the excess profits credit for any taxable year shall be an amount computed under section 714. In the case of a foreign corporation which for any taxable year does not file a return before the expiration of the time prescribed by law for filing such return, the excess profits credit for such taxable year shall be an amount computed under section 714.

"'SEC. 713. Excess profits credit—based on income.

"'(a) AMOUNT OF EXCESS PROFITS CREDIT.—The excess profits credit for any taxable year, computed under this section, shall be—

"'(1) DOMESTIC CORPORATIONS.—In the case of a domestic corporation—

"'(A) 95 per centum of the average base period net income, as defined in subsection (b),

"'(B) Plus 8 per centum of the net capital addition as defined in subsection (c), or

"'(C) Minus 6 per centum of the net capital reduction as defined in subsection (c).

"'(2) FOREIGN CORPORATIONS.—In the case of a foreign corporation, 95 per centum of the average base period net income.

"'(b) AVERAGE BASE PERIOD NET INCOME.—For the purposes of this section the average base period net income of the taxpayer shall be determined as follows:

"'(1) By computing the aggregate of the excess profits net income for each of the taxable years of the taxpayer beginning after December 31, 1935, and before January 1, 1940, reduced, in the case of each

such taxable year in which the deductions plus the credit for dividends received exceeded the gross income, by the amount attributable to such excess under paragraph (4);

"'(2) By dividing the amount ascertained under paragraph (1) by the total number of months in all such taxable years; and

"'(3) By multiplying the amount ascertained under paragraph (2) by twelve.

"'(4) For the purposes of paragraph (1)—

"'(A) In determining whether, for any taxable year, the deductions plus the credit for dividends received exceeded the gross income, and in determining the amount of such excess, the adjustments provided in section 711 (b) (1) shall be made; and

"'(B) The amount attributable to any taxable year in which there is such an excess shall be the amount of such excess, except that such amount shall be zero if there is only one such year, or, if more than one, shall be zero for the year in which such excess is the greatest.

"'(5) For the purposes of paragraph (1), if the taxpayer was in existence during only part of the 48 months preceding the beginning of its first taxable year under this subchapter (hereinafter in this paragraph called "base period"), its excess profits net income—

"'(A) for each taxable year of twelve months (beginning with the beginning of such base period) during which it was not in existence, shall be an amount equal to 8 per centum of the excess of—

"'(i) the daily invested capital for the first day of the taxpayer's first taxable year beginning after December 31, 1939, over

"'(ii) an amount equal to the same percentage of such daily invested capital as is applicable under section 720 in reduction of the average invested capital of the preceding taxable year;

"'(B) for the taxable year of less than twelve months consisting of that part of the remainder of the base period during which it was not in existence, shall be the amount ascertained for a full year under subparagraph (A), multiplied by the number of days in such taxable year of less than twelve months and divided by the number of days in the twelve months ending with the close of such taxable year.

"'(6) In no case shall the average base period net income be less than zero.

"'(7) For computation of average base period net income in case of certain reorganizations, see section 742.

"'(C) Adjustments in excess profits credit on account of capital changes: For the purposes of section—

"'(1) The net capital addition for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital addition for each day of the taxable year over the aggregate of the daily capital reduction for each day of the taxable year.

"'(2) The net capital reduction for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital reduction for each day of the taxable year over the aggregate of the daily capital addition for each day of the taxable year.

"'(3) The daily capital addition for any day of the taxable year shall be the aggregate of the amounts of money and property paid in for stock, or as paid-in surplus, or as a contribution to capital, after the beginning of the taxpayer's first taxable year under this subchapter and prior to such day. In determining the amount of any property paid in, such property shall be included in an amount determined in the manner provided in section 718 (a) (2). A distribution by the taxpayer to its shareholders in its stock or rights to acquire its stock shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital. The amount ascertained under this paragraph shall be reduced by the excess, if any, of the excluded capital for such day over the excluded capital for the first day of the taxpayer's first taxable year under this subchapter. For the purposes of this paragraph the excluded capital for any day shall be an amount equal to the sum of the following:

"'(A) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of obligations held by the taxpayer at the beginning of such day, which are described in section 22 (b) (4) (A), (B), or (C) any part of the interest from which is excludible from gross income or allowable as a credit against net income; and

"'(B) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of stock of domestic corporations held by the taxpayer at the beginning of such day.

The daily capital addition shall in no case be less than zero. (For daily capital additions and reductions in case of certain reorganizations, see section 743.)

"'(4) The daily capital reduction for any day of the taxable year shall be the aggregate of the amounts of distributions to shareholders, not out of earnings and profits, after the beginning of the taxpayer's first taxable year under this subchapter and prior to such day.

"'SEC. 714. Excess profits credit—based on invested capital.

"'The excess profits credit, for any taxable year, computed under this section, shall be an amount equal to 8 per centum of the taxpayer's invested capital for the taxable year, determined under section 715.

"'SEC. 715. Definition of invested capital.

"'For the purposes of this subchapter the invested capital for any taxable year shall be the average invested capital for such year, determined under section 716, reduced by an amount computed under section 720 (relating to inadmissible assets). If the Commissioner finds that in any case the determination of invested capital, on a basis other than a daily basis, will produce an invested capital differing by not more than $1,000 from an invested capital determined on a daily basis, he may, under regulations prescribed by him with the approval of the Secretary, provide for such determination on such other basis. (For computation of invested capital in case of foreign corporations and corporations entitled to the benefits of section 251, see section 724.)

"'SEC. 716. Average invested capital.

"'The average invested capital for any taxable year shall be the aggregate of the daily invested capital for each day of such taxable year, divided by the number of days in such taxable year.

"'SEC. 717. Daily invested capital.

"'The daily invested capital for any day of the taxable year shall be the sum of the equity invested capital for such day plus the borrowed invested capital for such day determined under section 719.

"'SEC. 718. Equity Invested Capital.

"'(a) DEFINITION.—The equity invested capital for any day of any taxable year shall be determined as of the beginning of such day and shall be the sum of the following amounts, reduced as provided in subsection (b)—

"'(1) MONEY PAID IN.—Money previously paid in for stock, or as paid-in surplus, or as a contribution to capital;

"'(2) PROPERTY PAID IN.—Property (other than money) previously paid in (regardless of the time paid in) for stock, or as paid-in surplus, or as a contribution to capital. Such property shall be included in an amount equal to its basis (unadjusted) for determining loss upon sale or exchange. If the property was disposed of before such taxable year, such basis shall be determined in the same manner as if the property were still held at the beginning of such taxable year. If such unadjusted basis is a substituted basis it shall be adjusted, with respect to the period before the property was paid in, in the manner provided in section 113 (b) (2);

"'(3) DISTRIBUTIONS IN STOCK.—Distributions in stock—

"'(A) Made prior to such taxable year to the extent to which they are considered distributions of earnings and profits; and

"'(B) Previously made during such taxable year to the extent to which they are considered distributions of earnings and profits other than earnings and profits of such taxable year;

"'(4) Earnings and profits at beginning of year: The accumulated earnings and profits as of the beginning of such taxable year; and

"'(5) Increase on account of gain on tax-free liquidation: In the case of the previous receipt of property (other than property described in the last sentence of section 113 (a) (15)) by the taxpayer in complete liquidation of another corporation under section 112 (b) (6), or the corresponding provision of a prior revenue law, an amount, with respect to each such liquidation, equal to the amount by which the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received, exceeds the sum of:

"'(A) The aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

"'(B) The aggregate of the liabilities of such other corporation assumed by the taxpayer in connection with the receipt of such property, of the liabilities (not assumed by the taxpayer) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the taxpayer for such property so received.

"'(b) REDUCTION IN EQUITY INVESTED CAPITAL.—The amount by which the equity invested capital for any day shall be reduced as provided in subsection (a) shall be the sum of the following amounts—

"'(1) DISTRIBUTIONS IN PREVIOUS YEARS.—Distributions made prior to such taxable year which were not out of accumulated earnings and profits;

"'(2) DISTRIBUTIONS DURING THE YEAR.—Distributions previously made during such taxable year which are not out of the earnings and profits of such taxable year;

"'(3) EARNINGS AND PROFITS OF ANOTHER CORPORATION.—The earnings and profits of another corporation which previously at any time were included in accumulated earnings and profits by reason of a transaction described in section 112 (b) to (e), both inclusive, or in the corresponding provision of a prior revenue law, or by reason of the transfer by such other corporation to the taxpayer of property the basis of which in the hands of the taxpayer is or was determined with reference to its basis in the hands of such other corporation, or would have been so determined if the property had been other than money; and

"'(4) REDUCTION ON ACCOUNT OF LOSS ON TAX-FREE LIQUIDATION.—In the case of the previous receipt of property (other than property described in the last sentence of section 113 (a) (15)) by the taxpayer in complete liquidation of another corporation under section 112 (b) (6), or the corresponding provision of a prior revenue law, an amount, with respect to each such liquidation, equal to the amount by which the sum of—

"'(A) The aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

"'(B) The aggregate of the liabilities of such other corporation assumed by the taxpayer in connection with the receipt of such property, of the liabilities (not assumed by the taxpayer) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the taxpayer for such property so received, exceeds the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received. The amount of the reduction under this paragraph shall not exceed the accumulated earnings and profits as of the beginning of such taxable year.

"'(c) RULES FOR APPLICATION OF SUBSECTIONS (a) AND (b).—For the purposes of subsections (a) and (b)—

"'(1) DISTRIBUTIONS TO SHAREHOLDERS.—The term "distribution" means a distribution by a corporation to its shareholders, and the term "distribution in stock" means a distribution by a corporation in its stock or rights to acquire its stock. To the extent that a distribution in stock is not considered a distribution of earnings and profits it shall not be considered a distribution. A distribution in stock shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital.

"'(2) DISTRIBUTIONS IN FIRST SIXTY DAYS OF TAXABLE YEAR.—In the application of such subsections to any taxable year beginning after December 31, 1940, so much of the distributions (taken in the order of time) made during the first sixty days thereof as does not exceed the accumulated earnings and profits as of the beginning thereof (computed without regard to this paragraph) shall be considered to have been made on the last day of the preceding taxable year.

"'(3) COMPUTATION OF EARNINGS AND PROFITS OF TAXABLE YEAR.—For the purposes of subsections (a) (3) (B) and (b) (2) in determining whether a distribution is out of the earnings and profits of any taxable year, such earnings and profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of the tax under this subchapter for such year and the determination shall be made without regard to the amount of earnings and profits at the time the distribution was made.

"'(4) STOCK IN CASE OF MERGER OR CONSOLIDATION.—If a corporation owns stock in another corporation, and—

"'(A) such corporations are merged or consolidated in a statutory merger or consolidation, or

"'(B) such corporations are parties to a transaction which results in the elimination of such stock in a manner similar to that resulting from a statutory merger or consolidation,

then such stock shall not be considered as property paid in for stock of or as paid-in surplus of, or as a contribution to capital of, the corporation resulting from the transaction referred to in subparagraph (A) or (B).

"'(d) For special rules affecting computation of property paid in for stock in connection with certain exchanges and liquidations, see section 751 (a).

"'(e) For determination of equity invested capital in special cases, see section 723.

"'SEC. 719. Borrowed Invested Capital.

"'(a) BORROWED CAPITAL.—The borrowed capital for any day of any taxable year shall be determined as of the beginning of such day and shall be the sum of the following:

"'(1) The amount of the outstanding indebtedness (not including interest, and not including indebtedness described in section 751 (b) relating to certain exchanges) of the taxpayer which is evidenced by a bond, note, bill of exchange, debenture, certificate of indebtedness, mortgage, or deed of trust, plus,

"'(2) In the case of a taxpayer having a contract (made before the expiration of 30 days after the date of the enactment of the Second Revenue Act of 1940) with a foreign government to furnish articles, materials, or supplies to such foreign government, if such contract provides for advance payment and for repayment by the vendor of any part of such advance payment upon cancellation of the contract by such foreign government, the amount which would be required to be so repaid if cancellation occurred at the beginning of such day, but no amount shall be considered as borrowed capital under this paragraph which has been includible in gross income.

"'(b) BORROWED INVESTED CAPITAL.—The borrowed invested capital for any day of any taxable year shall be determined as of the beginning of such day and shall be an amount equal to 50 per centum of the borrowed capital for such day.

"'SEC. 720. Admissible and inadmissible assets.

"'(a) DEFINITIONS.—For the purposes of this subchapter—

"'(1) The term "inadmissible assets" means—

"'2 (A) Stock in corporations except stock in a foreign personal-holding company; and

"'(B) Except as provided in subsection (d), obligations described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income.

"'(2) The term "admissible assets" means all assets other than inadmissible assets.

"'RATIO OF INADMISSIBLES TO TOTAL ASSETS.—The amount by which the average invested capital for any taxable year shall be reduced as provided in section 715 shall be an amount which is the same percentage of such average invested capital as the percentage which the total of the inadmissible assets is of the total of admissible and inadmissible assets. For such purposes, the amount attributable to each asset held at any time during such taxable year shall be determined by ascertaining the adjusted basis thereof (or, in the case of money, the amount thereof) for each day of such taxable year so held and adding such daily amounts. The determination of such daily amounts shall be made under regulations prescribed by the Commissioner with the approval of the Secretary. The adjusted basis shall be the adjusted basis for determining loss upon sale or exchange as determined under section 113.

"'(c) COMPUTATION IF SHORT-TERM CAPITAL GAIN.—If during the taxable year there has been a short-term capital gain with respect to an inadmissible asset, then so much of the amount attributable to such inadmissible asset under subsection (b) as bears the same ratio thereto as such gain bears to the sum of such gain plus the dividends and interest on such asset for such year, shall, for the purpose of determining the ratio of inadmissible assets to the total of admissible and inadmissible assets, be added to the total of admissible assets and subtracted from the total of inadmissible assets.

"'(d) Treatment of Government obligations as admissible assets: If the excess profits credit for any taxable year is computed under section 714, the taxpayer may in its return for such year elect to increase its normal-tax net income for such taxable year elect to amount equal to the amount of the interest on all obligations held during the taxable year which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income. In such case, for the purposes of this section, the term "admissible assets" includes such obligations, and the term "inadmisible assets" does not include such obligations.

"'SEC. 721. Abnormalities in income in taxable period.

"'If there is includible in the gross income of the taxpayer for any taxable year an item of income of any one or more of the following classes:

"'(a) Arising out of a claim, award, judgment, or decree, or interest on any of the foregoing; or

"'(b) Constituting an amount payable under a contract the performance of which required more than 12 months; or

"'(c) Resulting from exploration, discovery, prospecting, research, or development of tangible property, patents, formulae, or processes, or any combination of the foregoing, extending over a period of more than 12 months; or

"'(d) Includible in gross income for the taxable year rather than for a different taxable year by reason of a change in the taxpayer's accounting period or method of accounting; or

"'(e) In the case of a lessor of real property, amounts included in gross income for the taxable year by reason of the termination of the lease; or

"'(f) Dividends on stock of foreign corporations, except foreign personal holding companies;

and, in the light of the taxpayer's business, it is abnormal for the taxpayer to derive income of such class, or, if the taxpayer normally derives income of such class, the item includible in the gross income of the taxable year is grossly disproportionate to the gross income of the same class in the four previous taxable years, then: (1) the amount of such item attributable to any previous taxable year or years shall be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary; (2) the amount of such item attributable to any future taxable year or years shall be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary and shall, for the purposes of this subchapter, be included in the gross income for the future year or years to which attributable; and (3) the tax under this subchapter for the taxable year (in which the whole of such item would, without regard to this section, be includible) shall not exceed the sum of:

"'(A) The tax under this subchapter for such taxable year computed without the inclusion in gross income of the portion of such item which is attributable to any other taxable year, and

"'(B) The aggregate of the increase in the tax under this subchapter which would have resulted for each previous taxable year to which any portion of such item is attributable, computed as if an amount equal to such portion had been included in gross income for such previous taxable year.

"'SEC. 722. Adjustment of abnormalities in income and capital by the Commissioner.

"'For the purposes of this subchapter, the Commissioner shall also have authority to make such adjustments as may be necessary to adjust abnormalities affecting income or capital, and his decision shall be subject to review by the United States Board of Tax Appeals.

"'SEC. 723. Equity invested capital in special cases.

"'Where the Commissioner determines that the equity invested capital as of the beginning of the taxpayer's first taxable year under this subchapter cannot be determined in accordance with section 718, the equity invested capital as of the beginning of such year shall be an amount equal to the sum of (a) the money plus (b) the aggregate of the adjusted basis of the assets of the taxpayer held by the taxpayer at such time, such sum being reduced by the indebtedness outstanding at such time. The amount of the money, assets, and indebtedness at such time shall be determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary. In such case, the equity invested capital for each day after the beginning of the taxpayers' first taxable year under this subchapter shall be determined, in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary, using as the basic figure the equity invested capital as so determined.

"'SEC. 724. Foreign Corporations and Corporations Entitled to Benefits of Section 251—Invested Capital.

"'Notwithstanding section 715, in the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, and in the case of a corporation entitled to the benefits of section 251, the invested capital for any taxable year shall be determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary, under which—

"'(a) GENERAL RULE.—The daily invested capital for any day of the taxable year shall be the aggregate of the adjusted basis of each United States asset held by the taxpayer on the beginning of such day. In the application of section 720 in reduction of the average invested capital (determined on the basis of such daily invested capital), the terms "admissible assets" and "inadmissible assets" shall include only United States assets; or

"'(b) EXCEPTION.—If the Commissioner determines that the United States assets of the taxpayer cannot satisfactorily be segregated from its other assets, the invested capital for the taxable year shall be an amount which is the same percentage of the aggregate of the adjusted basis of all assets held by the taxpayer as of the end of the last day of the taxable year which the net income for the taxable year from sources within the United States is of the total net income of the taxpayer for such year.

"'(c) DEFINITION OF UNITED STATES ASSET.—As used in this subsection, the term "United States asset" means an asset held by the taxpayer in the United States, determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary.

"'SEC. 725. Personal service corporations.

"'(a) DEFINITION.—As used in this subchapter, the term "personal service corporation" means a corporation whose income is to be ascribed primarily to the activities of shareholders who are regularly engaged in the active conduct of the affairs of the corporation and are the owners at all times during the taxable year of at least 70 per centum in value of each class of stock of the corporation, and in which capital is not a material income-producing factor; but does not include any foreign corporation, nor any corporation 50 per centum or more of whose gross income consists of gains, profits, or income derived from trading as a principal. For the purposes of this subsection, an individual shall be considered as owning, at any time, the stock owned at such time by his spouse or minor child or by any guardian or trustee representing them.

"'(b) ELECTION AS TO TAXABILITY.—If a personal service corporation signifies, in its return under Chapter 1 for any taxable year, its desire not to be subject to the tax imposed under this subchapter for such taxable year, it shall be exempt from such tax for such year, and the provisions of Supplement S of Chapter 1 shall apply to the shareholders in such corporation who were such shareholders on the last day of such taxable year of the corporation.

"'SEC. 726. Corporations completing contracts under Merchant Marine Act, 1936.

"'(a) If the United States Maritime Commission certifies to the Commissioner that the taxpayer has completed within the taxable year any contracts or subcontracts which are subject to the provisions of section 505 (b) of the Merchant Marine Act of 1936, as amended, then the tax imposed by this subchapter for such taxable year shall be, in lieu of a tax computed under section 710, a tax computed under subsection (b) of this section, if, and only if, the tax computed under subsection (b) is less than the tax computed under section 710.

"'(b) The tax computed under this subsection shall be the excess of—

"'(1) A tentative tax computed under section 710 with the normal-tax net income increased by the amount of any payments made, or to be made, to the United States Maritime Commission with respect to such contracts or subcontracts; over

"'(2) The amount of such payments.

"'SEC. 727. Exempt corporations.

"'The following corporations shall be exempt from the tax imposed by this subchapter:

"'(a) Corporations exempt under section 101 from the tax imposed by Chapter 1.

"'(b) Foreign personal-holding companies, as defined in section 331.

"'(c) Mutual investment companies, as defined in section 361.

"'(d) Investment companies which under the Investment Company Act of 1940 are registered as diversified companies at all times during the taxable year. For the purposes of this subsection, if a company is so registered before July 1, 1941, it shall be considered as so registered at all times prior to the date of such registration.

"'(e) Personal-holding companies, as defined in section 501.

"'(f) Foreign corporations not engaged in trade or business within the United States and not having an office or place of business therein.

"'(g) Domestic corporations satisfying the following conditions:

"'(1) If 95 per centum or more of the gross income of such domestic corporation for the three-year period immediately preceding the close of the taxable year (or for such part of such period during which the corporation was in existence) was derived from sources other than sources within the United States; and

"'(2) If 50 per centum or more of its gross income for such period or such part thereof was derived from the active conduct of a trade or business.

"'(h) Any corporation subject to the provisions of Title IV of the Civil Aeronautics Act of 1938, in the gross income of which for any taxable year beginning after December 31, 1939, there is includible compensation received from the United States for the transportation of mail by aircraft if, after excluding from its gross income such compensation, its adjusted excess profits net income for such year is zero or less.

"'SEC. 728. Meaning of terms used.

"'The terms used in this subchapter shall have the same meaning as when used in Chapter 1.

"'SEC. 729. Laws applicable.

"'(a) GENERAL RULE.—All provisions of law (including penalties) applicable in respect of the taxes imposed by Chapter 1, shall, insofar as not inconsistent with this subchapter, be applicable in respect of the tax imposed by this subchapter.

"'(b) RETURNS.—Notwithstanding subsection (a), no return under section 52 (a) shall be required to be filed by any taxpayer under this subchapter for any taxable year for which its excess profits net income, computed with the adjustments provided in section 711 (a) (2) and placed on an annual basis as provided in section 711 (a) (3), is not greater than $5,000.

"'(c) FOREIGN TAXES PAID.—In the application of section 131 for the purposes of this subchapter the tax paid or accrued to any country shall be deemed to be the amount of such tax reduced by the amount of the credit allowed with respect to such tax against the tax imposed by Chapter 1.

"'(d) LIMITATIONS ON AMOUNT OF FOREIGN TAX CREDIT.—The amount of the credit taken under this section shall be subject to each of the following limitations:

"'(1) The amount of the credit in respect of the tax paid or accrued to any country shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources within such country bears to its entire excess profits net income for the same taxable year; and

"'(2) The total amount of the credit shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources without the United States bears to its entire excess profits net income for the same taxable year.

"'SEC. 730. Consolidated returns.

"'(a) PRIVILEGE TO FILE CONSOLIDATED RETURNS.—An affiliated group of corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all the corporations which have been members of the affiliated group at any time during the taxable year for which the return is made consent to all the regulations under subsection (b) prescribed prior to the last day prescribed by law for the filing of such return; and the making of a consolidated return shall be considered as such consent. In the case of a corporation which is a member of the affiliated group for a fractional part of the year the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

"'(b) REGULATIONS.—The Commissioner, with the approval of the Secretary, shall prescribe such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the excess profits tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability.

"'(c) COMPUTATION AND PAYMENT OF TAX.—In any case in which a consolidated return is made the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under subsection (b) prescribed prior to the last day prescribed by law for the filing of such return. Only one specific exemption of $5,000 provided in section 710 (b) (1) shall be allowed for the entire affiliated group of corporations.

"'(d) DEFINITION OF "AFFILIATED GROUP".—As used in this section, an "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

"'(1) At least 95 per centum of each class of the stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

"'(2) The common parent corporation owns directly at least 95 per centum of each class of the stock of at least one of the other includible corporations.

As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

"'(e) Definition of "includible corporation": As used in this section, the term "includible corporation" means any corporation except—

"'(1) Corporations exempt from the tax imposed by this subchapter.

"'(2) Foreign corporations.

"'(3) Corporations organized under the China Trade Act, 1922.

"'(4) Corporations entitled to the benefits of section 251, by reason of receiving a large percentage of their income from possessions of the United States.

"'(5) Personal service corporations.

"'(6) Insurance companies subject to taxation under section 201, 204, or 207.

"'(f) Includible insurance companies: Despite the provisions of paragraph (6) of subsection (e), two or more domestic insurance companies each of which is subject to taxation under the same section of Chapter 1 shall be considered as includible corporations for the purpose of the application of subsection (d) to such insurance companies alone.

"'(g) Subsidiary formed to comply with foreign law: In the case of a domestic corporation owning or controlling, directly or indirectly, 100 per centum of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of a contiguous foreign country and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for the purpose of this subchapter as a domestic corporation.

"'(h) Suspension of running of statute of limitations: If a notice under section 272 (a) in respect of a deficiency for any taxable year is mailed to a corporation, the suspension of the running of the statute of limitations, provided in section 277, shall apply in the case of corporations with which such corporation made a consolidated return for such taxable year.

"'SEC. 731. Corporations engaged in mining of strategic metals.

"'In the case of any domestic corporation engaged in the mining of tungsten, quicksilver, manganese, platinum, antimony, chromite, or tin, the portion of the adjusted excess profits net income attributable to such mining in the United States shall be exempt from the tax imposed by this subchapter. The tax on the remaining portion of such adjusted excess profits net income shall be an amount which bears the same ratio to the tax computed without regard to this section as such remaining portion bears to the entire adjusted excess profits net income.

"'PART II—RULES IN CONNECTION WITH CERTAIN EXCHANGES

"*'Supplement A—Excess Profits Credit Based on Income*

"'SEC. 740 Definitions.

"'For the purposes of this Supplement—

"'(a) ACQUIRING CORPORATIONS.—The term "acquiring corporation" means—

"'(1) A corporation which has acquired—

"'(A) substantially all the properties of another corporation and the whole or a part of the consideration for the transfer of such properties is the transfer to such other corporation of all the stock of all classes (except qualifying shares) of the corporation which has acquired such properties, or

"'(B) substantially all the properties of another corporation and the sole consideration for the transfer of such properties is the transfer to such other corporation of voting stock of the corporation which has acquired such properties, or

"'(C) before October 1, 1940, properties of another corporation solely as paid-in surplus or a contribution to capital in respect of voting stock owned by such other corporation.

For the purposes of subparagraphs (B) and (C) in determining whether such voting stock or such paid-in surplus or contribution to capital, is the sole consideration, the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded. Subparagraph (B) or (C) shall apply only if the corporation transferring such properties is forthwith completely liquidated in pursuance of the plan under which the acquisition is made, and the transaction of which the acquisition is a part has the effect of a statutory merger or consolidation.

"'(2) A corporation which has acquired property from another corporation in a transaction with respect to which gain or loss was not recognized under section 112 (b) (6) of Chapter 1 or a corresponding provision of a prior revenue law;

"'(3) A corporation the result of a statutory merger of two or more corporations; or

"'(4) A corporation the result of a statutory consolidation of two or more corporations.

"'(b) COMPONENT CORPORATION.—The term "Component corporation" means—

"'(1) In the case of a transaction described in subsection (a) (1), the corporation which transferred the assets;

"'(2) In the case of a transaction described in subsection (a) (2), the corporation the property of which was acquired;

"'(3) In the case of a statutory merger, all corporations merged, except the corporation resulting from the merger; or

"'(4) In the case of a statutory consolidation, all corporations consolidated, except the corporation resulting from the consolidation.

"'(c) QUALIFIED COMPONENT CORPORATION.—The term "qualified component corporation" means a component corporation which was in existence on the date of the beginning of the taxpayer's base period.

"'(d) BASE PERIOD.—In the case of a taxpayer which is an acquiring corporation the base period shall be:

"'(1) If the tax is being computed for any taxable year beginning in 1940, the forty-eight months preceding the beginning of such taxable year; or

"'(2) If the tax is being computed for any taxable year beginning after December 31, 1940, the forty-eight months preceding what would have been its first taxable year beginning in 1940 if it had had a taxable year beginning in 1940 on the date on which the taxable year for which the tax is being computed began.

"'(e) BASE PERIOD YEARS.—In the case of a taxpayer which is an acquiring corporation its base period years shall be the four successive twelve-month periods beginning on the same date as the beginning of its base period.

"'(f) EXISTENCE OF ACQUIRING CORPORATION.—For the purposes of subsection (c) and section 741, if any component corporation was in existence on the date of the beginning of the taxpayer's base period (either actually or by reason of this subsection), its acquiring corporation shall be considered to have been in existence on such date.

"'(g) COMPONENT CORPORATIONS OF COMPONENT CORPORATIONS.—If a corporation is a component corporation of an acquiring corporation, under subsection (b) or under this subsection, it shall (except for the purposes of section 742 (d) (1) and (2) and section 743 (a)) also be a component corporation of the corporation of which such acquiring corporation is a component corporation.

"'SEC. 741. Election of income credit.

"'In addition to the corporations which under section 712 (a) may elect the excess profits credit computed under section 713 or the excess profits credit computed under section 714, a taxpayer which is an acquiring corporation which was in existence on the date of the beginning of its base period shall have such election.

"'SEC. 742. Average base period net income.

"'In the case of a taxpayer which is an acquiring corporation which was actually in existence on the date of the beginning of its base period, or which is entitled under section 741 to elect the excess profits credit computed under section 713, its average base period net income (for the purpose of the credit computed under section 713) shall be computed as follows, in lieu of the method provided in section 713:

"'(a) By ascertaining with respect to each of its base period years—

"'(1) The amount of its excess profits net income for each of its taxable years beginning after December 31, 1935, and ending with or within such base period year; or, in the case of each such taxable year in which the deductions plus the credit for dividends received exceeded the gross income, the amount of such excess;

"'(2) With respect to each of its qualified component corporations, the amount of its excess profits net income for each of its taxable years beginning after December 31, 1935, and ending with or within such base period year of the taxpayer; or, in the case of each such taxable year in which the deductions plus the credit for dividends received exceeded the gross income, the amount of such excess;

"'(3) (A) The aggregate of the amounts of excess profits net income ascertained under paragraphs (1) and (2); (B) the aggregate of the excesses ascertained under paragraphs (1) and (2); and (C) the difference between the aggregates found under clause (A) and clause (B). If the aggregate ascertained under clause (A) is greater than the aggregate found under clause (B), the difference shall for the purposes of subsection (b) be designated a "plus amount", and if the aggregate ascertained under clause (B) is greater than the aggregate found under clause (A), the difference shall for the purposes of subsection (b) be designated a "minus amount".

"'(b) By adding the plus amounts ascertained under subsection (a) (3) for each year of the base period; and by subtracting from such sum, if for two or more years of the base period there was a minus amount, the sum of such minus amounts, excluding the greatest.

"'(c) By dividing the amount ascertained under subsection (b) by four.

"'(d) In no case shall the average base period net income be less than zero. In the case of a taxpayer which becomes an acquiring corporation in any taxable year beginning after December 31, 1939, if, on September 11, 1940, and at all times until the taxpayer became an acquiring corporation—

"'(1) the taxpayer owned not less than 75 per centum of each class of stock of each of the qualified component corporations involved in the transaction in which the taxpayer became an acquiring corporation; or

"'(2) one of the qualified component corporations involved in the transaction owned not less than 75 per centum of each class of stock of the taxpayer, and of each of the other qualified component corporations involved in the transaction,

the average base period net income of the taxpayer shall not be less than (A) the average base period net income of that one of its qualified component corporations involved in the transaction the average base period net income of which is greatest, or (B) the average base period net income of the taxpayer computed without regard to the base period net income of any of its qualified component corporations involved in the transaction.

"'(e) For the purposes of subsection (a) (1) and (2) of this section—

"'(1) There shall be excluded, in the various computations, any dividends paid by the taxpayer or any of its qualified component corporations during any of the taxable years of the payor which are included in the computation of the taxpayer's average base period net income. If the payor corporation is a corporation described in subsection (f) (1) or (2) of this section, the dividends to be excluded under this paragraph shall be only such as are paid after such payor corporation first became an acquiring corporation; and

"'(2) In determining whether, for any taxable year, the deductions plus the credit for dividends received exceeded the gross income, and in determining the amount of such excess, the adjustments provided in section 711 (b) (1) shall be made.

"'(f) (1) In the case of a taxpayer which is an acquiring corporation and which was not actually in existence on the date of the beginning of its base period, there shall be excluded from the various computations under subsection (a) (1) of this section the portion of its excess profits net income, or of the excess over gross income therein referred to, which is attributable to any period before it first became an acquiring corporation.

"'(2) In the case of a component corporation which became a qualified component corporation only by reason of section 740 (f), there shall be excluded from the various computations under subsection (a) (2) of this section the portion of its excess profits net income, or of the excess over gross income therein referred to, which is attributable to any period before it first became an acquiring corporation.

"'(3) In the case of a qualified component corporation which was actually in existence on the date of the beginning of the taxpayer's base period, there shall be excluded from the various computations under subsection (a) (2) of this section the portion of its excess profits net income, or of the excess over gross income therein referred to, which is attributable to the period before such date.

"'(4) If during the taxable year for which tax is computed under this subchapter the taxpayer acquires assets in a transaction which constitutes it an acquiring corporation, the amount includible under subsection (a) (2), attributable to such transaction, shall be limited to an amount which bears the same ratio to the amount computed without regard to this paragraph as the number of days in the taxable year after such transaction bears to the total number of days in such taxable year.

"'SEC. 743. Net capital changes.

"'(a) For the purposes of section 713 (c), upon the date of the transaction which constitutes a corporation an acquiring corporation, there shall be added to its daily capital addition or reduction for such day, the net capital addition or reduction, as the case may be, of each of the component corporations involved in such transaction, but no other capital addition or reduction shall be considered as having been made by reason of such transaction.

"'(b) For the purposes of this section—

"'(1) In computing the net capital addition of each such component corporation there shall be disregarded property paid in to such corporation by the taxpayer or by any of its component corporations.

"'(2) In computing the net capital reduction of each such component corporation there shall be disregarded distributions made to the taxpayer or to any of such component corporations.

"'SEC. 744. Foreign corporations.

"The term "corporation" as used in this Supplement does not include a foreign corporation.

"'*Supplement B—Highest Bracket Amount and Invested Capital*

"'SEC. 750. Definitions

"'As used in this Supplement—

"'(a) EXCHANGE.—The term "exchange" means an exchange, to which section 112 (b) (4) or (5) or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (4) or (5), or to which a corresponding provision of a prior revenue law, is or was applicable, by one corporation of its property wholly or in part for stock or securities of another corporation, or a transfer of property by one corporation to another corporation after December 31, 1917, the basis of which in the hands of such other corporation is or was determined under section 113 (a) (8) (B), or would have been so determined had such section been in effect.

"'(b) TRANSFEROR UPON AN EXCHANGE.—The term "transferor upon an exchange" means a corporation which upon an exchange transfers property to another corporation in exchange, wholly or in part, for stock or securities of such other corporation, or transfers property to another corporation after December 31, 1917, the basis of which in the hands of such other corporation is or was determined under section 113 (a) (B), or would have been so determined had such section been in effect.

"'(c) TRANSFEREE UPON AN EXCHANGE.—The term "transferee upon an exchange" means a corporation which upon an exchange acquires property from another corporation in exchange, wholly or in part, for its stock or securities, or which acquires property from another corporation after December 31, 1917, the basis of which in its hands is or was determined under section 113 (a) (8) (B), or would have been so determined had such section been in effect.

"'(d) Control: The term "control" means the ownership of stock possessing at least 90 per centum of the total combined voting power of all classes of stock entitled to vote and at least 90 per centum of the total value of shares of all classes of stock of the corporation.

"'(e) Highest Bracket Amount: The term "highest bracket amount" means $500,000 or the highest bracket amount computed under section 752, whichever is the smaller.

"'SEC. 751. Determination of property paid in for stock and of borrowed capital in connection with certain exchanges.

"'(a) PROPERTY PAID IN FOR STOCK.—In the application of section 718 (a) to a transferee upon an exchange in determining the amount paid in for stock of the transferee, or as paid-in surplus or as a contribution to capital of the transferee, in connection with such exchange, only an amount shall be deemed to have been so paid in equal to the excess of the basis in the hands of the transferee of the property of the transferor received by the transferee upon the exchange over the sum of—

"'(1) Any liability of the transferor assumed upon such exchange and any liability subject to which the property was received upon such exchange, plus

"'(2) The aggregate of the amount of money and the fair market value of any other property transferred to the transferor not permitted to be received by such transferor without the recognition of gain.

"'(b) BORROWED CAPITAL.—In the application of section 719 (a) to a transferee upon an exchange, the term "Borrowed capital" shall not include indebtedness originally evidenced by securities issued by the transferee upon such exchange as consideration for the property of the transferor received by the transferee upon such exchange if (1) such securities were property permitted to be received by the person to whom such securities were issued without the recognition of gain and (2) the indebtedness originally evidenced by such securities did not arise out of indebtedness of the transferor (other than indebtedness which in the transferor's hands was subject to the limitations of this subsection) assumed by the transferee in connection with such exchange.

"'SEC. 752. Computation of highest bracket amount in connection with exchanges.

"'(a) SPECIAL APPLICATION OF DAILY INVESTED CAPITAL OF TRANSFEROR UPON EXCHANGE.—For the purposes of this section, the daily invested capital of a transferor upon an exchange for the day after the exchange shall be the daily invested capital determined under section 717 reduced by an amount equal to the amount by which the equity invested capital of the transferee upon such exchange was increased by reason of the receipt of property from such transferor upon such exchange.

"'(b) HIGHEST BRACKET AMOUNT OF TRANSFEROR.—

"'(1) TAXABLE YEAR OF EXCHANGE.—In the case of a transferor upon an exchange after the beginning of its first taxable year under this subchapter, its highest bracket amount for the taxable year in which the exchange takes place shall be the sum of—

"'(A) Its highest bracket amount immediately preceding the exchange multiplied by the number of days in the taxable year up to and including the day of the exchange, plus

"'(B) Its highest bracket amount for the taxable year after the exchange, multiplied by the number of days in the taxable year remaining after the day of the exchange,

divided by the number of days in the taxable year.

"'(2) TAXABLE YEARS AFTER EXCHANGE INVOLVING CONTROL.—In the case of a transferor upon an exchange after the beginning of its first taxable year under this subchapter, if immediately after the exchange the transferor or its shareholders, or both, are in control of the transferee, the transferor's highest bracket amount for any taxable year after the taxable year in which the exchange takes place shall be an amount which is a percentage of its highest bracket amount immediately preceding the exchange equal to the percentage which its daily invested capital for the day after the exchange is of its daily invested capital for the day of the exchange.

"'(3) TAXABLE YEARS AFTER EXCHANGE NOT INVOLVING CONTROL.—In the case of a transferor upon an exchange (other than a transferor described in paragraph (4) of this subsection) after the beginning of its first taxable year under this subchapter, if immediately after the exchange no transferor or its shareholders, or both, upon the exchange are in control of the transferee, and if the shareholders of the transferee immediately preceding the exchange are not in control of the transferee immediately after the exchange, the transferor's highest bracket amount for any taxable year after the exchange shall be the excess, if any, of the sum of the transferor's highest bracket amount immediately preceding the exchange and the transferee's highest bracket amount immediately preceding the exchange, over $500,000.

"'(4) TAXABLE YEARS AFTER CERTAIN EXCHANGES UNDER SECTION 112 (b) (5).—In the case of an exchange after the beginning of the first taxable year under this subchapter of any transferor or transferee upon such exchange, involving two or more transferors, or one or more transferors and one or more other persons, if immediately after the exchange no one of such transferors, or shareholders, or both, and no one or more of such other persons are in control of the transferee and if such exchange is an exchange described in section 112 (b) (5) or so much of section 112 (c) or 112 (e) as refers to section 112 (b) (5), the highest bracket amount of any such transferor for any taxable year after the exchange shall be an amount equal to its highest bracket amount immediately preceding the exchange—

"'(A) Minus an amount which bears the same ratio to its highest bracket amount immediately preceding the exchange as the excess of its daily invested capital for the day of the exchange over its daily invested capital for the day after the exchange bears to its daily invested capital for the day of the exchange, and

"'(B) Plus an amount which bears the same ratio to the excess over $500,000 of the sum of the amounts computed under subparagraph (A) with respect to each transferor, as the amount computed under subparagraph (A) with respect to such transferor bears to the sum of the amounts computed under such subparagraph with respect to each transferor.

"'(c) Highest bracket amount of transferee.

"'(1) Taxable year of exchange involving control: In the case of a transferee upon an exchange after the beginning of the first taxable year under this subchapter of a transferor upon such exchange the transferee's highest bracket amount for the taxable year in which the exchange takes place shall be the sum of—

"'(A) Its highest bracket amount immediately preceding the exchange multiplied by the number of days in the taxable year up to and including the day of the exchange, plus

"'(B) Its highest bracket amount for the taxable year after the exchange multiplied by the number of days in the taxable year remaining after the day of the exchange.

divided by the number of days in the taxable year. For the purposes of this paragraph and subsection (d) of this section "exchange" includes a liquidation described in paragraph (5) of this subsection, and such exchange shall be deemed to have taken place on the day such liquidation was completed.

"'(2) TAXABLE YEARS AFTER EXCHANGE INVOLVING CONTROL.—In the case of a transferee upon an exchange after the beginning of the first taxable year under this subchapter of a transferor upon such exchange, if immediately after the exchange any transferor upon such exchange or its shareholders, or both, are in control of the transferee, the transferee's highest bracket amount for any taxable year afer the exchange shall be an amount which is a percentage of such transferor's highest bracket amount immediately preceding the exchange equal to the percentage which the excess of the transferee's daily invested capital for the day after the exchange over its daily invested capital for the day of the exchange is of such transferor's daily invested capital for the day of the exchange.

"'(3) TAXABLE YEARS AFTER EXCHANGE NOT INVOLVING CONTROL.—In the case of a transferee upon an exchange (other than a transferee described in paragraph (4) of this subsection) after the beginning of the first taxable year under this subchapter of a transferor upon such exchange, if immediately after the exchange no transferor or its shareholders, or both, are in control of the transferee, and if the shareholders of the transferee immediately preceding the exchange are not in control of the transferee immediately after the exchange, the transferee's highest bracket amount for any taxable year after the exchange shall be an amount equal to (A) the sum of the transferor's highest bracket amount immediately preceding the exchange and the transferee's highest bracket amount immediately preceding the exchange, or (B) $500,000, whichever is the smaller.

"'(4) TAXABLE YEARS AFTER CERTAIN EXCHANGES UNDER SECTION 112 (B) (5).—In the case of an exchange described in subsection (b) (4) of this section, the highest bracket amount of the transferee upon such exchange for any taxable year after the exchange shall be an amount equal (A) to the sum of the amounts computed under subparagraph (A) of such subsection with respect to each transferor or (B) $500,000, whichever is the smaller.

"'(5) TAXABLE YEARS AFTER LIQUIDATION IN CASE OF CORPORATION RECEIVING PROPERTY UNDER SECTION 112 (b) (6).—Upon the receipt by a corporation during any taxable year under this subchapter of property in complete liquidation of another corporation, gain or loss upon which is not recognized by reason of section 112 (b) (6), the highest bracket amount of the corporation receiving such property for any taxable year after the liquidation is completed shall be an amount equal to its highest bracket amount immediately preceding the completion of the liquidation increased, but in no case to an amount above $500,000, by an amount equal to the highest bracket amount of such other corporation immediately preceding the completion of such liquidation, if previously and after the beginning of the first taxable year under this subchapter of the corporation receiving such property such corporation was a transfer or upon an exchange with respect to which such other corporation was a transferee.

"'(d) HIGHEST BRACKET AMOUNT IN CASE OF TWO OR MORE EXCHANGES IN SAME TAXABLE YEAR.—

"'(1) If a transferor upon an exchange is in the same taxable year involved in more than one exchange (either as transferor or transferee), its highest bracket amount for such taxable year shall be the amount determined under subsection (b) (1) with respect to the last exchange in such taxable year. Its highest bracket amount immediately preceding any exchange in such taxable year subsequent to the first exchange therein shall be the amount computed under subsection (b) (1) with respect to the immediately preceding exchange as if the taxable year closed on the day of such subsequent exchange.

"'(2) If a transferee upon an exchange is in the same taxable year involved in more than one exchange (either as transferee or transferor), its highest bracket amount for such taxable year shall be the amount determined under subsection (c) (1) with respect to the last exchange in such taxable year. Its highest bracket amount immediately preceding any exchange in such taxable year subsequent to the first exchange therein shall be the amount computed under subsection (c) (1) with respect to the immediately preceding exchange as if the taxable year closed on the day of such subsequent exchange.

"'(3) If a transferor or transferee upon an exchange is in the same taxable year involved in more than one exchange (either as transferor or transferee), its highest bracket amount for any taxable year after the taxable year in which such exchanges took place shall be the amount computed under subsection (b) (2), (3), or (4), or (c) (2), (3), (4), or (5), as the case may be, with respect to the last such exchange.'"

And the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: June 10; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: June 10; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: June 10; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(i) PROTECTION OF THE UNITED STATES.—If the taxpayer has been or will be reimbursed by the United States for all or a part of the cost of any emergency facility pursuant to any contract with the United States, either—

"(1) directly, by a provision therein dealing expressly with such reimbursement, or

"(2) indirectly, because the price paid by the United States (insofar as return of cost of the facility is used as a factor in the fixing of such price) is recognized by the contract as including a return of cost greater than the normal exhaustion, wear and tear,

no amortization deduction with respect to such emergency facility shall be allowed for any month after the end of the month in which such contract is made, unless, before the expiration of ninety days after the making of such contract or one hundred and twenty days after the date of the enactment of the Second Revenue Act of 1940, whichever of such periods expires the later, the Advisory Commission to the Council of National Defense, and either the Secretary of War or the Secretary of the Navy certify to the Commissioner that such contract adequately protects the United States with reference to the future use and disposition of such emergency facility. A certificate by the Advisory Commission to the Council of National Defense and either the Secretary of War or the Secretary of the Navy, made to the Commissioner before the expiration of ninety days after the making of a contract or one hundred and twenty days after the date of the enactment of the Second Revenue Act of 1940, whichever of such periods expires the later, to the effect that, under such contract, reimbursement for all or a part of the cost of any emergency facility is not provided for within the meaning of clause (1) or clause (2), shall be conclusive for the purposes of this subsection.

"The terms and conditions of contracts with reference to reimbursement of the cost of emergency facilities and the protecting of the United States with reference to the future use and disposition of such emergency facilities shall be made available to the public."

And the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(l) EFFECT ON EARNINGS AND PROFITS OF GAIN OR LOSS AND OF RECEIPT OF TAX-FREE DISTRIBUTIONS.—The gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a corporation—

"(1) for the purpose of the computation of earnings and profits of the corporation, shall be determined, except as provided in paragraph (2), by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain, except that no regard shall be had to the value of the property as of March 1, 1913; but

"(2) for the purpose of the computation of earnings and profits of the corporation for any period beginning after February 28, 1913, shall be determined by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain.

Gain or loss so realized shall increase or decrease the earnings and profits to, but not beyond, the extent to which such a realized gain or loss was recognized in computing net income under the law applicable to the year in which such sale or disposition was made. Where in determining the adjusted basis used in computing such realized gain or loss the adjustment to the basis differs from the adjustment proper for the purpose of determining earnings or profits, then the latter adjustment shall be used in determining the increase or decrease above provided."

And on page 95, lines 8 and 9, of the House bill, strike out "(for any period beginning after February 28, 1913)".

And the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(m) EARNINGS AND PROFITS—INCREASE IN VALUE ACCRUED BEFORE MARCH 1, 1913.—

"(1) If any increase or decrease in the earnings or profits for any period beginning after February 28, 1913, with respect to any matter would be different had the adjusted basis of the property involved been determined without regard to its March 1, 1913, value, then, except as provided in paragraph (2), an increase (properly reflecting such difference) shall be made in that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

"(2) If the application of subsection (1) to a sale or other disposition after February 28, 1913, results in a loss which is to be applied in decrease of earnings and profits for any period beginning after February 28, 1913, then, notwithstanding subsection (1) and in lieu of the rule provided in paragraph (1) of this subsection, the amount of such loss so to be applied shall be reduced by the amount, if any, by which the adjusted basis of the property used in determining the loss, exceeds the adjusted basis computed without regard to the value of the property on March 1, 1913, and if such amount so applied in reduction of the decrease exceeds such loss, the excess over such loss shall increase that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913."

And the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(c) Under prior acts: For the purposes of the Revenue Act of 1938 or any prior Revenue Act the amendments made to the Internal Revenue Code by subsection (a) of this section shall be effective as if they were a part of each such Revenue Act on the date of its enactment. Nothing in this subsection shall affect the tax liability of any taxpayer for any year which, on September 20, 1940, was pending before, or was theretofore determined by, the Board of Tax Appeals, or any court of the United States."

And the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: 725; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "725"; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE VI—NATIONAL SERVICE LIFE INSURANCE AND PROVISIONS AFFECTING THE RAILROAD RETIREMENT BOARD

"PART I—NATIONAL SERVICE LIFE INSURANCE

"SEC. 601. When used in this part—

"(a) The term "person" means (1) a commissioned officer; (2) a warrant officer; (3) enlisted personnel (including persons selected for training and service under the Selective Training and Service Act of 1940); (4) a member of the Army Nurse Corps (female); and (5) a member of the Navy Nurse Corps (female);

"(b) The term "Administrator" means the Administrator of Veterans' Affairs;

"(c) The term 'active service' means active service in the land or naval forces (including the Coast Guard) of the United States and service in the land or naval forces of the United States under the Selective Training and Service Act of 1940, but the service of any person ordered to active duty in any such force for a period of thirty days or less, shall not be deemed to be active service in such force during such period;

"(d) The term 'insurance' means National Service Life Insurance;

"(e) The term 'child' includes an adopted child.

"SEC. 602. (a) Every person who is commissioned and hereafter ordered into, or who is hereafter examined, accepted, and enrolled in, the active service and while in such active service shall, upon application in writing (made within one hundred and twenty days after entrance into such active service) and payment of premiums as hereinafter provided and without further medical examination, be granted insurance on the five-year level premium term plan by the United States against the death of such persons occurring while such insurance is in force.

"(b) Any person who is released from active service within one hundred and twenty days after such enrollment shall be granted such insurance upon application therefor in writing (made within one hundred and twenty days after a subsequent enrollment or entrance into active service and before discharge or resignation therefrom), and upon payment of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application.

"(c) Any person upon reenlistment or reentrance into or reemployment in active service and before discharge or resignation therefrom and any person in the active service upon discharge to accept a commission and before resignation therefrom, shall be granted such insurance upon application therefor in writing (made within one hundred and twenty days following such reenlistment, reentrance, reemployment, or discharge to accept a commission), and upon payment of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application.

"(d) Any person who has been commissioned, or examined, accepted, and enrolled, in the active service and is in such active service on the date of enactment of this Act shall be granted such insurance upon application therefor in writing (made within one hundred and twenty days after the date of enactment of this Act and before discharge or resignation from such active service), and upon payment of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application.

"(e) The premium rates for such insurance shall be the net rates based upon the American Experience Table of Mortality and interest at the rate of 3 per centum per annum. All cash, loan, paid up, and extended values, and all other calculations in connection with such insurance, shall be based upon said American Experience Table of Mortality and interest at the rate of 3 per centum per annum.

"(f) Such insurance shall be issued upon the five year level premium term plan, with the privilege of conversion as of the date when any premium becomes or has become due, or exchange as of the date of the original policy, upon payment of the difference in reserve, at any time after such policy has been in effect for one year and within the five year term period, to policies of insurance upon the following plans: Ordinary life, twenty payment life, thirty payment life. All five year level premium term policies shall cease and terminate at the expiration of the five year term period. Provisions for cash, loan, paid up, and extended values, dividends from gains and savings, refund of unearned premiums, and such other provisions as may be found to be reasonable and practicable, may be provided for in the policy of insurance or from time to time by regulations promulgated by the Administrator.

"(g) The insurance shall be payable only to a widow, widower, child (including a stepchild or an illegitimate child if designated as beneficiary by the insured), parent (including person in loco parentis if designated as beneficiary by the insured), brother or sister of the insured. The insured shall have the right to designate the beneficiary or beneficiaries of the insurance, but only within the classes herein provided, and shall, subject to regulations, at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries but only within the classes herein provided.

"(h) Such insurance shall be payable in the following manner:

"(1) If the beneficiary to whom payment is first made is under thirty years of age at the time of maturity, in two hundred and forty equal monthly installments.

"(2) If the beneficiary to whom payment is first made is thirty or more years of age at the time of maturity, in equal monthly installments for one hundred and twenty months certain, with such payments continuing during the remaining lifetime of such beneficiary.

"(3) Any installments certain of insurance remaining unpaid at the death of any beneficiary shall be paid in equal monthly installments in an amount equal to the monthly installments paid to the first beneficiary, to the person or persons then in being within the classes hereinafter specified and in the order named, unless designated by the insured in a different order—

"(A) to the widow or widower of the insured, if living;

"(B) if no widow or widower, to the child or children of the insured, if living, in equal shares;

"(C) if no widow, widower, or child, to the parent or parents of the insured, if living, in equal shares;

"(D) if no widow, widower, child, or parent, to the brothers and sisters of the insured, if living, in equal shares.

"(i) If no beneficiary is designated by the insured or if the designated beneficiary does not survive the insured, the beneficiary shall be determined in accordance with the order specified in subsection (h) (3) of this section and the insurance shall be payable in equal monthly installments in accordance with subsection (h) (1) or (2), as the case may be. The right of any beneficiary to payment of any installments shall be conditioned upon his or her being alive to receive such payments. No person shall have a vested right to any installment or installments of any such insurance and any installments not paid to a beneficiary during such beneficiary's lifetime shall be paid to the beneficiary or beneficiaries within the permitted class next entitled to priority, as provided in subsection (h).

"(j) No installments of such insurance shall be paid to the heirs or legal representatives as such of the insured or of any beneficiary, and in the event that no person within the permitted class survives to receive the insurance or any part thereof no payment of the unpaid installments shall be made.

"(k) When the amount of an individual monthly payment is less than $5, such amount may, in the discretion of the Administrator, be allowed to accumulate without interest and be disbursed annually.

"(l) Any payments of insurance made to a person represented by the insured to be within the permitted class of beneficiaries shall be deemed to have been properly made and to satisfy fully the obligation of the United States under such insurance policy to the extent of such payments.

"(m) The Administrator shall, by regulations, prescribe the time and method of payment of the premiums on such insurance, but payments of premiums in advance shall not be required for periods of more than one month each, and may at the election of the insured be deducted from his active service pay or be otherwise made.

"(n) Upon application by the insured and under such regulations as the Administrator may promulgate, payment of premiums on such insurance may be waived during continuous total disability of the insured which commenced subsequent to the effective date of such insurance and which has existed for six consecutive months or more prior to the attainment by the insured of the age of sixty years, effective as of the due date of the monthly premium becoming payable on or after the first day of the seventh consecutive month of such disability: *Provided*, That application for waiver is made while the insurance is currently kept in force by the payment of premiums, and the insured furnishes proof satisfactory to the Administrator showing that he is and has been continuously totally disabled for six or more months prior to attaining sixty years of age. Any waiver granted by the Administrator under this subsection shall not become effective prior to the date of application therefor; except that, in the discretion of the Administrator, it may be made effective at any time within a period of not more than six months prior to such date but in no event prior to the first day of the seventh month of such continuous disability. Any premiums tendered to cover a period during which such waiver is effective shall be refunded. The Administrator shall provide by regulations for reexaminations of beneficiaries under this subsection and, in the event that it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding and the policy of insurance may be continued by payment of premiums as provided in said policy. Premium rates shall be calculated without charge for the cost of the waiver of premiums herein provided and no deduction from benefits otherwise payable shall be made on account thereof.

"(o) The Administrator shall promptly determine and publish the terms and conditions of such insurance. Pending the promulgation of the terms and conditions of the five year level premium term policy and the printing of such policy, the Administrator may issue a certificate in lieu thereof as evidence that insurance has been granted and the rights and liabilities of the applicant and of the United States shall be those specified by the terms and conditions of the policy when published.

"(p) Such insurance may be made effective, as specified in the application, not later than the first day of the calendar month following the date of application therefor, but the United States shall not be liable thereunder for death occurring prior to such effective date.

"(q) Such insurance shall be issued in any multiple of $500 and the amount of such insurance with respect to any one person shall be not less than $1,000 or more than $10,000.

"SEC. 603. No person may carry a combined amount of National Service Life Insurance and United States Government life insurance in excess of $10,000 at any one time.

"SEC. 604. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this part, to be known as the National Service Life Insurance appropriation, for the payment of liabilities under National Service Life Insurance. Payments from this appropriation shall be made upon and in accordance with awards by the Administrator.

"SEC. 605. (a) There is hereby created in the Treasury a permanent trust fund to be known as the National Service Life Insurance Fund. All premiums paid on account of National Service Life Insurance shall be deposited and covered into the Treasury to the credit of such fund, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance, including payment of dividends and refunds of unearned premiums. Payments from this fund shall be made upon and in accordance with awards by the Administrator.

"(b) The Administrator is authorized to set aside out of such fund such reserve amounts as may be required under accepted actuarial principles, to meet all liabilities under such insurance; and the Secretary of the Treasury is hereby authorized to invest and reinvest such fund, or any part thereof, in interest-bearing obligations of the United States or in obligations guaranteed as to principal and interest by the United States, and to sell such obligations for the purposes of such fund.

"SEC. 606. The United States shall bear the cost of administration in connection with this part, including expenses for medical examinations, printing and binding, and for such other expenditures as are necessary in the discretion of the Administrator. The appropriations made for the Veterans' Administration for the fiscal year 1941 for administrative expenses shall be available for the payment of such costs of administration under this part.

"SEC. 607. (a) The United States shall bear the excess mortality cost and the cost of waiver of premiums on account of total disability traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator.

"(b) Whenever benefits under such insurance become payable because of the death of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator, the liability for payment of such benefits shall be borne by the United States in an amount which, when added to the reserve of the policy at the time of death of the insured, will equal the then value of such benefits under such policy. The Administrator is authorized and directed to transfer from time to time from the National Service Life Insurance appropriation to the National Service Life Insurance Fund such sums as may be necessary to carry out the provisions of this section.

"(c) Whenever the premiums under such insurance are waived as provided in section 602 (n) because of the total disability of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator, the premiums so waived shall be paid by the United States and the Administrator is authorized and directed to transfer from time to time an amount equal to the amount of such premiums from the National Service Life Insurance appropriation to the National Service Life Insurance Fund.

"SEC. 608. The Administrator, subject to the general direction of the President, shall administer, execute and enforce the provisions of this part, shall have power to make such rules and regulations, not inconsistent with the provisions of this part, as are necessary or appropriate to carry out its purposes, and shall decide all questions arising hereunder. All officers and employees of the Veterans' Administration shall perform such duties in connection with the administration of this part as may be assigned to them by the Administrator. All official acts performed by such officers or employees designated therefor by the Administrator shall have the same force and effect as though performed by the Administrator in person. Except in the event of suit as provided in section 617 hereof, all decisions rendered by the Administrator under the provisions of this part, or regulations issued pursuant thereto, shall be final and conclusive on all questions of law and fact, and no other official or court of the United States shall have jurisdiction to review by motion or otherwise any such decision.

"SEC. 609. (a) There shall be no recovery of payments made under this part from any person who, in the judgment of the Administrator, is without fault on his part and where, in the judgment of the said Administrator, such recovery would defeat the purpose of benefits otherwise authorized herein or would be against equity and good conscience. No disbursing officer or certifying officer shall be held liable for any amount paid to any person where the recovery of such amount is waived under this section.

"(b) Where, under the provisions of this section, the recovery of a payment made from the National Service Life Insurance Fund is waived, the National Service Life Insurance Fund shall be reimbursed for the amount of such payment from the current appropriation for National Service Life Insurance.

"SEC. 610. No State law providing for presumption of death shall be applicable to claims for National Service Life Insurance. If evidence satisfactory to the Administrator is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of seven years, during which period no evidence of his existence has been received, the death of such individual as of the date of the expiration of such period may, for the purposes of this part, be considered as sufficiently proved.

"SEC. 611. No United States Government life insurance shall be granted hereafter to any person under the provisions of section 300 of the World War Veterans' Act, 1924, as amended: *Provided*, That this section shall not be construed to prohibit the issue of United States Government life insurance policies in cases in which acceptable applications accompanied by proper and valid remittances or authorizations for the payment of premiums have, prior to the date of enactment of this act, been received by the Veterans' Administration or which have, prior to said date, been placed in the mails properly directed to said Veterans' Administration, or been delivered to an authorized representative of the War Department, the Navy Department, or the Coast Guard, and which are forwarded to the Veterans' Administration not later than one hundred and twenty days subsequent to said date.

"SEC. 612. Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the land or naval forces of the United States or refuses to wear the uniform of such force, shall forfeit all rights to insurance under this part. No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States; but the cash surrender value, if any, of such insurance on the date of such death shall be paid to the designated beneficiary, if living, or otherwise to the beneficiary or beneficiaries within the permitted class in accordance with the order specified in section 602 (h) (3).

"SEC. 613. Whoever in any claim for insurance issued under the provisions of this part makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall, upon conviction thereof, be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or by both such fine and imprisonment.

"SEC. 614. Whoever, with intent to defraud the United States or any beneficiary of such insurance, shall obtain or receive any money or check for National Service Life Insurance without being entitled to the same, shall, upon conviction thereof, be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"SEC. 615. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in any wise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any application for insurance or reinstatement thereof, waiver of premiums or claim for benefits under National Service Life Insurance for himself or any other person, shall, upon conviction thereof, be punished by a fine of not more than $1,000, or imprisonment for not more than one year, or by both such fine and imprisonment.

"SEC. 616. The provisions of Public Law Numbered 262, Seventy-fourth Congress, approved August 12, 1935 (49 Stat. 607), and titles II and III of Public Law Numbered 844, Seventy-fourth Congress, approved June 29, 1936 (49 Stat. 2031), insofar as they are applicable, shall apply to the provisions of this part.

"SEC. 617. In the event of a disagreement as to claim arising under this part, suit may be brought in the same manner and subject to the same conditions and limitations as are applicable to United States Government (converted) life insurance under the provisions of sections 19 and 500 of the World War Veterans' Act, 1924, as amended: *Provided,* That in any such suit the decision of the Administrator as to waiver or non-waiver of premiums under section 602 (n) shall be conclusive and binding on the court.

"SEC. 618. This part may be cited as the 'National Service Life Insurance Act of 1940'.

"PART II—CREDITING MILITARY SERVICE FOR ANNUITY PURPOSES UNDER THE RAILROAD RETIREMENT ACTS

"SEC. 625. The Act entitled 'An Act to amend an Act entitled "An Act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935,' approved June 24, 1937 (50 Stat. 307), is hereby amended by inserting after section 3 the following new section:

"'MILITARY SERVICE

"'SEC. 3A. (a) For the purposes of determining eligibility for an annuity and computing an annuity, including a minimum annuity, there shall also be included in an individual's years of service, within the limitations hereinafter provided in this section, voluntary or involuntary military service of an individual prior to January 1, 1937, within or without the United States during any war service period: *Provided, however,* That such military service shall be included only subject to and in accordance with the provisions of subsection (b) of section 3, in the same manner as though military service were service rendered as an employee: *Provided further,* That an individual who entered military service prior to a war service period shall not be regarded as having been in military service in a war service period with respect to any part of the period for which he entered such military service.

"'(b) For the purpose of this section and section 202, as amended, an individual shall be deemed to have been in "military service" when commissioned or enrolled in the active service of the land or naval forces of the United States and until resignation or discharge therefrom; and the service of any individual in any reserve component of the land or naval forces of the United States who was ordered to active duty in any such force for a period of thirty days or less shall be deemed to have been active service in such force during such period.

"'(c) For the purpose of this section and section 202, as amended, a "war service period" shall mean (1) any war period, or (2) with respect to any particular individual, any period during which such individual (i) having been in military service at the end of a war period, was required to continue in military service, or (ii) was required by any Act of Congress, any regulation promulgated, order issued, or proclamation made, in pursuance of such Act, to enter and continue in military service.

"'(d) For the purpose of this section and section 202, as amended, a "war period" shall be deemed to have begun on whichever of the following dates is the earliest: (1) the date on which the Congress of the United States declared war; or (2) the date as of which the Congress of the United States declared that a state of war has existed; or (3) the date on which war was declared by one or more foreign states against the United States; or (4) the date on which any part of the United States or any territory under its jurisdiction was invaded or attacked by any armed force of one or more foreign states; or (5) the date on which the United States engaged in armed hostilities for the purpose of preserving the Union or of maintaining in any State of the Union a republican form of government.

"'(e) For the purpose of this section and section 202, as amended, a "war period" shall be deemed to have ended on the date on which hostilities ceased.

"'(f) Military service shall not be included in the years of service of an individual unless, in the calendar year in which his military service in a war service period began, or in the calendar year next preceding such calendar year, he rendered service for compensation to an employer, or to a person service to which is otherwise creditable under this Act, or lost time as an employee for which he received remuneration, or was serving as an employee representative.

"'(g) A calendar month in which an individual was in military service which may be included in the individual's years of service or service period, as the case may be, shall be counted as a month of service: *Provided, however,* That no calendar month shall be counted as more than one month of service.

"'(h) In determining the monthly compensation for computing an annuity, military service and any remuneration therefor shall be disregarded.

"'(i) In the event military service is or has been used as the basis or as a partial basis for a pension, disability compensation, or any other gratuitous benefits payable on a periodic basis under any other Act of Congress, any annuity under this Act or the Railroad Retirement Act of 1935, which is based in part on such military service and is with respect to a calendar month for all or part of which such pension or other benefit is also payable, shall be reduced with respect to that month by the proportion which the number of years of service by which such military service increases the years of service, or the service period, as the case may be, bears to the total years of service, or by the aggregate amount of such pension or other benefit with respect to that month, whichever would result in the smaller reduction.

"'(j) Any department or agency of the United States maintaining records of military service, at the request of the Board, shall certify to the Board, with respect to any individual, the number of months of military service which such department or agency finds the individual to have had during any period or periods with respect to which the Board's request is made, the date and manner of entry into such military service, and the conditions under which such service was continued. Any department or agency of the United States which is authorized to make awards of pensions, disability compensation, or any other gratuitous benefits or allowances payable, on a periodic basis or otherwise, under any other Act of Congress on the basis of military service, at the request of the Board, shall certify to the Board, with respect to any individual, the calendar months for all or part of which any such pension, compensation, benefit, or allowance is payable to, or with respect to, the individual, the amounts of any such pension, compensation, benefit, or allowance, and the military service on which such pension, compensation, benefit, or allowance is based. Any certification made pursuant to the provisions of this subsection shall be conclusive on the Board: *Provided,* That if evidence inconsistent with any such certification is submitted, and the claim is in the course of adjudication or is otherwise open for such evidence, the Board shall refer such evidence to the department or agency which made the original certification and such department or agency shall make such recertification as in its judgment the evidence warrants. Such recertification, and any subsequent recertification, shall be conclusive, made in the same manner, and subject to the same conditions as an original certification.

"'(k) In the event that an individual was, on or before the date of enactment of the Second Revenue Act of 1940, denied an annuity but could have been granted an annuity under the provisions of this Act or the Railroad Retirement Act of 1935 had military service been included in his years of service or service period, as the case may be, no annuity shall be payable with respect to such individual, or with respect to his death, by reason of the provisions of this section unless such individual files a new application with the Board. In determining the earliest date upon which an annuity can begin to accrue for such an individual in accordance with the provisions of section 2, the filing date of the application shall be the date on which such new application is filed.

"'(l) An individual who, on or before the date of enactment of the Second Revenue Act of 1940, was awarded an annuity under the provisions of this Act or the Railroad Retirement Act of 1935, but whose annuity would have been increased if his military service had been included in his years of service or service period, as the case may be, may, notwithstanding the previous award of an annuity, make application (in such manner and form as may be prescribed by the Board) for an increase in such annuity based on his military service. Upon the filing of such application, if the Board finds that the military service thus claimed is creditable and would result in an increase in the annuity, the Board, notwithstanding the previous award, shall recertify the annuity on an increased basis in the same manner as though this section had been in effect at the time of the original certification: *Provided, however,* That if the annuity previously awarded is a joint and survivor annuity, the increased annuity shall be a joint and survivor annuity of the same type except that if on the date the increase begins to accrue the individual has no spouse for whom the election of the joint and survivor annuity was made, the increase on a single life basis shall be added to the individual's annuity: *And provided further,* That such increase in the annuity shall not begin to accrue more than sixty days before the filing date of the application for an increase in the annuity based on military service, and in the event the annuity is a joint and survivor annuity, the actuarial value of the increase in annuity shall be computed as of the effective date of the increase.

"'(m) In addition to the amount authorized to be appropriated in subsection (a) of section 15 of this Act, there is hereby authorized to be appropriated to the Railroad Retirement Account for each fiscal year, beginning with the fiscal year ending June 30, 1941, an amount sufficient to meet the additional expenditures necessary to be made during each such fiscal year by reason of crediting under the Railroad Retirement Acts military service prior to January 1, 1937. The Railroad Retirement Board, as promptly as practicable after the date of enactment of the Second Revenue Act of 1940, and thereafter annually, shall submit to the Bureau of the Budget estimates of such military service appropriations to be made to the account in addition to the annual estimates by the Board, in accordance with subsection (a) of section 15 of this Act, of the appropriations to be made to the account to provide for the payment of

annuities, pensions and death benefits not based on military service. Each such estimate shall take into account the excess or the deficiency, if any, in such military service appropriation for the preceding fiscal year.'

"SEC. 626. Section 202 of such act of June 24, 1937, is hereby amended by inserting immediately after the second proviso of such section the following new proviso: '*And provided further*, That for the purposes of determining eligibility for an annuity and computing an annuity there shall also be included in an individual's service period, subject to and in accordance with subsections (a) to (l), inclusive, of section 3A of this act, voluntary or involuntary military service of an individual prior to January 1, 1937, within or without the United States during any war service period, if, in the calendar year in which his military service in a war service period began, or in the calendar year next preceding such calendar year, he was in the compensated service of a carrier, or of a person service to which is otherwise creditable, or was serving as a representative; but such military service shall be included only subject to and in accordance with the provisions of the Railroad Retirement Act of 1935, in the same manner as though military service were service rendered as an employee:' ".

And the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE VII—CREDIT AGAINST, FEDERAL UNEMPLOYMENT TAXES

"SEC. 701. CREDIT AGAINST FEDERAL UNEMPLOYMENT TAXES.

"(a) ALLOWANCE OF CREDIT.—Against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, or against the tax imposed by the Federal Unemployment Tax Act for the calendar year 1939, any taxpayer shall be allowed credit for the amount of contributions paid by him into an unemployment fund under a State law—

"(1) Before the sixtieth day after the date of the enactment of this act;

"(2) On or after such sixtieth day (except in the case of the tax for the calendar year 1939) with respect to wages paid after the fortieth day after such date of enactment;

"(3) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The amount of such credit, in the case of contributions with respect to the calendar year 1939 paid after the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act to file a return for such year, shall not exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day. The provisions of the Social Security Act in force prior to February 11, 1939 (except the provision limiting the credit to amounts paid before the date of filing returns) shall, with respect to the tax for the calendar year 1936, 1937, or 1938, apply to allowance of credit under this section, and the provisions of the Federal Unemployment Tax Act (except section 1601 (a) (3)) shall, with respect to the tax for the calendar year 1939, apply to allowance of credit under this section. The terms used in this subsection shall, with respect to the tax for the calendar year 1936, 1937, or 1938, have the same meaning as when used in title IX of the Social Security Act prior to February 11, 1939, and shall, with respect to the tax for the calendar year 1939, have the same meaning as when used in the Federal Unemployment Tax Act. The total credit allowable against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, or against the tax imposed by section 1600 of the Federal Unemployment Tax Act for the calendar year 1939, shall not exceed 90 per cent of such tax.

"(b) Refund: Refund of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund."

And the Senate agree to the same.

R. L. DOUGHTON,
THOMAS H. CULLEN,
JOHN W. MCCORMACK,
JERE COOPER,
ALLEN T. TREADWAY,
FRANK CROWTHER,
HAROLD KNUTSON,
Managers on the part of the House.

PAT HARRISON,
WILLIAM H. KING,
WALTER F. GEORGE,
ARTHUR CAPPER,
JOHN G. TOWNSEND, JR.,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10413) to provide revenue, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment strikes out title I (excess-profits tax) of the House bill and substitutes title I (corporation income tax) and title II (excess-profits tax); and the House recedes with an amendment.

Title I of this amendment being new and title II being in effect title I of the House bill with amendments, the action on this amendment will be discussed section by section.

Title I—Corporation Income Tax

House bill: There is no comparable provision in the House bill. Section 710 of the excess-profits tax as passed by the House did, however, provide, as part of the excess-profits tax in the case of corporations which elected to compute their excess-profits credit on the average earnings plan, for the payment of an additional amount equal to 4⅒ percent of the normal tax net income.

Senate amendment: The Senate amendment increased by 3⅒ percent the corporate income tax of all corporations (except nonresident foreign corporations taxable under section 231 (a)). Such increase applied to the entire rate schedule contained in sections 13 and 14, that is, whether or not the corporation's normal tax net income was in excess of $25,000. The permanent corporate tax rate applicable to corporations not entitled to the special treatment provided for small corporations was therefore 22⅒ percent. It was provided, however, that in computing the 10-percent increase in tax imposed by section 15 of the Internal Revenue Code, added to such code by section 201 of the first Revenue Act of 1940, the corporate tax prior to the 3⅒ percent increase contained in the Senate amendment was to be used as the basis for such computation. Thus, the general effective rate applicable to corporations with normal-tax net incomes in excess of $31,964.30, so long as the defense-tax provisions of section 15 were in force, would be 24 percent.

Conference agreement: Under the conference agreement, there is no increase of the chapter 1 tax of corporations whose normal-tax net income is not in excess of $25,000, if such corporations are entitled to the treatment provided by section 14 of the Internal Revenue Code. In the case of corporations whose normal-tax net income is slightly in excess of $25,000 and which are taxable as provided in section 13, the full 3⅒ percent increase is not applicable in fact until the normal-tax net income reaches $38,565.89. Like the Senate amendment the bill as agreed to in conference provides that the additional 10 percent imposed by the First Revenue Act of 1940 is to be figured on the basis of the permanent rates prior to their increase by the bill. Therefore, in the case of corporations whose normal-tax net income is slightly in excess of $25,000, the 10 percent increase may be computed on the basis of the tax (at the unincreased rates) under the general rule, even though the corporation may still be subject to the alternative tax under the bill. The applicable rates under the conference agreement are illustrated by the following table:

	Permanent rate			Temporary additional rate (defense tax)	Total normal tax rate
	Existing law	Additional rate under the conference bill	Total		
Corporations with normal-tax net incomes not in excess of $31,964.30:	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
First $5,000	13.50	0	13.50	1.35	14.85
Next $15,000	15.00	0	15.00	1.50	16.50
Next $5,000	17.00	0	17.00	1.70	18.70
Next $6,964.30	33.00	2	35.00	3.30	[1] 38.30
Corporations with normal-tax net incomes in excess of $31,964.30, but not in excess of $38,565.89:					
First $5,000	13.50	0	13.50	1.9	15.4
Next $15,000	15.00	0	15.00	1.9	16.9
Next $5,000	17.00	0	17.00	1.9	18.9
Next $13,565.89	33.00	2	35.00	1.9	[1] 36.9
Corporations with normal-tax net incomes in excess of $38,565.89 [2]	19.00	3.1	22.10	1.9	24.00

[1] This is the "notch provision." The specified rate, coupled with the low rates applicable to the first $25,000, does not produce an effective rate as high as that applicable to large corporations until the normal-tax net income reaches $31,964.30, in the case of existing law, and $38,565.89, under the bill.

[2] In this group would also fall mutual investment companies and foreign corporations not taxable under section 231 (a) regardless of the amount of their income.

Title II (Title I of House Bill)—Excess-Profits Tax

Section 710. Imposition of Tax

House bill: Under the House bill, the excess-profits tax imposed upon corporations which elected to compute their excess-profits credit on the income plan consisted of 4⅒ percent of the corporation's normal-tax net income plus a graduated tax of from 25 to 50 percent of the corporation's adjusted excess-profits net income. The excess-profits tax imposed upon corporations which elected to compute their excess-profits credit on the invested capital method

consisted solely of a graduated tax of from 20 to 45 percent of the corporation's adjusted excess-profits net income. The term "adjusted excess-profits net income," which constituted the measure of the graduated tax, was defined as the excess-profits net income less a specific exemption of $5,000 and the amount of the taxpayer's excess-profits credit for the taxable year.

In the case of any corporations which had been through certain types of tax-free exchanges, adjustments were to be made in the dollar amounts constituting the dividing lines between the various brackets. If, for example, a corporation, in a tax-free transaction, split up into two corporations, the rate schedule was adjusted so that the sum of the amounts of income of both corporations subject to each bracket would not exceed the amount of income which would have been taxed in such bracket had the original corporation remained intact. The amount in each bracket was divided between the two corporations on the basis of the relationship of its invested capital immediately after the exchange to the invested capital of the original corporation immediately preceding the exchange. To accomplish this result, since section 759 required a similar adjustment to be made in the case of the preferential rate amount, which in the case of corporations which had not been through a prior tax-free exchange was always $500,000, the ratio of the taxpayer's preferential rate amount to $500,000 was, as a matter of convenience, applied in the adjustment of the dollar amounts in the rate schedule provided by section 710.

Senate amendment: The additional 4 1/10 percent of the normal-tax net income of corporations electing the excess-profits tax based on average earnings was eliminated. The 5-percent differential in rate between corporations computing their excess-profits credit on the invested-capital plan and corporations computing their excess-profits credit on the income plan was also eliminated and the 25 to 50 percent graduated rate schedule applicable under the House bill to corporations electing the income credit was made applicable to all corporations. However, such rate schedule was further modified so as to make the dividing line between the brackets depend upon specified dollar amounts of adjusted excess-profits net income only if such specified dollar amounts are greater than alternative amounts representing specified percentages of the excess-profits credit. The rate schedule contained in the Senate amendment is as follows:

"Twenty-five percent of so much of the adjusted excess-profits net income as does not exceed the greater of $20,000 or 20 percent of the excess-profits credit;

"Thirty percent of so much of the adjusted excess-profits net income as exceeds the greater of $20,000 or 20 percent of the excess-profits credit and does not exceed the greater of $50,000 or 40 percent of such credit;

"Thirty-five percent of so much of the adjusted excess-profits net income as exceeds the greater of $50,000 or 40 percent of the excess-profits credit and does not exceed the greater of $100,000 or 60 percent of such credit;

"Forty percent of so much of the adjusted excess-profits net income as exceeds the greater of $100,000 or 60 percent of the excess-profits credit and does not exceed the greater of $250,000 or 80 percent of such credit;

"Forty percent of so much of the adjusted excess-profits net income as exceeds the greater of $250,000 or 80 percent of the excess-profits credit and does not exceed the greater of $500,000 or 100 percent of such credit; and

"Fifty percent of so much of the adjusted excess-profits net income as exceeds the greater of $500,000 or 100 percent of the excess-profits credit."

The adjustment in the rate schedule required in the case of taxpayers which had been through certain types of tax-free transactions was eliminated.

The definition of "adjusted excess-profits net income" contained in the House bill was retained except that the specific exemption allowable in computing such adjusted excess-profits net income was increased from $5,000 to $10,000.

Conference agreement: Under the conference agreement, the excess-profits tax of all corporations, whether computing their excess-profits credit on the income or invested-capital plan, is based solely on the following rate schedule:

	Rate of tax percent—
Amount of adjusted excess-profits net income:	
First $20,000	25
Next $30,000	30
Next $50,000	35
Next $150,000	40
Next $250,000	45
Over $500,000	50

This was the graduated schedule applicable to corporations computing their excess profit on the income plan under the House bill and was the schedule applicable to all corporations under the amendment as reported by the Senate Finance Committee.

The adjustment in the above rate schedule which was required, under the House bill, in the case of taxpayers which had been through certain types of tax-free transactions has been restored, with clerical changes.

The specific exemption allowable in computing the adjusted excess-profits net income has been restored to $5,000. An additional credit is also allowed, in computing such adjusted excess-profits net income, to corporations whose normal-tax net income for the taxable year is not in excess of $25,000, such additional credit to consist of the amount if any, by which the excess profits credit for the preceding taxable year exceeded the excess-profits net income for such year. It is understood that the Treasury and members of the staff of the Joint Committee on Internal Revenue Taxation will study the operation of this limited carry-over, with a view to its possible extension or modification, and will report to the appropriate committees on the subject as soon as possible.

Section 711. Excess-Profits Net Income

House bill: Under the House bill the excess-profits net income was defined to be the normal-tax net income with certain adjustments.

Senate amendment: In addition to certain technical amendments, the Senate amendment made the following changes in and additions to the adjustments contained in the House bill:

(1) The additional deduction on account of corporate income taxes was modified so as to exclude the section 102 tax imposed on corporations improperly accumulating surplus. Under both the House and Senate bills, however, the normal corporate income tax (after the allowance of the foreign tax credit) for the taxable year for which the excess-profits net income is being computed is allowable as an additional deduction.

(2) The treatment of gains and losses on depreciable assets held for more than 18 months as long-term capital gains and losses and their consequent exclusion from the computation was eliminated. In lieu thereof a provision was inserted providing that only the excess of gains arising from the sale or exchange of such assets over any losses arising therefrom should be excluded from the computation. The effect of this provision is to allow losses from the sale or exchange of depreciable assets held for more than 18 months to be deducted from ordinary income to the extent such losses exceed the gains from similar transactions.

(3) The adjustment on account of income derived from the retirement or discharge of bonds, etc., was rewritten to make certain that amounts which would be otherwise includible upon such retirement or discharge on account of any premium received upon issuance should be left out of the computation, and that the adjustment should apply although the indebtedness retired or discharged is indebtedness which has been assumed by the taxpayer and although it is evidenced, so far as the taxpayer is concerned, only by a contract with the person whose liabilities have been assumed.

(4) A corresponding adjustment was added requiring that certain deductions otherwise allowable on account of the retirement or discharge of bonds, etc., should be excluded from the computation.

(5) A new adjustment was added, applicable only to taxable years after the base period, requiring the exclusion of income attributable to refunds of Agricultural Adjustment Act taxes and interest upon such refunds.

(6) It was also provided that, if the excess-profits credit is computed under the invested-capital plan, the normal-tax net income should be increased by an amount equal to the interest on United States obligations and the obligations of Federal instrumentalities not specifically exempted from excess-profits taxes and, in addition thereto, the interest on all other Federal, State, or local obligations, if the taxpayer elects, under section 720 (d) (added by the Senate amendment), to treat all such other obligations as admissible assets for the taxable year.

(7) Losses arising from the demolition, abandonment, and loss of useful value of property are excluded from the computation of excess-profits net income for taxable years in the base period.

(8) An additional adjustment was provided, applicable only to taxable years in the base period, to the effect that deductions attributable to any claim, award, judgment, or decree against the taxpayer, or interest thereon, would not be required to be taken into account if, in the light of the taxpayer's business, it is abnormal for the taxpayer to incur a liability of such character or, if the taxpayer normally incurs liabilities of such character, the amount of the particular liabilities of such character in the taxable year is grossly disproportionate to the average amount of liabilities of such character in each of the four previous taxable years.

(9) Income attributable to the recovery of a bad debt, if a deduction from gross income was allowed with reference to such debt was allowed from gross income for a taxable year beginning prior to January 1, 1940, is excluded in the case of taxable years after the base period.

(10) A new adjustment, applicable to both the taxable years in the base period and taxable years after the base period in the case of corporations computing their excess-profits credit under the income plan, was added requiring the exclusion of any deductions in connection with exploration, discovery, prospecting, research, or development of tangible property, patents, formulae, or processes, or any combination of the foregoing.

(11) Corporations computing their excess-profits credit under the income plan are given the same dividends received credit, both for taxable years in the base period and for taxable years after the base period, as is given to corporations computing their excess-profits credit on the invested capital plan; i. e., the full amount of all dividends received, except dividends on stock of a foreign personal holding company.

(12) Amounts received pursuant to an award of the Mixed Claims Commission, United States and Germany, are excluded from income for taxable years after the base period in the case of corporations computing their excess-profits credit under the income plan.

(13) In case of taxable years in the base period, the deduction under section 23 (k) for bad debts is decreased by an amount representing unrecovered loans made by a parent corporation to

its subsidiary, insofar as such deduction includes an amount representing such unrecovered loans.

In addition to applying section 117 of the Internal Revenue Code (relative to capital gains and losses) to taxable years in the base period, which was done in the House bill, the Senate amendment applies section 23 (g) and (k) to such taxable years in order that long-term losses due to securities (stocks and bonds) having become worthless would be disallowed in computing excess-profits net income for taxable years in which such losses were not treated as capital losses under the income-tax law applicable to such years.

Conference agreement: With the exceptions and modifications described below, the Senate provision is adopted:

(1) The adjustment relative to income realized upon the retirement or discharge of bonds, etc., has been further redrafted so as to make certain that the excluded income on account of the issuance of the bonds at a premium relates only to premium unamortized on the date of retirement or discharge. There is not to be excluded from income the accrued amortization of bond premium for that portion of the taxable year preceding such retirement or discharge.

(2) The adjustment requiring that certain deductions otherwise allowable on account of the retirement or discharge of bonds, etc., should be excluded from the computation has been eliminated for taxable years after the base period. As retained relative to taxable years in the base period, it has been redrafted so as to make certain that the excluded deduction on account of the issuance of bonds, etc., at a discount relates only to discount unamortized on the date of the retirement or discharge. The ordinary deduction for amortization of bond discount accrued for that portion of the taxable year preceding the retirement or discharge is not to be excluded from the computation.

(3) The adjustment relative to interest on Federal, State, and local obligations has been revised as follows: The distinction between certain United States obligations and obligations of Federal instrumentalities, on the one hand, and all other Federal, State, or local obligations, on the other, has been eliminated, and the treatment of all such obligations has been made optional with the taxpayer. Instead of requiring the taxpayer to elect to treat such obligations as admissible assets and having the taxation of the interest derived therefrom follow as a consequence, however, the conference agreement provides that the taxpayer's election shall be with respect to the inclusion of the interest in income and that, if such an election is made, the obligations from which such interest was derived shall be treated as admissible assets for the taxable year. See discussion under section 720. A taxpayer must elect as to all such interests and may not elect as to only a portion thereof.

(4) The adjustment requiring the exclusion of any deduction in connection with exploration, etc., has been eliminated as to taxable years after the base period. As retained relative to taxable years in the base period the adjustment has been limited to deductions allowed in respect of expenditures for intangible drilling and development costs paid or incurred in or for the drilling of wells or the preparation of wells for the production of oil or gas, or for development costs in the case of mines. Such deductions are excluded only if and to the extent that in the light of the taxpayer's business it is abnormal for the taxpayer to incur a liability of such character or, if the taxpayer normally incurs such liability, only to the extent that the amount of such liability in the taxable year in question was grossly disproportionate to the amount of such liability in the 4 previous taxable years.

(5) Corporations computing their excess-profits credit on the income plan are allowed a dividends-received credit of 100 percent of the dividends received from a domestic corporation, but, unlike corporations on the invested-capital plan, are given no credit for dividends received from a foreign corporation. Such dividends, however, if their receipt constitutes an abnormality, are entitled to the treatment provided by section 721.

(6) The specific adjustment excluding from income awards of the Mixed Claims Commission has been eliminated, since it is already covered by the general provisions of section 721. Such income would be abnormal in kind, and, to the extent it constituted compensation for past losses, would be attributable to the years such losses occurred. Most of these awards of the Mixed Claims Commission were paid many years ago. However, a number of awards to American nationals were rendered by the Commission only recently and have not yet been paid. The conferees were unanimous that such awards when paid, to the extent they do not include current interest, should not and would not be subject to the excess-profits tax. Section 711 (a) (1) (I) of Senate amendment has been omitted from the bill as agreed to in conference by reason of the fact that the conferees are convinced (and have the assurances of the Treasury) that section 721 of the bill accomplishes the same result, since the very nature of the award makes any resulting income abnormal, and none of the amounts paid pursuant to such awards will be attributable to any taxable year beginning after December 31, 1939, within the meaning of such section. Insofar as such amounts are properly includible in the normal tax net income of the recipients, they will, of course, be subject to the normal tax in the year in which they are accrued or (in the case of recipients upon the cash receipts basis) are actually received.

(7) The adjustment in the base period on account of bad debts representing unrecovered loans made by a parent corporation to a subsidiary has been eliminated.

Section 712. Allowance of Excess-Profits Credit

House bill: Under the House bill a domestic corporation was permitted to choose between the income credit and the invested capital credit only if it had been in existence during the entire 48 months prior to the beginning of its first taxable year which began in 1940. Foreign corporations subject to excess-profits tax were required to compute their excess-profits credit on the income plan if they were in existence during the entire 48 months prior to the beginning of their first excess-profits tax taxable year beginning in 1940 and were engaged in trade or business within the United States or had an office or place of business therein at any time during each of the taxable years in the 48 months prior to such date. All other domestic and foreign corporations subject to excess-profits tax were required to compute their excess-profits credit on the invested-capital plan.

Senate amendment: Under the Senate amendment all domestic corporations which have been in existence prior to January 1, 1940, and all foreign corporations which, under the House bill, were required to compute their excess-profits credit on the income plan, are permitted to choose between the income and the invested-capital plan. All other corporations, including corporations which for any taxable year do not file returns, must compute their excess-profits credit on the invested-capital plan.

Conference agreement: The Senate provision is adopted.

Section 713. Excess-Profits Credit Based on Income

House bill: Under the House bill all taxable years in the base period, including taxable years for which there were deficits, were taken into account in computing the average base period net income, except that the loss for 1 deficit year (the largest, if the taxpayer had more than 1) was not to be applied in reduction of the aggregate income for other years. In ascertaining the average, however, the period covered by such taxable year was taken into account; i. e., the aggregate for the other years was divided by the total number of years in the base period, not by such total number less one.

Senate amendment: In lieu of the treatment relative to deficits contained in the House bill, the Senate amendment provides that a taxpayer may entirely exclude one base period taxable year in computing its average earnings. Not only may the excess-profits net income or the deficit for such year be excluded from the computation, but the period embraced by such taxable year is excluded in ascertaining the average base period net income for the base period. Thus, if the base period includes 4 calendar years and the taxpayer chooses to drop one of such years out of the computation, the aggregate income for the remaining 3 years is divided by three, and not by four, in ascertaining the base-period average.

Since under the Senate amendment all domestic corporations which have been in existence prior to January 1, 1940, are permitted to choose between the income and the invested capital plan, even though they may not have been in existence during the entire base period, the Senate amendment also provides for a constructive excess-profits net income in the case of corporations electing the income plan for such portion of the base period as the corporation was not in existence. Such excess-profits net income is to be computed in the same manner as the House bill provided in the case of corporations electing the invested-capital plan; i. e., 8 percent of the invested capital for the day following the close of the base period, reduced by the same ratio of inadmissibles as is applicable to the last year of the base period.

The adjustment on account of capital additions and reductions was amended so as to treat 100 percent of the stock of another corporation owned by the taxpayer as excluded capital. This conforms with the change made in the dividends received credit of corporations computing their excess-profits credit on the income plan.

Conference agreement: The Senate provision permitting the complete exclusion of 1 year in the computation of average base-period net income has been eliminated, and the House provision relative to the treatment of deficit years has been restored. In addition, it is provided that, in computing the income credit, the amount thereof, prior to adjustment on account of capital additions or capital reductions, shall be 95 percent of the average base period net income instead of 100 percent of such average base-period net income. This 5-percent reduction of the average base period net income is in lieu of the House provision which included an additional 4⅒ percent of the normal-tax net income in the excess profits tax of corporations electing the income plan and provided a 5-percent differential in the graduated rate schedule applicable to such corporations.

In view of the conference agreement on sections 711 and 712, the Senate provision relative to a constructive excess profits net income in the case of corporations in existence during part, but not all, of the base period has been retained, and the treatment of corporate stock as excluded capital has been limited to the stock of domestic corporations.

Section 714. Excess-Profits Credit Based on Invested Capital

House bill: Under the House bill the invested capital credit for any taxable year reflected, in part, the base period experience of the taxpayer. In general, the excess-profits credit consisted of an amount representing the base period rate of return (but not less than 7 percent or more than 10 percent on the first $500,000 and not less than 5 percent or more than 10 percent on the remainder) on so much of the corporation's invested capital for the taxable year as did not exceed its invested capital at the close of the base period,

plus 10 percent of so much of the remaining invested capital as did not bring the total invested capital beyond $500,000, and 8 percent of the remainder.

Senate amendment: Under the Senate amendment the base period experience of a corporation electing the invested capital credit is eliminated from consideration. The excess-profits credit of any such corporation is 8 percent of the taxpayer's invested capital for the taxable year, without regard to its earnings record in the base period.

Conference agreement: The conference agreement adopts the Senate provision.

Sections 715–718. Invested Capital

The only change, other than clerical and technical changes, made by the Senate amendment in these sections of the House bill was the insertion of a new sentence in section 715 authorizing the Commissioner of Internal Revenue, pursuant to regulations, to permit, in the computation of invested capital, the use of averages or ratios on a monthly, annual, or other appropriate basis, where in his opinion the circumstances do not require daily computation.

Under the conference agreement, the authorization to compute invested capital on some basis other than a daily basis is limited to cases where such other method will not cause the invested capital to vary by more than $1,000 from the invested capital computed on a daily basis. The conference agreement also makes further technical changes in order to eliminate duplications in the computation of equity invested capital. Provisions have been inserted governing the extent to which the equity invested capital of a parent corporation is to be increased or decreased following a liquidation under section 112 (b) (6). This provision enables the provisions of section 718 (b) (3) to be expanded so as to cover all situations in which, under the doctrine of *Commissioner* v. *Sansome* (60 F. (2d) 931), the earnings and profits of one corporation become the earnings and profits of another. A proper application of the provisions of section 718 prevents, it is believed, improper duplications in the case of the merger or consolidation of two or more corporations, one of which owns stock in the other; for the sake of clarity, however, subsection (c) (4) has been inserted dealing with the merger or consolidation of two or more corporations, one of which owns stock in the other. In case the corporation whose stock is owned by the other, is merged into the other, no corresponding provision is necessary, since the property transferred in the merger represented by such stock is not within any provision of section 718 (a).

Section 719. Borrowed Invested Capital

House bill: Under the House bill borrowed capital (i. e., indebtedness evidenced by a bond, note, bill of exchange, debenture, certificate of indebtedness, mortgage, or deed of trust) was included in invested capital under a graduated limitation at varying percentages (100, 66⅔, 33⅓), these percentages depending upon the size of the corporation.

Senate amendment: Under the Senate amendment all borrowed capital is included in invested capital at 50 percent, regardless of the size of the corporation. Borrowed capital is defined to mean, in addition to the types of indebtedness described in the House bill, certain amounts received as advance payment in connection with a contract with a foreign government to furnish articles, materials, or supplies, to the extent such amounts would be repayable, pursuant to the terms of the contract, if cancelation by such foreign government occurred at the beginning of the day for which the borrowed capital is being ascertained. Such contract must have been made before the expiration of 30 days after the date of enactment of the bill.

Conference agreement: The Senate provision has been adopted except that the clause relative to amounts repayable to a foreign government has been redrafted so as to make certain that the amounts included as borrowed capital thereunder do not include amounts treated as income and therefore reflected in equity invested capital through the accumulated earnings and profits account.

Section 720. Admissible and Inadmissible Assets

House bill: Under the House bill, in addition to corporate stock, all Federal, State, and local obligations were treated as inadmissible assets for the taxable year, and the interest derived therefrom was not included in normal-tax net income, upon the basis of which the excess-profits net income was computed.

Senate amendment: Under the Senate amendment all United States obligations and obligations of Federal instrumentalities, the interest from which is not exempt from excess-profits taxation, are treated as admissible assets and the interest derived therefrom is subject to tax. In addition, the taxpayer may elect to treat all other Federal, State, and local obligations as admissible assets for the taxable year. If such an election is made, the normal tax net income is increased by the amount of interest derived from such obligations. The taxpayer is required to make a single election relative to all such obligations and may not elect as to only a portion thereof.

Conference agreement: Under the conference agreement the distinction between certain United States obligations and obligations of Federal instrumentalities, on the one hand, and of other Federal, State, and local obligations, on the other, is eliminated. The taxpayer's election, instead of being an election to treat the obligations in question as admissible assets, is an election to include the interest derived therefrom in normal tax net income. It is provided that, if such an election is made, the obligations from which such included interest is derived are treated as admissible assets for the taxable year.

Section 721. Abnormalities in Income in Taxable Period

House bill: There were no comparable provisions in the House bill.

Senate amendment: Section 721 (a) of the Senate amendment was designed to provide relief in the case of—

(1) Income arising out of a claim, award, judgment, or decree, or out of interest on any of the foregoing;

(2) Income received with respect to a contract whose performance required more than 1 year;

(3) Income resulting from the exploration, discovery, prospecting, research, or development of tangible property, patents, formulas, or processes, or any combination thereof, by the taxpayer or any of its predecessors, providing that such exploration, etc., extended over a period of more than 1 year;

(4) Income which is required to be included for the taxable year as a result of a change in the taxpayer's accounting period or method of accounting;

(5) Income received by the lessor of real property on the termination of the lease as a result of improvements on the property during the lease.

Any of the above types of income which is abnormal in kind, or which, in the light of the taxpayer's experience in the 4 previous taxable years, is abnormal in amount, is entitled to the following treatment:

The amount thereof attributable to any previous taxable year or years is to be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary. In the case of income from exploration, etc., the Commissioner is required to allocate in equal amounts so much of such income as is not attributed to the taxable year to each of the preceding years (not exceeding 5) during which the exploration, etc., was conducted. The excess-profits tax for the taxable year shall not exceed the excess-profits tax for such taxable year computed without including such income in gross income, plus the aggregate of the additional excess-profits taxes which would have been payable in each of the preceding taxable years (including the current taxable year) to which a portion of such income is attributed if such portion had been included in income in such year.

Section 721 (b) provides a 2-year carry-over of the unused excess-profits credit for any taxable year beginning after December 31, 1939, in the case of corporations 80 percent or more of whose gross income is derived from mining or processing minerals or from processing or otherwise preparing for market any seasonal fruit or vegetable, or any fish or other marine life. The unused excess-profits credit for any taxable year is the amount by which the excess-profits credit for such taxable year exceeds the excess-profits net income for such taxable year.

Conference agreement: The conference agreement retains section 721 with the following modifications:

(1) The item relative to income resulting from explorations, etc., has been rewritten. The exploration, etc., from which the income is derived must be the taxpayer's own exploration. Income resulting from activities of such a character carried on by a predecessor corporation is not entitled to the treatment provided in section 721.

(2) The item relative to income arising from the termination of a lease has been broadened so as to include all income arising from such source and not merely income occasioned by improvements on the property during the term of the lease.

(3) A new category of potentially abnormal income has been added, consisting of dividends on stock of foreign corporations, except foreign personal holding companies. This is part of the conference agreement relative to the dividends received credit of corporations computing their excess-profits credit on the income plan. See section 710.

(4) The fixed rule of allocation applicable to income resulting from exploration, etc., has been eliminated.

(5) A new provision is inserted making certain that income attributed to any future year or years will be included in excess-profits net income for such future year or years and subjected to excess-profits tax.

(6) Subsections (b) and (c), providing for a special 2-year carry-over of the unused excess-profits credit in the case of certain businesses, are eliminated.

Section 722 (Sec. 721½ of the Senate amendment). Adjustment of Abnormalities in Income and Capital

Section 721½ of the Senate amendment provides that the Commissioner shall have authority to make any adjustments which abnormally affect income or capital, and that his decision shall be subject to review by the Board of Tax Appeals.

Conference agreement: Under the conference agreement section 721½ is renumbered section 722 and given the heading "Adjustment of Abnormalities of Income and Capital." It grants the Commissioner authority to adjust any items which abnormally affect income or capital, and provides that the Commissioner's decision shall be subject to review by the Board of Tax Appeals. It is understood that the Treasury and members of the staff of the Joint Committee on Internal Revenue Taxation will give further study to the entire problem covered by this section and will report to the appropriate committees on the subject as soon as possible.

Sections 723 and 724 (Secs. 722 and 723 of the Senate Amendment and Secs. 721 and 722 of the House Bill). Equity Invested Capital in Special Cases—Foreign Corporations, Invested Capital

In addition to changes in section numbers, a clerical change was made by the Senate amendment because of the changes made in

section 714. The Senate provision is adopted with a further change in section number.

Section 724 (Sec. 723 of the House bill). Personal Service Corporations

House bill: The House bill allowed a personal service corporation an election to have its income taxed in the hands of its shareholders in lieu of paying an excess-profits tax. A personal service corporation was defined to mean a corporation whose income is attributable primarily to the activities of shareholders who are regularly engaged in the active conduct of the affairs of the corporation and are owners at all times during the taxable year of at least 80 percent in value of the stock of the corporation, and in which capital (whether invested or borrowed) is not a material income-producing factor. Foreign corporations and any corporation 50 percent or more of whose gross income consisted of gains, profits, or income derived from trading as a principal were excluded. For the purposes of the stock-ownership test, an individual was considered as owning stock owned by his spouse or minor child.

Senate amendment: The Senate amendment contains, in effect, three alternative definitions of a personal service corporation. The first is that contained in the House bill. The second defines a personal service corporation as a corporation (in which capital is not an income-producing factor) at least 80 percent in value of whose stock is owned at all times during the taxable year by shareholders who are regularly engaged in the active conduct of the corporation's affairs. This definition differs from the House definition in that it does not require the corporation's income to be ascribed primarily to the activities of such shareholders. The third alternative contained in the Senate amendment defines a personal service corporation as a corporation (in which capital is not an income-producing factor) the income of which is to be ascribed primarily to the activities of shareholders who are actively engaged in the conduct of the corporation's affairs and all of the stock which is owned at all times during the taxable year by or for not more than 20 individuals. The effect of this alternative is to include corporations which have so-called silent partners who own more than 20 percent of its stock. As to both alternatives added by the Senate amendment, it is provided that an individual shall be considered as owning stock owned not only by his spouse or minor child, but by any guardian or trustee representing them.

Conference agreement: Under the conference agreement a personal service corporation is defined to mean a corporation whose income is attributable primarily to the activities of shareholders who are regularly engaged in the active conduct of the affairs of the corporation and are owners at all times during the taxable year of at least 70 percent in value of each class of stock of the corporation, and in which capital (whether invested or borrowed) is not a material income-producing factor. Foreign corporations and any corporation 50 percent or more of whose gross income consisted of gains, profits, or income derived from trading as a principal are excluded. For the purposes of the stock-ownership test, an individual is considered as owning stock owned by his spouse or minor child or by any guardian or trustee representing them.

Section 726 (Sec. 725 of the Senate Amendment and Sec. 724 of the House Bill). Corporations Completing Contracts Under Merchant Marine Act, 1936

In addition to changing the section number, only a clarifying change was made in this section by the Senate amendment. The Senate provision is adopted, with a further change in section number.

Section 727 (Sec. 726 of the Senate Amendment and Sec. 725 of the House Bill). Exempt Corporations

The Senate amendment made no change in this section as contained in the House bill except to change the section number and to advance from Decemebr 1, 1940, to July 1, 1941, the date before which an investment company must register as a diversified company under the Investment Company Act of 1940 in order to qualify for exemption for the taxable years 1940 and 1941. The Senate provision is adopted with a further change in section number.

Section 728 (Sec. 727 of the Senate Amendment and Sec. 726 of the House Bill). Meaning of Terms Used

The Senate amendment and the conference agreement merely change the section number.

Section 729 (Sec. 728 of the Senate Amendment and Sec. 727 of the House Bill). Laws Applicable

House bill: Section 727 (b) of the House bill provided that no return need be filed by a corporation whose excess-profits net income (placed on an annual basis in the case of a taxable period of less than 1 year) was not greater than $5,000, the amount of the specific exemption contained in the House bill.

Senate amendment: The Senate amendment provides that no return need be filed unless the corporation's excess-profits net income (placed on an annual basis in the case of a taxable period of less than 1 year) is in excess of $10,000, the amount of the specific exemption provided by the Senate amendment.

Conference agreement: In view of the conference action restoring the specific exemption to $5,000, the House provision is adopted with a further change in section number.

Section 730 (Sec. 729 of the Senate Amendment). Consolidated Returns

This section was not in the House bill. As added by the Senate amendment it permits consolidated returns to be filed by affiliated groups of corporations under certain circumstances, among which is the requirement that all the corporations which have been members of the affiliated group at any time during the taxable year for which the return is made must consent to regulations prescribed by the Commissioner, with the approval of the Secretary, prior to the last day prescribed by law for the filing of such return. The making of a consolidated return shall be considered as such consent.

The term "affiliated group" is defined to mean one or more chains of corporations connected through stock ownership with a common parent corporation if—

(1) At least 95 percent of each class of the stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and

(2) The common parent corporation owns directly at least 95 percent of each class of the stock of at least one of the other corporations.

Foreign corporations (except certain 100-percent owned foreign subsidiaries of domestic corporations), China Trade Act corporations, and certain corporations deriving income from United States possessions are not to be deemed to be affiliated with any other corporation within the meaning of this provision.

Under the conference agreement—

(1) The class of corporations excluded from membership in an affiliated group is expanded to include certain other corporations in addition to those specified in the Senate amendment. As thus expanded, the class of corporations excluded from the affiliated group includes all those corporations which, by reason of the fact that they are themselves exempt from the excess-profits tax, or are taxable on a basis different from that used in the case of corporations generally (as in the case of foreign corporations), or are otherwise allowed special treatment (as in the case of China Trade Act corporations, personal service corporations, and corporations doing business in possessions of the United States), cannot appropriately be associated for tax purposes with corporations not accorded such special treatment. While insurance companies in general are not includible in an affiliated group, an insurance company may be affiliated with other insurance companies of the same taxable character. For example, an insurance company taxable under section 201 may file a consolidated return with another insurance company taxable under the same section, assuming both companies meet the stock ownership test. An insurance company taxable under section 201 may not, however, file a consolidated return with another insurance company taxable under section 204 or section 207. The conference agreement preserves the exception relative to certain 100-percent owned foreign subsidiaries of domestic corporations contained in the Senate amendment.

(2) The definition of the term "affiliated group" has been revised so as to speak in terms of includible corporations (all corporations not excluded from membership in an affiliated group being termed includible corporations) and to provide that the type of stock to which the 95-percent ownership test applies shall not include nonvoting stock which is limited and preferred as to dividends.

The term "affiliated group" is defined to mean one or more chains of includible corporations connected through stock ownership with a common parent corporation which is itself an includible corporation if—

(a) At least 95 per centum of the stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

(b) The common parent corporation owns directly at least 95 per centum of the stock of at least one of the other includible corporations.

In view of the above definition consolidated returns may not be filed by subsidiary corporations as an affiliated group unless the parent corporation through which such subsidiaries are connected is a member of the group. For instance, there will not be recognized as an affiliated group two industrial corporations the common parent of which is an insurance company or a personal holding company. In addition, no corporation which is connected by stock ownership with an affiliated group of includible corporations only through a nonincludible corporation may be included in a consolidated return. If a common parent which is an includible corporation owns 95 percent of the stock of a nonincludible corporation and 95 percent of the stock of an includible corporation, it, and the other includible corporations may, of course, file a consolidated return.

Under section 141 of the Internal Revenue Code and corresponding sections of prior revenue acts, the Commissioner has prescribed by regulations the requirement that all corporations falling within the affiliated group at any time during the taxable year shall join in the consolidated return. The section provides that all the members of the group shall consent to such regulations as a condition to the privilege of filing such return. It is contemplated that the Commissioner will prescribe like requirements for the purposes of the consolidated returns authorized by this section and the section provides that such regulations shall be consented to by all of the includible corporations.

Section 731. Income From Mining Strategic Metals (Sec. 730 of Senate Amendment)

This section is new in the Senate amendment, no comparable provision having been contained in the House bill. It exempts from excess-profits tax income derived from mining, reduction or beneficiation of tungsten, quicksilver, manganese, platinum, antimony, chromite, and tin, or the ores and material containing such metals. These materials have been declared to be strategic mate-

rials by the War Department. The exemption provided in section 730 is intended to encourage their domestic production.

Under the conference agreement, this section is changed to section 731 and it is given a new caption. It exempts from excess-profits tax that portion of the adjusted excess-profits net income of a domestic corporation which is attributable to mining within the United States of tungsten, quicksilver, manganese, platinum, antimony, chromite, or tin. The tax on the remaining portion of the adjusted excess-profits net income is an amount which bears the same ratio to the tax computed on all the adjusted excess-profits net income as such remaining portion bears to the entire adjusted excess-profits net income.

Supplement A. Exchanges: Excess-profits credit based on income

Except for technical changes and the changes indicated below, supplement A of the Senate amendment is the same as supplement A of the House bill.

House bill: Supplement A of the House bill contained provisions whereby, in computing the excess-profits credit of a taxpayer on the average earnings plan, the base-period experience of corporations, the assets of which had previously been acquired by the taxpayer in certain types of transactions, could be taken into account. This provision was intended not only to enable the base-period experience of the enterprise to be more truly reflected but to enable the income credit to be available in certain cases even though the taxpayer had not been in existence during the entire base period. The types of transactions in which the assets of another corporation must have been acquired to entitle the acquiring corporation to these benefits were as follows:

(1) Whereby all the assets of another corporation were acquired in whole or in part for all the stock of the acquiring corporation.

(2) Complete liquidations of subsidiaries under section 112 (b) (6).

(3) Statutory mergers or consolidations.

Senate amendment: Aside from certain technical changes the Senate amendment changed this provision of the House bill only in the following respects:

In addition to the types of transactions covered by the House bill, the Senate amendment added the type of exchange described in section 112 (g) (1) (C) of the Internal Revenue Code, that is, the acquisition by one corporation, in exchange solely for all or a part of its voting stock, of substantially all the properties of another corporation, the assumption by the acquiring corporation of a liability of the other or the fact that property acquired is subject to a liability being disregarded in the determination of whether the exchange is solely for voting stock. There were also added transfers before October 1, 1940, by one corporation of property to another corporation solely as paid-in surplus or a contribution to capital in respect of voting stock of the transferee corporation owned by the transferor corporation, assumptions of liabilities being disregarded as in the case of section 112 (g) (1) (C) reorganizations. Neither of these types of transactions are includible unless the transferor corporation is forthwith completely liquidated in pursuance of the plan under which the acquisition is made, and the transaction of which the acquisition is a part has in all respects the effect of a statutory merger or consolidation.

The Senate amendment also provides that in the case of a taxpayer which became an acquiring corporation in a taxable year after December 31, 1939, if, on September 11, 1940, and at all times thereafter until the taxpayer became an acquiring corporation, either the taxpayer or one of the transferor corporations involved in the transaction in which the taxpayer became an acquiring corporation owned not less than 75 percent of each class of stock of each of the other corporations involved in the transaction, then the average base period net income of the taxpayer should not be less than either (1) its average base period net income would have been if the transaction had not taken place or (2) the average base period net income of that transferor corporation whose average base period net income is the greatest.

A change, corresponding to that made in section 713, was made in section 742, authorizing the omission of one taxable year in the computation of average base period net income.

Conference agreement: The Senate provisions are adopted, except to the extent they authorize the complete exclusion of one taxable year in computing average base-period net income. (See sec. 713.) The conference agreement also makes a clarifying change, whereby section 743 (c) is stricken out and section 740 (g) inserted in lieu thereof. Section 740 (g) provides that the term "component corporation" includes a component corporation of a component corporation, except as used in section 742 (d) (1) and (2) and section 743 (a).

Supplement B. Exchanges: Highest bracket amount and invested capital

House bill: In the computation of the invested capital credit under the House bill, a number of variable factors were employed depending upon the size of the corporation. The preferential treatment accorded small corporations made it necessary to include provisions to prevent a large corporation from receiving small corporation treatment through breaking itself up into a number of small corporations by means of tax-free transactions. Supplement B of the House bill provided the necessary rules for adjusting the various factors employed in the computation of the invested capital credit following certain tax-free transactions.

Senate amendment: The Senate amendment eliminates most of Supplement B as no longer necessary in view of the change made in section 714, relative to the computation of the invested capital credit. Section 751, relative to the determination of property paid in for stock and of borrowed capital in connection with certain exchanges, was retained, however, with a clerical amendment. Section 759, relative to the determination of the preferential rate amount (renumbered sec. 752 and entitled "Highest Bracket Amount"), was also retained, with technical amendments.

The definitions of "exchange", "transfer or upon exchange", "transferee upon exchange", and "preferential rate amount" (renamed "highest bracket amount"), contained in section 750 of the House bill, were also retained but the term "exchange" was clarified so as to make it clear that only transactions occurring after December 31, 1917, are embraced in the definition. Broadly speaking, the tax-free exchange provisions did not appear in the income-tax law until after such date.

Conference agreement: The conference agreement adopts the Senate provisions.

Amendments Nos. 2, 3, and 4: These are changes in title and section numbers. The House recedes.

Amendment No. 5: Section 124 (d) as added to the Internal Revenue Code by the House bill provided for making certain adjustments on account of changes in prior amortization or depreciation deductions occasioned by the provisions of subsection (d) (1), (2), (3), and (4), which adjustments were to be made without regard to the statute of limitations, closing agreements, or any other final determination of tax liability. This amendment expands such provision so as to cover the recomputation required by subsection (i), added by amendment No. 11. Because of the changes made in subsection (i) in conference, this amendment is no longer necessary, and the Senate recedes.

Amendment No. 6: This is a clarifying amendment expanding the definition of the term "emergency facility" to include any facility which meets the required conditions, as well as land, buildings, machinery, or equipment, in terms of which the definition in the Houes bill was phrased. This is to make certain that the cost of dry docks, channels, airports, and similar facilities may be amortized. The House recedes.

Amendments Nos. 7, 8, and 9: These amendments substitute January 1, 1940, for July 10, 1940, the date contained in the House bill, as the date (1) after which the construction, reconstruction, erection, or installation of any facility must have been completed or its acquisition have taken place in order that the cost thereof may be subject to amortization, (2) with which the period of national emergency begins during which the facility must have been necessary in the interest of national defense, and (3) in terms of which the portion of the adjusted basis subject to amortization is defined. The House recedes with an amendment fixing June 10, 1940, as such date.

Amendment No. 10: Under the House bill, the certificate entitling the taxpayer to amortization must have been issued before whichever of the following dates was the later: (1) The beginning of the construction, etc., of the facility, or the date of its acquisition, or (2) the sixtieth day after the enactment of the bill. The Senate amendment changed the day specified in (2) to the one hundred and twentieth day after the enactment of the bill. The House recedes.

Amendment No. 11: This amendment substitutes for section 124 (i), (j) and (k) of the House bill a new subsection (i). In general, subsections (i), (j) and (k) of the House bill prohibited the destruction, demolition, etc., of any emergency facility without the consent of the Secretary of War or the Secretary of the Navy, and provided penalties for violations thereof. The substitue provision inserted by the Senate amendment provides that, if the taxpayer has been or will be paid or substantially reimbursed by the Government for all or a part of the cost of any emergency facility pursuant to any Government contract for the construction or acquisition of such facilities, or the purchase of supplies, or otherwise, amortization of the cost of such facility (including any amortization previously taken) will be disallowed unless within 30 days after making of such contract, or 60 days after the date of the enactment of the bill, whichever of such periods expires the later, the Advisory Commission to the Council of National Defense and either the Secretary of War or the Secretary of the Navy have certified to the Commissioner Internal Revenue that the contract contains provisions adequately protecting the public interest with respect to the future use and disposition of the facilities. The terms and conditions of such contracts with reference to payment or reimbursement of the cost of such facilities and the protecting of the Government's interest therein shall be made available to the public.

The House recedes with an amendment: Under the conference agreement, reimbursement by the United States must have been either (1) directly, by provision of any contract with the United States dealing expressly with such reimbursement, or (2) indirectly, because the price paid by the United States (insofar as return of cost of the facility is used as a factor in the fixing of such price) is recognized by the contract as including a return of cost greater than the normal exhaustion, wear and tear. In the event of such reimbursement and in the absence of the required certificate, amortization with respect to the facility in question is disallowed, but only for the period following the end of the month in which the contract is made. The time within which the certification that the Government's interest is adequately protected is required to be made has been increased to 90 days after the making of the contract or 120 days after the date of enactment of the bill. It is further provided that a certificate made by the Advisory Commission and either the Secretary of War or the Secretary of the Navy to the Commissioner of Internal Revenue, within 90 days after any contract is made or 120

days after the enactment of the bill, to the effect that, under such contract, reimbursement is not provided for within the meaning of the above provisions, shall be conclusive of such fact for the purposes of this provision.

Under the conference agreement the provision with respect to publicity has been retained.

Amendments Nos. 12, 13, 14, and 15: These are clerical amendments. The House recedes.

Amendments Nos. 16 and 17: The effect of these amendments is to add to the class of contracts or subcontracts relative to which the profit-limiting provisions of the Vinson-Trammell Act are suspended, any contracts or subcontracts which were entered into before the beginning of the contractor's or subcontractor's first taxable year which began in the year 1940 and which are not completed until after the last taxable year to which the excess-profits tax is applicable. The House recedes.

Amendment No. 18: This amendment adds a new section suspending the profit-limiting provisions of the Merchant Marine Act of 1936 as to any subcontract which would otherwise be subject to such act, if such subcontract was entered into by a corporate contractor with a corporate subcontractor in any taxable year of the subcontractor subject to the excess-profits tax, and if the principal contractor and the subcontractor were not affiliated at the time such subcontract was entered into or at any time thereafter up to and including the date of its completion. The definition of "affiliated" is substantially the same as that contained in section 2704 (b) (1) of the Internal Revenue Code, i. e., two or more corporations shall be deemed to be affiliated (1) if one corporation owns at least 95 percent of the stock of the other or others, or (2) if at least 95 percent of the stock of two or more corporations is owned by the same interests. For the purposes of such rule the term "stock" is not to include nonvoting stock which is limited and preferred as to dividends. The House recedes.

Amendments Nos. 19 and 20: These are changes in title and certain numbers. The House recedes.

Amendments Nos. 21, 22, 23, and 24:

The House bill provided rules applicable to taxable years beginning after December 31, 1938, for determining the effect on earnings and profits of the sale or other disposition (after February 28, 1913) of property by a corporation or the receipt by it of tax-free distributions. It also provided that such rules should not affect the extent to which accumulated earnings and profits are increased by reason of increase in value of property accrued before March 1, 1913, but realized on or after such date. In order to effect a uniform rule for all prior taxable years, it provided that the stated rules shall be applied for the purpose of the Revenue Act of 1938 or any prior revenue act as if such rules were a part of each such act when it was enacted. The rules apply not only for the purpose of determining when a distribution is a taxable dividend but also for the purpose of determining accumulated earnings and profits in computing equity invested capital for excess-profits-tax purposes.

The Senate amendments rearrange the provisions of the House bill, define earnings and profits, provide a method for determining that part of the earnings and profits consisting of the increase in value of property accrued before March 1, 1913, and, as to prior acts, provide that the rules for determining earnings and profits shall not affect the tax liability of any taxpayer for a particular year now pending before, or heretofore determined by, the Board of Tax Appeals, or any court of the United States.

The House recedes on amendment No. 23 and with amendments Nos. 21, 22, and 24, which substitute for the Senate provisions two subsections providing as follows:

Subsection (l) provides that the gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a corporation is to be determined for two purposes: (1) The computation of earnings and profits of the corporation as a whole, primarily for invested-capital purposes and (2) the computation of earnings and profits of the corporation for any period beginning after February 28, 1913, for the purpose of determining the character of dividend distributions. In (1) there is used the adjusted basis (under the law applicable to the year in which the sale or other disposition is made) for determining gain, but disregarding value as of March 1, 1913. In (2) there is used such adjusted basis for determining gain, giving effect to the value as of March 1, 1913, whenever applicable. The term "adjusted basis" means adjusted basis specified by the law, for example, see section 113 (b) of the Internal Revenue Code, but is subject to the limitations of the third sentence of subsection (l) relative to adjustments proper in determining earnings and profits. The proper adjustments may differ under subsection (l) (1) and (2). Where the operation of subsection (l) results in a loss to be applied in decrease of earnings and profits, such loss may be subject to an adjustment required by subsection (m) (2).

The provisions in the House and Senate bills, that gain or loss so realized shall increase or decrease the earnings and profits to, but not beyond, the extent recognized in computing net income under the law applicable to the year in which such sale or disposition was made, are retained. As used in this subsection the term "recognized" relates to a realized gain or loss which is recognized pursuant to the provisions of law, for example, see section 112 of the Internal Revenue Code. It does not relate to losses disallowed or not taken into account.

The provision in the House bill and Senate amendment, for cases in which the adjustment, prescribed in section 113, to the basis indicated in paragraph (1) or (2), as the case may be, of subsection (l), differs from the adjustment to such basis proper for the purpose of determining earnings or profits, and the provisions with respect to tax-free distributions, are also retained.

Subsection (m) provides rules for determining, for the purposes of section 115 (b) of the code, that part of the earnings and profits which is represented by increase in value of property accrued prior to March 1, 1913, but realized on or after such date.

Paragraph (1) of subsection (m) sets forth the general rule with respect to computing the increase to be made in that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913. Illustrations of the application of this paragraph are set forth in examples (1) and (4) of the Senate Finance Committee Report No. 2114, pages 25 and 26.

Paragraph (2) of subsection (m) is an exception to the general rule in paragraph (1) of subsection (m) and also operates as a limitation on the application of subsection (l). It provides that, if the application of subsection (l) to a sale or other disposition after February 28, 1913, results in a loss which is to be applied in decrease of earnings and profits for any period beginning after February 28, 1913, then, notwithstanding subsection (l) and in lieu of the rule provided in paragraph (1) of subsection (m), the amount of such loss so to be applied shall be reduced by the amount, if any, by which the adjusted basis of the property used in determining the loss, exceeds the adjusted basis computed without regard to the value of the property on March 1, 1913. If the amount so applied in reduction of the loss exceeds such loss, the excess over such loss shall increase that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913. The following examples will show the application of subsection (m) (2):

Example (1). Nondepreciable property was acquired prior to March 1, 1913, at a cost of $8, its value as of March 1, 1913, was $12, and it was sold in 1939 for $10. Under subsection (l) (2) the adjusted basis would be $12 and there would be a loss of $2. Assuming that such loss is recognized under section 112 of the Internal Revenue Code, the application of subsection (l) (2) would result in a loss from the sale in 1939 to be applied in decrease of earnings and profits for that year. Subsection (m) (2), however, applies and the loss of $2 is reduced by the amount by which the adjusted basis of $12 exceeds the cost of $8, namely $4. The amount of the loss is, accordingly, reduced from $2 to 0 and there is no decrease in earnings and profits for the year 1939 as the result of the sale. The amount applied in reduction of the decrease, namely $4, exceeds $2. Accordingly, as a result of the sale the excess of $2 increases that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

Example (2). Nondepreciable property was acquired prior to March 1, 1913, at a cost of $10, its value as of March 1, 1913, was $12, and it was sold in 1939 for $8. Under subsection (l) (2) the adjusted basis would be $12 and there would be a loss of $4. Assuming that such loss is recognized under section 112 of the Internal Revenue Code, the application of subsection (l) (2) would result in a loss from the sale in 1939 to be applied in decrease of earnings and profits for that year. Subsection (m) (2), however, applies and the loss of $4 is reduced by the amount by which the adjusted basis of $12 exceeds the cost of $10, namely $2. The amount of the loss is, accordingly, reduced from $4 to $2 and the decrease in earnings and profits for the year 1939 as the result of the sale is $2 instead of $4. The amount applied in reduction of the decrease, namely $2, does not exceed $4. Accordingly, as the result of the sale there is no increase in that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

The House bill and Senate amendment provided that, in order to effect a uniform rule for all prior years, the stated rules are made applicable to prior acts, but the Senate amendment added a provision providing that such rules should not affect the tax liability of any taxpayer for any year now pending before, or heretofore determined by, the Board of Tax Appeals, or any court of the United States. The tax liability may be that of the corporation the earnings or profits of which are being determined, or the tax liability of a shareholder of such corporation, or of some other taxpayer. These tax liabilities are left to be determined according to such decisions as the Board or courts may make under existing law. As to all matters except such tax liabilities, such stated rules are applicable, and res judicata will not be applicable. The House recedes with an amendment providing that the exception added by the Senate amendment relative to pending or decided cases shall apply only if the tax liability in question was pending before the Board of Tax Appeals or any court of the United States on September 20, 1940, or was determined prior to such date by the Board of Tax Appeals or any court of the United States.

Amendments Nos. 25 to 33, both inclusive: These amendments are changes in section numbers and cross-references. The House recedes on amendments Nos. 25, 28, 29, 30, 31, 32, and 33, and with amendments making further changes in cross-references on amendments Nos. 26 and 27.

Amendment No. 34: This amendment adds at the end of supplement A of subchapter C of chapter 1 of the Internal Revenue Code a new section providing a special rule for the taxation of certain compensation received from the United States for patent infringement. The Senate recedes.

Amendment No. 35: This amendment was inserted by the Senate to carry out the recommendations contained in the President's message of September 14, 1940. Due to the time element, the amendment was written in broad language so that the entire subject matter of such message would be before the conferees for such action as

they deemed appropriate to take. As the amendment passed the Senate, it conferred authority on the President (1) to establish a system of allotments and allowances for the dependents of persons serving in the land or naval forces of the United States, (2) to provide a system of insurance for such persons, (3) to provide unemployment allowances for them upon termination of their service, and (4) to preserve and modify their benefit rights under the Social Security Act and the Railroad Retirement Acts. There was no comparable provision in the House bill. The House recedes with an amendment which is divided into two parts.

Part I establishes a new system of insurance, called National Service Life Insurance, for persons in the active service of the land or naval forces (including the Coast Guard) of the United States. Such insurance (1) will be payable only in the event of death; (2) will carry premium rates based upon the American Experience Table of Mortality and interest at the rate of 3 per centum; (3) will be first issued as five-year level premium term insurance with the privilege of converting it into ordinary life, 20-payment life, or 30-payment life; (4) will contain provision for waiver of premiums, in the discretion of the Administrator, in the event of the continuous total disability of the insured for six months; (5) will provide that the United States will bear the excess mortality cost and the cost of waiver of premiums on account of total disability, when death or disability is traceable to the extra hazard of military or naval service; (6) will be payable in 240 equal monthly installments if the beneficiary is under 30 years of age, and in 120 equal monthly installments if the beneficiary is 30 years of age or over with payments continuing during the remaining lifetime of such beneficiary; and (7) will provide that unpaid installments remaining at the death of the beneficiary will be paid at the same rate and, unless designated in a different order by the insured, to the persons specified and in the order enumerated in section 602 (h) (3) of the amendment.

Persons in the active service may not take out United States Government life insurance after the date of enactment of this Act, but will be limited to National Service Life Insurance as provided in this part. The rights of World War Veterans under existing law with respect to United States Government life insurance is, however, not changed. No person may carry more than $10,000 of National Service Life Insurance nor a combined amount of National Service Life Insurance and United States Government life insurance in excess of $10,000 at any one time. The decision of the Administrator is made final and conclusive on all questions of law and fact, and there is specific provision that such decision shall not be reviewable by any other official or court of the United States, except in the event of suit as provided in section 817. The right to waiver of premiums is the only item which would involve any considerable amount of controversy between the insured or his beneficiaries and the Government, and as the waiver of premiums is an entirely gratuitous feature, it is not believed that suit against the United States to secure such gratuity should be authorized. For this reason section 817 authorizing a suit pursuant to section 19 of the World War Veterans Act specifically makes the decisions of the Administrator as to waiver or nonwaiver of premiums binding on the court.

Part II of the amendment prevents loss of annuity credit under the Railroad Retirement Acts, which occurred by reason of the interruption of service in the railroad industry by military service during periods prior to January 1, 1937, when a Federal Conscription Act was in effect or during periods of war or during periods when members of the National Guard or of other Reserve forces of the United States may have been required by any act of Congress, or by a call of the President pursuant to such act, to serve in the armed forces of the United States. In some cases individuals have failed to qualify for annuities because the time they spent in military service during the last World War or in other war periods could not be included in their years of service, and in other cases, although the individuals have qualified for annuities, such annuities were in amounts less than would be the case could such periods of military service have been taken into consideration. To prevent such losses to individuals whose railroad service has been interrupted by military service in such periods as above described, part II of the amendment provides for the inclusion of such military service, both for eligibility for an annuity and for computing the amount of the annuity. It provides methods for adjudicating again claims which have been adjudicated in the past but in which military service was not considered; and for the adjudication of claims in the future in which military service prior to January 1, 1937, may be a factor. Inasmuch as the additional costs resulting from the payment of benefits under the Railroad Retirement Acts on the basis of military service is not properly chargeable to the railroad industry, provision is made in the amendment for the payment of these costs by specific Government appropriations.

The managers on the part of the House desire to state that they agree with the managers on the part of the Senate that all of the proposals contained in Senate amendment numbered 35 should be given prompt and careful consideration. Inherent in those proposals, however, are broad and important problems of public policy which need intensive study and investigation before intelligent decisions may be reached with respect thereto. It is hoped that a comprehensive study of the subject matter contained in the President's message of September 14, 1940, be made as soon as practicable to the end that the proposals contained therein may be enacted into law with all reasonable dispatch.

Amendment No. 36: This amendment is intended to permit credit against the Federal unemployment tax for the calendar year 1936, 1937, 1938, or 1939, on employers of eight or more employees, for contributions paid by the employer before the sixtieth day after the date of enactment of this act into an unemployment fund under a State law. If the employer has paid the Federal tax without the benefit of the credit, a refund based on the credit would be permitted. With certain limited exceptions, the time has expired under existing law for paying contributions upon which credit against the tax for such years may be based. The House recedes with an amendment allowing the same extension of time as is provided in the Senate amendment, permitting credit against the tax for the same years, and providing for refunds based on the credit. However, in the case of the tax for 1939 and subsequent years, the provisions of existing law contained in section 1601 (a) (3) of the Federal Unemployment Tax Act limit the amount of credit, on account of contributions paid after the due date of the Federal return of the tax against which credit is taken but before July 1 next following such due date, to 90 percent of the amount which would have been allowable as credit on account of such contributions if they had been paid on or before the due date. The conference agreement retains that limitation on the credit against the tax for 1939 with respect to contributions paid before the sixtieth day after the date of enactment of this act. No similar limitation is provided with respect to the tax for prior years. In addition to certain clarifying changes from the Senate amendment, the conference agreement permits credit for contributions paid, without regard to the date of payment, if the assets of the taxpayer are at any time during the 59-day period following the date of enactment of this act, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

Amendment No. 37: This amendment adds a new title, entitled "War-Profits Tax", imposing increased income and excess-profits taxes in the event of war. The Senate recedes.

R. L. DOUGHTON,
THOMAS H. CULLEN,
JOHN W. MCCORMACK,
JERE COOPER,
ALLEN T. TREADWAY,
FRANK CROWTHER,
HAROLD KNUTSON,
Managers on the part of the House.

Mr. DOUGHTON (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection?

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman this question: Since we have only a short time to consider this conference report, it seems to me that the chairman of the Ways and Means Committee should have someone explain the tax proposal, because when this tax bill first came before the House it was called an excess profits tax bill. Now we have changed it to "the corporation income-tax bill."

Mr. DOUGHTON. The gentleman is in error on that. It is not changed.

Mr. RICH. It is called "the corporation income-tax bill."

Mr. DOUGHTON. Well, that is included, but it is not changed. The excess-profits tax is still in the bill.

Mr. RICH. I said you had changed it from "excess-profits tax" to "corporation income tax."

Mr. DOUGHTON. Well, it is both. The gentleman has been inquiring where we would get the money, and we can get considerable money there. Surely the gentleman would be favorable to that.

Mr. RICH. I would like to know how much money you are going to get by this bill, but I would like to know what difference and changes you have made in the regular excess profits tax schedule from what we had previous to the enactment of this conference report, if we do enact this report, which I think will be the case. Then we should have somebody explain to us what changes have been made in the excess-profits tax and the normal corporate taxes, because we are going to pass this bill in the next hour, and I think the Members of the House ought to know at least something about the bill, for they legislate and the people pay. Certainly they should know a little of what it is all about.

Mr. DOUGHTON. With all due respect for the distinguished statesman from Pennsylvania, I think he is a little premature, because that is what we had in mind—to explain the bill and to answer any questions. I will say to the gentleman from Pennsylvania that after I make a general statement I shall yield to the gentleman from Tennessee [Mr. COOPER], chairman of the subcommittee on taxation, who is perhaps

more familiar with the details of the bill than anyone else, and under whose leadership the bill was largely prepared. We shall endeavor as far as we can to make a general explanation and answer any questions that may be in the mind of the gentleman from Pennsylvania or any other Member.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The gentleman from North Carolina [Mr. DOUGHTON] is recognized.

Mr. DOUGHTON. Mr. Speaker, after 7 days in conference, the conferees of the House and Senate have reached an agreement on the matters in disagreement between the House and Senate on the excess profits tax bill (H. R. 10413).

In all my experience since I have been a Member of Congress, and especially since I have been a member of the Committee on Ways and Means, I have never known any tax bill that is as complex and involved as an excess profits tax bill. This one is no exception to the rule.

All tax legislation must, of necessity, be complex. Our corporate system is so involved that we must make our taxes agree as far as we possibly can or comport with our corporate system. We cannot make the corporate system comport with or agree with our tax laws. The whole question of excess-profits taxation is within itself a complex subject. Anyone who has not had experience in the writing of an excess profits tax law cannot even imagine the headaches connected with an honest effort to bring out a well-balanced, fair, and equitable excess profits tax bill. But under the circumstances, as you all know, I think it was the considered judgment of the Members of Congress, as well as the American people, that we should have an excess profits tax law at this time.

Of course, the need of haste in the preparation of this bill perhaps prevented the committees of the two bodies of Congress from giving as complete and full consideration as we ordinarily would in the preparation of a tax bill, but I will say with respect to the matter of haste that your committee did not permit the necessity for haste to interfere with making a very thorough and painstaking study of the subject. When the bill was originally brought before the House by our committee, the House did us the honor of passing the bill almost unanimously. We appreciated that very much, because we felt it was a tribute to the work of the Committee on Ways and Means. In fact, this House has always been very generous in its consideration of the work of our committee. We hope that in the future we will not do anything that will in any way cause the Members of the House to have less confidence in our committee than they have manifested in the past.

At the time the bill was before the House we gave the House assurance that we had made careful study of the matter and up to that time had brought out the best bill that in our considered judgment was reasonably possible.

When the bill went to the Senate, of course, as is always the case and properly so, it was referred to the Senate Committee on Finance. Hearings were held and careful study was given the subject. The Senate added quite a number of amendments to our bill, many of them merely clerical in character and making typographical changes, amendments that did not effect any fundamental change in the bill as it left the House.

As agreed upon by the conferees the fundamental principles of the House bill are retained in the conference agreement. There are, of course, some modifications. The Senate had more time than we. They, too, conducted hearings, they called additional witnesses and had the advantage, of course, of the study the House committee had given the question. I think that had we had additional time some of the amendments adopted by the Senate probably would have been included in the bill as it was presented to the House.

My good friend, the gentleman from Pennsylvania [Mr. RICH], mentioned the increase in the corporation tax. The Senate added an amendment increasing the normal corporation tax by 3.1 percent. In the conference this provision was changed so as to apply only to those corporations earning more than $25,000 net income per annum. We did this because of the urgent need for additional revenue. The excess-profits tax and the increase in the normal-profits tax are separate but we thought that in consideration of the great need for additional revenue, we could very well afford to agree to that amendment with the proviso excepting, as I have stated, small corporations. We always try to look out for the small corporations, for they have more difficulty in the management of their business than do the large ones. They have more difficulty in securing credit, they do not have large purchasing power, and in other ways small corporations are at some disadvantage as contrasted with the large ones. So we gave them the benefit of the exemption from the increase in the normal corporation tax. As I just stated, need for additional revenue was the reason we agreed to this increase, and I think in this we acted properly. I was in full accord with it myself.

You will recall that we recently passed a billion-dollar tax bill known as the tax bill of 1940 which is estimated to increase the revenues of the Federal Government by about $1,000,000,000. In my judgment, after getting the very best estimate I can, if business continues, as we have every right to suppose it will, I believe this bill we are now considering will in a full year's operation produce revenue of $1,000,000,000—at least from $800,000,000 to $1,000,000,000; and this in itself will be quite an item in the revenues of the Government.

In a conference, of course, each body has to respect the views of the other, and there must be concessions by each body. Where there are material or considerable differences, concessions on the part of each body are absolutely necessary. I feel that the concessions by the conferees on the part of the House and Senate were about equal. As I stated, we have retained the fundamental principles of the bill; and I believe the conferees have brought out a bill that under all the circumstances under which it was considered and has been reported is as fair and reasonable a tax bill and will come as near producing the results we desire as would be reasonably possible in the time available to us. Had we had months and months we might have brought out a better bill, but it would take years of study. After all, no tax bill has ever been perfect, and we do not claim that for this one; but I do believe that the future administration of this law and subsequent events will disclose that this conference report under all the circumstances is as fair and equitable as could be brought back.

If the gentleman from Pennsylvania or any other Member desires to ask me any questions I shall be pleased to try to answer them, but right here let me say that so far as explaining the details of the bill is concerned I prefer that it be done by the gentleman from Tennessee [Mr. COOPER], who has made a more thorough study and done more work on the bill than probably any other member of the committee. His labors in this connection have been arduous in the extreme, and when I complete my remarks I shall yield to him for the purpose of explaining the bill and answering questions.

Mr. RICH. I thank the gentleman. Will the gentleman from North Carolina himself, or will he have some member of the committee, possibly the gentleman from Tennessee [Mr. COOPER], set out in the RECORD a table showing the taxes assessed under the bill as it left the House compared with the taxes assessed by the bill as it comes back from conference that the general public may have information from which it can understand the bill? Nowadays it requires a tax expert to digest these things. So if the gentleman will have that done I shall appreciate it myself and I know it would be appreciated by everyone.

Mr. DOUGHTON. Somebody will do that.

Before taking my seat let me express my thanks and appreciation to the staffs that worked so earnestly, faithfully, and intelligently on this bill. I am delighted with the fact that throughout the entire consideration of this bill by the House Committee on Ways and Means and in the conference committee there was not the slightest trace or evidence of partisanship. I compliment and express my thanks to the minor-

ity members of our committee. The gentleman from Massachusetts [Mr. TREADWAY] and other minority members worked just as faithfully, assiduously, and diligently as any of the rest of us to bring out a workable bill. I repeat, it is heartening to me in this time of national stress and strain that this great committee could work on this complicated and far-reaching measure free of any suspicion, taint, or trace of partisanship.

Mr. REES of Kansas. Will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Kansas.

Mr. REES of Kansas. There has been some publicity to the effect that the Senate has reduced the amount of taxes that the great large corporations will have to pay. That is to say, under the Senate version and under the measure now before us, some of the large corporations will not have to pay as much taxes as they would have under the Senate version or even under the version of the conferees. Can the gentleman answer that question?

Mr. DOUGHTON. The gentleman's question is not clear to me.

Mr. REES of Kansas. There has been quite a little publicity to the effect that big corporations will not have to pay as much tax as they would have had to pay under the House bill.

Mr. DOUGHTON. Probably some of them will not, but all corporations will pay more than they would pay under the present law.

Mr. REES of Kansas. Will they pay as much or more under the bill as we have it today or under the bill as it left the House?

Mr. DOUGHTON. Some of them will pay slightly less and some of them will pay considerably more.

Mr. REES of Kansas. Perhaps the gentleman has answered the question.

Mr. COOPER. Will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Tennessee.

Mr. COOPER. I think a fair statement in answer to the gentleman's question is that the conference report is estimated to yield more revenue than the bill was estimated to yield at the time it passed the House.

Mr. REES of Kansas. I thank the gentleman.

Mr. COOPER. And under the Senate bill too. The conference report is estimated to yield more revenue than either the bill passed by the House or the bill passed by the Senate. Because of the nature of things, we have had to combine both bills.

Mr. DOUGHTON. Mr. Speaker, I now yield 10 minutes to the gentleman from Tennessee [Mr. COOPER].

Mr. RICH. Will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Pennsylvania.

Mr. RICH. While this bill yields more money, will that be because of the fact that you have this 3.1 percent on the corporations over and above $25,000, and have you reduced what we called and termed the excess-profits tax on corporations that made a great amount of money over and above the 8 percent that it was intended to yield on their capital stock?

Mr. COOPER. The conference report will yield substantially more revenue than the bill would have yielded as it passed the House or the bill would have yielded as it passed the Senate. In the very nature of things, in working out a compromise it has been necessary for your conferees to combine certain features of both bills. The combination will result in more revenue.

Mr. RICH. Will certain corporations that have made exorbitant profits on their capital invested be permitted to earn a greater amount by this bill than they would by the bill passed by the House?

Mr. COOPER. Well, they cannot earn any more than 8 percent of their invested capital. Of course, as the bill passed the House there was a provision on invested capital. For the first $500,000 they were allowed 7 percent, and all above that they were allowed 5 percent. Under the bill as it now stands they are allowed 8 percent on their invested capital for the taxable year.

Mr. TREADWAY. Will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. In view of the inquiries that have been made by the gentleman from Pennsylvania and other gentlemen, I think it might be well if the gentleman from Tennessee would start his remarks with an estimate furnished us by the experts as to the probable receipts under the existing bill. It may be difficult to present those figures, but I think the House would be glad to have some definite reference to those figures.

Mr. COOPER. I will be pleased to do that if it is desired at this time.

Mr. KNUTSON. I have several questions I would like to propound for the purpose of clarifying section 401 which the gentleman will recall was rewritten in the Senate and then rewritten in conference because the drafting board had not gotten just exactly what we thought we wanted.

Mr. COOPER. I will do the best I can to try to answer questions, but I will have to take them one at a time.

Mr. KNUTSON. Does the conference agreement in any way prevent increase in value of property accrued before March 1, 1913, or earnings and profits accumulated prior to March 1, 1913, from being distributed tax-free?

Mr. COOPER. The answer to that is no.

Mr. KNUTSON. The conference agreement carries out the policy of including both increase in value realized and earnings and profits before March 1, 1913, in accumulated earnings and profits, does it not?

Mr. COOPER. Yes.

Mr. KNUTSON. I have just one more question. Does section 401 entitled "Earnings and Profits of Corporations," as amended in the Senate and rewritten in conference permit the inclusion of pre-March 1, 1913, appreciation, realized since that date, in equity invested capital?

Mr. COOPER. Yes. Since the gentleman from Minnesota has raised those questions, I may add that the conference agreement in no way disturbs the Attorney General's opinion that pre-March 1, 1913, dividends from another corporation may be distributed by the receiving corporation tax-free to its shareholders.

Mr. KNUTSON. I thank the gentleman.

Mr. COOPER. Mr. Speaker, in response to the question asked by the distinguished gentleman from Massachusetts [Mr. TREADWAY] I should like to give the House the benefit of this statement of estimates furnished me by the Treasury Department with respect to this bill.

Second Revenue Act of 1940. Estimated yield at estimated calendar year 1940 income levels and under arbitrary assumptions as to increase in net income over the lower estimate for calendar year 1940, in millions of dollars.

Nineteen hundred and forty levels, gross yield excess-profits tax, from one hundred and eighty-five to two hundred and ninety-five millions. Increase in normal tax, from two hundred and twenty to two hundred and thirty millions. Total, four hundred and five to five hundred and twenty-five millions.

Assuming an arbitrary income increase of 10 percent, the gross yield, excess-profits tax, would be four hundred millions, the increase in normal tax two hundred and forty millions, or six hundred and forty millions.

At an estimated income increase of 15 percent their figures would be five hundred and five millions excess-profits tax, and two hundred and fifty millions increase in normal tax, or a total of seven hundred and fifty-five millions.

Assuming an increase of 20 percent, the excess-profits tax would be six hundred and ten millions, the increase in normal tax two hundred and sixty millions, or eight hundred and seventy millions.

Assuming a 25-percent increase, the excess-profits tax would be seven hundred and twenty-five millions, the increase in normal tax two hundred and seventy millions, or a total of nine hundred and ninety-five millions.

Assuming a 30-percent increase, the excess-profits tax would be eight hundred and fifty millions, the increase in normal tax two hundred and eighty millions, or a total of $1,130,000,000.

The net yield excess-profits tax for 1940 is estimated at from $155,000,000 to $245,000,000. The increase in normal tax 1940 is estimated at from $185,000,000 to $190,000,000. This is a total of from $340,000,000 to $435,000,000.

Without going further into detail I will insert a table showing estimates of the revenue under the bill.

Second Revenue Act of 1940 [1]*—estimated yield at estimated calendar year 1940 income levels and under arbitrary assumptions as to increase in net income over the lower estimates for calendar year 1940*

[Millions of dollars]

	1940 levels [2]	Assuming arbitrary income increase				
		10 per-cent	15 per-cent	20 per-cent	25 per-cent	30 per-cent
Gross yield:						
Excess-profits tax	185–295	400	505	610	725	850
Increase in normal tax	220–230	240	250	260	270	280
Total	405–525	640	755	870	995	1,130
Net yield: [3]						
Excess-profits tax	155–245	330	410	490	580	675
Increase in normal tax	185–190	195	205	210	220	225
Total	340–435	525	615	700	800	900

[1] H. R. 10413, conference agreement, Sept. 29, 1940.
[2] Probable range of revenue yields.
[3] Allows for decrease in income-tax collections.

Source: Treasury Department, Division of Research and Statistics, Sept. 29, 1940.

In estimating the amount of revenue to be yielded by any bill, you have to take into consideration the conditions as they exist and improvements in business that are contemplated; in other words, the Federal Reserve index and various other factors that we have a right to look to for some degree of guidance and assistance in trying to arrive at estimates indicate there will be a further upturn or improvement in business conditions of the country.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. The gentleman has probably answered the question I rose to ask, with reference to the 20-, 25-, and 30-percent increase. Does this mean an increase in the national income or in general business, or does it mean all those factors the Treasury takes into consideration in figuring the probable increase in income?

Mr. COOPER. Statutory net income, assuming arbitrary income increases.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Washington.

Mr. LEAVY. As I understand, consolidated returns are not allowed under the normal corporate tax.

Mr. COOPER. That is correct, except in the case of railroad companies.

Mr. LEAVY. Under this bill, however, consolidated returns are provided for.

Mr. COOPER. That is right.

Mr. LEAVY. Is the language of the bill such as to protect the individual corporation that stands alone as against the corporation that is one of a great group? In other words, is there not an advantage to a corporation that is a part of a group or part of a holding company or an affiliate in a corporate structure, by reason of allowing consolidated returns?

Mr. COOPER. No; I do not believe it can be answered in exactly that way. Of course, the bill provides that where, as an illustration, the parent corporation owns 95 percent of each class of the voting stock of the subsidiary corporation, consolidated returns are permitted.

Mr. LEAVY. Would it be possible for a holding company or a large corporate structure to set up new corporations that would take a chance, and thus absorb the profits?

Mr. COOPER. No; we definitely provide in this bill that they cannot split up or divide, and thus gain an advantage by reason of the consolidated-return provision.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Kansas.

Mr. REES of Kansas. Do I correctly understand the gentleman to say that the parent company has to own as much as 90 percent of the stock in order to be permitted to file a consolidated return?

Mr. COOPER. Ninety-five percent of the voting stock of the subsidiary corporation.

Mr. LECOMPTE. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Iowa.

Mr. LECOMPTE. An amendment to the Social Security Act for credit for unemployment taxes was placed in the bill in the Senate. It was offered by Senator CLARK of Missouri, I believe. Is that amendment retained?

Mr. COOPER. It is retained in the conference report.

Mr. LECOMPTE. Is it amended or just retained?

Mr. COOPER. There is only a clarifying amendment added. In other words, it gives them one more chance. We said in 1939 that we were giving them one more chance, and the last chance, but we recognized that there is a considerable degree of equity in a number of cases that have been presented, so the conferees have accepted the so-called Clark amendment with certain clarifications, and we are going to allow them one more chance. However, we hope they will take advantage of this opportunity to get the thing cleaned up for these back years so that we will not be called upon from time to time to extend the privilege further.

Mr. LECOMPTE. I thank the gentleman. I believe that will result in bringing in a good deal of money.

Mr. COOPER. We think it will be helpful.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Minnesota.

Mr. KNUTSON. I would like to call attention to the fact that there is virtually a 10-percent penalty in the amendment that was adopted as drawn up by the Treasury Department.

Mr. COOPER. It is the same as the provision in the 1939 Social Security Act.

Mr. KNUTSON. I thought that was 100.

Mr. COOPER. No; the fact is, as I recall the Senate amendment, it provided for 100, but in conference we worked it out so that the provision in the conference report conforms to the provisions of the Social Security Act passed in 1939. So the situation now will be the same as it was under the 1939 Social Security Act.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman.

Mr. KEEFE. On page 7, of the report, under the heading "Excess-profits credit," a question has been asked me by several of my constituents as to why you arrive at the 95 percent of the average base period income as an excess-profits credit rather than 100 percent.

Mr. COOPER. I will be pleased to answer that and that is one of the main things, I think, which should be explained to the House. It may take more than a moment to do that, if I may be indulged.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. COOPER. It will be remembered that under the House bill your Committee on Ways and Means unanimously worked out an arrangement for corporations to take either one of two alternative plans. They could either take the average-earnings plan, which contemplated the average earnings of the corporation over a base period of the years 1936 to 1939, inclusive, or they could take the invested-capital plan. The House bill also provided for the same 4-year base period for the invested-capital plan. The House bill also imposed for the privilege of taking the average-earnings plan an excess-profits

tax of 4.1 percent of the corporation's normal corporation tax net income. The Senate changed that, in that it eliminated the 4.1-percent differential and it changed the invested-capital plan to the extent that it eliminated the 4 years of the base period and simply provided that for the taxable year the corporation would be allowed 8 percent on its invested capital under the invested-capital plan.

It will be recognized, and I think was recognized, by the members of the Ways and Means Committee that there should be some differential between these two alternative plans, in the interest of fairness for the new corporations, the low-income corporations, and those that could not take the average-earnings plan, for as I endeavored to illustrate during my remarks when the bill was under consideration in the House, a corporation having to take the invested-capital plan was cut off at 10 percent of its invested capital, whereas it might be in direct competition with a corporation that could take the average-earnings plan and might have been making 30 or 40 or 50 percent over the base period and would have to pay no excess-profits tax, whereas the corporation taking the invested-capital plan would be cut off at 10 percent. We recognize there should be some differential. So, the House bill provided for this 4.1-percent differential. The Senate bill eliminated that provision. The conference report provides that that differential shall be just about cut in half; in other words, instead of having the 4.1 percent, we have about 2 percent provided under this bill.

We changed it further in this respect. Instead of having the definite 2-percent difference on the normal corporation tax, we changed it so that instead of a corporation electing to use the average-earnings plan being allowed 100 percent credit on its average earnings over the base period, we would only allow it 95 percent. The 4.1 percent figured out on that basis amounted to about 90 percent that a corporation would be entitled to. The Senate bill, of course, provided for 100 percent. So we split the difference between 90 percent and 100 percent, and the conference report provides 95 percent. I think this is about as fair a compromise as we could have reached.

We still recognize that there is a difference between the two plans and we maintain the principle that the difference must be recognized, and we provide this 95 percent of the earnings over the base period so as to take care of that phase of the matter.

Mr. RICH. May I ask the gentleman this question? In reference to the invested capital, in order to determine invested capital, is there anything in this bill that would change the invested capital on which the corporations have been paying to the Federal Government under their sworn statements during the past 2 or 3 years? Several years ago we made a change in that respect, and people wanted to knife the Government and refused to pay what they should pay. Then we changed the law and gave them a clean bill of health. Is there anything in this bill now that will permit a corporation that has not paid up its full capital-stock tax to the Federal Government to come in now and increase its capital stock?

Mr. COOPER. There is nothing in here that has anything to do with that. The gentleman will recall that under the income-tax law there is a capital-stock tax levied on corporations, and for many years we have also had an excess-profits tax to protect the capital-stock tax, simply not to allow a corporation to so change or manipulate the capital stock and thereby reduce its payments of the capital-stock tax. We corrected that by providing an excess-profits tax. There is no change in this law with respect to that, except that we change the name only of that tax.

Mr. RICH. I hope we will always maintain that and compel them to pay on their sworn affidavits with respect to the amount of capital stock.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. KEEFE. Will the gentleman yield to me?

Mr. COOPER. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Not having that time to go through this printed report since reading it this morning, can the gentleman advise what the provision is as to the amortization period?

Mr. COOPER. There is no change in that.

Mr. KEEFE. That is the same as it was in the House bill?

Mr. COOPER. That is right. In other words, it is the same as was provided in the House bill, in that for new plants, plant expansion, or equipment that is certified by the Advisory Commission to the National Defense Council and the War Department or the Navy Department, as the case may be, as being necessary for national defense, they are allowed to amortize that over a period of 5 years.

Mr. KEEFE. Pardon me. That is not exactly what I had in mind.

Mr. COOPER. There is one change in that respect that perhaps I should mention, and that is that this applies to a facility completed after June 10. The House bill provided July 10.

Mr. KEEFE. The amortization may only be applied to those facilities which have been completed after June 10, 1940?

Mr. COOPER. That is correct.

Mr. KEEFE. And is not retroactive to January 1, 1940?

Mr. COOPER. No.

Mr. KEEFE. So as to take care of those plants which have actually been completed and been in operation in the defense program prior to that time?

Mr. COOPER. The House bill included the date, July 10, 1940. The Senate bill changed that to January 1, 1940, and we agreed in conference on the date, June 10, 1940. The controlling reason for fixing that date was that in the report on the first revenue bill of 1940 the Committee on Ways and Means stated that an effort would be made to formulate legislation and present a bill dealing with the question of amortization and excess profits, and it would be made applicable to the year 1940. We felt that on that date, June 10, when that report was made, notice was given that this would be done, so we accepted that date as the effective date for the purposes of this bill.

Mr. KEEFE. Will the gentleman answer one other question that relates to the matter of acquiring corporations? I believe the term is used "component corporations." I have not had time to study it carefully, as set out on page 20 of the report. Do I understand that under the terms and provisions of the bill as it now comes out of conference, a corporation existent under the laws of the State of Wisconsin, for instance, which in 1938 transferred all of its assets to a Delaware corporation through a stock transfer, with no change in capital structure or no change in officers or management or operations or anything else, such a corporation which has its existence beginning as of 1938 can use the entire consolidated return of income of the acquired corporation in determining its excess-profits tax base, under this law?

Mr. COOPER. Yes; that is correct.

Mr. KEEFE. That is provided for?

Mr. COOPER. Yes; that is correct.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. COOPER. I yield.

Mr. CASE of South Dakota. As I understand it, there are two main methods, either earnings over a basic period, or the invested capital, that can be used?

Mr. COOPER. That is true. The conference report provides for an alternative plan that the corporation may elect.

Mr. CASE of South Dakota. What about the case of a corporation that may have an earnings-period history and changes its capital structure materially, either increases it or reduces it, during the taxable period?

Mr. COOPER. It then has a right to elect whichever plan it wants to; and, of course, will elect the plan that results in the less tax.

Mr. CASE of South Dakota. But is there not any provision in the bill that would take care of greatly increased earnings, because of the increased capital invested?

Mr. COOPER. Well, it is allowed 8 percent on its invested capital for the taxable year.

Mr. CASE of South Dakota. In other words, there is a sort of combination plan?

Mr. COOPER. I mean 8 percent of its income for the taxable year on the invested capital.

Mr. CASE of South Dakota. There is a provision which takes care of changes in capital structure and still permitting the corporation to use its earnings-period history?

Mr. COOPER. Yes; that is correct.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. COOPER. I yield.

Mr. MURDOCK of Arizona. I understand there was a Senate amendment which provided for taking any 3 of the last 4 years as the base. Was that Senate amendment agreed to?

Mr. COOPER. No. We did not agree to that amendment. We retained the House provision of allowing the corporation to count any one deficit year of the 4 years of the base period at zero, but we did not accept the amendment to take any 3 out of the 4 years, for the very obvious reason that we were told it would lose about $60,000,000 of revenue.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. O'CONNOR. Will the gentleman yield to me?

Mr. COOPER. I yield to the gentleman.

Mr. O'CONNOR. I would like to inquire what prompted the committee to write into the bill a provision for consolidated returns of corporations. In other words, I would like to have the reasons for it explained.

Mr. COOPER. There are a number of reasons. I cannot detail all of them in a minute, but one of the first reasons was that every excess-profits tax we have had, provided for that.

Mr. O'CONNOR. In other words, you are following precedent in that respect?

Mr. COOPER. We followed precedent.

I may say also that I think all of us were impressed with the inherent fairness of it.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield.

Mr. REES of Kansas. I just want to express appreciation for the splendid and clear manner in which the gentleman from Tennessee has explained this measure during the short time he has had to talk about it.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, in the first place, let me say that I expect to vote for this conference report, not on the basis that it is a perfect bill—that is impossible—but because I believe it is the best we can get under all the circumstances. The chairman of the committee referred to the element of time. That need not have been as important as it is now, because there was ample opportunity when the first defense-tax bill, so-called, was up in June to have divided this question in two parts, namely, amortization and excess-profits tax. I offered an amendment to that bill providing for a 5-year amortization plan for defense facilities, such as is contained in the present bill. We could have enacted the amortization feature separately, and taken our time to write a proper excess-profits tax. Owing to the insistence of the administration that these two items go together, we find ourselves in the unfortunate position of being under pressure to prepare a bill containing the important and very complicated feature of excess-profits taxes in order to get the amortization provisions on the statute books so the defense program can get under way. I therefore charge the administration with being responsible for the delay in the defense program by refusing to put the amortization plan into effect earlier, and for the makeshift character of the bill resulting from considering it under duress.

This Congress should never have undertaken to write an excess-profits tax bill in the brief time that has been devoted to the preparation of the pending measure.

The people with whom we have consulted during the preparation of the conference report admit themselves that it will be necessary to bring in another tax bill very soon after the Seventy-seventh Congress meets. I think, therefore, the Members of the Congress need not be too much worried about some of the technicalities of the present bill, because parts of it probably will never be in operation at all if we revise the bill in the early part of the next session, whoever may be Members of the next House.

I consider the conference report an improvement over both bills. The House voted the original bill without a division or roll call, and if this bill is preferable to the former bill it certainly is entitled to the support of the House at the present time.

One of the outstanding features which seems to me to be an improvement is the consideration that has been given in this measure to small-business concerns. They have been taken care of in several different ways. The $5,000 exemption will eliminate over 400,000 small concerns from the possibility of any excess-profits tax liability. Those who may be subject to the tax are benefited by the rate brackets, which impose the lowest rate of tax on the smallest concerns. Those with less than $25,000 net income are allowed a 1-year carryover of the unused portion of their excess profits exemptions.

The relief provisions which are incorporated in the bill will very materially relieve hardship cases. Both specific and general relief provisions are included.

The Senate did a fairly good job in simplification, and the conference agreement retains the changes along that line.

About 25 pages of complicated text have been eliminated by adopting a flat 8-percent exemption in the case of corporations wishing to compute their excess-profits credit on the basis of current invested capital. I have always been in favor of this plan, as it is beneficial to concerns with low-base-period earnings who have been struggling to get back on their feet. This is particularly true of small businesses.

We have not claimed at any time that it was a simple bill, and it was impossible to make it so because we started with a complicated problem, and expert though our drafting service may be they are unable to write a simple measure when they start with a difficult and complicated premise. I think therefore we have to admit that it is very difficult to write such a measure as the one before us.

While many of the complexities of the original House bill have been eliminated, it still is too complicated for a mere mortal to understand. In many cases, it is going to cost taxpayers more to find out what their tax liability is under the bill than the amount of tax they will be obliged to pay.

I said before—and I repeat now—that while the bill is intended to prevent the creation of any new millionaires as a result of the defense expenditures, it probably will result in creating a new crop of millionaires in the legal and accounting professions.

In the tax bill we passed following the World War we tried to do away with war millionaires, and perhaps we did to a certain extent, but this bill will create a new class of millionaires, namely, the so-called tax experts. Any man who has sufficient nerve to tell business people that he can explain the details of this bill can be a millionaire overnight. I do not hesitate to make this statement, and in corroboration I want to read just a brief passage from the bill [reading]:

SEC. 752. (b). * * *

(4) Taxable years after certain exchanges under section 112 (b) (5): In the case of an exchange after the beginning of the first taxable year under this subchapter of any transferor or transferee upon such exchange, involving two or more transferors, or one or more transferors and one or more other persons, if immediately after the exchange no one of such transferors, or its shareholders, or both, and no one or more of such other persons are in control of the transferee and if such exchange is an exchange described in section 112 (b) (5) or so much of section 112 (c) or 112 (e) as refers to section 112 (b) (5), the highest bracket amount of any

such transferor for any taxable year after the exchange shall be an amount equal to its highest bracket amount immediately preceding the exchange—

(A) Minus an amount which bears the same ratio to its highest bracket amount immediately preceding the exchange as the excess of its daily invested capital for the day of the exchange over its daily invested capital for the day after the exchange bears to its daily invested capital for the day of the exchange, and

(B) Plus an amount which bears the same ratio to the excess over $500,000 of the sum of the amounts computed under subparagraph (A) with respect to each transferor, as the amount computed under subparagraph (A) with respect to such transferor bears to the sum of the amounts computed under such subparagraph with respect to each transferor.

Unfortunately, no "rosetta stone" or crystal ball is furnished to aid in arriving at the meaning of these hieroglyphics. The lawyer who can explain to a client the details of the section I have just quoted—and there are others equally complicated—will be in the millionaire class we are setting up under this bill. I think he will have an awful nerve to tell his client that he can explain it. If my colleagues on the other side can explain it I, of course, will yield my time to them for that purpose, but not seeing any of them rise I will yield to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Does the gentleman believe the average corporation, whether it be small or large, is going to have men in their organization who will be able to make out a tax return under this bill?

Mr. TREADWAY. A witness before the Senate Finance Committee very appropriately referred to the House bill as—

A monumental specimen of statutory incomprehensibility.

That, to my mind, is a very apt description of the bill. No business concern can possibly make out its returns under this bill without calling in expert advice. I do not believe there are brains enough down town in the Treasury Department or in the Bureau of Internal Revenue absolutely to explain these various complicated sections, but they do have the authority to tell a corporation or an individual where they get off, and to come up to the counter and pay. The taxpayer will be helpless.

This measure is perhaps the result of the demand of the people that we go the limit for national defense, but the people back home, your constituents and mine, very little realize what is before them. Let me say that this is just the beginning of the payment of our obligations under the defense program. I wish we had not wasted so many billions of dollars before it was started. We are now forced with raising fifteen or twenty billions with our national debt already approaching fifty billions, and with our available tax sources tapped almost to the limit. That is the situation we face, and the taxpayers of the country must realize that this is only the entering wedge of the most extravagant line of taxation this country or any other country has ever known. The fact is that we have not yet begun to tax.

It is unfortunate, but that is the situation.

Mr. RICH. Why has it been necessary for us to have to wait until this time before we start in providing a bill for taxation? We have needed this for the last 10 years.

Mr. TREADWAY. The gentleman is absolutely correct. We needed these tax bills long before the defense program came along. The administration has simply been taking us along the road to national bankruptcy by its irresponsible fiscal policy.

Mr. Speaker, I want to say one word further before I yield. The minority Members, although we had divergent views from those of the majority, have endeavored to do our part to bring about a report. It has been the most difficult, the most arduous, the most tedious, and the most disagreeable conference I have ever sat in during my experience as a member of the Ways and Means Committee. However, there has been a unanimity of feeling on the part of the conferees that the question was such a serious one that personal differences should be set aside and no partisanship exist.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. May I ask a few questions with reference to amendment No. 35? First, I see there is provision for a new system of insurance called national service life insurance, which is patterned after war-risk insurance. Will the national service life insurance in any way interfere with benefits which the World War veterans now enjoy under war-risk insurance?

Mr. TREADWAY. It will not. No amendment was given more consideration in conference than the very one of which the gentleman speaks. Our purpose was to keep intact the World War insurance for the veterans who are entitled to it, setting up an entirely new system for those who are liable to be drafted at the present time, entirely independent of the World War veterans or any benefits to which they were entitled. Does that answer the gentleman's question?

Mr. VAN ZANDT. It does. In part 2 of the amendment you define the loss of annuity credit under the Railroad Retirement Act.

Mr. TREADWAY. That is to take care of railroad men who served in the last war. It gives them credit for that service in determining their eligibility for railroad-retirement annuities.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. VAN ZANDT. Then do I understand that the railroader who may be called under the draft will have his annuity benefits protected?

Mr. TREADWAY. They will be given somewhat similar treatment, as I understand it.

Mr. COOPER. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Tennessee.

Mr. COOPER. I think the gentleman from Massachusetts did not fully catch the import of the gentleman's question.

Mr. TREADWAY. I yield to the gentleman then to answer the question.

Mr. COOPER. All the provision included in the conference report does with respect to the railroad retirement program is simply this, and I can state it quicker and perhaps more clearly by an illustration: It was my privilege to serve in the Army 2 years during the World War. If I had been a railroad man, I would now be entitled to count those 2 years of service during wartime in figuring my 30 years' retirement benefit.

Mr. VAN ZANDT. Can the same privilege be enjoyed by the potential veteran?

Mr. COOPER. No. It only takes care of the past. It does not go forward and take care of the future. In other words, this provision allows railroad men to count the time they spent in the military service of their country during wartime in figuring their 30 years' service.

Mr. TREADWAY. Does the gentleman from Tennessee desire to ask me any questions before my time expires?

Mr. COOPER. I was simply prompted by the gentleman's remarks with respect to the conference to offer this observation: During the time I have been privileged to serve as a House conferee during the past 6 or 7 years on bills coming from the Ways and Means Committee, I think we have a right to feel some degree of pride in the fact that there has never been a single item reported in disagreement. We have always threshed these things out in conference, and we have always brought in a full and complete conference report.

Mr. TREADWAY. But we never came nearer not getting a full report than with this bill?

Mr. COOPER. I think that is true.

Mr. TREADWAY. I thank the gentleman for his observation.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Speaker, I yield 8 minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Speaker, this conference report is probably the very fair solution of a very difficult problem and contains the best of the Senate and House provisions, benefited, of course, by some modifications. In my opinion, Mr. Beaman of the legislative drafting service could explain

the difficult paragraph to which the gentleman from Massachusetts [Mr. TREADWAY] referred so that everybody could understand it in less than 5 minutes.

Tax law is an intricate subject and the layman such as I am and such as I represent finds it a little difficult to understand the technical phraseology contained in this bill, but we have to satisfy ourselves with appreciating what is attempted to be done in line with a well-defined policy. There has been much criticism of the bill in the limited time for debate and I want to talk for a few minutes on another subject related to taxes. That is the necessity in the very near future for more taxes, and I am going to keep talking about that until some decisive action is taken by the Ways and Means Committee and the Congress to produce the revenue necessary to meet the serious financial problem that has developed in this country during the last few years.

Let me read this to you. You are all familiar with it. But it will bear repeating. It is as applicable today as it was in 1933, on the 10th of March, when it was included in a message of the President to the Congress.

For 3 long years the Federal Government has been on the road toward bankruptcy.

Now the figure can be changed to 10 years.

Thus we shall have piled up an accumulated deficit of $5,000,000,000.

Our national debt is now $45,000,000,000, and we have accumulated deficits amounting to $26,000,000,000.

With the utmost seriousness I point out to the Congress the profound effect of this fact upon our national economy. It has contributed to the recent collapse of our banking structure. It has accentuated the stagnation of the economic life of our people. It has added to the ranks of the unemployed.

The unemployed still number more than 9,000,000.

Our Government's house is not in order and for many reasons no effective action has been taken to restore it to order.

Recollect, if you please, that I am quoting from a message of the President of the United States on March 10, 1933, a President who had just taken office, who was a candidate again in 1936, and who is now a candidate in 1940, in defiance of an age-old tradition.

I quote further:

Upon the unimpaired credit of the United States Government rests the safety of deposits, the security of insurance policies, the activity of industrial enterprises, the value of our agricultural products, and the availability of employment. The credit of the United States Government definitely affects those fundamental human values. It therefore becomes our first concern to make secure the foundation. National recovery depends upon it.

No attempt has been made to make secure the foundation.

Then there is this closing, very significant, sentence, which is just as applicable today as it was the day it was uttered:

Too often in recent history liberal governments have been wrecked on rocks of loose fiscal policy. We must avoid this danger.

Are we avoiding it? No; our debt is so rapidly increasing that we had to raise the debt limit $4,000,000,000 in the last tax bill. The Secretary of the Treasury appeared before us and told us that unless they soon had new revenue the national debt limit would have to be raised $9,000,000,000 more, and that the borrowing power would be almost exhausted on the 28th day of next February, with a greatly reduced general fund.

It looks now as though we were going to embark upon another program of deficit financing. We are doing nothing to coax private money into enterprise in this country. When the Defense Committee came before us they said it was their hope that private capital might be brought into the defense activities, but up to the present time it appears that very largely only Government money has been put into them, and we have placed these special amortization privileges in the bill that are intensely liberal.

We are still issuing tax-exempt securities. This is a matter of such vital importance that the question ought to be taken up by this Congress. By continuing this policy we are still providing a haven and a hiding place for the investments of those who do not care to take the risks that will face them in this unusual period in the years to come.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. CROWTHER. I yield to the gentleman from Pennsylvania.

Mr. RICH. When President Roosevelt made the statements the gentleman has just quoted, nothing finer could have been said by any man. I wonder what he thinks about that question today. Does the gentleman believe he would make a statement today, when he is running for a third term, such as he did at that time?

Mr. CROWTHER. I may say to the gentleman from Pennsylvania that the reading of this statement, which, as the gentleman said, is a sound and logical statement, indicates at this moment the marked difference between New Deal promises and New Deal performance. [Applause.]

Mr. RICH. Right you are; and I wonder whether he is going to make any such statements now. We will wait for them.

Mr. Speaker, the New Deal has adopted a policy of procrastination insofar as balancing the Budget is concerned. Many of its spokesmen declare that it is not necessary to balance it. We have been told that our wild orgy of spending should be recognized as investments by a new type of bookkeeping. President Roosevelt declared that our national debt was not a serious matter and suggested that it was in fact negligible, because we "owed it to ourselves." The taxpayers of this Nation are entitled to something more substantial regarding present and future national debt than the Pollyanna plan suggested by the President.

[Here the gavel fell.]

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. COOPER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein certain tables.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

JULY 17, 1940.

SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.:

I hereby tender to you my resignation as a member of the Committee on Naval Affairs.

Sincerely yours,

GEORGE P. DARROW.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION TO COMMITTEE

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution and ask for its immediate adoption.

The Clerk read the resolution, as follows:

House Resolution 618

Resolved, That FRED C. GARTNER, of Pennsylvania, be, and he is hereby elected to the Committee on Naval Affairs of the House of Representatives.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Detroit News of September 4 and an editorial from the Polish Daily News dated September 17, as translated.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FULMER asked and was given permission to extend his own remarks in the RECORD.

EXTENDING THE NATIONAL STOLEN PROPERTY ACT

Mr. LEWIS of Colorado. Mr. Speaker, I call up House Resolution 617.

The Clerk read the resolution, as follows:

House Resolution 617

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3936, an act to extend the provisions of the act of May 22, 1934, known as the National Stolen Property Act, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute committee amendment recommended by the Committee on the Judiciary now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. FISH] and yield myself 5 minutes at this time.

Mr. Speaker, this is an open rule providing for 1 hour of general debate on the bill (S. 3936) to extend the provisions of the act of May 22, 1934, as amended, known as the National Stolen Property Act.

The Judiciary Committee of the House struck out all after the enacting clause of the bill as passed by the Senate, and substituted, by way of amendment, an entirely new bill. The only unusual features of this rule are that all points of order against the bill are waived and, further, that it shall be in order to consider, without the intervention of any point of order, the substitute committee amendment recommended by the Committee on the Judiciary now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill.

The bill will be fully explained by the chairman and by other members of the Judiciary Committee of the House. Very briefly, the bill provides, as stated in section 2:

Whenever the President shall find that property which has been confiscated in any foreign country is being or may be brought into the United States contrary to the public interests, he may, if in his judgment those interests would be served thereby, order the exclusion of such property from importation. If the property has been processed or transformed into property of a different character, or has been commingled with other property of a like or similar character in such manner as to lose its identity or to render impracticable its segregation from such other property, the President may order the exclusion of such processed, transformed, or commingled property from importation into the United States.

Whoever imports or attempts to import or bring into the United States any such property in contravention of any order issued by the President shall be subject to the provisions of the National Stolen Property Act of 1934 as amended and extended.

The report of the Committee on the Judiciary on this bill is as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 3936) to extend the provisions of the act of May 22, 1934, known as the National Stolen Property Act, having considered the same, report it favorably to the House with amendments, with the recommendation that as amended it do pass.

The committee amendments are as follows:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the act of May 22, 1934 (48 Stat. 794), as amended, is hereby further amended and extended to include and apply, subject to the provisions of this act, to any confiscated property.

"SEC. 2. Whenever the President shall find that property which has been confiscated in any foreign country is being or may be brought into the United States contrary to the public interests, he may, if in his judgment those interests would be served thereby, order the exclusion of such property from importation. If the property has been processed or transformed into property of a different character, or has been commingled with other property of a like or similar character in such manner as to lose its identity or to render impracticable its segregation from such other property, the President may order the exclusion of such processed, transformed, or commingled property from importation into the United States.

"Whoever imports or attempts to import or bring into the United States any such property in contravention of any order issued by the President shall be subject to the provisions of the National Stolen Property Act of 1934 as amended and extended.

"SEC. 3. The term 'confiscated property' shall be deemed to include property which has been taken by means of force, or by means of any law, decree, order, ordinance, or other act, direct or indirect, of any foreign state or government, whether recognized or unrecognized, or of any political subdivision of such state, or of any official board, commission, instrumentality, or agency of any such state, government, or political subdivision, without payment of just compensation or reasonable provision therefor having been made.

"SEC. 4. Nothing herein shall be construed to affect the status of any property assigned, conveyed, or transferred to the Government of the United States."

Amend the title to read as follows: "A bill to extend the provisions of the act of May 22, 1934, as amended, known as the National Stolen Property Act."

EXPLANATION OF SENATE BILL

The Senate bill as referred to the committee proposed to extend the National Stolen Property Act to include and apply to any property seized in violation of law or which had been confiscated. The bill defined the word "confiscated" to include the taking of any property by means of force by any foreign government, or by means of any law, decree, order, ordinance, or other act, direct or indirect, of any foreign sovereign or government or of any political subdivision or instrumentality thereof or of any official board, commission, or agency whereby private property is taken without payment in United States currency or its equivalent having been made or provided for in a manner acceptable to the owners of the property so taken.

The Secretary of State did not recommend the identical House bill, H. R. 9669, stating that it appeared the primary purpose of the bill represented an attempt to compel foreign governments to defend their acts in our courts. The Secretary also pointed out the lack of discrimination between unlawful confiscations and lawful confiscations, and the necessity there would be in determining to which class the particular confiscation belonged, if the types were distinguished. The Secretary of State further suggested the unfavorable effect upon international commerce, and stated that from the standpoint of international relations he did not feel that he could recommend the enactment of the bill.

Hearings were held on the bill H. R. 9669, and the Committee on the Judiciary considered the objections of the State Department and heard other witnesses for and against the legislation.

COMMITTEE AMENDMENT

The committee amendment is identical with the bill H. R. 10529 and proposes to extend the National Stolen Property Act to include and apply, subject to the provisions of this act, to confiscated property. It provides that whenever the President shall find that property which has been confiscated in any foreign country is being or may be brought into the United States contrary to the public interests, he may, if in his judgment those interests would be served thereby, order the exclusion of such property from importation.

The amendment also would authorize the President to exclude the confiscated property if it has been processed or transformed into property of a different character or commingled in such manner as to lose its identity.

A violation of an order excluding such property would subject the offender to the provisions of the National Stolen Property Act.

"Confiscated property" is deemed to include property taken by means of force, or by means of any law, decree, order, ordinance, or other act, direct or indirect, of any foreign state or government, whether recognized or unrecognized, or of any political subdivision of such state or of any official board, commission, instrumentality, or agency of any such state, government, or political subdivision without payment of just compensation or reasonable provision therefor having been made.

The act will not affect the status of any property assigned, conveyed, or transferred to the Government of the United States.

The objections to the bill which passed the Senate as made by the Secretary of State to the companion House bill H. R. 9669 do not obtain concerning the committee amendment, which is the same as H. R. 10529, and following are letters from the Secretary of State and Attorney General concerning the same:

SEPTEMBER 20, 1940.

The honorable HATTON W. SUMNERS,
House of Representatives.

MY DEAR MR. SUMNERS: I am in receipt of your letter of September 20, 1940, enclosing copies of a bill H. R. 10529, introduced by you, to extend the provisions of the act of May 22, 1934, as amended, known as the National Stolen Property Act, concerning which you request an expression of my views.

I have examined the bill with care and I perceive no objection to its enactment.

Sincerely yours,

CORDELL HULL.

SEPTEMBER 21, 1940.

Hon. HATTON W. SUMNERS,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This acknowledges your letter of September 20, concerning a bill (H. R. 10529) to amend the National Stolen Property Act.

The National Stolen Property Act (act of May 22, 1934; 48 Stat. 794; U. S. C., title 18, sec. 413) makes it a criminal offense to transport in interstate or foreign commerce any stolen property, knowing it to have been stolen.

The purpose of the bill under consideration is to apply the provisions of that act to any property confiscated by any foreign State or Government, without payment or reasonable provision for just compensation, provided the President has ordered the exclusion of such property from importation into the United States. Property assigned, conveyed, or transferred to the Government of the United States is expressly exempted from the provisions of the legislation.

Whether the bill should receive favorable consideration involves a question of legislative policy, concerning which I prefer not to submit any suggestions.

Sincerely yours,

ROBERT H. JACKSON,
Attorney General.

Mr. Speaker, I reserve the balance of my time and ask the gentleman from New York [Mr. FISH] to use some time.

Mr. FISH. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I do not believe there is any objection to the consideration of this bill under the pending rule.

I have had no opportunity to analyze this bill but believe it should be debated and properly explained. From a hasty reading of it I concluded that the Congress of the United States has taken notice and cognizance of the situation that exists in Mexico where the property of our nationals has been seized, expropriated, and confiscated by the Government of Mexico, a so-called friendly Government. It is not only a question of the oil lands, but of farm lands and mines. These properties have been expropriated and no compensation has been paid for them. Expropriation without proper compensation is nothing more or less than communism or highway robbery.

I believe the purpose of this bill is to enable the President and the Government of the United States to prevent these stolen goods, seized by the Mexican Government, from coming back into the United States. I see no reason for anyone in the House to quibble on this issue. I believe we should call a spade a spade. I would not care to vote for this bill unless Mexico and the Mexican Government knew what the bill is and that it is aimed against such acts of highway robbery committed by the Mexican Government against citizens of the United States. I do not propose, as a Member of this House, to try to cover up the purpose of this bill or in any way to defend the practice of communism in any country in the American hemisphere.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. MURDOCK of Arizona. The gentleman spoke with reference to the farm lands that have been confiscated belonging to American cititzens. I wish to inquire whether the bill pertains to products of lands in the delta of the Colorado River, some of which lands have been confiscated and are being tilled with water from our own country, the Colorado River, by Japanese farmers, and the farm produce is coming in competition with that of our own truck growers of the Southwest. If such are the bill's provisions, I certainly agree that the bill should be considered.

Mr. FISH. I want to go a little further and I think the gentleman will probably agree with me, at least I hope he will. The Mexican Government owes to citizens of the United States approximately $1,000,000,000. They have defaulted on their railroad bonds and other bonds for the last 10 years, some for a much longer period of time. Altogether they owe our citizens about $1,000,000,000. It seems to me that if the Mexican Government persists in expropriating, without compensation, properties of our nationals in Mexico, the time will soon be reached when we will be forced to take some action, not just action like this which is not very far reaching, but we may be forced to say to Mexico, "What do you propose to do?" and I for one would like to see the Government of the United States suggest that if they are unable to pay us this $1,000,000,000, which they are not, that we offer to liquidate the entire $1,000,000,000 and to cancel it for Lower California and, maybe, the delta of the Colorado River.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. SUMNERS of Texas. May I suggest to my good friend that, perhaps, considering the situation that we are in diplomatically with all the world, we might just as well forego for the present such statements, and I say that in all kindness.

Mr. FISH. I know the gentleman does, and I know that is his feeling. I regret to say to the gentleman that I have an entirely different point of view from the gentleman. I know the gentleman is honest and sincere and I respect him.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 5 additional minutes.

I think the proper place for a Member of Congress to speak out on foreign affairs is in the House of Representatives. If I believed in the point of view of the gentleman from Texas, whom I admire greatly, I would be in favor of wiping out the Foreign Affairs Committee of the House of Representatives and the Foreign Relations Committee of the Senate of the United States and admitting that the Congress had no right to discuss foreign affairs in the House or in the Senate, but I hope that time may never come. I am afraid that we do not discuss foreign affairs sufficiently in the House and in the Senate and that we do not take our proper place in the consideration of and shaping of foreign policies that we ought to take.

I am rather inclined to say that if we did consider and debate our foreign policies in both the House and Senate, we might have some check on some of them that are leading us perilously close to war at the present time.

Mr. COCHRAN. Will the gentleman yield?

Mr. FISH. I yield.

Mr. COCHRAN. The gentleman seems to be confining his remarks to Mexico. Under the language of the bill, I read "any foreign state or government"; does that not apply to all governments of the world?

Mr. FISH. I believe it does. I believe it applies to Soviet Russia as well. I hope it applies to all governments which seize the property of our citizens. It certainly is the function of the Congress of the United States to protect its citizens all over the world in their right to trade. That has been the historic policy of the past, and I hope it will continue to be. I hope the Members of Congress will stand upon their feet and demand that the right of American citizens to trade and to own property and to be safe in the ownership of their property will be safeguarded throughout the world.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. FISH. I yield.

Mr. SCHAFER of Wisconsin. It may be that the New Deal policy of condoning the highway robbery which the gentleman has mentioned is a portion of the New Deal program to sell American citizens down the river in order that our New Deal brethren can play Santa Claus in a big way to foreign nations and foreign people under their so-called good-neighbor policy.

Mr. FISH. We have certainly played Santa Claus to the whole world, but there is one thing the House does not want done. It does not want to condone the robbery of American citizens by any nation, regardless of the good-neighbor policy, or any other policy. That is an American policy that we cannot quibble about, and we must take an open stand to protect the rights of our citizens to trade in every nation of the world, whether it be China or Mexico or Bolivia.

Miss SUMNER of Illinois. Will the gentleman yield?

Mr. FISH. I yield to the charming lady from Illinois.

Miss SUMNER of Illinois. I wonder if the gentleman knows that some American citizens had considerable quantities of valuable interests in Poland?

Mr. FISH. The principle is the same in all nations.

Miss SUMNER of Illinois. What does the gentleman propose that we do as to that?

Mr. FISH. I propose that we always, as far as we humanly can, will protect the rights of our citizens in every nation of the world; and eventually, when peace comes, I assume that

we will have justifiable claims in those countries that have been invaded.

Mr. O'CONNOR. Will the gentleman yield?

Mr. FISH. I yield.

Mr. O'CONNOR. I would like to inquire of the gentleman just what conditions exist that cause a bill of this kind to be brought before the House. What are we driving at? This is a very unusual bill.

Mr. FISH. That is what I think the House is entitled to know, and that is what I have tried to tell the House, and I will repeat a little more concisely. I do not believe that we should bring in legislation here and try to hide the purpose of the legislation. That is not the American way. We should say what we mean and mean what we say, and when we legislate, the House ought to know exactly what we are legislating about and the purpose of the legislation.

[Here the gavel fell.]

Mr. FISH. I yield myself 5 additional minutes.

As I understand the purpose of the legislation—I am not a member of the Judiciary Committee, but the gentleman from Michigan [Mr. MICHENER] is, and I see him on his feet. He may want to correct me or confirm what I say, but my understanding is the purpose of the legislation is to prevent the importation of stolen American goods into the United States, either in the original form or in their processed form; and I cannot understand how any single Member of Congress would want to oppose that. If the bill is more far reaching, we have a right to know it before we vote on it.

Mr. O'CONNOR. I have not made up my mind on the bill, but I am trying to find out what is the specific case that has arisen that causes this bill to be introduced.

Mr. FISH. I should say it is directed primarily at the stolen oil, that oil that was confiscated in Mexico, and no compensation, in most cases, provided by the Mexican Government to the American owner. But it applies to other property as well.

Mr. MICHENER. Will the gentleman yield?

Mr. FISH. I yield.

Mr. MICHENER. The point about this bill that causes me particular concern begins on line 15, section 2, "whenever the President shall find that property which has been confiscated in any foreign country is being or may be brought into the United States, contrary to the public interest, he may"—then it provides what he may do.

We are here passing a law giving the President plenary power to make a determination, the result of which may very conceivably be such that will plunge us directly into a war. Now, I am a member of the Judiciary Committee. I was attending as a member of the Rules Committee when this bill was reported out. It was my feeling that the bill had nothing very serious in it, but if you will study the bill carefully you will find that it is pregnant with danger. You will find that it lodges with the President a discretion which the Congress may well rue that it ever granted in a moment of hysteria at a time when we are engrossed with a great national defense.

Mr. FISH. The gentleman has made a very important contribution to the consideration of this bill. That is the reason that I opposed this bill going through without any discussion as far as I was concerned. I had hoped that some members of the committee would tell the House what was in the bill. I am not inclined to support the bill after that statement which shows that it is a very far-reaching bill, gives enormous powers to the President; and the gentleman from Michigan now says it gives him power that may involve us in war. I trust this is not so. I hope we will not give the President carte blanche authority to involve us in war. I thought this bill was aimed at protecting the property of American citizens, to protect them against having their property seized in foreign countries and imported for sale in the United States.

Mr. HANCOCK rose.

Mr. FISH. I yield to the gentleman from New York [Mr. HANCOCK], a member of the Committee on the Judiciary.

Mr. HANCOCK. I call the gentleman's attention to the fact that this bill is not limited to property of American citizens which has been confiscated abroad; it applies to all confiscated property, as I understand it.

Mr. FISH. That is an entirely different proposition.

Mr. HANCOCK. As I understand it, for instance, if property has been confiscated from private individuals by the Soviet Government under this bill the President could stop all importations of such property into this country. Is that not true?

Mr. FISH. The gentleman is a member of the committee that considered the bill. He must remember that I am not and did not attend any of the hearings. The gentleman's statement makes it all the more necessary to analyze and to discuss the purpose, intent, and scope of the bill.

Mr. HANCOCK. I thought the gentleman did not understand the full purpose of the bill.

Mr. FISH. I thought at first glance that it applied to property of American citizens but evidently it goes much further.

Mr. HANCOCK. No; it is not limited to American property.

Mr. FISH. I hope the members of the Judiciary Committee will have time to explain the bill to the House, that we may have ample debate on the merits and demerits of the bill. That is all I am demanding, that we have adequate consideration of this bill and not rush it through under a rule and say that we must not discuss any foreign policy at this time.

We might as well realize that America under its present defense policy proposes to arm itself and make itself invincible on land, sea, and air and that it is not afraid of any one nation or any group of nations. We propose to consider these bills before us as they affect the interest of American citizens and our own interests regardless of that of any other nation.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 5 additional minutes.

I point out now, since the issue has been raised, that we have not got a friend in the world today except England and some of the South American countries. We have not got a friend among the major nations except England; but I think we might have had a few more friends if the Members of Congress had taken more active part in formulating our foreign policies and had had more to say about them. I think we could have had more than one friend in the world today among the major powers.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. FISH. I certainly will.

Mr. BLOOM. Will the gentleman kindly name the nations that are not friends of ours that he would like to be our friends?

Mr. FISH. I just said I should like to be friends with all nations who would like to be friendly to us. Today we have one friend, and that friend is England. The other major nations——

Mr. BLOOM. Will the gentleman yield further?

Mr. FISH. I am talking about major nations.

Mr. BLOOM. We still have Turkey, we still have Belgium, we still have France.

Mr. FISH. The gentleman wins. We have Turkey. I am glad we still have Turkey, but I doubt if she, in her present situation, would be very helpful. Thanksgiving is still coming, and we have two Thanksgivings.

Mr. BLOOM. Would the gentleman want to be friends with Hitler and Stalin?

Mr. FISH. I should like to be friendly with every nation that wants to be friendly with us. We still have diplomatic relations with both the Nazis and Communists.

Mr. BLOOM. Or with Mussolini?

Mr. FISH. And with Fascist Italy. I do not want America to go to war with any nation that does not want to attack us.

Mr. BLOOM. Nobody else wants to go to war.

Mr. HAWKS. What is the gentleman talking that way for?

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. SCHAFER of Wisconsin. The gentleman from New York [Mr. BLOOM] claims that France is our friend. If that be so, then why are his New Deal brethren stripping essential portions of Uncle Sam's defense establishments and sending his warships, airplanes, arms, munitions, and implements of war to the British in order to help them carry on their offensive war against the French and murder many Frenchmen as the British have been doing?

Mr. BLOOM. That is not so.

Mr. SCHAFER of Wisconsin. That is so. The British turned their guns on the French and slaughtered many Frenchmen. Dakar was the last but not the first slaughter.

Mr. BLOOM. That is not so. The gentleman does not know what he is talking about.

Mr. FISH. If the gentlemen do not mind, I should like to use my own time.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. O'CONNOR. In view of the suggestion of the chairman of the Judiciary Committee to the gentleman speaking, if there is anything in the bill that may cause this country to get into trouble as a result of open discussion of the merits or demerits of the bill, I do not believe it is a good time to bring such a bill to the floor of the House. I think that if we are going to bring bills upon the floor of the House that may jeopardize our peace with other nations it is about time we got out of here, and cool off. Otherwise we may become a menace to the country.

Mr. FISH. I may say to the gentleman from Montana that if this bill jeopardizes the peace of America and might involve us in war I will certainly vote against the bill. If the members of the Judiciary Committee present arguments that prove that, I hope the House will vote the bill down.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. COCHRAN. The gentleman from New York [Mr. HANCOCK] covered part of my question. It is clearly evident to me that the gentleman now speaking has not read this bill, because it involves not only American citizens but it involves property located in Mexico, it involves property located in every nation of the world, friendly or unfriendly. Any confiscated article can be stopped at our shore under the terms of this bill, whether it be a work of art, money, or in fact anything else if we know it has been confiscated. That is the way I read the bill. It applies not only to taking something from an American citizen but it applies when one country or another takes something from its own nationals and later sends it to this country.

Mr. FISH. I think the gentleman is correct. When I first read the bill I thought it applied merely to the property of American citizens that had been seized or confiscated. It now appears the bill goes much further. If that is the case, we are giving enormous power to the President, and if the Members of the House believe this might involve us in war then I hope the bill is defeated.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 6 additional minutes.

Mr. MICHENER. The gentleman from Missouri called attention to the fact that this bill would affect stolen property even though it was not stolen from American nationals. The real danger of this bill is that it gives to the President the right to determine when property has been illegally confiscated, taken, or stolen. He may make a finding here that all the property in England or all the property in Russia has been confiscated.

Mr. FISH. In other words, you are giving the President unlimited power.

Mr. MICHENER. That is right.

Mr. FISH. I am very glad that I started this discussion because when I began I was practically told we should not discuss this bill at all, that we must proceed to pass it immediately. Evidently new light has been thrown on the situation and I hope that now the House will consider it on its merits and openly decide what in its judgment should be done.

Mr. KEEFE. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Wisconsin.

Mr. KEEFE. If the gentleman will read section 3 he will observe that the term "confiscated property" may mean not only that which has been taken by force but that which has been taken lawfully in some foreign country but for which compensation has not yet been paid to citizens.

Mr. FISH. That is correct.

Mr. KEEFE. Even though it is by virtue of the law of that nation.

Mr. FISH. That is correct; yes.

Mr. KEEFE. That is going a long way.

Mr. CRAWFORD. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I am very much interested in what the gentleman has to say about this bill. Personally, I have been hoping ever since last spring that a bill along this line would be brought up so that we could vote for it. If there is some better way to do it than to have this authority lodged in the President of the United States, well and good, but if there is no other person in whom we can lodge authority, I am in favor of doing it this way. For instance, let us consider the Dutch East Indies with its rubber and other commodities which we desire from there. If they fell in the hands of the Japanese without payment therefor to whoever owns it, I suppose, under this act, the President could say those goods cannot come in here. Something like that might happen, although I do not think it will happen. There is a case where he can use his discretion, I assume, under this bill and let the goods come in if he wanted to let them come in or if he did not find they were so taken, it might be a case where we might want the goods to come in.

Let us swing over to western Europe now.

Mr. FISH. Can the gentleman take that up when the Committee is considering the bill?

Mr. CRAWFORD. I may not be able to get time.

Mr. HINSHAW. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from California.

Mr. HINSHAW. The gentleman will remember that some weeks ago we passed a bill reported by the Banking and Currency Committee giving the President and the Secretary of the Treasury power to impound the funds of foreign nationals in this country.

Mr. FISH. Yes.

Mr. HINSHAW. Is not this bill somewhat of an anomaly to that one?

Mr. FISH. Yes. In view of all this, I do not see the necessity for it. I welcomed this bill when I first read it, because I thought it would protect American citizens in Mexico. Now I find it goes much further and I believe it is a bill that we should very carefully discuss from all angles.

Mr. KNUTSON. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Minnesota.

Mr. KNUTSON. This bill, as I read it, also covers the property of the nationals of the country from which the property comes.

Mr. FISH. It does.

Mr. KNUTSON. We have no right to tell a foreign country how it shall handle property within the confines of its own country.

Mr. O'CONNOR. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Montana.

Mr. O'CONNOR. Is there not a more fundamental principle involved in this bill? Are we not extending to the executive department of this Government judicial powers that ought to be retained by the courts? We are giving to the President, whoever he may be, power to adjudicate facts; also power to embargo imports from any country.

Mr. FISH. I think the gentleman has raised an important question, and I think that question should be discussed by members of the Committee on the Judiciary who will have charge of this bill. All I have done is to raise the issue and

seek to have it discussed, to see if we cannot find out what the bill means. That is the only purpose for which I have taken this time. I did not know what it meant when I first took the floor, but I have found out a lot about it since and am opposed to it as granting dangerous and too far-reaching powers to the President. [Applause.]

[Here the gavel fell.]

Mr. HAWKS asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. FISH. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, the worst thing about this bill is that it delegates more discretion to the President of the United States. I think it is about time that we get to the point where we do not give any more discretion to the President [applause], because he is not properly using the discretion he already has. In my opinion, it is about time for the President of the United States to begin cooperating in conserving our resources for national defense. Right now he is spending money that was appropriated for national defense for the Navy to buy 5,000 silver-plated finger bowls and 5,000 silver-plated trays to go with them. What possible relation these things can have to national defense is beyond my comprehension. How we can afford such things at a time when every effort should be devoted to national defense is impossible for me to understand.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Minnesota.

Mr. KNUTSON. It may be that those who have been looting the Treasury have occasion to use finger bowls.

Mr. TABER. That may be; but finger bowls for national defense is some byword, is it not? Is not that a watchword to go before the country with?

Mr. RUTHERFORD. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr. RUTHERFORD. The finger bowls and the plates are to keep up the morale of the Navy.

Mr. TABER. That may be, but it must be a funny kind of morale if they expect the rest of us to get along with paper cups. To my mind, the Advisory Commission for National Defense, the Secretary of the Navy, and the Congress should put the "kibosh" on such performances, because it is impossible to get the President to support national defense by getting rid of waste. I believe the more discretion we give to the President, the worse off this country is going to be. I believe this discretion, if it is to be vested somewhere, should be vested in definite language determined by the Congress. I hope that before we get through considering this kind of a bill we will place the discretion right here in the Congress and not do a lot of monkey work and permit the President to make a fool of the country any more. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to insert in my previous remarks on this rule the committee report on the bill which is now before the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. SUMNERS], the chairman of the Committee on the Judiciary.

Mr. SUMNERS of Texas. Mr. Speaker, far be it from me to presume to advise or lecture any Member of the House or the Senate with reference to his utterances. But certainly it is a high duty resting upon the Members of the Congress to help guard against the possibility of being worked into a position of isolation insofar as the nations of the earth are concerned. We face a situation that calls for the highest degree of restraint on the part of Members of Congress and the highest type of diplomacy that this Nation has ever been challenged to produce. These are serious times. We are confronted by this definite situation: Mexico, pursuing a policy which it has adopted with regard to property located in Mexico, has taken over a good deal of oil production. A great deal of debate and argument and diplomatic exchanges has taken place, as you all know.

Regardless of how this situation came about, the oil is now, this minute, being brought into the United States imperiling the solvency of every oil producer in this country, so we are advised. If you defeat this rule you leave the situation exactly there. That is all there is about it. I am talking about the rule now. When we get to where we discuss what sort of a bill we have, that is different. I am talking about the rule now which is the subject matter now up for consideration. That is what we are soon to vote on. We are now considering the rule that brings the subject matter before the House for consideration. Vote down the rule and you leave the inflow of this oil that you have been criticizing without any chance to do anything about it if the rule is adopted then. When we get to the merits of the bill and consider amendments, the present matter soon to be voted on is whether we will consider the general subject matter of the bill. This rule proposes that we may do it. I do not believe there is anything else to be said at the moment.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Let me ask the distinguished chairman of the Committee on the Judiciary if it would be possible to limit this legislation to oil? As it is now it covers everything.

Mr. SUMNERS of Texas. As I said to my distinguished friend, when we get to considering the bill amendments may be offered, and the judgment of the House can then be taken as to what the provisions in the bill ought to be.

Mr. KNUTSON. Are we going to consider this bill under an open rule?

Mr. SUMNERS of Texas. It is an open rule; yes.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I should like it understood that I also am in favor of the good-neighbor policy and want friendly relations with all nations, especially the republics to the south of us, but I would hate to see this pending measure limited only to oil, although that may be the commodity of paramount interest.

Mr. SUMNERS of Texas. May I say to the gentleman that we will consider that when we have agreed to this rule. That is what I am trying to say, that we consider one thing at a time, namely, are we going to consider the subject matter that is covered by this bill? That is all that is before the House at the moment.

Mr. MURDOCK of Arizona. That is understood, and I am for the rule. I merely wish to point out that likely metals, minerals, and lands have been seized in Mexico belonging to American citizens, the products of which may be competing with similar products of our own country. Without having studied the bill to be taken up yet, I am very anxious to protect fully and properly our own people.

Mr. SUMNERS of Texas. I want to insist on this. It is true that the House has the privilege of expressing its views, but I want to submit to the common sense and the patriotic impulses of every Member on this floor that in hours like this, in critical conditions like this, there is no higher duty resting upon the American Members of Congress than to leave as free from embarrassment as possible the diplomatic agencies of this country that are trying to prevent us from becoming isolated.

Mr. SOUTH. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Texas.

Mr. SOUTH. The gentleman's committee held extensive hearings on this subject, did it not, and has not the measure received a good deal of careful consideration? Let me ask first if the subcommittee did not conduct extensive hearings on this measure?

Mr. SUMNERS of Texas. The gentleman from Alabama [Mr. HOBBS] was chairman of the subcommittee that has been

working on this thing for many weeks. We are dealing with a concrete, definite situation. This oil is coming into this country and threatening the solvency of an American industry. The committee of which the gentleman from Alabama [Mr. HOBBS] is chairman is composed of distinguished gentlemen on each side of the House. The committee has been working on this matter for months. They have finally brought in a bill. Nobody is fully satisfied with it, but there is no objection on the part of the State Department, the Department of Justice, or the oil people, who are the folks who are most interested. They have been working on the matter for a long time. They know what the situation is. They would like to have this bill passed.

There is just one question at the moment, and that is whether you want this condition to continue as it is or do you want the Congress to consider this as a practical matter and see exactly what can be done about it?

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. KNUTSON. I am in perfect sympathy and accord with what the gentleman says——

Mr. SUMNERS of Texas. I understand that.

Mr. KNUTSON. The gentleman is an able lawyer and I am wondering if we cannot adopt an amendment that will limit the operations of this bill to property that has been seized from American nationals.

Mr. SUMNERS of Texas. Since the gentleman asks me the question, I would say, of course, he understands we can do that if that is the judgment of the House when we go into the merits of the bill.

Mr. KNUTSON. I would be for it if we adopted that amendment.

Mr. SUMNERS of Texas. But we cannot do anything at all about it until we get this rule adopted.

Mr. KNUTSON. The gentleman will admit that the way the bill is now it applies to Russia and every other country in the world and not just Mexico.

Mr. SUMNERS of Texas. We will get to that later. That is not the matter we are now considering. The sole matter we are now considering, as the gentleman knows, is whether we will adopt the rule.

Mr. KNUTSON. I think we should adopt the rule and then thresh the whole thing out.

Mr. SUMNERS of Texas. Of course, that is common sense.

Mr. KNUTSON. There should not be any opposition to the adoption of the rule.

Mr. SUMNERS of Texas. That is right. You always did have a lot of sense and sometime you use it. [Laughter.]

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. CRAWFORD. In the hearings that were conducted was oil the only commodity that was shown to be moving in that comes within this classification?

Mr. SUMNERS of Texas. I will say very candidly to my friend, although I do not know what the chairman of the subcommittee would say about it, that it is probably true that the oil situation is responsible for this proposed legislation.

Mr. CRAWFORD. Did the hearings show that anything else came in?

Mr. SUMNERS of Texas. I do not know about the hearings before the subcommittee or what they showed, but I will be very candid with the gentleman and state that it is the oil situation that is responsible for this proposed legislation.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. HOBBS], the chairman of the subcommittee of the Judiciary Committee.

Mr. HOBBS. Mr. Speaker, I just want to take part of the time which the gentleman from Colorado [Mr. LEWIS] has so courteously granted me to say that I have studied this legislation for the last 4 months, ever since May, and have been through all its stages with the distinguished gentlemen who compose Subcommittee No. 3, the gentleman from New York [Mr. HANCOCK], the gentleman from Indiana [Mr. SPRINGER], the gentleman from Virginia [Mr. SATTERFIELD], and the gentleman from Kentucky [Mr. CREAL]. This bill is the best we can do. We believe in this bill wholeheartedly. We believe we can defend it, if you will allow us to do so, on its merits. We think there ought not to be a single vote against this rule.

May I say further that we do not sympathize with the criticism which has been heaped upon our good neighbor on the south, the Republic of Mexico. She is a sovereign nation, whose laws and court decisions we are bound to respect. The Supreme Court of Mexico has held the oil expropriations, within the boundaries of Mexico, by the Government of Mexico, in accord with the law of Mexico, to be valid. Our own Supreme Court has repeatedly held that we have no right to review, gainsay, or reverse any decision by the courts of another nation. Inveigh as some will, this is the law.

The bill which the pending resolution seeks to have considered does not attempt to abrogate the law nor disregard our treaty obligations. It is a sincere attempt to utilize our constituted diplomatic authorities to deal diplomatically with a delicate situation that needs attention for the common good and which may not be dealt with otherwise.

The question now at issue is, Shall we consider the bill which the adoption of the pending rule would make in order?

We most earnestly urge the adoption of the resolution by unanimous vote.

Mr. LEWIS of Colorado. Mr. Speaker, I simply wish to remind the House that the only question before us at this time is whether this bill, which has been carefully considered by the Judiciary Committee, shall be considered under the rule which has been presented.

I repeat that this is an open rule and the bill will be considered under the 5-minute rule with opportunity for amendment.

I now yield such time as he may desire to the chairman of the Rules Committee, the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I regret that I was absent when the gentleman from New York [Mr. FISH] addressed the House. Personally, the evidence presented before the Rules Committee by committees that considered the bill was such that we could not deny bringing the measure before the House for its consideration. This has been the policy of the Rules Committee during the entire Congress.

The rule is a broad and liberal one. It provides for 1 hour general debate after which the bill will be taken up under the 5-minute rule for amendment.

I shall not offer any amendments to the bill, but I am informed that some will be submitted and I am not in position at this time to state whether they should be adopted because the Committee on the Judiciary claims that the bill, as drafted, has the approval of the State Department. I cannot question the statement of members of that committee but, on the other hand, I am not informed that the passage of the bill is urged by the State Department.

Mr. Speaker, personally I do not know how much of the so-called properties have been stolen but, instead of using the word "properties" I think the committee should have been more candid and used the word "oils." I was made to believe originally that the bill applies to oil which finds its way surreptitiously to the aggressor nations. And I, for one, believe that we should not permit any irregular diversion of an essential product of such tremendous aid to Germany, Japan, and Italy.

The secret understanding between these aggressor nations which has long existed but only recently publicly revealed with the announcement of the signing of a treaty is especially aimed at the United States. Officials of the three nations boastfully admit it. This situation calls for our very serious attention and consideration. We should not hesitate to take appropriate action and, if necessary, strong measures, short of war, to protect our interests, and to serve notice to these nations that America is on guard.

MEXICO SINCERELY DESIRES TO BE FRIENDLY TO THE UNITED STATES

I hope this measure will not be taken as an unfriendly act with respect to Mexico because I feel Mexico is extremely friendly to our country. I realize there are some gentlemen

who seem to disapprove of the action of Mexico with regard to the oil interests in that country, but I am of the opinion that we cannot and should not attempt to dictate internal policies to Mexico. We would resent any other country attempting to dictate or interfere with our domestic policies.

Mr. Speaker, as I understand it, Mexico has endeavored to pay the oil companies a fair and reasonable value for the properties they have expropriated as determined by the Claims Commission appointed to settle such claims. When we take into consideration the activities of our large oil companies as brought out in the Teapot Dome investigation, and the unfairness of the power companies against the Government and power consumers, I, for one, do not blame Mexico; in fact, I feel it was justified in taking over the oil lands within its domain which in many instances have been acquired by questionable methods. And I feel that nothing should be done that would in any way disturb our friendly relationship with Mexico. In this connection I also desire to make some remarks on the Russian situation.

WHY SHOULD WE NOT ALSO CULTIVATE THE GOOD WILL OF RUSSIA?

Yesterday's leading editorial in the Washington Times-Herald emphasizes a viewpoint concerning Russia that I have suggested and recommended on several occasions; the last time as recently as September 24.

My query has been and still is today: Why should not the United States try to cultivate the good will of the Soviet Republics? It is realized now in many quarters that Great Britain made a serious if not well-nigh fatal mistake by not concluding and cementing friendly relations with Russia ahead of Germany. Should we repeat that error?

Says today's Times-Herald editorial:

HERE'S A CHANCE

Things being balled up as they are, it would seem as if the most sensible thing we could do would be to scout around for some more friends—powerful friends—if such can be found.

Stalin has some 176,000,000 people under his thumb. Out of that 176,000,000 it is possible to round up seven or eight million soldiers.

Wouldn't it be better to have Russia benevolently neutral toward us than to have it hostile to us?

Russia has boundaries contiguous with those of both Germany and Japan. Hitler obtained Russia's benevolent neutrality, if not active friendship, before he invaded Poland. Wouldn't it be wise for us to try to obtain Russia's benevolent neutrality before we take on Germany or Japan, or both?

ACCIDENT INSURANCE

Not knowing which way the Russian cat might jump, neither Germany nor Japan could afford to unleash as much force against us as if they knew Russia was on their side. Not having a 2-ocean Navy as yet * * * we might find such an accident insurance policy invaluable.

To better our relations with Russia would in no way commit us to official approval of communism, any more than it would mean Stalin had suddenly fallen in love with capitalism. It would be plain, realistic power politics, played for our own safety.

We think our Government ought to look into this possibility.

Mr. Speaker, I agree fully with the logic of the foregoing editorial. It seems to me to suggest but the plainest of common sense. As I stated on the floor of the House on September 4:

RUSSIA'S FRIENDSHIP IS WORTH HAVING

Mr. SABATH. I feel we should discontinue the exportation of many raw materials, scrap iron, oils, gas, including all strategic materials used in warfare, to other countries with the exception of England, and especially to Japan, which uses these materials in the wanton, cold-blooded massacre of defenseless old men, women, and children in righteous, worthy China.

I do not desire to say or do anything that might unfavorably involve us, but I do think that drastic action by our Government will force these Japanese war lords to come down off their high horses, shed some of their conceit, and cause them to discontinue their arrogant, bellicose attitude toward the United States.

Also, I read in today's newspapers that Russia desires to become more friendly toward the United States and that she desires to negotiate the purchase of certain articles for her own use. I believe that due favorable consideration should be given to that proposal, because she will, perhaps, unfortunately, be the only country in Europe, except chivalrous Great Britain, open to our future export surpluses.

Obviously, the Fascists and the capitalist group of this country dislike the Russian form of government, but that should not be our national concern. Russia always has been friendly toward the United States, notably during the Civil War; and she does not need our assistance. She is and will be able to take care of herself; therefore, why should we not cultivate and promote friendly commercial relations with her?

NAZIS IN UNITED STATES ARE ENEMIES OF SOVIET REPUBLICS

Mr. Speaker, the United States has been very lenient with Japan. No other nation would have been so patient. We have overlooked more than one affront from the Nipponese. Sometimes it has seemed as if they were bent on intentionally provoking us. Japan's often insolent attitude is all the more reason why we should leave no stone unturned to obtain the good will of Russia. Russia would come in handy if we are ever obliged to call Japan's bluff.

I know there are critics of Russia and its policies. Investigation will reveal, I sincerely believe, that a whole lot of the criticism of Russia is due to Nazi and Fascist propaganda. That is one of the subtle tricks of the leaders of these two "isms." They conduct all kinds of subversive activities and then try to escape detection and blame by pointing their fingers at the Communists.

I concede there is a certain school of misguided Communists, but I will say this for them, they work in the open, which is absolutely opposite to the fifth-column methods of the Nazis and Fascists.

Communists have a political party. They conduct their campaigns openly within the law. The candidates place their names on the ballots under the name of the Communist Party. They address the people publicly over the radio. Thus we know where to find the Communists but not the cowardly vassals of the madman Hitler. Their method is to work unobserved in the dark.

Mr. Speaker, the recent action of Japan in joining forces with Hitler should open the eyes of all intelligent Americans, regardless of their political affiliations, race, or religious creed. Henceforth no one having any respect or love for our flag and country should in any way give the slightest comfort to the evil-minded triumvirate that seeks first to destroy all democracies and then to rule the world by the sword.

Our duty is to show a solid front to our enemies. Let the entire world know that we in America are united, ready, prepared, and willing, if necessary, to defend our liberties and freedom to the last ounce of our strength.

Though this Government may not be 100 percent perfect, it is the best in the world. No people in all history have been able to devise a better one. It is the duty of every patriotic man and woman in the Nation to bring home to the few misguided ones where their duty lies.

Every person within our borders must understand this Nation henceforth will not tolerate disloyal utterances or unpatriotic activities which in these serious times constitute outright treason.

Persons of Nazi leanings may as well understand once for all that the United States will positively not tolerate divided allegiance. I submit that it is neither unfair nor unreasonable to expect that those who live in this country and enjoy its blessings shall be loyal to this country. This word to the wise should be sufficient.

EXPRESSED BELIEF IN SECRET CONSPIRACY YEARS AGO

Mr. Speaker, I have never pretended to be a prophet or the son of a prophet, but the CONGRESSIONAL RECORD will bear me out in the statement that as long as 2½ years ago I voiced the belief on the floor of this House that a secret or tacit agreement existed between Hitler, Mussolini, and Japan to dominate Europe, Asia, and Africa, but my warning went unheeded.

In the Orient, Japan was already pursuing a course toward domination of the yellow races, apparently with preassurance that Italy and Germany would so engage the attention of the European democracies that interference in China would be impossible.

As long as 2½ years ago I predicted in this House nearly everything that has since happened. Permit me in this connection to quote the following excerpts from my remarks in the CONGRESSIONAL RECORD of March 18, 1938:

Mr. SABATH. Hitler's seizure of Austria is but a prelude of more ambitious plans. Peace- and liberty-loving Czechoslovakia, Rumania, Hungary, and the other small independent nations now see

his shadow across their lands—Memel, Danzig, and the Polish Corridor.

For the time being, engaged in consolidating his gains, he may utter reassuring words to Poland and Yugoslavia. But they have only to recall his utter disregard of treaties, and his oft-repeated statements as to his ultimate aims, to realize how necessary it is that they prepare to resist invasion, for invasion is bound to come.

* * * * * * *

Many ripe scholars feel that the suppression of Great Britain will mean the consummation of a plan to form three great powers outside of North and South America.

I doubt very much that France, which is fighting domestic problems with her back to the wall, could, after the disappearance of the other countries I have named, long withstand being dismembered also.

* * * * * * *

There is not the slightest doubt in my mind but that Hitler, Mussolini, and the raving-mad Japanese war lords are in a conspiracy to divide the entire world among themselves, or at least as much of it as they can manage to grab.

WARNED POLISH LEADERS NOT TO FORGET TREATMENT OF POLES BY PRUSSIA

Great Britain, rather late, is commencing to realize its danger. Does Poland realize her danger?

The leaders in Poland might well hearken back to other days, and consider the former treatment of Poles in Prussia. I remember in 1908 how Prussia prohibited, by edict, the teaching of the Polish language in their own schools, and how they proposed in their Parliament a compulsory dispossession of the homes of Polanders. For 2,000 years the Poles and their fathers before them had occupied this land, but notwithstanding and in contravention of the Congress of Vienna of 1815, and in violation of Prussia's organic laws prohibiting distinctions between citizens of the Kingdom, that Prussia's Parliament even then showed its prejudice by discrimination against the Polish.

At the time I speak of, Congressman Arthur L. Bates, of Pennsylvania, was impelled to introduce into this House a resolution extending good wishes and sympathy to the Poles in Prussia in their efforts to maintain their property rights.

Recalling this, and viewing the present prejudice which governs in Germany, Poland should properly estimate the future insofar as her relations with that country are concerned.

EVEN AMERICA MAY NOT BE AS SAFE AS SHE FEELS

Up to about 12 years ago we confidently believed ourselves properly protected against possible attack from any and all quarters; but in view of the increased and ever-increasing knowledge of aviation and mammoth airplane carriers, are we really free from military danger?

If this nefarious triumvirate should effect the dismemberment of the great British Empire, what would become of Canada? Could we still feel free and at ease without present-day Canada?

URGED ADEQUATE PREPAREDNESS LONG AGO

Only a little while ago I read in the public press about concessions that had been or were contemplated to be granted by Mexico to Japan in Lower California. That recalled to my mind the offer by Germany in 1917, in the Zimmerman note, to give Mexico a part of the United States if Mexico would join Germany, and the offer to Japan of the Philippine Islands in return for military aid. When those audacious offers were first brought to light it was thought they were sheer allied propaganda, but we were soon convinced of the authenticity of these reports by documentary evidence that came into possession of our Government.

In view of all this and our enemies within, I feel that it behooves us adequately to protect ourselves against even the remotest eventuality. * * * I am ready to vote for the construction of a navy and an air force that will be unmistakably adequate for our proper defense.

If Great Britain and France had taken a firm stand against the initial rearmament of Hitler, Mussolini, and Japan, and had not been lulled to sleep by undependable peace assurances, they would have been in position 2 years ago to stop Mussolini and Hitler in their mad rush toward a menacing world conquest.

* * * * * * *

The only interest I have in the problem of national defense is the welfare of our whole country, to which I owe much and for which I am ready to give everything I possess. This great country of my adoption has been kind to me, and if I leave behind only one legacy, I want it to be a contribution, weak though it be, to the defense, not offense, and the promotion of the welfare of the land that made me whatever I am and gave me whatever I have.

I LIKE TO FEEL THAT I CAN CHANGE MY VIEWPOINTS IN ACCORDANCE WITH CHANGED CONDITIONS

And so, in conclusion, let me say that, in view of the alarming world conditions to which I have alluded, I shall vote and work for the passage of the pending bill. This may be surprising to some of the critics who have accused me of being a pacifist, charging that I was against adequate national defense; but let me say to them it is not they who have changed my view. I was just as conscientious when I opposed large Army and Navy appropriations in past years as I am conscientious today in supporting this bill. I have changed my views because and only because world conditions have changed. When I get so old or so benumbed of brain and character that I cannot change my view in accordance with changing conditions and a changing world, it is time for me to be carried out feet first, and I want to be.

I have criticized conditions and things at times, and I shall do so again whenever I see anything that I think merits criticism. But I love this country. I will vote any amount of money necessary to protect it from enemies either within or without. Today, perhaps more than at any other time in its history, the United States of America stands out against the dark and stormy seas of racial persecution, intrigue, conspiracy, and jealousy as the one and only enduring beacon light of hope.

I am grateful to the people of my district for having permitted me for so many years to be a Member of this great American Congress, the greatest democratic legislative body on earth, wherein every man is accorded the unfettered right to say what he pleases. Let us strive to preserve and promote this priceless heritage for ourselves and posterity. I do not expect to be here forever, but I do want the Stars and Stripes and a democratic form of government to endure here forever.

Mr. Speaker, neither Poland, France, Great Britain, nor any of the other now destroyed nations paid any heed to the warnings, and I hope that such will not be the case with the United States.

And regardless of what the Nazi, Fascist, or capitalistic groups in the United States may say about Russia, I reiterate that the best interest of the United States will be served not by criticizing and assailing Russia but by taking just the opposite course and seeking her friendly cooperation. The latter course will inure to the benefit of America, and it is the welfare and safety of America that in these critical days should be our sole objectives.

Mr. LEWIS of Colorado. Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a letter from a Briton addressed to an American.

The SPEAKER pro tempore (Mr. DOXEY). Is there objection?

There was no objection.

NATIONAL STOLEN PROPERTY ACT

Mr. HOBBS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3936) to extend the provisions of the act of May 22, 1934, known as the National Stolen Property Act.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3936, with Mr. COLE of Maryland in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Alabama [Mr. HOBBS] is recognized for 30 minutes, and the gentleman from Kansas [Mr. GUYER] is recognized for 30 minutes, under the rule.

Mr. HOBBS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill simply vests in the President, no matter who he may be, permanently, the right to determine whether or not any importation of any confiscated property is detrimental to the interests of the public in the United States. If so, then he is given the right to bar its importation.

Since May we have been diligently seeking a better way. We realize the fact that there is just criticism, whether it be from the Democratic or the Republican standpoint, in vesting more power in the President. From our standpoint it is unfair to him to burden him with more duties. He is already bearing a superhuman load.

From your standpoint, of course, it is unfair to him for this same reason, and also you may contend that it is unwise to increase the power of the office. No one wishes to increase the power of any governmental official unless it is necessary. It is necessary in this instance, for the President is our only voice

and agent in foreign affairs. No other agency nor branch of our Government is either so well recognized or so well qualified for such a function. We think it wise to charge our Chief Executive with this new duty. We would so think no matter who was the occupant of the White House. We believe implicitly in the great man who is now the head of this Nation. He has demonstrated his tact and ability. He can be trusted to the limit to safeguard the interests of the people of America. Therefore, with confidence, we bring you this bill, which is the only thing that we could agree upon to do this job.

It is a ticklish business. Under our treaty engagements we have given guaranty to other nations that they, not we, should rule in their own sovereign jurisdictions. We may not legislate for them. We may not amend nor repeal their statutes, nor overrule their courts. We worked for weeks to perfect a feasible and enforceable law for the courts to administer. It cannot be done. Therefore we bring you this bill and commend it as the only safe, feasible approach to the solution of this problem.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I will be so happy to yield to the distinguished gentleman from New York.

Mr. DICKSTEIN. Is it true that oil which was owned by American citizens and which has been confiscated is the very oil that is being sent to the United States to be sold?

Mr. HOBBS. It is certainly true that oil has been expropriated in Mexico. It is true that our State Department has contended that what Mexico denominated "expropriation" was confiscation. It is perfectly true that American operators of oil properties in Mexico have lost what rights they formerly exercised under bona fide claim of ownership.

Mr. DICKSTEIN. I am glad the gentleman has made that clear.

Mr. HOBBS. It is also perfectly true that the Mexican Government has offered to pay in American currency the fair value of every drop of that oil that has been expropriated or confiscated, whichever you please to call it. Therefore we cannot say that had the original bill been passed, it would have applied to Mexico at all. I wish to call the distinguished gentleman's attention to another matter. It is absolutely impossible to identify any of the oil in question. It is all commingled in the pipe lines. Mexico, now, as she did before the so-called expropriation or confiscation, operates more of her own wells than were expropriated. Mexico, in its proposition to the foreign oil companies, said that she would guarantee that every gallon of the oil sold to produce the revenue to pay for the expropriated oil would be from her own wells, distinct and separate from those expropriated.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. DICKSTEIN. I think the gentleman has made a very clear statement. Now, there is some criticism here about giving power to the President. Who else could possibly have the power to iron out and clear up these questions and protect American property rights of American citizens other than the President of the United States?

Mr. HOBBS. No one.

Mr. DICKSTEIN. Was there any suggestion made with reference to that paragraph?

Mr. HOBBS. There was a suggestion made that it be left to the courts, but of course the Supreme Court of the United States in three cases has held that that cannot be done; that no court of the United States has the power to review, or revise, or overrule a decision of the supreme court of another sovereign power.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I should be delighted to yield to the distinguished gentleman from Wisconsin.

Mr. KEEFE. Why is it this bill is not limited in scope to the confiscated or expropriated property, or legally taken property, if one may say, without compensation of American nationals? And why is it so broad as to include the power in the President to exclude the property of nationals of Mexico, or of Russia, of Germany, or of any nation in the world that may have been taken by force or may have been taken by justification of law, although compensation has not yet been paid? Why has it not been limited to property of American nationals only? Why are we interested in the property of every other person on the face of the earth? That is what I would like to have answered.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield myself 5 additional minutes.

I am delighted to answer the distinguished gentleman. I am sure, good lawyer that he is, he will recognize the validity of the reasons from a legal standpoint; and also, good American that he is, that he will appreciate the force of our reasons, from a practical standpoint, for incorporating in the bill the provisions that are there.

This bill is aimed solely at one objective, the protection of American markets from foreign dumping. It makes no difference whatsoever whether the property has been confiscated from American citizens or from any others. What we propose is to deny importation to any property that has been confiscated, if and when, in the judgment of the President, its importation would be contrary to the interests of the public. We seek to prevent unfair competition with our own businessmen.

Mr. KEEFE. Will the gentleman yield further?

Mr. HOBBS. I shall be delighted to yield again.

Mr. KEEFE. Why, then, is not that a proper subject to be handled by tariff legislation? Why is it to be taken up under a Stolen Property Act? That is what I cannot understand as a lawyer.

Mr. HOBBS. I am sure if the gentleman had studied this question as we have——

Mr. KEEFE. Indeed, I have not.

Mr. HOBBS. He would not think that a tariff barrier would be a satisfactory solution. What we say is that under certain circumstances where the taking has been unconscionable, the properties confiscated should not be permitted to enter here at all to come into competition with American products.

This proposes an embargo against incoming property that was confiscated. Such imports are to be stopped—not licensed. We decline to say, "Such importations are wrongful, but if you pay us we will let them in." That would be compounding the wrong and would make us particeps criminis. That would put money into the United States Treasury, but would leave our own suffering businessmen to their suffering.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield at that point?

Mr. HOBBS. I am delighted to yield to the distinguished chairman of the Judiciary Committee.

Mr. SUMNERS of Texas. Our markets would be affected just the same whether the property that was brought in was the confiscated property of American citizens or the confiscated property of nationals of other countries.

Mr. HOBBS. Of course, they would; and I thank the gentleman for his contribution. Let me give a concrete illustration. Let us take silver, for instance. There is a nation which has confiscated tons of silver and which has found a market for some of that silver in the United States to a considerable extent—bootlegging it in. We want to stop that. We do not wish to bring that stolen silver, or confiscated silver, or expropriated silver, or whatever you may call it, into this country in competition with our own silver mines. We do not think that is a proper article of commerce to enter our channels of trade, and we are going to stop the importation rather than by saying "If you pay us, we will let you bring it in."

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the learned gentleman from Ohio.

Mr. VORYS of Ohio. Did the gentleman consider whether it would not be possible, by legislation, to confer additional jurisdiction upon the courts—our Supreme Court, for

instance—so that these questions of fact under a statutory definition could be determined judicially rather than politically or in an executive way?

Mr. HOBBS. We considered that for all of 2 months with representatives of the Department of Justice and of the State Department. We sought desperately to work out a bill on that line; and not until we found the situation hopeless, as far as that avenue of approach was concerned, did we accept this compromise.

Mr. VORYS of Ohio. Does the gentleman mean by hopeless that it would be impossible to do that under our Constitution?

Mr. HOBBS. Yes; I will state to the gentleman that it is impossible.

Mr. VORYS of Ohio. Under the Constitution?

Mr. HOBBS. It is utterly impossible to do what the gentleman has in mind under our Constitution, treaties, international law, and the decisions of the Supreme Court of the United States.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, we all understand the motive behind this bill, and I believe we are sympathetic. As the gentleman from New York [Mr. FISH] stated, the purpose of the bill is to exclude imports of what we regard as stolen oil from Mexico.

The original draft of the bill was considered in the committee at some length and was rejected because we felt it was impractical and that it went too far; that it was like taking a sledge hammer to kill a mosquito on a baby's head. If we want to exclude foreign oil, the thing to do is to increase the excise tax or to put a tariff on it.

There are not many of us here today, but I ask all of you to read the bill carefully before you vote on it. It is not confined to stolen property that formerly belonged to American citizens; it gives the President the power to exclude property of every name and nature that has been confiscated in any foreign nation anywhere on earth if he deems the importation contrary to American interests. "Confiscated property" is defined as being property taken by any foreign nation by force or by its own law, decree, order, or ordinance; in other words, it makes the President of the United States the sole judge of the legality of the acts of foreign governments. I am not talking about this President or any particular future President; I am talking about the individual who happens to be or become President of the United States.

This places upon him the responsibility of examining the title, under our laws, of all property on the face of the earth that anyone attempts to import into the United States. He can exclude property which has been acquired pursuant to the law of any foreign nation. How does that square with the good-neighbor policy? We are trying to woo the good will of South America and at the same time we are asked to pass a law which is a direct slap in the face not only of Mexico but of every other foreign country.

What is confiscated property according to our ideas? Practically all the property of Europe has been confiscated. Certainly, we think everything in Soviet Russia has been confiscated, in violation of our definition of title. Whenever there is a revolution in South America, title to property is likely to change hands and to change hands in accordance with the law of that particular country. When a foreign country changes its constitution, when it changes its laws, those changes are often contrary to our ideas of good law, and contrary to the provisions of our Constitution, but whenever a foreign nation makes such a law affecting the property rights of its own citizens or ours, the President of the United States may declare that property owned under that law is "confiscated," and exclude it from the United States, if this bill becomes a law.

Mr. Chairman, let us forget who is President of the United States today and deal with this proposition as an abstract proposition. There should be no politics in this discussion. I think you will agree with me that it would give the President of the United States power to create a situation which might lead directly to war. We talk about centralization of power. Why, this moves straight toward absolute dictatorship. This is the longest step in that direction that has ever been proposed in this Congress, and I think we ought to weigh this question very thoroughly before voting on it. It is interesting to remember that we have had imports of oil from Mexico for a good many years. When the properties down there were owned by the American oil companies there was no protest against the imports, but now that they are owned by the Mexican Government we have this very drastic bill.

At least one large American oil company has negotiated what it regards a satisfactory settlement for its seized Mexican property and is importing Mexican oil. Others have not done so and are asking for this legislation.

It is not introduced in the interest of the owners of American oil properties primarily, but of certain American producers, and it springs from trade rivalry between a few big companies. If you wish to exclude oil produced in foreign countries, increase the excise tax or put on a tariff. That is the orderly and proper way of doing it. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, this bill proposes to extend the Stolen Property Act. I happen to have been a member of the subcommittee which held hearings on this bill. The gentleman from Alabama [Mr. HOBBS] was the acting chairman of that subcommittee. We had hearings which extended over a long period of time and we carefully considered this bill and every provision connected with it. We not only heard the various Departments, which included the Department of Justice, and the Department of State was also present and gave testimony respecting this proposed legislation. In addition to that we had a large number of those engaged in the oil business in the State of Texas, and all through the Southern States, before us, and they gave some very potent testimony respecting existing conditions following the importation of confiscated property from Mexico, a policy that we are now attempting to stamp out.

This bill proposes to stop the importation of stolen oil and stolen property into this country, not alone the property itself, but the property which is commingled with other property. Under the provisions of this bill that property which is known to have been confiscated or expropriated is stopped at the border and is not permitted to come into this country and therefore the same cannot come in direct competition with our own products.

Mr. MICHENER. Will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman said property which is known to have been confiscated. Where does that knowledge come from? Who determines that?

Mr. SPRINGER. May I say to the distinguished gentleman from Michigan, who is also a member of the Judiciary Committee and one of the outstanding members of that great committee, that under the provisions of this bill the power is vested in the President of the United States to determine that question. That is one of the outstanding things which was in the mind of each and every member of the subcommittee at the time this bill was considered and reported to the full committee; I know that the members of the full committee had that same question in mind at the time they voted to report this bill favorably to the House. That point which has confused the committee is the extending of greater power in the Chief Executive to determine when this law has been violated. In other words, to permit the President to sit, hear, determine, and finally decide when there has been a violation of this particular law, if it is passed and enacted.

Mr. HINSHAW. Will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from California.

Mr. HINSHAW. As I read it, this bill is not confined to the property of American citizens that may be confiscated or taken by law, but it includes the property of any citizen in the world.

Mr. SPRINGER. The gentleman from California is correct. The purpose of the bill is to prevent the importation of confiscated property, which was confiscated in any foreign country, into this country contrary to the public interests.

Mr. HINSHAW. Why does it do that?

Mr. SPRINGER. It applies to any and all citizens whose property may have been confiscated or taken, in a foreign country, and is transported into the United States and dumped on our markets at a lower cost than our own products of a like character can be produced.

Mr. HINSHAW. Is it possible for any individual in this country to determine the right of ownership of the property of other nationals than our own?

Mr. SPRINGER. That might be a hard question to determine. Under the bill presented that power is vested in the President of the United States. The only question he may determine is whether the property sought to be admitted has been confiscated. If so, the property is not admitted unless the same has been paid for or provision for payment has been made.

Mr. HINSHAW. Why does the bill go as far as it does? Why is it not confined to the property of American citizens?

Mr. SPRINGER. Had it been limited exclusively to American citizens we would probably have had other legal barriers which would have prevented the passage of a bill of that kind, may I say to the gentleman, and I am glad he raised that point.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. SPRINGER. Mr. Chairman, as I said a little while ago, there was in the mind of each and every one of us when this bill was under consideration, and when it was finally voted out of committee, the fact that it extended further and excessive power in the President of the United States. That is power which should not be imposed upon any President. That is power that any President should not desire. I refer to the power of pursuing, following, and determining the question whether the property is actually confiscated or stolen and whether or not the confiscated property is commingled with other property. This bill covers both phases.

Mr. HINSHAW. Does not the gentleman believe that we can get into unlimited difficulties this way if we try to determine that for all the people of the world?

Mr. SPRINGER. I say that question may be very hard of determination; it may be very hard to determine whether or not the property had been confiscated and whether or not it has been commingled with other property, not confiscated. There are possibly some very serious implications in this procedure.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the distinguished chairman of the Committee on the Judiciary.

Mr. SUMNERS of Texas. May I suggest to my friend that this power could not possibly in practice be called into operation unless it is definite, clear, and outstanding. In borderline situations it could not possibly be called into practice.

Mr. SPRINGER. I thank the gentleman for the contribution.

Mr. SUMNERS of Texas. It could not be done.

Mr. SPRINGER. The Department of Justice and the State Department were before the committee. We discussed very fully the question of the propriety of either one of these Departments assuming this power and this jurisdiction, and it was finally developed that it was not the policy that they should, and it was probably very impractical that it should be attempted. Also legal barriers were found to exist against such procedure.

Mr. CREAL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my distinguished colleague from Kentucky [Mr. CREAL] who is a member of the Judiciary Committee.

Mr. CREAL. In reference to the proposed amendment to confine it to the confiscated property of Americans, may I say that in the same oil situation they confiscated English oil. The amendment would permit the Mexicans to send the expropriated English oil here and retain the other, and this would be quite a discrimination and relieve only half the situation.

Mr. SPRINGER. Yes. I thank the gentleman for his contribution. May I say in that connection that this bill provides that the confiscated property of any person, regardless of whether he is an American citizen or a citizen of some other country, is stopped and is nct permitted to come into this country.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield.

Mr. SPRINGER. I yield to the distinguished gentlewoman from Illinois.

Miss SUMNER of Illinois. Has the gentleman investigated what rights American citizens already have to regain their property? Offhand, it would seem that instead of approaching the problem through this bill they should be permitted more consistently with traditional American rights to go into the courts and attach property which really belongs to them under the law, whether they are aliens or whether they are our citizens.

Mr. SPRINGER. I thank the gentlewoman for the contribution. May I say that whatever the rights of individual citizens may be with regard to their property rights, each would have their day in court concerning those rights; and if they could prove their ownership of that property, or that they came in possession of the same rightfully, and not in violation of the provisions of this bill, then no further action could be taken thereunder. However, this bill applies only to property which has been confiscated, or which has been stolen, from coming into this country and being dumped on the general market in competition with our own legal production.

May I say also that those engaged in the oil business in the State of Texas—and the oil business is one of the big industries in that particular part of this country—many of them testified regarding the amount of confiscated oil which is dumped on the market in that immediate vicinity. They are selling this confiscated oil cheaper than oil can be produced and placed on the market there, and this has had a material effect on the business interests of American citizens engaged in the oil industry in Texas.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota.

Mr. KNUTSON. The bill in its present form includes every conceivable kind of product, including securities.

Mr. SPRINGER. That is true. It embraces every character of property.

Mr. KNUTSON. It does not make any difference whether the securities that were seized belonged to American citizens or to nationals of the country where they were seized.

Mr. SPRINGER. That is true.

Mr. KNUTSON. It may be that some of those countries have found it necessary to have a capital levy. We do not know just what prompted an action of that kind. Why should we sit in judgment on any situation that does not directly affect American citizens?

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana.

Mr. SPRINGER. May I say in conclusion, Mr. Chairman, that the one thought the subcommittee and the committee as a whole had in mind in voting out this bill was to protect our own industries in this country against importations of confiscated and stolen property, of whatever character it might be, which might come in direct competition with production in this country. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, when the gentleman from New York [Mr. FISH] had the floor it was clearly evident to me that he had not studied the legislation. He thought at the outset that it applied solely to the oil in Mexico. The

Mexican Government has confiscated millions of acres of ground used for agricultural purposes. This land was confiscated long before the oil was confiscated. Some of it belongs to people residing in my city, St. Louis. Some of the oil land likewise is owned by St. Louisians. It is my understanding mines, gold, and silver were confiscated.

In my opinion, this bill is very far reaching; in fact, as far reaching as it is possible to make it. It extends to every country in the world.

We are going to make our President a policeman to find out what has and what has not been confiscated, what has and what has not been processed, and when it arrives at our shores to determine whether or not it can be admitted. Of course, we do not know now all that has been confiscated in Europe up to this time, but it is reasonable to assume that certain nations there have taken over a great deal of property that formerly belonged to individuals without reimbursing them in any way for their property. The same applies to the Far East. If this property be a great steel mill or some other manufacturing plant, its products when they reach our shores, as I understand the language of the bill, will not be permitted to enter this country. In other words we undertake to tell the nations of the world, "You will treat the property of your nationals and other property owners within your boundaries as we treat ours or you cannot send to the United States goods produced from their property."

It seems to me that before we embark upon a policy of this kind it may be well for us to use our best efforts through the State Department to come to some kind of agreement with Mexico in reference to the confiscation of oil as I am firmly convinced from the debate as far as it has gone that if the oil fields in Mexico had not been confiscated this legislation would not be here today. It matters not to me whether it is oil or anything else, all are in the same category. I am not going to support legislation of this kind. We are going to have plenty of trouble with our commerce when the war is over. There is always a way for other nations to retaliate. Take Russia now. How can we accept anything Russia sends to this country? Russia confiscated the property of its nationals. That is a permanent policy of Russia. Pass this law and you treat all nations alike, we accept no shipments from Russia. The gentleman from New York [Mr. FISH], in his remarks, said that in his opinion the trouble with Congress is that we do not discuss foreign affairs enough on the floor of the House. In my opinion we discuss foreign affairs too much. You have no knowledge how often someone by their utterances talking about something they know nothing about embarrasses the President and Secretary of State. The gentleman from New York is 100 percent wrong. It so happened that during the period of the World War I was secretary of the Foreign Relations Committee of the Senate. Every session of the committee was an executive session—not even minutes were kept—and I can tell you that if some of the matters that came before that committee and what was said were ever discussed on the floor of the Senate or the House it would not have been for the best interests of this country.

When a legislator, be he National, State, or local, no matter how insignificant he may be, makes an attack on a foreign country or to an individual head of a foreign country, and that statement is carried to that country and printed in the press, and they characterize him as a public official, it is harmful to the interests of this country. A hostile press will so prepare the article that the people of that country will feel when they read that the speaker talks with the authority and approval of the United States. It creates a bad feeling and only makes it more difficult for those responsible for handling our diplomatic affairs.

I have heard many a speech on this floor and read many extensions of remarks in the RECORD which in my opinion should have never been uttered or printed. Talking for home consumption at the expense of your Government is bad business.

We should approach this legislation calmly, consider it on its merits, discuss the bill and not foreign countries or their rulers, and if we do, in the end we can vote more intelligently.

What other nations do at times is our business if it directly affects us, but what they do within their own borders, to their own nationals, whether we like it or not, is their business. We can deplore their methods and their treatment of their citizens. We can sympathize with those affected, but in the end is it not their business?

It has always been my opinion it is to the best interests of our country to let the Secretary of State and the President handle the difficult foreign problems that come before them. They know a great deal more than we know. For instance, if we are to believe what we read, the President and the Secretary of State knew 10 days in advance that Japan, Italy, and Germany were going to sign a pact. They have information that we do not have. Information they cannot make public.

I say this legislation will be looked upon by many nations of the world as being aimed at them. I do not think the bill should be passed and propose to vote against it. [Applause.]

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman, I have asked for these 2 minutes to pursue briefly the observation which the gentleman from Missouri [Mr. COCHRAN] has just made.

Unquestionably these diplomatic and semidiplomatic questions cannot be handled on the floor of this House. The gentleman is correct in his statement that it does not make any difference how insignificant any of us may be in times like these, statements made on the floor of this House are caught up and are broadcast in the countries affected to the hurt of this country, if they are not in their nature calculated to bring about a friendly feeling toward this country.

The situation is difficult. This oil is being imported into America to the hurt of American producers. It is not a thing that happens in a foreign country that is now being dealt with, but it is the result of importations, the bringing into this country of commodities which the importer has not paid value for, and can therefore be sold cheaper than the American producer can sell. That is the reason this bill has to be as broad as it is.

This is an unusual bill. It is a part of this emergency situation, a difficult and dangerous situation.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield the gentleman from Texas 1 additional minute.

Mr. SUMNERS of Texas. This bill is satisfactory or there is no objection to it on the part of the State Department that has to deal with the diplomatic aspects of this problem.

There are a number of ways we could go about trying to do something with reference to this situation. The purpose of this bill is to make it possible, if we can, to remove this hurt to American producers through diplomatic channels, to strengthen the arm of the diplomatic agencies of this country in an effort to do that.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield the gentleman from Texas 1 additional minute.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to my colleague from Texas.

Mr. LUTHER A. JOHNSON. The gentleman and the committee, I am sure, have tried to handle this very difficult problem in the most diplomatic and effective way. I happen to know something about the experience they had with reference to the first bill introduced, and I feel that the statement the gentleman has made is entitled to the respect and the support of this House, when the gentleman tells us that he is dealing with this problem in the very best way to conserve our diplomatic relations with other countries and at the same time protect the rights of our own people.

Mr. SUMNERS of Texas. Anybody can get up here and criticise this bill. We know that. We know there is a chance to play party politics in connection with this measure, but we cannot afford to do that. We are all American citizens, responsible in the hour of the world's greatest tragedy——

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield the gentleman from Texas 2 additional minutes.

Mr. HOBBS. Mr. Chairman, I yield the gentleman from Texas 3 additional minutes.

Mr. SUMNERS of Texas. Now, listen to me, my fellow Members. Now, what are the facts? Everybody knows that the oil producers of America are being put to great disadvantage by the importation of this oil. That is fact No. 1. Fact No. 2 is that we know that we ought to try to handle that situation through diplomatic channels. No one who has any sense can fail to know that. In an hour like this we of the Americas are doing our best to hold ourselves, Mexico, and the South and Central American republics in cordial relationship. We are not children, we do not have any right to be casual or reckless in our utterances or attitudes. We are trying to conserve the strength and strengthen the position of a great republic in which is largely the hope of the nations of the earth who want to be free. It is a hard job. I heard the distinguished gentleman from New York say we did not have a friend on earth. I do not think that is quite true, but it is more nearly true than it ought to be. We cannot possibly build our friendship except through diplomatic channels. We have had the Department of State, the Department of Justice, and the Judiciary Committee doing its best to handle this situation with as little friction as possible. We might not have done as well as you could have done.

The bill is subject to criticism. What are you going to do about it? This is what we have got to do about it, either pass this bill or defeat it. This thing has been worked out in consultation with every responsible agency of the American Government. It is the best thing we can do. I hope you will pass it without amendment.

Mr. KEEFE. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. KEEFE. It has been suggested that there is some possible legal barrier to the adoption of an amendment which would limit the application of this act to the property of American nationals in foreign countries. Will the gentleman be so kind as to elaborate, out of his experience, just exactly what the legal barrier might be to the adoption of such an amendment?

Mr. SUMNERS of Texas. Will my friend excuse me from discussing the legal aspects if I can answer him in another way? It would be just as detrimental to American citizens in this country, attempting to produce oil, for instance, to have confiscated oil that belonged to the nationals of another country imported? Do you see the point? We are trying to protect the American market.

Mr. KEEFE. That is true, but may I ask this question, Do we not have the power under existing law, under the antidumping statutes which are on the books now, to stop the dumping of that oil, under tariff regulations?

Mr. SUMNERS of Texas. No; it would not do it. Without going into it, it would not do it. We have put the tax up now to 20 cents a barrel. Without going into it, will my friend take my word for it that the committee went into that, but we found no power under existing antidumping legislation to cover the situation? You see, they are not selling it any cheaper in this country than where produced. Antidumping legislation is to prevent a country from dumping its surpluses in this country, on the theory that it is being sold in this country cheaper than it is being sold at home. That does not apply in this case. I say to you, my friends, I had hopes that there might be something done there, but we found it could not be done. I think the gentleman from Alabama [Mr. HOBBS] and other members of the committee will bear me out in that.

I am sorry I have taken so much time, but in a sentence, I hope you will believe me when I say that this legislation is not objected to by the Department of State. It is not objected to by the Department of Justice, and it is very much hoped, on the part of the American oil producers, that it will be accepted. [Applause.]

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. CRAWFORD].

PREVENT THE DUMPING OF LOOT IN UNITED STATES OF AMERICA

Mr. CRAWFORD. Mr. Chairman, as early as last spring I became very much interested in this kind of an approach, because, based on statements made by the Treasury Department and press releases which it made at that time and some unusual performances in our securities markets, I was led to believe, and I still believe, there was extreme danger of a considerable dumping of loot in the form of securities taken away from certain European nationals by certain European governments and the moving of those securities into the United States against the interest of our people. Then, as we all know, this oil situation has been before us for some time, and probably growing worse, so far as I know.

Therefore I am very friendly to legislation of this type.

As I read the language, in my limited understanding of such technical statements, it appears to me that "when the President shall find" is the real crux of this proposal. If the President does not find, then the goods can perhaps come in. If the President does find, they cannot come. I certainly have no objection to the President finding that competitive agricultural goods cannot come into this country. I have no objection to his finding that beef and hides, wool and mohair, fats and oils, beans, and sugar, and other foodstuffs, of which we produce, under the present terminology, tremendous surpluses, cannot come into this country. I would feel very unkindly to the President and to the State Department if they should find that rubber and tin could not come into the United States; and I do not believe there is anybody in the Department of State and I do not believe the President of the United States would so find, even if all the rubber and tin owned by other nationals of the world were found to have been confiscated by some enemy. I do not have any idea that the President will get bogged down in this proposition, insofar as the South American countries are concerned. I do believe that every Member who is reelected to this House next November and comes back here January 1, whether Democrat or Republican, will, in due course, be throwing his support toward our maintaining a closer relationship with Mexico, Central America, the South American countries and all those areas which constitute whatever may be defined as the Western Hemisphere. I see no reason at all why Republicans in particular should object to the President of the United States finding that competitive goods should not come into this country, whether located in foreign countries and which by them may be confiscated.

So as far as I am concerned I am going to support this bill if there is a roll call on it. If there is not, it will just slide through, as many others do. I am not at all favorable to limiting this language to oil or of limiting the provisions of the bill so that they apply only to the property of our nationals located in foreign countries and which by them may be confiscated.

WE SHOULD PROTECT ALL PRODUCERS

I am just as afraid of destructive forces being put in operation in this country as a result of securities being dumped into this country as other commodities, or as oil. I am no particular friend of the oil industry, but certainly I am not any particular enemy of the oil industry. I want all of our production, whether it is oil, livestock, or foodstuffs, fully protected, either through this manner, through the imposition of tariff duties where necessary, or the calling into operation of the Antidumping Act. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Kansas has 5 minutes remaining.

Mr. GUYER of Kansas. Mr. Chairman, I yield myself 2½ minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for 2½ minutes.

Mr. GUYER of Kansas. Mr. Chairman, I have been sympathetic with the subcommittee. I think we have one of the finest subcommittees on the Committee on the Judiciary considering this legislation, but I have been consistently opposed to the importation of all kinds of products into this country that has been a burden upon the farmer, the oil producer, and upon industry. On the other hand, by experience I have found that the State Department and the executive department have irritated a jittery world with accusations and insinuations until we have hardly a friend on earth. In other words, on the East and on the West, in the Occident and in the Orient our friends have dropped away from us; and now, maybe, we are about to do the same thing with our American republics. We must bind them to us with hoops of steel if we expect to preserve democracy in this Western Hemisphere. So I am torn between two inclinations; on the one hand, to protect the American market from those who ship in articles of commerce in competition with our own products, and on the other hand the fear that the State Department and the executive department will insult the few. Therefore I am not inclined to vote for this bill.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Illinois [Miss SUMNER].

Miss SUMNER of Illinois. Mr. Chairman, I do not like to speak unexpectedly to this honorable body; but men abroad, British subjects, are risking their lives in the hope of preserving principles they have been brought up to fight for in peacetime as well as war. Here in America, however, we flirt with the idea, every day in Congress, of giving up principles without having a gun fired at us or on account of some emergency which half the time is not even more than an everyday happening.

We talk about being isolationists with only one friend left in the world. What attracted the friends we had? It was because, until 1932, this Nation stood for justice under law and under the administration of the law, every person and every class of persons, however small their minority, whether rich or poor, whether we liked the country from which they came, or did not, received equal treatment; and where each country received the same justice as every other country.

I do not want any foreign products to come in here and compete with products from my district; neither do you. I do not want any stolen property to come in here; neither do you. But it seems to me the question for us to decide is whether or not we should turn back to these earnest, patriotic gentlemen under the Judiciary Committee this bill—recommit it—and ask them to do their duty and report out a bill which will turn over to our courts or to some department, under laws made within the Constitution by the Congress, setting an exact rule as to what kind of products may come in, instead of giving power to the Executive to determine what constitutes stolen property, perhaps to have it hinge on whether we like Mexico, or do not, and want to keep her products out. In Russia all property has been confiscated. How can it be diplomatic or just if the President should embargo Mexican oil and not embargo all importations from Russia? Whether we like Germany or do not, and want to keep her products out, or any other country, we should set up a policy where any country can come in under one and the same rule set up by the representatives of this Congress and know they will receive the same impartial treatment. [Applause.]

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. GOSSETT].

Mr. GOSSETT. Mr. Chairman, the gentlewoman from Illinois, quite commendably, has had a good deal to say about principle. It is because of principle that I am very much in favor of this bill.

The distinguished gentleman from Kansas said he was afraid this bill might antagonize someone. This bill specifies no one except the wrongdoer whom we seek to restrain. Since the beginning of time it has been the function of government to write the rules of fair play and then to enforce those rules. We seek to protect our nationals from unfair competition from within this country. We certainly have the right and the duty to protect them from unfair competition from without this country; and, Mr. Chairman, I do not think it becoming of our great country to pussyfoot in any particular with wrongdoers.

In my district thousands of workers and small businessmen depend for their livelihood upon the oil business. Their standards of living, their businesses, their jobs, are entitled to protection from unfair competition from imported foreign oil, especially from importation of oil that has been stolen or confiscated. No courtesy to any foreign government, no favors to any person or interest, either American or foreign, seeking to traffic in such commerce can justify the importation of such property. Every American citizen in every business is entitled to such protection by his Government.

Mr. HOBBS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Alabama is recognized for 6 minutes.

Mr. HOBBS. Mr. Chairman, I apologize for speaking again, but I cannot refrain in the light of the remarks of the distinguished and charming gentlewoman from Illinois. The Constitution itself is a barrier against the suggestions which the gentle lady has advanced. The Constitution commits the conduct of international affairs of this Nation to the Chief Executive.

Miss SUMNER of Illinois. Will the gentleman say that our tariffs and reciprocal-trade agreements are unconstitutional?

Mr. HOBBS. I certainly will not. Tariffs are levied under specific authority in the Constitution, and our reciprocal-trade agreements are negotiated by the State Department with the approval of the Executive, as they should be. I am saying to the distinguished lady that there is no authority anywhere, permitting our courts to overrule the courts of another nation. There is only one way we can overrule a decision of the courts of another nation, and that is by war. We are not ready yet to adopt Hitlerism. We would try diplomacy rather than the arbitrament of arms.

I want to put this thing into a nutshell, in concluding the debate on this subject. What are you going to do about the meats that have been confiscated by force of arms? Are you going to let them come in here to compete with your Illinois farmers and the beef and pork that they produce? Are you going to let your bacon be undersold and its American market confiscated by confiscated meats coming from the Scandinavian countries?

Miss SUMNER of Illinois. Why do you not raise your tariff?

Mr. HOBBS. We are not buying our peace. We are standing upon our inalienable rights.

Mr. WADSWORTH. Will the gentleman yield?

Mr. HOBBS. I am always happy to yield to the able gentleman from New York.

Mr. WADSWORTH. Is not the gentleman building up a straw man when he says there is danger of meat which has been confiscated in Scandinavia being sent to the United States in view of the absolute necessity of the Germans themselves eating that meat?

Mr. HOBBS. At the present moment, yes; but this bill is not limited to the present emergency.

Mr. WADSWORTH. That makes it the more doubtful.

Mr. HOBBS. We are trying to establish a principle that stolen goods are contraband and outlawed and cannot come in here at any time; and they certainly should not.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the distinguished gentleman from Ohio.

Mr. VORYS of Ohio. Could we pass a law which provides that the importation into this country of goods that had been taken by another government is barred until that government paid compensation, or could we bar the importation of expropriated goods until compensation has been paid without violating our Constitution?

Mr. HOBBS. That is almost exactly what this bill provides. We leave it up to the President, through diplomatic negotiations, to determine the facts upon which to base the conclusion that the goods were expropriated without compensation. The gentleman has very aptly in one sentence expressed the kernel of this bill. The essence of it is just that. Our securities market; our market for American fats and oils; our market for American minerals and farm products—each needs this protection.

I am begging you, not as Democrats, not as Republicans, but as American statesmen, when we need friends, in a world gone mad, in a world almost drowned in a sea of blood, I am begging you for the sake of the long future not to jeopardize our American markets, not to jeopardize our American traditions by voting down this bill. It is the best that can be done. We have worked night and day with the representatives of our State and Justice Departments to bring you this bill which is so sorely needed, but which may never need to be used if enacted into law. We believe it will aid in the upbuilding of an international friendship which will absolutely prevent war. We believe that this will aid in pushing back the dark clouds to the other side of the world. Such a law would obviate quarrels and hatreds abroad and benefit legitimate business at home.

Mr. Chairman, I appeal to every Member to vote for this bill. As you believe in fair play, as you trust "the American way," as you hate war and love peace, vote for this bill.

Are you a statesman or merely a partisan?

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

That the act of May 22, 1934 (48 Stat. 794), as amended, is hereby further amended and extended to include and apply, subject to the provisions of this act, to any confiscated property.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Mr. SCHAFER of Wisconsin moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. SCHAFER of Wisconsin. Mr. Chairman, in view of the testimony presented on the floor of the House during the consideration of this bill, the only logical and reasonable action to take is to strike out the enacting clause at this time. A gentleman on my side of the House, the gentleman from Michigan [Mr. CRAWFORD], in his speech in support of the bill, clearly indicated that this legislation was not predicated on principle. The gentleman stated that he wanted to prohibit the importation of stolen property, so-called, which competes with the farm and other products of his district. In the next breath the gentleman stood on the floor of this House and advocated the importation of stolen property which does not compete with those products, such as tin, rubber, and so forth.

The gentleman from Alabama [Mr. HOBBS] stated that under our court decisions the Congress of the United States could not enact specific legislation to cover the importation of stolen property from foreign countries because the Supreme Court has held that the Congress could not set aside the findings of the supreme court of any foreign country which was at peace with the United States. In the next breath the gentleman from Alabama maintained that Congress could give our New Deal Fuehrer President the authority to issue a manifesto and set aside all laws enacted in every foreign country on the globe in order to prohibit the importation into the United States of all property which the Fuehrer holds is stolen property.

Mr. Chairman, this bill is absurd. Look at section 4, which reads as follows:

Nothing herein shall be construed to affect the status of any property assigned, conveyed, or transferred to the Government of the United States.

The Government of the United States can do no wrong under this section. The Government of the United States can import all the stolen property it desires, and that importation is approved and authorized under section 4. The United States Government does not come into court with clean hands under this section. This bill is not predicated on principle. Look at the last paragraph of section 2, which reads as follows:

Whoever imports or attempts to import or bring into the United States any such property in contravention of any order issued by the President shall be subject to the provisions of the National Stolen Property Act of 1934, as amended and extended.

Mr. Chairman, under this section any person in the United States, whether or not he or she had knowledge that any property which he or she proposed to import was stolen, could be sent to jail for 5 years under this bill and the manifestos of the President issued thereunder.

Mr. Chairman, section 2 of this bill does not prohibit the importation of stolen property but grants the President authority to find and hold proposed imports to have been stolen, and that he may in his discretion order the exclusion of such property from importation. Under this permissive authority, John Doe could be permitted to import so-called stolen property and Richard Roe could be denied that opportunity. This section of the bill would permit our New Deal chosen tribe of Karl Marx disciples to operate one of the biggest import rackets ever known to man.

Mr. Chairman, under this bill the President is charged with investigating so-called stolen property in every country on the face of the globe. Are you going to vote him that authority and charge him with those stupendous extra duties in face of the fact that only a short time ago our New Deal ex-international banker President stated that he was so hard pressed with public duties that he did not have sufficient time to devote a few hours to debating Mr. Willkie, his political opponent, on a radio hook-up on the air? If President Roosevelt is so busy, how is he going to find time to locate this so-called stolen property in every country on the face of the globe? Is it proposed that he do so while spending the taxpayers' money using our Navy to go on his very many fishing trips?

Mr. Chairman, this bill is nothing but another New Deal racket springboard and it should be given the kiss of death. We should have a record roll-call vote if this New Deal racket, war-promoting dictatorship bill is enacted, so that the people of the country will know who the Members of Congress are who support and vote for it. If you are going to vote for this kind of legislation, then for goodness sake do not tell the people that you want Congress to stay in session in order to serve our country and our countrymen. If the Congress is going to enact this kind of legislation, then it had better vote to adjourn and go home and get out of Washington, because you will be voting more dictator authority to President Roosevelt such as Stalin, Hitler, and other foreign dictators now have.

Mr. Chairman, this bill is absurd and ridiculous. It is indefensible. It is not based upon principle. It is designed to create a giant New Deal import racket. This bill will involve the United States in war. God knows our half-baked nitwits who are handling the foreign affairs have been carrying on a course of conduct which inevitably will plunge us into the new European war. We should defeat this bill and send word to the country that the Congress of the United States will not rubber stamp any more of the half-baked crackpot unneutral war intervention and warmonger maneuvers of our New Deal bureaucrats. We have some responsibility to our country and our countrymen and to the future generations still unborn. I sincerely hope that without many exceptions our Republican brethren will vote against this bill, which is an essential portion of the New Deal program to establish a

Soviet type of dictatorship and rackets in the United States—a form of dictatorship imported direct from Moscow by our New Deal chosen tribe of money changers and Karl Marx disciples. I realize that one of my Republican colleagues has stood on the firing line on the floor of the House in defense of many of these New Deal measures. I feel confident, however, that the great majority of the Republicans and many of the Democratic Members who believe in our American system of representative government will vote against this un-American bill.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I am pleased to yield to the able and very distinguished gentleman from Alabama.

Mr. PATRICK. Is the gentleman, as a Republican, assuming by that that President Roosevelt is going to be President for the next 4 years?

Mr. SCHAFER of Wisconsin. Absolutely and positively no. I would not vote to grant the dictator authority and power under this bill to the next President of the United States, who is going to be Mr. Willkie, or to any other President. Mr. Willkie would never think or dream of asking for such power and authority. He is too good an American. [Applause.]

Mr. HOBBS. Mr. Chairman, I demand that the gentleman's words be taken down.

The CHAIRMAN. The gentleman from Alabama demands that the last words of the gentleman from Wisconsin be taken down.

Mr. HOBBS. The words "half-baked nitwits who are conducting our foreign affairs."

Mr. SCHAFER of Wisconsin. Those are not the last words.

Mr. HOBBS. I am not asking any last words, I am demanding that his words be taken down.

The CHAIRMAN. The Clerk will report the words demanded to be taken down.

The Clerk read as follows:

Mr. SCHAFER of Wisconsin. God knows our half-baked nitwits who are handling the foreign affairs have been carrying on a course of conduct which inevitably will plunge us into the new European war.

The CHAIRMAN. The Committee will rise.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. COOPER] having resumed the Chair, Mr. COLE of Maryland, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (S. 3936) to extend the provisions of the act of May 22, 1934, known as the National Stolen Property Act, certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and that he herewith reported the same to the House.

The SPEAKER pro tempore. The Clerk will report the words objected to.

The Clerk read as follows:

Mr. SCHAFER of Wisconsin. God knows our half-baked nitwits who are handling the foreign affairs have been carrying on a course of conduct which inevitably will plunge us into the new European war.

Mr. HOBBS. Mr. Speaker, I make the point of order that those words are out of order and move that they be expunged from the RECORD.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I should like to be heard on the point of order.

The SPEAKER pro tempore. The Chair will have to pass on the question without further debate.

The Chair invites attention to section 363 of Jefferson's Manual, which, in part, provides:

The consequences of a measure may be reprobated in strong terms; but to arraign the motives of those who propose to advocate it is a personality, and against order.

The Chair has examined the words taken down and is of the opinion that these words refer to certain officials in the executive branch of the Government. The Chair is of the opinion that a fair interpretation or construction of the words complained of is that they do not make reference to Members of the House, and are, therefore, not in violation of the rules of the House with respect to appropriate proceedings in the House.

The Committee resumed its session.

Mr. WOLCOTT. Mr. Chairman, I move that the distinguished gentleman from Wisconsin be allowed to proceed in order.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCHAFER of Wisconsin. Had my time expired when the demand was made to take down some truthful words I had uttered on the floor?

The CHAIRMAN. The time of the gentleman from Wisconsin had expired.

The question is on the motion offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 52, noes 54.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SCHAFER of Wisconsin and Mr. HOBBS.

The Committee again divided; and the tellers reported that there were—ayes 54, noes 68.

So the motion was rejected.

The Clerk read as follows:

SEC. 2. Whenever the President shall find that property which has been confiscated in any foreign country is being or may be brought into the United States contrary to the public interests, he may, if in his judgment those interests would be served thereby, order the exclusion of such property from importation. If the property has been processed or transformed into property of a different character, or has been commingled with other property of a like or similar character in such manner as to lose its identity or to render impracticable its segregation from such other property, the President may order the exclusion of such processed, transformed, or commingled property from importation into the United States.

Whoever imports or attempts to import or bring into the United States any such property in contravention of any order issued by the President shall be subject to the provisions of the National Stolen Property Act of 1934 as amended and extended.

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think no member of this committee will ever charge me with being indifferent to what we call the national defense. Indeed, I have been charged upon a good many occasions with being rather a crank on that subject, but when I see this bill and hear it labeled as being something in the interest of the national defense, I am wondering if we are not torturing that phrase and, indeed, that ideal to such an extent that if we go on with legislation of this sort, we shall ultimately destroy our form of government, and that will not be in the interest of national defense.

I read section 3 of this bill which defines the term "confiscated property," and I am not reading the entire sentence:

It shall be deemed to include property which has been taken by means of force, or by means of any law, decree, order, ordinance, or other act, direct or indirect, of any foreign state or government, whether recognized or unrecognized, or of any political subdivision of such state or any agency of such state—

And so forth, and so forth.

This bill, apparently, would confer upon the President of the United States the right to pass upon the type of government chosen by the people of another nation and to make up his mind, if you please, that that type of government results in the confiscation of property of the citizens of that government by means, direct or indirect, by the law of that country, and having made up his mind to that effect, he can shut off all foreign commerce between the United States and that country.

This is an amazing proposal. Let us assume that some foreign nation changes its form of government in whole or in part; that it does so, we will say, of its own free will; that in doing so it establishes by law certain governmental policies,

and that under those policies certain properties in that country are seized by the government. This is not an unusual procedure. It has happened many, many times in the history of the world, rightly or wrongly. I am not passing upon the merits of steps of that kind, but should that happen with respect to any nation, friendly or unfriendly to the United States, with respect to any nation acting under its own laws, the President then can say that none of the character of goods or articles taken over by that foreign government shall be permitted to come into the United States. In other words, it places in the hands of a President—and I am speaking quite impersonally on this matter and quite without partisanship—it places in the hands of a President of the United States by indirection, at least, power to pass judgment on the governments erected by other peoples, to police them, if you please, insofar as he can police them by excluding their goods from the ports of the United States.

This is not an emergency measure, I note. As I read this thing this is permanent legislation. It establishes a power which it is conceded the Congress does not possess and proposes to give it to a President. I am against it. [Applause.]

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, no one disputes the very fine and tolerant manner in which the distinguished gentleman from New York [Mr. WADSWORTH] approaches the consideration of any matter before this body, but there were some statements made by my distinguished friend that I think should be qualified.

There is nothing in this bill which gives a President the right to pass upon the type of government that another people may want. There is nothing in this bill to exclude all imports from any other country. This is a very simple bill when you analyze just what are its objectives.

The bill says, "whenever the President"—that means our President—today it is President Roosevelt; as long as this law is in operation it is some President of the United States—to meet an unusual situation, "whenever the President shall find that property which has been confiscated in any foreign country is being or may be brought into the United States contrary"—to what? "To the public interests." Not only must there be confiscation of property, and that means American property confiscated by another country——

Mr. WADSWORTH. Oh, no; any property.

Mr. McCORMACK. That includes American property. This includes American property that has been confiscated and brought into the United States contrary to the public interest.

Now, what is the purpose of this bill? This bill is to meet a situation that has arisen with which many States of this Union are well acquainted, property confiscated, and in the particular case, American property, and the products of that property being brought into the United States at a price which is underselling the same products produced in the United States.

The purpose of this bill is to protect industry, the purpose of this bill is to protect American producers, for example, of oil, referring to one particular business activity in the United States. Petroleum and its byproducts are being brought into the United States produced from property confiscated in another country, and not sent abroad, but sold in the United States at a ridiculously low price, flooding the American markets and, obviously, affecting legitimate American industry located in continental United States.

This bill means, in the first instance, the case of a country that confiscates property—and included in that property confiscated is American property—and, second, who sends the products of that confiscated property into our own country and undermines the stability of American business, underselling the products of American business in the markets of the United States. That is the whole purpose of the bill. It has no other objective. It is a bill which is consistent with the best interests of our country. It is consistent with the best interests of American industry.

I am amazed—I am astonished—that representatives of the Republican Party, to whom business looks as their savior, should oppose a bill of this kind; a bill that has, as its objective, the protection of the interests of our people, and particularly the protection of the interests of American industry. [Applause.]

[Here the gavel fell.]

The pro forma amendments were withdrawn.

Mr. KEEFE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEEFE: Page 2, line 16, after the word "property", insert "of American nationals";
Page 3, line 8, strike out the words "shall be deemed" and insert after the word "property" the words "is hereby defined to be";
Page 3, line 9, strike out the words "to include."

The CHAIRMAN. The Chair calls attention to the fact that section 3 has not yet been read.

Mr. TABER. Mr. Chairman, I have an amendment to section 2.

Mr. KEEFE. I propose to ask unanimous consent at this time that the entire amendment may be considered even though section 3 has not yet been reached, because it is integrally one amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KEEFE. Mr. Chairman, the amendment which has been offered has this simple purpose in mind; namely, to limit the effect of this legislation to the property of American nationals. In other words, the argument has been made by the proponents of this legislation that it has been prompted because Mexico has expropriated or confiscated oil produced by certain oil producers, and that oil which they have thus confiscated from American owners is being dumped upon American markets, depressing the American market.

Mr. FERGUSON. Will the gentleman yield?

Mr. KEEFE. Not just now. I will yield later on.

The argument has been further made that because it might likewise have confiscated the oil properties of England or the Netherlands or some other foreign country that we, as the American Congress, should legislate so as to prevent Mexico from dumping upon the American market not only the confiscated oil of American producers, but also the oil which has been confiscated from other foreign nationals.

I want to say, if that is justification for the argument, that it seems to me we have the undoubted right to exclude, by proper excise taxes at any time, the importation of oil produced in any nation on the face of the earth, including Mexico. But if this is a bill, as its title indicates, to prevent bringing into America and selling property which has been seized, belonging to American nationals, then why do you not say so in the legislation and why do we not legislate to protect the property of American nationals by saying, as we say in this legislation, if my amendment is agreed to, that the President shall have the power to absolutely exclude the importation of any property of American nationals which has been seized or confiscated in violation of law or under the law of any other nation, when just compensation has not been paid to the American national for the property thus confiscated?

Mr. McCORMACK. Will the gentleman yield?

Mr. KEEFE. I yield.

Mr. McCORMACK. Would the harmful effect of property confiscated by some other country and sold in the United States at a low price, undermining our business stability and price level, be just as great if the products came from property confiscated which was not owned by American nationals? We have to protect our businessmen.

Mr. KEEFE. Do I understand the gentleman to say that this is legislation designed to throw up a sort of tariff barrier to protect American industry?

Mr. McCORMACK. The gentleman, of course, did not understand me to say anything of the kind. I said this is legislation to protect American industry against cheap products of confiscated property in other countries that are being

shipped into the United States. Does the gentleman oppose that?

Mr. KEEFE. No. I am not opposed to that idea, but I believe, if you will permit an answer and not be capricious about it——

Mr. McCORMACK. Well, I am not capricious.

Mr. KEEFE. I hope not.

Mr. McCORMACK. I respect the gentleman too much for that.

Mr. KEEFE. The Congress has full power, and the gentleman well knows it, to legislate upon that subject and to impose an embargo that would prevent the dumping of these things right now, and to issue tariff regulations that would prevent bringing into this country the property of foreign nationals. We have the right to enact embargo or tariff legislation without attempting it in legislation of this character. That is what I object to. The gentleman from New York very clearly pointed out, if the gentleman has read this bill carefully, that it goes far beyond the objective the gentleman has spoken of and confers an unheard-of grant of discretionary power upon the President. It seems to me we ought to limit it to the property of American nationals, and that Congress should refuse to delegate away its clear legislative functions. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think a very brief statement will indicate to the sound judgment of the Committee that the amendment proposed by our distinguished friend should not be adopted.

As has been stated, the clear purpose of this bill is to protect American producers, people in this country, against competition of commodities which have not cost the people who try to sell them their value; in other words, that which has been confiscated. If this is the object—and it is—it is perfectly clear it would be just as hurtful, as has already been indicated, to have commodities that had been confiscated from any national come into this country in competition with our people as it would be to bring in confiscated oil produced by our own nationals.

Mr. FERGUSON. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. FERGUSON. Practically speaking, admitting the purpose of this bill, it would be impossible to distinguish which was American oil and which was oil confiscated from other nationals in Mexico.

Mr. SUMNERS of Texas. But it would be just as hurtful to be hit over the head with a barrel of oil produced by somebody else as it would to be hit with one produced by our own nationals.

Mr. FERGUSON. Absolutely; but you could not tell which was American and which was foreign oil.

Mr. SUMNERS of Texas. We want to stop all of it.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. KNUTSON. It would naturally follow, not being able to differentiate between American and foreign oil, that you would have to embargo all of it.

Mr. SUMNERS of Texas. That is right; that is what we intend to do. My friend can appreciate that if there are two sources from which this confiscated oil could come it would be perfectly foolish to stop one source and leave the other wide open. I think anybody can appreciate that.

Mr. KNUTSON. We have an antidumping law on the statute books which would prohibit that.

Mr. SUMNERS of Texas. I am talking about this amendment.

Mr. KNUTSON. We would have to stop both in order to stop what we might term "hot" Mexican oil from coming in.

Mr. SUMNERS of Texas. That is right, but I am directing my remarks to the pending amendment. We are considering legislation that is supposed to be necessary, but under the operation of this amendment we would be preventing competition from one source while allowing it from another.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. McCORMACK. The answer to my friend is that you cannot embargo one imported oil without embargoing all. You would have to embargo all unless you had this bill, and part of the oil may not have been confiscated. This bill, however, lets the unconfiscated oil come into this country, but raises a bar against confiscated property.

Mr. KNUTSON. Why not limit it to oil and minerals?

Mr. McCORMACK. Because there are other products, farm products, for example.

Mr. KNUTSON. This bill applies to securities and all forms of wealth. They may have had capital levies in some of these countries.

Mr. SUMNERS of Texas. May I suggest to my friend that it would be very helpful if we held our consideration to the amendment that is pending.

The pending amendment would leave us, if adopted, in the situation of enacting legislation seeking to correct the condition, but leaving the door open to other competition. It seems to me that it is not sensible at all if we are really trying to protect American producers from confiscated oil. Why, in the name of common sense, should we limit that production to such oil as may have been taken from our nationals, but leave our people subject to competition from oil confiscated from nationals of other countries?

Mr. KNUTSON. The matter should be corrected by the introduction of a tariff bill.

Mr. SUMNERS of Texas. But we are talking about this amendment on which we are going to vote in about a minute.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Miss SUMNER of Illinois. Would not the President, under the terms of this act, have to exclude all products from Russia where both labor and property of nationals other than ours have been confiscated by the Government?

Mr. SUMNERS of Texas. I am not sure I quite understand the gentlewoman's question.

Miss SUMNER of Illinois. In Russia the Government has established a communistic form of government, confiscating all private property and all labor. Products from that country, under the provisions of this bill, would be classified as stolen goods should the President so find. Products from countries whose government was similar to that of Russia would also have to be excluded under the provisions of this bill if the President treated all nations with equal justice.

Mr. SUMNERS of Texas. I ask my friend: Does she favor excluding competition from commodities in Russia, for instance, that had been confiscated from American nationals but permitting competition from commodities confiscated from other nationals? I am trying to consider the question on which we are just about to vote.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. KNUTSON) there were—ayes 62, noes 66.

So the amendment was rejected.

Mr. TABER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 2, line 15, as an amendment to the first paragraph of section 2:

"SEC. 2. Property which has been confiscated in any foreign country, which is being or may be brought into the United States, shall be excluded from importation and such exclusion shall be enforced by our customs authorities. If the property has been processed or transformed into property of a different character, or has been commingled with other property of a like or similar character in such manner as to lose its identity or to render impracticable its segregation from such other property, such processed, transformed, or commingled property shall be excluded from importation into the United States.

"Whoever imports or attempts to import or bring into the United States any such property in contravention of this act shall be subject to the provisions of the National Stolen Property Act of 1934, as amended and extended."

Mr. TABER. Mr. Chairman, those who are interested in preventing the importation into the United States of those things which have been taken away from Americans in other countries, and which they are trying to bring into the United States will support this amendment. I have limited it to those things of American ownership that are confiscated, and I have provided that there shall be an absolute prohibition against such importations.

I do not believe, and I am sure that the gentleman from Texas who so seriously argues this proposition will find, that the section is of any benefit to the gentleman from Texas or his business people if discretion is left to the President. We know that he has never exercised that discretion in favor of protecting the American producers, and we know that he will not do that.

The thing that I object to most about this bill is that it delegates power and discretion to the President where he should have no such power or discretion. Those of you who really want to see this problem worked out in a fair way to the American businessman will support my amendment.

Mr. HOBBS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. TABER] merely to call attention to the fact that this is the same identical proposition couched in different language that we have just voted on, with the exception that it does take into account the customs officials and puts them in as the watchdog of our imports.

Mr. TABER. Will the gentleman yield?

Mr. HOBBS. I will be delighted to yield to the gentleman.

Mr. TABER. It also wipes out the discretion which the section itself gives to the President and makes this protection to those who are producing things in this country absolute.

Mr. HOBBS. Mr. Chairman, it is purely a partisan amendment to curry favor on the Republican side of the aisle. I submit that the amendment is hopelessly bad, is destructive of the only chance to protect the American businessman and American markets from unfair and disastrous foreign competition, and that the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. HOBBS) there were—ayes 69, noes 72.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. HOBBS and Mr. TABER to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 65, noes 83.

So the amendment was rejected.

Mr. LEWIS of Ohio. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of Ohio: Page 2, line 15, strike out the words "the President" and insert in lieu thereof the words "the Tariff Commission."

In line 18, strike out the word "he" and insert in lieu thereof the word "it." Strike out "his" and insert in lieu thereof the word "its."

In line 25, strike out the word "President" and insert in lieu thereof the words "Tariff Commission."

On page 3, line 5, strike out the word "President" and insert in lieu thereof the words "Tariff Commission."

Mr. LEWIS of Ohio. Mr. Chairman, I assume that the statement of the purposes of the bill made by the esteemed majority leader and by the gentleman from Texas is correct, and that its purpose is to prevent the competition in our own markets of property confiscated by foreign nations, whether it be American property in the first instance or whether it be the property of the nationals of some other government. If that is the purpose, then it seems to me that the authority that should deal with the subject is the Tariff Commission of the United States.

This Commission was set up for the purpose of dealing with foreign imports. It is true that some of its functions have been taken away from it by recent legislation and lodged in the State Department, but for the most part those functions are unimpaired in law, and this is but adapting to the Tariff Commission the function of determining when in the public interest the importation of confiscated goods from foreign lands shall be excluded.

There are many on both sides of the aisle—and I know this from utterances here in the Well of the House as well as from private conversations with the individual Members—who feel that this body is, by constantly conferring increased power upon the Chief Executive of this land, laying the foundation for a change—a fundamental change—in the type of government we have. I know there are many on both sides of the aisle who believe that here we have a situation in which we are either going to give more power to the Chief Executive, whose power has been increased and raised higher in recent years than at any other time in the history of America, and at a time when the institutions of republican, representative government, have been crushed out throughout the world by that very same process of increasing the executive power at the expense of the representatives of the people, or we shall place this power in the hands of a commission set up for this very purpose by former Congresses. We can continue this drift toward totalitarian power by conferring it upon the office of the President or we can place it in the hands of a commission.

It cannot be said in truth or in fact that the President can perform this function better than the Tariff Commission, which has been set up to handle the very type of problem that is here presented. It cannot be said, and in fact we have heard here in the debate on this floor the admission that the President, through these great powers that one after another have been conferred upon him, conferring likewise duties, is burdened down, as one of the members of the committee said, by an almost unbearable burden of power and duty. Why now continue this process?

Mr. Chairman, this is not a partisan proposition on my part. I trust the House will accept this amendment and retain whatever advantages this legislation may confer—this protection for American business, and confer the power where it will not jeopardize American institutions. [Applause.]

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the only purpose of this amendment is to substitute the Tariff Commission and its judgment for the President and his judgment. I call the attention of the House to the fact that the reiterated statement by the distinguished author of this amendment is not exactly accurate. He says the Tariff Commission was created for this very purpose. I doubt if that is an accurate expression; in fact, my opinion is that it is not. The Tariff Commission has no embargo power. The only instance in which there is a deviation from that general rule is where it is charged under the antidumping statute with the power to inquire and report to the President its finding, so that he may exercise his constitutional function in dealing with foreign nations by ordering an embargo.

I submit that there can be no possibility of doubt that this amendment ought to be defeated. What right has a tariff commission to levy an embargo? It is not within the purview of its power, it is not within the line of their work, it is not within their experience. So we would take away these powers, if this amendment should be adopted, from the most experienced and best posted person in our whole Government, and confer them upon amateurs.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I yield to the gentleman from California.

Mr. HINSHAW. Do I correctly understand from the gentleman's statement that the intent of this bill is to give import embargo powers to the President without further act of Congress?

Mr. HOBBS. Certainly.

Mr. HINSHAW. Then it can take effect in respect to the products of almost any nation in the world, because there is

no nation of any consequence that has not taken property by force.

Mr. HOBBS. It would apply, in the discretion of the President, should he find that any such property was being imported in defiance of the public interests of the citizens of the United States. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. LEWIS].

The amendment was rejected.

The Clerk read as follows:

SEC. 3. The term "confiscated property" shall be deemed to include property which has been taken by means of force, or by means of any law, decree, order, ordinance, or other act, direct or indirect, of any foreign state or government, whether recognized or unrecognized, or of any political subdivision of such state, or of any official board, commission, instrumentality or agency of any such state, government, or political subdivision, without payment of just compensation or reasonable provision therefor having been made.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: On page 3, line 15, after "payment of just compensation", insert "to the workmen engaged in its production, as determined by the wages and hours provisions of the Fair Labor Standards Act."

The CHAIRMAN. The gentleman from South Dakota is recognized for 5 minutes.

Mr. HOBBS. Mr. Chairman, I make the point of order against the amendment that it is not germane to the section or to any other section of this bill.

Mr. HINSHAW. Mr. Chairman, I make the point of order that the point of order comes too late. The gentleman from South Dakota has been recognized.

The CHAIRMAN. The point of order comes within the proper time.

Mr. CASE of South Dakota. Mr. Chairman, I should like to be heard briefly on the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman from South Dakota on the point of order.

Mr. CASE of South Dakota. I should like to point out that this section deals with a definition of what confiscated property is, and my amendment goes to the definition. The definition of confiscated property, as suggested by the language in the bill, covers that which has been taken by means of force or by means of any law without payment of just compensation. It may be presumed—but the bill does not say—that just compensation relates to the owners of the property. My amendment merely adds to that definition and presumption by providing that the payment of just compensation shall also include payment of just compensation to the workmen who are engaged in the production of the property. Consequently, I maintain that the amendment is germane, and germane at that point.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Alabama on the point of order.

Mr. HOBBS. Mr. Chairman, I am surprised that the distinguished gentleman from South Dakota, who is usually so accurate, so apt, and so brilliant in his incisive reasoning, should contend that this amendment is germane. This bill obtains and applies only to the property itself and not to the mode of its production. In other words, if property is about to be brought into the United States, having been confiscated elsewhere, and if the President ascertains that fact and the further fact that it will have a deleterious effect on our public interests, then he may embargo the bringing into this country of that product. However, he could not do what this amendment would have him do, go into a foreign country and enforce wage and hour regulations there.

This bill does not say a word about compensation to anybody except the true owner of the property taken, and we respectfully submit that it is manifestly not germane and could not by any stretch of the imagination be brought within the purview of the ideology of this bill.

Mr. CASE of South Dakota. Mr. Chairman, may I make one further observation as to the scope of the bill? It proposes to bring importation of confiscated property under the penalties against transporting stolen property. In section 2 the bill proposes that some power shall be vested with respect to the determination of property that may have been processed or commingled with other property which would involve the labor in production. The entire bill is tied to an act, the National Stolen Property Act, dealing with commerce—interstate commerce. The Fair Labor Standards Act deals with interstate commerce. Section 3 of this bill undertakes to define confiscated property. My amendment seeks to make clear that confiscation is involved if the producers are not fairly compensated. It seeks to make clear what is involved in a determination of just compensation.

Mr. HOBBS. May I point out in answer to that observation, Mr. Chairman, that the gentleman's amendment deals with section 3 and not section 2, but even if it were applicable to section 2 and if we could go back there to seek to obtain its germaneness, that does not answer my argument at all. It still, whether the goods be commingled or not, deals with a commodity in commerce and not with any wage scale or hour limitations upon its production.

The CHAIRMAN (Mr. KENNEDY of Maryland). The Chair is ready to rule.

The Chair thinks that the gentleman from Alabama [Mr. HOBBS] has correctly stated the parliamentary proposition. It is the opinion of the Chair that the amendment is not germane, and therefore the point of order is sustained.

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out the last word.

I am a little surprised that the gentleman from Alabama, who is distinguished for his humanitarian impulses, would have yielded to an impulse which was not so humanitarian to make a point of order against this amendment. I have been so impressed by the arguments that have been advanced in behalf of this bill, how it is for the protection of American standards, that I am at a loss to understand why anybody should want to keep an amendment of this sort out of this bill.

This bill, as a whole, it seems to me might better have been labeled a bill to police the world, because this bill certainly does come within the interdiction that was suggested by the gentleman from New York [Mr. WADSWORTH] when he pointed out the powers it proposes to give to the President. This is simply another weapon, it seems to me, that is being sought for the President to add to his armament for the purpose of passing judgment upon the other nations of the world. We have had the imposition under the present administration of a 25-percent countervailing duty against certain countries. We have had the imposition of embargoes and quotas as a means of punishing some countries and blessing others. We have had language—scolding, sarcastic language—used as a means of international discipline. And now, it seems, in this bill we have an attempt to give to the President certain powers to police the world, not simply by his talking, but by taking action against its commerce.

The amendment I offered was inspired by the arguments I have heard. I was moved by the argument of the distinguished majority leader when he talked about the protection of the American businessman. It seemed to me that a man whose heart beats for the American businessman as much as the gentleman from Massachusetts professed to having his heart beat at that time, would also have his heart beat for the protection of the American workingman. Surely he would not want to see this property that had been produced by the blood and toil and sweat of underpaid, overworked laborers in other countries brought here to take jobs away from the workingmen of this country.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman realizes that, if his amendment were adopted, the very argument advanced by the gentleman from New York [Mr. WADSWORTH] would then be applicable, because you would be going into another country and undertaking by indirection to regulate——

Mr. CASE of South Dakota. Yes; and I am glad the gentleman brings out that point.

Mr. McCORMACK. Regulate the working conditions of another country with respect to property that has not been confiscated.

Mr. CASE of South Dakota. I am glad the gentleman brings that point out, because it emphasizes the very point I wanted to make by offering the amendment, which is that you are proposing by this bill to give the President the power to poke his nose into the internal affairs of every nation on earth. How can you determine what is confiscated property unless you determine the conditions under which all goods of a given class are produced in a given country and offered to the commerce of the world? How would you separate oil that came from confiscated wells? How would you identify it from other oil? I prefaced my remarks by saying that this bill ought to be labeled a bill to give the President power to police the world. I did not say I was going to vote for the bill, but by offering my amendment I sought to bring out the very point the gentleman has made. Of course, by indirection you will be passing on every barrel of oil or ton of metal produced, legal or illegal. And how would you prevent the confiscators from selling us their clean goods and putting the confiscated goods into other markets? This bill is an attempt to give the President the power to pry into the affairs of every nation on earth. An attempt to use it would be regarded as an insult by the other nations of the world. We ought to give such a power to no President.

[Here the gavel fell.]

Mr. PEARSON. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. PEARSON: On page 3, section 3, strike out all of line 10, after the word "or", and all of lines 11, 12, 13, and 14, and the words "political subdivision" in line 15.

Mr. PEARSON. Mr. Chairman, I hope I may have the attention of the Committee on the Judiciary, because I want to say to them that I have no desire to pit my own judgment against their judgment or to make any suggestions which would weaken this bill, but as I see this measure, and I am laboring under no delusions as to what it seeks to accomplish, the danger, if any there is in it, lies in the language contained in line 10 and down to and including the words "political subdivision" in line 15, of section 3, of the bill.

By this language we seek to make the President the censor of every law, decree, order, ordinance or other act of any foreign state or government, thereby, as I see it, putting in his hands the responsibility of passing at this date upon the validity of at least one decree of a foreign government which has already become existent and which may occur in other countries, making it a very arduous task, as far as the Chief Executive is concerned, and one which may put this country in a very embarrassing predicament unless this language is changed.

If my amendment is adopted this section would read as follows:

The term "confiscated property" shall be deemed to include property which has been taken by means of force, or without payment of just compensation or reasonable provision therefor having been made.

That language, and that alone, is all that is necessary to constitute a sufficient definition for the term "confiscated property" and does not place upon anyone the responsibility of passing upon the validity or righteousness of an ordinance or law or statute of any foreign government. I submit to the chairman of the Committee on the Judiciary that to strike out that language will improve this act, will relieve the Executive of an embarrassing responsibility and prevent this Government from placing itself in an embarrassing position with other governments.

I hope that the chairman will accept this amendment on the theory that it will improve the bill and will certainly protect international relationships which we now seek to enjoy with other nations of the world.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I have not had an opportunity to consult with the members of the committee generally, but the gentlemen on the committee who are present indicate that they have no objection to the amendment. I think when the language which the gentleman seeks to strike out is stricken from the bill it will broaden the responsibility of the President and will relieve him of any embarrassment that could be developed. But in view of the attitude of my colleagues on the committee and in view of the fact that I do not have any objection in substance, I believe that we may accept the proposed amendment.

Mr. HOBBS. Mr. Chairman, may I ask that the amendment be again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Tennessee.

There was no objection; and the Clerk again reported the amendment offered by the gentleman from Tennessee [Mr. PEARSON].

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. Nothing herein shall be construed to affect the status of any property assigned, conveyed, or transferred to the Government of the United States.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee will now rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COLE of Maryland, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill S. 3936 and, pursuant to House Resolution 617, he reported the same back to the House with an amendment adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HANCOCK. Mr. Speaker, I have a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HANCOCK. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the gentleman's motion.

The Clerk read as follows:

Mr. HANCOCK moves to recommit the bill to the Committee on the Judiciary with instructions to report the same back forthwith with the following amendment: On page 2, line 15, amend section 2 of the committee amendment to read as follows:

"Property of American nationals, which has been confiscated in any foreign country, shall not be brought into the United States. If the property has been processed or transformed into property of a different character, or has been commingled with other property of a like or similar character in such manner as to lose its identity or to render impracticable its segregation from such other property, the exclusion of such processed, transformed, or commingled property from importation into the United States shall be mandatory. Whoever imports or attempts to import or bring into the United States any such property in contravention of any order issued by the President shall be subject to the provisions of the National Stolen Property Act of 1934 as amended and extended."

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 52 and noes 76.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 119, nays 142, not voting 167, as follows:

[Roll No. 222]

YEAS—119

Alexander	Gillie	Kinzer	Rutherford
Allen, Ill.	Goodwin	Kirwan	Schafer, Wis.
Andersen, H. Carl	Graham	Knutson	Schiffler
Andresen, A. H.	Guyer, Kans.	Lambertson	Seccombe
Angell	Gwynne	Landis	Shafer, Mich.
Austin	Hall, Leonard W.	LeCompte	Shannon
Bolles	Hancock	Lewis, Ohio	Smith, Conn.
Bradley, Pa.	Harness	McGregor	Smith, Maine
Brown, Ohio	Harter, N. Y.	McLean	Smith, Ohio
Burdick	Hawks	Maas	Springer
Carlson	Healey	Martin, Iowa	Stefan
Case, S. Dak.	Hennings	Martin, Mass.	Sumner, Ill.
Chiperfield	Hess	Michener	Sweet
Church	Hill	Miller	Taber
Cochran	Hinshaw	Monkiewicz	Talle
Coffee, Wash.	Holmes	Mundt	Tibbott
Costello	Hope	Murray	Van Zandt
Crowther	Horton	O'Brien	Vreeland
Curtis	Hull	O'Connor	Wadsworth
Ditter	Jarrett	Osmers	Welch
Douglas	Jeffries	Pierce	Wheat
Eaton	Jenkins, Ohio	Powers	White, Idaho
Elston	Jensen	Rabaut	Williams, Del.
Engel	Johns	Rankin	Winter
Englebright	Johnson, Ill.	Reed, Ill.	Wolcott
Fenton	Jones, Ohio	Rees, Kans.	Wolfenden, Pa.
Gamble	Jonkman	Risk	Wolverton, N. J.
Gartner	Kean	Robsion, Ky.	Youngdahl
Gehrmann	Keefe	Rogers, Mass.	Zimmerman
Gerlach	Keller	Routzohn	

NAYS—142

Allen, La.	Doughton	Kilday	Pearson
Anderson, Mo.	Doxey	Kitchens	Peterson, Fla.
Arnold	Drewry	Kleberg	Peterson, Ga.
Beckworth	Duncan	Kramer	Pfeifer
Bland	Dunn	Lanham	Pittenger
Bloom	Durham	Larrabee	Poage
Boehne	Eberharter	Lea	Ramspeck
Boykin	Edelstein	Leavy	Richards
Brown, Ga.	Faddis	Lesinski	Rogers, Okla.
Bryson	Ferguson	Lewis, Colo.	Romjue
Buck	Flannagan	Ludlow	Sasscer
Burgin	Flannery	McCormack	Satterfield
Byrns, Tenn.	Ford, Miss.	McGehee	Schuetz
Caldwell	Fulmer	McLaughlin	Schwert
Camp	Gathings	McMillan, Clara	Scrugham
Cannon, Fla.	Gearhart	McMillan, John L.	Secrest
Cannon, Mo.	Gore	Maciejewski	Smith, Va.
Cartwright	Gossett	Magnuson	Smith, W. Va.
Casey, Mass.	Grant, Ala.	Mahon	Snyder
Chapman	Gregory	Maloney	South
Clark	Griffith	Mansfield	Spence
Coffee, Nebr.	Hare	Massingale	Sumners, Tex.
Cole, Md.	Harrington	Mills, Ark.	Tarver
Collins	Hendricks	Monroney	Tenerowicz
Connery	Hobbs	Moser	Thomas, Tex.
Cooper	Hunter	Mouton	Thomason
Cox	Jarman	Murdock, Ariz.	Vincent, Ky.
Crawford	Johnson, Luther A.	Murdock, Utah	Vorys, Ohio
Creal	Johnson, Lyndon	Myers	Ward
Crowe	Johnson, Okla.	Nichols	Weaver
Cullen	Johnson, W. Va.	Norrell	West
Cummings	Kee	O'Neal	Whelchel
D'Alesandro	Kefauver	Pace	Williams, Mo.
Dempsey	Kennedy, Md.	Parsons	Woodrum, Va.
Dickstein	Keogh	Patrick	
Disney	Kerr	Patton	

NOT VOTING—167

Allen, Pa.	Blackney	Celler	Darrow
Anderson, Calif.	Boland	Clason	Davis
Andrews	Bolton	Claypool	Delaney
Arends	Boren	Clevenger	DeRouen
Ball	Bradley, Mich.	Cluett	Dies
Barden, N. C.	Brewster	Cole, N. Y.	Dingell
Barnes	Brooks	Colmer	Dirksen
Barry	Buckler, Minn.	Cooley	Dondero
Barton, N. Y.	Buckley, N. Y.	Corbett	Dworshak
Bates, Ky.	Bulwinkle	Courtney	Edmiston
Bates, Mass.	Burch	Cravens	Elliott
Beam	Byrne, N. Y.	Crosser	Ellis
Bell	Byron	Culkin	Evans
Bender	Carter	Darden, Va.	Fay
Fernandez	Jennings	Norton	Smith, Wash.
Fish	Johnson, Ind.	O'Day	Somers, N. Y.
Fitzpatrick	Jones, Tex.	O'Leary	Sparkman
Flaherty	Kelly	Oliver	Starnes, Ala.
Folger	Kennedy, Martin	O'Toole	Steagall
Ford, Leland M.	Kennedy, Michael	Patman	Stearns, N. H.
Ford, Thomas F.	Kilburn	Plumley	Sullivan
Fries	Kocialkowski	Polk	Sutphin
Garrett	Kunkel	Randolph	Sweeney
Gavagan	Lemke	Reece, Tenn.	Taylor
Geyer, Calif.	Luce	Reed, N. Y.	Terry
Gifford	Lynch	Rich	Thill
Gilchrist	McAndrews	Robertson	Thomas, N. J.
Grant, Ind.	McArdle	Robinson, Utah	Thorkelson
Green	McDowell	Rockefeller	Tinkham
Gross	McGranery	Rodgers, Pa.	Tolan
Hall, Edwin A.	McKeough	Ryan	Treadway
Halleck	McLeod	Sabath	Vinson, Ga.
Hart	Marcantonio	Sacks	Voorhis, Calif.
Harter, Ohio	Marshall	Sandager	Wallgren
Hartley	Martin, Ill.	Schaefer, Ill.	Walter
Havenner	Mason	Schulte	Warren
Hoffman	May	Shanley	White, Ohio
Hook	Merritt	Sheppard	Whittington
Houston	Mills, La.	Sheridan	Wigglesworth
Izac	Mitchell	Short	Wood
Jacobsen	Mott	Simpson	Woodruff, Mich.
Jenks, N. H.	Nelson	Smith, Ill.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Short (for) with Mr. Cravens (against).
Mr. Kilburn (for) with Mr. Terry (against).
Mr. Hartley (for) with Mr. Havenner (against).
Mr. Reece of Tennessee (for) with Mr. Byron (against).
Mr. Thomas of New Jersey (for) with Mr. Thomas F. Ford (against).
Mr. Jenks of New Hampshire (for) with Mr. Dingell (against).
Mr. Halleck (for) with Mr. Sheppard (against).
Mr. Thill (for) with Mr. Tolan (against).
Mr. Oliver (for) with Mr. Edmiston (against).
Mr. Dworshak (for) with Mr. Delaney (against).
Mr. Culkin (for) with Mr. Hook (against).
Mr. Treadway (for) with Mr. Lynch (against).
Mr. Corbett (for) with Mr. Martin J. Kennedy (against).
Mr. McDowell (for) with Mr. McGranery (against).
Mr. Gross (for) with Mr. O'Toole (against).
Mr. Andrews (for) with Mr. Ryan (against).
Mr. Dondero (for) with Mr. Fay (against).
Mr. Woodruff of Michigan (for) with Mr. Schaefer of Illinois (against).
Mr. Mason (for) with Mr. Somers of New York (against).
Mr. Hoffman (for) with Mr. Michael J. Kennedy (against).
Mr. Blackney (for) with Mr. Courtney (against).
Mr. Cluett (for) with Mr. Randolph (against).
Mr. Jennings (for) with Mr. O'Leary (against).
Mr. Rockefeller (for) with Mr. Davis (against).
Mrs. Bolton (for) with Mr. Fitzpatrick (against).
Mr. Cole of New York (for) with Mr. Sullivan (against).
Mr. Marshall (for) with Mr. Gavagan (against).
Mr. Bender (for) with Mr. Barden of North Carolina (against).
Mr. Clevenger (for) with Mr. Celler (against).
Mr. Reed of New York (for) with Mr. McAndrews (against).
Mr. Johnson of Indiana (for) with Mr. Merritt (against).
Mr. Grant of Indiana (for) with Mr. Barry (against).
Mr. McLeod (for) with Mr. Vinson of Georgia (against).
Mr. Rodgers of Pennsylvania (for) with Mr. Shanley (against).
Mr. Simpson (for) with Mr. Boland (against).
Mr. Luce (for) with Mr. Warren (against).
Mr. Edwin A. Hall (for) with Mr. Cooley (against).
Mr. Gifford (for) with Mr. Buckley of New York (against).
Mr. Dirksen (for) with Mr. Claypool (against).
Mr. Arends (for) with Mr. Byrne of New York (against).

General pairs until further notice:

Mr. Bates of Kentucky with Mr. Barton of New York.
Mr. McKeough with Mr. Kunkel.
Mr. Bulwinkle with Mr. Fish.
Mr. Nelson with Mr. Gilchrist.
Mr. Burch with Mr. Lemke.
Mr. Colmer with Mr. Mott.
Mr. Whittington with Mr. Plumley.
Mr. Darden of Virginia with Mr. Anderson of California.
Mr. Robertson with Mr. Ball.
Mr. Dies with Mr. Clason.
Mr. Folger with Mr. Sandager.
Mr. Barnes with Mr. Stearns of New Hampshire.
Mr. Kelly with Mr. Brewster.
Mr. Crosser with Mr. Tinkham.
Mr. Mills of Louisiana with Mr. Rich.
Mr. Boren with Mr. Bates of Massachusetts.
Mrs. Norton with Mr. Bradley of Michigan.
Mr. Patman with Mr. White of Ohio.
Mr. Hart with Mr. Leland M. Ford.
Mr. Green with Mr. Darrow.
Mr. Fries with Mr. Thorkelson.
Mr. Steagall with Mr. Wigglesworth.
Mr. Flaherty with Mr. Buckler of Minnesota.
Mr. Starnes of Alabama with Mr. Marcantonio.
Mr. Sparkman with Mr. Brooks.

Mr. McArdle with Mrs. O'Day.
Mr. Beam with Mr. Polk.
Mr. DeRouen with Mr. Elliott.
Mr. Smith of Washington with Mr. Fernandez.
Mr. Garrett with Mr. Sutphin.
Mr. Taylor with Mr. Jacobsen.
Mr. Kocialkowski with Mr. Sweeney.
Mr. Smith of Illinois with Mr. Walter.
Mr. Bell with Mr. Martin of Illinois.
Mr. May with Mr. Wood.
Mr. Harter of Ohio with Mr. Evans.
Mr. Geyer of California with Mr. Schulte.
Mr. Robinson of Utah with Mr. Sabath.
Mr. Voorhis of California with Mr. Jones of Texas.
Mr. Sacks with Mr. Houston.
Mr. Ellis with Mr. Sheridan.
Mr. Wallgren with Mr. Allen of Pennsylvania.

Mr. LESINSKI changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. HOBBS. Mr. Speaker, on passage, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 129, answered "present" 1, not voting 175, as follows:

[Roll No. 223]

YEAS—123

Allen, La.	Drewry	Kerr	Pearson
Anderson, Mo.	Duncan	Kilday	Peterson, Fla.
Arnold	Dunn	Kitchens	Pittenger
Beckworth	Durham	Kleberg	Poage
Bloom	Eberharter	Kramer	Ramspeck
Boehne	Ferguson	Lanham	Rogers, Okla.
Boykin	Flannagan	Larrabee	Romjue
Brown, Ga.	Ford, Miss.	Lea	Sasscer
Bryson	Fulmer	Lesinski	Satterfield
Buck	Gathings	Lewis, Colo.	Schuetz
Byrns, Tenn.	Gearhart	McCormack	Schwert
Caldwell	Gore	McGehee	Scrugham
Camp	Gossett	McLaughlin	Secrest
Cannon, Fla.	Grant, Ala.	McMillan, Clara	Smith, Va.
Cartwright	Gregory	McMillan, John L.	Smith, W. Va.
Chapman	Griffith	Magnuson	Snyder
Clark	Hare	Mahon	South
Coffee, Nebr.	Harrington	Maloney	Spence
Connery	Harter, Ohio	Mansfield	Sumners, Tex.
Cooper	Hendricks	Massingale	Tarver
Crawford	Hobbs	Mills, Ark.	Tenerowicz
Creal	Hunter	Monroney	Terry
Crowe	Jarman	Mouton	Thomas, Tex.
Cullen	Johnson, Luther A.	Murdock, Ariz.	Thomason
Cummings	Johnson, Lyndon	Myers	Vincent, Ky.
D'Alesandro	Johnson, Okla.	Nichols	Ward
Dempsey	Johnson, W. Va.	Norrell	Weaver
Dickstein	Kee	Pace	West
Disney	Kefauver	Parsons	Whelchel
Doughton	Kennedy, Md.	Patrick	Williams, Mo.
Doxey	Keogh	Patton	

NAYS—129

Alexander	Gamble	Knutson	Schafer, Wis.
Allen, Ill.	Gehrmann	Lambertson	Schiffler
Andersen, H. Carl	Gerlach	Landis	Seccombe
Andresen, A. H.	Gillie	Leavy	Shafer, Mich.
Andrews	Goodwin	LeCompte	Shannon
Angell	Graham	Lewis, Ohio	Simpson
Austin	Guyer, Kans.	Luce	Smith, Conn.
Bland	Gwynne	Ludlow	Smith, Maine
Bolles	Hall, Leonard W.	McGregor	Smith, Ohio
Bradley, Pa.	Hancock	Maas	Springer
Brown, Ohio	Harness	Martin, Iowa	Stefan
Burdick	Harter, N. Y.	Martin, Mass.	Sumner, Ill.
Burgin	Hawks	Michener	Sweet
Cannon, Mo.	Healey	Miller	Taber
Carlson	Hennings	Monkiewicz	Talle
Case, S. Dak.	Hess	Moser	Tibbott
Chiperfield	Hill	Mundt	Van Zandt
Church	Hinshaw	Murdock, Utah	Vorys, Ohio
Cochran	Holmes	Murray	Vreeland
Coffee, Wash.	Hope	O'Brien	Wadsworth
Collins	Horton	O'Connor	Welch
Costello	Hull	Osmers	Wheat
Crowther	Jarrett	Pierce	White, Idaho
Curtis	Jenkins, Ohio	Powers	Williams, Del.
Ditter	Jensen	Rabaut	Wolcott
Douglas	Johns	Rankin	Wolfenden, Pa.
Eaton	Johnson, Ill.	Reed, Ill.	Wolverton, N. J.
Elston	Jones, Ohio	Rees, Kans.	Woodrum, Va.
Engel	Jonkman	Risk	Youngdahl
Englebright	Kean	Robsion, Ky.	Zimmerman
Faddis	Keefe	Rogers, Mass.	
Fenton	Kinzer	Routzohn	
Fish	Kirwan	Rutherford	

ANSWERED "PRESENT"—1

Cox

NOT VOTING—175

Allen, Pa.	Davis	Johnson, Ind.	Richards
Anderson, Calif.	Delaney	Jones, Tex.	Robertson
Arends	DeRouen	Keller	Robinson, Utah
Ball	Dies	Kelly	Rockefeller
Barden, N. C.	Dingell	Kennedy, Martin	Rodgers, Pa.
Barnes	Dirksen	Kennedy, Michael	Ryan
Barry	Dondero	Kilburn	Sabath
Barton, N. Y.	Dworshak	Kocialkowski	Sacks
Bates, Ky.	Edelstein	Kunkel	Sandager
Bates, Mass.	Edmiston	Lemke	Schaefer, Ill.
Beam	Elliott	Lynch	Schulte
Bell	Ellis	McAndrews	Shanley
Bender	Evans	McArdle	Sheppard
Blackney	Fay	McDowell	Sheridan
Boland	Fernandez	McGranery	Short
Bolton	Fitzpatrick	McKeough	Smith, Ill.
Boren	Flaherty	McLean	Smith, Wash.
Bradley, Mich.	Flannery	McLeod	Somers, N. Y.
Brewster	Folger	Maciejewski	Sparkman
Brooks	Ford, Leland M.	Marcantonio	Starnes, Ala.
Buckler, Minn.	Ford, Thomas F.	Marshall	Steagall
Buckley, N. Y.	Fries	Martin, Ill.	Stearns, N. H.
Bulwinkle	Garrett	Mason	Sullivan
Burch	Gartner	May	Sutphin
Byrne, N. Y.	Gavagan	Merritt	Sweeney
Byron	Geyer, Calif.	Mills, La.	Taylor
Carter	Gifford	Mitchell	Thill
Casey, Mass.	Gilchrist	Mott	Thomas, N. J.
Celler	Grant, Ind.	Nelson	Thorkelson
Clason	Green	Norton	Tinkham
Claypool	Gross	O'Day	Tolan
Clevenger	Hall, Edwin A.	O'Leary	Treadway
Cluett	Halleck	Oliver	Vinson, Ga.
Cole, Md.	Hart	O'Neal	Voorhis, Calif.
Cole, N. Y.	Hartley	O'Toole	Wallgren
Colmer	Havenner	Patman	Walter
Cooley	Hoffman	Peterson, Ga.	Warren
Corbett	Hook	Pfeifer	White, Ohio
Courtney	Houston	Plumley	Whittington
Cravens	Izac	Polk	Wigglesworth
Crosser	Jacobsen	Randolph	Winter
Culkin	Jeffries	Reece, Tenn.	Wood
Darden, Va.	Jenks, N. H.	Reed, N. Y.	Woodruff, Mich.
Darrow	Jennings	Rich	

So the bill was not passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Cravens (for) with Mr. Short (against).
Mr. Pfeifer (for) with Mr. Kilburn (against).
Mr. Havenner (for) with Mr. Hartley (against).
Mr. Byron (for) with Mr. Reece of Tennessee (against).
Mr. Thomas F. Ford (for) with Mr. Thomas of New Jersey (against).
Mr. Dingell (for) with Mr. Jenks of New Hampshire (against).
Mr. Sheppard (for) with Mr. Halleck (against).
Mr. Tolan (for) with Mr. Thill (against).
Mr. Edmiston (for) with Mr. Oliver (against).
Mr. Delaney (for) with Mr. Dworshak (against).
Mr. Hook (for) with Mr. Culkin (against).
Mr. Lynch (for) with Mr. Treadway (against).
Mr. Martin J. Kennedy (for) with Mr. Corbett (against).
Mr. McGranery (for) with Mr. McDowell (against).
Mr. O'Toole (for) with Mr. Gross (against).
Mr. Ryan (for) with Mr. Carter (against).
Mr. Fay (for) with Mr. Dondero (against).
Mr. Schaefer of Illinois (for) with Mr. Woodruff of Michigan (against).
Mr. Somers of New York (for) with Mr. Mason (against).
Mr. Michael J. Kennedy (for) with Mr. Hoffman (against).
Mr. Courtney (for) with Mr. Blackney (against).
Mr. Randolph (for) with Mr. Cluett (against).
Mr. O'Leary (for) with Mr. Jennings (against).
Mr. Davis (for) with Mr. Rockefeller (against).
Mr. Fitzpatrick (for) with Mrs. Bolton (against).
Mr. Sullivan (for) with Mr. Cole of New York (against).
Mr. Gavagan (for) with Mr. Marshall (against).
Mr. Barden of North Carolina (for) with Mr. Bender (against).
Mr. Celler (for) with Mr. Clevenger (against).
Mr. McAndrews (for) with Mr. Reed of New York (against).
Mr. Merritt (for) with Mr. Johnson of Indiana (against).
Mr. Barry (for) with Mr. Grant of Indiana (against).
Mr. Vinson of Georgia (for) with Mr. McLeod (against).
Mr. Shanley (for) with Mr. Rodgers of Pennsylvania (against).
Mr. Cooley (for) with Mr. Edwin A. Hall (against).
Mr. Buckley of New York (for) with Mr. Gifford (against).
Mr. Claypool (for) with Mr. Dirksen (against).
Mr. Byrne of New York (for), with Mr. Arends (against).
Mr. Warren (for) with Mr. Gartner (against).
Mr. Boland (for) with Mr. Jeffries (against).

General pairs until further notice:

Mr. Bates of Kentucky with Mr. Barton of New York.
Mr. McKeough with Mr. Kunkel.
Mr. Bulwinkle with Mr. Fish.
Mr. Nelson with Mr. Gilchrist.

Mr. Burch with Mr. Lemke.
Mr. Colmer with Mr. Mott.
Mr. Whittington with Mr. Plumley.
Mr. Darden of Virginia with Mr. Anderson of California.
Mr. Robertson with Mr. Ball.
Mr. Dies with Mr. Clason.
Mr. Folger with Mr. Sandager.
Mr. Barnes with Mr. Stearns of New Hampshire.
Mr. Kelly with Mr. Brewster.
Mr. Crosser with Mr. Tinkham.
Mr. Mills of Louisiana with Mr. Rich.
Mr. Boren with Mr. Bates of Massachusetts.
Mrs. Norton with Mr. Bradley of Michigan.
Mr. Patman with Mr. White of Ohio.
Mr. Hart with Mr. Winter.
Mr. Green with Mr. Darrow.
Mr. Fries with Mr. Thorkelson.
Mr. Steagall with Mr. Wigglesworth.
Mr. Flaherty with Mr. Buckler of Minnesota.
Mr. Starnes of Alabama with Mr. Marcantonio.
Mr. Casey of Massachusetts with Mr. McLean.
Mr. Sparkman with Mr. Brooks.
Mr. McArdle with Mrs. O'Day.
Mr. Beam with Mr. Polk.
Mr. DeRouen with Mr. Elliott.
Mr. Smith of Washington with Mr. Fernandez.
Mr. Garrett with Mr. Sutphin.
Mr. Taylor with Mr. Jacobsen.
Mr. Kocialkowski with Mr. Sweeney.
Mr. Smith of Illinois with Mr. Walter.
Mr. Bell with Mr. Martin of Illinois.
Mr. May with Mr. Wood.
Mr. Geyer of California with Mr. Schulte.
Mr. Robinson of Utah with Mr. Sabath.
Mr. Voorhis of California with Mr. Jones of Texas.
Mr. Sacks with Mr. Houston.
Mr. Ellis with Mr. Sheridan.
Mr. Wallgren with Mr. Evans.
Mr. Cole of Maryland with Mr. Maciejewski.
Mr. Peterson of Georgia with Mr. Richards.
Mr. Flannery with Mr. Izac.
Mr. O'Neal with Mr. Keller.

Mr. DURHAM changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. TABER. Mr. Speaker, I move to reconsider the vote whereby the bill failed of passage and lay that motion on the table.

The motion was agreed to.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10413) entitled "An act to provide revenue, and for other purposes."

EXTENSION OF REMARKS

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short newspaper article pertaining to Hon. James A. Farley, from the Columbus Evening Dispatch, a copy of resolution passed by the National Association of Postmasters, at Columbus, Ohio, September 25–28, 1940, and also copy of resolution passed by the national convention of district postmasters, New York, September 20, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. ROMJUE]?

There was no objection.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter on the subject of national defense by a World War veteran.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. WEAVER]?

There was no objection.

BARRING OF CLAIMS AGAINST THE UNITED STATES

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8150), providing for the barring of claims against the United States, with a Senate amendment thereto, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 3, after "demand", insert "except a claim or demand by any State, Territory, possession, or the District of Columbia."

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. COCHRAN]?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

CONSOLIDATION OF CERTAIN EXCEPTIONS TO SECTION 3709 OF THE REVISED STATUTES

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10061) to consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code, with Senate amendments thereto and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out line 12.
Page 2, after line 20, insert:
"(18) The Veterans' Administration."
Page 3, after line 5, insert:
"(9) The District of Columbia."
Page 3, strike out line 8.
Page 3, line 9, strike out "(2)" and insert "(1)."
Page 5, after line 15, insert:
"(m) Bureau of Mines—to any purchase or service rendered in the investigation of domestic sources of mineral supply, when the amount involved does not exceed $500."
Page 5, after line 15, insert:
"(n) Bureau of Reclamation—to the purchase of supplies and equipment or the procurement of services for the Bureau at the seat of government and elsewhere made in the open market in the manner common among businessmen, when the aggregate payment for the purchase or the service does not exceed $300 in any instance."
Page 5, line 16, after "3", insert "(a)."
Page 5, after line 25, insert:
"(b) When the aggregate amount involved does not exceed the sum of $300, section 3709 of the Revised Statutes shall not apply to any purchase or service for which expenditures are incurred from funds allocated to Government agencies for obligation under the act of June 28, 1937 (50 Stat. 319), relating to the Civilian Conservation Corps."
Page 5, after line 25, insert:
"(c) All contracts for labor or supplies necessary for the carrying on of operations on the Menominee Indian Reservation pursuant to the act of March 28, 1908 (35 Stat. 51), as amended, shall be exempt from the requirements of section 3709 of the Revised Statutes."
Page 7, after the line which reads "Stat. 909---------- | 15 | 198", insert:
"Act June 28, 1937, ch. 383, sec. 11, second proviso, 50 Stat. 321---------- | 16 | [1]584j"
Page 7, after the last line, insert the following footnote:
"[1] Second proviso."
Page 10, in the space left blank after "Title I, 54 Stat.", insert the following: "189."
Page 10, in the space left blank after "Title IV, 54 Stat.", insert the following: "211."
Page 10, in the space left blank after "Title I, 54 Stat.", insert the following: "290."
Page 10, after the line which reads "Act June 11, 1940, ch. 313, title I, 54 Stat. — -------- | 41 | 6hh", insert:
"Act Aug. 4, 1939, ch. 418, sec. 13, 53 Stat. 1197------ | 43 | 380a"

Mr. COCHRAN. Mr. Speaker, I can explain the Senate amendments. When this bill was passed it was simply to place under one heading in the Code all the exemptions to section 3709 of the Revised Statutes, which have to do with procurement. There were two or three mistakes in the bill. The gentleman from New York [Mr. KEOGH] followed the bill to the Senate and made the corrections. The Republican members of the committee are in favor of the amendment.

Mr. MARTIN of Massachusetts. Are they clerical amendments?

Mr. COCHRAN. They are amendments to keep them within the present statutes. There are no changes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. COCHRAN]?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

REGULATION OF DELIVERY OF CERTAIN CHECKS TO FOREIGN COUNTRIES

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4353) to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes, and for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, and I do not intend to object, I understand this is a bill which will hold to this country checks to be paid to our veterans?

Mr. RANKIN. Yes.

Mrs. ROGERS of Massachusetts. They are veterans of the World War now living in foreign countries. The veterans are receiving the checks, but they are in some cases being confiscated?

Mr. RANKIN. Yes. I may say to the gentlewoman from Massachusetts, who is the ranking Republican member on the Committee on World War Veterans' Legislation, that it has been reported to us, and I think it can be very well established, that many of these checks have been confiscated. This measure would throw around them a safeguard to prevent confiscation of those checks.

Mrs. ROGERS of Massachusetts. I think the gentleman would like to have inserted in the RECORD a schedule of the number of veterans in these countries and the amount paid to them.

Mr. RANKIN. I have no objection to that.

Mrs. ROGERS of Massachusetts. The schedule referred to follows:

TABLE 45.—*An approximate distribution of expenditures by United States possessions and foreign countries during the fiscal year 1939, showing number of beneficiaries as of June 30, 1939*

United States possessions and foreign countries	Number of living veterans or deceased veterans whose dependents were receiving pension benefits, including compensation and emergency officers' retirement pay on June 30, 1939, and disbursements for these benefits during the fiscal year 1939																					
	World War												Mexican War		Indian Wars				Civil War			
	Living veterans								Deceased veterans													
	Service-connected		Non-service-connected		Emergency officers' retirement pay		Total living veterans		Service-connected		Non-service-connected		Total deceased veterans		Deceased veterans		Living veterans		Deceased veterans		Living veterans		Deceased veterans	
	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount
United States possessions:																								
Alaska	50	$22,083	4	$1,033			54	$23,116	10	$4,059	2	$702	12	$4,761			1	$1,196	1	$365			4	$1,255
Canal Zone	17	7,617	4	1,530			21	9,147	6	3,343			6	3,343									1	358
Guam	2	1,832					2	1,832	9	5,101			9	5,101										
Hawaii	97	54,479	73	18,266			170	72,745	53	25,102	4	667	57	25,769			2	1,215	1	547			14	6,511
Philippine Islands	354	227,515	124	42,748	1	$1,278	479	271,541	593	334,358	19	7,729	612	342,087										
Puerto Rico	322	215,269	463	155,388	1	1,278	786	371,935	503	302,105	20	10,492	523	312,597					1	365			2	717
Samoa									2	665			2	665										
Virgin Islands	5	4,608	1	19			6	4,627	1	439			1	439										
Foreign countries:																								
Belgium	23	9,965					23	9,965	28	14,909			28	14,909									1	478
British Isles	177	104,733	29	10,807			206	115,540	470	253,977	9	3,096	479	257,073			8	7,813	8	2,771	2	$2,459	54	25,208
Denmark	30	18,363	5	1,913			35	20,276	100	50,446	1	299	101	50,745										
France	74	43,023	8	2,965	3	5,412	85	51,400	60	28,165	8	2,011	68	30,176			1	1,227	2	547			11	4,755
Germany	8	7,430	1	497			9	7,927	28	15,741			28	15,741			2	1,326	9	3,098			24	11,302
Greece	238	123,081	42	14,823			280	137,904	342	183,437	3	627	345	184,064										
Italy	602	355,864	66	24,291			668	380,155	1,597	876,364	25	8,884	1,622	885,248					1	365			5	2,342
Norway	37	23,121	10	3,347			47	26,468	145	75,360			145	75,360			2	1,165	1	365			1	609
Poland	109	55,242	14	4,667			123	59,909	585	316,943	5	2,200	590	319,143					1	365				
Rumania	21	14,915					21	14,915	25	13,457	1	328	26	13,785										
Russia	5	4,037					5	4,037	148	79,800	1	328	149	80,128										
Sweden	33	22,037	6	2,104			39	24,141	214	112,362			214	112,362			1	1,011					6	2,987
Yugoslavia	42	30,579	5	1,626			47	32,205	106	59,706			106	59,706										
Other parts of Europe	94	58,210	9	3,137	1	904	104	62,251	304	164,750	7	2,289	311	167,039			2	1,357	1	729			9	4,217
China	11	6,862	1	383			12	7,245	27	12,971	1	299	28	13,270									1	358
Japan	3	1,967	1	383			4	2,350	6	4,071			6	4,071										
Other parts of Asia	21	12,149	2	383			23	12,532	46	25,612			46	25,612									2	717
Cuba	7	4,324	1	96			8	4,420	2	1,130			2	1,130					1	$365			3	1,314
San Domingo and Haiti	2	1,185					2	1,185	2	1,042			2	1,042										
Other parts of West Indies	10	4,422	2	765			12	5,187	27	13,235			27	13,235									1	717
Africa	7	3,338					7	3,338	4	1,757			4	1,757							1	1,157	5	2,151
Australia	3	1,429					3	1,429	4	1,255			4	1,255							1	1,013	8	4,122
Azores	3	2,504					3	2,504	14	6,754			14	6,754										
Canada	271	123,713	38	12,987	2	2,784	311	139,484	217	109,111	14	4,435	231	113,546	1	$590	10	8,577	8	3,098	6	8,823	218	108,862
Central America	7	3,292	2	574			9	3,866	2	418			2	418										
Mexico	29	14,595	4	1,530			33	16,125	11	4,122	4	1,364	15	5,486			1	888	2	729			7	3,106
Newfoundland	4	1,600					4	1,600	7	3,264			7	3,264										
Panama	2	2,291					2	2,291	1	586			1	586										
South America	24	8,362	2	287	1	995	27	9,644	13	5,243			13	5,243	1	590							6	3,405
Other miscellaneous countries	10	4,657					10	4,657	5	2,406			5	2,406										
Total United States possessions and foreign countries	2,754	1,600,693	917	306,549	9	12,651	3,680	1,919,893	5,717	3,113,566	124	45,750	5,841	3,159,316	2	1,180	30	25,775	37	13,709	10	13,452	383	185,491

TABLE 45.—*An approximate distribution of expenditures by United States possessions and foreign countries during the fiscal year 1939, showing number of beneficiaries as of June 30, 1939*—Continued

United States possessions and foreign countries	Number of living veterans or deceased veterans whose dependents were receiving pension benefits, including compensation and emergency officers' retirement pay on June 30, 1939, and disbursements for these benefits during the fiscal year 1939—Continued												Military and naval insurance		Adjusted-service and dependent pay	Total disbursements
	Spanish-American War				Regular Establishment				Total							
	Living veterans		Deceased veterans		Living veterans		Deceased veterans		Living veterans		Deceased veterans					
	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount		
United States possessions:																
Alaska	111	$56,374	9	$3,808	10	$2,969	3	$1,313	176	$83,655	29	$11,502	5	$5,278	142	$100,577
Canal Zone	67	109,259	25	9,013	5	1,247	16	5,245	93	119,653	48	17,959	8	7,250	-------	144,862
Guam	5	3,650	5	1,801	7	3,003	10	4,499	14	8,485	24	11,401	1	906	279	21,071
Hawaii	110	63,242	40	14,290	36	8,543	36	12,730	318	145,745	148	59,847	28	25,439	1,525	232,556
Philippine Islands	2,748	1,548,585	1,156	432,454	815	259,594	787	309,154	4,042	2,079,720	2,555	1,083,695	66	20,175	2,789	3,186,379
Puerto Rico	430	208,416	179	72,502	145	51,472	104	41,193	1,361	631,823	809	427,374	81	55,875	1,040	1,116,112
Samoa	2	1,072	1	453	3	1,333	4	2,095	5	2,405	7	3,213	3	1,562	-------	7,180
Virgin Islands	2	612	------	----------	------	----------	2	777	8	5,239	3	1,216	6	3,356	46	9,857
Foreign countries:																
Belgium	12	7,307	3	1,088	1	197	1	982	36	17,469	33	17,457	3	8,085	534	43,545
British Isles	177	104,801	111	40,561	39	16,798	30	8,130	432	247,411	682	333,743	63	166,705	7,210	755,069
Denmark	32	25,524	11	4,364	6	3,086	1	205	73	48,886	113	55,314	6	35,646	-------	139,846
France	29	17,045	13	4,872	4	1,037	2	923	119	70,709	96	41,273	21	19,391	1,064	132,437
Germany	38	26,743	35	12,597	4	1,765	13	4,427	53	37,761	109	47,165	17	14,062	372	99,360
Greece	9	4,578	11	4,171	5	3,210	6	1,113	294	145,692	362	189,348	34	69,377	401	404,818
Italy	15	11,484	15	5,622	8	3,565	17	4,731	691	395,204	1,660	898,308	122	408,152	12,439	1,714,103
Norway	71	42,869	19	6,426	5	3,148	6	1,604	125	73,650	172	84,364	14	51,899	53	209,966
Poland	4	2,144	1	363	4	1,457	8	1,686	131	63,510	600	321,557	23	119,628	988	505,683
Rumania	------	----------	------	----------	1	222	1	205	22	15,137	27	13,990	7	6,742	-------	35,869
Russia	------	----------	------	----------	------	----------	3	614	5	4,037	152	80,742	10	29,861	4,735	119,375
Sweden	55	34,757	26	9,418	2	395	3	700	97	60,304	249	125,467	23	61,694	186	247,651
Yugoslavia	2	1,935	------	----------	------	----------	2	409	49	34,140	108	60,115	6	16,152	93	110,500
Other parts of Europe	30	21,399	24	8,813	4	2,561	10	1,991	140	87,568	355	182,789	66	107,722	12,520	390,599
China	53	28,587	48	17,736	3	907	16	7,231	68	36,739	93	38,595	8	5,712	847	81,893
Japan	20	12,739	19	6,492	1	333	5	1,772	25	15,422	30	12,335	4	1,619	120	29,496
Other parts of Asia	4	1,684	1	242	------	----------	------	----------	27	14,216	49	26,571	3	8,822	77	49,686
Cuba	103	66,614	32	11,280	1	74	2	836	112	71,108	40	14,925	1	1,093	233	87,359
San Domingo and Haiti	9	4,012	1	363	------	----------	1	682	11	5,197	4	2,087	------	----------	-------	7,284
Other parts of West Indies	11	6,033	4	1,487	2	210	1	354	25	11,430	33	15,793	4	6,228	-------	33,451
Africa	19	9,340	3	907	------	----------	------	----------	27	13,835	12	4,815	3	4,373	-------	23,023
Australia	16	8,617	3	1,233	5	1,083	------	----------	25	12,142	15	6,610	3	3,061	-------	21,813
Azores	1	766	------	----------	1	926	2	409	5	4,196	16	7,163	------	----------	274	11,633
Canada	801	469,085	165	61,186	54	13,848	22	5,690	1,182	639,817	645	292,972	58	116,888	4,292	1,053,969
Central America	11	6,002	3	1,553	2	55	4	1,359	22	9,923	9	3,330	2	1,016	243	14,512
Mexico	37	18,352	6	1,559	3	1,596	1	382	74	36,961	31	11,262	4	3,803	528	52,554
Newfoundland	2	1,347	3	2,249	------	----------	------	----------	6	2,947	10	5,513	1	2,772	-------	11,232
Panama	4	2,327	------	----------	------	----------	2	1,354	6	4,618	3	1,940	1	625	-------	7,183
South America	31	17,112	5	1,789	2	605	2	636	60	27,361	27	11,663	6	6,974	345	46,343
Other miscellaneous countries	18	8,590	1	181	3	790	------	----------	31	14,037	6	2,587	1	4,424	-------	21,048
Total, United States possessions and foreign countries	5,089	2,953,003	1,978	740,873	1,181	386,029	1,123	425,431	9,990	5,298,152	9,364	4,526,000	712	1,402,367	53,375	11,279,894

NOTE.—Does not include $848,352 disbursed from administration, medical, hospital, and domiciliary services appropriation. Totals included in table 44 under United States possessions and foreign countries.

Mr. VAN ZANDT. Mr. Speaker, reserving the right to object, may I say for the benefit of the House that at the present time there are 4,070 veterans living in Germany, Poland, France, Italy, Russia, Belgium, and Norway, and the sum of $2,824,469 was sent to them during the year 1939. The number, the countries in which they live, and the amounts paid to them follow:

	Number of persons	Amounts paid
Germany	179	$99,360
Poland	754	505,683
France	236	132,437
Italy	2,351	1,714,103
Russia	167	119,375
Belgium	72	43,545
Norway	311	209,966
Total	4,070	2,824,469

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That hereafter no check or warrant drawn against funds of the United States, or any agency or instrumentality thereof, shall be sent from the United States (including its Territories and possessions and the Commonwealth of the Philippine Islands) for delivery in a foreign country in any case in which the Secretary of the Treasury determines that postal, transportation, or banking facilities in general, or local conditions in the country to which such check or warrant is to be delivered, are such that there is not a reasonable assurance that the payee will actually receive such check or warrant and be able to negotiate the same for full value.

SEC. 2. Any check or warrant, the sending of which is prohibited under the provisions of section 1 hereof, shall be held by the drawer until the close of the calendar quarter next following its date, during which period such check or warrant may be released for delivery if the Secretary of the Treasury determines that conditions have so changed as to provide a reasonable assurance that the payee will actually receive the check or warrant and be able to negotiate it for full value. At the end of such quarter, unless the Secretary of the Treasury shall otherwise direct, the drawer shall transmit all checks and warrants withheld in accordance with the provisions of this act to the drawee thereof, and forward a report stating fully the name and address of the payee; the date, number, and amount of the check or warrant; and the account against which it was drawn, to the Bureau of Accounts of the Treasury Department. The amounts of such undelivered checks and warrants so transmitted shall thereupon be transferred by the drawee from the account of the drawer to a special deposit account with the Treasurer of the United States entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks," at which time such checks and warrants shall be marked "Paid into Withheld Foreign Check Account." Thereafter the drawee shall deliver such checks and warrants, together with other paid checks and warrants, to the Comptroller General of the United States, who shall allow credit therefor in the accounts of the drawer and the drawee.

In the case of checks representing payments under laws administered by the Veterans' Administration, when the amount, transferred to the special deposit account on behalf of any individual payee equals $1,000, the amounts of any further checks, except checks under contracts of insurance, payable to such payee under such laws shall be covered into the Treasury as miscellaneous receipts. The deposit in the special deposit account or the covering into the Treasury as miscellaneous receipts, pursuant to the provisions of this section, of the amount of any

check issued under laws administered by the Veterans' Administration shall be considered for all purposes, including determinations of rights under section 305 of the World War Veterans' Act, 1924, as amended, as payment to the person entitled thereto.

SEC. 3. Payment of the amounts which have been deposited in the special deposit account in accordance with section 2 hereof shall be made by checks drawn against such special deposit account by the Secretary of the Treasury, only after the claimant shall have established his right to the amount of the check or warrant to the satisfaction of the Secretary of the Treasury (or, in the case of claims based upon checks representing payments under laws administered by the Veterans' Administration, to the satisfaction of the Administrator of Veterans' Affairs) and the Secretary of the Treasury has determined that there is a reasonable assurance that the claimant will actually receive such check in payment of his claim and be able to negotiate the same for full value.

In the case of the death of the payee of any check in payment of pension, compensation, or emergency officers' retirement pay accruing under laws administered by the Veterans' Administration, while the amount thereof remains in the special deposit account, such amount shall, subject to the other conditions of this act, be payable as follows: (a) Upon death of the veteran, first to the widow; if there is no widow, to his child or children under the age of 18 at his death; (b) upon death of the widow, to her children under the age of 18 years at her death; (c) upon the death, prior to disbursement of all or any part of the apportioned amount, of an apportionee of a part of the veteran's pension, compensation, or emergency officers' retirement pay, such apportioned amount not disbursed shall be payable to the veteran; (d) in all other cases no disbursement whatsoever of such pension, compensation, or emergency officers' retirement pay shall be made or allowed except so much as may be necessary to reimburse the person who bore the expense of burial: *Provided, however,* That no disbursement shall be made unless claim therefor be filed in the Veterans' Administration within 1 year from the date of the death of the person entitled and perfected by the submission of the necessary evidence within 6 months from the date of the request of the Veterans' Administration therefor. Such benefits shall include only amounts due and unpaid at the time of death under then existing ratings or decisions.

SEC. 4. The provisions of sections 2 and 3 hereof shall apply to all checks or warrants the delivery of which is now being, or may hereafter be, withheld pursuant to Executive Order No. 8389 of April 10, 1940, as amended, as well as to all checks or warrants the delivery of which is now being withheld pursuant to administrative action, which administrative action is hereby ratified and confirmed: *Provided,* That any check or warrant the delivery of which has already been withheld for more than one-quarter prior to the enactment of this act shall be immediately delivered to the drawee thereof for disposition in accordance with the provisions of sections 2 and 3 hereof: *Provided further,* That nothing in this act shall be construed to dispense with the necessity of obtaining a license to authorize the delivery and payment of checks in payment of claims under section 3 hereof in those cases where a license is now or hereafter may be required by law to authorize such delivery and payment.

SEC. 5. The Secretary of the Treasury is hereby authorized to prescribe such rules and regulations as he in his discretion may deem necessary or proper for the administration and execution of this act.

SEC. 6. Nothing contained in this act shall be construed as affecting or applying to checks or warrants issued in payment of salaries or wages or for goods purchased by the Government of the United States in foreign countries.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

Mr. TABER. Mr. Speaker, I take this time to make a little statement with reference to the airport proposal. I am not going to make any comments of my own on this but will simply state the facts with reference to the situation.

A bill was passed a week ago carrying provision for $30,000,000 cash and $50,000,000 in contract authorizations for the construction of airports. The list of airports, 4,000 in number scattered all over the country, was submitted to the Committee on Appropriations. The committee was told, and the Civil Aeronautics Authority has gone on record yesterday in a statement to the press to the effect, that only those airports the construction, enlargement, or improvement of which were absolutely necessary for the purpose of national defense as determined by a Board appointed by the President, the Board representing the Navy Department, the War Department and the Commerce Department, would be built with these funds, so that unless an airport qualifies sufficiently for national defense to come within the range of what that Commission may determine to be essential, it will not be built. Obviously, $80,000,000 will build only a very small portion of the 4,000 airports suggested.

Mr. HOLMES. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. HOLMES. Of course, that does not prohibit the W. P. A. from granting relief funds to the communities if they want to expand the facilities of their own airports.

Mr. TABER. That is correct.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Illinois.

Mr. CHURCH. The gentleman mentioned 4,000 locations. Can the gentleman indicate how the Members of the House may have available in the RECORD this list of 4,000 locations?

Mr. TABER. The 4,000 would be beyond the range of putting anything in the RECORD. The list could be printed as a House document. It is available to the public at the Appropriations Committee.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. HANCOCK. Can the gentleman tell us whether there is authority to acquire new lands to enlarge present airports with these funds?

Mr. TABER. We were told that primarily the localities would be required to furnish these sites.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Nebraska.

Mr. CURTIS. When do they anticipate these reports will be made by the committee to be appointed by the President?

Mr. TABER. The committee will not be appointed, according to what Mr. Hinckley, of the C. A. A., told me this afternoon, until after the bill has been passed and signed. It has not been reported out of the Senate Appropriations Committee yet.

[Here the gavel fell.]

INAUGURATION OF PRESIDENT-ELECT IN JANUARY 1941

Mr. COOPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 467) to exempt from the tax on admissions amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Line 4, after "Ceremonies", insert "on the occasion."

Line 8, strike out "500 of the Revenue Act of 1926" and insert "1700 of the Internal Revenue Code."

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

NATIONALITY LAWS OF THE UNITED STATES

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9980) to revise and codify the nationality laws of the United States into a comprehensive nationality code, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. DICKSTEIN, LESINSKI, KRAMER, REES of Kansas, and VAN ZANDT.

EXTENSION OF REMARKS

Mr. MYERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein

an article recently appearing in the Philadelphia Record by Jay Franklin.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MYERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter recently written by the president of the Union League of Philadelphia.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OF COMMODITY EXCHANGE ACT

Mr. PACE submitted a conference report and statement on the bill (H. R. 4088) to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed meal, and peanuts.

EXTENSION OF REMARKS

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short article from the Dubuque (Iowa) Tribune.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LEVY OF STATE TAXES IN FEDERAL AREAS

Mr. BUCK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6687) to authorize the levy of State, Territory, and District of Columbia taxes upon, with respect to, or measured by sales, purchases, or use of tangible personal property or upon sellers, purchasers, or users of such property measured by sales, purchases, or use thereof occurring in United States national parks, military and other reservations or sites over which the United States Government may have jurisdiction, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That (a) no person thall be relieved from liability for payment of, collection of, or accounting for any sales or use tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, on the ground that the sale or use, with respect to which such tax is levied, occurred in whole or in part within a Federal area; and such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

"(b) The provisions of subsection (a) shall be applicable only with respect to sales or purchases made, receipts from sales received, or storage or use occurring, after December 31, 1940.

"SEC. 2. (a) No person shall be relieved from liability for any income tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, by reason of his residing within a Federal area or receiving income from transactions occurring or services performed in such area; and such State or taxing authority shall have full jurisdiction and power to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

"(b) The provisions of subsection (a) shall be applicable only with respect to income or receipts received after December 31, 1940.

"SEC. 3. (a) The provisions of sections 1 and 2 of this act shall not be deemed to authorize the levy or collection of any tax on or from the United States or any instrumentality thereof, or the levy or collection of any tax with respect to sale, purchase, storage, or use of tangible personal property sold by the United States or any instrumentality thereof to any authorized purchaser.

"(b) A person shall be deemed to be an authorized purchaser under this section only with respect to purchases which he is permitted to make from commissaries, ship's stores, or voluntary unincorporated organizations of Army or Navy personnel, under regulations promulgated by the Secretary of War or the Secretary of the Navy.

"SEC. 4. The provisions of this act shall not for the purposes of any other provision of law be deemed to deprive the United States of exclusive jurisdiction over any Federal area over which it would otherwise have exclusive jurisdiction or to limit the jurisdiction of the United States over any Federal area.

"SEC. 5. Nothing in sections 1 and 2 of this act shall be deemed to authorize the levy or collection of any tax on or from any Indian not otherwise taxed.

"SEC. 6. As used in this act—

"(a) The term 'person' shall have the meaning assigned to it in section 3797 of the Internal Revenue Code.

"(b) The term 'sales or use tax' means any tax levied on, with respect to, or measured by, sales, receipts from sales, purchases, storage, or use of tangible personal property, except a tax with respect to which the provisions of section 10 of the Federal Highway Act, approved June 16, 1936, are applicable.

"(c) The term 'income tax' means any tax levied on, with respect to, or measured by, net income, gross income, or gross receipts.

"(d) The term 'State' includes any Territory or possession of the United States.

"(e) The term 'Federal area' means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State shall be deemed to be a Federal area located within such State.

"SEC. 7. (a) Subsection (a) of section 10 of the Federal Highway Act, approved June 16, 1936, is amended—

"(1) By striking out the words 'upon sales of gasoline and other motor vehicle fuels' and inserting in lieu thereof the words 'upon, with respect to, or measured by, sales, purchases, storage, or use of gasoline or other motor-vehicle fuels'; and

"(2) By striking out the words 'upon such fuels' and inserting in lieu thereof the words 'with respect to such fuel.'

"(b) Subsection (b) of such section 10 is amended by striking out the words 'not sold for the exclusive use of the United States during' and inserting in lieu thereof the words 'with respect to which taxes are payable under subsection (a) for.'"

Amend the title so as to read: "An act to permit the States to extend their sales, use, and income taxes to persons residing or carrying on business, or to transactions occurring, in Federal areas, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. HANCOCK and Miss SUMNER of Illinois asked and were given permission to revise and extend their remarks in the RECORD.

TITLE TO LANDS ACQUIRED BY UNITED STATES

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9736) to amend section 355 of the Revised Statutes, as amended, to authorize the Attorney General to approve the title to low-value lands and interests in lands acquired by or on behalf of the United States subject to infirmities, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out lines 4 and 5 and insert "as amended, is hereby."

Page 2, line 6, strike out "law" and insert "law."

Page 2, lines 9 and 10, strike out "or by exchange or donation."

Page 2, line 15, strike out "The" and insert "That the."

Page 2, lines 21 and 22, strike out "nor in cases of donation and exchange shall grants be accepted."

Page 3, line 6, strike out "Act" and insert: "Act."

Page 3, line 7, strike out "in cases of purchase."

Page 3, lines 8 and 9, strike out "and in cases of donation and exchange by the acquiring authority's appraisal."

Page 4, line 17, after "Authority", insert "and nothing in this section shall be construed to affect in any manner any authority which the Secretary of War, the Chief of Engineers, or the Secretary of the Interior have under the provisions of law in force on the date this section as amended takes effect with respect to the approval by them of title to land or interests in land acquired by the War Department or the Department of the Interior, as the case may be."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, this is exactly as it was this morning before the Committee on the Judiciary?

Mr. SUMNERS of Texas. Yes.

Mr. MICHENER. And the committee unanimously adopted it?

Mr. SUMNERS of Texas. I believe it was unanimous. If there was any opposition I did not hear it.

Mr. LEAVY. Reserving the right to object, Mr. Speaker, when this legislation was before the House earlier I desired to know if its terms were sufficiently broad to permit the Interior Department and the War Department to continue to certify

titles without having those titles passed on to the Department of Justice for a second certification.

Mr. SUMNERS of Texas. Yes.

Mr. LEAVY. I understand that the amendment the Senate has written in the bill is for the purpose of establishing definitely the fact that a title certified by the legal department of the Interior Department or of the War Department in the smaller transactions will be a final certification, and it will not require a certification by the Justice Department; in other words, we will continue in the certification of titles just as we have in the past.

Mr. SUMNERS of Texas. May I say to the gentleman it is my understanding, and I think it is the understanding of the Committee on the Judiciary, that the purpose of the Senate amendment is to leave the matter as it is now with reference to the matters concerning which the gentleman inquires.

Mr. LEAVY. Mr. Speaker, with that explanation I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article by Pearl S. Buck entitled "The Future of the White Man in the Far East." This article appears in Foreign Affairs and the American Quarterly Review, and Mrs. Buck is the author of Good Earth, the winner of the Pulitzer Prize and the Nobel Prize.

I have an estimate from the Public Printer, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HARTER of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Buffalo Evening News of yesterday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DITTER] may extend his remarks in the RECORD and include therein an address delivered by him on September 19.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE DROUGHT SITUATION IN NEBRASKA

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CURTIS. Mr. Speaker, I have just returned from the hearings conducted by the Tolan committee on the interstate migration of destitute persons. Within recent days I have passed through Nebraska twice. The drought situation there is most tragic.

About one-half of the State, including almost all of my district, is experiencing the seventh year of consecutive crop failures. Fine, industrious farmers, who have never asked for relief, are in desperate circumstances. There is no feed for the livestock. Feed must be sent in there, or a great percentage of the farmers will have to dispose of their last milk cows and flocks of chickens.

In 1934, when the first real severe drought hit, a mistake was made in compelling farmers to get rid of their foundation livestock herds instead of furnishing them with feed. If that mistake is made again this year, it will take the working tools away from these farmers, cause them to be unemployed, and force them to go on relief.

Loans of money are not enough. Due to the prolonged drought, many of these people are now loaded with great burdens of debt. The Department of Agriculture must take some steps to get feed into the territory so that the farmers can either borrow the feed and return bushel for bushel, or so that they can buy it on the same basis that surplus grains are sold to Canada and England and other foreign countries.

I am not insisting upon any particular proposal to relieve the situation, but I do urge that something be done and that it be done soon. Nebraska has been a generous State. Her people have responded to the cries for help when disaster struck in other parts of the Nation and throughout the entire world. Nebraska needs help now.

EXTENSION OF REMARKS

Mr. PATTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a great speech that was made on this floor in about 1871 by a man named Proctor Knott on Duluth.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement by Hon. Chester Meyers.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HARTER of New York. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HARTER of New York. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a resolution which I have this day introduced.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HARTER of New York. Mr. Speaker, some of that which was predicted on the floor of this House during debate of the National Guard and the peacetime military conscription bills has come to pass. Men of the One Hundred and Seventy-fourth Infantry of the National Guard unit from Buffalo and the Niagara Frontier in New York State, as well as other units, are now quartered at Fort Dix, N. J. Are they quartered in barracks? They are not. They are occupying tents, sleeping in their uniforms, attempting to keep off the effects of the 45-degree temperature accompanying the cold weather now prevalent at this camp.

A news item by a staff reporter of the Buffalo Evening News of September 26 tells of the conditions faced by these boys who have been ordered into active training by our Chief Executive to occupy a camp unprepared to accept them. Many of us are not surprised at this continued evidence of lack of preparation for preparedness. We are reminded of the "whipping up" process emanating from the executive department during legislative consideration of these bills by Congress. At the same time the conditions of these camps—hazards of occupation, inadequate housing, heating, lack of roads, and probably many other facilities necessary for the protection of the health of the boys taken by their Government to build up its defense must, or should have been, known to those of our Government charged with the responsibility. Here is what the news item says:

FORT DIX, N. J., September 26.—Glum over word that the new wooden barracks will not be finished for 2 months, men of the One Hundred and Seventy-fourth Infantry Wednesday night slept with their uniforms over their pajamas to ward off the damp, 45-degree cold which has settled over central New Jersey. They emerged at 5:45 o'clock this morning from drafty, unheated tents and trudged through puddles of soft mud. The rain and windstorm lashed at the reservation late Wednesday afternoon, halting settlement activities and threatened to level many of the tents. Sides of many of the tents collapsed during the storm, and

the temperature fell to the low fifties. Efforts to anchor the canvas were hampered by the sandy nature of the soil. The unsettled weather added to the irritation prompted by the failure of three or four train carloads of equipment to arrive at the camp.

Another newspaper of Buffalo, the Buffalo Courier-Express, carried a picture of boys at Fort Dix hovering around a small stove with the statement that that stove is the only one at the fort for heating purposes.

Where does the blame lie? It is about time that this Congress looked into some of these conditions. If the executive department lacks interest in protecting these soldiers, it is about time this Congress sees to it that livable camps are provided before Uncle Sam's now healthy young men are thrown in with the probable effect of undermining their health. How long must we bear with these mounting inefficiencies in government?

I have just offered a resolution to investigate these conditions in the various camps, which is as follows:

Resolved, That a committee of five Members of the House of Representatives be appointed by the Speaker of the House to take testimony, investigate, and report to the House concerning the conditions of the various forts and military camps to which different National Guard units have been ordered or are to be ordered, as well as the conditions of such forts or military camps to which those persons enlisted, or to be hereafter enlisted or inducted into the military forces of the United States, are ordered, which conditions might tend to affect the housing and health of such personnel so ordered to such forts or camps.

The committee or any subcommittee thereof shall have power to hold hearings and to sit and act anywhere within or without the District of Columbia, whether the House is in session or has adjourned or is in recess; to acquire by subpena or otherwise the attendance of witnesses and the production of books, papers, and documents; to administer oaths; to take testimony; to have printing and binding done; and to make such expenditures as it deems advisable within the amount appropriated therefor. A subpena shall be issued under the signature of the chairman of the committee and shall be served by any person designated by him. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with any subpena, or to testify when summoned under authority of this resolution.

I sincerely hope that the majority leadership will see that this resolution is reported so that we can do something tangible to protect the soldiers' health.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RABAUT. Mr. Speaker, we just had a roll call to which 252 Members have answered to their names.

We have heard on several occasions how we should remain in session. To this I agree. The Nation ought to take cognizance of those who do remain in Congress. The leadership ought to take cognizance of the faithful on both sides of the aisle, and declare 3-day recesses, to permit Members to return to their districts at least for a short time to attend to the business preceding a national election. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from A. M. Piper of the Nonpareil, Council Bluffs, Iowa, relative to unemployment insurance.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent Mr. PATRICK, Mr. BENDER, and Mr. LEA were granted permission to revise and extend their own remarks in the RECORD.

THE LATE LIEUTENANT COLONEL HARRINGTON

Mr. CANNON of Missouri. Mr. Speaker, I share the dismay and regret I am certain every Member of the House felt when he opened the newspaper this morning and read of the unexpected and untimely death of Col. F. C. Harrington. I do not know when the death of a man whom I knew only through official contacts across the conference table of the committee room has affected me so profoundly. He was a stranger to me, as he was to most Members of the Congress, when he was appointed Works Progress Administrator in 1938, but in the brief time intervening between his appointment and his death had become one of the most widely and favorably known men in the Nation.

As head of the Works Progress Administration he occupied one of the most difficult assignments in the Federal Government, not only because of its far-reaching ramifications, extending geographically into every community, and economically, to every industry and activity of continental and insular United States, but also because during his entire incumbency it has been the object of bitter attack. An extensive investigation was made of the W. P. A. and its administration and approximately $100,000 was expended in an exhaustive inquiry that subjected it to the searching scrutiny of professional investigators, assisted by employees requisitioned from the General Accounting Office and the Department of Justice. Through the ordeal he sustained his position with such ability and equanimity as to disarm even his severest critics and win from all admiration of his capacity and integrity and a deep regard for him as an officer and a gentleman.

The tempestuous character of the investigation and the wide publicity accorded it, served, unfortunately, to obscure the value of his services rendered in other and more important capacities. After attendance at Virginia Military Institute and graduation from West Point, he returned to the Academy as a member of the faculty. Later he served as engineer assisting Gen. George W. Goethals in the construction of the Panama Canal. During the World War he served with distinction and was promoted from the grade of captain to the grade of colonel. Following the close of the war he helped organize the Army Engineer School at Fort Belvoir, was district engineer at Baltimore, returned to the Panama Canal in the capacity of assistant engineer of maintenance, attended and was graduated from the General Staff School of the Army at Fort Leavenworth, attended and graduated from the Army War College at Washington, served 4 years on the War Department General Staff, attended and was graduated from Ecole de Guerre, the French school for the training of officers for high command, and served successively as Assistant Administrator, Chief Engineer, and Administrator of the Works Progress Administration.

His death is a loss to the service which he represented with such credit and distinction, and to the Nation at large which can ill afford to lose at this critical time a man of such invaluable qualities of heart and mind. May he rest in peace in that fairest vale of Valhallah reserved for the noblest, the truest, the most valiant, and the best beloved.

CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday—tomorrow—may be dispensed with.

The SPEAKER. Is there objection?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman tell us what the program for tomorrow is?

Mr. McCORMACK. House bills with Senate amendments. Then there is the so-called Ellender bill which passed the Senate, relating to sugar. It is a bill which passed the Senate a few days ago and is on the Speaker's desk. Those are the only bills that I know of now that will be brought up tomorrow.

Mr. MICHENER. Is the Ellender bill a House bill?

Mr. McCORMACK. No; it is a Senate bill.

Mr. MICHENER. It has never been before a House committee?

Mr. McCORMACK. No. I understand there has been some meeting with reference to it. It will have to be taken up by unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. MAGNUSON, indefinitely, on account of official business.

To Mr. SHANLEY, for today, on account of official business.

To Mr. FITZPATRICK, indefinitely, on account of illness.

EXTENSION OF REMARKS

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein certain excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SENATE BILLS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1432. An act authorizing the Snake or Piute Indians of the former Malheur Indian Reservation of Oregon to sue in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

S. 2148. An act for the admission of Ruth Molimau Kenison to American citizenship; to the Committee on Immigration and Naturalization.

S. 2576. An act to authorize the expenditure of the receipts from migratory-bird and wildlife refuges or other areas or projects operated or controlled by the Fish and Wildlife Service, United States Department of the Interior, for the protection of such refuges, areas, or projects and the wildlife thereon, and for other purposes; to the Committee on Agriculture.

S. 2705. An act creating the Great Falls Bridge Commission and authorizing the construction, maintenance, and operation of a bridge across the Potomac River near the Great Falls of the Potomac; to the Committee on Interstate and Foreign Commerce.

S. 3087. An act to record the lawful admission to the United States for permanent residence of Chaim Wakerman, known as Hyman Wakerman; to the Committee on Immigration and Naturalization.

S. 3185. An act for the relief of Noland Blass; to the Committee on Claims.

S. 3204. An act for the relief of Louise Hsien Djen Lee Lum; to the Committee on Immigration and Naturalization.

S. 3442. An act to authorize the cancelation of deportation proceedings in the case of Minas Kirillidis; to the Committee on Immigration and Naturalization.

S. 3653. An act for the relief of Algy Fred Giles; to the Committee on Military Affairs.

S. 3657. An act authorizing the appointment and retirement of John Tomlingson as a second lieutenant, United States Army; to the Committee on Military Affairs.

S. 3729. An act for the relief of Hjalmar M. Seby; to the Committee on Claims.

S. 3765. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3778. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930; to the Committee on Public Buildings and Grounds.

S. 3864. An act to apply laws covering steam vessels to certain passenger-carrying vessels; to the Committee on Merchant Marine and Fisheries.

S. 3991. An act to authorize the disposal of tools and equipment on the New England hurricane-damage project; to the Committee on Agriculture.

S. 4073. An act for the relief of Fred McGarrahan; to the Committee on Military Affairs.

S. 4116. An act amending the act of June 25, 1938, extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes; to the Committee on the Civil Service.

S. 4120. An act authorizing the Secretary of War to accept a gift of lands from the city of Tucson, Ariz.; to the Committee on Military Affairs.

S. 4196. An act establishing overtime rates for compensation for employees of the field services of the Navy Department and the Coast Guard, and for other purposes; to the Committee on Naval Affairs.

S. 4224. An act to authorize the discontinuance of professional examinations, for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress; to the Committee on Military Affairs.

S. 4246. An act to provide for the appointment of certain persons as commissioned or warrant officers in the Naval Reserve, and for other purposes; to the Committee on Naval Affairs.

S. 4250. An act conferring jurisdiction upon the United States District Court for the western district of North Carolina to hear, determine, and render judgments upon the claims against the United States of I. M. Cook, J. J. Allen, and the Radiator Specialty Co.; to the Committee on Claims.

S. 4275. An act to increase the authorized numbers of warrant officers and enlisted men in the Army mine planter service, and for other purposes; to the Committee on Military Affairs.

S. J. Res. 212. Joint resolution making applicable to certain coal deliveries the prices established by the National Bituminous Coal Commission; to the Committee on Ways and Means.

S. J. Res. 253. Joint resolution providing for the celebration in 1945 of the one hundredth anniversary of the founding of the United States Naval Academy, Annapolis, Md.; to the Committee on the Library.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 428. An act for the relief of Edward Workman;

H. R. 532. An act for the relief of W. J. Hance;

H. R. 554. An act for the relief of Meta De Rene McLoskey;

H. R. 775. An act for the relief of W. M. Hurley and Joe Whitson;

H. R. 1174. An act for the relief of Euel Caldwell;

H. R. 1183. An act for the relief of Ben L. Kessinger and M. Carlisle Minor;

H. R. 1857. An act for the relief of Nell Mullen;

H. R. 1912. An act for the relief of the estate of Alfred Batrack;

H. R. 2036. An act for the relief of Umberto Tedeschi;

H. R. 2214. An act for the relief of M. Grace Murphy, administratrix of the estate of John H. Murphy, deceased;

H. R. 2286. An act for the relief of Wasyl Kulmatycki;

H. R. 2684. An act for the relief of Emma Knutson;

H. R. 4441. An act for the relief of Alex Silberstein, Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, minors;

H. R. 4571. An act for the relief of LaVera Hampton;

H. R. 4954. An act for the relief of Rosa Paone;

H. R. 5264. An act for the relief of Maj. Clarence H. Greene, United States Army, retired;

H. R. 5365. An act for the relief of John J. Murphy;

H. R. 5400. An act for the relief of those rendering medical and hospital services to Evyline Vaughn;

H. R. 5417. An act for the relief of Isaac Surmany;

H. R. 5771. An act for the relief of Louis St. Jacques;

H. R. 5776. An act for the relief of Albert DePonti;

H. R. 5863. An act for the relief of the estate of James A. Rivera;

H. R. 6060. An act for the relief of John P. Hart;

H. R. 6108. An act for the relief of Regina Howell;

H. R. 6210. An act for the relief of George R. Stringer;

H. R. 6230. An act for the relief of James Murphy, Sr.;

H. R. 6409. An act to record the lawful admission to the United States for permanent residence of Motiejus Buzas and Bernice Buzas, his wife;

H. R. 6456. An act for the relief of John Toepel, Robert Scott, Widmer Smith, and Louis Knowlton;

H. R. 6457. An act for the relief of the Wallie Motor Co.;

H. R. 6480. An act to amend the Agricultural Adjustment Act of 1933;

H. R. 6605. An act for the relief of Louis A. Charland;
H. R. 6639. An act for the relief of George F. Kermath;
H. R. 6782. An act for the relief of James Robert Harman;
H. R. 6842. An act for the relief of Rufus E. Farmer;
H. R. 6946. An act for the relief of Salvator Taras;
H. R. 7179. An act authorizing the naturalization of Louis D. Friedman;
H. R. 7425. An act for the relief of the parents of Charldean Finch;
H. R. 7515. An act for the relief of Joseph B. Rupinski and Maria Zofia Rupinski;
H. R. 7681. An act for the relief of Emelie Witzenbacher;
H. R. 7747. An act for the relief of Estelle M. Corbett;
H. R. 8124. An act to provide funds for cooperation with public-school districts (organized and unorganized) in Mahnomen, Itasca, Pine, St. Louis, Clearwater, Koochiching, and Becker Counties, Minn., in the construction, improvement, and extension of school facilities to be available to both Indian and white children;
H. R. 8295. An act for the relief of Leo Neumann and his wife, Alice Neumann;
H. R. 8474. An act to further amend the Alaska game law;
H. R. 8743. An act for the relief of Luther Haden;
H. R. 8830. An act to amend the records at the port of New York to show the admission of Steve Zegura, and B. Dragomir Zegura as aliens admitted for permanent residence;
H. R. 8906. An act to record the lawful admission to the United States for permanent residence of Nicholas G. Karas;
H. R. 9024. An act relating to the status of retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, and to amend section 113 of the Criminal Code;
H. R. 9123. An act to approve Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act No. 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise";
H. R. 9124. An act to approve Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act No. 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli, in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai";
H. R. 9264. An act to provide for uniformity of allowances for the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty;
H. R. 9636. An act authorizing the conveyance to the Commonwealth of Virginia of a portion of the naval reservation known as Naval Proving Ground, Dahlgren, Va.;
H. R. 9688. An act to provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the act of June 23, 1938;
H. R. 9898. An act to further amend section 13a of the National Defense Act so as to authorize officers detailed for training and duty as aircraft observers to be so rated, and for other purposes;
H. R. 10036. An act for the relief of John A. Kames;
H. R. 10080. An act to amend section 3493 of the Internal Revenue Code, formerly section 404 of the Sugar Act of 1937;
H. R. 10191. An act for the relief of Anthony Borsellino;
H. R. 10295. An act to amend the act of June 23, 1938 (52 Stat. 944); and
H. R. 10405. An act to provide for adjusting the compensation of persons employed as masters at arms and guards at navy yards and stations, and for other purposes.

ADJOURNMENT

Mr. McCORMICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until tomorrow, Wednesday, October 2, 1940, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. FULMER: Committee of conference on the disagreeing votes of the two Houses. H. R. 4088. A bill to amend the Commodity Exchange Act (Rept. No. 3004). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. S. 1318. A bill relating to the exclusion of certain deposits in determining the assessment base of banks insured by the Federal Deposit Insurance Corporation; with amendment (Rept. No. 3006). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 8665. A bill to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis; without amendment (Rept. No. 3003). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 10440. A bill for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.; without amendment (Rept. No. 3005). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAAS:

H. R. 10592. A bill providing for the advancement on the retired list of certain officers of the line of the United States Navy; to the Committee on Naval Affairs.

By Mr. GEYER of California:

H. R. 10593 (by request). A bill to amend that portion of the act of March 3, 1893, which relates to the employment of detectives in Government service; to the Committee on the Judiciary.

By Mr. McARDLE:

H. Res. 619. Resolution to investigate the rates of the public utilities companies of Washington, D. C.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McGRANERY:

H. R. 10594. A bill for the relief of Pawel Deutsch and his wife, Irene; to the Committee on Immigration and Naturalization.

By Mr. KEE:

H. R. 10595. A bill for the relief of Frank Sheppard; to the Committee on Claims.

By Mr. KING:

H. R. 10596. A bill for the relief of Ideal Service Station; to the Committee on Claims.

By Mr. LESINSKI:

H. R. 10597. A bill for the relief of Ettore Cordovado; to the Committee on Immigration and Naturalization.

H. R. 10598. A bill for the relief of Gertrud Selma Feuerring and sons, Rafael and Joseph; to the Committee on Immigration and Naturalization.

H. R. 10599. A bill for the relief of Melton Mai, his wife, Lilli Luise, and daughters, Mary Clothilde Mai and Eleonara Mai; to the Committee on Immigration and Naturalization.

By Mr. LEWIS of Ohio:

H. R. 10600. A bill granting a pension to Mary Jane Martin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9338. By Mr. WELCH: Petition of the California Legislature, Assembly Joint Resolution No. 1, urging the control of predatory animals in national parks; to the Committee on Merchant Marine and Fisheries.

SENATE

WEDNESDAY, OCTOBER 2, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who art from everlasting, from whose presence there is no removal or withdrawing: We bless Thee for this lovely world of sight and sound and for the world of the unseen and eternal. Two worlds are ours; let us not neglect the one as we cultivate the other; as we walk by sight let us also walk by faith, the faith that causeth light to shine in darkness, and maketh e'en the dullest, barest place to glow with mystic beauty. May the challenge to the higher life of the spirit find quick and full response in the heart of everyone assembled here today. Let purest thought be quickened into action; and do Thou make each life more serviceable to Thee, the Nation, and the world. Let every citizen of our own America be solemnly aware of this great truth, that in a universe so vast and ageless the life of one man can be justified only by the measure of his sacrifice.

We ask it in the name of Him who gave Himself an eternal sacrifice for us—Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, October 1, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had considered and failed to pass the bill (S. 3936) to extend the provisions of the act of May 22, 1934, known as the National Stolen Property Act.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8150) providing for the barring of claims against the United States.

The message further announced that the House had severally agreed to the amendments of the Senate to the following bills and joint resolution of the House:

H. R. 6687. An act to authorize the levy of State, Territory, and District of Columbia taxes upon, with respect to, or measured by sales, purchases, or use of tangible personal property or upon sellers, purchasers, or users of such property measured by sales, purchases, or use thereof occurring in United States national parks, military and other reservations or sites over which the United States Government may have jurisdiction;

H. R. 9736. An act to amend section 355 of the Revised Statutes, as amended, to authorize the Attorney General to approve the title to low-value lands and interests in lands acquired by or on behalf of the United States subject to infirmities, and for other purposes;

H. R. 10061. An act to consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code; and

H. J. Res. 467. Joint resolution to exempt from the tax on admissions amounts paid for admission tickets sold by authority of the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect in January 1941.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Holt	Schwartz
Andrews	Danaher	Hughes	Schwellenbach
Ashurst	Davis	Johnson, Calif.	Sheppard
Austin	Downey	Johnson, Colo.	Shipstead
Bailey	Ellender	King	Smathers
Bankhead	Frazier	McKellar	Stewart
Barbour	George	McNary	Thomas, Idaho
Barkley	Gerry	Maloney	Thomas, Okla.
Bridges	Gibson	Mead	Thomas, Utah
Brown	Gillette	Murray	Townsend
Bulow	Glass	Norris	Truman
Burke	Green	Nye	Tydings
Byrd	Guffey	O'Mahoney	Vandenberg
Byrnes	Gurney	Overton	Van Nuys
Capper	Hale	Pepper	Wagner
Caraway	Harrison	Pittman	Walsh
Chavez	Hayden	Radcliffe	Wheeler
Clark, Idaho	Herring	Reed	White
Clark, Mo.	Hill	Russell	Wiley

Mr. BARKLEY. I announce that the Senator from Washington [Mr. BONE] and the Senator from Kentucky [Mr. CHANDLER] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Ohio [Mr. DONAHEY], the Senator from New Mexico [Mr. HATCH], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from Arkansas [Mr. MILLER], the Senator from Indiana [Mr. MINTON], the Senator from West Virginia [Mr. NEELY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Illinois [Mr. SLATTERY], and the Senator from South Carolina [Mr. SMITH], are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from Ohio [Mr. TAFT], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present.

SUPPLEMENTAL ESTIMATE, LEGISLATIVE ESTABLISHMENT (S. DOC. NO. 302)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, Senate, fiscal year 1941, amounting to $15,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MEMORIAL

The VICE PRESIDENT laid before the Senate the following memorial of the Senate of the State of Arizona, which was referred to the Committee on Finance:

A memorial relating to the payment of old-age benefits to persons engaged in or in sympathy with subversive activities

To the Congress of the United States of America:

Your memorialist respectfully represents:

In the Emergency Relief Appropriation Act for the fiscal year 1941, enacted by the third session of the Seventy-sixth Congress, aliens, Communists, members of Nazi bund organizations, and persons advocating the overthrow of the Government of the United States are prohibited from employment on any work project under the Work Projects Administration.

The people of Arizona and, it is believed, the overwhelming majority of the people of the entire Nation, are wholeheartedly in accord with the spirit of that provision.

No similar provision is included in title I of the Social Security Act relating to the payment of old-age assistance. On the other hand, sections 302 and 304 thereof provide that the Social Security Board shall withhold payments to any State which imposes "any citizenship requirement which excludes any citizen of the United States."

Of late the insidious work of the so-called "fifth column" has been unpleasantly brought to the attention of the people of America through the activities of said "fifth column" in other countries and through incidents and exposures in this country. Members of

subversive groups are active in many parts of this country and many of such members are citizens of the United States, receiving various forms of governmental relief, including old-age assistance. It is believed that the considerations which led to the elimination of such persons from the W. P. A. rolls apply with equal force to the payment of old-age benefits and other forms of relief.

The States, believing that the national-defense program will be expedited thereby, desire to eliminate all persons engaging in any form of subversive activities from relief rolls, but are unable to do so in the case of old-age assistance because of the danger of losing Federal aid under the provisions of the Social Security Act above referred to.

Wherefore your memorialist, the Senate of the State of Arizona, urgently requests—

That title I of the Social Security Act be immediately amended to prohibit the payment of old-age assistance to any Communist, alien, member of any Nazi bund organization, or other person advocating the overthrow of the Government of the United States, or to permit the States to prohibit payment of such assistance.

REPORTS OF COMMITTEES

Mr. BROWN from the Committee on Claims, to which was referred the bill (S. 4249) for the relief of the widows of the late George A. Meffan and John Glenn, reported it with amendments and submitted a report (No. 2193) thereon.

Mr. BURKE, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 10194. A bill for the relief of the late John L. Summers, former disbursing clerk, Treasury Department (Rept. No. 2194); and

H. R. 10345. A bill for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes (Rept. No. 2195).

Mr. ADAMS, from the Committee on Appropriations, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 10539. A bill making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes (Rept. No. 2196); and

H. R. 10572. A bill making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes (Rept. No. 2197).

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On September 25, 1940:

S. 3929. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Memphis, Tenn.

On September 27, 1940:

S. 2524. An act to incorporate the Military Order of the Purple Heart.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DAVIS:

S. 4393. A bill for the relief of Antonio or Anthony Maurin; to the Committee on Immigration.

By Mr. WHITE:

S. 4394. A bill granting a pension to Maude K. Marsh; to the Committee on Pensions.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS

Mr. HAYDEN submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notive in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 10539) making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely: At the proper place in the bill, to insert the following:

"GOVERNMENT PRINTING OFFICE

"The Superintendent of Documents is hereby authorized to deliver to the Librarian of Congress, from the sales stock in the Government Printing Office, 250 sets of the Writings of George Washington, as published by the Bicentennial Commission, for distribution through international exchange and for such other distribution for the use of foreign governments as may be deemed appropriate."

Mr. HAYDEN also submitted an amendment intended to be proposed by him to House bill 10539, supra, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. ADAMS submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 10539) making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely: At the proper place in the bill under "Treasury Department, Office of the Secretary," insert the following:

"The act entitled 'An act relating to Philippine currency reserves on deposit in the United States,' approved June 19, 1934, is hereby repealed."

Mr. ADAMS also submitted an amendment intended to be proposed by him to House bill 10539, supra, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. McKELLAR submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 10539) making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely: At the proper place in the bill insert the following:

"THE JUDICIARY

"Court of Claims: The act of June 23, 1930 (46 Stat. 799, ch. 573), entitled 'An act to amend section 2 and to repeal section 3 of the act approved February 24, 1925 (43 Stat. 964, ch. 301), entitled "An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation," and for other purposes,' is hereby reenacted: *Provided, however,* That the amount payable to commissioners of the court for their actual expenses incurred for subsistence shall not exceed $7 a day, and the maximum amount payable to stenographers for their actual expenses incurred for subsistence shall not exceed $5 a day: *And provided further,* That retired judges recalled to active duty in Washington or elsewhere shall be entitled to the travel and subsistence expenses provided for in said act."

Mr. McKELLAR also submitted an amendment intended to be proposed by him to House bill 10539, supra, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

EXTENSION OF CLASSIFIED CIVIL SERVICE—CONFERENCE REPORT

Mr. MEAD submitted a conference report, which was ordered to lie on the table.

STATEMENT BY THE PRESIDENT ON THE OCCASION OF BREAKING GROUND FOR THE NEW HALL OF RECORDS, DISTRICT OF COLUMBIA

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an informal statement by the President of the United States in connection with the breaking of ground for the new Hall of Records, Washington, D. C., Thursday, September 26, 1940, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT AT LAYING OF CORNERSTONE OF ADMINISTRATION BUILDING, WASHINGTON NATIONAL AIRPORT

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by the President of the United States in connection with the laying of the cornerstone of the Administration Building at the Washington National Airport, September 28, 1940, which appears in the Appendix.]

ADDRESS PREPARED BY THE LATE SPEAKER BANKHEAD FOR DELIVERY AT OPENING OF MARYLAND DEMOCRATIC CAMPAIGN

[Mr. RADCLIFFE asked and obtained leave to have printed in the RECORD an address prepared by the late Speaker Bankhead for delivery on September 10, 1940, at the opening of the Maryland Democratic campaign in the Lyric Theater, Baltimore, Md., which appears in the Appendix.]

ADDRESS BY SENATOR MEAD BEFORE NEW YORK DEMOCRATIC CONVENTION

[Mr. WAGNER asked and obtained leave to have printed in the RECORD the address delivered by Senator MEAD before the

Democratic convention of the State of New York at New York City on September 30, 1940, which appears in the Appendix.]

STATEMENT OF BISHOP A. W. LEONARD ON THIRD PRESIDENTIAL TERM

[Mr. BURKE asked and obtained leave to have printed in the RECORD the statement of Bishop A. W. Leonard, of the Methodist Church, before the subcommittee of the Senate Judiciary Committee on the third-term issue, which appears in the Appendix.]

THE THIRD PRESIDENTIAL TERM—EDITORIAL FROM THE SPRINGFIELD (MASS.) UNION

[Mr. BURKE asked and obtained leave to have printed in the RECORD an editorial from the Springfield (Mass.) Union of July 22, 1939, relative to the third Presidential term, which appears in the Appendix.]

ARTICLE BY ARTHUR KROCK ON THE ATTITUDE OF SECRETARY ICKES TOWARD THIRD PRESIDENTIAL TERM

[Mr. BURKE asked and obtained leave to have printed in the RECORD an article under the heading "Secretary Ickes as a research historian," written by Arthur Krock and published in the New York Times of Wednesday, October 2, 1940, which appears in the Appendix.]

STATEMENT BY WHARTON E. LESTER ON THIRD PRESIDENTIAL TERM

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD a statement by Wharton E. Lester, of Washington, D. C., on the subject of a third Presidential term, which appears in the Appendix.]

EDITORIAL FROM COLLIER'S WEEKLY ON TRANSFER OF DESTROYERS AND ACQUISITION OF AIR AND NAVAL BASES

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial from Collier's Weekly of October 5, 1940, entitled "Where Do We Go From Here?" which appears in the Appendix.]

EFFECT OF STRATEGIC MATERIAL PURCHASES ON BRITISH BUYING POWER

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article under the heading "United States strategic materials demand aids British buying power," published in the Christian Science Monitor of September 26, 1940, which appears in the Appendix.]

SERMON BY REV. JOHN HAYNES HOLMES ON MOVEMENT OF UNITED STATES TOWARD WAR

[Mr. HOLT asked and obtained leave to have printed in the RECORD a sermon by Rev. John Haynes Holmes, delivered at the Community Church, New York City, September 29, 1940, on the topic As We Move Toward War: Some Plain Talk in An Hour of Peril, which appears in the Appendix.]

SECOND ARTICLE OF SERIES OF ENGLISH PREDICTIONS OF AMERICAN ACTION

[Mr. HOLT asked and obtained leave to have printed in the RECORD the second article of a series of English predictions of American action, which appears in the Appendix.]

LABELING OF WOOL PRODUCTS; TRUTH IN FABRICS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

The VICE PRESIDENT. When the Senate took a recess yesterday, the Senator from Oklahoma [Mr. THOMAS] expressed a desire to continue his remarks. The Chair recognizes the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. Mr. President, I desire to submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. THOMAS of Oklahoma. Yesterday was October 1. Today is October 2. Yesterday a motion was made to agree to the conference report. I obtained the floor and made some remarks in opposition to the report. Later in the day I yielded so that the Senator from Florida [Mr. PEPPER] might address the Senate, as he had asked me to yield on the previous day in the event I should obtain the floor. A point of order was made against my yielding the floor to let him speak without my losing the floor. Knowing that I could make two addresses yesterday—thinking that I could, and I did—I yielded in obedience to the objection made by the senior Senator from Wyoming [Mr. O'MAHONEY] and by the junior Senator from Wyoming [Mr. SCHWARTZ], the two proponents of this bill.

My parliamentary inquiry is, Is today yesterday, or is today today under the rules of the Senate?

The VICE PRESIDENT. The Chair will say to the Senator from Oklahoma that in view of the precedents of the Senate he will vacate the chair when a ruling on that question becomes necessary, and let the President pro tempore decide that question, as he has done heretofore.

So far as the Chair is concerned, today is not yesterday, and one day is 24 hours. That is what the Chair will rule if compelled to do so while he is Vice President. As stated to the Senator from Oklahoma, however, when that question comes up the present occupant of the chair desires to vacate it so that the Senate may have the ruling of the President pro tempore, whom the Senate itself selected, and who has followed the precedent of having 24 hours mean 24 days or any other number of days.

Mr. THOMAS of Oklahoma. Mr. President, accepting the ruling—and I think the Chair is correct—I assure the Senate that I shall not take a moment's time more than is necessary to have the RECORD show my views in opposition to this bill. I shall be glad to yield the floor for the transaction of any necessary business, and in any event I shall not occupy the floor very long; but until I shall have concluded my remarks I shall be glad to yield.

The VICE PRESIDENT. The Senator may yield by unanimous consent. The ruling has been made that when a Senator yields by unanimous consent he does not thereby lose the floor; so if the Senator yields to other Senators by unanimous consent of the Senate he still has the right to continue his remarks.

Mr. THOMAS of Oklahoma. Mr. President, if any Senator asks me to yield, and I grant my consent, and no Senator objects, then I presume I yield by unanimous consent.

The VICE PRESIDENT. That is correct. The Chair will put it that way if the Senator desires.

TRAVEL ALLOWANCE TO JUDGES OF UNITED STATES CUSTOM COURT

Mr. TYDINGS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oklahoma, by unanimous consent of the Senate, yield to the Senator from Maryland?

The Chair hears no objection.

Mr. THOMAS of Oklahoma. I yield to the Senator from Maryland.

Mr. TYDINGS. I desire to ask the Senator from Oklahoma a question first, if I may.

The VICE PRESIDENT. Does the Senator yield for a question?

Mr. THOMAS of Oklahoma. I do.

Mr. TYDINGS. I should like to ask the Senator from Oklahoma if he will ask for unanimous consent to yield to me, or I shall ask it, for the reason that there is on the desk a resolution transmitting the amendments of the House to a Senate bill which has passed the two Houses. There is no dispute about the amendments. They have been on the desk for several days. There will be no discussion on them; and I should like to have them agreed to, because I am afraid the legislative situation may become such that the bill will automatically die for want of consideration.

I therefore ask, for 1 minute only, unanimous consent that the amendment of the House to Senate bill 3990 be laid

before the Senate without taking the Senator from Oklahoma from the floor at the conclusion of the consideration of the amendments; and if their consideration requires more than a minute I shall withdraw my request.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland? The Chair hears none.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3990) to transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court, Government counsel, and stenographic clerks as set forth therein for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all acts inconsistent therewith to the extent of such inconsistency, and for other purposes, which were, on page 3, line 25, to strike out "stenographic clerks, and Government counsel"; on page 4, line 2, to strike out all after "day" down to and including "clerks", in line 4; and to amend the title so as to read: "An act to transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all acts inconsistent therewith to the extent of such inconsistency, and for other purposes."

Mr. TYDINGS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LABELING OF WOOL PRODUCTS; TRUTH IN FABRIC—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

Mr. WILEY. Mr. President——

The PRESIDENT pro tempore. The Senator from Oklahoma has the floor. Does the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. WILEY. I desire to do more than ask a question. A week ago today a speech was made by the distinguished senior Senator from Tennessee [Mr. MCKELLAR] which involved certain matters, and I had expected and have been patiently waiting to address the Senate in reply to those matters; and I desire to make my reply at this time.

Mr. BARKLEY. Mr. President, will the Senator from Oklahoma yield to me?

Mr. THOMAS of Oklahoma. I yield to the Senator from Kentucky.

Mr. BARKLEY. An important conference report is now pending before the Senate. The Senator from Oklahoma has not concluded his remarks on the conference report, and if Senators are to pursue the course of trying to obtain unanimous consent in order that other speeches may be made while the conference report is before the Senate and while the Senator from Oklahoma has the floor, I merely wish to say that such unanimous consent cannot be obtained. I think the conference report is sufficiently important to be passed upon, and the Senator from Oklahoma should be permitted to conclude his remarks. Certainly he should not be interrupted in order that another Senator may make a political speech, and I hope the Senator from Oklahoma will not yield for that purpose.

Mr. THOMAS of Oklahoma. Mr. President, I shall be glad to yield if by yielding I do not thereby lose the floor.

Mr. BARKLEY. Mr. President, if under these conditions unanimous consent is required in order that the Senator from Wisconsin or any other Senator may inject a political speech into the midst of the address of the Senator from Oklahoma on this conference report, I shall be compelled to object.

Mr. WILEY. Mr. President, if the Senator will yield——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Wisconsin?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. WILEY. I will state to the distinguished leader of the majority——

The PRESIDENT pro tempore. The Chair does not want to take the Senator from Oklahoma off his feet, but he cannot yield for explanations and speeches unless he desires to. He may yield if he sees fit, but if he yields, he yields the floor for that purpose.

Mr. THOMAS of Oklahoma. Mr. President, inasmuch as the present Presiding Officer advised me within the last few moments that I was now speaking by unanimous consent, I have a very decided opinion that if I yielded I would not again be recognized by the present Presiding Officer, and for that reason I shall be forced to proceed.

We have before the Senate a bill for the special benefit of one group of our citizens at the expense of all the other groups of our citizens, a bill to raise the price of wool, when the price of wool is now higher than it has been for years, and is going up 2 or 3 cents a pound a day. Yet in the United States Senate a bill is pending seeking still further to increase the price of wool at the expense of the taxpayers and at the expense of the consumers of the country.

Last night after I had concluded my remarks for the day I was accosted by a stranger, who asked me why I was opposing the bill. I asked him where he lived. He gave me his name, and told me he lived in the Northwest. I asked him what his business was, and he said he was engaged, among other things, in ranching. I asked him if he raised sheep. He said "Yes." Then I asked, "You must produce wool." He said "Yes." I said, "Mr. So and So, if I had a bill pending in the Senate seeking to glorify cotton at the expense of wool, and you were in the Senate, would you not oppose my cotton bill?" That ended our conference. The answer is obvious.

Mr. President, the bill seeks to legislate upon an impossible subject, and the bill itself is wholly ineffective. I desire to call the attention of the Senate to some of its provisions. The bill defines wool as follows:

> The term "wool" means the fiber from the fleece of the sheep or lamb or hair of the Angora or Cashmere goat (and may include the so-called specialty fibers from the hair of the camel, alpaca, llama, and vicuna) which has never been reclaimed from any woven or felted wool product.

Mr. President, that means that any of the hair of the sheep or lamb, or the wool of the sheep or the lamb; or the hair of the goat, or the wool of the goat, as the case may be; or the hair of the camel or the wool of the camel; or the hair of the alpaca, the llama, the vicuna, or the wool of those animals which has never been used, is virgin wool.

This definition of wool, in my judgment, is an impossible one. It makes no distinction between the best wool that is grown and the worst wool that is grown. A sheep, for example, has at least 14 different kinds of wool on its body. The sorter who takes the fleece of wool and makes the division of the wool before it is even scoured, divides the fleece of the wool into 14 parts. I have had placed on the wall a chart which shows the 14 divisions.

There is the wool grown on the sheep's back, which is called tops, and which is presumed to be the best wool grown on the sheep.

Then there is stained wool. Senators who have lived upon a farm know what stained wool is, and I will not describe it.

Then there is gray wool, and Senators likewise know what that is.

Then there is paint wool. It is virgin wool, because it is wool of the fleece, but it is painted slightly to denote the name of the owner of the wool.

Then there is britch wool. Of course, Senators know what part of the animal britch wool comes from.

Then there is seedy wool, and that designation indicates exactly what it is, namely, wool that is full of seeds of some kind.

Then there is dead wool. A sheep dies out on the ranch, the rancher finds it, he pulls the fleece from the dead sheep, and that is known as dead wool.

Then we have shearlings. In the springtime ranchers shear their sheep. Later on they want to sell the sheep for mutton, or for some other purpose, before the wool has grown to any extent, and sheared wool, a quarter of an inch long, an eighth of an inch long, half an inch long, remains on the body after the sheep is sheared, and that is called shearlings, and that is virgin wool, under the terms of the bill.

Then we have burry wool, and the name indicates exactly what it is—fleece of wool full of cockleburs or some other kind of burs.

Then there is vat wool. Wool is placed in a vat for scouring purposes, and when the wool scouring period is over, the vat is emptied, and what wool is left in the vat—and sometimes there is some—is called vat wool.

Then there is tanner's wool. The definition indicates what it is. Tanners take the wool and dye it, and what is left in the vat is tanner's wool.

I am asked by a Senator beside me where this information comes from. It comes from wool authorities. Some of it has been sent to me, some of it I obtain from dictionaries, some of it from other books.

There is shank wool. Senators know the part of the sheep from which that comes.

Then we have tags. Tags come from the lower part of the sheep's legs.

Now I should like to try to personalize this matter. The best wool is tops. That comes from the top of the sheep. Then we have a second class of wool called breech wool. Then we have a third class, which might be called shank wool.

Then we have a fourth class, which might be called tags. They come from different parts of the body of the sheep, but they are all virgin wool, under the terms of the bill. Wool which has never been used, which comes from the sheep's body, and has never been scoured, is all virgin wool.

I shall give the four principal kinds names. I will take tops, britch, shank, and tags. Tops lives on top of the hill. That is the best member of the family, "Miss Tops." The finest wool on the sheep lives on top of the hill.

Then there is Britch. Britch is not a very good-looking creature. He is a full brother of Miss Tops, however; comes from the same mother and the same father, and, so far as they are concerned, they are twins. But Britch is disheveled, and he is painted somewhat, and cannot live on top of the hill, so he lives back of the hill, around the hill.

Then we have Shank. Shank lives down at the forks of the road. He does not live in a very good community, and naturally he cannot associate with Miss Tops, who is better than Britch, but he will not associate with Britch. However, they are all brothers and sisters.

Then we have poor Tags. Tags lives just above the hoof of the sheep. Here we have these quadruplets—Tops, Britch, Shank, and Tags; four quadruplets from the same mother and the same father, born at the same time, but they cannot live together. Yet this bill provides that they must live together, on a parity, one as good as the other, because they are all virgin wool.

Mr. President, I call attention to the second section of the bill, where it is provided:

> (e) The term "wool product" means any product or any portion of a product, which contains, purports to contain, or in any way is represented as containing wool, reprocessed wool, or reused wool.

What does that mean? It says that "wool product" means any product that contains any wool, or a product any part of which contains wool, or is advertised to contain wool. The Presiding Officer sitting at a mahogany desk. On that desk is felt, and the felt is made of wool. Under the terms of this bill, the Presiding Officer is presiding before a wool product.

Our efficient secretaries are sitting at a desk which must be defined as a wool product, because a part of that desk is felt, its whole top is felt, and this definition says that any product any part of which contains wool, or even is represented to be wool, is a wool product.

Mr. President, a traveling bag which contains a little woolen thread is a wool product. An automobile containing upholstery, if the upholstery is made in any part of wool, or is advertised to be of wool, is a wool product.

Let us take a straw hat. It may have around it a felt band, or a band containing wool. Under the definition in the bill a wool product is a product which contains wool, or any part of which contains wool, or is advertised to contain in any part wool. Then a straw hat with a band containing a little wool is a wool product, under the terms of the bill.

I am not blaming the Senator from Wyoming. We cannot define a wool product unless we go into great detail. It cannot be done in three or four lines. Yet in this bill the author seeks to define a wool product by stating—

> The term "wool product" means any product or any portion of a product, which contains, purports to contain, or in any way is represented as containing wool, reprocessed wool, or reused wool.

So anything that has a shred of wool in it is, under the terms of the bill, a wool product. Anything that is advertised as containing wool is, under the terms of the bill, a wool product.

Mr. President, if glass contains some wool—and glass might contain some wool, so far as I know—then glass, under the terms of the bill, would be a wool product.

Mr. President, the bill would apply to all felt hats. Every felt hat, so far as I know, is made of wool or is in part wool. They are called wool hats. Under the terms of the bill every hat must be labeled, and the label must show the percentage of wool the hat contains.

Some concerns in this country make felt washers, for example. Felt is the kind of product that is on the top of the desk of the presiding officer. There are concerns which make felt and make washers out of the felt, and the washers are used for many purposes. Under the terms of the bill they are wool products. They must bear a tag and a label. Imagine the inconvenience and the expense and the trouble the bill will cause the manufacturing concerns of the United States. It is no wonder they are opposed to the bill. Last night I placed in the RECORD the names of about 500 American manufacturing concerns that are against the bill. They are against it for some of the reasons I have just enumerated, and before I conclude I shall place in the RECORD some of the telegrams and letters they have sent on the subject.

Mr. President, in the first place, the term "wool" is not defined properly, and it cannot be defined properly. There are many classes of wool, hundreds of them. There are 120 official standard brands of cotton, and there must be more standard brands of wool than there are of cotton.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. NORRIS. Is it the contention of the Senator that the bill, if enacted into law, would be so impracticable that it could not be enforced?

Mr. THOMAS of Oklahoma. Yes; 100 percent, would be my answer. I have been trying during the past few days to put that fact into the RECORD. The bill cannot be explained in a minute, for it affects too many people and too many interests and is too broad in its implications. A bill cannot be written to cover the subject matter in a few lines, and the bill cannot be explained in a short time upon the floor of the Senate.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WALSH. Further, it does not assist in any way the consumer in knowing the value of the product which he purchases, which may contain some wool, or in knowing the character, the firmness, the substantial usefulness of the material which he may buy under the labeling in this bill. Is that correct?

Mr. THOMAS of Oklahoma. That is correct; and I will come to that in a few moments in my discussion.

Mr. NORRIS. Mr. President, will the Senator yield again?

Mr. THOMAS of Oklahoma. I am glad to yield.

Mr. NORRIS. Is it the contention of the Senator that, for instance, a machine in which felt washers are used—I think they are commonly known as gadgets—itself under the definition in the bill would be a wool product?

Mr. THOMAS of Oklahoma. I will read the definition of wool, and the Senator can interpret it.

Mr. NORRIS. I heard the Senator read it.

Mr. THOMAS of Oklahoma. It is my interpretation that a machine which is fabricated and put together, which is in part of wool, is, under the terms of the bill, a wool product. The bill reads:

The term "wool product" means any product or any portion of a product which contains, purports to contain, or in any way is represented as containing wool—

That is the virgin wool—

reprocessed wool—

That is the wool that has been woven but never used, and torn apart, which is just as good as virgin wool—

reprocessed wool, or reused wool.

Which means shoddy. The question answers itself. If a machine, such as an automobile, contains any wool cloth or any wool substance, it is, under the terms of the bill, a wool product, or could be so defined. I doubt if anyone would want to define it as such. I would not. But I say the definition is faulty, because under the terms of the bill such a machine is a wool product.

Mr. President, there are, as I said a while ago, many kinds of sheep. Each sheep has about 14 different kinds of wool, depending on the place from which the wool is taken and the kind of wool that is taken. A fleece of wool is taken to the scouring room; it is torn apart, and if it has any "tops" that goes into one pile. Then the sides, which may be short and worn, are removed, and that wool goes into another pile. Then the grey wool is taken out and put in another pile, if there be any grey wool. The stained wool goes into another pile. Wool which has burs in it goes into still another pile. Then the shank wool goes into another pile. The tags, from the lower legs, go into another pile. So every sheep has about 14 different kinds of wool. The full-blood sheep has 14 different kinds of wool. The half-blood Merino, that is the fine sheep, has 14 different kinds of wool. The three-eighths-blood sheep also has 14 different kinds of wool. Then the sheep which have no pedigree also have 14 different kinds of wool. I have no information as to how many different kinds of wool there are, but there must be hundreds of different kinds.

Mr. WALSH. Mr. President, will the Senator again yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WALSH. Will the Senator state what, under the provisions of the bill, the label must contain?

Mr. THOMAS of Oklahoma. I will come to that in a minute. I shall go through the bill.

Mr. WALSH. The point I make is that the label would not indicate the fineness, or the value, or the quality, or whether it was the cheapest kind of wool, or the most expensive kind of wool.

Mr. THOMAS of Oklahoma. Under the bill the label will be required to state whether or not the wool is virgin wool. It may be "tags." That is virgin wool. It may be from the shank, but that is virgin wool. It may come from the tanner's vat, but that is virgin wool. It may be wool which contains burs, but that is virgin wool. The "shearlings" are virgin wool. Dead wool is virgin wool. Seedy wool is virgin wool. Britch wool is virgin wool. Paint wool is virgin wool. Grey wool is virgin wool. Stained wool is virgin wool. "Tops" is virgin wool.

I should like to ask the Senator from Wyoming which he would rather have, a suit of clothes made from britch virgin wool or from reprocessed "tops" wool.

Mr. SCHWARTZ. Mr. President, I should like to accommodate the Senator——

Mr. THOMAS of Oklahoma. If the Senator does not wish to answer——

Mr. SCHWARTZ. Oh, yes, I will answer the question, but as I said yesterday I do not desire to interfere with the Senator. In the first place, while he has repeated 10 or 15 times the words "virgin wool," that designation is not in the bill, but its equivalent is, which is just the word "wool." Of course, I have never stated, I have never indicated, and no one who has ever been for this bill has ever indicated that some grades of shoddy are not more valuable than some grades of virgin wool, but I wish to say to the Senator, as I said the other day, that if he should take the short, heavy, thick, hairy, soft, short wool from under the belly of ewes, or if he should take the wool from the back end of the sheep and try to make it into a garment, he might be able to fabricate cloth and keep it together until he made a suit of clothes, but nobody, not even a blind man touching it with his hand, would want it.

Naturally I would not want it, nor would anyone else want it, and no one is making it. If a manufacturer made it, and if he could say it was virgin wool, the shoddy sharks who are imposing upon the people, would now be making clothes from that material, and sending them out on the market, and saying they are of virgin wool, just as the Senator and others say it is virgin wool. Of course, the stuff the Senator is talking about is not made into cloth. It goes into carpet stuff, it goes into filling and great massive overcoats, which have a strong fiber to hold the garment together, and into which can be woven this short stuff so as to give a man weight when he thinks he is getting warmth.

Mr. THOMAS of Oklahoma. Mr. President, the author of the bill has just admitted that the bill will legalize a deception upon the public of the United States.

Mr. SCHWARTZ. Mr. President, I have not admitted any such thing.

Mr. THOMAS of Oklahoma. Mr. President, the Senator just admitted that a better garment might be made of reprocessed or reused wool than could be made of some brands of virgin wool. If that is not an admission that the manufacturers can take a low-grade virgin wool and make it into a garment and advertise it as wool, which is the highest type under this bill, then I cannot understand the English language.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. SCHWARTZ. So long as the Senator keeps referring to me I shall take the liberty of referring to the 374 names of wool manufacturers who he says are opposed to the bill, and say that by some strange circumstances, of that entire 374 there were only 4 who ever appeared as witnesses either before the House or the Senate committees when the bill was under consideration, and one of the four was in favor of the bill.

A number of others who appeared advertise their products, both on the label and in their advertising literature, as virgin wool. Possibly they prefer to be able to advertise their products as virgin wool without the sanction of a law which would make them tell the truth.

Mr. THOMAS of Oklahoma. Mr. President, it can be easily understood why many persons did not appear before the committee. The bill is in behalf of the wool raisers. I doubt whether very many ranchers or farmers who raise wool appeared before the committee and testified. They have an organization. The organization was represented, and properly so; but the farmers did not come in and testify that they wanted the bill passed. The ranchers who produce wool did not come in and testify that they wanted the bill passed. They do, but they could not come here. They have an organization, and their organization was ably represented.

Mr. SCHWARTZ. Representatives of every farm organization in the United States appeared before the committee in favor of the bill. Representatives of the great consumer organizations, and of the women of the United States, who buy 95 percent of all the textiles sold, appeared in favor of the bill. Representatives of the American Federation of Labor appeared in favor of the bill.

Mr. THOMAS of Oklahoma. I am wondering what those ladies will say when they go to the stores after the bill is

passed and see advertised dresses and coats labeled "virgin wool" or "wool"—which means virgin wool—and then find out that the wool comes from tags, from the shank, from vats, from dead wool, from shearlings, from the britch, or from some other undesirable part of the sheep. That would be the result under the terms of the bill. Factories may take the cheap wool, such as tags, selling for 5 cents a pound, put it into a garment, and advertise it as the finest wool grown. Why? Because the bill says that wool is virgin wool, wool which has never been used. It comes from the sheep; and, under the terms of the bill, fleece from the sheep or lamb is wool. So a man or a woman looking at the label would not know from what part of the sheep the wool came.

In my judgment, the enactment of the bill would be of no benefit except to legalize dishonest practices on the part of factories. It would be possible for factories to obtain cheap virgin wool, process it, weave it, make it into garments, and sell it as the finest wool grown. Hence, I say that the bill legalizes deception of the people of the United States and is not for their protection. In my judgment, anyone who understands wool would rather have a suit of clothes or an overcoat made from fine reprocessed wool than to have the same garment made from tags, shanks, dead wool, britch wool, or stained wool. There is no question about it. That is a statement which cannot be controverted. The suit might be made from the finest wool imaginable.

Let me exhibit to the Senate some samples of cloth. This cloth was secured from the office of the Quartermaster General's Department, which has to order, inspect, and purchase cloth for uniforms for soldiers. Attached to each piece of cloth which I exhibit to the Senate are the specifications under which the cloth is made. For example, I exhibit to the Senate a piece of cloth which I secured yesterday from the Quartermaster General's Department. It is overcoating cloth. It is called melton. It is a 32-ounce piece of cloth, which cost the Government $2.45 a yard. This is what the cloth is made of:

Material: Woolen yarn composed of 55 percent grade 44s or finer; 10 percent wool grade 58s or finer; 35 percent reworked wool or noils.

That piece of cloth was made under specifications of the United States Government, and contains the various percentages I have just stated. It contains 35 percent of reworked or reprocessed wool, or noils. Noils are virgin wool. When wool is scoured it goes to the carding room and is carded with little wire brushes. The longer fibers are retained in the tops, and the short fibers are worked out. The short fibers of virgin wool are called noils. So this piece of woolen cloth, used for making soldiers' uniforms, may contain, and I suppose does contain, 35 percent of reworked wool.

I show the Senate another piece of cloth which I secured from the same source yesterday. This is called serge. It is an 18-ounce piece of cloth, and is made for soldiers' trousers. The Government paid $2.04 a yard for this cloth. The cloth is made from all virgin wool, all new wool. If any reworked wool is permitted, the specifications do not so state. The cloth is pure virgin wool, which has not been used. If it were taken back to the mill and torn apart, the threads containing wool fibers being separated, it would then appear as a mass of wool. It has never been used. It has never been worn. It has been spun and woven. Under the terms of the bill, it would be reprocessed wool. That wool, so reprocessed, could be respun into yarn and rewoven into cloth, and the cloth could not be distinguished from the sample before us. Under the terms of the bill, the cloth must be labeled as reprocessed wool. In that event it would be an inferior cloth in the public estimation. It comes under the term "reprocessed wool." It is not reused wool. It has not been used, but it is reprocessed wool. It takes a second grade.

Is there any person alive who would not rather have a dress, suit, or overcoat made out of this sort of reprocessed wool than to have a suit made out of virgin tags, virgin shanks, virgin vats, virgin dead wool, virgin britch wool, or stained wool? There is only one answer. This is the finest cloth made, yet it is secondary. It is discredited and condemned. The purpose of the bill is to condemn and destroy, if possible, the use of wool which has been reworked.

I should like to ask this question of the proponents of the bill: Is it true that wool is such an inferior article that the moment it is washed, dyed, spun, and woven into cloth it is of no further account? The bill would discredit and discountenance the use of such wool.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. SCHWARTZ. The Senator did not give all the process. He simply stated that the wool had been woven, dyed, and so forth. Why did he not go on and say that before it can be used again it must be given a bath in sulfuric acid and must be put through a garnetting machine, which tears it up, or into a machine which the Scotch call the "devil," which tears the cloth apart with steel spikes? It must then be cut up into small pieces and run through another acid in order to decolorize it, reducing it to a dead grey. Finally, after all that has been done, the chips of wool must be rubbed and softened so that the wool can be used. It is then put into a machine, recarded, and worked back into fiber. Of course, it is possible that the oftener the wool is torn up and the shorter it becomes, the more valuable it is; but I do not think the Senator could convince anyone of that.

Mr. THOMAS of Oklahoma. In making soldiers' uniforms a great number of odds and ends called cuttings are swept into a basket. When the basket is full, the pieces of odds and ends, such as those which I exhibited to the Senate, are baled and returned to the mill. When the mill receives them, they are taken apart. They are unraveled or unwoven, as the case may be, the thread is separated, and the wool is reduced to a fluffy mass. It is then recarded. There are bound to be short ends, because the wool has been cut. There is short wool, because the fibers have been cut. The short fibers are taken out, and only the long fibers are left. The short fibers are called noils. They are used for some other purpose.

As a result of this process, there is a great mass of wool from cuttings from soldiers' uniforms. Millions of soldiers' uniforms will be made. Bale after bale of this kind of material will accumulate, and that is the way it will be used. Under the terms of the bill, it would be reprocessed wool. My point is that, even though it is reprocessed wool, it is from the finest wool grown. The finest yarn may be made from reprocessed wool, and the finest cloth may be made from reprocessed yarn. The finest suits and coats may be made from such cloth. Yet under the terms of the bill it is discredited. It must be labeled "reprocessed wool." Under the terms of the bill it would be legal to advertise as "virgin wool" tags, shanks, and the other kinds of wool which I have already mentioned.

The Senator cannot do any better, because it is impossible to write a definition unless we should write a bill as long as the specifications for the erection of a Federal building.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WILEY. I think the other day there was something said to the effect that if this bill should become a law it would operate to the betterment of the manufacturer outside the confines of this country and to the detriment of the local manufacturer. Will the Senator explain how that would happen?

Mr. THOMAS of Oklahoma. That is exactly true. I had expected to come to it later, but I will explain it now.

This bill applies only to American manufacturers. We cannot legislate for Canadians; we cannot legislate for Mexicans; we cannot legislate for Europeans or Asiatics or Africans or any other peoples. This bill is limited in its application to the mills in the United States. It provides for a system of labeling. A manufacturer can make cloth out of tags and vats and burry and dead wool and britch wool and stained wool and label it wool, which means virgin wool. He can make other kinds of cloth of a better class of wool, and that is also labeled wool. There is no test that has been devised—the Senator from Wyoming to the contrary, and I will place in the RECORD my authority—that can determine whether or

not the wool in this piece of cloth [exhibiting] has ever before been processed. There is no test that science knows that can take either piece of cloth I have here and tell whether or not the cloth has ever before been woven. If the cloth is so worn that the fuzzy part is worn off—and the fuzzy part of the cloth is caused by scales on the fiber of the wool—if it is so worn that the scales are worn off, so worn that the place where the scale fits onto the fiber is worn off, and if it is so worn that the fiber itself becomes polished, then one can see himself in the back of the coat of the man who is wearing it, because he is looking at a polished wool fiber; and it would not take a scientist to tell that wool of that class had been used. But take the average grade of wool, take the suits that Senators are wearing, and one cannot see himself in the cloth of that suit, so far as I know. Take that class of wool and send it to a factory and have it torn up and restored to the fluffy stage, take out the short ends—and there would be some of those—then reweave that wool, redye it and respin it, make it into cloth, and no scientific test can tell whether or not it has been used.

So a factory in Canada, a factory in Mexico, a factory in Asia, Europe, or Africa, or any other place outside the United States can make wool from reprocessed cloth, can label it wool, sell it in the United States, and there is no test known that can tell whether or not that cloth has been made of used or reprocessed wool.

In America, if this bill becomes effective, we must have inspectors—and I will come to that later—otherwise the measure would not be worth the paper on which it is written. Chemical tests will not tell. The only way to tell is to have inspection of the wool from the time it reaches the factory in the fleece stage until it comes out as a finished garment. We cannot send inspectors to foreign factories; we cannot even have access to their books. So they can make any garment they see fit, label it a wool garment, send it to the United States, sell it in competition with garments made in the United States, and it is impossible to tell whether or not it has been made out of reused wool or reworked wool.

Thus the foreign mills have an advantage. There is no trouble about the records; there is no trouble about inspections; no expense for records and for labels, and so forth. They can take cheap wools, such as are grown in foreign countries; they can take the cheap labor which can be employed in foreign countries; they can take the cheap machinery which they may use to make the cloth, manufacture it cheaper than American mills can make it, out of reprocessed wool, reused wool, send it off to the United States, and sell it in competition with wool made by American factories, which have to keep records; which have to make and attach labels; which have to be subjected to inspection, as I shall come to later.

So that is one of the objections to this bill. I do not represent any woolen mill. So far as I know, there is no woolen mill in my State. There are cotton mills in my State. If this bill affecting wool shall be passed, the next bill will be applied to cotton. We will have a bill to affect cotton, no doubt. Then, if it is good for wool and good for cotton, it might be good for shoes. If we are going to regimentize—if that is the proper word—the woolen industry, why not regiment the cotton industry of the country; why not regiment the silk industry; why not regiment the nylon industry; why not regiment the rayon industry? So, I am of opinion that if this bill shall be enacted, there will be a bill here next year, or very soon, to apply the principles of the measure to cotton; then to apply them to the other textiles, and we will have then a complete regimentation of the textile industry of the United States.

Is that going to cost anybody anything? We cannot depend upon the records, for the manufacturer may be dishonest, or he may not keep records. If he keeps records, he could easily juggle them. So, the Government does not depend upon records.

When the Government erects a building, this Capitol Building, for instance, or the Supreme Court Building yonder, for example, or the Congressional Library, for example, the Government makes out very lengthy, detailed plans and specifications for the construction of such a building. Then it lets a contract, and the contractor agrees to construct the building according to the plans and specifications. But the Government does not depend upon the contractor doing the job according to the plans and specifications on his own accord or his own volition; not at all. The first thing the Government does is to require the contractor to give a bond, I think, to the value of the building, or approximately so. It will not, however, stand on the bond; the Government puts inspectors on the job. As the excavation is dug, inspectors are there to see that the excavation is dug according to the plans and specifications; that it goes down to bedrock, or to the shale or the piling, or whatever it may be. Inspectors are there to see that the work is done according to the terms of the plans and specifications. Then, after the excavation is dug, the Government will not permit that building to proceed until the gravel that goes into the concrete is inspected as to its size and character. Then the cement must be inspected. They do not take the contractor's word for it; they have men there experienced in testing gravel, experienced in testing concrete by scientific processes. The cement must be up to plans and specifications. The gravel and sand, the grout contents, must be inspected to make sure that they are properly mixed. The inspectors are there to see exactly that it is done according to plans and specifications. That applies to cement.

Steel is inspected; the brick are inspected; and rock or stone, if such material is used in the building, are likewise inspected. That is the method the Government follows in the construction of public buildings.

In the case of cloth the same plan is followed exactly. Since I am on that question I had just as well discuss it. The making of cloth for an overcoat or uniform for a single soldier takes 22 inspectors from beginning to end to see to it that the plans and specifications for the making of the uniform are complied with. I will now proceed to place those processes in the RECORD.

When wool comes into the factory or the mill it is in the grease. The first thing done is to sort the wool fleece. The sorter pulls the "tops," which is the best grade of wool, taken from the back of the sheep, out of its place and puts it in a pile. Then the sorter takes the other grades of wool. He takes the britch wool and puts it in another pile, probably a little farther away. Then he takes the tag wool and puts that in another pile, and so on. When he gets through he has 14 different piles from the one fleece that must be inspected by the representatives of the War Department. The Department has an inspector there to see to it that no tags, no shanks, no britch wool, no stained wool, no grey wool, no burry wool gets into the tops, for the uniforms are made out of tops. That is inspection No. 1.

Inspection No. 2 comes in connection with the scouring. Of course, if the inspector's back is turned, if the mill owner is dishonest, he could substitute in making the cloth other wool, fine wool, perhaps, which had never been used, but reprocessed and cheaper. If the inspector's back was turned, the mill owner, if dishonest, could run in a lot of wool that had been used, woven, or reprocessed. So the Government has an inspector at the mill to keep that from being done. The Government wants virgin wool, wool that has never been dyed, never been spun, never been woven, and never been made into a uniform. So the inspection covers the scouring. The inspector sees to it that the wool in the grease goes to the room where the wool is scoured. It takes more than 2 pounds of wool in the grease to make 1 pound of scoured wool. In other words, the wool is full of matter that the sheep accumulates as he lives on the farm, or the ranch, or wherever he may be.

So the inspector follows the wool to the scouring room. After the wool is scoured it then goes to the dyeing room. There are specifications about the dyeing. It must be of a

uniform color; so an inspector follows the wool to the dyeing room.

In other words, there is one inspector at the sorting. A man is necessary to watch that process. There is another inspector at the scouring, to see that the mill is honest, just as there is an inspector in the construction of a building. The owners of the building do not suspect that the contractor is dishonest, but they want their inspector there to see that the building is constructed in accordance with the plans and specifications, because they are paying for it.

So an inspector inspects the dyeing of the wool. From there is goes to the blending and mixing room, and an inspector must follow it to that point. In a small mill perhaps one or two inspectors might do the job, because they might start a batch of wool from the sorting room, follow it into the scouring room, then into the dyeing room, then into the blending and mixing room, the carding room, and the spinning room. One or two inspectors could do the inspecting in a small mill; but suppose it is a large mill—and there are some large mills in the United States—with wool being sorted every day. An inspector would be necessary at the sorting every day. Then there would have to be an inspector at the scouring every day. So the first inspector is on the sorting, the second on the scouring, the third on the dyeing, the fourth on the blending and mixing.

The next inspector is on the carding. When the wool is cleaned and dyed and properly blended and mixed, it is then carded. That is when it runs through the little series of wires which look something like a currycomb. Some of the Senators may not understand what a currycomb is; but a carder is something like a currycomb, with the wires a little bit longer, and they are limber, so that the short fibers are taken out of the wool; but an inspector must be there to see that that is properly done.

Then the wool goes to the spinning room. There must be an inspector there.

It goes from there to the twisting, winding, and spooling room. It must be inspected there.

Then it goes to the warping, beaming, drawing-in, and reeding room. An inspector must be there to see that the work is done according to the specifications.

Then the wool goes to the weaver. It must be inspected at that point to see that the weaving of the cloth is properly done.

Then the woolen cloth goes to the burling and mending room. After woolen cloth is made it goes to a machine, and the machine runs over it and clips off all of the little uneven pieces of wool that stick out. Sometimes a piece of cloth is fuzzy. It is run through a machine, and all of the fuzz comes off, and the cloth then appears to be solid or to be clear of protrusions of any kind; so it is necessary to have a man to inspect it at that stage.

Then the cloth goes to the finishing room. An inspector is likewise necessary at that point.

Then the cloth goes to the scouring room. There must be an inspector there. This is not the scouring of the wool itself; this is the scouring of the cloth after it is woven.

Then the cloth goes to the fulling room. I am not an expert on mill operations, but I understand that after a piece of woolen cloth is taken from the loom it is first scoured. That means it is placed in some kind of a liquid, probably water and soap. I do not know the temperature of the water; but, anyway, it is scoured. Then it goes to the fulling room. At that point the cloth is a little bit uneven. It is not closely woven; and in the fulling room the strands are all pushed together, so that when the cloth comes out it appears to be closely woven. It is a tighter woven piece of cloth. That is called fulling.

Then we have the washing. After that is done, the cloth is all properly washed. An inspector is necessary at each one of these points.

Then the cloth goes to the carbonizing room, and from there to the dusting room. From there it goes to the neutralizer. It goes from there to the napping, and it goes from there to the tentering, and from there to the shearing, and from there to the pressing, and then it is finally inspected.

So, Mr. President, all these processes must be inspected in a large mill to protect the public, and to see to it that they do not get tags for virgin wool. Under the terms of this bill the public cannot be kept from getting tags for virgin wool, because the bill legalizes that. Under the terms of this bill, wool may be vat wool or britch wool, and it may go through all these processes and come out labeled as wool, and the bill legalizes it. The War Department does not stand for that, however. They want only tops, and they want those tops put through all the various processes, so that the garment, when it comes out, shall be exactly in accordance with the plans and specifications. They do not depend upon records. They do not depend upon a bond. They have their trusted and experienced men to stand at each point, over every machine, to see to it that when the wool is finally perfected and the garment is finally made it is exactly in accordance with the plans and specifications.

Mr. President, I now desire to place in the RECORD a little more detail about this matter. I appreciate the packed Senate floor today.

Mr. WILEY. Mr. President, will the Senator yield in order that I may suggest the absence of a quorum?

Mr. THOMAS of Oklahoma. I think that might be a good idea. I yield for that purpose.

Mr. WILEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DANAHER in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Johnson, Colo.	Stewart
Andrews	Davis	McKellar	Thomas, Idaho
Austin	Ellender	McNary	Thomas, Okla.
Bankhead	Frazier	Maloney	Thomas, Utah
Barkley	George	Murray	Townsend
Bridges	Green	Norris	Tydings
Brown	Guffey	O'Mahoney	Van Nuys
Bulow	Gurney	Pittman	Walsh
Burke	Harrison	Radcliffe	White
Caraway	Hayden	Reed	Wiley
Clark, Idaho	Hill	Schwartz	
Connally	Johnson, Calif.	Sheppard	

The PRESIDING OFFICER. Forty-six Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the further calling of the roll be dispensed with.

The PRESIDING OFFICER. Unanimous consent is requested that the calling of the names of the absent Senators be dispensed with. Is there objection? The Chair hears none.

Mr. BURKE. Mr. President, in the light of the statement made by the distinguished Senator, I should like to ask that the RECORD show that I am in my seat at this time.

The PRESIDING OFFICER. The Chair will say to the Senator from Oklahoma that it is a serious question whether the Senate may proceed, in view of the fact that a quorum was announced as not being present. The Chair therefore directs the clerk to call the names of the absent Senators.

Mr. THOMAS of Oklahoma. The Chair is correct in his interpretation of the rule.

The PRESIDING OFFICER. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. ASHURST, Mr. BAILEY, Mr. BARBOUR, Mr. BYRD, Mr. BYRNES, Mr. CAPPER, Mr. CHAVEZ, Mr. CLARK of Missouri, Mr. DOWNEY, Mr. GERRY, Mr. GIBSON, Mr. GILLETTE, Mr. GLASS, Mr. HALE, Mr. HERRING, Mr. HOLT, Mr. HUGHES, Mr. KING, Mr. MEAD, Mr. NYE, Mr. OVERTON, Mr. PEPPER, Mr. RUSSELL, Mr. SCHWELLENBACH, Mr. SHIPSTEAD, Mr. SMATHERS, Mr. TRUMAN, Mr. VANDENBERG, Mr. WAGNER, and Mr. WHEELER answered to their names when called.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Seventy-six Senators having answered to their names, a quorum is present.

Mr. THOMAS of Oklahoma. Mr. President, before the absence of a quorum was suggested I was attempting to place

in the RECORD the reason for having so many inspectors. It is to make sure that the best woolen cloth is made from the best wool, in the first place, and then that it has the best workmanship, in the second place.

I desire at this point to make for the RECORD a statement relative to a cloth called mackinaw. It is a very heavy cloth. It is heavier than ordinary blanket cloth and as heavy as a light rug. It is a cloth which is used for making a topcoat or a short overcoat, and it is used in the North in the lumber camps and by the public generally. It is used in the United States, especially by the War Department, for the use of the boys in the C. C. C. camps. The War Department procures a great number of such mackinaw coats. The cloth costs $1.32 per yard. That is a rather cheap price for a heavy cloth of first-class quality.

For the making of this particular cloth the wool, or the fiber content, is of first-class quality. However, the wool used in making mackinaws is all reworked wool. They might be made, of course, of so-called virgin wool, but reworked wool, if not worn, not used, if processed into some kind of a garment, is just as good as the virgin wool, so this cloth called mackinaw cloth, or cloth used in making mackinaws, is made of all reworked wool. However, in the making of this cloth the specifications of the War Department provide that as much as 5 percent of the total content of the cloth may be silk or it may be noils. It may be, of course, virgin wool, or it may be reprocessed wool. Anything that is first class may be used under this 5-percent classification, but it must be of one of the classes just enumerated, silk or noils, or it may be of so-called virgin wool or so-called reprocessed wool.

Mr. President, I think the RECORD should show that even the War Department recognizes that for certain purposes reworked wool, reprocessed wool, is all that can be desired, and for the uses intended it is preferable to what might be termed the best virgin wool, and certainly the War Department would not permit "tags" to be used in making mackinaw cloth.

It would not permit grey wool to be used for that purpose; it would not permit paint wool, britch wool, seedy wool, dead wool, shearlings, burry wool, vat wool, tanner's wool, or shank wool to be used for such purposes. Of the 14 different kinds of wool the War Department would not permit the use of at least 10 or 12 of them, although those 10 or 12 kinds of wool would come within the terms of the bill as virgin wool. The War Department holds that better cloth for the making of mackinaws can be made from reprocessed than from virgin wool if the virgin wool falls into at least 10 of the categories or classes just mentioned.

Mr. President, either in the present session of Congress or in the next session of Congress the matter of inspection will have to be considered. The bill does not provide for inspection. It does not provide for testing. It does not provide money for the hiring of inspectors. The bill is an impossible one for the very obvious reason that it tries to solve an impossible problem. I do not criticize the Senator from Wyoming for that. I compliment him for bringing the bill before the Senate, and later on we may make some progress with it. As it is now, the bill, if passed, would be wholly ineffective. It provides for no test to discover whether or not the wool has been used. It provides for no inspectors. It provides no money to hire inspectors. So if the bill is passed now, in the next Congress we shall either have to repeal the law or amendments must be made to the law to provide inspectors and money to pay the inspectors.

The War Department advises me that it takes at least two inspectors to inspect the work done in a small mill. A larger mill may require as many as 22 inspectors. But even a small mill requires two or more inspectors. There are in the United States 500 mills which make woolen cloth. They are not all making wool for the Government; but there are at least 500 mills in this country manufacturing woolen cloth. There are scouring mills which do not even dye the wool; there are dying mills which do not scour or sort the wool; there are spinning mills which spin the yarn and sell it; there are dozens and hundreds of mills which do not completely process the wool. So I think it is safe to say that there are in the United States perhaps a thousand mills and industrial concerns which deal in some manner with the processing of wool from the time it leaves the ranch until it comes out as a finished product. If a thousand mills are dealing in wool, and if we should provide the inspection the War Department requires, at least two inspectors to each mill, and many more for some mills, it would take at least 2,000 inspectors to see that the provisions of the bill were enforced. There is no test provided in the bill to discover whether or not the wool is used wool. The only way it can be done is by inspection. We must provide inspectors, and it would take at least 1,000 inspectors to inspect the woolen mills. There are a thousand washing mills, scouring mills, weaving mills, carding mills, and so forth. It would take at least a minimum of 2,000 inspectors to inspect them all. Of course, that is regimentation of the woolen industry.

A moment ago I placed in the RECORD the different stages of inspection. The data were taken from the War Department Technical Manual entitled "Inspection of Textiles." The particular document is labeled "TM 10–225." The list just referred to is found on pages 51 and 52.

I shall proceed to read into the RECORD the nature of this inspection, because the bill will come back here next year and the matter of inspection will be most important, and I think the RECORD made now may be helpful in the consideration of amendments to the bill which will be necessary to be made if the bill in its present form shall pass in the present session of Congress. I read from section 42, on page 52.

General: It is not possible to confine to this manual all the technical information required by an inspector. However, the following are some of the most important operations in the manufacture of woolen textiles, and the inspector should carefully check the result of each, as it is only by each operation's being performed in a satisfactory manner that a suitable piece of cloth can be made.

Section 43. Wool sorting:

That is the first process. When the wool comes in from the ranch to the mill, it comes rolled in fleeces, and the fleeces contain dirt and grease. The fleece is spread out on the table, and the sorter, who must be an expert, takes the fleece, and this is what the inspector must see that he does to it:

Wool sorting: This is the first operation with which an inspector assigned to factory inspection will come in contact, and like all other operations, unless it is being performed in an efficient manner, cannot be expected to produce a good fabric. If fleece wool is being used, the inspector must see that the fleece is properly skirted off and loam and soil removed, and then that the balance is sorted in such a manner as to give the grade and character desired in the main sort.

Section 44. Wool scouring—

After the fleece has all been torn apart and separated into at least 14 different piles, then the different piles or bunches of wool go into a larger pile of the same class and character, and after enough of it is obtained for scouring purposes, each bunch in the particular class is sent to the scouring room. This is what the inspector must see is done in the scouring room:

Section 44. Wool scouring: After sorting, the next process in the manufacture of woolen textiles is the scouring of the grease wool. Wool, as it comes from the sheep's back, contains from 25 to 80 percent of greasy suint, dirt, and other foreign matter that must be removed before the wool can be used. Scouring must be carefully observed by the inspector to insure that the wool is not damaged in the process. The most common damage during the scouring process is from the use of caustic soap (which will leave a harsh wool), excessive heat (which weakens the fiber), and excessive agitation of the wool during the scouring (which causes felting and subsequent damage to the wool in carding). Grease wool is cleansed by soap and alkaline solutions and by the solvent process; partial degreasing is accomplished by defrosting.

That is process No. 2.

Process No. 3 is wool dyeing. This is what the inspector must see is accomplished when the wool is being dyed:

45. Wool dyeing: A great number of variables must be exactly duplicated in order for a dyer to secure uniform results on succeeding batches. An inspector should be familiar with the problems of the dyer and see that he does everything possible to obtain uniform results. He must see that the specification type of dyes is being used and that the wool is not being damaged in the dye house.

That is process No. 3.

Process No. 4 comes under the head of "Blending and mixing."

46. Blending and mixing: An inspector should make a record of the various dye lots and amounts of each used in producing the contractor's approved sample, see that subsequent lots are blended in the same proportion, and that the mixing is true. Laying down a mix, the feeding of this mix to the picker, and the number of times it is run through the picker must be uniform for all lots, of the yarn produced therefrom will not be uniform.

The next process is called carding. This is what the inspector must see is done with the wool under the process of carding:

47. Carding: The strength of a fabric depends greatly upon the strength of the yarn from which it is made, and the strength of the yarn is affected very much by the efficiency of the carding operation. An inspector must watch the feeding of the cards to see that it is uniform and the condition of the cards to see that they are operating properly. Another very important point is to see that card strippings and such other waste prohibited by the specifications are not being made. The inspector should check the weight of roving coming off the cards.

In looking around I observe the presence of my distinguished colleague from Wyoming [Mr. SCHWARTZ], the author of the bill. Looking across the way, in the distance I see my distinguished friend from Vermont [Mr. AUSTIN].

Mr. SCHWARTZ. Mr. President——

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. SCHWARTZ. I appreciate the remark. It is good to have at least three musketeers here. [Laughter.]

Mr. THOMAS of Oklahoma. We now have the distinguished Senator from Rhode Island [Mr. GERRY] in our group, and to my left we have the distinguished Senator from Alabama [Mr. BANKHEAD]. I shall not expect them to remain in the Chamber, because I am merely making a record.

I cannot refrain from noting that the distinguished Senator from North Dakota [Mr. FRAZIER] is being punished by presiding over the massed Senate on this important afternoon.

I proceed to read, Mr. President. I have read that inspectors must see that the wool is properly sorted; they must see that the wool is properly scoured; they must see that the wool is properly dyed; they must see that the wool is properly blended and mixed; and they must see that the wool is properly carded.

The distinguished Senator from Idaho [Mr. CLARK] has entered the Chamber. I note also the presence of the distinguished Senator from Colorado [Mr. JOHNSON].

I am now reading from page 53 of the War Department manual. The next process, after carding, is spinning. This is what the War Department requires the inspector to see in the operation of spinning:

48. Spinning: The spinning operations require very little observation by the inspector. The main points to be watched are the evenness, cleanliness, strength, and size of the finished yarn.

The next process is listed as "twisting, winding, and spooling." The inspector must see that the following is accomplished:

49. Twisting, winding, and spooling: These operations are of little interest to the inspector and require little or none of his time.

The next operation is warping, beaming, drawing-in, and reeding. This is what the inspector is required to see is done.

50. Warping, beaming, drawing-in, and reeding: These operations should be observed by the inspector, and he should check the number of ends in the warp to be sure that there will be the proper number in the finished cloth. If the drawing-in and reeding are not correct, it will show up as soon as the weaving is started.

The next operation comes under "Weaving." We now have the wool sorted, scoured, dyed, properly blended and mixed, carded, spun, properly twisted, and ready for weaving. This is what the inspector must see is accomplished in the mill in the weaving operation:

51. Weaving: The inspector should observe the tension and make sure that it is even. He should observe what stop motions are being used, and whether or not they are working properly. He should check the weave to see that it is correct, and the number of picks per inch to see that they are running uniform. Another very important point that the inspector must watch is the filling yarn being used. He must see that different shades are not being mixed in such manner as to cause shade bars in the cloth.

The next process after the cloth is woven is burling and mending. I shall now read from the same publication what the inspector must see is accomplished under the operation known as burling and mending:

52. Burling and mending: Mending of defects in the cloth as it comes from the loom is always necessary, and, if properly done, the result will be as good as if the cloth had been perfect when taken from the loom. Knots should be pulled through to the back of the fabric, all missing threads should be replaced, and the cloth made as perfect as possible before proceeding with other finishing operations.

Under "Finishing," the inspector must see that the following is accomplished:

53. Finishing: Seventy-five percent of an inspector's time should be spent in the finishing room, as there is no other place in a woolen mill where so much trouble occurs. The finishing operations on a woolen fabric may consist of any or all of the following operations, and each one is a potential source of trouble: Burling (see par. 52), mending (see par. 52), scouring, fulling, washing, carbonizing, dusting, neutralizing, napping, tentering, shearing, pressing, inspecting.

After those things have all been accomplished in the finishing room, the next process is scouring. This is what the inspector must see is accomplished in this process which the cloth has to go through before it is ready for the manufacture of woolen items:

54. Scouring: The cloth as it comes from the loom contains a certain amount of oil and dirt which must be washed out before fulling. This operation requires very little of the inspector's attention. The main point is to see that the type of soap used is not injurious to the fabric.

I pause to announce that the distinguished junior Senator from Kansas [Mr. REED] has just entered the chamber.

The next step is called fulling. This is what the inspector must see is accomplished in that process:

55. Fulling: There is probably no more important operation in the finishing of a piece of wool cloth. Here the cloth is changed from a loosely woven fabric, resembling a piece of burlap, into a more or less compact fabric with the desired texture. This is accomplished by subjecting the fabric to the kneading action of the fulling mill in the presence of soap. The starter must see that each piece is treated as uniformly as possible, as it must be remembered that the longer a piece is in the mill the more color will be lost, and shade trouble will result. It is important to know what fulling compound is being used, and it is well for the inspector to submit a sample to the laboratory for test, unless he is sure what is being used. The heat generated by the friction of the cloth in the mill must be controlled. This is usually done by opening or closing the doors of the fulling mill. The proper fulling temperature should be between 90° and 110° F.

The next operation is washing. There are these different steps and processes. I am reading from the War Department Technical Manual, which gives the plans and specifications for the inspection of the various processes through which wool has to go before it reaches the uniform stage, ready for delivery or issue to the soldiers.

56. Washing: After fulling, the cloth must be washed free of the soap used in that operation, and the inspector must see that this operation is performed in a satisfactory manner and that the concentration of such chemicals as are used is controlled.

The next operation is carbonizing. The inspector must see that the following is performed and accomplished:

57. Carbonizing: Carbonizing consists of treating the fabric with sulfuric acid or aluminum chloride, then passing the cloth through a dryer in order to bake such vegetable matter as there may be present in the cloth.

The next operation is dusting:

58. Dusting: After the cloth is removed from the dryer, it is put into a fulling mill and run through. This process will dust out all the carbonized vegetable matter.

The next process is neutralizing, and this is what the inspector must see is accomplished in the neutralizing process:

59. Neutralizing: After being dusted, the piece is then neutralized. The dyes used in dyeing olive drab fabric are made from a mixture of a number of different colors of dyes. Each one of these different colors is likely to change when subjected to the action of acids or alkalies. Therefore, when the piece has been treated with acid it changes color, but when this acid is neutralized, the color changes back to the original shade. From this it is easy to see that unless all of the carbonizing operations are positively controlled the cloth will be of different shades. An inspector assigned to a mill must familiarize himself with this process and watch the operation very carefully.

Mr. President, I may suggest that the inspectors assigned to the task by the War Department must be experts in every particular line of the several processes of making cloth. If this bill becomes a law and is made effective within a year or two, the Federal Trade Commission will have occasion for at least a thousand inspectors. So if anyone desires to secure a job of inspecting in the woolen mills of the country, if he will begin now to familiarize himself with the duties of an inspector in the various branches and degrees of processing wool for cloth, when the time comes for filling these places there will be an opening for at least a thousand and perhaps for 10,000 inspectors.

The next process is napping. Under this operation the inspector must see that the following is accomplished:

60. Napping: Napping should be held to the minimum necessary to give the desired finish and should never be done in such a strenuous manner as to injure the fabric. The inspector should observe this operation and see that the napping is uniform throughout the fabric.

The next process is tentering:

61. Tentering: The principal point to watch in this operation is to see that the cloth is so placed on the tenter pins that it will not be damaged, and that no cloth is allowed to remain in the dryer long enough to injure it.

The next process is shearing. The inspector must see that the following is accomplished under the process of shearing:

62. Shearing: The inspector must watch the shearing to see that the pieces are being evenly sheared and that the shear flocks are being properly removed. A great many mills have installed sewing machines that will seam the cloth in such a manner that it is not necessary to lift the shear blades in order to pass over a seam. In those mills that do not have this equipment the shear blades must be lifted in order to keep from cutting the cloth when a seam passes under the blade. This results in the improper shearing of a few inches of cloth on the end of each piece. This end will be cut off before the piece is shipped.

The next stage is pressing:

63. Pressing: In the operation of pressing, as well as in a great many other operations, the inspector's principal care is to see that the cloth is not unduly stretched.

The next operation is inspecting:

64. Inspecting: The final mill inspection of woolen cloth is always done by running the cloth over a finish perch where the mill inspector removes surface specks, such as burrs, and observes the piece for defects. If defects are found, a string is tied into the selvage and proper allowance is made for the defect. The cloth is usually measured at this time and put up in its final shipping form.

The next operation is shading pieces before shipment:

65. Shading pieces before shipment: An inspector should always compare a sample swatch from each piece of finished cloth with the standard sample and advise the contractor to ship only those pieces that appear to be satisfactory for shade and finish.

I read one more paragraph from this manual issued by the War Department under the head of "Technical manual—Inspection of textiles."

The "Other operations" are as follows:

66. Other operations: While the foregoing covers the principal operations in the finishing of woolen cloth, there are numerous other operations, all of which must be carefully controlled by the contractor and checked by the inspector in order to turn out a satisfactory piece of cloth.

So, Mr. President, the War Department requires a thorough inspection of the wool when it comes from the ranch or the farm, through the sorting process, then through the scouring process, then through the dyeing process, through the spinning process, the weaving process, and then again through the processes of coloring, fulling, and so forth. It requires a number of inspectors to see that the manufacturer or the mill owner complies with the plans and specifications, because, if the War Department does not have inspectors on hand during the various processes, when the cloth comes out of the mill, there is no test that can determine whether or not the cloth contains virgin wool or reprocessed wool or reused wool.

Mr. President, awhile ago I was undertaking to describe or to analyze the bill, but I was asked a question about inspection relating to foreign factories. I read into the RECORD a little while ago a definition of wool under the terms of the bill. I then read the definition under the terms of the bill of wool product. A wool product according to this measure, if enacted into law, will be:

Any product or any portion of a product, which contains, purports to contain, or in any way is represented as containing wool, reprocessed wool, or reused wool.

Under that definition an overcoat made of used wool or the worst shoddy that was ever put through a mill is a wool product, an all-wool product under the terms of this bill. A coat or a suit made of reprocessed wool, good or bad, is likewise a wool product under the terms of the bill. A garment made of "tags" is a wool product or one made of any of the other 13 classifications of wool is a wool product; they are all wool products. This definition is wholly inadequate; it is misleading. If the bill is enacted into law, it will legalize and license dishonest manufacturers to impose upon the consuming public of the United States.

Further analyzing the bill, Mr. President, I find in section 3 language which relates to misbranding. I desire to read that into the RECORD, for this bill will come up again in some other form because it is ineffective as it is, and so will have to be amended.

Section 3 provides that all wool products must be branded or labeled. Every product that has any wool in it of any kind or character or is alleged to have any wool in it must be labeled.

Of course the bill provides that the product shall be honestly labeled. Honest factories, no doubt, would honestly label their products, but, unfortunately, there may be at some future time, factories that might not be consistently honest and that might not label the products exactly according to their contents; they might vary a little from the truth. Yet, Mr. President, under the terms of this bill, a factory can make a product out of tags or shanks or britch wool and sell it as the best grade of wool, because, under the terms of the bill, it is wool, and there is no distinction made between different grades of virgin wool or grades of wool itself. An article that contains wool in any part is a wool product. Therefore it has to be labeled. So, I can imagine, after this bill becomes the law, that our automobiles will be labeled a wool product if they contain any wool, and our straw hats, if they have a band that contains any wool product, will be labeled a wool product.

When the desk at which the distinguished Senator from Kansas [Mr. REED] is now presiding is replaced, if the new desk has a felt top, and the felt is made out of wool—and it will be—then we shall have a wool-product desk for the future Presiding Officer. If the distinguished Senator from Oregon [Mr. MCNARY] is so fortunate or unfortunate, as the case may be, as to be elected Vice President in November, he will preside at a wool product after his inauguration on about the 20th of next January.

Mr. President, all products containing wool must be labeled. If they are not labeled, of course that is a violation of the law. If the product which is labeled is deceptively labeled, not properly labeled, that is a violation of the law; but there is no test which can determine whether or not a product is mislabeled. If it is made out of virgin wool, it will not be examined. If it is reprocessed wool and not shoddy, there is no test which can determine that fact.

I hold that the bill is defectively drawn. That is no criticism of the author of the bill, because no author could draw a perfect bill. I do not think any author could draw a bill to cover this question without using much time and many, many pages in which to place the various provisions which would be necessary to draw and prepare an effective bill.

The penalty for failing to label an automobile if it contains wool, the penalty for failing to label a straw hat if it has a woolen band, the failure to label a pair of shoes if they have a felt insole or any part of wool about them, is a fine of $5,000 and imprisonment for 5 years, or both. That is rather a serious penalty. The bill gives the Federal Trade Commission power to make inspections, but it provides for no in-

spectors. Under section 6 of the bill the Federal Trade Commission is authorized to cause inspections, analyses, tests, and examinations to be made of any wool products subject to the bill, and to cooperate with any department or agency of the Government, with any State, Territory, or possession, or with the District of Columbia, or with any department, agency, or political subdivision thereof, or with any person.

So, under the terms of the bill, if it should become a law, the Federal Trade Commission is authorized to inspect and investigate any wool product, any product which contains wool, any product which is advertised to contain wool, submitted by any Federal agency, any State agency, any Territorial agency, the District of Columbia, or any department, agency, or political subdivision of any of our States or Territories, or submitted by any person.

If the bill becomes a law, I imagine that thousands upon thousands of requests will be made upon the Federal Trade Commission to investigate and inspect and advise whether or not certain pieces of cloth contain reused wool or reprocessed wool. If that shall be done, it will cause the Federal Trade Commission to perform a great deal of labor which it does not now perform. To perform that labor a great number of additional officials will be required. Those officials must be paid. So, to make the bill effective, the governmental agency known as the Federal Trade Commission must not only be provided with thousands of inspectors to go to the various mills of the country and remain in the mills to see to it that the law is complied with, but the Federal Trade Commission must have a great number of experts in every office here in Washington, or in regional offices which they may set up, to make tests and examinations of pieces of cloth which may be submitted by any of these agencies, or by any citizen.

So the bill will entail upon the Government a vast expense. It will entirely regiment the woolen industry. It will entirely regiment all industries which deal in wool. If the bill shall become a law, in my judgment, it will be followed by other bills which will seek to regiment the other textile industries, such as cotton mills, silk mills, rayon mills, nylon mills, and mills which may use other forms of textiles.

That is not all the bill does, Mr. President. If the bill should become a law, and the Federal Trade Commission should receive many thousands of samples for testing and inspection, and if the Federal Trade Commission should find that some of the mills and some of the factories were illegally labeling their products, then it would be the duty of the Federal Trade Commission to certify to the Attorney General the facts as they might be discovered, and the Attorney General is authorized under the bill—it might be said that he is commanded under the bill—to bring action. That direction comes under section 10 of the bill, which I shall read:

> Whenever the Commission—

That means the Federal Trade Commission—

> has reason to believe any person is guilty of a misdemeanor under this section—

That means mislabeling or misbranding or failing to brand—

> it shall certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

So, if this bill should become a law, and it should operate as I think it would operate, not only would the Federal Trade Commission be forced to employ thousands of inspectors and other hundreds, at least, of scientists to make inspections and investigations, but it would probably require the Department of Justice to employ a great number of new attorneys to take care of the cases which would be certified to the Attorney General by the Federal Trade Commission.

Mr. President, I have many times made on the floor of the Senate the statement that there is no test which can determine whether or not a piece of cloth contains reused or reprocessed wool. I wish to place in the RECORD at this point my authority and my reasons for having made that statement.

In 1937 the senior Senator from Kansas [Mr. CAPPER], I think, had pending in the Senate a bill on this subject; or, if he did not have it pending then, he had introduced the bill in some former session in conjunction with Representative French, of Idaho. I am advised that the bill in question was the first bill of the Senator from Wyoming [Mr. SCHWARTZ]. At any rate, the RECORD shows that the Senator from Kansas made this statement: He himself had theretofore been the author of bills on this subject. He had made a study of the woolen industry, he had held hearings, he had made an investigation; and after all this study and investigation this is his conclusion. I read:

> Physical and microscopic analyses are helpful; but, as before stated, our scientists cannot yet determine even by these means, with sufficient accuracy for law enforcement, the extent to which such adulterants have been used in the manufacture of wool fabrics.

Mr. President, if the senior Senator from Kansas was correct in the statement that it is impossible to detect the presence of reused wool or reclaimed wool or reprocessed wool in a fabric, I should like to know how the Federal Trade Commission can tell whether or not a fabric submitted to them for test contains reused or reprocessed wool. I think the Senator from Wyoming [Mr. SCHWARTZ] is correct when he makes the statement, or at least indicates that he believes the statement that the Federal Trade Commission will not rely upon microscopic tests or scientific tests, but if the bill is to be enforced it must be enforced through inspection. If that is true, then of course inspectors must be provided in order to see that the cloth is made in accordance with the specifications, or else the law will be wholly ineffective.

When this bill was pending before the House only recently, Representative RICH had the following to say about the bill:

> As I said before, I tried to work out a bill of this nature, and spent at least 3 months, working day and night, trying to find a way to determine so that the public would know, when a piece of fabric was manufactured, just exactly what was in that piece of cloth. That was my object. My object was to try to let the American people know what was the best kind of fabric for them to buy, so that when they bought an article they would get one that would give them the greatest warmth, because it contained wool, and, because of its long-wearing qualities, and its heat-containing properties, a fabric that would have real quality and merit for the consumer. This was the thought I had in mind in trying to write such a bill. But what did I find?

Representative RICH had made this study and investigation, had tried to prepare a bill, and he is now testifying to the House as to his difficulties in that undertaking. He asks the question:

> But what did I find? I found the complications in drawing such a bill so perplexing, and the bill so difficult of administration, that I had to give it up in despair.

I do not blame the Representative for giving up in despair. I have wondered oftentimes why the author of this bill has not given up in despair. But he persists.

I quote further:

> It was not practical nor feasible.

To prepare a bill on this impossible subject.

I quote further:

> I went back over the records of bills that had been introduced in years gone by in Congress and reports that had been filed here 20, 30, and 40 years back on similar legislation that was proposed to the Congress. They gave up in despair.

Mr. President, I submit the testimony of Representative RICH in support of my statement that this has been an impossible subject and that it is impossible to draft a bill which will solve the problem, unless perchance we go into great detail, and then provide a flood of inspectors to haunt each mill in the country dealing in wool in its many and various processes.

If the Congress desires to regiment the woolen industry, the cotton industry, the silk industry, and all other textile industries, we are now starting on such a program. If this bill is desirable for wool, it would be well for the housewife, when she goes to the store to buy cotton goods, to know whether or not she is getting cloth made from reused cotton, or perhaps from rags. If the bill is good for the wool interests a similar bill would be good for the cotton interests. If it is good for

wool and good for cotton, it would be good for silk. If it is good for them, it would be good for rayon and Nylon, or any other textile which we have or may yet devise.

Regarding testing, I submit a statement from Hatch Textile Research. The statement was released on May 4, 1938, and was made by Herbert Harriman Hatch, the president of that highly scientific institution. This is what Mr. Hatch says:

In regard to your letter of April 29, asking us to give you the various percentages of different types of wool contained in the 24 samples sent in to be tested, we regret to advise that this test, in our opinion, cannot be made accurately enough to be of any value in establishing the true percentages which went into the cloth originally.

So the Hatch Institute says they have no test under which they can discover whether or not these fibers have been used before.

I now desire to call the attention of the Senate to a statement made by the Better Fabrics Testing Bureau, Inc. Mr. Frank Stutz, the president of that scientific bureau, on May 4, 1938, made the following statement:

Under date of May 2 an order was issued by your association to this bureau to analyze 24 pieces of fabric for fiber identification under the classification of virgin wool and reclaimed wool.

This bureau does not have anyone on its staff qualified to classify microscopically wool fibers for commercial grading as virgin wool and reclaimed wool.

So another scientific institution advised that they were unable to make the test.

On May 6, 2 days thereafter, the same president of the same institution, in reply to an inquiry as to who might be able to make this test, the institute having advised that they had no one who could do it, made this reply:

In reply to your letter of the 5th, asking for the name of any person qualified to classify virgin wool and reclaimed wool in finished merchandise, I am sorry to state that we know of no person in the industry or testing business who has qualified to perform this service. I would like to employ anyone having this unusual ability, as we have more difficulty in identifying the origin of animal fibers than all other problems in the testing business. It is our policy to insert the paragraph below in every report of fiber identification of mixed fibers in a fabric and composed of several animal fibers.

This is the clause which they insert:

Due to the controversial nature of technical reportings on fiber contents of fabrics, this bureau does not assume legal responsibility for any use of the information reported herein.

Not only does Mr. Stutz say that his institute, a highly scientific one, is unable to make the test, but that they know of no one who can make the test, and in order to protect themselves against liability, they insert a clause in their report to the effect that they cannot make the test, and are not responsible for even what they do say about the matter.

As further evidence that no test is possible with present scientific knowledge, I quote from the United States Testing Co. The quotation is taken from the testimony of C. J. Huber, a director of this likewise efficient scientific institution. This statement is of date May 26, 1938, and reads as follows:

With reference to the 24 samples submitted to us for the determination of the percentage of virgin and reworked wool, we have submitted them to various types of chemical and physical tests.

We have carefully measured the staple length of the fibers, both in the warp and filling yarns used in the fabric, and have compiled these results so as to give the distribution of the percentage of the fiber falling into each category of length.

Chemical tests have been made to determine the percentage of other than wool fibers present in the fabric and the residue has been carefully studied under the microscope to determine the possibilities of incomplete carbonization. Microscopical examinations of the ends of the wool fibers have been carefully made to see if they have been frayed out which might be indicative of reworked wool.

From all of the tests we have made showing the varying length of fibers, the amount and kind of foreign fibers along with the microscopic determination of frayed fiber ends; we are unable to state definitely whether the wool is virgin or reworked. Not being able to definitely distinguish between the fibers, we, of course, can give no figures as to the amount of virgin or reworked wool present in the various samples.

It occurs to me that that is positive evidence that there is no test known, that no test can be applied. Foreign factories can take reused wool, reprocessed wool, make it into a garment, label it "pure wool," "all wool," or "virgin wool," and sell it to America as such, and there is no one in the United States who can take the garment and tell whether or not it has in it virgin wool, or whether or not it has reworked wool or used wool in it.

If there be no test we can apply at home, we cannot, of course, apply the tests to imported cloth. Inasmuch as we cannot inspect the factories in foreign countries, inasmuch as we cannot force them to comply with our rules and regulations, we have no control over the imports of woolen products. So this is a bill to discredit and injure and harm domestic mills, and, conversely, it is a bill to help foreign mills.

Mr. President, I shall be anxious to see the vote on the conference report. The bill inaugurates the regimentation of industry. For 7 years we have heard speech after speech made on this floor complaining against the policy of this administration in the regimentation of agriculture. But if agriculture has been regimented, it has been regimented to the end that the farmers themselves might be tided through. In this case we are asked to regiment industry, woolen mills, not for their benefit, but for the benefit of only one group, that is, the sheep raisers of America.

If the sheep raisers needed help, I would be the last one to stand on this floor and deny help. But they do not need help now. The parity price on wool today is, of course, 100, and the sheep growers are receiving a price of 120 percent of parity, which means they are receiving the 100 percent of parity, and 20 percent additional. So the sheep growers cannot complain.

Mr. President, on the 15th of August the parity price on wool was 118 percent. Since that time wool has gone up perceptibly. It went up 3 cents a pound, 5 cents a yard, on Monday, so I am safe in saying that the parity price on wool is above 120 percent, which means that the wool growers are today receiving not only parity—and that is what all agricultural interests are striving for—but are receiving more than 20 percent above parity. So they do not need an increased price today. The price of wool is higher than it has been for years.

We are now arranging for an army of a million men, and we will probably have 1,400,000 shortly. Next year we may want 1,000,000 more. It takes about 3 uniforms a year to serve each soldier; it takes an overcoat, and it takes other wool items to serve the Army. So that not only will the present demand for wool continue, but it will be intensified as the years go by, at least so long as the emergency lasts, and, as I see the picture, we will not be rid of the emergency for a long time to come.

Mr. President, we will never go back to an army of 117,000 men, as we had 2 or 3 years ago, so long as the other nations of the world maintain armies like that of Germany, with an army of from four to seven million men, trained and in camp, equipped and uniformed. England, the little isle of England, has today in camps over 1,000,000 men, perhaps a million and a half—no one knows. Italy has five or six million men in army camps, equipped, and fighting. So long as Great Britain and Germany, Italy and Spain, Japan and Russia—the latter now having perhaps 10,000,000 men in army camps—have these vast armies, we cannot afford even to think about an army of less than a million men. We may need to have an army of 2,000,000 men, or 3,000,000 men, or 5,000,000 men. If that should happen, I wonder what the price of wool would be very shortly. Today we must receive or obtain our wool from North America. There is no wool in great quantities grown in the southern portion of the Western Hemisphere. We are, however, limited in our woolen supplies to the Western Hemisphere. The finest wool comes from New Zealand and Australia. We cannot get their wool now. Great Britain is getting all the wool she can from Australia, New Zealand, and South Africa. We can get no wool whatever from any place except the Western Hemisphere.

If the bill should become law, the Army would be forced to make practically all its uniforms, overcoats, shirts, and woolen supplies from virgin wool, because if the Army should not make its uniforms out of first-class wool—and under the

terms of the bill it must be unused wool to be first class—then we would have a scandal, and it would be said that the United States was clothing its soldiers and its sailors in shoddy, for under the terms of the bill any wool which has been used is shoddy.

Mr. President, a moment ago I tried to show that no one knows of any test which can detect the presence of reused wool or reprocessed wool. I have read from several authorities. Now, I will give one I think no one will question, and that is the United State Bureau of Standards. It is now called the National Bureau of Standards. It is maintained by the Government. If it does not have the best scientists in the world, then the head of that institution is remiss in his duty, because he should have in his employ in the Bureau of Standards the best scientists in the world. Not only should he have the best scientists, but he should have the best machines in the world; he should have the latest and the most improved machines in the world for testing purposes. This is what a member of that Bureau says about the matter of testing. I quote first from Dr. Lyman J. Briggs, who is a director of the National Bureau of Standards. On May 7, 1938, Dr. Briggs wrote:

In reply to your letter of May 4, methods for the analysis of wool fabrics for the percentage content of "virgin wool" and of "reclaimed wool," as defined, are not available here, and so far as we are aware accepted methods have not been developed elsewhere. Therefore, we are unable to refer you to another laboratory for this test.

Not only did Dr. Briggs say they could not make tests and he knew of no place where tests could be made but at a later date Mr. Emley, Chief of the Division of Organic and Fibrous Materials of the Bureau of Standards, made this statement:

When the Bureau of Standards is called upon to forward a report as to whether or not we can determine the content of reclaimed wool, we just cannot give any report, because we cannot tell.

Mr. SCHWARTZ. Mr. President, will the Senator tell me the date of that second letter? The Senator said it was of a later date.

Mr. THOMAS of Oklahoma. It is found in the speech of a Member of the Congress when the bill was considered by the House a few days ago. I can place it in the RECORD and will certainly do so later, but I do not have it at my fingertips at the moment. It is taken from a speech made by a Member of the House when the bill was under consideration in the House.

Mr. SCHWARTZ. I do not at all dispute the fact that the statement was made by the chemist, or whatever he was, in the Bureau of Standards, or that the Representative was not correctly quoting him. I was interested in the date of the letter.

Mr. THOMAS of Oklahoma. Mr. President, a few days ago I occupied some time in the Senate in opposing the bill. I began at that time to give my reason, but before I had completed a statement of my reasons an agreement was reached whereby the bill was sent to conference. My hope was that the bill in conference would be perfected in such a way that it would be acceptable, or would be at least more acceptable. The bill went to conference, but the conferees saw fit to accept the House bill in toto. They even accepted the imperfections and misspelling in the House bill, and they are in the report today. But because I made that speech, Mr. President, and because some people read the CONGRESSIONAL RECORD, I was honored by a letter from a gentleman who lives in Utica, N. Y.; at least, he represents himself to live in Utica, N. Y. His address is 908 Champlain Avenue in that city. He writes on very cheap paper, which, of course, is no reflection upon the writer, and his name, which I will give for the RECORD, is Leo M. Hourigan, or at least, that is the way it appears to me to be spelled. He had read what I had to say about the impossibility of testing woolen cloth for reused wool or reworked wool, and this is what he wrote to me.

Hon. Senator THOMAS.

DEAR SENATOR: Your articles in the RECORD on wool, page 11984, of September 12, 1940, who can tell? The manufacturers can tell. The superintendent can tell. The boss picker and the boss carder can tell, but after that no one can tell.

Mr. President, this writer works in a woolen mill. I never saw him, never heard from him before, but I know that he knows what he states, that only persons working in a mill can tell the content of cloth, and he catalogs those workers, first as the superintendent who places the order to his mill for a certain kind of cloth, and he tells the mill employees of what kind of wool to make the cloth. Of course the superintendent knows. Then the boss picker, who is the employee who picks the wool under the orders of the superintendent, of course, knows what kind of wool goes into the cloth. Then the boss carder, who superintends the removing of the short fibers from the mass of fluffy wool, of course, knows what goes into the cloth. Then the writer states that, aside from those mentioned, no one else knows of what the cloth is made.

I continue to read:

The boss picker is given an order to mix a batch, and he knows if it is to be 50 percent wool and 50 percent shoddy or reprocessed or reworked wool. Then it goes to the carding room, and the boss carder knows what percent he is running. My father-in-law is a retired carder, and I work in a factory at present. He just showed me an overcoat which is 90 percent English noils, reworked combings of wool, and 10 percent wool. He knows because he mixed the batch, but you or I would not know, or any person who is going to buy a coat. When a batch has been worked into a finished product they do know what percent is in the goods. Enclosed is sample of coat 90 percent English noils, reworked combings of wool, and 10 percent virgin wool, but after it leaves the plant it would go for first-class virgin wool.

He submits with his letter a sample of the cloth which he says is English noils, which means the short strands combed from top wool. So far as I can tell, this piece of cloth is first class in every particular, but under the terms of the bill it would be strictly secondary.

Mr. President, I stated on a former occasion that it is impossible to draft legislation on this subject which would be satisfactory unless much time were taken and much space used in preparing the plans and specifications covering the proposed legislation. The bill is not long. It embraces only a comparatively few pages. It is my contention the bill is imperfectly drawn for the very obvious reason that it is impossible to draft a bill without much time being given to it, as I said, and then after the bill is drafted that a system of inspection is provided exactly as the War Department provides a system of inspection for the cloth it must have in the making of uniforms.

At this point I wish to read into the RECORD some further testimony to support the position I take. When the bill was before the House, a number of Members of that body made speeches for and against the bill. I now desire to place in the RECORD a portion of a speech made by Representative RICH. I read from Mr. RICH's statement:

Mr. Chairman, in speaking of the value of reworked wool in comparison with virgin wool, let me call the attention of the Members of the House to the fact that there are seven or eight hundred different kinds of wool in the country—not in the United States, but in all the world. We have the China ball wool; we have the Iceland coarse wool; we have innumerable grades of wool right within our own country. Then there are the South American wools, Mexican, and the Australian wools. In trying to get a bill that will be for the ultimate good of the consumer, this bill is evidently going to be misleading on the terms "wool" and "reworked wool," or "reprocessed wool," "reused wool," and "wool products."

The bill uses the terms "wool," "reworked wool," "reprocessed wool," "reused wool," and "wool products." Mr. RICH states that if the bill becomes a law the public will become confused and will not know what these terms mean. The public will not know, when it sees a label stating that a garment is a reworked-wool garment, whether or not it is a virgin-wool garment; and if it is marked "reprocessed wool" the public will not know whether or not it is a virgin-wool garment.

Mr. RICH further says:

Who are those who are interested more in the virgin-wool proposal? It is the people who are interested in sheep raising in this country. What do we do for the sheep raisers? We give them a 34-percent duty on all wools that come into this country.

So said Representative RICH, in a speech made in the House of Representatives when the bill was before that body only recently.

I next call attention to a further statement made by Representative RICH in the same address:

As a manufacturer—

Mr. RICH is a wool manufacturer, or has been a wool manufacturer, so he is testifying before the House of Representatives.

As a manufacturer I can take virgin wools and I can make a fabric. Then I can take reworked wools under the classification of this act, and call it "reworked merchandise." * * * I can make twice as good a piece of goods out of good reworked wool as I can out of the poor grade of virgin wool.

That is exactly what I have been trying to say. A manufacturer or woolen mill may rework or reprocess wool and make a perfect garment, which compares 100 percent with the finest grade of unused wool; yet under the terms of the bill that class of goods is discredited. I am astonished that the proponents of the bill are willing to admit in legislative form that wool which is raised in their States, after it has been carded and woven, is of no further account. It is not worth reprocessing. It is not worth reweaving. It is not worth remaking into garments; and under the terms of the bill the finest wool in the world, which has never been used anywhere, but which is reprocessed and replaced in a garment, becomes worthless. Under the terms of the bill it is shoddy.

The only purpose of the bill is to increase the demand for unused wool and decrease the demand for used wool. The purpose is perfectly clear. Anyone who studies the bill for a moment can come to no other conclusion. It is a bill for the purpose of increasing the demand for unused wool, and depreciating, discrediting, and condemning all wool which has ever been once woven or spun, even though it has never been worn. I am astonished that a Senator from a great wool State like Wyoming should introduce a bill stating that the chief product of his State—wool—which has once been woven into cloth, although never worn, is of no further benefit, but should be discarded; that all garments should be made from unused wool; and that no garment should be made from used wool or processed wool, although that wool might be the best wool in the world.

Mr. President, the wool taken from the backs of the best fleeces is called tops. It sells for about 90 cents a pound. One might select from the tops the choice part of the best wool, which would be the best part of the tops, and work that choice wool into yarn and spin the yarn into cloth. If the workmanship were satisfactory, that would produce the finest cloth possible to be made out of wool. That cloth might never be worn. It might be torn apart. Then it would be known as reused or reprocessed wool. As the chart on my right shows, the average run of tops wool sells for 90 cents—or it sold at that price when the chart was made—but the choice part of the tops, after it has been made into fine cloth and then torn apart and made ready for reprocessing, respinning, and reweaving, sells for $1 a pound.

The trade feels that such reprocessed wool may be better, because it pays more for it than for the ordinary run of tops; and yet the bill discredits even that class of wool and that class of cloth.

I am trying to show that the bill is for the benefit of one group of our people. I do not begrudge them a high price for wool. I am delighted that they have a high price for wool. Now that they have a high price for wool, the price of wool is going still higher. The price of wool will be high this year. It will be high next year. It will be high during the years to come if the demand for wool continues as we have it today. So, Mr. President, I cannot understand why the Senate would be justified in solemnly enacting legislation still further to increase the price of wool when wool is now selling for more than 120 percent of parity.

I read further from a speech made by Representative RICH. He is now speaking about what may happen under the terms of the bill. He says:

An unscrupulous manufacturer can put reworked wool into a fabric, and no one on God's earth can tell from the cloth whether it is virgin wool or reworked wool or shoddy. So a dishonest manufacturer can ruin honest manufacturers unless the Government maintains plant inspectors, because you cannot detect after manufacturing has taken place.

That is exactly what I have been trying to say for some time. If the bill is to be enforced in New York State, for example—and I see the distinguished senior Senator from New York in the Chamber—New York State has more than 100 woolen mills, and it would be necessary to place at least 2 inspectors in each of those mills, or perhaps more, depending upon their size, to see to it that the law is complied with.

I next read from a speech in the House of Representatives by Representatives HOLMES. He said:

Mr. Chairman, I come from a section that manufactures woolens and worsteds. In this section we have many high-grade manufacturing industries. They have made this product for years and years. They are alarmed over this legislation. They realize that this is another avenue by which the Federal Government is going to interfere with the conduct of their business.

I quote from a speech made by Representative HINSHAW, of California. This is what he said:

There are several hundred grades of wool. The following grades of wool are rated according to this bill as new wool. They are seedy wool, burry wool, dead wool, vat wool, shank wool, tags, etc. These classifications are graded as new wool under this bill. They vary in price from about 3 cents to 15 cents a pound. You can imagine the value of a piece of wool that comes from the rear end of a dead sheep that has been picked up on the range some place, or from the breech of a dead sheep that has been killed in a slaughterhouse and the wool pulled from the hide. The value of the wool from the fabric standpoint is low, and yet under this bill it is classified as new wool and, consequently, a premium is placed upon the fabric made from it.

I said a while ago, Mr. President, that the pending bill provides that every product containing any percentage of wool whatever must be labeled. I referred to the manufacturers of felt. Felt is a kind of cloth, the kind of cloth that we see on the top of the Presiding Officer's desk and on the top of the Secretary's desk. Felt is also used for washers in the assembling of many kinds of machines. If this bill becomes a law, a felt washer, no matter how small it may be, must have attached to it a tag. Every little washer, the size of a dime with a hole in the center, must have a tag attached to it, and the tag must state what percentage of wool or reused wool or reprocessed wool is in the washer. The tag must not only state the percentage of each kind of wool in a little washer made of felt but it must give the name of the manufacturing concern. So the felt manufacturers are very much opposed to this bill.

I read from a telegram received recently from the Booth Felt Co., Inc., of Brooklyn, N. Y. It is addressed to me. They evidently noticed that I had made a speech in the Senate against this bill, and, being against the bill themselves, they sent me this message:

Strongly oppose S. 162. Utterly impossible to label millions of small wool felt washers, which is our principal product. This could only be done to goods sold by the yard or retail items.

E. W. BOOTH,
President, Booth Felt Co., Inc., Brooklyn, N. Y.

There is no exception made in the case of goods of this character. So, if this concern makes a million washers the size of a dime, with a little hole about the size of a lead pencil in the center, the washers to be used in connection with the fabrication or assembling of machinery such as typewriters or other machines of that character, each little felt washer must contain a label. Mr. President, do you blame the Booth Manufacturing Co. for opposing the terms of this bill and its enactment?

Mr. SCHWARTZ. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. SCHWARTZ. I should like to ask the Senator whether he has read paragraph (d) on page 7, which provides that—

This section shall not be construed as requiring designation * * * of fiber content of products which have an insignificant or inconsequential textile content.

And further it is provided:

The Commission, after giving due notice and opportunity to be heard to interested persons, may determine and publicly announce the classes of such articles concerning which express or implied representations of fiber content are customarily made, and those products which have an insignificant or inconsequential textile content.

Mr. THOMAS of Oklahoma. The Senator always fails to read the definition of wool product. I will now read it.

Mr. SCHWARTZ. I was wondering if the Senator would answer my question?

Mr. THOMAS of Oklahoma. The definition is:

The term "wool product" means any product or any portion of a product which contains, purports to contain, or in any way is represented as containing wool, reprocessed wool, or reused wool.

Mr. SCHWARTZ. Then, Mr. President, following that there is an exception stated that there shall not be required designation if the amount of fiber is of "an insignificant or inconsequential textile content."

Mr. THOMAS of Oklahoma. Felt is made of 100-percent wool; it may not be virgin wool; it may be reprocessed wool or it may be reused wool, but it is a wool product, and there is no exemption from labeling in the case of products that contain 100-percent wool.

I now read from a letter addressed to me by the Standard Felt Corporation, under date of September 24, after I had made my speech in the Senate in opposition to the pending bill. The Standard Felt Corporation has a place of business at Alhambra, Calif., and the particular point I wish to call the attention of the Senate to is as follows:

Complying with this law—

The reference is to Senate bill 162—

will place a heavy burden on industry. It will fail to protect the market for our wool growers and fail to protect the public as to the quality of merchandise they buy.

The second objection is:

The labeling as required under the bill will, in all probability, start an anticotton feeling among the public.

Mr. President, when the public notes in the stores that all woolen articles and all articles that contain wool are labeled wool, it is suggested that that requirement may tend, unconsciously or otherwise, to bring about a feeling in the mind of the public that anything that does not contain wool or is not a wool product is an inferior product. To that extent, if that should happen, the bill would react adversely to cotton, psychologically, if not otherwise, and to the extent it would so react, it would be an anticotton bill.

As I have said many times on the floor, that is the particular reason I am opposing this bill. My State produces a million bales of cotton. The price of cotton is low; the parity price of cotton now is very low, indeed; so that if this bill should become a law, and if it should increase the demand for wool and thereby decrease the demand for cotton, it would injure cotton, and the price of cotton would go still lower than it is at the present time.

The third reason given by this felt corporation is as follows:

The cost of woolen or semiwoolen goods will, in all probability, be increased due to a demand for more wool in the goods, and thereby increase the cost of Government purchases on such articles, and this will increase the taxpayers' burden.

The fourth reason is as follows:

The bill as passed, we presume, will apply to all processors of wool, wool and cotton, and other lines using wool or wool by-products, and we, as felt manufacturers, do not see the need of this bill, as practically all departments of the Government have their own definite specifications. The felt manufacturers have their own specifications, and also most of the felt manufacturers' customers have their specifications.

This corporation gives those reasons for being against this bill.

Mr. President, I have a further communication from this company giving additional reasons for opposition to this bill, but I think the reasons already given are ample. A number of votes will be confronted with the record now being made, and some of those who do not pay attention to this class of legislation which affects all their constituents may be confronted some time with the record, and if they do not know what the record is, they will have not much of an alibi for not being thus advised.

Mr. President, I now place in the RECORD the reasons the National Association of Wool Manufacturers have against the passage of this bill. The letter is of date September 10, this year, and reads as follows:

1. This bill will affect adversely the wool textile industry and the entire apparel trade, as well as related business throughout the country, in that it will impose a fruitless burden of detailed recording and additional expense for labels that will benefit no one as guides to quality. This will render more difficult the merchandising of all products containing wool. Cotton interests likewise feel that the bill will have a damaging effect upon their industry.

2. The bill will perpetrate a fraud on the consuming public which thereby will be induced to pay higher prices for products alleged to be of virgin wool, even though such products may be made of the lowest grade or most unsuitable types of wool, or, in some cases, of wool which has been materially damaged. The fiber content is not the principal element of value in a fabric. To suggest that it is is to mislead the public badly.

The third reason given as to why this bill should not be passed is as follows, and I repeat, this communication is from the president of the National Association of Wool Manufacturers:

The measure cannot be properly enforced, since no method exists whereby the particular type of wool used in a fabric can be identified after it is once fabricated.

The fourth reason is as follows:

There could be no check whatever on imported fabrics, as no factory inspection to determine what materials are used can be established by United States agents in foreign countries. This circumstance would seriously discriminate against American manufacturers to the benefit of foreign interests.

The fifth reason for being against the bill is as follows:

The bill has been high-pressured through Congress, not by anyone who honestly seeks to protect the consumer, but by wool growers, whose sole object is to enhance the price of domestic wool, which is already protected by a tariff of 34 cents a pound. The bill has also been supported by a manufacturing concern which serves the luxury market and which has tied its publicity program to this bill.

The sixth reason assigned by the National Association of Wool Manufacturers against the bill is as follows:

Should this bill become law, not only would civilians be required to pay higher prices for what might be lesser values, but the cost of the Government's present defense program, insofar as wool materials are concerned, would be increased. This extra burden on the taxpayers cannot be justified by the benefits which might accrue to the wool growers and to a few high-style, nationally advertised manufacturers. It is important to note that of 26 foreign products only 5 are selling above parity. Two of these five are "wool" and "lamb." Wool is the highest on the list, being given as 118 percent, against 54 percent for wheat and 59 percent for cotton.

So, Mr. President, the United States Congress has devoted much time, and the United States Senate is now devoting time, to the consideration of a bill which seeks to increase or will have the effect of increasing the price of wool above 118 percent of parity. This letter was written sometime ago. Since the letter was written, the price of wool has increased several cents a pound. If the parity price was 118 percent when this letter was written, the parity price now is above 120 percent; and here we are in the United States Senate seeking to pass a bill to tax the people millions of dollars in the first instance to pay more for Army uniforms, and in the second instance to pay more for woolen products, when wool itself now is worth the highest price it has been in years. Instead of trying to legislate to raise the price of wool still higher, it may not be amiss to try to do something for the wheat growers, whose price today is only 54 percent of parity. We might be spending some of our time in trying to do something for the cotton planters. The price of cotton today is only 59 percent of parity. I am wondering how Members of this body can justify their action in voting still further to increase the price of wool when the price now is 118 percent of parity and above, and at the same time do nothing to increase the price of wheat, if they live in a wheat State—and I

live in a wheat State—or to increase the price of cotton if they live in a cotton State—and I live in a cotton State—when the parity price for wheat is only 54 percent, and the parity price for cotton is only 59 percent.

The seventh reason given by this association against the bill is as follows:

> The bill is misnamed in order to mislead. An honestly conceived bill should draw a distinction between the different fibers—wool, silk, cotton, rayon, and so forth—in order to protect the public, but not do what this bill does, namely, attempt to differentiate between different kinds of wools for the benefit of the wool growers alone.

Mr. President, I submit those as the reasons assigned by the National Association of Wool Manufacturers. Yesterday I placed in the RECORD the names of some 500 of these manufacturers. Through their organization they are against the bill. They are not only organizedly against the bill but they are individually against the bill. I have just read the reasons why they are against the bill.

I now desire to read a telegram received on September 6 from Mr. Frank P. Zurn, executive director, Clothing Manufacturers' Association of the United States of America. This is what Mr. Zurn says:

> The Clothing Manufacturers' Association of the United States of America, representing 90 percent of the men's and boys' clothing industry, vehemently protests against the enactment of bill H. R. 944.

Mr. President, that is the same bill, in substance, as this bill. They are different in detail, but they are on the same subject—that is, seeking to protect the consumer against the use of shoddy, reused wool, and reprocessed wool.

Continuing:

> The enactment of this bill will not give the consumer the real protection intended, namely, satisfactory service in wearing apparel. On the contrary, it will put a false premium on a particular type of fabric, disregarding entirely the other important essentials, namely, weaving and finishing of the material and tailoring that go into the making of satisfactory clothing. It will create an artificial demand for virgin wool which is bound to react in higher prices to consumers for clothing. Increased prices of clothing will result in decreased sales, which will reflect itself in less employment for the 138,000 workers in our industry. Increased prices for wool and woolen cloth will react to the distinct detriment of our Government in carrying out its present defense program. We will gratefully appreciate your presentation of our industry's viewpoint to Members of the Senate.

Mr. President, this message to the Senate gives an additional argument against the bill. If Mr. Zurn is correct—and he is the executive director of the Clothing Manufacturers' Association of the United States of America—when he says that the bill will adversely affect the jobs of 138,000 workers in that industry, that is an additional reason why the bill should not be passed.

A moment ago the senior Senator from New York [Mr. WAGNER] was in the Chamber, but he did not stay. In his State he has over 100 woolen mills and many clothing factories and manufacturing concerns. These mills and factories in the State of New York employ thousands upon thousands of employees. If this bill adversely affects the interests of thousands upon thousands of employees in the State of New York, it would occur to me that not only the senior Senator from New York [Mr. WAGNER] but likewise the junior Senator from New York [Mr. MEAD] would have some interest in this legislation. I am not criticizing anyone. No doubt other matters are of much more concern to some persons than is the study of a bill which adversely affects every taxpayer and every consumer and favorably affects only the wool growers of the United States.

I read a telegram just received from George E. Brigham, manager, Felters Co. Mill, Johnson City, N. Y. The message is as follows:

> Respectfully call your attention to conference between House and Senate having to do with H. R. 944 and S. 162. Both of these bills pernicious and unnecessary. Will cause increased cost of clothing to poor and middle class, who will derive no benefit therefrom. It is to the interest of your constituents to defeat this unnecessary legislation.

Mr. President, that gives another argument against the bill. If Mr. Brigham is correct, and the bill becomes a law, it will cause an increased cost to the poor and the middle class for the clothing they must buy. I submit that telegram for the RECORD.

I next read a telegram addressed to myself, signed by the Felt Association, Inc., from New York City. It reads as follows:

> Our association, comprising over 80 percent woven felt production, definitely opposed to proposed Wool Products Labeling Act, S. 160, or H. R. 944. This legislation not in public interest, as would tend to fraud by unscrupulous manufacturers and deception of consumer. We strongly urge your continued opposition to these measures.

I next call attention to a telegram addressed to Congressman PEHR G. HOLMES. The telegram is of date June 13, which is some time ago; but it is upon this subject, because at that time this bill was being considered by the House of Representatives. The message is signed by the National Coat and Suit Industry Recovery Board, from New York City, and is as follows:

> This organization, representing 1,400 employers who employ 50,000 workers throughout the Nation, opposes so-called truth-in-fabric bill, H. R. 944. This bill will mislead the consumer, increase costs, impair business, and impose insuperable hardships on this depressed industry. We respectfully urge that you vote against this prejudicial and onerous legislation.

I might suggest to those responsible for the conduct of administrative affairs that it is a rather poor time to be enacting legislation affecting tens of thousands, hundreds of thousands, of workers in the mills and factories of the United States.

I now read from a telegram signed by the American Felt Co., John T. Lawless, president. The message comes from New York City, and reads as follows:

> American Felt Co., with plants in Massachusetts, Connecticut, New York, and Michigan are opposed to the so-called truth-in-fabrics bill in its present form because of being impractical and because proper enforcement is impossible, and we are greatly disturbed that operation under this bill will favor importations greatly.

I have already explained why that might be. If the bill shall be enacted, every wool product must bear a label. If the bill should be enacted, imports, likewise, would have to bear labels. Under this bill manufacturers of goods in this country must maintain records. We can inspect the manufacturing processes in this country. We cannot require foreign factories to maintain records; we cannot inspect the various operations in foreign countries. For that reason the bill would force domestic mills to keep records and comply with the law, even to the extent of our having to place in their factories a horde or flock of inspectors. Not so with foreign mills; we cannot require them to keep records; we cannot inspect their various processes. They can make their cloth, and we have no test by which we can determine whether or not the cloth contains reworked wool. They can send the cloth in, and we cannot tell what it is. They can place a label on their goods to meet the best label we can prepare, and we cannot help ourselves, except by placing an embargo against importations of foreign goods. So this bill, as portrayed in the telegram, is a bill favoring foreign manufacturers, and injuring, if not destroying, domestic manufacturers.

I now read from a letter addressed to me by the Continental Mills, Inc., of Philadelphia. The letter is signed by Millard D. Brown. I read one paragraph:

> There is no necessity for such a law as this, as the Federal Trade Commission has the power to cite before it any manufacturer who in any way misrepresents his merchandise, if they desire to do so.

Mr. President, that is true. Under existing law the Federal Trade Commission has full power to call before it any manufacturing concern which mislabels or misbrands its merchandise. Manufacturers can put out the woolen cloth, and label it, if they must, but there is no test by which it can be determined whether or not the label is an honest and correct one. The Federal Trade Commission knows that it cannot give this service. In order to do so, the Commission would have to be equipped, first, with expensive laboratory and research facilities, employ scientists, and employ machinery of the latest design for the research test, in a laboratory here in

Washington, no doubt. But that would not suffice. Then the Federal Trade Commission would have to have hundreds, if not thousands, of inspectors, so that they could place two or more inspectors in every mill, in every plant, which deals in wool in any of its various stages of manufacture.

The Federal Trade Commission is for the bill; and I presume if I were the Chairman of the Federal Trade Commission, or if I were a member of the Commission, and if I were always wanting more legislation, more power, more money, more buildings, and more facilities, I likewise perhaps would be in favor of the proposed legislation, because, just so surely as the bill shall be enacted, not later than at the next session of Congress, will we have bills before us proposing to appropriate money to erect buildings and establish research laboratories for the testing of woolen cloth. That is on the one side. On the other side, we would have before us at that time, if the bill should be enacted, a request for money with which to pay the salaries and expenses not only of hundreds but perhaps thousands of inspectors to be placed in the various mills in the United States.

I cannot control the votes of Senators, but I can control my own vote, and my own vote will be cast against the bill. I have sought to justify the vote I shall cast. When I shall have concluded—and it is not yet—there will be a record made to go along with the votes cast upon the bill, and no Senator can have as an alibi the statement that he did not have information about the bill, because the RECORD will contain the information. The bill itself is ample to justify anyone who will read it voting against it.

Mr. President, I have already alluded to the fact that the Army is very particular about the cloth it buys. The Quartermaster General is charged with the responsibility of purchasing cloth, and seeing to it that the cloth which is made for the Army is the best cloth the genius of man can design and produce. The Department requires the best wool, the best processes, the best weaving, the best manufacture, so that a uniform for a soldier in the Army or for a sailor in the Navy, when delivered, is made not only from the best material in the world, but likewise is made by the best workmen in the world. If the two Departments could find better cloth they certainly would have it.

Mr. WILEY. Mr. President——

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Oklahoma yield to the Senator from Wisconsin?

Mr. THOMAS of Oklahoma. I yield.

Mr. WILEY. I understand from the Senator's statement that it is felt that if the bill were to become law it would benefit the manufacturers outside our national boundaries, and be to the detriment of manufacturers within. I think the Senator so stated.

Mr. THOMAS of Oklahoma. That is correct; that is my position.

Mr. WILEY. I am interested in knowing how it would affect the consumer, the purchaser of cloth. I understood the Senator to say this morning that it would mean increased prices to the purchaser of woolen cloth; in other words, the purchaser of suits or suiting material. Am I correct in that conclusion? If so, what element besides the additional cost of inspection would enter into it?

Mr. THOMAS of Oklahoma. Mr. President, if the bill shall become the law, and if it shall have the force and effect its proponents think it will have, it will mean an increase in the price of wool. That is the only reason there is for the bill. Its proponents assert they favor it for other reasons. I do not criticize anyone for stating that he is for the bill because he wants to protect the housewife and the poor fellow who wishes to buy a suit made from virgin wool. The man who can buy virgin-wool clothing is not concerned about the bill. He will buy the kind of cloth he wants, regardless of what it is called. He will buy the color he wants, and have it made as he wants it made, and if he does not like it then, he will throw it away; and many of them do that. They care nothing about the bill.

If a suit of clothes costs $50, $75, $125, $175, or $300—what difference does that make to some people? It makes no difference.

This bill if enacted will raise the price of wool. That will mean that the manufacturer of woolen cloth must pay more per pound for his wool in the grease; that is, for the wool as it comes off the sheep's back. The big mills buy wool in the grease, and process it from that stage until the cloth is ready for sale to the consumer, or to the manufacturer. The estimate is that the bill will raise the price of wool 5 cents a pound, at least; and I am coming to that later. So the manufacturer of the woolen product would have to pay 5 cents a pound more for his wool in the grease, and it takes 2 pounds or more of wool in the grease to make 1 pound of scoured wool. When wool is scoured, in order to make it ready for processing, only a relatively small part of the fleece is serviceable for fine cloth. If all the wool were good, if it were all tops, it would take more than 2 pounds of wool in the grease to make 1 pound of scoured wool. So for a pound of scoured wool the price would be increased 10 cents. As the price of wool goes up to the manufacturer, he cannot absorb the increased price, and he adds that to the price of the finished product. If he is making yarn only, spinning yarn, he adds the increase to the price of the yarn. If he weaves the yarn into cloth, he adds the increased price he has to pay for the raw wool to the price of the finished product. So as wool in the grease goes up, wool yarn goes up, scoured wool goes up, cloth goes up, and all the products of wool go up. As the raw product the manufacturers process increases in price, the finished product always increases in price. The rule is, I think, that when the manufacturers have to pay a higher price for the raw product, they have to increase the wages of their workmen, and that costs them more money, and adds to the price of the finished product. If that rule holds good in this case, and if this bill increases the price of the wool in the grease 5 cents, and 10 cents for scoured wool, then a suit of clothes will have to be sufficiently increased in price to pay, first, for the increased cost of the raw wool, and the increased wages of all the men who work on the wool, from its inception stage to the finished stage, including the workmen in the tailor shop.

So, Mr. President, this bill is a bill to raise the price of wool for the benefit of wool growers; but it does not stop there. It will raise the price of wool products to every person who uses such products throughout the length and breadth of the land. The bill indirectly would tax all the people for the benefit of the sheep growers, and there are not many of them, and at a time when they are receiving more than 100 percent of parity price—the highest price at which wool has been selling for many years.

Mr. President, I have had much to say about the War Department. On my own motion I referred the bill to the War Department. I was satisfied that the bill was bad. I was satisfied in my own mind the bill should not pass. I was satisfied that if it should pass, it would increase the cost of wool. I was satisfied it would not be to the interest of the Government, and certainly not to the interest of the War Department, which is a part of the Government, to have the bill passed. I referred the bill to the Quartermaster General. I asked him to study the bill and send me a report, and I now read for the RECORD the conclusions of the Quartermaster General of the United States Army. His letter is dated July 27, 1940. This is what Major General Gregory said, and after Senators hear what he said, I wonder how they can vote for the bill. I quote:

> From the standpoint of national defense, it would seem undesirable especially at this time to take any action to limit the use of either reworked wool or substitutes for wool as such substitution may become necessary.

I submit this statement in justification of my charge that the bill is an anti-national-defense bill. I would not say it was a "fifth columnist" bill, but it has that effect. Anything that prevents the United States getting what it needs, anything that imposes an unnecessary tax upon the people—and that, as I understand, is what the bill does 100 percent——

Mr. SCHWARTZ. Mr. President, I wish to ask the Senator whether another letter was not written by General Gregory under date of August 12, 1940——

Mr. THOMAS of Oklahoma. Yes, Mr. President.

Mr. SCHWARTZ. Wait until I get through. I will ask the Senator the question. I want to get the question in the RECORD.

Mr. THOMAS of Oklahoma. Mr. President, this letter came to me——

Mr. SCHWARTZ. At that time I received a letter——

Mr. THOMAS of Oklahoma. I do not yield.

The PRESIDING OFFICER. The Senator from Oklahoma declines to yield.

Mr. SCHWARTZ. The Senator yielded to me, and I should like to ask him a question.

Mr. THOMAS of Oklahoma. After this letter came to me some complaints were made——

Mr. SCHWARTZ. This later letter says——

Mr. THOMAS of Oklahoma. I do not yield to the Senator.

Mr. SCHWARTZ. The Quartermaster General——

The PRESIDING OFFICER. The Senator from Oklahoma declines to yield as the Chair understands.

Mr. SCHWARTZ. The Senator did yield.

Mr. THOMAS of Oklahoma. I yielded for a question and not for a statement.

Mr. SCHWARTZ. I was going to ask the Senator whether he received a certain letter.

Mr. THOMAS of Oklahoma. I am going to make a statement. I know what the Senator is about to say. I knew it a long time before he began.

Mr. SCHWARTZ. Certainly the Senator did, but he does not seem to want to say anything about it.

Mr. THOMAS of Oklahoma. Mr. President, after this letter came to me alleging that the bill was against the national defense, complaint was made to the Quartermaster General that he was interfering with legislation on Capitol Hill. The General had been asked for his opinion, and he had given it to me, and by so doing had not intended to interfere with legislation. We ask agents of the Government every day for information as to how this bill or that bill would affect various interests. When a bill is introduced in this body it goes to a committee, and the committee frequently sends the bill to the department of the Government having jurisdiction of the subject matter, and asks for a report on the bill.

Mr. President, I had no bill pending. I was not a member of the Interstate Commerce Committee, and could not send the bill to the Quartermaster General and ask his opinion about it. It had already been introduced. My attention had not been called to it when it was introduced, but when my attention was called to it I took advantage of my right to find out from the highest authority how the bill would affect the national defense, and I got the answer.

General Gregory stated later in reply to someone else who complained that he was interfering with legislation, that he had no intent to interfere with legislation, and he had no intent to be for or against the bill, but, as I understood his answer to me, he was telling the truth when he said the bill was against the national defense, and the Senator from Wyoming can make the most out of his answer.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. The Senator will have plenty of time after a while. I have been speaking for 3 or 4 hours, and I desire to conclude. I do not wish to be delayed in my presentation. I am very anxious to reach a vote on this measure.

Mr. President, I wish to take some time to show why this bill is before us. The bill is not for the protection of the housewife; it is not for the protection of the consumer. In the first place, it legalizes deception against the housewife. She does not know anything about the texture of woolen cloth. She goes down to buy a dress for herself, or a suit for little Johnnie, or a hat for her husband, and she would not know anything about reprocessed wool, or reused wool, or virgin wool, or what not. She sees a label, "100-percent virgin wool." That looks all right, but, Mr. President, the 100-percent virgin wool may be made out of tags growing on the hoof of the poorest desert sheep in the Senator's State of Wyoming. Does that protect the housewife? She may want to buy a suit. She looks at a suit. The suit is marked, "100-percent virgin wool," but the bill permits the manufacturer of cloth for little Johnnie's suit to make that cloth out of shank wool selling for 7 cents a pound, and she will not know the difference. So I charge that the bill legalizes deception. There is no truth in this bill. It would be an accident if there was.

Why is the bill before us? I will place in the RECORD a statement as to why it is before us. It may take some time to do it, but I will get through. Agitation for legislation of this kind was begun 38 years ago. That was before I came to Congress, away back yonder in the early days. A bill of this character came before the Senate, and this is what was said in those days about the matter. I shall read from a report of a bill entitled, "Truth in Fabric."

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. DAVIS. I am receiving a great number of communications from my constituents in which they say that there has been some test made with respect to the content of wool. Does the Senator know of any test that has been made to determine whether or not wool is all virgin wool? One writer says:

> The fact that a garment may be labeled "All virgin wool" is absolutely no sign of the quality of the cloth, and many garments can be made from woolen and worsted waste that would be far more serviceable than garments made from all-wool cloth.

Mr. THOMAS of Oklahoma. That statement is correct. Let me show the Senator why that is so, by referring to the chart hanging on the wall. On the left side of the chart are set forth the various kinds of wool that may be called virgin wool. We find what is called "top sort.". That is the best wool from the backs of the best sheep. That grade of wool was selling recently for 90 cents a pound.

We then come to stained wool. That is a cheaper grade of wool, but it is virgin wool.

Then we have grey wool. That is wool which is colored. It was selling for 75 cents a pound at the time the chart was made. It is all virgin wool, however.

Then we have paint wool, which is virgin wool, which sold for 70 cents a pound when the chart was made.

Then we have britch wool, which comes from the south end of a sheep going north or the north end of a sheep going south, as may be preferred. Britch wool sold for 60 cents a pound at the time the chart was made. If it is processed and sterilized and made ready for use it is a very good wool.

Seedy wool is wool full of seeds which the sheep gather in their wool in going through the weeds. Such wool sold for 50 cents a pound.

Dead wool is wool taken from dead sheep. If sheep die out on the prairie and the owner finds the dead sheep, if he gets there in time he can take the wool from the dead sheep, or if he stays away long enough, the wool will be there anyway, and it can be picked up, as is done. That is dead wool. That is not a bad grade of wool, but it is worth only about one-half as much as the best wool.

Then come shearings. In the spring the ranchers shear their sheep. Later on the sheep may die, or it may be desired to sell some of them for mutton, or it may be desired to kill the sheep on the ranch. Before a sheep has had time to have its wool grow out again the short wool which is left on the sheep after it was sheared is taken from the sheep.

Then, there is wool which is full of cockleburs and other kind of burs, which is called burry wool, which sold for 35 cents a pound.

Then, we have vat wool. The wool is put in the vat and dyed, and after it has gone through the dyeing process the vat is raked out, cleaned out, and the wool that was left and raked out is called vat wool. That grade sells for 30 cents a pound or less. Next we have tanner's wool. The tanners find

odds and ends of wool left over. That is called tanner's wool, and it sells for 15 cents a pound.

Mr. DAVIS. Is tanner's wool virgin wool?

Mr. THOMAS of Oklahoma. It is all virgin wool. All the various grades to which I am referring are virgin wool. The bill makes no distinction between the different classes of virgin wool. That is my complaint. It offers no protection to the housewife, or to the poor fellow who cannot understand the various classes of wool. The Senator cannot write a bill—or has not written one—which would be of any benefit whatever to the farmers of the Nation.

Next we have shank wool, which is taken from the lower limbs of the sheep, and which sells for 7 cents a pound. Tags, taken from around the ankles of the sheep, above his hoofs, sell for as little as 5 cents a pound. Those classes are all wool, and under the terms of the bill they are all classed as virgin wool. So when a man goes to buy a suit or an overcoat he has no idea whether the wool in his suit or overcoat is tags, shank, or any other grade. It is labeled "virgin wool."

Mr. DAVIS. The Lewisburg mill points out to me that there is no way to make a test.

Mr. THOMAS of Oklahoma. I have tried to show that no scientific test can be applied to wool to show whether or not it has been used or whether it is virgin wool, reprocessed wool, or reused wool.

Mr. DAVIS. I should like to ask the Senator whether or not this statement, coming from a responsible manufacturer, is correct? He writes me, as follows:

> We have seen some of the tests proposed for determining the contents, and we do not believe it is humanly possible to determine by any tests whether the wool fiber is virgin or a processed stock. As an example, we have in mind a piece of cloth made from a fine all-wool worsted waste, as these fibers retain the same nature as the virgin wool, even though they are previously processed; and under such conditions we would like to know who was to determine how the law should be interpreted in such cases.

Mr. THOMAS of Oklahoma. The War Department has had much experience in dealing with woolen cloths; and I am told by the representative of the Quartermaster's department who furnished me the samples that the department knows of no test by which it can be determined whether or not a woolen fabric is a virgin fabric, a reprocessed fabric, or a reused fabric.

Mr. DAVIS. I thank the Senator.

Mr. THOMAS of Oklahoma. Mr. President, I am about to place in the RECORD the reasons why this bill is now occupying the attention of the United States Senate, even at the expense of national defense; even at the expense of the taxpayers of America to the extent of millions of dollars each year; even at the expense of the consumers of America, those who buy woolen products, because they must hereafter pay more for them.

Many years ago, when the French-Capper bill was before the Senate, it was introduced for the following reasons, as was stated in the hearings:

> To help the wool-growing industry by creating an additional demand for wool, thereby increasing its price for their benefit.

Whose benefit, Mr. President? The wool growers' benefit. That is the reason they were sponsoring the bill. It was to help the wool growers. During the hearings on the French-Capper bill, which was before the Congress some years ago, there appeared a Mr. Frank W. Mish, a farmer from Hagerstown, Md. He based his request for the enactment of the bill on the condition of the farmers, saying that:

> The wool growers are in bad financial condition.

No doubt they were. No doubt Mr. Mish told the truth. I do not blame him for coming to Congress and favoring a wool bill at that time to try to improve the financial condition of the wool growers. But that condition is not true today, Mr. President. There is not a wool grower in America today who needs this bill to improve his financial condition, because he is now receiving higher prices for wool than he has received for a long time.

In the hearings to which I refer, many years ago, Mr. Dwight Lincoln, secretary of some sheep breeders' association, testified that:

> The conditions in the sheep industry in the West are very bad.

No doubt they were. Conditions being very bad in the sheep industry in the West, he wanted the Congress to pass a bill which would increase the demand for wool, and thereby increase the price of wool.

In the same hearings Dr. W. J. Spillman, associate editor of the Farm Journal of Philadelphia, appeared before the committee. He admitted, so the statement says, that the reason why he was taking the trouble to come to Washington was because—

> I want to see the price of wool increased to the farmer.

I read from the hearings on the bill some years ago:

> In an editorial printed on page 17 of the September 1921 number of the Sheep and Goat Raisers' magazine, published in San Angelo, Tex., the real purpose is so bluntly stated that it cannot be misunderstood or denied. It is there said:
> "The elimination of 'shoddy' in the manufacture of clothing and the use of virgin wool in its place will strengthen the market and increase the sale of wool to an enormous extent, thus opening up large avenues for the sale of virgin wool, thereby causing an ever-increasing demand for this commodity, and basing our estimate on the rule pertaining to supply and demand, causing prices of wool to advance in an ever-increasing active market."
> The same purpose appears in another editorial entitled "Truth in Fabrics," on page 36 of the August 1922 number of the same journal.

This hearing was held some 22 years ago. At that time the proponents of the bill were for the bill in the hope, at least, that it would raise the price of wool. I continue to read:

> It puts the case just as boldly as the former, and should sweep away all doubts, if any still exist, of the real and moving purpose of this effort. The extract from the editorial is as follows:
> "In our judgment there is not today a matter of more importance for the sheep and goat raiser than the question of truth in fabrics. We have the word of our able and distinguished Congressman, C. B. Hudspeth—

By way of interjection, let me say that I served with Mr. Hudspeth in the House of Representatives. No finer man ever served in that body than Representative Hudspeth, of Texas.

> "We have the word of our able and distinguished Congressman, C. B. Hudspeth, for it that the possibility of the passage of the French-Capper truth-in-fabric bill is getting brighter every day, and that its adoption into a law will certainly advance the price of wool and mohair at least 5 cents per pound."

So much for the testimony introduced in behalf of this legislation 18 years ago.

Mr. President, my contention is that this is a sheep grower's bill, without reference to anybody else. It is immaterial how much it costs the Government additionally. It is immaterial how much it costs the consumer additionally. It is immaterial whether or not, when the public thinks it is buying the best wool, it gets tags, shanks, and britch wool. The wool growers want a higher price for wool.

I now give some recent evidence. When the bill was before the House a few days ago, the gentleman from Ohio, Representative LEWIS, made a speech. I wish to show what Mr. LEWIS said. I quote from the speech he made:

> The sheep farmers of my district and of the United States have for years been raising and selling their wool on a greatly depressed market, largely due to the fact that modern weaving practices in the weaving of cloth have not been honest. Vast quantities of nonwool material have been woven into our garments so skillfully that the human eye is unable to detect the adulterating materials in the fabric, and as a result garments are sold to the buying public as pure wool, virgin wool, or all-wool, whereas in truth and in fact they are not.

Continuing, Mr. LEWIS said:

> Mr. Chairman, I represent a district in one of the finest wool-producing sections of the Nation—eastern Ohio. My district consists of five counties, and I wish to give you the information on sheep and wool production in those counties, in the entire State of Ohio, and in the United States, for the last available period, as reported by the Department of Agriculture.

He then proceeded to place in the RECORD a chart showing, first, the number of sheep produced in each county in his

district; second, the number of pounds of wool produced in each county in his district; and, third, the value of the wool clip in each county in his district.

In Belmont County he says there as 30,000 sheep plus, producing 264,000 pounds plus of wool, and that the value of that wool is $66,000 plus. He gives some figures for Carroll County, Columbiana County, Harrison County, and Jefferson County. Then he gives the number of sheep in the State of Ohio as 2,584,000, the number of pounds of wool clipped in 1934 as 18,200,000, and the value of the wool from the Ohio clip in that year as $4,335,000.

Mr. LEWIS gives the number of sheep in the United States in that year according to the latest record available. He gives the number of sheep as of that time at 54,472,000, the number of pounds of wool taken from those sheep in 1934 as 388,692,000, and the value of the clip of that year as $84,324,000.

Mr. WILEY. Mr. President——

The PRESIDING OFFICER (Mr. GURNEY in the chair). Does the Senator from Oklahoma yield to the Senator from Wisconsin?

Mr. THOMAS of Oklahoma. I yield on the condition that I do not thereby lose the floor.

Mr. WILEY. I simply desire to ask that an article be inserted in the RECORD.

The PRESIDING OFFICER. Is there objection to the Senator from Oklahoma yielding to the Senator from Wisconsin for that purpose?

Mr. BARKLEY. Mr. President, I do not object, but it strikes me that articles which it is desired to print in the RECORD might be put in at the end of the session instead of injecting them within a speech that is in the process of delivery. I know that the habit has grown up here, but I think really that there is never an article presented for publication in the RECORD that is so urgent that it cannot wait until the Senator having the floor has finished his speech. However, I shall not object.

Mr. SCHWARTZ. Mr. President, I realize how sincerely the Senator from Oklahoma is endeavoring to enlighten the Senate and to conclude his remarks, and, however much I regret to do so, I must object to any interference with his address.

The PRESIDING OFFICER. There is objection to the Senator from Oklahoma yielding to the Senator from Wisconsin.

Mr. THOMAS of Oklahoma. Mr. President, I desire to thank the Senator from Wyoming for his solicitude for my welfare at this particular time.

I now conclude by reading further from the speech made by Representative LEWIS of Ohio. He had just stated that this bill is favored by the sheep growers, and he prided himself on representing one of the finest sheep-growing districts in the United States. Here is the important part of his speech:

> Mr. Chairman, I am for this bill because I believe it is justly due to the wool-producing farmers of America that we protect their markets and make it impossible for any other fiber or fabric to masquerade under the good name of wool that is not in fact wool. For that reason, Mr. Chairman, I shall vote for this bill, and I sincerely hope and believe it will result in a greatly increased consumption of virgin wool and consequently in a better price per pound to the wool farmers of the Nation.

I submit that statement in justification and in corroboration of my charge that this bill is promoted by the wool growers of the United States not for the benefit of the Nation, not for the benefit of the consumers, but solely and alone for the benefit of the wool growers.

I now desire to read from another speech made in the House of Representatives when this bill was before that body for consideration. I refer to a speech delivered by Mr. SECREST, a Representative from a district in Ohio. I read from his address as follows:

> This will save the consumer much money in helping him to tell a good product from a bad one merely by looking at the label.

Mr. President, I feel sorry for the predicament in which Representative SECREST will be if he shall depend upon the label in future years for the quality of the merchandise he will be required to buy. No doubt he was honest in the statement made, but how wrong he was.

Reading further:

> It will also be extremely helpful to the producer of wool by increasing his market and raising the price of virgin wool.

There is the crux of the matter. Another gentleman from the wool-growing section of Ohio is for this bill because he thinks it will raise the price of wool. I do not criticize him. If he can have this bill passed by the Congress of the United States, which is here to protect all the people and not to help a few when they do not need help, for at the present time wool is selling for 120 percent of parity or better—if he can have the bill passed by the Senate and House of Representatives, that is all right, but, Mr. President, he will not be able to do that until I have had my say. I can do more than that. Mr. SECREST continues:

> Last year Ohio had within its borders 2,584,000 sheep. These produced 18,200,000 pounds of wool. If this bill increases the price of wool 5 cents per pound, it will mean nearly $1,000,000 to Ohio farmers.

Mr. President, that could not be more plain. Representative SECREST was not trying to deceive the House. He was for this bill, not because it would enable the honest housewife who goes to a store to buy a suit for Johnnie to know what she was buying, or if she was buying a dress for herself help her to know what she was getting, but the Representative from Ohio was for this bill because, if it would raise the price of wool only 5 cents a pound, it would mean another million dollars for the Ohio sheep raisers.

Later on Representative SECREST spoke, as follows:

> If this bill eventually results in an increase in the price of wool 5 cents per pound, the farmers of my district will receive an added income of approximately $120,000 each year.

He could not have been more frank. The Representative from Ohio tells the Congress and tells the world that if this bill shall be passed it will raise the income of the sheep growers of his district in Ohio $120,000 a year. Who will pay the $120,000, Mr. President, which the sheep growers in that congressional district will receive? Someone must pay it.

That amount will be paid not by the residents of the Representative's district; it will be paid by the consumers of wool products wherever they may reside. If the Representative from Ohio can have this proposed legislation enacted, he and his district are welcome to the money, but they will not have the bill passed by the Congress by my vote.

Mr. President, if the sheep growers of that congressional district were starving, I would gladly vote for an appropriation to tide them through; but when the sheep growers of that congressional district are receiving 20 percent above parity—and parity is 100 percent—then, when they ask me, even though I come from a sheep-growing State, to vote from the taxpayers' pockets money to pay them $120,000 a year in the future for all time, I cannot agree to it.

Mr. President, let me place some other facts in the RECORD. I am not filibustering on this bill. I regret that I have to take the time of the Senate. I am not reiterating more than I have to, but I am trying to place in the RECORD the reasons which actuate those who will vote against the bill, or, at least, some of the reasons; and to me the reasons are sound.

Mr. President, since the military expansion program has been inaugurated, the Government has placed orders for goods making necessary the securing of a hundred million pounds of wool in the grease to provide uniforms for the Army, for the Navy, for the Air Corps, and for the C. C. C. It has been found necessary that the Government, acting through the War Department, place orders, indirectly though it may be, for a hundred million pounds of wool. When a hundred million pounds of wool are processed and the dirt and grease removed, there remain only 50,000,000 pounds. It takes approximately 20 yards of cloth to make the necessary uniforms for a soldier for a year. A soldier requires three suits a year, and he has to have an overcoat and two or three blouses, and wool is required for other purposes. So it takes 20 yards of wool cloth for each soldier a year. As I have said, a hundred million pounds of wool in the grease provide only 50,000,000 pounds of scoured wool; and if it takes 20 yards for each soldier, it is my estimate that, if this bill shall be

passed, it will force the Government hereafter, at least, to pay millions of dollars additional for uniforms which it must provide in order properly to clothe the soldiers, sailors, fliers, and the C. C. C. enrollees of the United States. Who will pay that bill? The money must come from the taxpayers, because it will have to be appropriated. If the uniforms cost more, the Congress will make larger appropriations. If we make larger appropriations, we must either borrow more money or raise more taxes, for, in the end, whatever may be the amount of money necessary to pay for the uniforms, it must come from the pockets of the taxpayers of the United States.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield to the Senator from Massachusetts.

Mr. WALSH. Would the uniforms have to be labeled? Is that required under the law?

Mr. THOMAS of Oklahoma. If they conformed to the law they would have to be labeled.

Mr. WALSH. What label would be put upon them?

Mr. THOMAS of Oklahoma. The manufacturer would have to label them as containing whatever their content might be. The label, if it is honestly placed, will have to be on the garment. The garment must have a label. The label must state the weight of the garment. The label must state the amount of virgin wool contained in the garment. The label must state the amount of reused wool or reprocessed wool, if there be any, in the garment. If the garment contains silk or rayon or nylon or linen or cotton, the label must state that fact, if the garment is honestly labeled. In addition to stating all these facts, the label must state the name of the manufacturer, and the soldier must go through the Army tagged with all this information.

Mr. WALSH. Would a label to the effect that the particular garment does not contain all virgin wool be sufficient?

Mr. THOMAS of Oklahoma. No; under the law the label must give the full facts. It must state the percentage of virgin wool. My complaint is that if the label states that the garment is 100-percent virgin wool, the virgin wool may be tags, it may be britch wool, it may be shank wool.

Mr. WALSH. The Senator has made that very clear.

Mr. THOMAS of Oklahoma. So I contend that the label is no protection to anybody. The War Department would not accept the label submitted by a manufacturing concern.

Mr. WALSH. And a garment of all virgin wool may be very much less in price than a garment which contains other things than virgin wool, and may be less durable?

Mr. THOMAS of Oklahoma. Mr. President, the chart on the wall, if it is accurate—and I say it is—shows that the general run of top sort wool—that is, the best wool from the mine run of sheep, taken from the back—was selling, say, 30 days ago for 90 cents a pound, scoured wool. At the same time a certain quality of slubbing was selling for $1 a pound. Slubbing is the choice selected tops. Let me explain that a little in detail.

The finest wool from the finest fleece can be processed into yarn and the yarn woven into cloth and the cloth may never be used. It is the finest cloth that can be made from the finest wool that is grown. Then that cloth, perhaps made into uniforms or into a suit or coat, and never used, can be sent back to the factory and torn apart and made again into wool, and that wool sells for more than virgin wool. That wool is called waste wool. It is second-hand wool; it is reused wool or reprocessed wool; yet the trade will give more for that wool than it will give for the mine run of tops. So, Mr. President, the bill contains no element of protection to the public.

I have made the statement that the bill is an anticotton bill. I desire to quote from the remarks of one of the proponents of this bill in the House of Representatives; and I do not speak disparagingly of him. He is well within his rights. He comes from a sheep district. He is back of the bill. He is one of the most active men in its support. I do not blame him for that. If he can induce a Congress of the United States, representing every State and every section, to discredit cotton and glorify wool, more power to him. I will not vote for it; I will not approve of it; but he will get the results.

Representative SOUTH, when he spoke upon this bill in the House, made this statement:

> Cotton will not be hurt by this bill, because cotton comes more nearly competing with shoddy than either one of them does with wool.

The author of this bill in the House, the proponent of the bill in the House, makes the statement that cotton competes with shoddy. Mr. President, under this bill shoddy is all wool; so my interpretation is that if this bill shall become a law the merchants of the country will be able to manufacture goods out of shoddy and advertise them as an all-wool product. If they contain the least bit of cotton, the cotton must be disclosed, if they are honest; and the consumer being taught to believe that wool is fine and cotton is inferior the public will be inclined to turn aside from cloth that contains cotton, even though it is a better cloth than if it is an all-wool product. So, under the bill as I construe it, cloth containing cotton is construed, either intentionally or otherwise, as inferior to cloth made from the lowest grade of shoddy. I come from a cotton State. Over on this side are dozens of cotton Senators. Not one of them is in his seat.

Mr. President, the bill defines wool as fiber from the fleece of a sheep or a lamb, or the hair of an Angora or Cashmere goat, and may include the so-called specialty fibers from the hair of the camel, the alpaca, llama, vicuña, which has never been reclaimed from any woven or felted wool product. So, when we vote for this bill we vote that goat hair is virgin wool; we vote that camel's hair is virgin wool; we vote that alpaca hair is virgin wool; we vote that llama hair is virgin wool; we vote that vicuña hair is likewise virgin wool; and the proponents of the bill obviously have the audacity to expect the President of the United States to sign a bill solemnly declaring, under the great seal of the United States, that goat hair is virgin wool and camel's hair is virgin wool. He may do it, Mr. President, but I do not think he will. I know in my mind that he should not, and I cannot believe that he will.

It is obvious that the intent of the bill is to magnify the value of so-called virgin wool, or wool, and to discredit reprocessed and reused wool; and all cloth made from a combination of wool and cotton yarns is to be discredited. The clear inference is that cloth made from reprocessed and reused wool is shoddy. At present, vast amounts of cloth are made from the joint use of wool, cotton, and other yarns. Hence, it is further obvious that the intent of the bill is to discredit the joint use of wool and cotton in making cloth. If the bill should become a law, the use of cotton in conjunction with wool in making cloth will be discredited, if not discontinued, because cotton will be placed in the same class with shoddy, or even in a lower class, for the reason that if cloth were made of either virgin wool, reprocessed or reused wool, it could be truthfully labeled as all wool; but if made from wool and cotton, the percentage of cotton would have to be shown on the label, and the public would be led to believe that woolen cloth containing any percentage of cotton would be an inferior product. To the extent that the bill helps wool, to a like extent it will injure cotton. Hence, the bill must be classified as an anticotton bill.

Mr. President, I desire still further to read from the record made in the House of Representatives when this bill was before that body. I read from the remarks made by Representative BALL. Mr. BALL said:

> We have been told many times that there is absolutely no laboratory test by which the presence of reworked wool can be determined by examining the finished surface. Therefore the only way the proposed law can be enforced is by a complicated inspection system and an elaborate check of the records of each mill, which means more Federal employees to attempt to police the industry. I think most of you will agree that we have enough inspectors running around now, and that it is about time we called a halt on Government jobs and expenditures.

Mr. President, I should like to have this statement read by the conferees on this bill, as represented by the junior Senator

from Kansas [Mr. REED] and the junior Senator from New Hampshire [Mr. TOBEY]. If this bill passes, a great industry will be regimented. Federal officials will swarm through the woolen plants, wearing the uniform of the Federal Trade Commission. The junior Senator from Kansas signed the conference report. He may not agree with me; no doubt he does not; but my contention is that when he signed the conference committee report he placed his stamp of approval upon a program providing for the regimentation of the textile industry of America, and most certainly of the woolen industry of America.

Mr. President, when the bill was before the Senate committee a subcommittee was appointed and hearings were held. The Senator from Vermont [Mr. AUSTIN] was a member of the subcommittee. After hearing all the testimony and giving full consideration to the testimony and the terms of the bill, he prepared a minority report on the bill.

I desire at this point to read his report into the RECORD. He states his reasons for being against the bill, and his reasons are substantially the same as those I have tried to set forth, and because the statement sustains my position in opposition to the measure, I will read the minority report:

MINORITY VIEWS ON S. 162, THE SO-CALLED WOOL PRODUCTS LABELING ACT OF 1939

The minority does not concur with the other members of the committee making the above report and recommendation on S. 162, the so-called Wool Products Labeling Act of 1939.

It is the opinion of the minority that this bill, as a control of business, is not necessary. Our judgment is that no injury to the commerce of the United States in the distribution of wool products warrants such drastic control. We are not convinced that the consuming public is misled to its injury in the purchase of wool products as the industry is now conducted.

As a special privilege to a small class, we believe that the monopoly established by such a brand as "virgin wool" would not be in the public interest. Moreover, we doubt that it would, ultimately, benefit the intended beneficiaries.

The minority believes that the additional burden of labor and cost involved in administering the act and conforming to its terms would either increase the cost to the ultimate consumer to such an extent that substitutes would be availed of and volume of production, therefore, reduced; or the margin of profit would be so small as to materially impair the industry.

From the consumer's point of view, it does not seem to us that he would gain enough from the knowledge given him by the labeling to justify the additional price he would have to pay for the same textiles and garments which he now buys, and with which he is entirely satisfied, without such labels as are required by the bill.

We believe that competition would be materially reduced under this control, and that employees would lose their employment and owners lose their investments because of the closing of plants which are now struggling through the depression in a precarious financial condition.

We believe that the raiser of sheep would ultimately find his market diminishing by reason of the substitution of other textiles for wool products not burdened by such Government control.

Therefore the minority recommends that the Senate do not agree to S. 162.

WARREN R. AUSTIN,
For the minority.

Mr. President, I have stated heretofore that the bill would obviously raise the price of wool. There is not a doubt about it in my mind. Even the prospect of the bill's enactment has increased the price of wool, in my opinion. It is not alone the demand for wool made by the Army and the Navy and the public generally that is increasing the price of wool, but it is the prospect that the bill will be enacted.

Woolen dealers are not dumbbells. They are speculating on the enactment of the bill. They are buying wool believing that the bill will be enacted. They are buying it, and if the bill shall be enacted, wool will go up in price, and they will sell it and make money. We cannot blame them. Everything is speculation in this life. The farmer goes out in the springtime and plows the soil, harrows the land, plants his crop, and tends his crop, speculating on the elements, on the rainfall, on the chinch bug, on the boll weevil, on the drought. The farmer is the greatest gambler in the world. He is a speculator. He has to be a speculator. If drought comes, he loses his bet. He works hard in the summer, and if the rains come in profusion and he gets a fine crop, he speculates on the price. If the price is fair, the speculation is a success. But even if he produces the finest crop in the world, as the farmers are doing this year in some sections, the price may be so low that he can get hardly enough to pay for producing the crop. So I do not blame the speculator. But I am against the bill, not that I am against putting labels on goods telling the truth. No one would be against that. But under the bill one could scarcely label a garment and tell the truth about it, and the bill is so wide open that an unscrupulous manufacturer, a dishonest manufacturer, would be licensed to deceive the ignorant people of America.

I am not in favor of the enactment of legislation inviting the woolen mills of the United States and other manufacturing institutions of the United States, honest or dishonest, as they may be, to take the law as a license to deceive the unsuspecting people of the country. I would not say the ignorant people, because they are not ignorant, since no one can become advised as to this matter. There is no plan, no system, no scientific test by which people can tell about what is in the cloth, except the man who makes the cloth. This bill would license woolen manufacturers to deceive, rob, and defraud the public. In addition to regimenting the industry, it would give them this license, not only in the United States, but in every mill on the face of the globe. I cannot vote for such legislation.

The classification is all wrong. Here is the list on the chart on the wall. If a bill could be so devised as to advise the consumer what is in cloth, so that he would know he was buying a garment made of top wool, which had never been used, that would be fine. But this bill is not so drawn. All the bill requires is that the manufacturer label his cloth "wool," and wool under the terms of the bill is the fleece of a sheep, or lamb, or a goat, or a camel, a llama, an alpaca, a vicuña, which has never been processed into cloth.

If the label could be so drawn that when the housewife goes to buy Johnny a suit of clothes, or when a Senator goes to buy himself an overcoat, an examination of the label would tell from what part of the sheep the wool in the cloth came, that would be of some help, but the bill does not so provide. Even those who will vote for the bill, eminent Senators, men of age and experience, when they have to go to the mill to buy a piece of cloth to be made into a coat or a suit, will see that the cloth is all wool, virgin wool, and would they not be surprised to know from which end of the sheep the wool came? They might get the finest coat they had ever worn made from wool from the south end of a sheep going north.

I suppose that if they did not know the difference it would be all right; and they would not know the difference, because they could not tell. There is no test that has been devised to date. The only test comes in the mill, and, as the mill hand who wrote me the letter stated, the superintendent who runs the mill knows, the scouring boss knows, the carding boss knows, the picking boss knows; but aside from them no one knows.

If some plan could be devised not to make the carder, or the picker, who will not be responsible, because they do not run the mill, but to make the superintendent, or the man who runs the mill, disclose accurately what is in the cloth, that would be fine; but the bill does not do that. That would require inspection, and no inspector is provided for in the bill. Not a single inspector for a thousand mills in the United States, not a single inspector for the 500 mills whose names I placed in the RECORD last night, is provided for in the bill; not a dollar of money is authorized or appropriated by the bill for inspection. When I see that experienced, practical legislators, men who have been in the Congress for 25 or 30 years, not only have voted for the bill but are going to vote for the conference report, I cannot understand it.

Mr. President, if the bill shall be enacted, it is my considered judgment that the men who vote for it will sentence the wool industry to death; and I make that statement because there are now being devised substitutes for wool. Wool is now being made from milk—synthetic wool, of course. It is possible to take skim milk and from it make casein, and from casein can be made a fiber, as fine as is desired. From that

fiber is made a product called lanital, which is a substitute for wool. A person who does not know much about wool could not tell whether he had real wool or a substitute for wool. Such a product is now being made here in the United States. In the State of Rhode Island, for example, there is a plant at Bristol which is now manufacturing lanital from casein. Casein is made from milk, and lanital is a substitute for wool.

Mr. WALSH. What kind of garment is it used for?

Mr. THOMAS of Oklahoma. I cannot give very much information about that, I am sorry to say, but I am advised that it is of sufficient firmness that men of means have constructed a plant at Bristol, R. I., which is making lanital as indicated. I am sorry I cannot give more information, but I would not dare to make a misstatement, and I do not have the information.

Mr. President, if wool can be made from milk, and if the bill sentences wool to death, the bill might be construed to be a measure to increase the demand for and the production of cattle. If the bill is passed, and if what I say materializes, we might after a while find the sheep producers changing their business from the production of sheep to the production of cattle.

We now have for other kinds of cloth a substitute called rayon. Rayon is made from wood. By processing wood, a long fiber can be made and long, single strands. Lanital can be made into fibers of any length and of the same size and strength. I do not say it is as good, for I do not know. From wood can be made a fiber of great length. From wood rayon is now being made.

Mr. President, consider the plants from which rubber is produced. We do not have many such plants in this country, but we are experimenting with plants which produce rubber milk. Mr. Ford is experimenting in the United States with different kinds of plants which produce a substance which looks something like milk. The rubber plant produces a substance which looks like milk, which is called rubber milk. From rubber milk a long fiber can be spun, a fiber of any size, and the fiber can be used to make cloth; and I imagine at this moment Senators listening to me on the floor, and most certainly persons who are listening to me in the galleries, have on their persons either garments or parts of garments made from lastex, which is made from the milk of rubber. Hose now have a webbing around the top which makes it unnecessary to wear hose supporters. The webbing is made from lastex.

Mr. President, ladies used to wear garments for certain purposes which were made of rubber. I am advised, not officially, that they now wear similar garments made from lastex. They may not know the name of the cloth from which the garment they wear is made. Certainly, most of them do not know that the garment was made from milk of rubber.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WALSH. Is the Senator familiar with the substitute for cotton or silk hosiery which the Du Pont Co. has recently put on the market, and which has been patented?

Mr. THOMAS of Oklahoma. I was coming to that. Mr. President, there is now a cloth made of glass. It is possible to take glass and so process it as to make a cloth which renders a service.

Not very long ago one of the three greatest industrial concerns of America, according to this morning's newspaper, developed a new cloth, which is called nylon. I should say, perhaps, that this product is a fiber; it is a thread. The Du Pont Co. has developed nylon. From nylon hosiery is now made and other similar products to compete with wool, and, while I do not know what the future may hold in store, from knowledge I have, if the prophecies which are made are correct, nylon will supplant the use of silk.

Mr. President, from what is nylon made? It is made from coal and air and water. That is all it takes to make nylon. The finest hosiery that can be manufactured today—at least the ladies say it is—and the finest garments of the silky order can be and are being made of nylon, and nylon, as I said, is made from coal, air, and water. I am advised that nylon is considered to be better than either silk or rayon. The fibers are of indefinite length.

The silkworm works 8 hours a day. I have now worked only 5 hours, and the Senate has not yet taken its recess. The silkworm has a little pouch or sac under his chin. He carries a little soupy substance in the sac and when he gets ready to work he proceeds to go from place to place and spins the soupy substance from his little sac under his chin out through his teeth, if I may call what he has teeth, and makes a long, thin, fine strand. As soon as the air strikes this little strand of soupy substance it hardens, and that strand is silk. The Du Pont Co. now is in competition with the silkworm. The Du Pont Co. makes nylon from coal and air and water. The silkworm has to gather his food, and to process it into the raw material. Then the poor little silkworm has to work hour upon hour to spin his strands which finally find themselves in certain kinds of garments.

Mr. President, it is my judgment that when the Congress undertakes to give preference to different classes of textiles, it at that time begins to destroy the wool industry, because to the extent that the price of wool is increased by legislation, to the same extent will efforts be made to find substitutes for the woolen article.

As I said on a former occasion, the conferees on this bill had a meeting, but no conference. The report says they had a full and free conference, but it was not a conference, it was a meeting. I am not criticizing them. They did what was within their rights. It is admitted they could not have done otherwise. When the House passes one bill and the Senate passes another bill and both bills are before the conferees, that throws the whole subject matter open to the conferees. Every line and every word in the House bill was before the conferees. Every line and every word in the Senate bill was likewise before the conferees. They could have taken up the two bills and used the information they obtained from their consideration of this measure, and, in my judgment, have brought out a better bill. They did not do it, because they did not have time, or for some other reason.

The Senate conferees were carefully selected. They were selected from among Senators who were known to be advocates of the bill. I do not complain of that. In the other House they tried to select the conferees from among advocates of the bill, but three Members were placed on the conference committee for some reason or other who were not for the bill. Those three House conferees did not sign the report. I do not blame them. There was a meeting, but there was no conference. When the House conferees met with the Senate conferees the Senate conferees said, "Mr. House Conferees, we accept your bill. We are ready to sign on the dotted line." They did not talk about the bill, so far as I know. I was not a member, but I have talked with three members of the conference committee. I believe what they said. There was no conference but merely a meeting. It was simply a little signing party. The Senate conferees accepted the House bill with its imperfections, even in one place where the word "wood" appeared, and it should have been "wool." The Senate conferees did not have time even to disagree to amendment 17 which contains the word "wood." They accepted the bill with the word "wood" in it.

Mr. President, what business has wood in this bill? The bill does not refer to wood, it refers to wool. Amendment 17 refers to wood, when it should have referred to wool.

When the Senate votes on the conference report this afternoon or tomorrow, Senators will vote for the word "wood" in this bill as if the Senate were legislating about wood. The Senate conferees obviously did not have time to correct that error. The Senate conferees did not say they would not agree to the bill with the word "wood" in it. The Senate conferees did not have time to recede. They should have receded. They should have insisted upon the use of the word "wool" instead of "wood." The Senate conferees did not have time, and the House conferees did not have time to do that. So

there has been no conference on this bill. There was only a meeting.

I stood here 3 hours the other day trying to get that matter into conference. I hope I shall succeed in having the definition of wool made a little better. The House said, "Wool means the fleece of a sheep or a lamb." The Senate conferees did not insist upon that amendment. The Senate conferees said, "That is the wrong definition of wool. The right definition of wool is that it is the fleece of a sheep or a lamb, or the hair of a goat, a camel, a llama, an alpaca, or a vicuña."

Mr. President, I have never seen a vicuña. I will ask any member of the conference committee if he has ever seen a vicuña. How do the conferees know that the hair of a vicuña is virgin wool? I pause for a reply. I receive none. Yet if we vote tonight, we cast a solemn vote in the historic Senate of the United States, where Webster, Clay, and Calhoun used to stand, that camel's hair is virgin wool, that goat's hair is virgin wool, and that llama hair is virgin wool. I never saw a llama, to my knowledge. I never saw a vicuña. If I did, I do not remember it. The vicuña may have the finest fleece in the world. I do not know. No member of the conference committee knows. Does any Senator know? Did any Senator ever see a vicuña? I ask the author of the bill, Is a vicuña an animal, a fish, or a bird? I doubt if he knows. I do not. It may be a flower.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Oklahoma yield to the Senator from Wyoming?

Mr. THOMAS of Oklahoma. I yield.

Mr. SCHWARTZ. I presume the Senator is asking me the question. He is directing the question to the author of the bill. He assumes that I am the author of the bill. He asks whether or not I can tell him what a vicuña is. I am afraid I am unable to tell him. I should be unable to tell the Senator anything so that he would understand it.

Mr. THOMAS of Oklahoma. Mr. President, the record will be my witness as to whether or not I understand the bill. I stand on that record.

I might give a little further evidence with respect to the vicuña. I never saw one. It may be a fish, so far as I know. So far as I know, it may be a snake. So far as I know, it may be a fowl. It may be the fuzz of a fowl after the feathers are picked off. It must be of fine texture. One time I happened to go into a tailoring establishment to see about an overcoat. The tailor showed me some fabrics, but did not tell me what they were. I saw one fabric which was about the color I wanted and about the weight I wanted. I asked the price of it. He said, "That fabric is worth $90 a yard wholesale." I asked him what it was. He said, "That is vicuña, the finest cloth made."

Mr. SCHWARTZ. Mr. President——

Mr. THOMAS of Oklahoma. So I did not buy the vicuña overcoat. If I had, it would probably have cost me $500 or $600. To date I have not worn such an expensive garment.

Mr. SCHWARTZ. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Wyoming?

Mr. THOMAS of Oklahoma. I will yield for a question.

Mr. SCHWARTZ. The Senator just asked me a question.

Mr. THOMAS of Oklahoma. I will yield for a statement, provided I do not lose the floor. I depend upon the Chair to protect my rights.

Mr. SCHWARTZ. The Senator asked what a vicuña was, and I wish to advise him——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Wyoming?

Mr. THOMAS of Oklahoma. Mr. President, I am very nearly through. The Senator from Wyoming will have as many days as he cares to consume to answer my remarks. He will require several days. So I think I had better proceed, because I have occupied the floor for 4 hours.

Mr. SCHWARTZ. I assume that the Senator withdraws his request for me to tell him what a vicuña is.

The PRESIDING OFFICER. The Senator from Oklahoma declines to yield.

Mr. THOMAS of Oklahoma. Mr. President, as this bill was being considered by the Senate, the Senator from Massachusetts [Mr. WALSH] offered an amendment to protect the manufacturers of hats in the United States. If the bill passes in its present form—and it must either pass or fail, because it may not be amended—it will provide that all wool products must be labeled with their correct content. Whatever that content may be, the label must show what is in the hat. The Senator from Massachusetts offered an amendment, as follows:

Provided, That in the case of hats or hat bodies made or purported to be made of virgin wool, reclaimed wool, wool felt, or wool products, the fibers contained therein other than virgin wool and reclaimed wool need not be specified if the aggregate percentage of such fibers is disclosed.

The author of the bill would not accept the amendment. I understand that hats are made from reprocessed wool. Perhaps they are also made from virgin wool. I think tags would make very good hats, and perhaps shank wool or britch wool would make good hats. No doubt grey wool would make a very good Stetson hat of that color. Hats are made of wool. They are made of virgin wool, reprocessed wool, short-fiber wool, and also of rabbit fur, and perhaps other sorts of hair. I understand that some of the hat manufacturers, of which there are none in my part of the country, have secret processes for the mixture of the materials from which they make the cloth, so-called, which goes into a hat. I do not know what it is. I do not buy a hat because it is a wool hat, or a rabbit-fur hat, or a camel's-hair hat, or what not. If a hat fits me, I buy it. I do not care from what it is made. I might care, but I do not think about it. No one wears a hat very long. If one finds the kind of hat he wants, if it fits him, he buys it. If it must be labeled "virgin wool," "reprocessed wool," or "reused wool" that amounts to nothing. If the manufacturers of hats must disclose their secret processes in making hats, they will be materially affected. The bill may be the means of forcing some hat manufacturers to disclose their secret formulas, to their disadvantage and to the advantage of their competitors; but the author of the bill would not accept the amendment offered by the Senator from Massachusetts. It might lessen to some degree the demand for wool.

Mr. President, those who favor the bill want everybody to use wool. They want everybody to use not only wool but virigin wool. If it is virgin wool, the wool growers do not care whether it be tags, shanks, vats, britch wool, or paint wool. They do not care what it is so long as it is wool.

I do not think that that is the right basis on which to legislate. The bill is written on an entirely erroneous theory. If the bill would force the manufacturer to label his product honestly, giving the proper values to top wool, and to reprocessed wool which has never been used, but which is just as good as virgin wool, just as good as top wool, and sometimes better, then the customer would know that he was getting the best wool grown. Under the terms of the bill he will not know that. If we could find some subdivision into which to put britch wool, seedy wool, dead wool, and shearlings, so that the man who bought a suit made of wool would know that he was getting wool from a particular part of the sheep, he would be receiving some valuable information. He would know whether or not he was getting the best wool. Not many consumers would know anything about a sheep. Thousands of consumers would not know a sheep if they should meet one on the road. If they should see a fleece of wool they would not know what it was. What Member of the Senate, unless he be a wool expert, is competent to tell the different classifications of wool which come from a fleece? I have raised sheep and I have sheared sheep. I know a little about sheep—not much. I know only what one can learn from raising sheep, shearing them, and selling the wool and the sheep. That is all I know about sheep.

Mr. President, it does not require a Webster, a Clay, or a Calhoun to interpret the meaning of the bill. It would do

more than the proponents of the bill think it would do. It would not only raise the price of wool for the benefit of the wool growers and to the detriment of the consuming public and the United States of America. It would not stop there, Mr. President. If enacted into law, the bill would regiment every mill in the great State of New York. There are more than 100 woolen mills in that great State, employing tens of thousands of laborers and workers. The bill is important to the State of New York. It is important to the State of Massachusetts. There are 50 or 75 woolen mills in the great State of Massachusetts. The bill would affect every one of those mills. It would affect every laborer in every woolen mill in the State of Massachusetts. It would affect everyone who has stock in a corporation owning a woolen mill in the State of Massachusetts. The same statement is true of Vermont, Maine, New Hampshire, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey, and any other State in which woolen mills are located.

Here we are in the Senate of the United States, in the closing days of a 9-month session, trying to pass a bill adversely affecting hundreds of thousands of mill owners and laborers—and, let me say, just before an election. That is intended for the Members on my side of the aisle.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WALSH. In addition to manufacturers, would not the bill affect all those who make garments of every kind, description, and character, in that it would require the garments to be labeled?

Mr. THOMAS of Oklahoma. The bill does not stop at favorably affecting the wool grower. The bill does not stop at adversely affecting the mill owner and the factory owner. The bill affects the retailers of America. It affects, either directly or indirectly, the cotton mills of America, the silk mills, the nylon mills, and the rayon mills. It affects 250,000 retail stores throughout the United States, wherever they may be. If the bill should become a law, every retailer at every crossroads in Kansas, Nebraska, or Oklahoma would have to see that a tag was attached to every product containing wool or advertised to contain wool. If such a tag were not affixed, he would be in danger. He would be a law violator.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. DANAHER. I wish to say to the Senator that almost everyone affected in one way or the other by the bill who has written to me from Connecticut has submitted in one form or another the very argument which has been so ably presented by the Senator from Oklahoma. I rise to emphasize the points he has made in the light of the comments which have been submitted to me. Let me say, however, that no one has so thoroughly digested and abstracted the bill, and put the emphasis upon the proper points to be raised for the consideration of the Senate, as has the Senator from Oklahoma. I should like to compliment him on the splendid job he has done.

Mr. THOMAS of Oklahoma. I thank the Senator from Connecticut. His is the first word of encouragement I have had, and I appreciate it. The Senator from Massachusetts [Mr. WALSH] has been almost the only one from whom I have received help, and the statement of the Senator from Connecticut is the only word of encouragement I have had. The Senator from Vermont [Mr. AUSTIN] has been most sympathetic. I took occasion to read the minority report. I was glad to do it. I endorse every word the Senator said; and every word he said is the truth.

The Senator from Wisconsin [Mr. WILEY] a few days ago—yesterday, I think it was—read a letter which he had received from one of his constituents. The letter told the truth as I understand the truth, and I think I know the truth.

The Senator from Nebraska [Mr. NORRIS] has been most sympathetic. He has spent more time upon the floor than has any other Senator listening to my harangue, if it may be called that. To me, it is not a harangue. It is called that by some, however. Next to the author of the bill, the Senator from Nebraska has done me the honor to listen to what I have had to say longer than has any other Senator.

Mr. President, I have not filibustered on this bill. I know what filibustering means. I do not know much about how it is done, but I know what it means. If this session were to terminate at 12 o'clock tonight, this bill would not pass. This session will not terminate tonight, however. No time is fixed at which the session shall terminate. No one can filibuster against the bill under such conditions. Unless he wanted to speak indefinitely—no one could do that.

I am not filibustering. I have not taken a moment of the time of the Senate that I did not think was necessary. I cannot control the votes of this body. I would not if I could. I do not represent Kansas directly. I do not represent Nebraska directly. I do not represent Kentucky or Alabama or New York, except indirectly. I cannot speak directly for the citizens of those great States. I do represent, as best I can, the State of Oklahoma. I think I speak for a great number of citizens in Oklahoma. If they understood this bill as I understand it, they would vote exactly as I am about to vote.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. DANAHER. Irrespective of who represents any interests, if it be so stated; irrespective of who grows wool, or what persons manufacture wool into textiles, and thereafter into garments, if you choose, the fact remains that, looking at this matter from the standpoint of the public interest, the public is the group which will have to pay the cost that will be entailed by the passage of the bill. From that standpoint all of us should, and it seems to me will, look at the bill.

Mr. THOMAS of Oklahoma. I agree to that statement in its entirety, and I have tried to indicate, though not as well as the Senator from Connecticut has done, that sentiment.

Mr. President, I have concluded. This afternoon I received a telegram from the president of the National Association of Wool Manufacturers suggesting an amendment. This conference report cannot be amended, but I shall submit this telegram and read it to show what might be done if this report should be defeated and the bill should go back to the committee for further study and consideration. Under no conditions should the bill pass now. This telegram indicates that at the present time we have no testing laboratories to find out, or try to find out, whether or not a garment contains reprocessed wool or reused wool.

The telegram is as follows. It is addressed to me. It is dated October 2, and is signed by Arthur Besse. As I understand, he is the president of the National Association of Wool Manufacturers.

Suggest following amendment to House version of wool-products labeling act, section 12, effective date: Delete present section. Substitute the following.

The last section of the bill says that it shall not become effective for 9 months after its approval; so Mr. Besse suggests a substitute section. Of course, the amendment cannot be offered. It cannot be adopted. It is impossible to amend a conference report, or at least it is so hard to do it that it is rarely done, but if the bill should go back to a further conference this amendment might be considered. I am not urging it, but I am suggesting it.

Mr. Besse suggests this amendment in lieu of the section of the bill which says that it shall not take effect for 9 months:

This act shall take effect 9 months after the date of its passage, provided that on or prior to 4 months after its passage not less than one Government and not less than two recognized commercial testing laboratories have analyzed fabrics of undisclosed fiber composition and determined within the tolerances specified herein the percentage of "wool," "reprocessed wool," "reused wool," and "other fibers" of such fabrics. For the purpose of this test not fewer than 10 fabrics produced by not less than 5 woolen fabric mills shall be required.

Mr. President, if that provision should be incorporated in the bill, it would mean that it should not go into effect until we have these laboratories and until they have made the tests described in the telegram. The gentleman who sends the

telegram suggests that the bill should not go into effect until we have some means of determining whether or not products alleged to be wool contain reused wool or reprocessed wool. If we have no testing laboratories and cannot develop testing laboratories, then we cannot use the test; and the only other plan is the inspection plan.

The War Department knows that it cannot use scientific tests, because there are none. It cannot use chemical tests, because there are none. The War Department uses the inspector plan; and the War Department now has hundreds of inspectors in the mills making the cloth which hereafter will clothe the American Army and the American Navy. The smallest mills require two inspectors. The larger mills require more. I do not know the number of inspectors the War Department have, but they have them in the mills to see to it that the army cloth is made at every stage according to the plans and specifications for that cloth. The War Department officials do not depend upon an analysis. They do not depend upon microscopic tests. They do not depend upon any scientific tests. They have their experts in the mills to see to it that the wool is properly sorted, and that they get the best part, that the wool is properly scoured, that the wool is properly dyed, that the wool is properly spun, that the wool is properly woven, that the woolen cloth is properly fulled, and that the woolen cloth is properly, we might say, mowed, because that is what it is. When the wool comes from the loom it is all rough on the outside. When it goes through this little process and is mowed, all of the roughness is taken off, and the cloth is smooth, almost as smooth as the top of this desk.

Mr. WALSH. Mr. President——

Mr. THOMAS of Oklahoma. I yield to the Senator from Massachusetts.

Mr. WALSH. I call the Senator's attention to section 5:

> Any person manufacturing for introduction or first introducing into commerce a wool product shall affix thereto the stamp, tag, label, or other means of identification required by this act, and the same or substitute therefor containing identical information with respect to the content of the wool product. * * *

All over the country there are housewives who are making various kinds of garments which they sell on the highways, especially during the summer season, to tourists and others, carpets, garments of various kinds, hats, sometimes hosiery, and tablecloths. Does the Senator understand that the provision I have read would require all such persons to place these tags and this information upon those garments or articles?

Mr. THOMAS of Oklahoma. There is no doubt about it.

Mr. WALSH. And if they should not do so, they would be subject to prosecution?

Mr. THOMAS of Oklahoma. They could be brought before the Federal Trade Commission, and, if convicted of unfair competition, or of deception, or failure to label or of having labeled falsely, as I understand, they could be fined as much as $5,000, or put in jail for a year, or both, at the discretion of the court; and the Attorney General would have the enforcement of the act in hand. If the Senate wants to pass such a bill as this, so far as I am concerned it will now have the opportunity.

Mr. AUSTIN. Mr. President, I can relieve all my colleagues by the announcement that I do not intend to discuss the conference report fully. I intend to inform the Senate that my flag flies as it did at the outset, upon the report submitted by me for the minority against Senate bill 162. I am most grateful to the Senator from Oklahoma for the vast amount of research he must have made relating to this subject, and for the untiring energy and the great effort he has made to transmit the results of his research to the Senate so that it may have all this valuable information to consider in passing upon the conference report. I think his debate was a fine discussion of the principles involved and of the practical effect of the proposed law.

I wish to emphasize one of his main points, that is, the lack of necessity for this drastic control over business. Let us take ourselves as a test of the question. Do we wear a label to show the quality and character of the suit of clothes we wear tonight? In all our lives have we ever been required by our Government to wear such a label? Yet what man is there within the sound of my voice who has been injured in any way because he has not heretofore been required by the great Government at Washington to wear a label?

Let me ask, is there any man within the sound of my voice who has found that commerce in the garments he wears has been burdened in the least degree during his lifetime because those garments did not bear labels such as those which would be required if this conference report should be agreed to? The answer is "No." So far as the consumer is concerned, there is no reliable proof at all that there is a sound reason for imposing the heavy burden upon the commerce in wool products which the bill would impose.

Every garment a Senator wears which contains wool would have to bear such a label. Everyone would have to lug such a label around in his service to his country, regardless of whether he was interested in it or not. And for what purpose? To enable him in the future to enjoy a privilege he has not heretofore enjoyed? Not at all. When he bought his suit of clothes he relied upon the good faith and the good character of the merchant of whom he bought the suit of clothes, or upon the tailor who fabricated the suit of clothes. The merchant passed the same confidence back to the manufacturer, and the manufacturer passed the same confidence back to the supplier of the raw materials which he used. On that sound principle of morality, of good manners, of public welfare, we have built up an industry in this country which is entirely satisfactory, and which has clothed the people more handsomely, and more comfortably, than the people of any other country on earth are clothed.

Take the seamstress who sews for my family. She would be the victim of this regulation as much as anyone else if the bill became the law. She would violate the prohibitions in the act if she worked for a grandchild of mine, or for my wife, upon material which contains wool and did not see to it that the label required by the great Government at Washington was attached to the product of her handiwork. Is it not an absurd burden to put upon a seamstress?

Is there any question about this requirement? Listen to these words. I read from section 5:

> Any person manufacturing for introduction, or first introducing into commerce a wool product shall affix thereto the stamp, tag, label, or other means of identification required by this act, and the same or substitutes therefor containing identical information with respect to content of the wool product, or any other products contained therein in an amount of 5 percent or more by weight and other information required under section 4, shall be and remain affixed. * * *

That is the point. The label—

> Shall be and remain fixed to such wool product, whether it remains in its original state or is contained in garments or other articles made in whole or in part therefrom, until sold to the consumer.

Mr. THOMAS of Oklahoma. Mr. President, would not the bill, if enacted, apply to every dressmaker in the United States?

Mr. AUSTIN. It would. No one could escape. Every person would be bound to observe this mandate. There are other sections of the bill which make sure that the product shall not escape.

What is misbranding? Let us see the definition in section 4 (a):

> A wool product shall be misbranded—
> (2) If a stamp, tag, label, or other means of identification, or substitute therefor under section 5, is not affixed on or affixed to the wool product and does not show. * * *

It makes no difference that the suit of clothes I wear is of the very highest quality, made of the purest wool, of the highest grade, I cannot wear it around, no tailor can make it for me, no merchant can sell it to me, without that tag being attached to it.

Where would it be placed; where would I wear this tag anyway? Think of that for a moment. Senators understand that the bill requires the tag to be on the wool. Where

will it be put? The lining is not wool. Senators understand also that the tag must be clearly legible. It must be in a place where it can be seen, and it must be on the wool product. It cannot be on the lining, which is of some other material. If I have a lining on any part of my garment that is represented as containing wool, that also must bear a tag of its own, and a separate one entirely. This is the absurd requirement which the great Government at Washington attaches to the material so that no matter what hands it goes through, every seamstress in the land is bound by it, because the materials she handles must have the tag affixed to it.

Then again the language in subsection (d) of section 4 has a proviso in it—

Provided, That if any such article or product—

Meaning—

Linings, paddings, stiffening, trimmings, or facings, except those concerning which express or implied representations of fiber content are customarily made, nor as requiring designation of fiber content of products which have an insignificant or inconsequential textile content—

What provision do we find with respect to all such articles, if they are represented to be wool or contain wool?

Provided, That if any such article or product purports to contain or in any manner is represented as containing wool, this section shall be applicable thereto and the information required shall be separately set forth and segregated.

Mr. President, we will be plastered over with signs and tokens, the number depending upon the different pieces of cloth in our garments. We will be parading around like tin soldiers with labels hitched to us, so that everybody may plainly see that the cloth we wear is one of these three kinds or classifications arbitrarily made by the great Government at Washington.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. WHITE. I understand that the tag or label, or whatever one may choose to call it, must be plainly legible. I suppose that means that it must be of a size and the characters and the writing on it must be such that it can be read. Has the Senator from Vermont undertaken to figure out how large a tag would be necessary in order to carry the information required in the bill, and to be plainly legible?

Mr. AUSTIN. Yes, I can answer that very readily. To set out the necessary language would require the space from line 8 to line 22 on page 5. That print is fairly legible to a person who holds the page up as near as I am holding it up to my eyes, but if it is to be legible beyond that, at arm's length, we will say, the type would have to be still larger. The space those lines take is about 5 inches high by 4 inches wide. Where would the label be put on my coat, where would it be put on my trousers, and, Mr. President, where would it be put on my vest? Think it over.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. HUGHES. Is it the Senator's contention that one has to wear the label after he has bought the coat or suit?

Mr. AUSTIN. No; it is my contention that the label must be affixed to the goods by every person who makes a transaction in commerce, and the bill undertakes to apply that not only to interstate commerce, but also to intrastate commerce, thus undertaking to regulate and control the simple transaction of making clothes within the States.

Mr. HUGHES. I had the impression from what the Senator said that he would go around with labels on his clothes.

Mr. AUSTIN. Well, I would if I did not take them off.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. BARKLEY. Of course, the object of the label, I presume, is to notify the purchaser of the contents of what he is buying. After I buy a suit of clothes I have no further reason, I suppose, to wear the label if there is a label on it. It would be no violation of the law, would it, to take it off unless I wanted to sell it to somebody else?

Mr. AUSTIN. Now, Mr. President, we get right down to the question of label. How is wool cloth labeled? The testimony to which I myself listened in committee shows that customarily there is woven into the selvage of the cloth the label which the manufacturer puts into it, and which the bill provides must stay affixed to the cloth in its ultimate form.

I have debated this matter earnestly on other occasions, and I do not intend to repeat what I have previously said. I want to conclude with the comment that the very able and, I believe, very sound argument of the Senator from Oklahoma has demonstrated beyond question that this special privilege for a very small class of the inhabitants of the United States will place a burden upon the consumer, upon the retailer, and upon the manufacturer. It will not merely increase the cost of the original fleece of the lamb, and the cost of labor for bookkeeping, labeling, inspection, and all those things that are necessary in order to put the measure into effect, but it will add this burden to the consumer and to the manufacturer and to the retailer. It will narrow the market. It will reduce the volume of wool products which will be purchased and used by the consumer. So I think that in practical effect this special privilege to a very small segment, at the cost of a very large proportion of the people of the country, including the investor, the employer, the laborer, and the consumer, is far beyond any demand whatever for this sort of regulation. It is not needed. For more than 20 years the Congress year after year has studied the question and decided against it. Right now, when we need every resource, when we need every economic nerve we have in this country, what folly it is to add to the regimentation of business this regimentation of an absolute necessity of life and a great and important element of national defense, namely, uniforms for American soldiers.

I have finished what I wanted to say. I hope the conference report will be rejected.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. THOMAS of Oklahoma. I suggest the absence of a quorum.

Mr. HOLT. Mr. President, will the Senator yield long enough for me to put something in the RECORD?

The VICE PRESIDENT. Unless the Senator withholds the point of no quorum, the Chair is compelled to direct the clerk to call the roll. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Capper	Hughes	Thomas, Idaho
Austin	Chavez	Johnson, Colo.	Thomas, Okla.
Barkley	Danaher	McKellar	Truman
Bridges	Hale	O'Mahoney	Van Nuys
Bulow	Harrison	Reed	Walsh
Burke	Hill	Schwartz	Wheeler
Byrnes	Holt	Sheppard	

The VICE PRESIDENT. Twenty-seven Senators have answered to their names. A quorum is not present.

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. THOMAS of Oklahoma. Would it be in order for me to ask that the demand for a roll call be vacated, so that we may proceed immediately thereafter to fix a time to vote tomorrow?

The VICE PRESIDENT. The Senate can do nothing in a legislative way without a quorum. The want of a quorum has been developed. Therefore, there is nothing for the Chair to do except to direct the clerk to call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. CLARK of Idaho, Mr. ELLENDER, Mr. GIBSON, Mr. GREEN, Mr. GUFFEY, Mr. MALONEY, Mr. PITTMAN, Mr. RADCLIFFE, Mr. SCHWELLENBACH, Mr. SMATHERS, Mr. STEWART, Mr. WAGNER, Mr. WHITE, and Mr. WILEY answered to their names when called.

The VICE PRESIDENT. Forty-one Senators have answered to their names. There is not a quorum present.

Mr. BARKLEY. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The question is on the motion of the Senator from Kentucky.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will notify absent Senators and request them to come to the Chamber of the Senate.

Mr. MURRAY, Mr. ANDREWS, Mr. PEPPER, Mr. OVERTON, Mr. SHIPSTEAD, Mr. CONNALLY, Mr. BANKHEAD, Mr. MCNARY, Mr. MEAD, and Mr. ASHURST entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-one Senators having answered to their names, a quorum is present.

The question is on agreeing to the conference report.

Mr. THOMAS of Oklahoma. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who, if present, would vote as I intend to vote. Therefore I shall vote. I vote "yea."

Mr. MCKELLAR (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND]. Not knowing how he would vote, I withhold my vote.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I transfer that pair to the junior Senator from North Dakota [Mr. NYE]. I am informed that if the junior Senator from North Dakota were present he would vote "yea," and that if the senior Senator from Virginia were present he would vote "nay." I am free to vote, and I vote "yea."

The roll call was concluded.

Mr. WHEELER. I announce that the Senator from Nevada [Mr. MCCARRAN] is unavoidably absent. If present, he would vote "yea."

Mr. BRIDGES (after having voted in the negative). I have a general pair with the Senator from Utah [Mr. THOMAS]. I am just informed he is not present. I transfer that pair to the Senator from Ohio [Mr. TAFT] and allow my vote to stand. I am advised that, if the Senator from Ohio were present, he would vote "nay," and that the Senator from Utah [Mr. THOMAS] would vote "yea."

Mr. BARKLEY. I announce the necessary absence of the following Senators: The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Missouri [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from New Mexico [Mr. HATCH], the Senator from Iowa [Mr. HERRING], the Senator from Arizona [Mr. HAYDEN], the Senator from Utah [Mr. KING], the Senator from Illinois [Mr. LUCAS], the Senator from Oklahoma [Mr. LEE], the Senator from Arkansas [Mr. MILLER], the Senator from Indiana [Mr. MINTON], the Senator from West Virginia [Mr. NEELY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Georgia [Mr. RUSSELL], the Senator from Illinois [Mr. SLATTERY], the Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS].

The Senator from Washington [Mr. BONE] and my colleague [Mr. CHANDLER] are absent because of illness.

I also announce the following pairs on this question:

The Senator from Indiana [Mr. MINTON], who would vote "yea," with the Senator from Maryland [Mr. TYDINGS], who would vote "nay"; and

The Senator from Illinois [Mr. LUCAS], who would vote "yea," with the Senator from Rhode Island [Mr. GERRY], who would vote "nay."

Mr. AUSTIN. I desire to announce the following general pairs:

The Senator from Michigan [Mr. VANDENBERG] with the Senator from Virginia [Mr. BYRD];

The Senator from South Dakota [Mr. GURNEY] with the Senator from Arizona [Mr. HAYDEN]; and

The Senator from New Hampshire [Mr. TOBEY] with the Senator from Georgia [Mr. GEORGE].

I also announce the following pairs on this question:

The Senator from Massachusetts [Mr. LODGE], who would vote "nay," with the Senator from New Mexico [Mr. HATCH], who would vote "yea";

The Senator from Pennsylvania [Mr. DAVIS], who would vote "nay," with the Senator from Kentucky [Mr. CHANDLER];

The Senator from Oregon [Mr. HOLMAN], who would vote "yea," with the Senator from Mississippi [Mr. BILBO], who would vote "nay";

The Senator from New Jersey [Mr. BARBOUR], who would vote "yea," with the Senator from Missouri [Mr. CLARK], who would vote "nay";

The Senator from North Dakota [Mr. FRAZIER], who would vote "yea," with the Senator from North Carolina [Mr. BAILEY], who would vote "nay"; and

The Senator from Wisconsin [Mr. LA FOLLETTE], who would vote "yea," with the Senator from Arkansas [Mr. MILLER], who would vote "nay."

The result was announced—yeas 31, nays 18, as follows:

YEAS—31

Adams	Connally	Murray	Shipstead
Andrews	Ellender	O'Mahoney	Smathers
Ashurst	Guffey	Pepper	Stewart
Barkley	Harrison	Pittman	Thomas, Idaho
Bulow	Holt	Reed	Truman
Capper	Hughes	Schwartz	Van Nuys
Chavez	Johnson, Colo.	Schwellenbach	Wheeler
Clark, Idaho	McNary	Sheppard	

NAYS—18

Austin	Gibson	Mead	Walsh
Bankhead	Green	Overton	White
Bridges	Hale	Radcliffe	Wiley
Byrnes	Hill	Thomas, Okla.	
Danaher	Maloney	Wagner	

NOT VOTING—46

Bailey	Downey	King	Reynolds
Barbour	Frazier	La Follette	Russell
Bilbo	George	Lee	Slattery
Bone	Gerry	Lodge	Smith
Brown	Gillette	Lucas	Taft
Burke	Glass	McCarran	Thomas, Utah
Byrd	Gurney	McKellar	Tobey
Caraway	Hatch	Miller	Townsend
Chandler	Hayden	Minton	Tydings
Clark, Mo.	Herring	Neely	Vandenberg
Davis	Holman	Norris	
Donahey	Johnson, Calif.	Nye	

So the conference report on Senate bill 162 was agreed to.

Mr. SCHWARTZ. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. O'MAHONEY. I move to lay that motion on the table.

The motion to reconsider was laid on the table.

AMENDMENT OF RAILROAD UNEMPLOYMENT INSURANCE ACT

The PRESIDING OFFICER (Mr. HILL in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3920) to amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes, which was to strike out all after the enacting clause and insert:

That the provisions of this act shall take effect on November 1, 1940, except that sections 2, 11, 25, 26, and 27 shall be effective as of July 1, 1940, and sections 19 and 20 shall become effective upon the approval of this act: *Provided, however,* That—

(a) A half month which has begun prior to November 1, 1940, in accordance with the Railroad Unemployment Insurance Act and regulations thereunder, and which includes such date, shall continue, and benefits with respect thereto shall be computed and paid as if this act had not been enacted;

(b) All benefit years current on October 31, 1940, shall terminate (1) on October 31, 1940, or (2) on the last day of a half month which includes October 31, 1940, and November 1, 1940, whichever is later, and, for the purposes of section 2 (c) of the Railroad Unemployment Insurance Act, as amended by this act, all benefits paid for unemployment in half months begun subsequent to June 30, 1940, and prior to November 1, 1940, shall be deemed to have been paid for unemployment within the benefit year ending June 30, 1941;

(c) Benefits for unemployment in the first registration period, beginning after October 31, 1940, of an employee who has, subsequent to June 30, 1940, completed a waiting period under section 3 (b) of the Railroad Unemployment Insurance Act, shall be de-

termined and computed as though such registration period were a subsequent registration period in the same benefit year.

SEC. 2. Subsection (g) of section 1 of the Railroad Unemployment Insurance Act, approved June 25, 1938 (52 Stat. 1094), as amended June 20, 1939 (53 Stat. 845), is hereby amended by adding thereto the following sentence: "For the purposes of determining eligibility for and the amount of benefits and the amount of contributions due pursuant to this act, employment after June 30, 1940, in the service of a local lodge or division of a railway-labor organization employer or as an employee representative shall be disregarded."

SEC. 3. Subsection (h) of section 1 of said act is hereby amended to read as follows:

"(h) The term registration period means, with respect to any employee, the period which begins with the first day for which such employee registers at an employment office in accordance with such regulations as the Board may prescribe, and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office; and thereafter each period which begins with the first day for which he next registers at an employment office after the end of his last preceding registration period and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office."

SEC. 4. Subsection (j) of section 1 of said act is hereby amended by inserting between the first and second sentences thereof the following: "The term 'remuneration' includes also earned income other than for services for hire if the accrual thereof in whole or in part is ascertainable with respect to a particular day or particular days."

SEC. 5. Subsection (k) of section 1 of said act is hereby amended to read as follows:

"(k) Subject to the provisions of section 4 of this act, a day of unemployment, with respect to any employee, means a calendar day on which he is able to work and is available for work and with respect to which (i) no remuneration is payable or accrues to him, and (ii) he has, in accordance with such regulations as the Board may prescribe, registered at an employment office: *Provided, however,* That 'subsidiary remuneration,' as hereinafter defined in this subsection, shall not be considered remuneration for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than $150: *Provided further,* That remuneration for a working day which includes a part of each of 2 consecutive calendar days shall be deemed to have been earned on the second of such 2 days, and any individual who takes work for such working day shall not by reason thereof be deemed not available for work on the first of such calendar days.

"For the purpose of this subsection the term 'subsidiary remuneration' means, with respect to any employee, remuneration not in excess of an average of $1 a day for the period with respect to which such remuneration is payable or accrues, if the work from which the remuneration is derived (i) requires substantially less than full time as determined by generally prevailing standards, and (ii) is susceptible of performance at such times and under such circumstances as not to be inconsistent with the holding of normal full-time employment in another occupation."

SEC. 6. Subsection (m) of section 1 of said act is hereby amended by striking out the designation "(m)" and substituting "(l)" therefor.

SEC. 7. Subsection (n) of section 1 of said act is hereby amended to read as follows:

"(m) The term 'benefit year' means the 12-month period beginning July 1 of any year and ending June 30 of the next year, except that a registration period beginning in June and ending in July shall be deemed to be in the benefit year ending in such month of June."

SEC. 8. Subsection (l) of section 1 of said act is hereby transferred to follow the subsection relettered as "(m)", and is amended to read as follows:

"(n) The term 'base year' means the completed calendar year immediately preceding the beginning of the benefit year."

SEC. 9. Subsection (a) of section 2 of said act is hereby amended to read as follows:

"(a) Benefits shall be payable to any qualified employee (as defined in section 3 of this act) (i) for each day of unemployment in excess of 7 during the first registration period, within a benefit year, in which he has 7 or more days of unemployment, and (ii) for each day of unemployment in excess of 4 during any subsequent registration period beginning in the same benefit year.

"The benefits payable to any such employee for each such day of unemployment shall be the amount appearing in the following table in column II on the line on which, in column I, appears the compensation range containing the total amount of compensation payable to him with respect to employment in his base year:

Column I Total compensation	*Column II* Daily benefit rate
$150 to $199.99	$1.75
$200 to $474.99	2.00
$475 to $749.99	2.25
$750 to $999.99	2.50
$1,000 to $1,299.99	3.00
$1,300 to $1,599.99	3.50
$1,600 and over	4.00

SEC. 10. Subsection (c) of section 2 of said act is hereby amended to read as follows:

"(c) The maximum number of days of unemployment within a benefit year for which benefits may be paid to an employee shall be 100."

SEC. 11. Subsection (d) of section 2 of said act is hereby amended to read as follows:

"(d) If the Board finds that at any time more than the correct amount of benefits has been paid to any individual under this act or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual is entitled under this act or any other act administered by the Board may, except as otherwise provided in this subsection, be made under regulations prescribed by the Board. If such individual dies before recovery is completed, recovery may be made by set-off or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this act or any other act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

"Adjustments under this subsection may be made either by deductions from subsequent payments or, with respect to payments which are to be made during a lifetime or lifetimes, by subtracting the total amount of benefits paid in excess of the proper amount from the actuarial value, as determined by the Board, of such payments to be made during a lifetime or lifetimes and recertifying such payments on the basis of the reduced actuarial value. In the latter case, recovery shall be deemed to have been completed upon such recertification.

"There shall be no recovery in any case in which more than the correct amount of benefits has been paid to an individual or payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940) who, in the judgment of the Board, is without fault when, in the judgment of the Board, recovery would be contrary to the purpose of this act or would be against equity or good conscience.

"No certifying or disbursing officer shall be held liable for any amount certified or paid by him in good faith to any person where the recovery of such amount is waived under the third paragraph of this subsection or has been begun but cannot be completed under the first paragraph of this subsection."

SEC. 12. Subsection (f) of section 2 of said act is hereby amended to read as follows:

"(f) If (i) benefits are paid to any employee with respect to unemployment in any registration period, and it is later determined that remuneration is payable to such employee with respect to any period which includes days in such registration period which had been determined to be days of unemployment, and (ii) the person or company from which such remuneration is payable has, before payment thereof, notice of the payment of benefits upon the basis of days of unemployment included in such period, the remuneration so payable shall not be reduced by reason of such benefits, but the remuneration so payable, to the extent to which benefits were paid upon the basis of days which had been determined to be days of unemployment and which are included in the period for which such remuneration is payable, shall be held to be a special fund in trust for the Board. The amount of such special fund shall be paid to the Board, and in the collection thereof the Board shall have the same authority, and the same penalties shall apply, as are provided in section 8 of this act with respect to contributions. The proceeds of such special fund shall be credited to the account. Such benefits, to the extent that they are represented in such a special fund which has been collected by the Board, shall be disregarded for the purposes of subsection (c) of this section."

SEC. 13. Section 3 of said act is hereby amended to read as follows:

"QUALIFYING CONDITION

"SEC. 3. An employee shall be a 'qualified employee' if the Board finds that there was payable to him compensation of not less than $150 with respect to the base year."

SEC. 14. Paragraph (ii) of subsection (a) of section 4 of said act is hereby amended to read as follows:

"(ii) any of the 30 days beginning with the day with respect to which the Board finds that he failed, without good cause, to accept suitable work available on such day and offered to him, or to comply with instructions from the Board requiring him to apply for suitable work or to report, in person or by mail as the Board may require, to an employment office."

SEC. 15. Paragraph (iv) of subsection (a) of section 4 of said act is hereby amended to read as follows:

"(iv) any of the 75 days beginning with the first day of any registration period with respect to which the Board finds that he knowingly made or aided in making or caused to be made any false or fraudulent statement or claim for the purpose of causing benefits to be paid."

SEC. 16. Paragraph (v) of subsection (a) of section 4 of said act is hereby amended to read as follows:

"(v) any day in any period with respect to which the Board finds that he is receiving or has received annuity payments or pensions under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or insurance benefits under title II of the Social Security Act, or payments for similar purposes under any other act of Congress, or unemployment benefits under an unemployment compensation law of any State or of the United States other than this act: *Provided,* That if an employee receives

or is held entitled to receive any such payment, other than unemployment benefits, with respect to any period which includes days of unemployment in a registration period, after benefits under this act for such registration period have been paid, the amount by which such benefits under this act were increased by including such days as days of unemployment shall be recoverable by the Board: *And provided further,* That if that part of any such payment or payments, other than unemployment benefits, which is apportionable to such days of unemployment is less in amount than the benefits under this act, which, but for this paragraph, would be payable and not recoverable with respect to such days of unemployment, the preceding provisions of this paragraph shall not apply but such benefits under this act for such days of unemployment shall be diminished or recoverable in the amount of such part of such other payment or payments."

SEC. 17. Paragraph (vi) of subsection (a) of section 4 of said act is hereby amended to read as follows:

"(vi) any day in any registration period with respect to which period the Board finds that he earned, in train and engine service, yard service, dining-car service, sleeping-car service, parlor-car service, or other Pullman-car or similar service, or express service on trains, at least the equivalent of 20 times his daily benefit rate;"

SEC. 18. Subsection (a) of section 4 of said act is hereby further amended by adding thereto the following paragraphs:

"(vii) any day in any registration period comprising the last 14 days of a period of 28 days with respect to which period of 28 days the Board finds that he earned, in train and engine service, yard service, dining-car service, sleeping-car service, parlor-car service or other Pullman-car or similar service, or express service on trains, at least the equivalent of 40 times his daily benefit rate;

"(viii) any day which is a Sunday or which the Board finds is generally observed as a holiday in the locality in which he registered for such day, unless such day was immediately preceded by a day of unemployment and immediately followed by a day of unemployment or was the last day in a registration period and was immediately preceded by a day of unemployment: *Provided,* That if two or more consecutive days are a Sunday and one or more holidays, then with respect to any employee such consecutive days shall not be considered as days of unemployment unless they were immediately preceded by a day of unemployment and immediately followed by a day of unemployment or the last of such days was the last day of a registration period and such days were immediately preceded by a day of unemployment."

SEC. 19. The first sentence of subsection (c) of section 5 of said act is hereby amended to read as follows: "Each qualified employee whose claim for benefits has been denied in whole or in part upon an initial determination with respect thereto upon a basis other than one which is reviewable pursuant to one of the succeeding paragraphs of this subsection, shall be granted an opportunity for a fair hearing thereon before a district board."

SEC. 20. Subsection (c) of section 5 of said act is hereby further amended by adding thereto the following paragraphs:

"Any claimant whose claim for benefits has been denied in an initial determination with respect thereto upon the basis of his not being a qualified employee, and any claimant who contends that under an initial determination of his claim he has been awarded benefits at less than the proper rate, may appeal to the Board for the review of such determination. Thereupon the Board shall review the determination and for such review may designate one of its officers or employees to receive evidence and to report to the Board thereon together with recommendations. In any such case the Board or the person so designated shall, by publication or otherwise, notify all parties properly interested of their right to participate in the proceeding and, if a hearing is to be held, of the time and place of the hearing. At the request of any party properly interested the Board shall provide for a hearing, and may provide for a hearing on its own motion. The Board shall prescribe regulations governing the appeals provided for in this paragraph and for decisions upon such appeal.

"In any case in which benefits are awarded to a claimant in whole or in part upon the basis of pay earned in the service of a person or company found by the Board to be an employer as defined in this act but which does not comply with the provisions of this act and denies that it is such an employer, such benefits awarded on such basis shall be paid to such claimant subject to a right of recovery of such benefits. The Board shall thereupon designate one of its officers or employees to receive evidence and to report to the Board on whether such benefits should be repaid. In any such case the Board or the person so designated shall, by publication or otherwise, notify all parties properly interested of their right to participate in the proceeding and, if a hearing is to be held, of the time and place of the hearing. At the request of any party properly interested the Board shall provide for a hearing, and may provide for a hearing on its own motion. The Board shall prescribe regulations governing the proceedings provided for in this paragraph and for decisions upon such proceedings.

"Final decision of the Board in the cases provided for in the preceding two paragraphs shall be communicated to the claimant and to the other interested parties within 15 days after it is made. Any properly interested party notified, as hereinabove provided, of his right to participate in the proceedings may obtain a review of any such decision by which he claims to be aggrieved or the determination of any issue therein in the manner provided in subsection (f) of this section with respect to the review of the Board's decisions upon claims for benefits and subject to all provisions of law applicable to the review of such decisions. Subject only to such review, the decision of the Board upon all issues determined in such decision shall be final and conclusive for all purposes and shall conclusively establish all rights and obligations, arising under this act, of every party notified as hereinabove provided of his right to participate in the proceedings."

SEC. 21. Section 6 of said act is hereby amended to read as follows:

"SEC. 6. Employers shall file with the Board, in such manner and at such times as the Board by regulations may prescribe, returns under oath of compensation of employees, and, if the Board shall so require, shall distribute to employees annual statements of compensation: *Provided,* That no returns shall be required of employers which would duplicate information contained in similar returns required under any other act of Congress administered by the Board. The Board's record of the compensation so returned shall, for the purpose of determining eligibility for and the amount of benefits be conclusive as to the amount of compensation earned by an employee during the period covered by the return, and the fact that the Board's records show that no return was made of the compensation claimed to be earned by an employee during a particular period shall, for the purposes of determining eligibility for and the amount of benefits, be taken as conclusive that no compensation was earned by such employee during that period, unless the error in the amount of compensation in the one case, or failure to make or record return of the compensation in the other case, is called to the attention of the Board within 18 months after the date on which the last return covering any portion of the calendar year which includes such period is required to have been made."

SEC. 22. Subsection (d) of section 11 of said act is hereby amended to read as follows:

"(d) So much of the balance in the fund as of June 30 of each year as is in excess of $6,000,000 shall as of such date be transferred from the fund and credited to the account."

SEC. 23. The first paragraph of subsection (l) of section 12 of said act is hereby amended by adding thereto the following sentence: "A person in the employ of the Board on June 30, 1939, and on June 30, 1940, and who has had experience in railroad service, shall acquire a competitive classified civil-service status if, after recommendation by the Board to the Civil Service Commission, he shall pass such noncompetitive tests of fitness for the position for which the Board recommends him as the Civil Service Commission may prescribe."

SEC. 24. Subsection (l) of section 12 of said act is hereby further amended by changing the period at the end thereof to a colon and adding the following: "*And provided further,* That, for the purpose of registering unemployed employees who reside in areas in which no employer facilities are located, or in which no employer will make facilities available for the registration of such employees, the Board may, without regard to civil-service laws and the Classification Act of 1923, appoint persons to accept, in such areas, registration of such employees and perform services incidental thereto and may compensate such persons on a piece-rate basis to be determined by the Board. Notwithstanding the provisions of the act of June 22, 1906 (34 Stat. 449), or any other provision of law, the Board may detail employees from stations outside the District of Columbia to other stations outside the District of Columbia or to service in the District of Columbia, and may detail employees in the District of Columbia to service outside the District of Columbia: *Provided,* That all details hereunder shall be made by specific order and in no case for a period of time exceeding 120 days. Details so made may, on expiration, be renewed from time to time by order of the Board, in each particular case, for periods not exceeding 120 days."

SEC. 25. Subsection (h) of section 1 of the Railroad Retirement Act of 1937 (50 Stat. 307) is hereby amended by adding thereto the following sentence: "For the purposes of determining monthly compensation and years of service, and for the purposes of subsections (a), (c), and (d) of section 2 and subsection (a) of section 5 of this act, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3 and (1) such compensation is earned between December 31, 1936, and April 1, 1940, and taxes thereon pursuant to sections 2 (a) and 3 (a) of the Carriers Taxing Act of 1937 or sections 1500 and 1520 of the Internal Revenue Code are not paid prior to July 1, 1940; or (2) such compensation is earned after March 31, 1940.

SEC. 26. Section 9 of the Railroad Retirement Act of 1937 is hereby amended to read as follows:

"SEC. 9. (a) If the Board finds that at any time more than the correct amount of annuities, pensions, or death benefits has been paid to any individual under this act or the Railroad Retirement Act of 1935, or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual is entitled under this act or any other act administered by the Board may, except as otherwise provided in this section, be made under regulations prescribed by the Board. If such individual dies before recovery is completed, recovery may be made by set-off or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this act or any other act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

"(b) Adjustments under this section may be made either by deductions from subsequent payments or, with respect to payments which are to be made during a lifetime or lifetimes, by subtracting the total amount of annuities, pensions, or death benefits paid

in excess of the proper amount from the actuarial value, as determined by the Board, of such payments to be made during a lifetime or lifetimes and recertifying such payments on the basis of the reduced actuarial value. In the latter case, recovery shall be deemed to have been completed upon such recertification.

"(c) There shall be no recovery in any case in which more than the correct amount of annuities, pensions, or death benefits under this act or the Railroad Retirement Act of 1935 has been paid to an individual or payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940) who, in the judgment of the Board, is without fault when, in the judgment of the Board, recovery would be contrary to the purpose of the acts or would be against equity or good conscience.

"(d) No certifying or disbursing officer shall be held liable for any amount certified or paid by him in good faith to any person where the recovery of such amount is waived under subsection (c) of this section or has been begun but cannot be completed under subsection (a) of this section."

SEC. 27.(a) Subsection (e) of section 1532 of the Internal Revenue Code is amended by adding thereto the following sentence: "For the purpose of determining the amount of taxes under sections 1500 and 1520, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3 and (1) such compensation is earned before April 1, 1940, and the taxes thereon under such sections are not paid before July 1, 1940, or (2) such compensation is earned after March 31, 1940."

(b) For the purpose of determining the amount of taxes under sections 2 (a) and 3 (a) of the Carriers Taxing Act of 1937, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3 and the taxes thereon under such sections are not paid before July 1, 1940.

Mr. WAGNER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ASSIGNMENT OF CLAIMS ACT OF 1940

Mr. BARKLEY. Mr. President, I ask unanimous consent than in the engrossment of the Senate amendments to the bill (H. R. 10464) to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts, the Secretary of the Senate be directed to change the references to the Contract Assignment Act of 1940 to the Assignment of Claims Act of 1940.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

Mr. AUSTIN. Mr. President, I have examined the change which the distinguished Senator from Kentucky desires to make, and I have no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

CONSTRUCTION OF WATER CONSERVATION AND UTILIZATION PROJECTS

Mr. WHEELER and Mr. BRIDGES addressed the Chair.

The VICE PRESIDENT. Let the Chair make a statement. At the beginning of the discussion of the conference report, the Senator from New Hampshire [Mr. BRIDGES] requested recognition from the Chair.

The understanding of the Chair is that he gave way for the purpose of consideration of the conference report. The Chair promised to recognize him when consideration of the conference report had been concluded. The Senator is on his feet, and the Chair will keep his promise to recognize the Senator from New Hampshire. The Senator from New Hampshire is recognized. Does he yield, and, if, so, to whom?

Mr. BRIDGES. I yield to the Senator from Montana.

Mr. WHEELER. Mr. President, I wish to call up a House bill. There will not be any controversy over it. It is lying on the table. The Senate passed a similar bill with a very slight change. This afternoon I spent considerable time with the Interior Department and the Representatives from Colorado, and we have gotten together on the differences.

I ask unanimous consent that House bill 10122 be laid before the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The VICE PRESIDENT laid before the Senate the bill (H. R. 10122) to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869), which was read twice by its title.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WHEELER. Mr. President, I wish to offer an amendment as a substitute for subparagraph (5) on page 9 of the bill. I may say that this is in accordance with an agreement of all those who are interested in irrigation and reclamation, and it is also satisfactory to the Department.

I offer the amendment, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from Montana will be stated.

The CHIEF CLERK. On page 9, it is proposed to strike out lines 21 to 24, inclusive, and lines 1 to 19, on page 10, and to insert:

(5) The Secretary shall establish the size of farm units of irrigable lands on each project in accordance with his findings of the area sufficient in size for the support of a family on the lands to be irrigated. No water may be delivered to or for more than the farm unit area of irrigable lands in the project owned by a single landowner: *Provided*, That this subsection shall not apply to the United States or any agency or instrumentality thereof, corporate, or otherwise. No water shall be delivered to or for any land, in a project area, transferred or disposed of subsequent to approval of the project by the President, and within 3 years from the time water becomes available, unless and until it has been shown to the satisfaction of the Secretary or his duly authorized representative that the land has been transferred or disposed of at a price not exceeding the appraised value as determined by the Secretary or his duly authorized representatives, and upon proof of fraudulent representation as to the true consideration involved the Secretary is authorized to cancel the water right attaching to the land involved: *Provided further*, That nothing herein shall be construed to create authority to interfere with the delivery of water under prior rights.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

Mr. AUSTIN. Mr. President, I inquire whether or not the amendment would impose any burden upon the Government of the United States.

Mr. WHEELER. None whatever.

Mr. AUSTIN. Would it impose any burden upon the taxpayers?

Mr. WHEELER. None whatever. Let me say to the Senator that there was only one thing in controversy. As the Senate bill passed the Senate it contained a provision authorizing the Secretary of the Interior to refuse to permit any irrigation unless the owner of the land sold all his land above 160 acres. Representatives LEWIS and TAYLOR, of Colorado, objected to that provision and it was eliminated in the House bill. This afternoon I conferred with representatives of the Secretary of the Interior and Members of the House, and we agreed upon a provision to eliminate the objectionable provision giving the Secretary of the Interior power to make anyone sell some of his land if he did not want to do so. Otherwise, the House bill is identical with the Senate bill which passed the Senate the other day.

Mr. AUSTIN. Has this measure been considered by the Committee on Interstate Commerce?

Mr. WHEELER. The Senate bill was considered by the Irrigation and Reclamation Committee, of which the Senator from Alabama [Mr. BANKHEAD] is chairman. It was approved by the Irrigation and Reclamation Committee and passed the Senate the other day. This bill passed the House of Representatives; so the measure has passed both bodies, except with reference to the disagreement as to this particular matter. It must go back to the House with this amendment.

Mr. AUSTIN. Would the proposed modification of the bill change the method of exercise of the power of eminent domain?

Mr. WHEELER. Not at all. It has nothing at all to do with it.

Mr. AUSTIN. By what method would the Secretary compel a private owner to sell?

Mr. WHEELER. That is the provision we are taking out. Under the provisions of the bill which passed the Senate, and under the provisions of this bill as it passed the House, the Secretary of the Interior was empowered to require a man, before he was given water on 160 acres, to sell the remainder of his land if he owned more than 160 acres. As I say, Representatives TAYLOR and LEWIS and several other Members of the House objected to that provision, as did some Members of the Senate. We are eliminating that particular provision, which was offensive to Members of the House as well as to Members of the Senate.

Mr. AUSTIN. Did the committee unanimously agree upon the change?

Mr. WHEELER. Let me say to the Senator from Vermont that the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Colorado [Mr. ADAMS], and other Senators from the West who are interested in irrigation and reclamation have agreed upon the change, as have Members of the House.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. O'MAHONEY. As I understand the situation, the House bill passed the House in a certain form with respect to subparagraph 5.

Mr. WHEELER. That is correct.

Mr. O'MAHONEY. And the Senate bill passed the Senate in a different form.

Mr. WHEELER. That is correct.

Mr. O'MAHONEY. The section which the Senator now brings in combines the action of the two bodies. There is no new material in it. It does not change the operation of the law in any respect, but merely effectuates the desire of the majority of the House and the majority of the Senate with respect to the language of this particular section.

Mr. WHEELER. Yes. I thank the Senator for his observation. He is entirely correct.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. AUSTIN. Is there a special emergency which calls for the passage of the bill tonight?

Mr. WHEELER. The reason why I bring it up tonight is because House Members have said to me that they are very much afraid that unless the bill reaches the House tomorrow it may not be acted upon. The matter is of vital importance to the Western States. It is felt that if the bill does not reach the House tomorrow it may be tied up, and may not get through the House. That is the reason for asking for consideration of the bill tonight.

Mr. AUSTIN. If it is possible to obtain such an agreement from the Senator, I should like to have it understood that if tomorrow some member of the Committee on Irrigation and Reclamation should raise a question about the adoption of this amendment, we may have a reconsideration of it.

Mr. WHEELER. I shall be very happy to agree to that.

Mr. AUSTIN. The reason why I make the request is that at this moment I do not see any minority member of that committee in the Chamber.

Mr. WHEELER. I shall be very happy to agree to the request.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CHAVEZ. Let me state to the Senator from Vermont that I am a member of the Irrigation and Reclamation Committee, and I know we all agree with the Senator from Montana. I am sure that my colleague [Mr. HATCH] agrees with the Senator from Montana. I do not see in the Chamber the Senator from Colorado [Mr. ADAMS] who is also a member of the committee; but I am positive that all the Senators I have named agree.

Mr. WHEELER. I talked with the Senator from Colorado this afternoon and submitted the matter to him.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. WHEELER. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. The Senator will remember that about 3 years ago there was passed a special measure called the antispeculation bill in reference to the lands of Grand Coulee. When this bill came upon the calendar a couple of days ago, upon glancing at it I did not feel that it in any way affected the measure which was enacted by Congress I think in 1937. I should like to ask the Senator whether or not the adoption of this amendment will make any change so far as that specific act is concerned.

Mr. WHEELER. No; we repeat the language of the former act. The antispeculation provision is in this bill as it passed the House, and was in the Senate bill as it passed the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion by Mr. WHEELER, the vote by which the Senate passed the bill (S. 4167) to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869), was reconsidered, and the bill was ordered to be indefinitely postponed.

WENDELL WILLKIE

Mr. BRIDGES. Mr. President, I thank the Vice President and the majority leader for their courtesy in keeping the agreement which I made with them. I shall confine my remarks to the subject, making them as closely knit as possible, in order that my speech may be as brief as possible and detain the Senate no longer than is necessary.

In recent days there has been a series of attacks upon the character of Wendell Willkie, the next President of the United States, chiefly on the grounds that he was nominated by the alleged sinister connivance of the so-called Power Trust, and that he is typical of the evils which in the past have plagued that industry. The material for these speeches is obviously drawn from a recently published special smear issue of the magazine, the New Republic. This organ advertises itself as a "magazine of opinion"—and rightly so, because it certainly is a magazine devoted not to fact but to opinion.

This special smear issue is advertised as containing 18,000 words. The fact is not advertised that it is the most colossal tissue of innuendo, propaganda, false inference, and plain and fancy lying ever assembled between the covers of this self-proclaimed organ of liberalism—18,000 words containing 1,800 lies. This slimy piece was admitted to the CONGRESSIONAL RECORD last week.

On Saturday the New Republic published a brief letter of reply by Mr. Russell Davenport, Mr. Willkie's personal representative. Mr. Davenport added that "Mr. Willkie has had prepared a detailed statement answering all charges made or implied," and offered a copy for publication in fair public rebuttal to this tissue of libels. The New Republic, bent on smearing Mr. Willkie and wholly disinterested in the truth, did not see fit to print that rebuttal.

I have here as exhibits A and B the Davenport letter and the complete rebuttal, which the New Republic ignores. To save time, I ask unanimous consent to insert in the RECORD a copy of Mr. Davenport's letter to the New Republic and the reply to the article which has been prepared at the request of Mr. Willkie.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matters referred to are as follows:

EXHIBIT A

[From the New Republic of September 30, 1940]

A COMMUNICATION IN DEFENSE OF MR. WILLKIE

SIR: I enclose a copy of an open letter to the editors of the New Republic by Mr. Wendell L. Willkie's personal representative, Mr.

Russell W. Davenport, in response to the New Republic's supplement "This Man Willkie" and subsequent references to that supplement in your periodical. Mr. Davenport, as you doubtless know, is with the campaign train in the West, and, at his direction, I have signed the letter for him.

JOHN S. MARTIN.

NEW YORK CITY.

SIR: Your recently published supplement "This Man Willkie" may not, in your opening words, be a "horror story," but it is nevertheless an extraordinary piece of fiction. To take a single instance, there is the statement on page 327 that Commonwealth & Southern's subsidiaries have in force only two labor contracts with the A. F. L. The most elementary care in investigation would have revealed the fact that these companies have no less than 21 existing contracts with the A. F. L. and 1 with the C. I. O.

The section "Mr. Willkie in Business" rests entirely on a fundamental premise that reveals appallingly slipshod reporting. The writer suggests that since Commonwealth & Southern was organized in 1929, since the market collapse occurred in 1929, and since Mr. Willkie joined the firm of Weadock & Willkie as counsel for Commonwealth & Southern in 1929, Mr. Willkie is therefore responsible for such criticisms as may be made of the organization of Commonwealth & Southern and its common-stock exchange offers. The New Republic's writer, however, has completely disregarded the fact that the year 1929 was 12 months long. The facts are that the discussions relative to the organization of Commonwealth & Southern took place prior to May 23, 1929. On that day the enterprise was incorporated. The offer by Commonwealth & Southern to exchange its common stock for the common stock of the subsequently merged holding companies was made on June 12, 1929. Whether or not the organization of Commonwealth & Southern is in any way subject to criticism, Wendell Willkie had nothing to do with it. He did not come to New York and did not join the firm of Weadock & Willkie as Commonwealth & Southern counsel until October 1, 1929. As he has repeatedly stated, he did not participate in, nor was he even aware of, the discussions relative to the organization or exchange offerings of Commonwealth & Southern. The entire thesis of "Mr. Willkie in Business" obviously falls to the ground.

Similarly, the New Republic has apparently accepted some exceedingly poor research in the section "Mr. Willkie and Labor." I have referred, at the beginning of this letter, to the New Republic's misstatement with regard to the number of labor contracts in force among Commonwealth & Southern's subsidiaries. The section charges those subsidiaries with hiring labor spies and the New Republic's subsequent issue of September 16, 1940, echoes this charge with a long essay attempting to suggest that the word "espionage" as used in connection with the La Follette committee's investigation necessarily meant labor spies. Such is not the case. Mr. Willkie has stated in the press, and in his behalf I reiterate, that any statement which implies that there was any such testimony before the La Follette committee or that any company of the Commonwealth & Southern system ever employed any spy for the purpose of interfering with labor activities is completely false. Agents have been employed for normal corporate purposes. For instance, the $31,000 allegedly spent by Georgia Power Co. on labor spies was actually spent for inspectors to check streetcar service and cash receipts. This is a common practice in the business, nor have the unions ever objected to the same. To claim that such a practice constitutes the use of labor spies is a complete distortion of the facts.

Equally without foundation are the New Republic's charges against Mr. Willkie with regard to the so-called Ashwander case, the 19-company suit, the Chattanooga situation, rural power-line development, and subsidiary companies' labor relations. It would, indeed, be possible to go through the New Republic's supplement, paragraph by paragraph, showing how innumerable misstatements have been compounded into a series of attacks on Mr. Willkie that cannot for an instant be supported by the facts. I believe that the highly important factual inaccuracies already cited should be enough to give pause to those who may be in the habit of taking what they read in the New Republic for granted. Mr. Willkie has prepared a long, detailed statement answering all charges made or implied in your article, a copy of which I will gladly send you if you would consider printing it as another supplement.

RUSSELL W. DAVENPORT.
Per J. S. M.

EXHIBIT B

REPLY TO THE NEW REPUBLIC'S "THIS MAN WILLKIE"

The New Republic's special edition entitled "This Man Willkie," issued under date of September 2, 1940, was brought to the attention of the Republican National Committee, together with the statement that it was to be distributed as a campaign document by the Democratic National Committee, that it has been availed of by the chairman of that committee, Edward J. Flynn, as a basis for his political discussion of Wendell L. Willkie's fitness for the office of President of the United States, and that the same was to be further used for what is termed "a political smear" of Mr. Willkie and for heckling Republican campaign speakers.

The article is general, touching immaterial things and referring to some factual matters to give it the semblance of accuracy.

The committee directed one of its research men to take the article, analyze it, state the charges it attempts to make, ascertain the facts with respect thereto, and state them specifically and accurately in conjunction with the charges, for use if and when occasion may require.

The examination has been made, and the charges and facts in respect thereto following the order of the article are as follows:

WHAT'S HE LIKE?

The article under this heading merely expresses the views of the writer as to Mr. Willkie's personality.

MR. WILLKIE IN BUSINESS

This section of the article attacks Mr. Willkie's statement that "he had absolutely nothing to do with * * * the speculative orgies of the twenties." The charge is then made that "Mr. Willkie was one of those responsible for the speculative orgy."

The facts completely substantiate Mr. Willkie's statement and show the charge to be entirely without foundation; indeed, the charge is one that never could have been made by anyone who cared to make the slightest investigation of the facts and who had any regard for his own reputation for accuracy and honesty. The only evidence set forth in the article to prove this outrageous charge are statements, themselves inaccurate, of what was done by the United Corporation and the Commonwealth & Southern Corporation and the organizers of those corporations early in 1929, and specifically in May and June of 1929. The fact is that during all of this period Mr. Willkie was a practicing attorney in Akron, Ohio. He did not come to New York until October 1, 1929. Before that date of October 1, 1929, he did no work of any kind for the Commonwealth & Southern Corporation (hereafter sometimes called Commonwealth & Southern). At no time has he done any work of any kind for the United Corporation. Even, therefore, if there is anything to criticize in the organization of the Commonwealth & Southern in May 1929 or in any of the other transactions in the first 9 months of 1929, which is denied, in no event can Mr. Willkie be charged with any responsibility therefor. The whole section of the article, Mr. Willkie in Business, is built upon the entirely false assumption that Mr. Willkie participated in the affairs of Commonwealth & Southern in the early half of 1929. As this assumption is false, the whole article obviously falls.

The article makes many loose misstatements and false assertions about Commonwealth & Southern and the conduct of its business. It would require much space to analyze and answer such irresponsible charges and innuendoes. It is impossible, however, to refrain from pointing out that, at the organization of Commonwealth & Southern there was no general sale of Commonwealth & Scuthern common stock to the public. The $45,000,000 which was paid in cash for common stock and option warrants was paid by a very few concerns who are described in the article as "insiders." The remaining common stock and option warrants of Commonwealth & Southern were issued in exchange for stocks and option warrants of the holding companies whose systems were later consolidated into Commonwealth & Southern. Since when has it been a subject of criticism for "insiders" to pay in cash when the public is asked only to make an exchange of common stocks and at the prevailing market values? This $45,000,000 paid by so-called insiders, together with approximately $15,000,000 paid in cash on the exercise of options to purchase stock by stockholders in the holding companies whose stocks were later acquired, gave to Commonwealth & Southern the financial strength which enabled it to carry certain of its subsidiaries through the depression years in the face of the bitter attacks by the administration on the public utility industry and the ruinous competition of the subsidized T. V. A.

Again the reckless charge is made that on the organization of Commonwealth & Southern there were "write-ups" of $531,205,571.92. There were no "write-ups." The Commonwealth & Southern acquired stocks of other holding companies by exchanging its own stock for the stock so acquired. The cost of the acquisition of these stocks was naturally entered on the books of Commonwealth & Southern at its cost which was market value at the time of acquisition. Any other entry would have been an incorrect recording of what actually occurred. The market value of these stocks so acquired were in the aggregate in excess of the book value of the operating companies by over $531,000,000, but all Commonwealth & Southern did was to enter upon its books the true cost of the stocks so acquired. In no sense can that be considered a "write-up."

From the outset when a consolidated balance sheet was issued (that is a statement combining the assets of the subsidiary companies and of Commonwealth & Southern as a holding company) this excess of cost paid by the holding company was eliminated and the total value of the assets of $1,133,700,000 mentioned in the article did not include this excess. The only possible criticism of Commonwealth & Southern in this connection might be that as a matter of business judgment it, like many others in that year, paid too much in 1929 for the stocks it then acquired. All these transactions, it should be remembered, were had long prior to Mr. Willkie's connection with the company.

The article brings up again the old misrepresentations respecting the power purchased by the Alabama Power Co. from Wilson Dam and builds up the fantastic figure of $1,500,000 per year as the alleged profit accruing to the power company. There is absolutely no basis for any such charge. There was no profit. Everyone knows that the cost of producing power is the least important item entering into the cost of power delivered to the ultimate consumer. During all the period that power was being purchased from Wilson Dam the company owned steam-generating plants which could have generated an equal amount of power at substantially the same cost

to the company. It was only because of the desire of the Commonwealth & Southern to cooperate with the Government that purchases were made rather than the power generated by the company itself. It should also be pointed out that the power purchased by the Alabama Power Co. from Wilson Dam was purchased under a contract revocable by the Government without notice and therefore was not a reliable source of power. The company, therefore, had to rely on its own plants for future supply. No responsible official of the Government has ever questioned the fairness of the price paid to the Government for the power purchased. It was glad to get it.

In general, Mr. Willkie's true responsibility for the conduct of Commonwealth & Southern dates from his assuming the office of chief executive in June 1934. He has a record of which anyone may be proud. A factual statement of the results obtained can be found in a copy of the annual report of the corporation for 1939. It shows, among other things, that when Mr. Willkie assumed office the company was not earning its preferred-stock dividend. For 1934 there was a deficit after providing for preferred-stock dividends of $1,522,000. At the end of 1939 there was a surplus of $4,416,000, notwithstanding nearly $5,000,000 increase in taxes, and nearly $7,000,000 increase in provision for retirement reserve and depreciation, and also notwithstanding the fact that owing to the subsidized competition of the T. V. A., the company was unable to refund any of the obligations of the companies within the area of competition, which would have resulted in substantial increase in net income.

Not only from the standpoint of investors, but from the standpoint of consumers, has Mr. Willkie's administration been noteworthy. The average residential use per customer has increased from 722 kilowatt-hours to 1,196 kilowatt-hours, and the average residential rate has decreased from 4.37 cents to 3.09 cents. For the 12 months ending March 31, 1940, the average residential use has increased to 1,226 kilowatt-hours, and for the first quarter of 1940 the average rate charged has decreased to 2.93 cents.

These facts speak more eloquently as to Mr. Willkie's record in business than any words.

The reference, page 317, to Mr. Willkie's most important work being arranging for renewals of utility franchises has no factual foundation, and he never was a lobbyist.

When Mr. Willkie was nominated for President he resigned from all his offices in the Commonwealth & Southern system; his directorship in the First National Bank of New York, and his connections with utility organizations, and is now giving his entire time to his candidacy for President.

WILLKIE AND THE T. V. A.

What political advantage can be had from bringing the T. V. A. controversy into the discussion must, of course, be determined by the party responsible for doing so. There can be no advantage to the T. V. A., the Commonwealth & Southern, or the consumers. Right or wrong, the Government has gone into the power business in the valley of the Tennessee, and the T. V. A. and the power companies after the struggle are now doing business considerately and amicably without discord and accommodating each other to the end of getting the best results out of their synchronized operations. The T. V. A. openly stated that Mr. Willkie's conduct in all things with respect to the negotiations has been open, fair, and honest, and that leaves little if anything which should be said. Certainly the major question of whether the Government should engage in the power business in the Tennessee Valley in competition with privately owned companies is moot.

The New Republic's statement under the above heading is erroneous as to factual matters, draws unfounded conclusions from old propaganda, and in many cases is negligently or deliberately false. The indefiniteness and looseness of the accusations make it unnecessary to do more than to generally deny their accuracy, and the same is denied, but for the purpose of making specific denials an effort is made to frame from the language used in the statement what the undisclosed critic has endeavored to charge and to make reply thereto.

The article's asserted charges as framed are stated and the replies follow in the order of the article:

(1) The Commonwealth & Southern indulged in a propaganda campaign "not differing greatly from other utility-company exploits that congressional investigating committees have made famous" against the T. V. A. bill.

This is entirely untrue, and the use of harsher language with respect to its falsehood would be justified. Mr. Willkie appeared before the House Military Affairs Committee on April 14, 1933, and in his testimony stated of record his position in which statement the following appears:

"Mr. Willkie * * *. But whether or not you gentlemen want to develop the Tennessee Valley, whether or not you believe in the building of hydro plants on the Tennessee Valley for the promotion of navigation and flood control, and incidentally the production of power, whatever may be my personal opinion on that, we are not here in opposition to that, but we say to you that if you will make that power we will absorb it into our system as fast as we can, which means that we will, in effect, have to cease the building of generating plants and absorb that power; and I think it has been shown to you that economically, by all the principles of economics, we offer the most economic way of doing it, the cheapest way of doing it, and the widest possible benefit to those consumers. * * *

"* * * I will say this now, that we will enter into a contract with you to take that power and we will pass on any saving that is made on the generation of that power to the ultimate consumer."

The following is a quotation from a letter of Mr. Willkie, dated February 1, 1937, to Mr. Lilienthal, Director of the T. V. A.:

"As I have said to you heretofore, we have an adequate and reliable supply of power for our entire southern system well into the year 1938 and have made arrangements to install additional generating capacity to meet the additional requirements which may develop by that time. We desire, however, to work with the Government and if possible provide a market for its power. We can, as we have in the past while we have been purchasing your power, do this by refraining from operating some of our steam plants. We are willing to buy substantial quantities of power from the Government, provided the Government will agree not to sell power directly or indirectly which is to be used to compete with us in the territory where the power we purchase from the Government is necessarily distributed."

(2) The T. V. A. "offered to continue to provide current for Alabama Power Co. if the company would sell them certain of its transmission lines to make possible an experimental 'yardstick' area. This would have amounted to a division of territories, a mutual hands-off policy, which is precisely what Mr. Willkie afterward clamored for."

That any such offer was ever made is untrue. Mr. David E. Lilienthal and his counsel will say there was no such offer made and no offer with respect to a division of territory was ever made by T. V. A. On the contrary, Mr. Willkie made several requests for a division of territory, which requests were always declined.

(3) That "with seeming sincerity the T. V. A.'s offer (presumably with respect to division of territory) was accepted."

If reference is made to the agreement of January 4, 1934, then the answer is that an agreement was made. It contemplated the transfer of electric property in a limited area. It provided for an exchange of power. It provided that it "should remain in force and effect until midnight December 31, 1938, or until 3 months after the completion of Norris Dam power plant, whichever is earlier." At a conference held September 30, 1936, for the purpose of maintaining the status quo during the exploration of the possibilities of pooling the transmission lines the term of the contract was extended for a period of 3 months from November 3, 1936. The January 4, 1934, contract provided that the power companies would cooperate with the Authority and with Electric Home & Farm Authority, Inc., to promote the sale of electrical appliances throughout the Tennessee Valley served by them and that during the period of the contract Authority would not sell electric energy outside of said counties, where the property sold was located, to any municipality, corporation, partnership, or individual which, or the distribution system serving which, was on the date of the execution of the agreement being served by the power companies. Shortly after the execution of this agreement a division of opinion arose between the contracting parties with respect to whether the T. V. A. was at liberty during the period of the contract to enter into contracts for service in the areas of the Commonwealth & Southern system where such services were to be rendered after the expiration of the January 4 contract, and the T. V. A. insisted that it had a right so to do and did solicit such business.

(4) "Ostensibly, the Ashwander case was brought by preferred stockholders of Alabama Power Co.," and Mr. Willkie declared publicly, "The Alabama Power Co. has no connection, direct or indirect, with pending litigation against T. V. A. * * * but in the course of the litigation the law firm conducting the case was paid by the Edison Electric Institute."

During the negotiations resulting in the contract of January 4, 1934, it was the contention of Mr. Willkie that the T. V. A. Act was invalid, and it was suggested to Mr. Sutherland, Mr. Lilienthal's counsel, that a court action for the purpose of determining whether the act was valid should be had, but neither Mr. Lilienthal nor the counsel for the Tennessee Valley Authority thought they were at liberty to join in such an action. Certain of the preferred stockholders of the Alabama Power Co. petitioned the board of directors of the Alabama Power Co. to take steps to invalidate the contract of January 4, 1934. This the board of directors declined to do, whereupon the stockholders, headed by Mr. Ashwander, launched their action against the Alabama Power Co. and the T. V. A. for the purpose of determining the validity of the contract. The Alabama Power Co. filed its answer in that case denying the right of the plaintiffs therein to have the contract declared invalid. It clearly appears that at the time the company refused to launch an action at the request of its preferred stockholders as well as at the time it answered the complaint of its preferred stockholders and at all times throughout the proceeding, the Alabama Power Co. always held to the position that it had executed the contract and proposed in good faith to carry it out. The proceedings on the part of Ashwander and his associates in that case were amended, and the plaintiffs sought to have the court render a declaratory judgment that the T. V. A. Act was unconstitutional. As to the validity of the act, there never was any misunderstanding with respect to the position of the Alabama Power Co., which from the beginning contended that the act was invalid and beyond the powers of the Federal Government, but that it had made the contract to sell its property in a limited area and would carry it out. In its brief, while stating its position that it was at all times willing to carry out the contract, but if the court was to pass on the validity of the act then in its opinion the act was invalid, and the Supreme Court of the United States held the contract to be valid, refused to pass upon the constitutionality of the act, and the contract was carried out.

The statement erroneously says the Supreme Court held the act to be constitutional. Tne consensus of opinion today is that the act is unconstitutional, and the Supreme Court, though asked to pass upon the validity of the act in the case of *The Tennessee Electric Power Co. et al.* v. *Tennessee Valley Authority et al.*, it did not do so. It held only that while the complainant companies were grossly injured, they did not have exclusive franchises in the cities which were directly inflicting the injury and they could not complain of the source from which the cities acquired the money or means to inflict such injury. In other words, it was what the lawyers term damnum absque injuria.

(5) By inference from false premises the article undertakes to show that Mr. Willkie as a director of the Edison Electric Institute procured the Institute to pay the fees of the attorneys for the Ashwander litigation.

That is untrue. A quotation from the minutes of a meeting of the Edison Electric Institute on December 6, 1934, gives the lie direct to the insinuations of the article. It reads as follows:

"Mr. Willkie stated that the litigation in the case of *George Ashwander et al.* v. *Tennessee Valley Authority et al.* involved the validity of contracts executed by the Alabama Power Co., that he was not present at the meeting (November 15, 1934), at which the resolution employing counsel and authorizing expenditures to test the constitutionality of the Tennessee Valley Authority act was adopted, having been detained because of a conference with Mr. Lilienthal, but that he was opposed to the adoption of that resolution and desired to be recorded as opposed to this motion."

(6) Some time in 1935–36, the Roosevelt administration made a second attempt to deal with Mr. Willkie and he and his advisers were eager to arrange for a pooling agreement, or power grid, and that "a report spread that he (Mr. Willkie) had become the President's adviser on power questions," and "would act as negotiator between the New Deal and the whole utility industry," and that the 19-company suit was abruptly brought against the T. V. A. and "that ended permanently the effort of the administration and the T. V. A. to have a relationship with Mr. Willkie."

For such report if there was such a report there is absolutely no foundation. The facts are that the administration never undertook to have any such relationship. Consideration of a power pool was deliberately dropped by the administration and at the time of the discussion with the president Mr. Willkie distinctly informed the president that the company would continue its litigation for the purpose of determining whether the T. V. A. act was valid.

(7) "What happened in Chattanooga is one of the ugliest parts of the Willkie-T. V. A. record. In that city George Fort Milton, of the Chattanooga News, had long been an advocate of publicly owned power. A year after the T. V. A. was started, he opened a campaign for cheap municipal electricity. He was fought furiously by the Tennessee Electric Power Co., a Willkie-Commonwealth & Southern subsidiary. The company contributed $20,000 to a Citizens and Taxpayers' League which suddenly appeared to oppose Milton." Then the statement proceeds and refers to the acquirement of real estate as tenants in common by the company's employees to entitle them to vote at the election, says the Willkie company arranged therefor and on election day whisky admittedly bought by the power interests flowed freely near the polls.

The facts are that the Citizens and Taxpayers' Association was organized to oppose the bond issue not for the purpose of opposing Mr. Milton. It was headed by prominent businessmen of the city, its receipts and expenditures were reported to the authorities. Upon the charge of certain of the advocates of the bond issue the action of the Citizens and Taxpayers' Association was investigated by the grand jury which, reported that no law had been violated by the Citizens and Taxpayers' Association, that no law was violated by contributing money to the association and although this finding officially closed the matter as to the charges they were brought up before the T. V. A. Investigating Committee by Francis Biddle, a stockholder in Mr. Milton's paper, and the charges were openly denied by Fred B. Frazier, a former city commissioner, who was chairman of the Citizens and Taxpayers' Association, and others. Neither Mr. Willkie nor the Tennessee Electric Power Co. had anything to do with the founding of or business of the Chattanooga Free Press. The Tennessee Electric Power Co. did cease to advertise in the Chattanooga News, which it had a right to do. The Free Press was delinquent on its light bills but the bills were paid. Many other of the Tennessee Electric Power Co.'s customers were delinquent in the payment of their bills, including many municipalities in the State of Tennessee, for example, the city of Nashville at the time it purchased the Tennessee Electric Power Co. distribution system in that city owed the company more than $90,000 for electric service for more than a year. The Chattanooga News did suspend but such suspension was after the sale of the Tennessee Electric Power Co. property to the T. V. A. and various municipalities in Tennessee and certainly ought not to be attributed in any way to the Tennessee Electric Power Co. failing to patronize it, and the Evening Tribune, which the article says was organized to carry on the fight and is fighting still has ceased to exist, and while the general public in Tennessee understand the reason why the Chattanooga News suspended and the Evening Tribune did likewise, neither event was brought about by the Tennessee Electric Power Co.

(8) "Another stiff battle occurred between the Tennessee Valley Authority and Commonwealth & Southern over rural power lines."

There were contests over the construction of rural lines and the sole reason for it was that the Federal Government was organizing cooperatives, paying the cost of building their lines for the purpose of selling the T. V. A. power in the territories in which the local companies were extending their service more rapidly than the economies of the situation justified.

(9) Throughout all this period Mr. Willkie claimed that as a private-utility operator his companies had reduced rates and increased power consumption and admits that he was entitled to so claim, that for years prior to the existence of the T. V. A. the southern companies had made a progressive reduction of their rates.

There does not seem to be any point to the statement with respect to rates, other than it was the T. V. A. competition that forced down the rates and with respect to that the plan to give promotional rates that would tend to increase consumption and reduce rates was in force before the competition of the T. V. A. The company never claimed to be able to meet the T. V. A. rates, always claimed that they could not compete with the Government. The basic points with respect to a comparison of the T. V. A. rates with rates of privately owned utilities apart from the question of the lawful right of the Government to engage in the electric business are (1) the allocation of the capital cost; (2) the allocation of the operating costs, including depreciation; (3) the advantage of low governmental rates on borrowed capital; (4) the freedom from taxes, licenses, etc.; (5) the advantage of governmental postal, railroad, telegraph, and freight rates, etc.; and (6) the P. W. A. grants or gifts to the municipalities to which the T. V. A. sells electric energy, which in turn sells the same to the consumer, of as high as 45 percent of the cost of their facilities for distributing the power to the consumer.

Statements of residential rates of the Commonwealth & Southern system showing increasing service and lowering costs to consumers for which Mr. Willkie labored increasingly are attached.

(10) "The role of Consumers Power was even more specifically revealed in the special investigation of Republican State Senator Earl W. Munshaw. Senator Munshaw, as the Detroit Times of July 16, 1938, reported, was found to be receiving 'legal fees' from Consumers Power at the very time that 'the public utilities committee,' of which he was a member, was busy pigeonholing and killing several utility-reform measures which had aroused the opposition of the Consumers Power Co."

The facts are that there was no investigation of Senator Earl W. Munshaw. There was a rate proceeding pending before the Michigan Public Utilities Commission, presided over by Paul H. Todd, an advocate of public ownership and ardent new dealer, who at the hearing before the commission involving rates only, and for the purpose of trying to smear it before a number of newspaper reporters that he had been invited to attend the meeting upon a promise that a news item of importance would be developed, undertook through a Mr. Winder, who acted as an attorney for the commission to show that Senator Earl W. Munshaw, of Grand Rapids, had been corrupted by the Consumers Power Co. All the showing amounted to was that Mr. Munshaw had been an attorney for the Consumers Power Co. for many years and prior to his election as a State Senator and that during the month of June 1937, while the senate of which he was a member was in session, Mr. Munshaw's bill for $199.50 covering his personal services in the amount of $139 and cash paid out for abstracts of title $60.50 was paid. During the period of Mr. Munshaw's employment for the Consumers Power Co., his work had been principally examining abstracts of title to property and easements acquired for right-of-way purposes and protecting the company with respect to nonpayment of taxes by the owners of property leased to the Consumers Power Co. and upon which buildings, tower lines, etc., had been erected. The testimony appears on pages 1865 to 1909 at the hearing of July 15, 1938, and at pages 2241 to 2284 at the hearing of July 22, 1938, and a reading of that testimony is welcomed. The testimony in no way applied to the determination of the question pending before the commission and was dragged in for spite purposes.

Commonwealth & Southern corporate system

AVERAGE RESIDENTIAL ELECTRIC REVENUES PER KILOWATT-HOUR SOLD IN CENTS PER KILOWATT-HOUR

Company	1933	1934	1935	1936	1937	1938	1939
Consumers Power Co	4.42	4.20	3.93	3.47	3.24	3.12	3.00
Central Illinois Light Co	4.88	4.42	4.18	3.85	3.72	3.50	3.36
Southern Indiana Gas & Electric Co	5.34	5.13	4.73	4.48	4.26	4.20	3.95
Ohio Edison Co	4.92	4.70	4.18	3.69	3.43	3.30	3.15
Pennsylvania Power Co	5.95	5.72	4.92	4.37	4.13	3.92	3.73
The Tennessee Electric Power Co	5.77	4.13	3.63	3.13	2.86	2.75	(1)
Alabama Power Co. (urban only)	4.62	3.84	3.54	3.20	2.97	2.85	2.76
Georgia Power Co	5.16	4.00	3.63	3.37	3.04	2.93	2.84
Gulf Power Co	5.97	5.73	5.22	4.38	3.92	3.77	3.57
Mississippi Power Co	6.22	5.51	5.21	4.68	4.43	3.98	3.78
South Carolina Power Co	6.06	5.45	4.53	3.74	3.57	3.35	3.19
System average	4.98	4.37	3.96	3.53	3.28	3.15	3.09
National average	5.52	5.33	5.01	4.67	4.40	4.23	4.00

[1] Sold Aug. 15, 1939, to Tennessee Valley Authority and local electric cooperative associations and municipalities.

Commonwealth & Southern corporate system—Continued

PERCENT DECREASE IN AVERAGE REVENUES PER KILOWATT-HOUR UNDER 1933 LEVELS

Company	1934	1935	1936	1937	1938	1939
Consumers Power Co	4.98	11.09	21.49	26.70	29.41	31.90
Central Illinois Light Co	9.43	14.34	21.11	23.77	28.29	31.15
Southern Indiana Gas & Electric Co	3.93	11.42	16.10	20.22	21.35	26.03
Ohio Edison Co	4.47	15.04	25.00	29.88	32.93	35.98
Pennsylvania Power Co	3.87	17.31	26.55	30.59	34.12	37.31
The Tennessee Electric Power Co	28.42	37.09	45.75	50.43	52.34	------
Alabama Power Co	16.88	23.38	30.74	35.71	38.31	40.26
Georgia Power Co	22.48	29.65	34.69	41.08	43.22	44.96
Gulf Power Co	4.02	12.56	26.63	34.34	36.85	40.20
Mississippi Power Co	11.41	16.24	24.76	28.78	36.01	39.23
South Carolina Power Co	10.07	25.25	38.26	41.09	44.72	47.36
System average	12.25	20.48	29.12	34.14	36.75	37.95

AVERAGE KILOWATT-HOURS PER RESIDENTIAL CUSTOMER

Company	1933	1934	1935	1936	1937	1938	1939
Consumers Power Co	632	665	726	849	1,004	1,087	1,150
Central Illinois Light Co	622	671	750	850	939	1,004	1,084
Southern Indiana Gas & Electric Co	547	581	624	698	761	772	806
Ohio Edison Co	633	664	748	866	1,007	1,092	1,168
Pennsylvania Power Co	538	589	641	748	855	916	970
The Tennessee Electric Power Co	612	774	967	1,176	1,353	1,461	(1)
Alabama Power Co. (urban only)	793	871	997	1,149	1,289	1,382	1,413
Georgia Power Co	805	885	1,039	1,183	1,313	1,399	1,446
Gulf Power Co	745	742	811	991	1,177	1,226	1,259
Mississippi Power Co	561	594	655	758	834	902	954
South Carolina Power Co	694	787	916	1,072	1,212	1,326	1,413
System average	663	722	821	955	1,092	1,173	1,196
National average	600	629	677	735	802	853	897

PERCENT INCREASE IN AVERAGE USE PER RESIDENTIAL CUSTOMER OVER 1933 LEVELS

Company	1934	1935	1936	1937	1938	1939
Consumers Power Co	5.22	14.87	34.34	58.86	71.99	81.96
Central Illinois Light Co	7.90	20.59	38.26	49.36	61.41	74.28
Southern Indiana Gas & Electric Co	6.22	14.08	27.61	39.12	41.13	47.35
Ohio Edison Co	4.90	18.17	36.81	59.08	72.51	84.52
Pennsylvania Power Co	9.48	19.14	39.03	58.92	70.26	80.30
The Tennessee Electric Power Co	26.47	41.67	92.16	121.08	138.73	------
Alabama Power Co	9.84	25.73	44.89	62.55	74.27	78.18
Georgia Power Co	9.94	29.07	46.96	63.11	73.79	79.63
Gulf Power Co	13.02	8.86	33.02	57.99	64.56	68.99
Mississippi Power Co	5.88	16.76	35.12	48.66	60.78	70.05
South Carolina Power Co	13.40	31.99	54.47	74.63	91.07	103.60
System average	8.90	23.83	44.04	64.71	76.92	80.39

[1] Sold Aug. 15, 1939, to Tennessee Valley Authority and local electric cooperative associations and municipalities.

MR. WILLKIE AND LABOR

The article cites the La Follette Civil Liberties Committee as its authority for certain charges with respect to the labor practices of some of the Commonwealth & Southern operating companies. The so-called Civil Liberties Committee (actually a subcommittee of the Senate Committee on Education and Labor) was by Senate Resolution No. 266 charged with the duty of making "An investigation of violations of the right of free speech and assembly and undue interference with the right of labor to organize and bargain collectively." The committee was authorized, "* * * to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents * * * as it deems advisable." There was appropriated at least $150,000 for the expense of the committee's investigation.

Bearing in mind the duty of this committee and the authority granted to it as set out in the resolution, it is significant that at no time during its investigation lasting over a period of more than 2 years, did it call before it a single witness employed by any of the Commonwealth & Southern Cos. Had the labor practices of these utilities been reprehensible as the New Republic alleges, certainly the Civil Liberties Committee could hardly have failed to extend its investigation to the Commonwealth & Southern and its subsidiaries.

Common fairness would have dictated that the references to Commonwealth & Southern properties found in the records of the Civil Liberties Committee have been taken from testimony of witnesses who were in the employ of detective agencies or similar concerns or else from exhibits introduced into the committee's record by staff members of the committee, which exhibits had been compiled by the staff from records of detective agencies or similar organizations. Neither Commonwealth & Southern nor any of its operating companies were represented by counsel at the hearing before the Civil Liberties Committee. The simplest cross examination of the witnesses appearing before this committee could not have failed to elicit the fact that the purposes for which Commonwealth & Southern's subsidiaries had employed detective agencies were in every instance wholly unrelated to labor practices. Similarly had any Commonwealth & Southern witnesses been called before this committee their testimony would have shown that the use of detective agencies by these utilities was not in connection with labor matters. The statement of an agency or anybody else that operatives were employed for espionage purposes does not change the fact.

Perhaps the most flagrant piece of deception in this section of the New Republic's article is the charge that Commonwealth & Southern companies have resorted to the use of labor spies. This charge is wholly without foundation and the specific instances cited in support of it are entirely misleading.

It is charged that "Georgia Power Co. spent more than $31,000 on labor spies from Pinkerton's * * *." Georgia Power Co. retained the Pinkerton Agency for the purpose of checking its streetcar and bus operations and passenger receipts. This is a practice, common in the streetcar and bus transportation industry, which has been employed for at least 40 years. Everybody knows about it. It is a commonly accepted incident to the business just as is the check of the accounts and records of other persons who handle company money. The unions have never objected in any way to this practice, which, of course, has nothing to do with labor relations and is certainly an entirely different thing from the use of "labor spies."

The article further alleges that the Pinkerton Agency "also serviced Alabama Power." This is clearly intended to imply that Alabama Power Co. employed labor spies from the Pinkerton Agency. As a matter of fact, the only two occasions upon which the Pinkerton Agency was ever retained by Alabama Power Co. were in connection with the murder of a power-company employee, and on these occasions this agency was retained to find and bring to justice the guilty person.

With respect to the charge that the Central Illinois Light Co. purchased $500 worth of tear-gas guns and shells, it may be said again that the article is deliberately misleading. The Central Illinois Light Co. purchased tear-gas guns and shells for the use of its regular employees in patrolling its transmission lines at a time when another company not affiliated with the Central Illinois Light Co., but with power lines near those of Central Illinois Light Co.'s, was undergoing a strike. Mr. Eugene E. Scott, business manager of local No. 72 of the International Brotherhood of Electrical Workers (an affiliate of A. F. of L.) has commented upon this specific charge and wired the newspapers in which the same were published, as follows:

"Regarding Mr. Edward J. Flynn's statement in your paper this morning, have conducted negotiations with Central Illinois Light Co. for many years as business manager, local No. 702, of International Brotherhood of Electrical Workers (A. F. of L.). Practically all their operating employees are members of our union. This company has never used tear gas or other weapon. As stated by me previously, their labor policy has been and is "1,000 percent satisfactory."

The article states that "Southern Indiana Gas & Electric did business with the Railway Audit and Inspection Bureau * * *" as though some stigma was attached to that fact. But none does attach. In response to a questionnaire sent out by the La Follette committee, the company submitted, under oath, records which showed clearly that Railway Audit & Inspection Co. was employed for the sole purpose of checking street railway and bus operators in the collection of fares, and the proper operation of streetcars and busses. This sentence is another instance of leaving the impression that some violation of labor rights occurred, when, in fact, the employment had nothing to do with labor. Sworn evidence submitted to the La Follette committee to which presumably the anonymous author had access showed the company to be innocent of spying upon labor.

The article suggests that the Georgia Power Co. contract with an affiliate of the A. F. of L. was entered into for the purpose of securing the assistance of the A. F. of L. in fighting T. V. A. This suggestion is attributed to a correspondent of the New York newspaper PM. The absurdity of this claim is disclosed by the fact that there have been A. F. of L. contracts in effect for street-railway employees of Georgia Power Co. since as early as 1912 and for electrical employees of Georgia Power Co. since 1919.

The New Republic charges that two companies, Alabama Power Co. and Consumers Power Co., have been brought to trial and found guilty of interfering with the rights of their employees.

In the case of Alabama Power Co. the N. L. R. B. ordered the company to cease and desist recognizing an employees' association, which the company had not recognized for more than a year, to refrain from recognizing an independent union which it had never recognized, and to refund amounts deducted from pay checks on authorization of individual employees. It is difficult to conceive in what respect the company interfered with the rights of employees unless we accept as a basis for that charge the fact that the Board ordered the company to cease doing certain things which it never had done. It should always be borne in mind that the policy of the company with respect to the organization of its employees is, and always has been, that the question should be determined by a majority of the employees themselves. The company has cooperated with governmental agencies in conducting consent elections in which the employees, on the only two occasions on which the question of representation has arisen, had the opportunity to express by secret ballot their free choice. That policy has met the general approval of the employees. The relations between the management and the employees have been satisfactory for more than a quarter of a century.

In the case of the Consumers Power Co., a strike occurred because a C. I. O. affiliate refused to consent to an election or otherwise to demonstrate that it had been chosen by a majority of the employees it claimed to represent. Notwithstanding negotiations were in progress, a strike was called.

Trouble continued for some time as a result of such refusal, and eventually two additional labor organizations began to contend for the right to represent the employees. It has been the policy of the company to recognize as the sole bargaining agent for its operating, maintenance, and construction employees any organization which may receive a majority vote in the election held to determine such representation. The entire trouble is due to the failure of the National Labor Relations Board and to the unions themselves in being unable to determine which union shall have the right to represent the employees. The company has been willing at all times to deal with whichever union secures the right to represent the employees.

The Consumers Power Co. was reluctant to speak about strike occurrences, saying that an election had been held to determine which of the unions represents a majority of its employees, but neither union was shown to have such majority and another election was about to be held and a discussion of the past occurrences inquired about might create feeling among its employees which now seems to be entirely allayed, but when shown the article in the September 16 copy of the New Republic wherein it is charged that "the actions of Consumers Power, coupled with threats of perjury charges by the grand jury officers, 'so intimidated the employees that they now fear to employ counsel or take any action to protect their constitutional rights.' Employees were arrested without warrants, held incommunicado for as long as 5 days, and not permitted to notify even their families or closest relatives of their whereabouts," the company felt obligated to speak with reference to that charge.

Mr. Wilson Arthur, vice president of the company, stated that there were three incidents of serious strike trouble. In the first there was a plot to dynamite some of the company's property and four men were apprehended, viz, Don A. Hackett, a substation operator and vice president of the C. I. O. union; Dan Robinson, a lineman; and two outsiders were involved. One of the outsiders was named Tom Ficken and the other Tony Herod. Dan Robinson pleaded guilty to a charge of conspiracy to sabotage and was sentenced to serve from 2 to 5 years. Don Hackett pleaded guilty to a charge of perjury committed before the grand jury in connection with its investigation of the occurrence in that he testified that he had no knowledge of the plot, whereas, in fact, he had supplied the transportation to get the dynamite in Detroit and had supplied the money with which to buy it. He was fined $100 and put on probation for 3 years. Of the two outsiders, Tony Herod pleaded guilty and was fined $100 and put on probation, and Tom Ficken pleaded guilty to conspiracy and was sentenced to the penitentiary for 2 to 5 years. In the second incident a group of employees were apprehended and charged with conspiracy to sabotage in connection with the destruction of some of the company's lines in the neighborhood of Oscoda. The company's employees were Howard Stitt, Donald Addis, Grant Goddard, Harry Lee, Reuben Eady, William Restainer, and Monroe Causley. Causley was president of the C. I. O. union. Stitt, Addis, Goddard, and Lee pleaded guilty to conspiracy. Eady and Restainer demanded an examination before a justice of the peace and were bound over for trial. Causley demanded a separate trial, was tried in December 1939, and the jury disagreed. None of those who pleaded guilty have yet been sentenced. The third incident had to do with the destruction of property by tipping over transmission towers. Involved in this were Joseph Mason, Dan Robinson, Robert Lennox, Ace Mitchell, and Cecil Bow. Bow was secretary of the State council of the C. I. O. union. Joseph Mason pleaded guilty to malicious destruction of property, and was fined $100 and sentenced to 90 days in jail. Dan Robinson pleaded guilty to conspiracy and was sentenced to serve from 3½ to 5 years in prison. Robert Lennox, Ace Mitchell, and Bow pleaded not guilty and have not yet been tried. Have been informed that the charges against Bow had been dropped.

Alfred Timm was charged with conspiracy, tried and acquitted. He was put back to work by the company on acquittal, and an adjustment was made as to his back pay. Archie Mosher, arrested for malicious destruction of property, pleaded guilty, was fined $50 and placed on probation for 3 years.

All of these men who were charged with misdemeanors and crimes were immediately suspended. Upon their pleading guilty, or being found guilty, they were discharged. Those who have not yet been tried are still under suspension. The one that was acquitted has been reinstated.

With respect to the above-mentioned arrests, convictions, and acquittals no official or employee of the company took part with respect to the complaints, informations, or trials. The complaints, informations, and trials were made and conducted by the State police and the prosecuting officers of the counties in which the happenings occurred.

Referring again to the article in the New Republic of September 16, 1940 (p. 373), where it says that "Mr. Willkie, of course, does not and cannot flatly deny that some of his subsidiaries in Commonwealth & Southern did employ private detectives from Pinkerton's and other agencies engaged in industrial espionage," meaning to be understood that such private detectives were employed by Commonwealth & Southern subsidiaries for espionage purposes when in fact Mr. Willkie has specifically denied that charge and the charge is absolutely untrue. The facts in relation to employing detectives in all cases when they were employed are that they were employed in connection with street railway operations and not for espionage of laborers or union employees. This is illustrated by the telegram and reply, copies of which follow:

NEW YORK, *September 4, 1940.*

PRESTON ARKWRIGHT,
President, Georgia Power Co., Atlanta:

Re your Associated Press statement on Georgia Power Co.'s employment of Pinkerton Agency, please wire fuller explanation of service rendered. How many agents employed, how many dismissals or convictions of employees for fare thefts in past year? Has union ever protested against use of Pinkerton employees? What type fare collection boxes used by your company?

ALEXANDER L. CROSBY,
News editor, Federated Press.

ATLANTA, *September 4, 1940.*

ALEXANDER L. CROSBY,
News Editor, Federated Press, New York, N. Y.:

Answering questions your telegram, one agency employed at a time. Number of checkers various from time to time. Sometimes none. Sometimes a good many. We operate streetcars and busses in five cities. There were no dismissals or convictions of employees for theft in past year. Employees of this company as group are unusually honest. Question of dishonesty not involved. Merely checking fare registrations just as we check every person in company who handles money. Practice is universal. Union does not object to fare checkers no matter who supplies them. They have never raised any complaint about it at all. They welcome supervision of fare collections. We use Ohmer fare registers on streetcars and Johnson fare boxes on busses. Don't understand this matter to be an issue. Flynn charged that we used labor spies, which is an altogether different thing.

P. S. ARKWRIGHT.

MR. WILLKIE IN HIS OWN WORDS

This portion of the article is an effort to dispute what Mr. Willkie has said or written by quoting extracts from his speeches and writings and adding flippant remarks and drawing false conclusions; for example, the article (p. 328) says that Mr. Willkie said that the Wheeler-Rayburn bill as passed was "an unconstitutional process of control and destruction" and adds that "the Supreme Court upheld the constitutionality of the law," while the facts are that the Supreme Court only passed upon the provisions of the act requiring registration and the Government earnestly contended in the presentation of the Bond & Share case that that question was the only one that required to be passed upon, the other questions could be liquidated when they arose; and the other provisions of the act have not been passed upon. It quotes (p. 329) Mr. Willkie as saying in a letter to Commonwealth & Southern stockholders that "the continued political propaganda, which has created a constant ferment for the lowering of rates when no operating companies of the Commonwealth & Southern system are earning a fair rate of return on the fair value of their property devoted to public use" and then intimates that such statement was untrue, while in truth and in fact it is absolutely true.

The best answer to this portion of the article is to invite a careful reading of it and a careful reading of Mr. Willkie's speeches and articles referred to and these the committee will be glad to supply, or designate where the same can be procured.

Mr. BRIDGES. Probably the most absurd and most self-evidently wrong statement made on this floor is the assertion that the Power Trust, so-called, engineered or had any part in Mr. Willkie's nomination. I have personal knowledge of efforts by his own business associates to dissuade him from running, on the ground that his nomination would make the utility industry a political football in this campaign. More than that, I have personal knowledge of strong influence brought to bear by interests closely identified with the utility industry to stop his nomination. The whole industry was paralyzed with fear of the political repercussions against it should Wendell Willkie, a utility executive, receive the nomination. Furthermore, there were within that industry powerful individuals who heartily disliked, envied, and feared Mr. Willkie because of his progressive and liberal policies as to rate reductions, as to labor policies, and his refusal to be a part of back-door political arrangements. His record caused invidious comparisons. Wendell Willkie was nominated in spite of and not because of the power interests. Anyone with a realistic viewpoint of the selfish interests of the utility groups should realize that.

POWER ISSUE A DUD

However, the utility industry as a whole was wrong, and—as was usually the case in his differences with them—Wendell Willkie was right. Every effort of the New Deal party to inject the alleged power issue into this campaign has failed. It does not click. The man who locked horns in personal dispute with Sam Insull cannot be identified in the public mind with the sort of speculator that Insull typified. It will not stick. The power issue is a dud.

Perhaps one additional reason for this is that the New Deal does not come before the bar of public opinion with clean hands. Its record on power is nothing to brag about.

Perhaps the Senator from Nebraska [Mr. NORRIS] will explain to this body why there are 11 counties in west central Nebraska that have the local name of the "Norris desert"—a man-made desert, Mr. President, made by the New Deal at the insistence of the distinguished Senator from Nebraska. They are three hydroelectric projects. Two of them are on a stream that in very recent times has been dry for more than a hundred miles for as much as 222 days in a single year—1935.

Now, as everybody knows, water for irrigation must be stored for use during the growing season; and, as everybody knows, electricity, to be valuable, must be deliverable 365 days in the year. These dams were used for power, so that little was left for irrigation. The two that are in operation are bankrupt, as the hearings of the Appropriations Committee of the House show.

The three of them have been reorganized by P. W. A. so that the 4-percent P. W. A. bonds with a 30-year maturity are exchanged for bonds the last of which will mature some time in the next century—2004 A. D. Instead of 4 percent, the Federal Treasury will receive at first one-half of 1 percent. Bear in mind, Mr. President, that the New Deal gave these projects as outright gifts from 30 to 45 percent of the cost, accepting the bonds that were defaulted for the balance.

These projects were first studied and unfavorably reported by the Army Engineers. They then were turned down by engineers sent out by the P. W. A. It is a matter of public record that at the complaint of the senior Senator from Nebraska, Harold Ickes, then Public Works Administrator, disregarded the engineering reports, and at the Senator's insistence poured $60,000,000 down that Nebraska "rat hole." The Senator, running with the President's support against a duly nominated Democrat, was reelected not long thereafter.

NORRIS' HOME TOWN REPUDIATES PUBLIC OWNERSHIP—EIGHT TO ONE

The projects are not so popular now, however. Recently at the instance of the Nebraska projects, a proposal was submitted to the voters of McCook, Nebr. This happens to be the home town of the Senator from Nebraska who formerly boasted of being the "father of Nebraska's 'little T. V. A.,'" as well as of the Tennessee project. On June 16 of this year the voters of the Senator's home town voted down the proposition of public ownership and purchase of power from the little T. V. A. by a ratio of 8 to 1.

One Nebraskan recently told me that Nebraska could well have paid the Federal Government what it spent on these projects to have stayed out of the State.

I have said and I now repeat that on the matter of public power the New Deal comes before the bar of public opinion with unclean hands. They have tried to hang on Wendell Willkie an obviously false charge of having destroyed a newspaper as the result of its opposition in a municipal ownership fight in Chattanooga 5 years ago. Not only is that tale an absurd falsehood, but the reverse of the coin brings out one of the best illustrations of the New Deal's abuse of official power to oppress and persecute the free press of the Nation at a time when the American press is one of the few remaining on this planet.

I here solemnly charge that the present Solicitor General not once but twice has abused his official position, first as ccunsel for the T. V. A. investigating committee, and, second, as Solicitor General, in attempts to injure and destroy a newspaper whose only afternoon rival was a paper in which Francis Biddle was financially interested. Had he succeeded he might have lined his pockets with the resulting dividends.

That is a serious charge and it must be proved to the hilt. I shall proceed to do so.

BIDDLE WOULD HAVE GAINED SUBSTANTIALLY

Francis Biddle, now New Deal Solicitor General, used his position as chief counsel of the T. V. A. congressional investigating committee to attempt to destroy a newspaper which was in competition with a second newspaper in which he was financially interested. Had he been successful his personal gain would have been substantial. Furthermore, for some months he has been using his present position as Solicitor General to harass and injure the successful newspaper. He was financially interested in a second opposition newspaper which suspended September 4 of this year.

And at the same time he takes rank with Harold Ickes as a New Deal praying mantis worshiping at the altar of the freedom of the press.

Born in Paris with the golden spoon of the Biddles in his mouth, he was generally known among his Groton classmates—just a couple of forms below little Frankie Roosevelt—as "Little Diddle" Biddle. How he acquired the nickname is attributed partly to euphony and partly to adolescent discernment of his compeers which, as so often happens, was justified by his later career.

The Chattanooga (Tenn.) News "folded"—journalese for newspaper death—on December 16, 1939. On June 27, 1940, Wendell Willkie became the Republican nominee for President. On July 29, 1940, for the first time in any newspaper, Mr. Willkie was charged with responsibility for the death of the Chattanooga News and with hyprocrisy in his support of a free press. The charge appeared in a journalistic sycophant of the New Deal in Philadelphia. It was followed up shortly afterward by John Carmody, Federal Works Administrator, who yields only to Harold Ickes as a New Deal political hatchet man. Thereafter, "Little Diddle" Biddle, still throwing paper wads after all these years, retold the tale in an admittedly political speech in Seattle. After that it was renewed in the New Deal "march of slime" recently published by the leftist New Republic. They were repeated on this floor by the senior Senator from Nebraska, who no doubt drew them from the New Republic.

The burden of these charges is that Mr. Willkie destroyed this newspaper because it opposed him. It is a falsehood. It is audacious because it is predicated wholly on the assumption that denials can never outrun a slander. It is a venomous falsehood because its manufacturer, Mr. Francis "Little Diddle" Biddle, was guilty of attempting what he now charges Mr. Willkie of having accomplished.

BIDDLE LISTED AS STOCKHOLDER

On October 11, 1939, Biddle was listed as one of the stockholders of the News, then virtually on its deathbed. The significance of this routine statement of ownership emerged in the news accounts which related the facts. Typical was the following from the Knoxville (Tenn.) Journal of October 18, 1939:

Judge Francis Biddle, counsel for the T. V. A. investigating committee in the 1938 probe, is one of the owners of the Chattanooga News.

This has been revealed in the statement of ownership published by the News, afternoon competitor of the Chattanooga Free Press, which Biddle "went after" most vigorously as being controlled by private power companies.

Biddle, a Philadelphia lawyer with definite New Deal leanings, was rewarded by the Roosevelt administration with a post as judge of the United States circuit court of appeals.

The Chattanooga phase of the T. V. A. investigation came unexpectedly, late in August 1938. The committee had been sitting here (Knoxville), but over the week end of August 20 Biddle was discovered in Chattanooga. Minority members of the committee said they knew of no business that would take Biddle there.

After executive sessions of the committee here, the following Monday Biddle announced the Chattanooga trip, and it was revealed he had urged it in a memorandum presented to Committee Chairman VIC DONAHEY (Democrat, Ohio) the previous Friday. The committee went to Chattanooga to investigate propaganda of the power companies.

There it was revealed Biddle had obtained two special investigators from other Government agencies who for some time had probed into the Chattanooga situation, even demanding data on financial affairs and advertising rates of the Free Press from its management.

Biddle directed much of his investigation against the Free Press, seeking to show it was favored and controlled by the Tennessee Electric Power Co., since sold. The News, a pro-New Deal newspaper, played up these attacks on its competitor.

The official report of the T. V. A. Investigating Committee also described the Free Press as having been favored by the power company.

But not until recently, when the News published its official statement of ownership, had there been so much as a whisper that

Biddle was financially interested in the newspaper whose competitor he had attacked with such vigor.

The facts are more fully developed in the charges against Biddle on the floor of the House on August 12, 1940, by Hon. THOMAS A. JENKINS, who had served as a minority member of the T. V. A. Investigating Committee.

Briefly, Mr. JENKINS stated that without the knowledge of the committee, the chief investigators who—then or soon after—had a financial interest in Chattanooga News, had borrowed some snoopers from another Federal snooping agency to "go after" the News' afternoon rival, the Free Press. During the hearings, however, it developed that George Fort Milton, publisher of the News, had had the men hired to snoop on his rival publisher in his home, wining and dining them with conspiratorial hospitality.

The matter of "Diddle" Biddle's part ownership in the News was ably treated as far as Mr. JENKINS' knowledge of the situation then ran:

> To make a long story short, the facts brought out in the investigation indicated clearly that it was a wild-goose chase gotten into purely for spite. Francis Biddle should not have made that investigation without the knowledge and approval of the investigating committee. The fact that he did arrange for it clandestinely condemns him in the mind of any fair-minded person. If he owned stock in the Chattanooga News at the time he called this clandestine investigation of the Chattanooga Free Press, his conduct was extremely reprehensible. He should be called to give what the facts are in that connection. If he did not own the stock at that time but had bargained for it, his conduct would be more reprehensible. If during these investigations he made any arrangements to buy stock in this company, his conduct would also be reprehensible. And if he bought the stock after the investigation was over, I should like to know what his excuse would be for making such a purchase because he could not have made it for investment purposes because it was well known at the time when the committee was in Chattanooga that the Chattanooga News was on its last legs financially. The News blew up on about the 1st of December 1939, which was about 2 months after the statement appeared showing that Biddle had stock in it.

But Mr. JENKINS—and the public—had not been apprised of the continuation of the Biddle vendetta against the Chattanooga Free Press down to the present. Having lost his chance at a jack pot in the Chattanooga News by killing off the Free Press and thus multiplying his investment many times, Biddle neither forgave nor forgot.

Milton, foreclosed News publisher, tried once more to establish a newspaper in the town where two previous generations of his family had been successful publishers. His Chattanooga Tribune was launched in the spring of 1940 and died of anemia on September 4.

That Biddle was a part owner in this new newspaper is attested by the statement of the September 23 New Republic, which says, speaking of the Chattanooga Tribune:

> It had more than 600 stockholders, including Francis Biddle, Senator NORRIS, and others throughout America and Great Britain.

Rushing to the aid of his pal, fellow conspirator, and former and present copartner, the Solicitor General did a high diddle Biddle with the grave responsibilities of his high office.

He sent another pair of snoopers—from his own Department—to Chattanooga last spring, shortly after the birth of the sickly Tribune.

They had instructions to "get something on the Free Press." They did.

It was a trumped-up charge that Biddle dared not submit to a Federal grand jury, of attempting to obtain "exclusive afternoon advertising contracts" at a time when the Free Press was the only afternoon newspaper in the town—for which he refrains from bringing charges against many of the exclusively afternoon newspapers in the country. Biddle's Milton-inspired charges are in the form of an "information" of cooked-up diatribe, designed to breathe life into the already expiring corpse of a second Milton newspaper failure—which was born and died after Wendell Willkie and his allegedly sinister influences had left the scene.

He gives lip service to a free press but makes a mental reservation against the Free Press, of Chattanooga, Tenn.

Now the above résumé sketches in the bold outlines of the picture. Biddle, either for reward or promise of reward—in the form of stock ownership—but surely not out of pure coincidence, tried to smear a newspaper in whose rival he was or was about to be financially interested. Furthermore, when he became financially interested in the successor newspaper, the Tribune, he again used his office to harass the Free Press, this time with flimsy charges which he did not dare submit to a Federal grand jury. The Tribune came to life and died long months after the Willkie power company had been sold to the T. V. A. Biddle now says that the newspaper in which he admittedly was a loser when it "folded" was destroyed by Wendell Willkie—but he remained silent in his accusation until after Mr. Willkie becomes Republican candidate for President. And he, by his performance of chambermaid service to the New Deal, stands to lose the spotlight of his high office if Wendell Willkie wins. These are the motives behind the postdated post mortem on the death of the Chattanooga News.

This amateur of law and letters and politics, this gilded scion of Philadelphia's main line, comes before the bar of public opinion, with hands unstained by toil, with lily fingers well manicured—but unclean, unclean with the filth of the desecration of his high office by violating one of America's most sacred democratic traditions, freedom of the press.

Nevertheless, let us examine all of the facts. Let us see if there is one iota of truth in this barrow of bile they have tried to heap on Wendell Willkie. Even from a Biddle, charges so grave should bear examination.

Since the New Deal descended upon the Nation more than 100 daily newspapers have died. Increased costs and reduced revenues together with radio competition have been the principal causes of this situation. The bitter animosity of the President and his advisers toward the press has injured the press but not so much as the economic strangulation of the business life of the Nation under the New Deal has resulted in a starvation diet for many newspapers.

Ironically enough one of the victims of New Deal economics was one of the strongest supporters of the New Deal, the Chattanooga News. It is perhaps only fair to the New Deal to qualify its responsibility for the death of the News by adding that its demise was undoubtedly hastened materially if unwittingly by its publisher, Mr. Milton.

Until his nomination by the Republican Party, the name of Wendell L. Willkie as the man who had killed this Cock Robin was never even mentioned.

Mr. McKELLAR. Mr. President, I know the Senator from New Hampshire does not want to make a statement which is not correct. This matter came before the utilities commission in the State of Tennessee.

Mr. BRIDGES. I shall deal with that in a moment.

Mr. McKELLAR. The commission found Mr. Willkie's company, in which Mr. Willkie's name was used hundreds of times, guilty on 842 counts, if I remember the number correctly, for having given special consideration to the rival of the Chattanooga News, the Free Press, which is now generally understood to be owned by Mr. Willkie's company. He was found guilty of various kinds of violations on 842 counts—for not collecting light bills, for lending money, or furnishing money, to the extent of $10,000, to break up Mr. Milton's newspaper. The facts are all set out, and I know the Senator does not want to make the statement that Mr. Willkie's name was not in it. Mr. Willkie's name was on almost every tongue in Chattanooga for several months during that particular conflict.

Mr. BRIDGES. I do not want to have any more argument with the Senator, because I wish to finish my statement. However, I wish to say that I have documentary proof of everything I have said. I have photographs and evidence, and I can prove everything I say here, and in a moment I shall proceed to answer what the Senator has said.

Now, it develops from the minds of New Deal propagandists that the death of the News was the result of a deep plot, and the villain of the piece was none other than the Republican nominee. Moreover, this proves—according to the tale they tell—that Mr. Willkie is an enemy of freedom of the press and a double-dyed hypocrite from protesting his faith in that freedom.

Mr. Willkie's Tennessee Electric Power Co. used its stockholders' money to subsidize one newspaper to influence an election; it wrecked another newspaper advocating rural electrification, and organized a so-called Citizens' and Taxpayers' Association to defeat the efforts of the people of Chattanooga to secure cheap electricity—and this is the power magnate who as Candidate Willkie recently told a Cheyenne audience that "a free and untrammeled press is one of the guarantees of democracy."

Thus the note is pitched for the New Deal smear campaign by none other than John M. Carmody, Federal Works Administrator, speaking at Utica, N. Y., on August 12. He had followed up an editorial blast from one of the few remaining supporters of the New Deal, the Philadelphia Record of July 29, which flatly stated that one of the subsidiaries of the company of which Mr. Willkie was president had killed the Chattanooga News by withdrawing its advertising and transferring it to the Chattanooga Free Press.

Can any of the mud bombardment against Wendell L. Willkie stick? Not if this Chattanooga News yarn is the best they can dig up against him. Because their story simply does not stand up. In fact, the publicity may rebound not only to Mr. Willkie's credit but also turn up a pretty smelly mess of New Deal rottenness. It may even happen that some of the mud aimed at Mr. Willkie may miss him entirely and land smack in the face of the President's own tame millionaire, the Solicitor General, Francis Biddle.

This is an old tale in Chattanooga. It is the story of the rearguard battle of the private electrical companies in the Tennessee Valley against the invasion of the Federal Government into the field of private enterprise by the duplication of existing power facilities and the double subsidization of the sale of electricity.

Let Wendell Willkie sum up the story as he stated it 2 years ago on August 24, 1938, when his company, Commonwealth & Southern Corporation, was said to have contributed to the support of a committee of stockholders in the power company, taxpayers, and citizens of Chattanooga during a campaign for a municipal light plant in that city. The Federal Government had offered to pay 45 percent of the cost and to take over city bonds for the balance. T. V. A. had offered to supply power which it could sell at half cost by charging off to flood control and navigation one half of its capital costs.

"Sure," said Mr. Willkie, "we contributed to the committee that was fighting our battle and I only regret we did not make larger contributions."

NEW DEAL STACKS THE CARDS

There was a bitter campaign. Needless to say, with the cards stacked against it, the private company lost. Let us go into some of the details of it and the charges growing out of it.

Mr. McKELLAR. Mr. President, will the Senator again yield?

Mr. BRIDGES. I yield.

Mr. McKELLAR. The Senator states probably in part the facts, but the Senator ought to state in that connection that Mr. Willkie went further than that. He had several score men in his employ, I think several hundred, registered from vacant lots in Chattanooga in order to vote in that election.

Mr. BRIDGES. Can the Senator prove that charge?

Mr. McKELLAR. Oh, yes. It is in the very record the Senator has.

Mr. BRIDGES. I do not admit that charge. I do not believe it can be proved. I shall continue.

Mr. McKELLAR. Very well.

Mr. BRIDGES. First. But did the company subsidize the Free Press as Carmody alleges "to influence the election"? The election was held on March 12, 1935. The Free Press at that time and for 18 months afterward was a free "throw away" weekly newspaper chiefly carrying the grocery advertisements for the 30 or 40 home stores of Roy McDonald, who also owned the Free Press. At the time of the election and for a long time afterward the local power company had never placed an advertisement in that paper, as the files will show. Mr. Carmody either misinformed his audience or was misinformed by somebody who knew better.

Second. The badly "misinformed" Mr. Carmody stated that the local power company "wrecked another newspaper"—the News. The electric company did not withdraw its advertising from the News until after the election campaign. It did not renew its annual contract when it expired on April 1, 1935. The News already was going downhill, losing prestige and circulation; it had maintained a steady policy of venomous vituperation against the local company. Yet it capitalized the loss of this advertising revenue by an assumption of martyrdom.

But the loss of this one advertising account did not and could not have killed the News. In the last full year in which the company advertised in the News, 1934, the newspaper received from the company a gross revenue of $8,182. And the auditor's report, after the paper quit 5 years later showed that it had been losing money at the rate of $40,000 a year for the last 2 years of its life. It would have still been bankrupt, had the electric company continued its advertising the 5 years more—and had added the amount it spent with the Free Press when it became a daily.

OWN FAMILY FORECLOSED ON NEWS

The bondholders foreclosed after the bonds had been in default from May to December 1939. These bondholders consisted chiefly of Mr. Milton's stepmother and half sisters. Could it have been that his own family decided to sell him out because they had lost confidence in his ability to make a go of the paper he had inherited from his father? Could it have been that Milton just failed to be a successful publisher and, by his own inability, killed the paper himself?

Third. Did the local utility company pay the Chattanooga Free Press a concealed subsidy by padding its advertising rates by 25 percent? Did it pay several times the comparable rate? It did not. The company had a regular rate for regular advertising which was 3 cents per inch lower than it had paid the News. It did, however, pay 25 percent higher for Sunday advertising in colors, exactly as every other advertiser had to pay for the use of this medium. It also paid a premium for position in the Sunday rotogratvure section. The News offered nothing comparable. It had no Sunday edition, no color-printing equipment, no rotogravure section. Sirloin costs more than hamburger.

Fourth. How about the charge that the company allowed the Free Press and the grocery stores owned by the paper's owner to run delinquent without the 5-percent penalty for delinquency? This is true and it is also true that if the company had forced payments the law allows a large portion of the city of Chattanooga at one time or another would have been without electric service. Had it shut down factories, which during the depression had been months in arrears, the unemployment situation would have been far more tragic than it was. The discrimination was not on the part of the company but on the part of the T. V. A. influenced State Railroad Commission. That commission made a separate offense of each month's delinquency of each store in the chain and of the bills of the Free Press. The punishment would have been close to a million dollars had the courts taken the charges seriously. They were dismissed, of course. However, the Railroad Commission, when it focused attention to this single case of delinquency and ignored the cases of several hundred other delinquents including cities, churches, factories, and stores which, equally delinquent, could, and with impartial justice should, have been cited for a total penalty to the company of about $18,000,000. The commission, however, singled out only the one newspaper which had lifted its voice against T. V. A.

Fifth. What is the truth about the two local committees opposing each other in the municipal bond power election of March 1935? Mr. Willkie had been candid about his part in that fight. Mr. Milton's News is almost equally candid.

EDITOR BOASTS NEWS' FAKE COMMITTEE

Sixth. Charles Poe, managing editor of the News in the June 29, 1935, editor and publisher, went into great detail on how this election had been "put over" by the News. Having experimented in the formation of a fake committee for a

previous newspaper crusade, Mr. Milton had the technique perfected for the bond election.

I quote from the article by Mr. Poe, managing editor of the News:

Well, if you are still interested in an occasional crusade for some worthy cause, there is a method which has been successfully used, which can accomplish the desired reform without taking on the appearance of a promotional drive by the paper. It has recently demonstrated its merit in two campaigns pushed through by the Chattanooga News, owned by the progressive George F. Milton. * * *

About a year ago the News had one of its own periodic outbursts of indignation against fee-grabbing. Stories told of how little chance for justice the poor Negroes and whites have in the fee courts. But this time a few men in Chattanooga decided something ought to be done about it. They met quietly and decided that a crusade should be launched. The Civitan Club adopted a resolution, little different from hundreds of others which had been adopted in past years. The squires saw nothing to worry about, but they hadn't been sitting in on the meetings.

The Civitans asked other civic organizations to join with them in setting up a Committee of One Hundred to be composed of leading citizens representing every organization in the city. Mr. Milton was chosen to be chairman of this committee. Subcommittees were created on legal reform, organization, finance, and public opinion.

But what was this Chattanooga movement? A city-wide crusade in which an indignant citizenry was roused to the point of action? By no means. The Committee of One Hundred was nothing more than a screen behind which operated Editor Milton and a few sympathetic men of kindred mind.

The next movement undertaken by the News was the voting by the people of $8,000,000 in bonds to acquire a municipal electric-power system to secure cheap power from the Tennessee Valley Authority. To accomplish this purpose the News instigated an organization known as the Public Power League, supposed to be composed of just about everybody in town, but actually being only an organization of a dozen or so men, through which the News could work up public opinion to accomplish its ends. Committee or speakers, organization finance, public information, and all the other trappings were there.

Mr. Poe failed to add that the News, belaboring the power company, itself violated the State Corrupt Practices Act on two counts: First, as a Tennessee corporation it had made illegal contributions to the election campaign valued at $1,200 at its regular advertising rates, in no less than seven donated full-page advertisements, listed as gifts of the corporation; second, in failing to report such contributions.

LIFTED POLL TAX FOR ELECTION

But the pay-off on the Chattanooga power election was that for the first time in the post-Civil War history of the State an election was held in Tennessee without benefit of poll tax. For this particular election carpetbag T. V. A. lobbyists were able to induce the Tennessee Legislature to relax its fear of the Negro and poor-white votes in the special law required for the election. More than 9,000 more votes were cast in the power election than in the regular municipal election held simultaneously.

A dramatic highlight which exposes the hypocrisy of the New Deal is the public statement issued last week by the Democratic chairman at Chattanooga calling on all loyal new dealers not only to cancel their subscriptions but also to boycott the advertising of the Chattanooga Times because it had announced its support of Wendell Willkie.

To save time, I ask that an editorial from the Knoxville Journal, dated September 27, 1940, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

(From the Knoxville Journal of September 27, 1940)

ATTEMPTED BOYCOTT OF CHATTANOOGA TIMES FOR SUPPORT OF WILLKIE TYPICAL OF NEW DEAL MENTALITY

In neighboring Chattanooga a few days ago, publishers of the respected Chattanooga Times announced, in a thoughtful and well-written editorial, the paper's support of Wendell Willkie for President. Its determination happened to be at variance with its established political affiliation with the Democratic Party, although the accent has always been on the word "independent" where the Time's political policy has been concerned.

The newspaper's decision, however, created some notable repercussions, not the least of which was a public demand on the part of the Democratic manager for Hamilton County that every loyal new dealer should forthwith boycott The Times. We quote the first paragraph of the boycott demand of State Senator Fletcher Morgan, which embodies the intent of the whole:

"I sincerely trust that every loyal Democrat and every supporter of President Roosevelt will cancel their subscription to the Chattanooga Times until, at least, after the November election."

That's the typical New Deal spirit, of course, and the Times was smart enough to print the boycott threat on its front page, knowing that the great majority of its readers would resent the attempt at intimidation, regardless of whether they were for Willkie or Roosevelt. Senator Morgan, by his statement, earns the title of blood brother in the New Deal, because he clearly subscribes to the New Deal credo that "all who are not with us must be destroyed."

It will occur to the discerning reader, however, that Senator Morgan is not being very consistent in attempting to penalize the Times for supporting a Republican instead of a Democrat in the present election.

In his own camp, in fact, on the ticket he is now supporting, there are candidates who have made far more remarkable changes of front position than the one he complains about so bitterly in the case of the Times.

For example, we would call the Hamilton Countian's attention to a certain resolution introduced in the United States Senate by Senator LA FOLLETTE in 1928. It reads as follows:

"Resolved, that it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the Presidential office after their second term has become, by universal concurrence, a part of our Government, and that a departure from this custom would be unwise and unpatriotic and fraught with peril to our great institutions."

That was a splendid statement of conviction in 1928 when it was passed in fear of a third term attempt by Calvin Coolidge. It expressed the views of a great majority of Americans. Now, 12 years later, it is still a splendid statement of convictions.

The thing that Senator Morgan should note, as a stickler for consistency in all things, is the fact that in 1928 Senator K. D. MCKELLAR was included in those voting with enthusiasm for this resolution, but that today Tennessee's senior Senator sees the issue in a different light. What was a patriotic resolution "fraught with peril to our institutions" when it referred to Coolidge is now, in the eyes of our own MCKELLAR, the childish prattle of the futile past.

Or if Senator Morgan wishes to pursue the matter of consistency further, let him consider another phase of Senator MCKELLAR's positions—for example, that on public power.

A few days ago our senior Senator delivered a tirade on the floor of the Senate in which he berated Wendell Willkie roundly for his position on the public power question. The Senator undertook to draw what he considered a striking contrast between the Willkie record as a utilities executive and the Willkie position as a Presidential candidate.

Yet, as was pointed out on the floor of the Senate, Senator MCKELLAR's views on the public power question have been distinctly revised in the last few years.

In 1924 our own and Senator Morgan's Senator MCKELLAR uttered these fateful words in connection with debate on Henry Ford's proposal to buy Muscle Shoals:

"I do not believe that the Government ought to be put in the power business if it is possible to avoid it."

And a little further on in the debate he said again in connection with the Ford offer:

"I am opposed to municipal operation or governmental operation. I would dislike to see that plant go into the hands of the Government for operation, because I do not know what would happen to it. * * * I cannot bring myself, with my rearing and education along political lines, to believe that Government operation of the plant can be as successful as private operation."

Now we would not be misunderstood. We do not deny to Senator MCKELLAR the right, as an American citizen, to change his mind, either on the matter of electing the same President for a third, fourth, or fifth term, or upon that of public ownership of power. We might question his motives, we might suspect that politics entered into both changes, but we concede him the right to make his change of mind.

We do not believe, however, that at least up to this time it is the exclusive privilege of a new dealer to change his position to any public question, which is what the attempted boycott in Chattanooga implies.

So far as the attempt to cut subscriptions on the Times for supporting Willkie is concerned, it won't amount to a hill of beans. But the attitude of those sponsoring the boycott is so typical of the New Deal mentality that it is worthy of notice.

Mr. BRIDGES. Ironically enough, the occasion for my remarks arises during what is known as National Newspaper Week, a period dedicated by the press of the Nation to that sacred American principle of democracy, freedom of the press. In Germany the newspapers may say anything they please, so long as it also pleases the Government. That is the New Deal perversion of the American principle of freedom of the press.

Mr. President, I thank the Senate for its attention and courtesy. I am sorry that I had to rush through this matter so rapidly in order to save the time of the Senate.

Mr. McKELLAR. Mr. President, I shall not undertake to reply this afternoon because it is so late; but while the Senator from New Hampshire is present—I understand he is going away tomorrow—I wish to call his attention to a statement which he made on September 23 concerning the arrest of some man for writing a poem, or a parody upon some other poem, in ridicule of the President of the United States. I sent the following telegram:

WASHINGTON, D. C., *September 23, 1940.*

Hon. ROBERT P. WILLIAMS,
Judge, Municipal Court, Knoxville, Tenn.

Senator BRIDGES has called attention to an article in the Journal stating that you had fined and imprisoned a man for writing and publishing a parody on President Roosevelt. Wire me succinctly facts in case night letter my expense.

KENNETH MCKELLAR.

I received the following telegram in reply, on the same date:

KNOXVILLE, TENN., *September 23, 1940.*

Senator K. D. MCKELLAR,
Washington, D. C.

Man went to foundry of Sanford Day and started trouble with employees with circulars. Foreman called in police, who arrested him, brought him into court, and he was fined $10 for breach of peace and not for circulating poetry.

ROBERT P. WILLIAMS, *City Judge.*

In that connection, in order to keep the RECORD straight, I desire to insert in the RECORD two letters, one from Mr. Lynn Bomar, Director of Public Safety of the City of Knoxville, and one from Mr. H. Staley, a citizen of Knoxville, together with an article published in the Knoxville Sentinel a day or two later. The date does not appear on the clipping. These documents show the facts concerning the arrest.

There being no objection, the letters and the article were ordered to be printed in the RECORD, as follows:

CITY OF KNOXVILLE, TENN.,
DEPARTMENT OF PUBLIC SAFETY,
September 27, 1940.

Hon. KENNETH D. MCKELLAR,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I am enclosing you herewith an article appearing in the Knoxville News Sentinel issue, September 27, 1940. I notice in this article that you say that you do not know whether the Senator from New Hampshire has obtained all the facts in the case. I say here and now that the Senator from New Hampshire has not gone to the trouble of finding out just what the arrest was all about.

As Director of Safety of the City of Knoxville, and having direct supervision over the police and fire departments of this city, I believe I am qualified to know what happened in this particular case, therefore, I am giving you below a complete history of what happened.

On the morning of September 10, 1940, a call was received by the desk sergeant at the Knoxville police station from Mr. Clemmons, foreman at the Sanford-Day Iron Works in Knoxville, stating that there was a man down at his plant distributing circulars concerning President Roosevelt and that his employees resented the circulars being distributed and Mr. Clemmons requested that a police car be sent immediately to the plant for fear that bloodshed might prevail over the incident. This man "Bill Manis" who lives at 1013 Woodberry Street, Knoxville, Tenn., has no visible means of support, therefore, police officers Ammons and McManus upon arrival at the scene, arrested Mr. Manis and placed a charge against him of vagrancy and disorderly conduct. There was absolutely no charge preferred against this man concerning any literature or poem regarding the President.

This case was tried in city court and the defendant was fined $10 for breach of peace by City Judge Robert P. Williams, of Knoxville.

Again, I say to you that there was no political issue in this arrest.

I trust that the information in my letter will give you enough material with which to answer the Republican Senator from New England and to defend the law-enforcement agencies of the good old Volunteer State.

I trust that you are enjoying good health, and knowing you as I do, I know you will continue to give them hell when any slurs are cast upon the citizens of our good old State.

With kindest personal regards, I am

Respectfully,

LYNN BOMAR,
Director Public Safety.

SOUTHERN COFFIN & CASKET CO.,
Knoxville, Tenn., September 27, 1940.

Senator KENNETH MCKELLAR,
Washington, D. C.

DEAR SENATOR MCKELLAR: Upon reading this morning's issue of the "dyed in the wool" Republican Knoxville Journal, I noticed where you had quite an argument with Senator BRIDGES in regard to the arrest of William Manis for circulating a parody poem about President Roosevelt.

For fear that no one else has enough interest in the case to give you the correct information, I have taken it upon myself to give you the facts.

Our police records show that this man entered the Sanford Day Iron Works and was creating a disturbance, and the foreman called the police and had him arrested. He was fined $10 in the city court.

Trusting that this information may be of some service to you, I remain,

Yours for a third term,

H. STALEY.

CASE OF KNOXVILLE MAN AND PARODY ON F. D. R. IS BROUGHT UP IN SENATE—SENATOR BRIDGES, OF NEW HAMPSHIRE, BRINGS MANIS STORY ON FLOOR AND MCKELLAR DEFENDS DECISION—BARKLEY THINKS MAN "GOT OFF VERY LIGHTLY"

The case of Bill Manis, Knoxville man who was jailed and fined for distributing a satirical poem on President Roosevelt, was brought up in the United States Senate recently and is now a part of the CONGRESSIONAL RECORD. It is a record of a Republican Senator from New England arguing politics in the Senate with a Democratic Senator from the South.

Mr. Manis lives at 1013 Woodbury Street. He paid a $10 fine for "breach of peace" in city court after being jailed by police, who answered a call from a mill that Mr. Manis was creating a disturbance there.

Senator BRIDGES, of New Hampshire, was responsible for bringing the Manis case before Congress. Referring to a newspaper clipping of the story, Senator BRIDGES rose in the Senate and, taking the floor from Senator HOLT, of West Virginia, said: "The Senator might be interested in some articles which I have in my hand. I refer to an article published in Knoxville on September 11, 1940. I have since somewhat investigated it personally.

"It says that a man down there by the name of William Manis was placed in jail because he circulated a parody having reference to Mr. Roosevelt.

DICTATOR METHODS

"The Senator from West Virginia, I believe, will recognize that this is getting into about the state of affairs that are found in dictator countries, and the methods used are the methods used by certain dictator countries, when a man in circulating a parody adopted from a poem by Kipling, goes to jail and pays a fine in Knoxville, which is located in the very liberal State of the Senator from Tennessee [Mr. MCKELLAR].

"I wonder if the Senator from Tennessee approves that kind of justice in his State, where a man goes to jail and pays a fine simply because he circularizes a little poem, a parody on President Roosevelt? Is that the type of thing going on in this country today? Are we living under such conditions?"

Senator MCKELLAR replied, "Of course, I do not know anything about it except what I have just heard from the Senator from New Hampshire. I have not seen the article from which he quoted. I must say, however, that if a man has been fined in Tennessee he probably was fined for violation of law."

Senator BRIDGES. "Would the Senator consider it a violation of law if a man wrote and circulated a little parody which has nothing wrong in it, about Mr. Willkie, and that he ought to go to jail for doing so? Do they not have a sense of humor in Tennessee?"

Senator MCKELLAR. "I would not consider it a violation of law and I do not think a man should be sent to jail for saying the same thing about President Roosevelt. I do not know, however, that the Senator from New Hampshire has gotten all the facts in connection with the case.

CAN APPEAL CASE

"I have no doubt that if the man to whom the Senator from New Hampshire refers was sent to jail in Tennessee it was because he had committed an offense against the Tennessee law, and under a proper application of the law, he was sent to jail. All the man has to do, in such circumstances, is to appeal the case."

Discussion continued and Senator BRIDGES was finally asked to read the poem, which he did, and it was incorporated into the CONGRESSIONAL RECORD.

After the poem had been read, Senator HOLT said, "Does the Senator mean they sent him to jail for circulating that poem?"

Senator BARKLEY. "Does the Senator mean that he got off with a jail sentence for writing that sort of stuff. He is certainly lucky to get off with merely a jail sentence for writing that sort of thing."

GOT OFF LIGHT

Senator MCKELLAR. "I think a man who will deliberately tell a falsehood about the President of the United States such as that contained in the poem which the Senator from New Hampshire read got off very lightly with a $10 fine."

"What was done was done under the Democratic judicial system down there, and I simply bring it up to show that we are getting into a certain trend in this country."

Senator MCKELLAR. "We have a Republican Federal judge there who might look after the matter for the Republican Party."

Senator BRIDGES. "I will say that the Senator from Tennessee is going to help them as much as he can and as fast as he can by adding judges."

Senator MCKELLAR. "Yes; we are going to add them when appointment of judges is necessary to be made in a Democratic administration, in precisely the same way that the Republicans added Repub-

lican judges when vacancies arose under Republican administrations."

Mr. BRIDGES. Mr. President, inasmuch as the Senator has inserted certain matters in the RECORD, let me say that, as the Senator has pointed out, the charge was that of disturbing the peace; but the disturbance of the peace consisted of distributing circulars which contained a parody on Mr. Roosevelt. That was the basis of the charge. So the Senator has not told all the story.

Mr. McKELLAR. I imagine that the judge probably knew more about the facts than does my good friend from New Hampshire. I happen to know the judge. He is one of the most honorable, upright, and fair men in the city of Knoxville. I am quite sure he would tell me the truth. I sent the telegram in perfect good faith to ascertain the facts. I did not know the facts when the Senator discussed the matter on September 23, and I so stated; but I ascertained the facts. I have put into the RECORD a newspaper article published in the town, the facts as given by the judge, and the facts as given by others. I think they are probably more nearly correct than is my good friend from New Hampshire.

Mr. BRIDGES. Just one further reference, so long as the Senator from Tennessee has opened up the matter. I wish to point out that even in the newspaper article and in his explanation it is stated that the basis for the charge of disturbing the peace was the distribution of circulars. We do not know what was on the circulars, but I say there was on the circulars the parody on Mr. Roosevelt; and inasmuch as there was nothing obscene and nothing wrong with the poem, the man could not be fined on that basis. It was necessary to make a charge, so he was fined for disturbing the peace. The disturbance of the peace consisted in distributing the circulars with the parody on Roosevelt.

Mr. McKELLAR. He was fined and sent to jail, and did not appeal.

Mr. BARKLEY. Mr. President, if the man was guilty of disturbing the peace, I do not suppose the Senator from New Hampshire would want the case dismissed merely because he had a poem in his pocket.

Mr. BRIDGES. I thank the Senator.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. CONNALLY, from the Committee on Finance, reported favorably the nomination of Victor Russell, of Beaumont, Tex., to be collector of customs for customs collection district No. 21, with headquarters at Port Arthur, Tex., in place of William H. Gilliland, deceased.

Mr. KING, from the Committee on Finance, reported favorably the nomination of Roy G. Paschal, of Little Rock, Ark., to be collector of internal revenue for the district of Arkansas, to fill an existing vacancy.

He also, from the same committee, reported favorably the nominations of sundry senior surgeons, surgeons, assistant surgeons, and passed assistant surgeons for promotion in the Public Health Service.

He also, from the same committee, reported favorably the nominations of sundry doctors to be assistant surgeons in the Public Health Service.

COLLECTOR OF CUSTOMS—VICTOR RUSSELL

Mr. SHEPPARD. Mr. President, I ask unanimous consent for the present consideration of the nomination of Victor Russell to be collector of customs for customs collection district No. 21. This nomination was reported earlier in the day.

The PRESIDING OFFICER (Mr. DANAHER in the Chair). Is there objection to the request of the Senator from Texas? The Chair hears none. Without objection, the nomination is confirmed.

Mr. SHEPPARD. I ask that the President be notified.

The PRESIDING OFFICER. Without objection, the President will be notified.

Mr. SHEPPARD. I wish to state that Mr. Russell has been my secretary for more than 20 years. I take this occasion to thank him for the fidelity and efficiency with which he has performed the duties devolving upon him while at the head of my office staff.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

The PRESIDING OFFICER. Without objection, the nominations in the Diplomatic and Foreign Service are confirmed en bloc.

POSTMASTER FRANK S. PERKINS' NOMINATION PASSED OVER

The legislative clerk read the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr., which had been previously passed over.

Mr. McKELLAR. Mr. President, I ask that this nomination be again passed over.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the remaining nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the remaining nominations of postmasters are confirmed en bloc.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock p. m.) the Senate took a recess until tomorrow, Thursday, October 3, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 2 (legislative day of September 18), 1940

DIPLOMATIC AND FOREIGN SERVICE

TO BE CONSULS OF THE UNITED STATES OF AMERICA

T. Muldrup Forsyth	Edward E. Rice
Walter J. Linthicum	Wales W. Signor
Patrick Mallon	Jay Walker
Maurice Pasquet	Clare H. Timberlake

COLLECTOR OF CUSTOMS

Victor Russell to be collector of customs for customs collection district No. 21, with headquarters at Port Arthur, Tex.

POSTMASTERS

MISSISSIPPI

Harry H. West, Carriere.
Leila M. Thornton, Pachuta.

HOUSE OF REPRESENTATIVES

WEDNESDAY, OCTOBER 2, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, we pray that the remembrance of Thee may fill our breasts with peace and confidence. When we for-

get Thee and become unmindful of Thy mercies do Thou bear patiently with us. Let this truth challenge us: No career can be defeated and no life can be a failure that seeks and strives to do Thy will. Let Thy hand still lead us on in strength and courage. Cast out of our lives the things that cause grief and harm. O Father of light and truth, in these days of great responsibilities, may all our powers be consecrated to the public service. We praise Thee that civilization is not dead. "A thousand years in Thy sight are as yesterday when they are past." We pray that the passion of timelessness may surge through our thoughts. The chivalrous, courageous soldier bodies of the immortal yesterdays consecrate the soil and dust of this old earth. They walked through poisoned flames across the shuddering battlefields and made answer to righteous duty. Almighty One, increase the power of our faith in the ultimate destiny of democracy and the kingdom of our Lord. Speak, Lord, that the vandals of truth and humanity may not turn backward the immortal timepiece nor hold up the chariots of God. In our Saviour's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 9581. An act to amend the Merchant Marine Act, 1936, as amended.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4316. An act to repeal sections 4588 and 4591 of the Revised Statutes of the United States; and

S. 4341. An act to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1160) entitled "An act for the relief of Roland Hanson, a minor, and Dr. E. A. Julien."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4088) entitled "An act to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 3437. An act for the relief of the Franco-American Construction Co.

EXTENSION OF REMARKS

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to extend by own remarks in the RECORD and to include therein a letter from a constituent on the Elliott Roosevelt appointment.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief statement I secured from the Library of Congress.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my own remarks three times in the RECORD and to include therein certain statistics and quotations.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent Mr. BRADLEY of Michigan, Mr. HESS, and Mr. SECREST were given permission to extend their own remarks in the RECORD.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief article by Roy Howard, the publisher, and comments thereon by the Japanese Ambassador.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter and two editorials.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BOLLES. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 15 minutes today after the disposition of the legislative program for the day.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ELLIOTT ROOSEVELT

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RICH. Mr. Speaker, I see in the Times-Herald this morning that President Roosevelt yesterday declined to be drawn into the controversy currently raging over the Army giving his son Elliott a captain's commission in the Procurement Division of the Air Corps.

I overheard a conversation yesterday by a Democratic Member of Congress the substance of which related to an effort on his part to have a man appointed a captain in the Army, a man who had distinguished himself in service. The War Department told this Congressman that no man could be given a captaincy except through the regular channels. The Congressman asked how Elliott Roosevelt became a captain, and he was told his commission "came from the White House."

If the newspapers want to know where it came from, they can just report that it came from the White House.

Let me make the further observation that those who wear the purple robes in this country are the ones who seem to be favored in these appointments—they and the economic royalists. Now we know where they live. The White House says we must place the favorite sons in service in the ordnance departments, but we will conscript your sons and put them in the ranks. Where is the dictator who places himself in such a position that he can do for his son what he does not want the poor man's son to have?

[Here the gavel fell.]

APPLY THE GASOLINE TAX TO ROAD CONSTRUCTION

Mr. SECREST. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SECREST. Mr. Speaker, after a conference with officials of the Ohio Good Roads Federation, I prepared a bill to establish a permanent basis for Federal assistance to the States in road construction.

At the present time funds collected from the Federal tax on gasoline and oil are placed in the general fund of the Treasury, and appropriations for roads are made from any available funds regardless of where they were collected.

Under the bill I have introduced, the Federal taxes collected from the motorist would be placed in a separate account in the Treasury and the full amount expended for road construction.

At the present time Federal funds can be spent only on Federal highways, and the State must match the Federal grant dollar for dollar. This takes so much of the State's road funds that many State highways, such as Ohio Routes 7 and 78, are badly neglected.

Under my bill, the State would continue to match the Federal funds, but 40 percent of the total sum could be spent in the improvement of State routes. Only 60 percent would need to be expended on the Federal system. This would prevent a diversion of motorists' taxes and would permit the development of a much better balanced highway system.

Around such a key system the whole program of county and township roads could be developed, whether constructed with local funds or with W. P. A. assistance.

To expedite national-defense transportation and to insure a full return for the motorists' tax, legislation of this kind is imperative. I am sure it will have the full and careful consideration of the Roads Committee of the House when the time arrives to make our regular authorization of Federal highway grants.

EXTENSION OF REMARKS

Mr. SCHWERT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech by Senator MEAD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, if the House is in session on next Wednesday, I ask unanimous consent that I may be permitted to address the House for 30 minutes after disposition of business on the Speaker's table and the calendar business in order for the day.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include two articles from the New York Times.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut [Mr. SHANLEY]?

There was no objection.

Mr. LEWIS of Ohio asked and was given permission to extend his own remarks in the RECORD.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on veterans' legislation and to include some data that I have prepared, including excerpts from laws and regulations on veterans' affairs.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

AMENDMENT OF COMMODITY EXCHANGE ACT

Mr. PACE. Mr. Speaker, I call up the conference report on the bill (H. R. 4088) to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts, and I ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. PACE]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4088) to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, and 5, and agree to the same.

H. P. FULMER,
HARRY P. BEAM,
STEPHEN PACE,
CLIFFORD R. HOPE,
J. ROLAND KINZER,
Managers on the part of the House.

ELMER THOMAS,
G. W. NORRIS,
W. J. BULOW,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4088) to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, as it passed the House, amended the term "commodity" for purposes of the Commodity Exchange Act, as amended.

The amendments of the Senate added to the list of commodities covered by the definition, hides, tallow, soybean oil and all other fats and oils, soybeans, and soybean meal.

The conference agreement omits "hides," from the definition but includes the other commodities added by the Senate, so that with the amendments agreed to in conference the term "commodity" for the purposes of the Commodity Exchange Act, as amended, will read as follows: "The word 'commodity' shall mean wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, Solanum tuberosum (Irish potatoes), wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans and soybean meal."

H. P. FULMER,
HARRY P. BEAM,
STEPHEN PACE,
CLIFFORD R. HOPE,
J. ROLAND KINZER,
Managers on the part of the House.

Mr. PACE. Mr. Speaker, in explanation of this report, may I say that several months ago the House passed a bill to amend the Commodity Exchange Act so as to extend its provisions to other commodities. As the law reads at the present time the following commodities are under the terms of that act: Wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, Irish potatoes, and wool tops. At the present time those are the agricultural commodities subject to the terms of the Commodity Exchange Act. The House bill added fats and oils, including lard, cottonseed oil, peanut oil, cottonseed meal, cottonseed, and peanuts.

In the Senate the bill was amended to add soybean oil, soybeans, soybean meal, tallow, and hides.

The conference committee has agreed to the additions made in the Senate with the exception of hides. Under the conference report the item of hides is not included as a commodity under the terms of the Commodity Exchange Act. That is the full substance of the report.

Mr. SABATH. Will the gentleman yield?

Mr. PACE. I yield to the gentleman from Illinois.

Mr. SABATH. You took off hides, which was a Senate amendment?

Mr. PACE. There was some objection on the part of certain members of the committee at this time to the inclusion of hides under the act.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. PACE. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. The conference report takes in fats and oils. Can the gentleman give us some idea whether or not that means all fats and oils of every character or just vegetable and animal fats and oils?

Mr. PACE. Under the terms of the amendment adopted by the Senate, my interpretation would be that it includes all vegetable oils and fats, because the Senate expressly added the language which was not in the House bill "and all other fats and oils." It specifies some in particular, for instance, cottonseed oil, peanut oil, soybean oil, lard, and tallow, then adds the all-inclusive term "and all other fats and oils."

Mr. AUGUST H. ANDRESEN. Does the gentleman construe this language to mean that all fats and oils that are sold will be included under regulation of the Commodity Exchange?

Mr. PACE. All fats and oils listed on the Commodity Exchange will be subject to the terms of this act and should be.

Mr. AUGUST H. ANDRESEN. That means it will take in those that are listed for sale on the Commodity Exchange?

Mr. PACE. That is right.

Mr. AUGUST H. ANDRESEN. And that would not necessarily mean all fats and oils that are sold?

Mr. PACE. That is my understanding. It deals only with the fats and oils listed on the exchange, and I think it properly should if they are competitive oils. They should all be treated alike.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

RETIREMENT OF CERTAIN MEMBERS OF METROPOLITAN POLICE DEPARTMENT AND FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA AND THE UNITED STATES PARK POLICE AND WHITE HOUSE POLICE FORCE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8846) to provide for the retirement of certain members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the members of the Fire Department of the District of Columbia, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 9, after "service", insert "or whenever any member of the United States Secret Service, who has served 25 years in the service of the United States Government, the duties of whom in whole or in part related to the protection of the life of the President and who has actively performed duties other than clerical for 10 years or more directly related to the protection of the President extended by the Secret Service Division."

Page 2, line 9, after "service", insert "and having reached the age of 55 years."

Page 2, line 11, after "force", insert "or Division."

Page 2, line 15, after "retirement", insert ": *Provided, however,* That in any fiscal year any such retirement shall be in accordance with such rules and regulations as may be adopted by the Commissioners of the District of Columbia, and in no fiscal year shall the amount of all such retirements authorized under the provisions of this paragraph aggregate more than $30,000."

Page 2, line 15, after "retirement", insert "*Provided further,* That, when any member of the United States Secret Service Division shall have performed service in connection with the protection of the President for 10 years or more, thereby becoming subject to future retirement after 25 years' service under the provisions of this act, that he shall be authorized to transfer all funds to his credit in the United States Civil Service Retirement Fund to the Policemen and Firemen's Relief Fund of the District of Columbia, and that after the transfer of such funds the salary of that member shall be subject to the same deductions for credit to the Policemen and Firemen's Relief Fund of the District of Columbia as the deductions from salaries of other members contributing to that fund, and he shall be entitled to the same benefits as other members contributing to that fund."

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, this is a bill from the District Committee?

Mr. RANDOLPH. Yes. In further answer to the inquiry of the gentleman from Michigan, I should like to say that this measure passed the House on a regular District day several months ago. It went to the Senate and was passed by that body on Monday with three amendments. I believe the House should know exactly what these amendments are.

First of all, the House bill provided retirement features for members of the fire department and the police department of the District of Columbia. The Senate modified the bill to include the members of the United States Secret Service Police who actually guard or protect the President of the United States, not clerical forces in that group but those actually engaged in the active guarding or protection of the Chief Executive. The provisions of the retirement would become applicable to those members of the United States Secret Service Police after they had served in that capacity for 10 years.

The second provision, as changed by the Senate, would make the retirement benefits payable only upon the reaching of age 55 by a member of any of these three forces; that is, after he has served 25 years in that capacity.

The third change is that the Senate put a limitation of $30,000 on the cost of the retirement fund to the District of Columbia in any fiscal year.

Mr. MICHENER. As I understand, these amendments have the approval of the District Committee of the House.

Mr. RANDOLPH. Yes; their full approval. I have discussed the matter with the ranking minority member of the committee, the gentleman from Illinois [Mr. DIRKSEN], who has conferred with others.

Mr. MICHENER. I withdraw my reservation of objection, Mr. Speaker.

Mr. RICH. Reserving the right to object, Mr. Speaker, I should like to ask this question of the gentleman. I understood the gentleman to say that the policemen and firemen will be retired at the age of 55 years.

Mr. RANDOLPH. Only after they have had 25 years of service. They could not become eligible for retirement before the age of 55, and in no event until after 25 years of service.

Mr. RICH. If a man serves 25 years and is retired and gets a pension from the District of Columbia, will he be permitted to work in the District, to draw his pension and have another job?

Mr. RANDOLPH. No, indeed. Further, he would not have to retire at the age of 55. It would be optional.

Mr. RICH. I believe that whenever we get the pension age down to 55 years we are going after awhile to get it down to 50 years and 40 years, and then we will not want to work at all. I would not want to retire at 55 years of age unless I were sick or incapacitated. I cannot, for the life of me, see why an able-bodied American, whether he is in the police department or the fire department or in any other work, would want to retire at 55. That is too young.

Mr. RANDOLPH. I doubt if many of them would take advantage of it.

Mr. RICH. We ought not to pass such laws. We ought not to grant them that privilege. I would not want it myself, and I do not see why anybody else would want it.

Mr. RANDOLPH. I may say in answer to the observation of the gentleman from Pennsylvania that it was brought out in the hearings that oftentimes, in fact, many times, men doing this type of work are men who should be eligible for retirement at the age of 55, but only after they have completed a quarter of a century of endeavor.

Mr. SECCOMBE. Reserving the right to object, Mr. Speaker, may I say that this will affect very few men of the age of 55, if any, because after they have served 25 years, having gone on the force at the age of 30 or 35, they will be 65 or over when they retire. There will be very few, probably none, who will be retired at 55.

Mr. RICH. Then why did we set the age limit at 55?

Mr. SECCOMBE. We made that limitation; that was all. We had to make some limitation.

Mr. RICH. Why did we not keep it up to 60 or 65?

Mr. SECCOMBE. The 25 years' service will correct that.

Mr. BOLLES. Reserving the right to object, Mr. Speaker, may I say that the bill we have before us is not the bill that was passed by the House. It is not as good a bill, but we are willing to accept this. The men in the fire department and many other services have retirement organizations.

Mr. EBERHARTER. Reserving the right to object, Mr. Speaker, may I say in regard to the observations of my colleague, the gentleman from Pennsylvania, that the fact of the matter is that practically every large city in the United States has much more liberal provisions for the retirement of their policemen and firemen than has the District of Columbia. One reason for this is that many times policemen and firemen, after performing their strenuous duties, are

partially incapacitated when they reach the age of 55 or have served 25 years. If they were not permitted to retire, the efficiency of the police and fire departments would be very much decreased. It is also in the interest of having an efficient police department and fire department that the Committee on the District of Columbia favor this measure.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent that on Monday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

REQUESTING CERTAIN INFORMATION FROM THE SECRETARY OF WAR

Mr. MAY. Mr. Speaker, I present a privileged report from the House Committee on Military Affairs on House Resolution 613.

The Clerk read the resolution, as follows:

House Resolution 613

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the House of Representatives all such information as he may possess, or which may be available in the War Department, to answer the following questions:

(1) Has the War Department, or any official or representative thereof, entered into any contract for the construction of anything to be used in connection with our national-defense program, and especially contracts for the production of munitions of war, tanks, aircraft, artillery, including antiaircraft guns, warships, camps, cantonments, buildings, or structures of any kind, or furnishings for the same, which provide in substance, or are to the effect, that only members of a union are to be employed on such work?

(2) Under any contract let by the War Department for any of the foregoing purposes has any contractor or subcontractor entered into any contract which in substance provides for the employment of only those men who belong to a designated organization?

(3) On any of the work above designated has any contractor or subcontractor refused employment to any man otherwise qualified for the reason that he did, or did not, belong to a union?

(4) If in answering the foregoing questions it appears that men who are not members of a union have been denied employment because they were not members of a union, when they applied for work on any defense project or in any manufacturing industry which was engaged in making materials for the national defense, give three instances where men, for the reasons stated, were denied employment.

(5) If in any instance a demand has been made that only union men be employed on the work hereinbefore referred to, by whom was such demand made, and if the information is available, was the demand the result of a vote of the membership of the union or of some official or officials of the union?

Mr. MAY. Mr. Speaker, I ask unanimous consent that the report of the committee may be read.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

REPORT TO ACCOMPANY HOUSE RESOLUTION 613

The Committee on Military Affairs, to whom was referred House Resolution 613, requesting certain information relating to employees on national-defense projects, having considered the same, submit the following report thereon with the recommendation that it do not pass:

The action of your committee is based upon a letter from the War Department under date of October 2, 1940, which indicates that a research for this information would involve an enormous amount of clerical help as there are over 1,000,000 contracts for purchase orders in connection with our national defense which would have to be thoroughly searched.

Attached hereto and made a part of this report is a letter from the War Department.

WAR DEPARTMENT,
Washington, October 2, 1940.

Hon. ANDREW J. MAY,
Chairman, Committee on Military Affairs, House of Representatives, Washington, D. C.

DEAR MR. MAY: Careful consideration has been given to House Resolution 613, Seventy-sixth Congress, third session, transmitted to the War Department, with the request that the committee be furnished a report in triplicate, setting forth the War Department's views concerning the proposed legislation.

The purpose of the resolution is to require the Secretary of War to furnish the House of Representatives such information as he may possess, or which may be available in the War Department, to answer certain questions, briefly restated as follows:

(1) Has the War Department or any official or representative thereof entered into any contract for construction or production "in connection with our national-defense program," which requires that only members of a union may be employed?

(2) Has any contractor or subcontractor, under any contract of the character referred to in paragraph (1) above, entered into any contract requiring the employment of only those men who belong to a designated organization?

(3) Has any contractor or subcontractor, or any of the work of the character designated in paragraph (1) above, refused to employ any man solely for the reason that he did or did not belong to a union?

(4) If in answering the foregoing questions it appears that men who are not members of a union have been denied employment on contracts of the character referred to in paragraph (1) above, because they were not members of a union, give three such instances.

(5) If in any instance a demand has been made that only union men be employed on work of the character referred to in paragraph (1) above, by whom was the demand made, and if the information is available, whether the demand was the result of the vote of the union or of some official or officials thereof.

If this resolution is passed the War Department would be in a position promptly to answer question (1) without extended research.

With reference to question (2) of the resolution subcontracts are not in general filed in the War Department. However, all subcontracts under prime contracts for construction on a cost-plus-a-fixed-fee basis are so filed. Such of these subcontracts as are on a cost-plus-a-fixed-fee basis are on a form approved by the War Department, and no investigation regarding them would be required. Though it is unlikely that subcontracts on a fixed-price basis under cost-plus-a-fixed-fee contracts contain any clause requiring the employment only of men belonging to a designated organization, nevertheless, in order definitely to answer question (2), insofar as such subcontracts are involved, it would be necessary to search the files of the War Department pertaining to all cost-plus-a-fixed-fee construction contracts. Cost-plus-a-fixed-fee contracts for supplies and facilities are in the same situation. As to construction and other contracts not on a cost-plus-a-fixed-fee basis, ordinarily there is no occasion for filing the subcontracts with the War Department.

In order, therefore, definitely to answer question (2), insofar as information available in the War Department is concerned, a search of War Department records pertaining to each contract for construction and for production in furtherance of the national-defense program would be required, on the remote possibility that data might be found showing that contractors or subcontractors have entered into contracts requiring the employment of only those men who belong to a designated organization.

For the purpose of ascertaining what information, if any, is available in the War Department as the basis for an answer to question (3) whether any contractor or subcontractor on work of the character referred to in question (1) has refused to employ any man because he did not belong to a union, it will be necessary to make a search of War Department records pertaining to all contracts for construction and production entered into during the emergency in connection with the national-defense program, including reports and correspondence.

The same is true with regard to question (4) which requires that, if in answering questions (1) to (3), inclusive, it appears that men have been denied employment because they were not members of a union, three such instances be given.

Question (5) could only be answered by a thorough search of War Department records for the purpose of ascertaining whether there are available any data pertaining to any contract of the character referred to in question (1) showing that demand has been made for the employment of union men only.

As indicated above, a vast amount of research would be involved in ascertaining what information, if any, is available in the War Department as a basis for answers to questions (2), (3), (4), and (5) proposed in the resolution. The extent of such search will be appreciated when it is realized that during the emergency declared by the President to exist on September 8, 1939, there have been entered into by the War Department over 1,000,000 contracts and purchase orders in connection with the national-defense program.

The War Department, therefore, is of the opinion that during the existence of the emergency, when all the time and energies of War Department personnel are needed in carrying out the national-defense program, it should not be called upon to make the investigations which would be required to answer the questions referred to in the next preceding paragraph.

Accordingly, the War Department recommends against the passage of the resolution.

This report has not been submitted to the Bureau of the Budget.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

Mr. MAY. Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

Mr. FADDIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10339) to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, after "military", insert "or naval."

Page 1, line 8, after "thereof", insert "ordered, manufactured, procured, or possessed for export purposes."

Page 2, line 3, after "materials", insert "and to sell or otherwise dispose of any such articles or materials, or any portion thereof, to a person or a corporation of the United States whenever he shall determine such action to be in the public interest. Any moneys received by the United States as the proceeds of any such sale or other disposition of any such articles or materials or any portion thereof shall be deposited to the credit of that appropriation out of which was paid the cost to the Government of the property thus sold or disposed of, and the same shall immediately become available for the purposes named in the original appropriation: *Provided, however*, That nothing in this section shall modify or repeal section 14 of Public Law No. 671, Seventy-sixth Congress, approved June 28, 1940."

Mr. MICHENER. Mr. Speaker, reserving the right to object, as I understand, these amendments are matters of detail, so to speak, and do not change the fundamental principles of the bill as it passed the House. Am I correct or am I wrong about that?

Mr. FADDIS. That is correct. They are just clarifying amendments that the Senate saw fit to put in. A couple of them were proposed by the War Department to further clarify the measure.

Mr. MICHENER. I see the gentleman from Illinois [Mr. ARENDS], a minority member of the committee, is present.

Mr. ARENDS. Mr. Speaker, this has the approval of the members of the Military Affairs Committee, which met this morning and discussed the Senate amendments.

Mr. MICHENER. Then the minority members of the Military Affairs Committee are in accord with the Senate amendments and join in the request to accept the Senate amendments?

Mr. ARENDS. That is right.

Mr. VORYS of Ohio. Mr. Speaker, reserving the right to object, would the gentleman explain just what this bill is in order to refresh our recollections? Is this the strategic-materials bill?

Mr. FADDIS. This is a bill that passed the House on the 22d day of July and gives the President permission to requisition various tools—machine tools or materials of various kinds now on the docks at our ports—that are forbidden to be exported under the provisions of an act passed on July 2, 1940, which requires a license to export any of these tools because we need them today in the United States, and because of other matters connected with the foreign situation the exportation of them has been forbidden. They are now on the docks and the Government of the United States wishes to get them for the use of American industry in building up our national-defense program.

Mr. VORYS of Ohio. And this amendment provides that he cannot only requisition them but sell them?

Mr. FADDIS. He can sell or dispose of them, and the money goes back into the Treasury.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. FADDIS. Yes; I yield.

Mr. RICH. After we disposed of the 50 over-aged ships, I see in the papers that we are disposing of tanks and other war matériel. Does this bill in any way give any more power to the President, and does the gentleman know of any way that he gets the power to dispose of a lot of this war equipment?

Mr. FADDIS. This bill, I will say to the gentleman from Pennsylvania, gives the President no further power to dispose of any equipment of that kind. It only applies to the equipment that comes under the category of equipment specified in the act of July 2, 1940.

Mr. RICH. We ought not to give him any more power.

Mr. FADDIS. I am glad to reassure the gentleman in that respect.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ORDER OF BUSINESS

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, the last deficiency bill was passed by the House a little over a week ago and is over in the Senate and has not yet been reported out so far as I know. The third supplemental defense bill for 1941 was passed by the House last Thursday and that has not yet been reported out in the Senate. I was wondering if the Speaker could give us any information as to the program with reference to these bills and as to what might happen with reference to them the rest of the week or the first of next week.

The SPEAKER. The Chair would prefer to make an announcement about that tomorrow, if that is agreeable and will not inconvenience the gentleman from New York.

EXTENSION OF REMARKS

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter to me from the Honorable Charles F. Trivette, of Virgie, Pike County, Ky.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made last week on the bill H. R. 10572, the deficiency bill, and to include therein brief excerpts from a report of a subcommittee of the Committee on Mines and Mining.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an article on Railroad Travel, the Safest Method of Modern Transportation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPEALING CERTAIN SECTIONS OF THE REVISED STATUTES

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4316) to repeal sections 4588 and 4591 of the Revised Statutes of the United States. It is identical with a bill which passed the House on Monday by unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 4588 and 4591 of the Revised Statutes of the United States (U. S. C., title 46, secs. 686 and 687) be, and they are hereby, repealed.

SEC. 2. All certificates heretofore issued to seamen under the authority of section 4588 of the Revised Statutes of the United States are hereby declared void.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Under previous order of the House the gentleman from Wisconsin [Mr. BOLLES] is recognized for 15 minutes.

AMERICAN NEWSPAPERS

Mr. BOLLES. Mr. Speaker, beginning today and for a week, the newspapers of the United States and those connected with the profession and the business of publishing, both weeklies and dailies, are celebrating Newspaper Week.

Weeklies and dailies and other publications issued regularly at intervals number some 23,000 in the United States. About 400 of these are what are known as metropolitan dailies published in cities of more than 100,000 population. Some seventeen hundred are daily papers published in small towns and there are cities of even as low a population as eighteen hundred that have a daily newspaper.

There are no national newspapers. Once upon a time there was such a paper with a great circulation of weeklies and triweeklies over the United States. The great journalists of the middle nineteenth century have disappeared. The Greeleys, Watersons, the Medills, and the Danas; the Raymonds and those great formers of public opinion prior to and during and after the Civil War, have gone from the newspaper picture. The bulwark of the newspapers in the United States is the community paper. This is the great and powerful press in the United States. There is no outstanding personality in the editorial side of our newspaper today. The public does not know the name of the editor or who writes the editorials or who is responsible for the news in the paper except in a very few instances when the name is published at the head of the editorial column.

The newspaper of yesterday has changed. It is no longer an experimental venture. It is a business as sound as the making of steel. It is no longer an organ of propaganda; it is an established institution, vitally necessary to every community, local and national historian, philosopher, commentator, and above all deals in news.

We have examples of newspapers that are not newspapers. They bear the same relationship to sound newspapers that jazz, played by a Negro saxophone band, does to a Strauss composition by the Chicago symphony orchestra. Screaming sensation, back-alley liaisons, hashish and opium—stimulated situations, Magdalenes weeping over yellow criminals, fiction that permits the eel-like heroine to dance with the devil and slide out of danger in the next chapter, columns of moron piffle written for the brain of 16, inaccuracies that mislead—these may win an audience but it will leave hastily when someone else makes a worse and more daring exhibit of distorted mentality. Instead of a bell on the cash register such newspapers should have a siren. But we have them—a few and the greatest blot on the character of the American people is that they have readers. One does not have to be vulgar to be brilliant nor is stupidity always a sign of moral decency.

The community newspaper is a part of even life itself, not a thing apart like the love of man, to its public. It gets into the family life like the dog and cat or the favorite horse. It has its place with the latest volume from the book club, the Bible, and the letter from the boy in college. Its markets fix the family income, its localized community news tells the daily story of a peoples' history within the horizon in which these friends live. Weekly or daily, its worth is measured by the news it prints and not by the history it recites. From it can be learned how to crochet a dress, what is going on in Singapore, bake a new kind of cake, where the new lamp should be set, what new panacea has been proposed in Washington, what the sermon will be about on Sunday, how Al Capone is faring, and when Mrs. Neighbor will get home from the hospital with the new baby.

Arthur Twining Hadley, former president of Yale, said once that—

> Public sentiment represents each man's share in that political conscience which is as important for the ordering of the affairs of the individual. Public opinion is a judgment formed in accordance with the dictates of this political conscience and representing a theory which a man is prepared to apply against himself as well as against others.

And then President Hadley continues:

> Where it exists such public opinion is not only powerful but all powerful. It can accomplish more than any other coercive agency in the world.

Now, I may say that as a Member of Congress I am confronted with these things. I must realize to the fullest extent my own responsibility. The syndicate writers, with the sophistry of words, and all the others who indulge in something outside of public sentiment which reaches the stage of propaganda, are creating public opinion.

Propaganda is that thing spoken or written which has for its purpose, justifiable or not, the attainment of a definite object in creating public opinion. Its truth or falsity is no concern of the propagandist. There is a milder form of propaganda that is found in a flood of Government press releases, purporting to be reports on ordinary affairs but nevertheless with a most definite objective—to give the public an idea of the overwhelming interest of bureaus and departments in the welfare of the American people. Now, propaganda is differentiated from news acceptable to the newspapers by news being pure at its source. It is a record of fact only and not vitiated by opinion subtle or openly.

This literary propagandic epilepsy finds its way into the newspapers in spite of wastebaskets. The public may be fed arsenic in small doses and live; it may be fed opiates with its morning coffee or its afternoon tea; it may not know it is taking either and will probably deny any effect, but nevertheless it is being changed by its newspaper reading of propaganda, subtly, unconsciously, and thoroughly.

We constantly discuss in Congress and out that constitutional prerogative guaranteed to the American people under the clause of "Freedom of the Press."

This freedom was not obtained by any sudden movement. It has been a long and continuous struggle. The free newspapers with the right to criticize those in authority came into being after a battle by John Wilkes in England during the reign of George III. He was jailed many times. His newspapers suppressed. His type and plant destroyed but he battled on until there was aroused opinions in the minds of the public and those in lesser authority and permitted the newspaper to exist with its right to criticize and its right, much more important and much more valuable to the public conscience, to print the news.

In America, this battle was fought out 205 years ago in a courtroom in New York, where a poor, but stubborn German young man named Peter Zenger, fought for the right to print the news concerning the arrogant William Cosby, Governor of the New York Colony, who had visions of grandeur and hopes of being a dictator. It was a surprise to the court when Andrew Hamilton (no relative of Alexander), known at that time to be the greatest lawyer of the Colonies, had volunteered to defend Peter Zenger. The 80-year-old Hamilton proceeded to deliver one of the greatest courtroom arguments ever heard in America before or since. I recommend to every attorney that he read this argument of Hamilton's. It was printed in pamphlet form and circulated in the Colonies, as well as in Great Britain. This address of Hamilton's had a distinct and definite relationship to the making of the Constitution and the inclusion in the Bill of Rights the freedom of the press as one of its cornerstones.

No country can be free without a free press. No country can know about or understand the movements of the people of any nation without a free press. I only quote but little from Hamilton, but here is the crux of his argument:

> It is the best cause—the cause of liberty.
> I make no doubt but your upright conduct this day will not only entitle you to the love and esteem of your fellow citizens, but every man who prefers freedom to a life of slavery will bless and honor you as men who have baffled the attempts of tyranny and by an impartial and incorrupt verdict have laid a noble foundation for securing to ourselves, our posterity, and our neighbors that to which nature and the laws of our country have given us a right—the liberty both of exposing and opposing arbitrary power (in these parts of the world at least) by speaking and writing truth.

When the jury returned this verdict of not guilty for Peter Zenger, the publisher of the New York Weekly Journal, it did a service to this Nation, greatest since the first settlers came to the rocky shores of New England.

I make no apology for the newspapers. They are just as perfect as is the human race and no more. There is a record of only two persons in either profane or sacred history that so reached perfection as to be translated to Paradise while still living—Enoch and Elijah. I say to you that whenever one of you feels that his newspaper on any day is perfect,

there will be a chariot of fire right at the front door to take you without checking the speed limit to the gates of the New Jerusalem.

One-third of the population of the United States, in figures, reads daily newspapers; two-thirds read the weeklies. The most potent power in this Nation for the decline of illiteracy is the newspaper—daily and weekly. It can and does do more than any other instrument to build public sentiment than any other force. It can take a peanut politician out of oblivion and make him a Congressman of the United States. It can take a Negro roustabout from the slums of Detroit and make him a national figure. It can take a gum-chewing girl who does not know the difference between syntax and sandstone and make her a formidable star in the movies. It can turn obscurity into public prominence. It can paint a gangster into a daring bandit and give him a high place in criminal history. It can make a mediocre scion of a degenerate nobility something of world-wide consequence.

Many people want the newspaper to be better than the readers. It often is. But its function is not to serve sinners; its biggest job is to make it easier to be decent. The newspaper is a great phonograph, playing not its own record, but those made by the world. [Applause.]

Mr. LUDLOW. Mr. Speaker, will the gentleman yield?

Mr. BOLLES. I yield.

Mr. LUDLOW. The gentleman is an able, distinguished, and brilliant member of the fourth estate. I want to compliment him on the very splendid address he has just made. I think it is one of the most interesting I have ever heard and I hope it will find general circulation and perusal throughout the United States.

Mr. BOLLES. I thank the gentleman for his kind words. [Applause.]

[Here the gavel fell.]

HOURS OF LABOR IN UNITED STATES MARITIME COMMISSION CONTRACTS

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4341) to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any one day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

I intend to offer an amendment, which I have taken up with the gentleman from Michigan [Mr. MICHENER].

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That during the national emergency, declared by the President on September 8, 1939, to exist, provisions of law prohibiting more than 8 hours' labor in any one day of persons engaged upon work covered by United States Maritime Commission contracts for the construction, alteration, or repair of vessels shall be suspended: *Provided*, That the wages of every laborer and mechanic employed by any contractor or subcontractor engaged in the performance of any such contract shall be computed on a basic rate of 8 hours per day and 40 hours per week and work in excess of 8 hours per day or 40 hours per week shall be permitted upon compensation for all hours worked in excess of 8 hours per day or 40 hours per week at not less than 1½ times the basic rate of pay.

SEC. 2. The United States Maritime Commission is hereby authorized to modify its existing contracts for the construction, alteration, or repair of vessels as it may deem necessary to expedite national defense, and to otherwise effectuate the purposes of this act.

SEC. 3. Nothing in this act shall be construed to modify any contracts between management and labor in shipyards which provide for conditions more favorable to labor than the minimum provisions as to hours per day and hours per week and for overtime provided in this act.

SEC. 4. The provisions of this act shall terminate June 30, 1942, unless the Congress shall otherwise provide.

Mr. BLAND. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAND: Page 1, line 3, strike out the words "That during the national emergency, declared by the President on September 8, 1939, to exist" and insert "That until otherwise provided by law."

Mr. MICHENER. Mr. Speaker, when this matter was before the Congress the other day I offered the amendment which the gentleman from Virginia is now offering. Due to the fact that there was a later provision in the bill placing a limitation on the life of the law, it was thought that the amendment which I offered was so worded as to be in conflict with that section. Therefore another amendment was substituted. It is now found, as I understand it, that the original language in the amendment I offered is the best language, and the gentleman is attempting to restore that language. My objection to the language in the bill as presented to the House was that it made reference to the "limited emergency" declared by the President in September 1939, and I feared lest leaving that language in the bill as it was presented, would in some way validate by Congress the so-called limited emergency declared by the President. That declaration was the sole act of the President and has not had official congressional sanction.

I am pleased to withdraw my objection and hope that the amendment of the gentleman from Virginia [Mr. BLAND] will be agreed to.

Mr. BLAND. That is entirely correct. This amends the Senate bill which passed the Senate on the same day.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. BLAND].

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UNEMPLOYMENT

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, enforced idleness is the economic scourge today of 9,600,000 American workers. It is likewise a scourge of American business and industry, because through the idleness of this great army of unemployed, made idle through no choice of their own, the consuming power of the people is reduced, and this part of the population, in terms of individuals and families, is denied the healthy and normal existence that comes through employment and wages.

In the fact that almost 10,000,000 men and women are listed as without employment is one of the strongest indictments of our time, and upon our resourcefulness as a people. By every standard and comparison, unemployment is the Nation's first and foremost economic problem, involving the security and stability of homes, and the well-being of community life as well.

The moral effects of continued unemployment upon almost 10,000,000 men and women must be as severe and devastating as are the economic effects upon family existence and community well-being. We cannot have so many people without gainful employment without paying a tremendous and paralyzing toll in terms of human wastage; in the skill and talents of men and women to produce, but without the opportunity to do so.

Human wastage is not confined to the drain imposed by long hours of work or of exhausting effort in toil. It measures its greatest loss and its most devastating effects in the idleness of men and women. No man's job is safe so long as 9,600,000 people are looking for work.

The army of unemployed today still stands at the staggering level of one idle person for every four persons gainfully employed in industry. This is a reduction of less than 4,000,000 in unemployment from the all-time peak level of 1933, when the American Federation of Labor reports indicated a total of 13,270,669 persons without jobs. This condition exists today, notwithstanding 7 years of effort, through such agencies as the Emergency Relief Administration and Work Projects Administration, Federal Employment Service, and the huge Public Works Administration's program, to provide jobs and to give work to those who need it.

Through Federal relief and through W. P. A. projects, more than $15,000,000,000 have been spent in one way and another

to provide unemployment cures, to put people to work and to eliminate the Nation's No. 1 economic problem of enforced idleness. And yet, in the face of this almost unparalleled expenditure of money to cure idleness, and 7 years of experimentation, the net reduction in unemployment, on a rising tide of industrial activity today, is less than 4,000,000.

Reports of the Federal Security Agency indicate that 1,300,000 applications for jobs were filed with Federal employment offices in June 1940 alone, and that a total of 5,700,000 were registered with this agency alone at the end of that month in search of jobs. In the light of such staggering numbers of unemployed persons, the question is, What have we been doing, if anything at all, to effect a permanent cure of unemployment? What has the New Deal, with all of its expedients and experimentation, accomplished in its attack through the W. P. A. and other agencies set up for this purpose upon the country's No. 1 economic problem of idleness?

In speaking of the figures of his agency for June, Federal Security Administrator McNutt said:

> These figures show little change from previous months, but the total number of registrants was 8.7 percent below June 1939 and 27 percent less than in June 1938.

We should remember that the last 6 months of 1936 and the first 9 months of 1937 marked the highest gain in industrial activity in 10 years, and most pitifully reflected in the figures which Mr. McNutt cites for 1938 and 1939.

Unemployment benefits paid in the first half of 1940, said Mr. McNutt, totaled $283,000,000, an increase of $54,000,000 over the corresponding period of 1939. Clearly the volume of unemployment was not on the decline, notwithstanding the increase in industrial activity and the great expenditure of Federal funds for relief. Its destructive force would seem to be almost as great today as in any of the other 7 years in which the New Deal has wrestled, with such minute result with this scourge upon our economic existence.

Business makes jobs and employers put men in those jobs. Employers make money and industry makes money only as men are put into jobs and are given continuing employment. In this aspect of the matter is the sole permanent cure for enforced idleness, and upon this point the score of the New Deal is near the zero mark. The New Deal has not put men and women back to work, and today the destructive competition among men and women of unemployment—a form of competition more destructive than that which can exist between commodities and manufactured products—still runs its course at almost flood tide.

Temporary spurts in industrial activity caused by the production of the implements of warfare cannot and will not solve the unemployment problem of our country. If the problem in all of its pressing and heartbreaking aspects is to be solved with stability and security in the home life and family existence of the great American army of wage earners, it must be by bringing the real purchasing power of wage earners to its full tide level by the means of unhampered industrial activity. Productive activity must be generated through the flow of goods and services into the channels of consumption, with the wage-earning power of the people adequate and sufficient to absorb these goods and to use them as factors in the accepted standards of living of the American people.

As a great and prosperous Nation, we cannot solve unemployment by diverting billions of dollars of building and construction work to relief work and the payment of "sustenance wages" to the detriment and loss of wage earners, as compared with prevailing rates of pay. And yet today 1,660,000 persons are on the relief rolls of the W. P. A., and, according to the latest report of the Work Projects Administration, 74.3 percent of these persons are engaged on construction projects relating to highways, streets, and bridges, public buildings, construction work of publicly owned or operated public utilities, airports and airways, and sanitary enterprises.

The solution of unemployment is not in the direction of made work. It is not in the payment of sustenance wages, based on bare necessities of life, in competition with the prevailing rates of pay in private enterprise. It is not in the maintenance of vast numbers of people on unemployment doles in lieu of employment at wages commensurate with their skill and talents in the industrial field.

Solution is in enlarging and expanding the field of private employment through encouragement of private enterprise and the promotion of confidence among businessmen in the stability and certainty of the future. It comes in the expenditure of the wage-earned dollar for those things which create the economic security and stability of the family and the home, as well as providing the necessities of daily existence.

In this aspect of the problem, the New Deal has sustained a bitter and devastating defeat, and at the cost of that part of the population least able to resist and survive the shock. This failure has left millions of people bitter and confused, wandering aimlessly, not knowing where to turn, haunted by insecurity and empty pockets and the prey all too frequently of racial hatreds and ruthless leaders.

In dealing with this problem we must substitute social thinking of a high order and give full play to the natural forces of enterprise which are inherent in free opportunity and the rewards of gainful employment. We must employ the sound methods that make for constructive economic results through stability and confidence in the field of business and industry, with the gains in employment which must come with any normal business and industrial expansion.

The New Deal's shame today is in the failure to solve unemployment. Our opportunity, possibly our greatest opportunity, is to open the channels of private employment and to put men and women back into jobs, so that they may live normal and healthy lives, use their talents and skill to their own and the country's greatest advantage, and to bring the benefits and rewards of widespread employment to all of our communities. In no other way can we create a dynamic America. [Applause.]

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. SHEPPARD, for 30 days, on account of official business.

CHOCTAW INDIANS OF THE STATE OF MISSISSIPPI

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3524) conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. COSTELLO. Mr. Speaker, reserving the right to object, it is my understanding that a similar bill was previously pocket vetoed by the President and that this bill does make some attempt to comply with the objections of the President.

The report of the Secretary of the Interior on the bill indicates, however, that the bill would not be in accord with the program of the President. It seems to me there is some question as to the actual merit of this legislation, and I believe it should not be allowed to pass the House by unanimous consent but should be given consideration.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. SCHAFER of Wisconsin. This bill is not identical with the bill which was vetoed by the President. The Committee on Indian Affairs held a lengthy session examining into the merits of this bill and carefully studying the records of the case. The committee unanimously, irrespective of the political party affiliations of its members, at that meeting voted to favorably report this bill.

All this bill does is to give the Mississippi Choctaw Indians an opportunity to have their day in court before the Court of Claims. This is not a yardstick bill, this is a bona fide Court of Claims bill. In view of the records and facts presented and considered by the Committee on Indian Affairs, I sincerely hope that the gentleman will have faith in the unanimous report of that committee and let this bill be considered so that these Mississippi Choctaw Indians may have an opportunity of presenting their honest claims to the Court of Claims.

Mr. COSTELLO. I may state to the gentleman from Wisconsin that I do not believe the bill should be allowed to pass by unanimous consent but should be given more consideration by the House.

Mr. COLLINS. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. COLLINS. When this bill was before the House approximately 2 years ago the Interior Department did not object to its passage.

They have, however, now filed an objection, but the objection is grounded upon the suggestion embraced in the pocket veto of the President. In other words, the Interior Department does not want to get out of line with the views of the President. A representative of the Interior Department admitted that the bill possesses merit.

Mr. COSTELLO. Apparently the present bill is objected to by the Secretary of the Interior, and it is not in accord with the President's program. Evidently it would meet the same objection of the President, since the bill still provides for a suit against the United States and not for an action to recover an interest in the property of the Choctaw nation.

Mr. COLLINS. I do not believe so. I think the bill would be very readily signed by the President in its present form because interest in this bill is limited to 5 years.

Mr. SCHAFER of Wisconsin. Should the President veto the bill the members of the committee reporting it would uphold the veto. I do not believe, however, that the President will veto this bill.

Mr. ROGERS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. ROGERS of Oklahoma. A representative of the Bureau of Indian Affairs representing the Secretary of the Interior appeared before the committee and admitted to members of the committee that it was impossible for them to endorse the bill since the President had vetoed it, but that their report of 2 years ago showed they had no objection. However, since the President vetoed a similar bill the Secretary hesitated to give his endorsement to this one.

Mr. COSTELLO. That is very evident from the opening statement of his letter. Further on in his letter he offers various suggested amendments which apparently the Senate incorporated in the bill, but he concludes with the statement that it would not be in accord with the President's program.

It is my personal conviction that legislation of this importance should not be considered or passed by unanimous consent but should have more deliberate consideration by the House.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. PITTENGER. As a matter of fact, these veto messages are prepared by some attorneys in the Department of Justice that do not know any more than some attorneys on the floor of the House. So why should we treat that veto message as a sacred cow not to be touched? The President does not have time to look into these things. The entire policy of the Government with reference to the Indians has not been a fair one, has not been a thing we can be proud of. I hope the gentleman will not object to consideration of this bill.

Mr. COSTELLO. I will admit there have been some injustices with regard to the Indians, but on the whole I feel we have been rather generous to them in most instances.

Mr. COLLINS. Mr. Speaker, will the gentleman yield further?

Mr. COSTELLO. I yield.

Mr. COLLINS. The House will consider this bill if the gentleman will not object to its consideration. That is the purpose of this request, to permit the House to consider it. I hope the gentleman will withdraw his objection and let the House vote it up or down.

Mr. COSTELLO. Under the present situation it would be tantamount to passing it by unanimous consent, and I do not think the bill should be passed in that manner.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. COSTELLO. Mr. Speaker, I object.

AMENDMENT OF CIVIL SERVICE ACT

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a conference report on the bill (H. R. 960), extending the classified executive civil service of the United States.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill just objected to; and I also ask unanimous consent to insert in the Appendix of the RECORD two poems written by constituents of mine. The poems are short.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AUTHORIZING PARTICIPATION OF THE UNITED STATES IN CELEBRATION OF PAN AMERICAN AVIATION DAY

Mr. HOBBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 295, authorizing the participation of the United States in the celebration of a Pan American Aviation Day, to be observed on December 17 of each year, the anniversary of the first successful flight of a heavier-than-air machine.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

There being no objection, the Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the President of the United States is authorized to designate December 17 of each year as Pan American Aviation Day and to issue a proclamation calling upon all officials of the Government, Governors of the 48 States, our possessions, and all citizens to participate in the observance of this day to further and stimulate interest in aviation in the American countries as an important stimulus to the further development of more rapid communications and a cultural development between the nations of the Western Hemisphere.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, at the beginning of this Congress the Committee on Immigration and Naturalization reported quite a number of private bills which were objected to when placed upon the Private Calendar. As a result of that, under the rules of the House the committee again reported these bills, totaling approximately 100, in omnibus bills, which have been on the calendar now for almost 2 years. It seems to be impossible, however, to get disposition of them. I find now that a number of Members of the House and the Senate have been pressing rather hard for some action on these omnibus bills, which I realize full well, through no fault of the House, it is impossible to reach. The reason why some of the bills were objected to, resulting in omnibus bills being reported out of the committee, is because there were a certain number of bills involving individuals who had criminal records.

I am going to propound a unanimous-consent request to the House to recommit the bills, in order that we may report back to the House all bills involving individuals about whom there will be no controversy, in that way segregating the good cases from the bad ones, so that we may give the bills that have some doubt further consideration.

Mr. LUDLOW. Will the gentleman tell us how many noncontroversial bills there are?

Mr. DICKSTEIN. About 50 or 60 out of 100. Because there may be 10 good bills and 1 bad bill in the omnibus bill, we cannot reach the good ones.

Mr. Speaker, I propound this unanimous-consent request: I ask unanimous consent that H. R. 6183, H. R. 6184, H. R. 6185, H. R. 6186, H. R. 6187, H. R. 6188, H. R. 6189, H. R. 6190, H. R. 6191, H. R. 6192, and H. R. 6193 be recommitted to the Committee on Immigration and Naturalization, and I ask unanimous consent further that that committee may be per-

mitted to bring back as one bill all of the bills within these omnibus bills that have no controversy or criminal fraud connected therewith.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

Mr. MICHENER. Mr. Speaker, I object.

PERMISSION TO ADDRESS THE HOUSE

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and I also ask unanimous consent to include in my remarks a table with figures obtained from the Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. MURRAY]?

There was no objection.

Mr. MURRAY. Mr. Speaker, the following table, computed from official tables obtained from the United States Department of Agriculture, is one more evidence of the cross-purposes of the New Deal. These payments are not based on size of the farm or the value of the farm. Many millions of people think this money is allocated on a political basis. These funds are surely not being allocated on a common justice or common sense basis, as is shown in the following table:

State	Number farms	Total acres in farms	Average acreage per farm	Total value of farms and buildings	Average value of farm and buildings	Average Agricultural Adjustment Administration payment per farm per year based on total number farms, 1934-39
Alabama	273,455	19,660,828	71.9	$368,219,654	$1,347	$57
Arizona	18,824	14,018,540	744.7	132,649,563	7,047	86
Arkansas	253,013	17,741,627	70.1	376,087,716	1,486	67
California	150,360	30,437,995	202.4	2,325,446,364	15,466	54
Colorado	63,644	29,978,472	471.0	418,757,555	6,580	110
Connecticut	32,157	2,079,933	64.7	283,883,908	8,828	21
Delaware	10,381	921,251	88.7	51,475,728	6,164	34
Florida	72,857	6,048,406	83.0	321,077,653	4,407	26
Georgia	250,544	25,296,522	101.0	429,755,216	1,715	64
Idaho	45,113	9,951,661	220.6	307,395,329	6,814	102
Illinois	231,312	31,661,205	136.9	2,205,889,576	9,536	94
Indiana	200,835	20,518,745	102.02	1,040,238,254	5,180	62
Iowa	221,986	34,359,152	154.8	2,462,312,600	11,092	145
Kansas	174,589	48,009,770	275.0	1,478,659,428	8,469	171
Kentucky	278,298	20,698,510	74.4	620,408,700	2,229	34
Louisiana	70,216	10,444,288	61.4	295,515,197	1,736	75
Maine	41,907	4,721,842	12.7	143,539,330	3,425	14
Maryland	44,412	4,383,641	98.7	242,714,142	5,465	57
Massachusetts	35,094	2,195,714	62.6	255,676,839	7,285	21
Michigan	196,517	18,459,922	93.9	826,260,594	4,205	31
Minnesota	203,302	32,817,911	161.4	1,383,072,263	6,803	75
Mississippi	311,683	19,655,413	63.1	370,838,658	1,190	58
Missouri	278,454	35,054,542	125.9	1,099,281,255	3,948	57
Montana	50,564	47,511,868	939.6	375,840,563	7,433	151
Nebraska	133,616	46,615,762	348.9	1,562,812,974	11,696	154
Nevada	3,696	3,621,769	979.9	42,568,709	11,518	38
New Hampshire	17,695	2,115,548	119.6	66,936,940	3,783	9
New Jersey	29,375	1,914,110	65.2	234,313,485	7,977	20
New Mexico	41,369	34,397,205	831.5	170,150,410	4,113	56
New York	177,025	18,685,741	105.6	1,045,391,981	5,905	18
North Carolina	300,967	19,936,307	66.2	622,718,510	2,069	46
North Dakota	84,606	39,118,136	462.4	707,138,992	8,358	206
Ohio	255,146	22,857,692	89.6	1,277,556,256	5,007	42
Oklahoma	213,325	35,334,870	165.6	784,394,241	3,677	106
Oregon	64,826	17,357,549	267.8	448,711,757	6,922	53
Pennsylvania	191,284	15,855,343	82.9	861,706,599	4,505	14
Rhode Island	4,327	307,725	71.7	35,237,660	8,144	7
South Carolina	165,504	12,329,958	74.5	285,515,573	1,725	48
South Dakota	83,303	37,101,871	445.4	691,863,413	8,305	170
Tennessee	273,783	19,085,837	69.7	555,750,791	2,030	35
Texas	501,017	137,597,389	274.6	2,573,704,972	5,137	121
Utah	30,695	6,239,318	203.3	158,303,329	5,157	58
Vermont	27,061	4,042,658	149.4	115,996,472	4,286	12
Virginia	197,632	17,644,898	89.3	593,854,761	3,005	19
Washington	84,381	14,680,097	174.0	550,720,198	6,527	64
West Virginia	104,747	9,423,655	90.0	237,643,860	2,269	7
Wisconsin	199,877	23,459,203	117.4	1,246,889,260	6,238	39
Wyoming	17,487	28,161,911	1,610.4	166,773,697	9,537	111
Average per farm per year						48

EXTENSION OF REMARKS

Mr. GOODWIN asked and was given permission to revise and extend his own remarks in the RECORD.

SENATE BILLS REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 7. An act to revise the boundaries of the Saguaro National Monument; to the Committee on the Public Lands.

S. 1146. An act for the relief of the leader of the Naval Academy Band; to the Committee on Naval Affairs.

S. 3133. An act for the relief of the Cherokee Indian Nation or Tribe, and for other purposes; to the Committee on Indian Affairs.

S. 3485. An act to amend section 226 of the act of March 4, 1909; to the Committee on the Judiciary.

S. 3610. An act to provide for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority; to the Committee on Military Affairs.

S. 3943. An act providing for judicial review in certain cases involving the disposition of the public lands; to the Committee on the Judiciary.

S. 4083. An act to change the designation of the Organ Pipe Cactus National Monument, in the State of Arizona, and for other purposes; to the Committee on the Public Lands.

S. 4085. An act for the relief of Max von der Porten and his wife Charlotte von der Porten; to the Committee on Immigration and Naturalization.

S. 4087. An act to legalize the construction by the Big Creek Bridge Co., Consolidated, of a bridge across the Tug Fork of the Big Sandy River, at or near Nolan, W. Va.; to the Committee on Interstate and Foreign Commerce.

S. 4130. An act to provide for the establishment of the Coronado International Monument, in the State of Arizona; to the Committee on the Public Lands.

S. 4135. An act to legalize the construction by the State Highway Board of Georgia of a free highway bridge across the Withlacoochee River, between Valdosta, Ga., and Madison, Fla., at Horns Ferry; to the Committee on Interstate and Foreign Commerce.

S. 4152. An act to authorize the Secretary of Agriculture to make analyses of fiber properties, spinning tests, and other tests of the quality of cotton samples submitted to him; to the Committee on Agriculture.

S. 4212. An act for the relief of certain Navajo Indians, and for other purposes; to the Committee on Indian Affairs.

S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch; to the Committee on Immigration and Naturalization.

S. 4232. An act for the relief of the Eastern Cherokees; to the Committee on Indian Affairs.

S. 4233. An act for the relief of the Eastern and Western Cherokees; to the Committee on Indian Affairs.

S. 4236. An act for the relief of Ida Valeri; to the Committee on Immigration and Naturalization.

S. 4295. An act to authorize the Pennsylvania Railroad Co., by means of an underpass, to cross New York Avenue NE., to extend, construct, maintain, and operate certain industrial sidetracks, and for other purposes; to the Committee on the District of Columbia.

S. 4338. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended; to the Committee on Labor.

S. 4356. An act making provision for payment of employees of the United States Government, its Territories or possessions, or the District of Columbia, when ordered to active duty with the military or naval forces of the United States; to the Committee on Military Affairs.

S. 4360. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, sole stockholder of the Dawson Springs Construction Co.; to the Committee on Claims.

S. 4362. An act to provide for the completion of certain local protection works at East Hartford, Conn.; to the Committee on Flood Control.

S. 4365. An act to create the grade of aviation cadet in the Air Corps, Regular Army, and to prescribe the pay and allowances therefor, and for other purposes; to the Committee on Military Affairs.

S. 4370. An act authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties; to the Committee on Military Affairs.

S. 4373. An act to amend the act of June 25, 1938, entitled "An act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes"; to the Committee on the Civil Service.

S. J. Res. 301. Joint resolution to authorize the acquisition of a suitable frame for the painting of the Signing of the Constitution to be used in mounting said painting in the Capitol Building; to the Committee on the Library.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 428. An act for the relief of Edward Workman;

H. R. 532. An act for the relief of W. J. Hance;

H. R. 554. An act for the relief of Meta De Rene McLoskey;

H. R. 775. An act for the relief of W. M. Hurley and Joe Whitson;

H. R. 1174. An act for the relief of Euel Caldwell;

H. R. 1183. An act for the relief of Ben L. Kessinger and M. Carlisle Minor;

H. R. 1857. An act for the relief of Nell Mullen;

H. R. 1912. An act for the relief of the estate of Alfred Batrack;

H. R. 2036. An act for the relief of Umberto Tedeschi;

H. R. 2214. An act for the relief of M. Grace Murphy, administratrix of the estate of John M. Murphy, deceased;

H. R. 2286. An act for the relief of Wasyl Kulmatycki;

H. R. 2684. An act for the relief of Emma Knutson;

H. R. 4441. An act for the relief of Alex Silberstein, Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, minors;

H. R. 4571. An act for the relief of LaVera Hampton;

H. R. 4954. An act for the relief of Rosa Paone;

H. R. 5264. An act for the relief of Maj. Clarence H. Greene, United States Army, retired;

H. R. 5365. An act for the relief of John J. Murphy;

H. R. 5400. An act for the relief of those rendering medical and hospital services to Evyline Vaughn;

H. R. 5417. An act for the relief of Isaac Surmany;

H. R. 5771. An act for the relief of Louis St. Jacques;

H. R. 5776. An act for the relief of Albert DePonti;

H. R. 5863. An act for the relief of the estate of James A. Rivera;

H. R. 6060. An act for the relief of John P. Hart;

H. R. 6108. An act for the relief of Regina Howell;

H. R. 6210. An act for the relief of George R. Stringer;

H. R. 6230. An act for the relief of James Murphy, Sr.;

H. R. 6409. An act to record the lawful admission to the United States for permanent residence of Motiejus Buzas and Bernice Buzas, his wife.

H. R. 6456. An act for the relief of John Toepel, Robert Scott, Widmer Smith, and Louis Knowlton;

H. R. 6457. An act for the relief of the Wallie Motor Co.;

H. R. 6480. An act to amend the Agricultural Adjustment Act of 1933;

H. R. 6605. An act for the relief of Louis A. Charland;

H. R. 6639. An act for the relief of George F. Kermath;

H. R. 6782. An act for the relief of James Robert Harman;

H. R. 6842. An act for the relief of Rufus E. Farmer;

H. R. 6946. An act for the relief of Salvator Taras;

H. R. 7179. An act authorizing the naturalization of Louis D. Friedman.

H. R. 7425. An act for the relief of the parents of Charldean Finch;

H. R. 7515. An act for the relief of Joseph B. Rupinski and Maria Zofia Rupinski;

H. R. 7681. An act for the relief of Emelie Witzenbacher;

H. R. 7747. An act for the relief of Estelle M. Corbett;

H. R. 8124. An act to provide funds for cooperation with public-school districts (organized and unorganized) in Mahnomen, Itasca, Pine, St. Louis, Clearwater, Koochiching, and Becker Counties, Minn., in the construction, improvement, and extension of school facilities to be available to both Indian and white children;

H. R. 8295. An act for the relief of Leo Neumann and his wife, Alice Neumann;

H. R. 8474. An act to further amend the Alaska game law;

H. R. 8743. An act for the relief of Luther Haden;

H. R. 8830. An act to amend the records at the port of New York to show the admission of Steve Zegura and B. Dragomir Zegura as aliens admitted for permanent residence;

H. R. 8906. An act to record the lawful admission to the United States for permanent residence of Nicholas G. Karas;

H. R. 9024. An act relating to the status of retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, and to amend section 113 of the Criminal Code;

H. R. 9123. An act to approve Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise";

H. R. 9124. An act to approve Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli, in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai";

H. R. 9264. An act to provide for uniformity of allowances for the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty;

H. R. 9636. An act authorizing the conveyance to the Commonwealth of Virginia of a portion of the naval reservation known as Naval Proving Ground, Dahlgren, Va.;

H. R. 9688. An act to provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of sections 13 or 15 (e) of the act of June 23, 1938;

H. R. 9898. An act to further amend section 13a of the National Defense Act so as to authorize officers detailed for training and duty as aircraft observers to be so rated, and for other purposes;

H. R. 10036. An act for the relief of John A. Kames;

H. R. 10080. An act to amend section 3493 of the Internal Revenue Code, formerly section 404 of the Sugar Act of 1937;

H. R. 10191. An act for the relief of Anthony Borsellino;

H. R. 10295. An act to amend the act of June 23, 1938 (52 Stat. 944); and

H. R. 10405. An act to provide for adjusting the compensation of persons employed as masters at arms, and guards at navy yards and stations, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes p. m.) the House adjourned until tomorrow, Thursday, October 3, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:30 a. m., on Thursday, October 3, 1940, for consideration of S. 3778.

EXECUTIVE COMMUNICATIONS, ETC.

1978. Under clause 2 of rule XXIV, a letter from the Secretary of the Interior, transmitting a copy of a proposed bill to revise the act entitled "An act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes," approved October 6, 1917 (40 Stat. 385), was taken from the Speaker's table and referred to the Committee on Mines and Mining.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RAMSPECK: Committee of conference on the disagreeing votes of the two Houses. H. R. 960. A bill extending the classified executive civil service of the United States (Rept. No. 3010). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 10243. A bill for the relief of Salomon George Kaufmann, his wife, Doris Kaufmann, and their child, John Michael Peter Kaufmann; without amendment (Rept. No. 3008). Referred to the Committee of the Whole House.

Mr. REES of Kansas: Committee on Immigration and Naturalization. H. R. 10389. A bill for the relief of Gerald M. Pollack; without amendment (Rept. No. 3009). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. MAY: Committee on Military Affairs. House Resolution 613. Resolution requesting certain information from the Secretary of War (Rept. No. 3007). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII,

Mr. GWYNNE introduced a bill (H. R. 10601) to permit the United States to be made a party defendant in cases involving certain personal property, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLUETT:

H. R. 10602. A bill granting an increase of pension to Eliza V. Stevens; to the Committee on Invalid Pensions.

By Mr. BATES of Kentucky:

H. R. 10603. A bill granting a pension to Dora Parsons; to the Committee on Invalid Pensions.

By Mr. GERLACH:

H. R. 10604. A bill for the relief of Sidney Falk; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII:

9339. Mr. ENGLEBRIGHT presented a petition, Assembly Joint Resolution No. 1, memorializing Congress to pass legislation for the control of predators; to the Committee on Agriculture.

SENATE

THURSDAY, OCTOBER 3, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Dear Lord and Master, King of Love, who didst give to us a new commandment that we should love one another, even as Thou didst love us, unworthy though we were: As we enter upon the duties of another day, may it be with a mind forgetful of past ill-will, with a conscience void of offense, with a heart purified and unafraid. Lead us through the mystery of shadowland and, in patient self-denial, direct our goings in the way that leads from gloom to joy and peace. Help us to learn from Thee, O Saviour of mankind, that our blessing lies beyond the testing time of life, our crown of victory beyond the cross. Grant that, as we pray, Thy presence may prevail with power to help us ease the burdens that we share with those who are not always strong, whose lives are overborne with care, until, like Thee, Thou Son of God and Son of Man, we may draw the hearts of men into closer fellowship with each other and with their God, through Thy love which doth constrain us. In Thy holy name we ask it. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Wednesday, October 2, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bill and joint resolution:

S. 4316. An act to repeal sections 4588 and 4591 of the Revised Statutes of the United States; and

S. J. Res. 295. Joint resolution authorizing the participation of the United States in the celebration of a Pan-American Aviation Day, to be observed on December 17 of each year, the anniversary of the first successful flight of a heavier-than-air machine.

The message also announced that the House had passed the bill (S. 4341) to expedite national defense by suspending, during the national emergency, provisions of laws that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 8846. An act to provide for the retirement of certain members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the members of the Fire Department of the District of Columbia; and

H. R. 10339. An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4088) to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Capper	Gerry	Hill
Andrews	Caraway	Gibson	Holt
Ashurst	Chavez	Gillette	Hughes
Austin	Clark, Idaho	Glass	Johnson, Calif.
Bailey	Clark, Mo.	Green	Johnson, Colo.
Bankhead	Connally	Guffey	King
Barkley	Danaher	Gurney	McKellar
Brown	Davis	Hale	McNary
Bulow	Downey	Harrison	Maloney
Burke	Ellender	Hayden	Mead
Byrnes	George	Herring	Minton

Murray	Reed	Stewart	Vandenberg
Norris	Russell	Thomas, Idaho	Van Nuys
O'Mahoney	Schwartz	Thomas, Okla.	Wagner
Overton	Schwellenbach	Thomas, Utah	Walsh
Pepper	Sheppard	Townsend	Wheeler
Pittman	Shipstead	Truman	White
Radcliffe	Smathers	Tydings	Wiley

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Kentucky [Mr. CHANDLER] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BYRD], the Senator from Ohio [Mr. DONAHEY], the Senator from New Mexico [Mr. HATCH], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from Arkansas [Mr. MILLER], the Senator from West Virginia [Mr. NEELY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Illinois [Mr. SLATTERY], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. TOBEY], the Senator from North Dakota [Mr. NYE], the Senator from North Dakota [Mr. FRAZIER], the Senator from Ohio [Mr. TAFT], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. HOLMAN], and the Senator from New Jersey [Mr. BARBOUR] are necessarily absent.

The VICE PRESIDENT. Seventy-two Senators have answered to their names. A quorum is present.

LETTER OF APPRECIATION FROM MRS. LUNDEEN

The VICE PRESIDENT laid before the Senate a letter from Mrs. Ernest Lundeen, which was ordered to lie on the table and to be printed in the RECORD, as follows:

OCTOBER 2, 1940.

MY DEAR MR. VICE PRESIDENT: Would you kindly express our sincere thanks to my husband's colleagues in the United States Senate for the beautiful floral piece which was sent to him?

We will forever appreciate the thoughtfulness and courtesies that you have all shown to us.

Sincerely,

NORMA WARD (Mrs. Ernest) LUNDEEN.

SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

The VICE PRESIDENT laid before the Senate a letter from the Senator from Oklahoma [Mr. LEE], which was read, as follows:

UNITED STATES SENATE,
October 2, 1940.

Hon. JOHN N. GARNER,
President of the Senate, Washington, D. C.

DEAR MR. GARNER: Due to the extremely heavy schedule which I had previously arranged, it will not be possible for me to serve as a member of the Special Committee to Investigate Campaign Expenditures, which appointment was tendered me a few days ago.

I regret my inability to serve in this important capacity and trust you will understand my reasons therefor.

Respectfully yours,

JOSH LEE,
United States Senator.

The VICE PRESIDENT. The Chair appoints the Senator from Colorado [Mr. ADAMS] to fill the vacancy on the committee.

Mr. ADAMS. Mr. President, in that connection let me say that I do not rise to tell the Presiding Officer what I think about that appointment, but I will tell him outside the Senate Chamber.

The VICE PRESIDENT. The Chair will hear the Senator outside or otherwise. [Laughter.]

PETITION

The VICE PRESIDENT laid before the Senate a resolution adopted by the ninth annual convention of the National Reclamation Association at Great Falls, Mont., favoring the enactment of legislation to provide for the progressive and orderly expansion of the production of beet sugar within the United States, and also to maintain the beet-sugar industry on a reasonable income basis by quota regulations and adequate tariffs on foreign sugar, which was referred to the Committee on Finance.

EIGHT-HOUR DAY ON CONTRACTS OF MARITIME COMMISSION

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4341) to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes, which was, on page 1, beginning with line 3, to strike out all down to and including the word "exist" in line 4 and insert "That until otherwise provided by law."

Mr. OVERTON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

INDEFINITE POSTPONEMENT OF TWO BILLS

Mr. OVERTON. Mr. President, I ask unanimous consent that the bill (H. R. 10381) to repeal sections 4588 and 4591 of the Revised Statutes of the United States may be indefinitely postponed. The House has passed Senate bill 4316, a similar or companion bill.

The VICE PRESIDENT. Without objection, House bill 10381 is indefinitely postponed.

Mr. OVERTON. Mr. President, I make a similar request with reference to the bill (H. R. 10380) to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes, and ask that it be indefinitely postponed. It is similar to Senate bill 4341, passed by the Senate on September 30, 1940.

The VICE PRESIDENT. Without objection, House bill 10380 is indefinitely postponed.

EXEMPTION OF CERTAIN INDIANS AND TRIBES FROM PROVISIONS OF ACT OF JUNE 18, 1934

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2103) to exempt certain Indians and Indian tribes from the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended.

Mr. THOMAS of Oklahoma. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. THOMAS of Oklahoma, Mr. WHEELER, and Mr. FRAZIER conferees on the part of the Senate.

REPORTS OF COMMITTEES

Mr. GEORGE, from the Committee on Finance, to which was referred the bill (H. R. 8930) to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes, reported it with amendments and submitted a report (No. 2198) thereon.

Mr. JOHNSON of Colorado, from the Committee on Finance, to which was referred the bill (H. R. 9654) to extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar, reported it without amendment and submitted a report (No. 2199) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 8705) for the relief of Howard Mondt, reported it without amendment and submitted a report (No. 2200) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MALONEY:

S. 4395. A bill for the relief of Dr. Morris B. Toubman; to the Committee on Claims.

(Mr. MURRAY introduced Senate bill 4396, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. BROWN:

S. 4397. A bill for the relief of the dependents of Jacob Betzer; to the Committee on Military Affairs.

S. 4398. A bill authorizing the appointment of John L. Lavan as a commander, Medical Corps, United States Navy; to the Committee on Naval Affairs.

AMENDMENT OF SELECTIVE TRAINING AND SERVICE ACT—DOCTORS OF MEDICINE AND DENTAL SURGEONS

Mr. MURRAY. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill to amend the Selective Training and Service Act. I also request that the bill and a statement by me relative to it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 4396) to amend the Selective Training and Service Act of 1940 was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 4 of the Selective Training and Service Act of 1940 is hereby amended by adding at the end thereof the following new subsection:

"(c) Any man selected for training and service under this act (1) who has been awarded a degree of doctor of medicine or doctor of dental surgery by a recognized medical or dental school, (2) who holds a valid license to practice medicine, surgery, or dentistry in any State, Territory, or possession of the United States, or the District of Columbia, and is engaged in such practice at the time of his selection, and (3) whose physical and mental fitness for such training and service has been satisfactorily determined, shall, in lieu of induction into the land or naval forces of the United States for such training and service, be commissioned as an officer in the Medical Department Reserve, Officers' Reserve Corps, and ordered into the active military service of the United States as provided in the joint resolution approved August 27, 1940."

SEC. 2. Subsection (d) of section 5 of such act is hereby amended by adding at the end thereof the following new sentences: "Medical and dental students at recognized medical and dental schools, and internes and resident physicians, surgeons, and dentists at recognized hospitals, shall be exempt from training and service (but not from registration) under this act. Notwithstanding any other provision of law, any such medical or dental student, interne, or resident physician, surgeon, or dentist who is a member of a reserve component of the land or naval forces of the United States shall not be ordered or called to active duty or into active service in any of such forces without his consent, except in time of war."

The statement presented by Mr. MURRAY is as follows:

STATEMENT RE AMENDMENT TO SELECTIVE SERVICE TRAINING ACT OF 1940

In the last World War much confusion resulted from the fact that the Selective Service Act of 1917 failed to make provision for the induction of doctors and dentists into the Medical Department Reserve, Officers' Reserve Corps. As a result of that omission in the 1917 act, many dentists and medical men were inducted into the land and naval forces as ordinary soldiers, and the country was deprived of their professional services in the public and private practice of medicine and dentistry in the country, and also deprived of their professional services in the Army, where they were allowed to serve as ordinary soldiers when there was an actual need for their services in their professional capacity.

It will be claimed, of course, that there will be little likelihood that they will be conscripted this time as ordinary soldiers because the local selective service boards will, in the exercise of their discretion, see that they are assigned to the proper division of the Army where their services may be utilized. These draft boards have been given instructions to avoid fanatical diligence in their work and are told to exercise common sense in the performance of their duties, and that if they do so confusion will be avoided. I can see no reason, however, for not making provision in the act itself so as to take care of this important matter and prevent any mistakes in this regard. It is a simple matter to provide in the act exactly the place that doctors and dentists shall occupy in the Army when drafted. A matter of such importance should not be left to the mere judgment or whim of draft boards. There is no excuse for following such a course when a simple provision can take care of the situation. The amendment which I am proposing undertakes to cover this situation.

Again, under the 1917 act, there was no provision to exempt from service medical and dental students in recognized medical and dental schools or internes and resident physicians, surgeons, and dentists serving in recognized hospitals of the country. Obviously, where such exemptions are not provided for, there is a danger of wrecking the national health services of the Nation. The present act contains no such exemption and, therefore, should be amended. At the present moment, there is a serious deficiency of internes and resident physicians, surgeons, and dentists in the hospitals of the Nation. If these men are to be drafted under the present act, it will completely demoralize the hospitals and the health services of the country.

My bill, therefore, proposes to amend the Selective Training and Service Act of 1940 by providing an exemption from training and service, but not from registration, for these students, internes, physicians, and dentists at recognized hospitals.

PRINTING OF COMPILATION RELATING TO CARRIERS IN INTERSTATE COMMERCE

Mr. WHEELER submitted the following concurrent resolution (S. Con. Res. 55), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound 3,700 additional copies of Senate Document No. 202, Seventy-sixth Congress, entitled "Compilation of Federal Laws Relating to the Regulation of Carriers Subject to the Interstate Commerce Act, With Digests of Pertinent Decisions of the Federal Courts and the Interstate Commerce Commission and the Text of or References to General Rules and Regulations," of which 1,000 copies shall be for the use of the Senate, 2,500 copies for the use of the House of Representatives, 100 copies for the use of the Committee on Interstate Commerce of the Senate, and 100 copies for the use of the Committee on Interstate and Foreign Commerce of the House of Representatives.

EXTRACT OF SPEECH OF SENATOR BILBO AT ROLLING GREEN PARK, PA.

[Mr. MINTON asked and obtained leave to have printed in the RECORD an extract from a speech delivered by Senator BILBO, at Rolling Green Park, Pa., which appears in the Appendix.]

STATEMENT OF JOHN A. M'SPARRAN ON THIRD PRESIDENTIAL TERM

[Mr. BURKE asked and obtained leave to have printed in the RECORD a statement made by John A. McSparran before the subcommittee of the Committee on the Judiciary on September 26, 1940, on the third-term issue, which appears in the Appendix.]

LETTERS, TELEGRAMS, AND SPEECH OF SENATOR JOHNSON OF COLORADO RELATING TO WOOL-PRODUCTS LABELING BILL

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD several telegrams and letters relating to Senate bill 162, the wool-products labeling bill, and also a radio address by Senator JOHNSON of Colorado regarding the same bill, which appear in the Appendix.]

THE THIRD PRESIDENTIAL TERM

[Mr. BURKE asked and obtained leave to have printed in the RECORD a letter addressed by John W. Smith, of Brooklyn, N. Y., to the New York Herald Tribune and published on August 4, 1940, under the heading, "To bar a third term," which appears in the Appendix.]

ABRAHAM LINCOLN AND THE STATEHOOD OF NEVADA

[Mr. PITTMAN asked and obtained leave to have printed in the RECORD an article by F. Lauriston Bullard, editorial writer, Boston Herald, entitled, "Abraham Lincoln and the Statehood of Nevada," which appears in the Appendix.]

A LOGICAL PLAN FOR PROSPERITY—EDITORIAL FROM THE PHILADELPHIA INQUIRER

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an editorial entitled, "A Logical Plan for Prosperity," published in the Philadelphia Inquirer of October 3, 1940, which appears in the Appendix.]

THE WILLKIE CAMPAIGN—INTERVIEWS WITH HON. E. H. CRUMP, OF TENNESSEE

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD certain newspaper interviews with Hon. E. H. Crump, of Tennessee, on the pending political campaign of Mr. Willkie, which appear in the Appendix.]

SUPPLEMENTAL APPROPRIATIONS FOR NATIONAL DEFENSE

Mr. ADAMS. Mr. President, I move that the Senate proceed to the consideration of House bill 10572, making supplemental appropriations for the national defense.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 10572) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ADAMS. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will state the first amendment.

The first amendment of the Committee on Appropriations was, under the heading "Title I—War Department—Expediting production," on page 11, line 8, after the numerals "1941", to strike out "$90,000,000, of which $2,000,000 shall be made

available to the Bureau of Mines, Department of the Interior, for the erection, equipment, and operation of a pilot plant or plants for the beneficiation of manganese ores and the production of metallic manganese therefrom by the electrolytic or other process, including personal services and other expenses in the District of Columbia and elsewhere for the preparation of plans and specifications, advertising, and supervision of construction; and for all expenditures requisite for and incident to the exploration of manganiferous deposits in accordance with Public Act No. 117, approved June 7, 1939," and insert "$88,000,000"; so as to read:

For an additional amount for expediting production, including the same objects and subject to the same conditions and limitations specified under this head in the Second Supplemental National Defense Appropriation Act, 1941, $88,000,000; and, in addition, the Secretary of War, upon the recommendation of the Advisory Commission of the Council of National Defense, and with the approval of the President, is authorized to enter into contracts prior to July 1, 1941, for the same purposes to an amount not exceeding $90,000,000.

Mr. WILEY. Mr. President——

The VICE PRESIDENT. The Chair understood that the Senator from Wisconsin desired the floor to address the Senate. The Chair recognizes the Senator from Wisconsin.

THE DIGNITY OF THE SENATE—REPLY TO SENATOR M'KELLAR

Mr. WILEY. Mr. President, for about a week I have been trying to get the floor to reply to certain things that were said on the floor of the Senate. I trust that in my remarks I shall govern myself in accordance with the rules of this body and with the rules which generally govern a gentleman.

Mr. President, some 2,000 years ago a philosopher, looking up into the sky at night, at the "myriad candles of God," asked himself, "What are we here for? What am I here for?" Years ago that question came to me, and I have received many answers; but one of the answers given to me by my mother was, "First learn self-control."

The other evening it was my privilege to see a great picture, and I recommend it to the country—The Ramparts We Watch, meaning the Nation we guard or protect. After I got through with that great experience, I asked myself what lessons I could get from the picture. I enumerated the reactions that came to me after sitting here in Washington and viewing that great picture:

First, America must guard herself emotionally, so that pictures like this and others will teach America to be on guard, but will not unbalance America so that she will feel that to be "on guard" means jumping into the fire. Peace or war hangs in the balance. We must resist hysteria.

Second, this phrase "we watch" or "we guard"—and I repeat the phrase, "The ramparts we watch"—has many connotations:

(a) We must not simply build an adequate navy with an adequate supplemental air arm, an adequate air fleet, and an adequate land force, properly mechanized and trained in new offensive and defensive methods, but

(b) We must see that our military machine does not consume our American values and freedom; that is, we must see that it does not become an octopus and strangle our American freedom.

(c) While we are preparing to repel force with force, we must prepare the soul of America so that our citizens will still love the ideal, the beautiful, and the spiritual and will not become brutalized machines.

(d) We must—and this, I say, came from seeing this picture—we must, in the legislative halls of the Nation, guard our tongues, keep our minds poised, let nothing interfere with our mental equilibrium. In so doing we watch the ramparts. I say to you that unbalanced statesmen lead to unbalanced government. When anger rushes in, reason rushes out.

As I witnessed this great picture, the meaning and significance of the Senate of the United States was reaffirmed to me. The Senate is a forum, not for petty quarrels but where great ideas should blossom forth, where men should become channels for light, not darkness, workers in the vineyards of a greater tomorrow.

As I saw that picture there came to me a story out of the Book of Books, the story of Nehemiah. Senators will remember it was he who went to Jerusalem to repair the walls, and he did not let enemies without and enemies within interfere with the job in front of him, and when they tried to get him down he said, "I am doing a great work, so I cannot come down." It will be remembered that Nehemiah sent a messenger to those who would take him from the job of rebuilding the wall, and he said, "Why should I cease work, leave it, and come down to you?"

This man Nehemiah was a great leader of his time. Would to God we had more like him now. He was the head of a "great crew of men" who "built the walls." Tradition has it that they were ordinary men who became so filled with the greatness of their job, so shot through with the flame of what they had to do, that they became builders, they became operative masons, and they saw to it that nothing could divert them from the job, nothing could divert them from fulfilling the obligation which their great calling imposed upon them.

Tradition has it that one of the master workmen, one who was elected by his fellows, a man of many good parts, but a man who had no control over his temper, a man who saw red when anyone crossed him—tradition has it that Nehemiah had to talk to this man. He was a man from Tanasia.

Nehemiah showed him that the walls around the city were not the real bulwarks; that the walls were but symbols of what the nation had to build; that men had to grow up, cease their petty, childish ways; men had to get rid of bursts of temper, bursts of anger, especially if they wanted to fulfill the leader's part. He was talking to one of the master workmen who was supposed to be building the walls, but who, because of his weakness, was not the builder he should have been.

Tradition has it that Nehemiah showed that he knew what the "fifth column" in his day was. He knew the "fifth column" was the men within, men who were supposed to be leaders but who were so unbalanced that they could not meet the situation head-on and reason their way through it, who could not think straight, who had their thoughts diverted from the job before them, the job of building the bulwarks.

Tradition also has it that Nehemiah anticipated Robert Burns in a well-known ode. It will be remembered Burns said:

O wad some Power the giftie gie us,
To see oursels as others see us!
It wad frae monie a blunder free us.

Yes, Mr. President, Nehemiah was right. The walls of Jerusalem then, and the walls of America now, consist of strong souls, clean hearts, wise minds, truthful spirits, poised intellects—not men in leader's place who lose themselves because of fear, not men who have failed to learn self-control, not men who feel that they alone are indispensable, not men who think that they can do no wrong, not men who give away their convictions for expediency, not men who desecrate high office by chicanery and ignoble deeds.

Where soil is, men grow,
Whether to weeds or flowers.

So spake Keats in Endymion.

We can never build the walls of America by having "weedy leaders," men whose minds are filled with the trash of the commonplace, hate, anger, mental unbalance. Such a man is the man of dust. But Longfellow says that—

Dust thou art, to dust returnest,
Was not spoken of the soul.

Such a man has no place in the councils of the Nation or in the Senate of the United States in this critical hour. At least he should not be here.

Shakespeare, thank God, had another idea of man. Listen to this:

What a piece of work is a man. How noble in reason. How infinite in faculty. In form and moving how express and admirable. In action how like an angel. In apprehension how like a god.

Mr. President, today in my remarks I would not divert anyone from the main purpose, the main objective of his being here, that is, to watch the ramparts; to guard the Nation; to rebuild the walls of our country. So I shall not reply in kind to the words of the Senator from Tennessee. I shall

not with anger accuse anyone of making false representations, of being dishonest, ignorant, malicious, cowardly. To follow such tactics would not prove a Senator's gentility. It would not add to the dignity of the Senate. Such tactics would show a lack of appreciation of the high responsibilities of the office of a United States Senator and of the obligations of this body—a body "to which," as Webster said, "the country looks with confidence for wise, moderate, patriotic, and healing counsel."

Therefore, I apologize to this honorable body for taking its time in replying to the Senator. Our big job is watching the ramparts. And, Mr. President, I feel like apologizing to the country for the time the Senate has taken in recent months in considering irrelevant matters, personal matters—attacks and defense of Presidential nominees.

It might be well to have a rule that for 3 months previous to election there should be no discussion relating to the nominees of the political parties.

We are a legislative body. Here, we should have our attention directed to repealing outmoded, unworkable legislation, passing constructive laws, and looking after the other activities of the legislative body of the Nation as provided for in the Constitution.

If we followed this course, how much better off this country would be. And here we would then be discussing principles, not personalties.

There have been many exchanges on the floor of the Senate which have not given "light to the people." I think it was Dante who said, "Give the people light and they will find the way."

The other day when, like Don Quixote, the distinguished Senator from Tennessee marshaled his forces, and on the floor of the Senate attacked an enemy that was 5,000 miles away, I came to the defense of Mr. Willkie. In the course of that defense, because it was claimed Mr. Willkie was inconsistent, and so forth, I called attention to the inconsistent stands of the distinguished Senator from Tennessee on the third-term issue and on the Muscle Shoals and T. V. A. issues.

If I had the ability of the distinguished junior Senator from Texas [Mr. CONNALLY] I could show how, Don Quixote-like, the distinguished Senator lowered his lance and charged an enemy that was 5,000 miles away.

To show the fallacy of some of the Senator's argument in relation to Mr. Willkie—and I shall not reply, because much of the charge was met last night by the Senator from New Hampshire [Mr. BRIDGES]—I ask that an editorial column from the Chattanooga Times under date of September 26, 1940, be incorporated in my remarks at this point. It replies to the Senator's attack on the so-called 5,000 percent profit.

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chattanooga Times of September 26, 1940]

M'KELLAR'S MISTAKE

Tennessee's senior Senator, KENNETH MCKELLAR, on the floor of the United States Senate day before yesterday, accused Wendell Willkie of charging "power patrons of Tennessee a 5,000-percent profit." In the current campaign argument we can find no better example of how, intentionally or unintentionally, truth can be distorted by men in high places.

According to the Associated Press: "Waving both arms, MCKELLAR shouted that the Nashville, Tenn., utility plant, formerly controlled by a utility which was headed by Willkie before he became the Republican candidate, bought power at Muscle Shoals dams for about 2 mills a kilowatt-hour and sold it to Nashville consumers at 10 cents.'

" 'That was a profit of about 5,000 percent,' MCKELLAR boomed."

Senator MCKELLAR long has been an influential figure in Tennessee politics, and his statement doubtless will be believed by those who ardently wish to believe it and will not trouble themselves to examine the facts. More cautious persons will stop to consider this simple truth: The profit in the sale of electrical energy cannot be measured merely by the difference in the cost to the distributor and the selling price to the consumer. Senator MCKELLAR, deliberately or otherwise, ignores the cost of distribution. If a dairyman buys milk from a farmer at the rate of 3½ cents a pint and delivers the same pint of milk to your door, charging 7 cents, he has not made 100 percent profit. The man who drives the milk wagon must be paid and his horse must have his hay.

If one of Mr. Willkie's supporters should charge that the Public Power Board of Chattanooga is making 1,900 percent profit on sale of electricity to domestic consumers, the charge doubtless would be laughed out of court, as it should be. Yet the public power board can buy power at wholesale, from the T. V. A., at the rate of 1½ mills per kilowatt-hour. Residential consumers pay 3 cents per kilowatt-hour for the first 50 kilowatt-hours. Three cents is 1,900 percent greater than 1½ mills, but it would be absurd to infer from those figures that the power board's profit is 1,900 percent, or even 19 percent. It is equally absurd to say that a 5,000-percent profit was charged in Nashville.

We trust that Senator MCKELLAR, on reflection, will change his mind about this, as he has changed his mind about a really important issue in the campaign. On February 10, 1928, when Calvin Coolidge was serving his second term as President, the following resolution was passed by the United States Senate:

"*Resolved*, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from Presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions."

Among the Democrats who voted for the resolution was Tennessee's senior Senator, KENNETH MCKELLAR.

Mr. WILEY. Mr. President, it is not my intention to discuss at any length the various allegations relative to the power issue which have been discussed here on the floor of the Senate. To begin with, it is at least debatable whether such questions should ever be considered in a political way on the floor of the Senate. In all fairness, however, since the matter has been discussed at such great length in recent days, I believe one or two phases of the allegations concerning the power question should be very briefly considered.

To begin with, it has been charged that fantastic profits were realized by a private power company from power purchased at Wilson Dam.

Another allegation which has been heard is that the Republican Presidential nominee "watered" utility stock. Here, again, anyone who is familiar with the facts will recall that Mr. Willkie wrote down his company's capitalization by half a billion dollars as one of his first official acts upon becoming president of the company. I understand, incidentally, that that was done before the holding-company bill was on the books.

Is it not begging the question to charge stock watering to the company in the face of the "watering" which has been done by the Tennessee Valley Authority?

Has not the T. V. A. capitalization been "watered" by charging 60 percent of its multiple purpose cost of $600,000,000 to flood-control and navigation benefits and only 40 percent to power? It appears to me that the "watering" of the Tennessee tax base by this procedure and by Government ownership of property formerly privately owned may not be so much a matter of "watering" as "bleeding."

The editorial I have introduced into the RECORD shows how illogical and inconsistent the first contention is.

Mr. President, I read with considerable interest in the CONGRESSIONAL RECORD of September 25 the statements of the senior Senator from Tennessee relative to his stand on public and private ownership of power facilities. Apparently the distinguished Senator's statement was a reply to some remarks I made on the previous day concerning the Senator's attitude on this issue.

Evidently, when I mentioned the Alabama Power Co., I opened up old wounds for the Senator, as is indicated by the extremely intemperate tone of his remarks. I am sincerely sorry for that, because I can assure the distinguished Senator that it was not my purpose to attack his record, as he appears to believe. My purpose was to defend Mr. Willkie, whom the Senator attacked. Mr. Willkie was not present to defend himself, whereas the Senator is present and quite competent to defend himself.

My references to the Senator were quite casual and unpremeditated. They were made to illustrate the incongruity of the Senator, who has himself shifted his opinion on this issue, seeking to indict an alleged inconsistency in Mr. Willkie's attitude.

I applaud the principle, "Let him who is without sin cast the first stone."

It cannot be denied that the senior Senator from Tennessee has at one time supported private monopolistic ownership and at another time public ownership. I do not indict him for this shift in opinion. I merely mentioned it then and mention it again as an illustration.

I will not quarrel with the Senator as to his attitude in connection with the Alabama Power Co. If it is his recollection that he consistently opposed this company, I am perfectly willing to concede his right to believe he did, rather than engage in a prolonged debate on it. But the record will speak for itself.

I submit, however, that this in no way alters my original thesis that the Senator at one time supported private monopoly—and this is illustrated by his acknowledged support of the Ford proposal—and at a subsequent date supported Government ownership.

I do not care how he justifies this shift of opinion or whether or not in his own mind he finds these two positions to be consistent. That is not the question. The question is merely on the matter of fact that he did shift his opinion.

I am extremely sorry that this trivial point should have occupied so much of the Senate's time. I do not believe it merited so much attention, and I for one do not propose to magnify something which I do not think is an issue.

I can overlook the distinguished Senator's vehement comments because they reflect his agitation over a disputed question which has evidently been a source of annoyance to him in years gone by. In all fairness, however, I feel it necessary to point out the fact that the senior Senator from Tennessee did not a week ago last Wednesday nor can he now indicate any single statement made by me in which I in any way misquoted him. If he chooses to question the inferences or the conclusions which I drew from his statements, that is his privilege. But I do not believe he can say I quoted him incorrectly. He could not say that honestly then, nor can he say it today.

The Senator questioned and made a great to do about the sources of those statements. The sources of those statements are not secret, as he seemed to imply. They are a matter of permanent record, incorporated in the CONGRESSIONAL RECORD, and designated by pages in my original remarks. The Senator is privileged to go to those records at any time.

The fact that those pages of the RECORD were directed to my attention by someone who has questioned the Senator's consistency on this issue is in no way germane, and in no respect does it affect the accuracy of the quotations as reported in the printed and permanent CONGRESSIONAL RECORD.

Mr. President, the Senator from Tennessee referred to me as a newcomer. That was another one of the words that was thrown out with anger. I am reminded of a historical incident which occurred in 1740 in the English Parliament, when Mr. Walpole attacked William Pitt, Earl of Chatham, with words somewhat similar to those used here, and I shall, with apologies for any seeming presumptuousness, let Mr. Pitt's words stand as my reply to the Senator's reference to me as a newcomer. I quote Mr. Pitt:

> The atrocious crime of being a young man—

A newcomer in the United States Senate—

> which the honorable gentleman has with such spirit and decency charged upon me, I shall neither attempt to palliate nor deny, but content myself with wishing that I may be one of those whose follies may cease with their youth, and not of that number who are ignorant in spite of experience.

I continue to quote:

> Whether youth can be imputed to any man as a reproach, I will not assume the province of determining—

I interpolate—whether being a newcomer in the United States Senate can be imputed to anyone as a matter of reproach, I cannot assume the province of determining—

> but surely age may become justly contemptible if the opportunities which it brings have passed away without improvement.

Those are the words of the great Pitt.

Amiel, the great philosopher, said:

> To know how to grow old is the master work of wisdom and one of the most difficult chapters in the great art of living.

Yet, Mr. President, the great art of living is a challenge to everyone, whether he live in a hut or in a castle, whether he is a utility magnate or a poor barrister in a country town, whether he sits in the Senate of the United States or in the White House. The art of living is a challenge to every human life. To grow old gracefully, with a smile on your lips, with no hate in your heart, with a knowledge that He who shaped you shaped you with a purpose, with a purpose noble, not ignoble, shaped you with that something in you that impels you forward to accomplish great and splendid things. Ah, that is life—life with flame. The Master Architect gave to each and every one a job to build the bulwarks of America. He made you master workmen of a great temple—America. He made you master masons and builders to lay its stones with the cement of kindness and forgiveness and faith and joy.

Mr. President, I was not present when the distinguished Senator from Tennessee delivered his phillipic, but I wish to say that during the over 20 years he has been in the Senate, and during the little over a year and three-quarters that I have been in the Senate, and ever since the Senate has been in existence, there has been a rule for the government of conduct of Senators, and I read it to the Senate. It is as follows:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

That is paragraph 2 of rule XIX of the Senate Rules, for the guidance and direction of all Senators, old Senators and newcomers. At least six times this rule was violated by the Senator's remarks. After the distinguished Senator concluded, there was a quorum call. I was not present to hear his remarks. I was at a conference. I reached the Senate Chamber in time to answer the quorum call, and several Senators remarked to me about the speech that had been made. I had not read his speech. I went to the Senator from Tennessee, as I have done to many others, to congratulate him. He alone can tell what my reception was. I know now from reading the speech and from the tone of his remarks and subsequent remarks—I place an emphasis on the words "subsequent remarks"—that the Senator was on fire and had not had time to cool down.

Man has no greater enemy than the consuming passion of anger. A potent friend is poise. A potent friend is calmness. A potent friend is man's faith in his fellow men. Later, after I finally digested the remarks the Senator made a week ago Wednesday, I found he had not disputed the correctness of any one of the quotations or citations, but he had protested against the statement contained in my opening remarks, and this is the statement; this is what caused his heat:

> At one time the Senator appears not to have been so militantly opposed to monopoly. I refer to the RECORD of December 7, 1922, at page 178 of the CONGRESSIONAL RECORD, volume 64, part I, Sixty-seventh Congress, where the Senator did not appear to be opposing the Underwood bill, which proposed to lease the Muscle Shoals Dam to the Alabama Power Co.

Those who did me the honor to listen to my remarks will remember that the Senator interrupted me and said:

> I know the Senator wants to have the RECORD straight.

The RECORD shows that I stated—page 12538—

> So far as the senior Senator from Tennessee is concerned, if I have said anything which does not square with the RECORD, I shall be very happy to retract what has been said. * * * In discussing this matter I did not indulge in any personalities. I quoted from the RECORD. I gave the page, the volume, and the date. If there is any misstatement, we shall have it checked, and if the RECORD does not square with my statement I shall be the first one to clear up any misrepresentation.

Mr. President, that has been a rule of my life. I learned it early. I found that there was great pleasure in being able to say, "I was mistaken, and I beg your pardon." I say that

as a Senator, and I repeat, that at any time, any where, whether it is in the Senate of the United States or elsewhere, if I am mistaken I will get a real joy from acknowledging it. I learned that lesson many years ago, and I have not forgotten it.

Mr. President, the language I have quoted, which seems to have aroused the Senator, may not be fully sustained to everyone's satisfaction by the page to which I referred. When I came into the Senate I wanted to say that to the distinguished Senator, but I had no opportunity to do so. But I say now that after reading the speech of the distinguished Senator there came to my mind the words of Shakespeare in Hamlet:

The lady protests too much, methinks.

Then I started to search the RECORD, and I found additional and sustaining evidence for that conclusion. In order that there may be no mistake, because of the claims made by the distinguished Senator from Tennessee that the quotations from the RECORD that I used were incorrect, I checked every quotation that I used, and I found them all to be correct.

On page 178 of volume 64, part I, Sixty-seventh Congress, there was this colloquy:

Mr. MCKELLAR. Mr. President, as a matter of fact, the Government is in control of it today, and it is being rented by the Alabama Power Co. at a nominal sum, is it not?

Mr. HEFLIN. Yes; dam No. 2 is being rented to the Alabama Power Co. at a nominal sum.

Mr. MCKELLAR. Next to owning it themselves, I suppose they prefer to rent it from the Government at a nominal figure.

That was the language from which I drew that conclusion. When the colloquy to which I have referred took place Senator Heflin was opposing the Underwood bill and also the Norris bill, and was supporting the Ford proposal. A speech by the Senator from Nebraska [Mr. NORRIS] against the Ford offer had been circulated all over the South. The Senator from Tennessee [Mr. MCKELLAR] was opposing the Norris proposal, was noncommittal on the Ford proposal, and appeared to be flirting with the Alabama Power Co. That was my conclusion. The Senator says that conclusion was erroneous. It is his privilege to say so. However, he cannot contend that my statement contains any falsehoods whatsoever. He may not dispute the facts from which I draw my conclusion. To prove the correctness of my conclusion I am restating the record with additional evidence.

Mr. President, in order that I may not have to read all the references and quotations from the statements of the distinguished Senator, I ask that they be printed in the RECORD at this point in my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE RECORD OF SENATOR KENNETH D. M'KELLAR RE MUSCLE SHOALS

Henry Ford's offer to lease Muscle Shoals was made in a letter to the Chief of United States Army Engineers, General Lansing H. Beach, dated July 25, 1921, and appears in the CONGRESSIONAL RECORD at page 4285, first session, Sixty-seventh Congress, volume 61, part 5.

Ford offered to lease and operate Muscle Shoals. According to Senator MCKELLAR'S statement in the RECORD, March 3, 1926, page 4918, Sixty-ninth Congress, first session, volume 67, part 5:

"Mr. MCKELLAR. About that time Henry Ford came along and made an offer to the Government not to lease it really, because he got absolute fee simple title to all the property except the dam and the navigation rights, and those he got for 100 years. He offered the Government what was tantamount to about $2,000,000 a year for the plant. A great many of us, feeling that Mr. Ford had been independent of all trusts and combinations and was a public-spirited citizen and wanted to help the farmer, joined in an endeavor to arrange that the transfer might be made."

On December 7, 1922, page 178, Sixty-seventh Congress, fourth session, volume 64, Senator MCKELLAR said:

"Mr. MCKELLAR. Mr. President, as a matter of fact, the Government is in control of it today, and it is being rented by the Alabama Power Co. at a nominal sum, is it not?

"Mr. HEFLIN. Yes; Dam No. 2 is being rented to the Alabama Power Co. at a very nominal sum.

"Mr. MCKELLAR. Next to owning it themselves, I suppose they prefer to rent it from the Government at a nominal figure."

As I have previously stated, at this juncture Senator Heflin was opposing the Underwood bill and also the Norris bill and was supporting the Ford proposal. A speech by Senator NORRIS against the Ford offer had just been circulated all over the South. Some accused Senator NORRIS of circulating the speech, and some said that Wall Street had done it to defeat the Ford proposal.

The first evidence of Senator MCKELLAR'S support for the Ford proposal was a telegram from Mr. E. B. Stahlman, publisher of the Nashville Banner, Nashville, Tenn., of March 12, 1924. The telegram appears in the CONGRESSIONAL RECORD, page 4151, Sixty-eighth Congress, first session, volume 65, part 4, for March 14, 1924, and reads as follows:

NASHVILLE, TENN., *March 12, 1924.*

Hon. K. D. MCKELLAR,
United States Senate, Washington, D. C.:

Count of total and final vote in Banner's referendum on Shoals proposition gave Ford 56,145. Associated Power Companies 49. Government ownership 16. Equal to 864 to 1 for Ford. Approximately 20,000 came from Nashville and Davidson County; 30,000 from other Tennessee counties. Remainder from north Alabama and southwestern Kentucky. There was never a fairer vote cast in Tennessee. Every ballot had printed on it "for" or "against" proposition, requiring names of voters. Everybody was urged to vote, and the vote as cast was honestly counted. May we not ask that you use your best endeavor to secure early action by the Senate on House bill?

E. B. STAHLMAN.

From this date on, Senator MCKELLAR fought for the Ford proposal. He bitterly opposed the Underwood bill and the Norris bill, and kept up his fight until the Ford proposal was withdrawn.

On page 392, CONGRESSIONAL RECORD, December 10, 1924, volume 66, part 1, Sixty-eighth Congress, second session, Senator MCKELLAR said:

"* * * I do not believe that the Government ought to be put in business if it is possible to avoid it. * * *"

On page 393, CONGRESSIONAL RECORD, same date, Senator MCKELLAR said:

"I am opposed to municipal operation or governmental operation. I would dislike to see that plant go into the hands of the Government for operation, because I do not know what would happen to it. * * * I cannot bring myself, with my rearing and education, along political lines, to believe that Government operation of the plant can be as successful as private operation. * * *"

On page 398, same date, Senator Underwood said:

"I have not been able to find out yet what the Senator from Tennessee is for. He is not for the proposal of the Senator from Nebraska (Norris bill) for a superpower system. * * * The Senator now says he is not for the Alabama Power Co. offer, and I do not know what the Senator from Tennessee is for * * *."

It is to be noted that the Ford offer had been withdrawn in October. On page 389, same date, Senator MCKELLAR said:

"Mr. MCKELLAR. Mr. President, I want to call the attention of Senators to an offer made for the property by the Alabama Power Co. and others on January 15, 1924, that is so far superior to the offer proposed in the bill or that is to be found in the bill that there is no real comparison. The amount of rental offered and the conditions proposed are all so much more favorable to the Government that I think Senators ought to bear in mind in considering the bill this offer of the Alabama Power Co. and others. I am going to read it for the information of the Senators. I want them to hear it, because it is a much better proposal than is incorporated in the bill.

"Mr. NORRIS. In which bill?

"Mr. MCKELLAR. In the bill of the Senator from Alabama. I want it understood that I am not urging the acceptance of this offer. My purpose in reading it is to show that the offer of the Alabama Power Co. made last January for this property, when there was a competitor making an offer that was being seriously considered, was infinitely better for the American people, both as to the manufacture of fertilizer and in every other respect, than the offer which is proposed in the bill to lease the property."

Page 505, March 12, 1924, Sixty-eighth Congress, second session, volume 66, part 1:

"Mr. KENDRICK. I want to ask the Senator from Tennessee if he was in favor of the Ford offer?

"Mr. MCKELLAR. I was.

"Mr. KENDRICK. In the light of that circumstance, Mr. President, I am unable to see how the Senator can object to the use, rent free, of this property, the title to which under the Ford offer he would transfer outright.

"Mr. MCKELLAR. There is quite a difference between the Ford offer and this, if the Senator has read them both.

"Mr. KENDRICK. The Ford offer simply proposed to pay for this property, as I read the figure, $1,500,000 for about seventy-odd-million dollars of invested capital. This offer just leases the land instead of giving title to it.

"Mr. MCKELLAR. The Ford offer proposed to give $5,000,000 in cash.

"Mr. KENDRICK. Five million dollars with the plant that cost $3,500,000.

"Mr. MCKELLAR. It proposed to give, then, $5,000,000 in cash for this property. I think that was exceedingly cheap, but that is $5,000,000 more than the Alabama Power Co. is offering for the property.

"Mr. KENDRICK. Mr. President, I want to call the Senator's attention to the fact that written in the Norris bill, as passed by the House, there is a provision under which the Government shall expend, under the direction of Mr. Ford, about $3,500,000 that would have been granted to him under that bill. That reduces his actual payment to the Government to about $1,500,000."

On page 509, December 12, 1924, Sixty-eighth Congress, second session, volume 66, part 1:

"Mr. CARAWAY. The Senator is so strong for regulation now that I am prompted to remind him that when one man whose name was Henry Ford had an offer pending for this property there was no provision for any regulation at all and no effort to divorce it from the water-power plant. I think the Senator was for accepting Henry Ford's bid without the crossing of a 't' or the dotting of an 'i.'

"Mr. MCKELLAR. I do not think the Senate ever voted on the Henry Ford offer.

"Mr. CARAWAY. Was not the Senator for it?

"Mr. MCKELLAR. It was reported out of the Senator's committee to which it had been referred.

"Mr. CARAWAY. Was not the Senator for it?

"Mr. MCKELLAR. I was very much in favor of Henry Ford getting the plant, and I would like to have had the very regulation the Senator speaks of. I do not think any person or any corporation ought to have that power without national regulation.

"Mr. CARAWAY. Was not the Senator in favor of Henry Ford's offer without any modification?

"Mr. MCKELLAR. I do not recall that I was. I have always said there ought to be reasonable regulation.

"Mr. CARAWAY. I want to call the Senator's attention to the fact that he was speaking about the editor of the Banner. I recall that a lot of people were down here spending somebody's money for the Henry Ford offer absolutely without any change.

"Mr. MCKELLAR. Yes, I think so; and not only the editor of the Banner, but about nine-tenths of the people in my State and probably 95 percent of the people in the Senator's State were for the Henry Ford offer.

"Mr. CARAWAY. Therefore, the Senator was for Henry Ford's offer without change, regardless of the fact that it destroyed the water power."

Page 513, December 12, 1924, Sixty-eighth Congress, second session, volume 66, part 1:

"Mr. CARAWAY. Mr. President, if the Senator will yield to me, I notice he just said that we ought to advertise before we lease. I happen to have before me, because the Senator challenged me to get the record, a statement made on January 14, 1924, by the distinguished Senator from Tennessee, in which he said he wanted Henry Ford to have it.

"Mr. MCKELLAR. Will the Senator read what I said?

"Mr. CARAWAY. I shall be delighted, the Senator said: 'Muscle Shoals, under Henry Ford's offer, will probably develop more horsepower than all the horsepower developed by all the nine companies joining in the combination bid.'

"The Senator was opposing other bids. I will just skip now and read further from what the Senator said. 'Mr. Ford is the logical man to have this plant. I am now, as I have always been, since the matter first came up, in favor of leasing it to him.'

"Mr. MCKELLAR. I am.

"Mr. CARAWAY. The funny thing about it is that there were no competitive bids then. Nobody else could bid. The bill itself said, "You will let Henry Ford have it," and if somebody else wanted it, they could not have it. Under the Senator's state of mind then, he wanted no competitive bids. He wanted no guarantees for regulation or control but wanted simply to turn it over in fee simple to one Henry Ford on Henry's own offer."

January 9, 1925, page 1524, Sixty-eighth Congress, second session, volume 66, part 2:

"Mr. UNDERWOOD. I am not criticizing anybody. Many Senators on the floor of the Senate believe in Government operation; I do not.

"Mr. MCKELLAR. Neither do I, Mr. President."

January 10, 1925, page 1600, Sixty-eighth Congress, second session, volume 66, part 2:

"Mr. MCKELLAR. Mr. President, will the Senator yield to me?

"Mr. SMITH. I yield.

"Mr. MCKELLAR. If this plant should go into the hands of the Alabama Power Co. that would give us another outside source of supply from which to draw our nitrates."

January 12, 1925, page 1671, Sixty-eighth Congress, second session, volume 66, part 2 (regarding Underwood bill, Muscle Shoals):

"Mr. HEFLIN. I am consistent, and that is more than my friend from Tennessee can say with regard to this matter. He was for it when he was in the House at that time. He now says that he is sorry that he was for it. He was for the Ford bill when it was here, and he was against the Norris bill. The Ford bill has been withdrawn. The Norris bill is now pending. The Senator has changed from his support of the Ford idea and has gone over and is supporting the Norris idea. So the Senator has changed four times in these 12 years. * * * Not only that, but he comes along now and finds himself very much pleased with the bill of the Senator from Nebraska, because, he says, they have amended it so that fertilizer will be manufactured, as the Ford provision in the bill of my colleague provides.

"Let us see where the Senator from Tennessee now finds himself in that regard. The Senator from Nebraska, day after day, week after week, and month after month has stood on this floor and said that fertilizer cannot be made at Muscle Shoals. * * * The farmers of his State are bound to take note of that. The Senator is supporting a bill [MCKELLAR] the author of which himself declares that in his judgment they will never make an ounce of fertilizer under any bill at Muscle Shoals. * * * It reminds me of the old fellow out in Texas who wrote back to a friend in Tennessee. He said: 'Dear Bill: If you have not started for Texas, don't. This is the most hellacious climate in the world. On yesterday, while driving a yoke of steers across the prairie, one of them had a sunstroke, and while I was skinning him the other one froze to death.' That was a quick change in the weather, Mr. President, but not much quicker than the changes of my friend from Tennessee."

The Underwood bill passed January 14, 1925. Senator NORRIS said on December 7, 1922, page 175:

"When the farmers of America understand the iniquity of this Ford proposition they will rise en masse and condemn it, and they will condemn any man who stands for it."

March 1, 1926, page 4767, Sixty-ninth Congress, first session, volume 67, part 5:

"Mr. MCKELLAR. There would have been no possibility of ever getting such a provision through the House if it had been in the remotest way conceived or imagined that the project would ever be turned over to private interests.

"Mr. CARAWAY. Mr. President, may I ask the Senator a question?

"Mr. MCKELLAR. Certainly.

"Mr. CARAWAY. Then why was the Senator for Henry Ford's bill?

"Mr. MCKELLAR. That was a proposed law which would defeat this law, and for reasons that were then perfectly good I was for it."

Page 4911, March 3, 1926, Sixty-ninth Congress, first session, volume 67, part 5:

"Mr. MCKELLAR. Practically everyone who is now trying to give this great power plant away to private interests, in 1916 was here beseeching the Government to build that plant for war purposes in time of war and for the making of fertilizer by the Government in times of peace. They put themselves unwittingly, perhaps, in the remarkable attitude of coming to the Congress urging appropriations in the aggregate of $150,000,000, made up of taxes from all the people, to build that plant, and after we have built it they turn serenely around and say, 'We will give it away to private interests. We did not mean what we said. We told the Congress then that we wanted it for public purposes; that we wanted the Government to control it for national defense, in the first place, and for fertilizer for the benefit of the farmer in times of peace. But we did not mean what we said. What we really meant was that we wanted to inveigle the Congress of the United States into developing this power for the hidden purpose, as it appears, of turning it over to private interests.'

"Mr. HEFLIN. The Senator speaks about an effort to give this project away to private individuals. The Senator himself voted to do that. He supported the Ford bill, with a term of 100 years as to dam No. 2 and dam No. 3, also. * * * I assert again that the Senator from Tennessee supported the Ford offer, which contained a provision for 100 years' lease, and under which Ford could do what he pleased with all the power. The Senator from Tennessee cannot get away with that sort of argument. I will show before this debate is over that he has occupied two separate and distinct positions on the question."

February 25, 1927, page 4743, CONGRESSIONAL RECORD, and page 4744, Sixty-ninth Congress, second session, volume 68, part 5:

"Mr. MCKELLAR. I remember, as I said awhile ago, that in 1915, when I was a Member of the House, the senior Senator from Alabama came to me and urged me to introduce an amendment providing for an appropriation of $20,000,000 to start the great project at Muscle Shoals."

May 27, 1928, page 9723, CONGRESSIONAL RECORD, Seventieth Congress, first session, volume 69, part 9, regarding the Norris bill:

"Mr. MCKELLAR. Mr. President, I expect to leave no stone unturned to defeat this bill as long as Cove Creek is in it. Let there be no misunderstanding about that. It is a matter of such vast importance that I propose to leave no stone unturned to defeat the bill. If it is a matter of physical endurance, it is going to be a matter of physical endurance. I am going to use every ounce of energy of which I am possessed to defeat the bill unless Cove Creek is taken out of it."

April 4, 1930, CONGRESSIONAL RECORD, page 6495, Seventy-first Congress, second session, volume 72, part 6, Senator VANDENBERG:

"Mr. VANDENBERG. I listened last night to my very able and distinguished friend from Tennessee as he discussed, in glowing optimism, the benefits that this development is to bring to Tennessee. Of course, it was a totally different speech than the one which he delivered a year or two previously, when he was filibustering the Congress in an effort to prevent the development of the Norris program in connection with Muscle Shoals."

ATTITUDE OF SENATOR M'KELLAR RE THIRD TERM

CONGRESSIONAL RECORD, February 10, 1928, page 2831, volume 69, part 3, Seventieth Congress, first session:

"The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Tennessee?

"Mr. SHORTRIDGE. Yes, sir.

"Mr. MCKELLAR. Does not the Senator think there exists in this country a very strong and deep feeling upon the part of all patriotic citizens that it would not be a wise plan for any President to serve for a longer period of time than that served by the first President, George Washington?

"Mr. SHORTRIDGE. Doubtless there are many who so think.

"Mr. MCKELLAR. Does not the Senator think, instead of there being many, that it is the underlying view of the people of America that General Washington, our great patriot President, and the first one, having voluntarily fixed two terms as proper for him, no other President should serve for a longer time?"

Mr. WILEY. Mr. President, as I have already said after reading the remarks of the distinguished Senator—and those

who heard them know their character, and how they were delivered—there came to my mind the words from Hamlet:

The lady protests too much, methinks.

I went into the RECORD further. The more I read, the more I became convinced that Senator Heflin's statement, Senator Underwood's statement, Senator Caraway's statement, and the statement of the Senator from Michigan [Mr. VANDENBERG] in relation to the stand of the distinguished Senator [Mr. MCKELLAR] indicated a remarkable change of front. That was his privilege. No one blames him for being inconsistent. Emerson says that only fools are consistent. What I cannot understand is why the Senator should take the attitude he took. A little couplet comes to my mind:

Two men looked through prison bars.
One saw mud, the other stars.

That little couplet has in it much of philosophy. One can see what he wants to see. Stars typify the glory of life, which is all around us. Still, some see only mud.

Mr. President, let me read a statement which the Senator probably has forgotten—one of his own. It is found in volume 66, part I, Sixty-eighth Congress, page 389, December 10, 1924:

Mr. MCKELLAR. Mr. President, I want to call the attention of Senators to an offer made for the property by the Alabama Power Co. and others on January 15, 1924, that is as far superior to the offer proposed in the bill or that is to be found in the bill that there is no real comparison. The amount of rental offered and the conditions proposed are all so much more favorable to the Government that I think Senators ought to bear in mind in considering the bill this offer of the Alabama Power Co. and others. I am going to read it for the information of Senators. I want them to hear it, because it is a much better proposal than is incorporated in the bill.

Mr. NORRIS. In which bill?

Mr. MCKELLAR. In the bill of the Senator from Alabama. I want it understood that I am not urging the acceptance of this offer. My purpose in reading it is to show that the offer of the Alabama Power Co. made last January for this property, when there was a competitor making an offer that was being seriously considered, was infinitely better for the American people, both as to the manufacture of fertilizer and in every other respect, than the offer which is proposed in the bill to lease the property.

Again, on January 10, 1925, page 1600, Sixty-eighth Congress, second session, volume 66, part II:

Mr. MCKELLAR. Mr. President, will the Senator yield to me?

Mr. SMITH. I yield.

Mr. MCKELLAR. If this plant should go into the hands of the Alabama Power Co. that would give us another outside source of supply from which to withdraw out nitrates.

Yes, the gentleman protests too much, methinks. The Senator from Tennessee voted against giving the Alabama Power Co. these properties. It will be remembered that distinguished Senators who were his colleagues in the Senate at that time were very much confused as to what he stood for. For some one now not to understand his confusing record should hardly be the ground for such a tirade.

Mr. President, I believe in the dignity of the United States Senate. I do not believe that the dignity of this body is enhanced by language which violates the rule of the Senate which I have quoted. Everyone believes that lies and vulgarity should be trampled down whenever found; but one cannot accomplish such a result by sinking to the same level. We in the Senate must by our conduct make sure that the atmosphere of the Senate does not need to be fumigated. Loose statements and falsehoods, like pestilence, should not obtain here.

The theme on which the debate was started was Wendell Willkie. We have gone a long way from that theme. When the distinguished Senator from Tennessee obtained the attention of this body and launched his attack against the man who heads one of the great parties of this Nation, he precipitated this controversy. All the pooh-poohing, and all the superficial attacks such as we have seen on the floor of the Senate can not affect the real issues in this campaign.

Mr. President, Wendell Willkie has instituted a crusade. Those who heard him last night, and heard the 20,000 people in Cleveland go wild, know that he is not to be pooh-poohed. Wendell Willkie has instituted a crusade, an uprising of the people against the kind of government which millions think is not a good kind of government. Mr. Willkie is proving his mettle. He is a fine campaigner, and the people who see him like him. At Coffeyville his speech penetrated to the grass roots. In California he was a great success. In my own State, at a great university, with an audience made up of the most critical listeners to be found, including men and women who were prejudiced against him, he captured his audience. Why? Because he shot straight and talked straight. He speaks with a conviction which does not come from changing his viewpoint or taking a different position from that which he took a few years ago on vital fundamentals. Likewise in New York he was accorded a great reception. Everywhere he goes he is doing a real job. He is getting across to the people the issues of this campaign. As a result of his dynamic appeal, the people are discussing the doctrine of the indispensable man, the third term, and New Deal palliatives; and they are discussing the issue of the job which was promised to be done in 1932 and 1933 and which has not been done.

Mr. President, the American people will not be diverted from these issues by smoke screens on the floor of the Senate or anywhere else, or by any attack upon a great national leader. Such attacks have created throughout the land an impression which in my humble opinion does much damage to the standing of the Senate before the country.

We have had in the White House a man who has designated certain legislation as "must" legislation; a man who has said that the Supreme Court should be "packed"; a man who has attempted a purge of his party and now is willing to violate the third-term tradition. Such a man with such tendencies toward dictatorship should be the last man to be placed in the Presidency again. The people in other lands have felt that the day of legislatures is over. Are we so minded here? If we follow the rule of Webster, if we follow the course of dignity, if we argue issues instead of personalities, if we show that the years that are behind have made us stable men, men of reason, mental equilibrium, and poise, then it can be said that the founding fathers were right when they created this government of checks and balances, this government of executive, legislative, and judicial functions.

Mr. President, the people are realizing that this is their fight, and they are getting into it. The world is full of assaults upon vital principles. It is for us to be undisturbed amid the jarring conflicts of this age. It is for us to keep cool, retaining and exemplifying judgment, common sense, and vision.

God give us men,
Men, who in word and deed,
Reflect poise and clear thinking.

May each of us say sincerely:

Today I am free—and why?
Because I laid away the shell of yesterday,
And with tomorrow's sunrise, I hope
To lay away the shell I grow today.
New sky lines burst upon my view—
I know it is the law of life to grow.
So open wide, ye windows of my soul.
I fear no more—the quest is on,
A hunter for the spiritual goal,
The glory of a God enraptured man.
Gone are the gods of yesterday—
Narrow creed, superstition, hate, and woe!
Gone, with other dreams that limit me.
Today, today, I am free!

—*A. W.*

SUITS AGAINST OIL COMPANIES

Mr. GILLETTE. Mr. President, the first of the present week there were filed in the United States courts by the Antitrust Division of the Department of Justice suits against a number of oil companies. The news of the filing of those suits was pleasing, I am sure, to every citizen of the United States, and was especially pleasing to me. In connection with the filing of those suits against 22 oil companies, comprising the American Petroleum Institute and some subsidiaries, there is a story and a history in which I feel the American

people will have much interest. So I am taking this time to complete the record in order that the Senate and the House of Representatives and the people of the country may know something of the history which culminated in the filing of these suits and the institution of these actions.

For a long time, Mr. President, there were many of us who felt that the large, integrated oil companies were taking advantage of a situation which ought to be corrected, in that they were imposing on the general public a higher level of prices for the petroleum products than was necessary and justifiable, and, in addition to that, were driving out of business the independent retailers and marketers of petroleum products, especially the cooperative institutions.

About 50 years ago there was placed on the statute books legislation to prohibit the use of the rebate and draw-back system to defeat the attempts of the Government to prevent control and price fixing by monopolistic interests; but there was developed a new way by which the same results were attained by some of the companies—by control of the production field, the control of the distribution field, and also the control of the marketing field. It was possible to take losses in the marketing end and recoup from the ownership of the distribution and the production fields.

So, in January 1938, I introduced in the Senate a bill which contemplated a divorcement of the production field from the distribution and marketing fields in petroleum products. A subcommittee was appointed to conduct hearings on that bill. The Senator from Nevada [Mr. McCARRAN] was chairman of the subcommittee, and the subcommittee did a very fine work in initiating hearings on this all-important subject.

The late lamented Senator from Idaho, Mr. Borah, was a member of that subcommittee, and after hearings had been started, in March 1938, the Senator from Idaho told me that he was about to introduce a bill to require the divorcement of the pipe-line ownership and pipe-line method of distribution from the production and marketing fields. He asked me to join with him in the introduction of that bill and also to postpone further hearings on my marketing bill until such time as the subcommittee could combine the hearings. This, of course, I was glad to do, and I joined with the Senator in the introduction of the so-called pipe-line divorcement bill.

Shortly after that time the Congress became engaged in considering the repeal of the neutrality legislation, in which all of us were intensely interested, and particularly so the then Senator from Idaho, Mr. Borah. Consequently we postponed hearings, and then the unfortunate death of the Senator from Idaho occurred.

Last spring I alone, of necessity, because of the death of the Senator from Idaho, arranged for hearings on these two measures, when Mr. Thurman Arnold, head of the Antitrust Division of the Department of Justice, came up to see me and said that for over a year and a half his Division had been investigating thoroughly this entire field with a view to the compilation of facts and evidence on which they could base suits under the antitrust law. He asked me, as a favor to the Department of Justice, to postpone action and to postpone hearings on the pending legislation until such time as they were ready to file suits, so that parallel action on the legislative and judicial phases of the matter could be carried on.

Mr. President, I took no further action. I waited until August of this year, and no evidence was adduced, no information was received as to the commencement of the suits until about that time there appeared in the public press of the country a statement that the Council of National Defense had requested the Department of Justice to postpone any action with reference to filing the suits requiring divorcement because it would interfere with their cooperation in the defense program of the country.

I addressed a letter at that time to Mr. Thurman Arnold, and I shall read the correspondence in order that it may appear in the RECORD, and at the risk of some tediousness, but I wish the country to know exactly what occurred.

In the letter dated August 14, which I addressed to Mr. Thurman Arnold, Assistant Attorney General, Department of Justice, I said:

> I am somewhat disturbed over the trend of events in connection with the alleged violations of antitrust statutes by some of our oil companies as bearing on the course of legislation which is pending in the Congress in which I have a personal interest as one of the sponsors.
>
> You will recall that, with Senator Borah, I have introduced in the Senate two proposals requiring the divorcement of the business of marketing petroleum products from the production and distribution field for such products—

I will omit some of the letter, because I shall ask to have it inserted in full in the RECORD. Then I said:

> You requested me to delay hearings on the legislative proposals until such time as you were ready to proceed with the suits you were preparing to file. I recognized the wisdom of your request and acceded to it. I have delayed the hearings up to the present time. I learned indirectly that you are about to abandon the prosecutions contemplated. I am sure you will recognize the unfortunate position in which it places me and the pending legislation. I do not know what reasons impelled your decision to postpone the prosecutions referred to, or the filing of the suits, but from information which I have in my files and information which I am sure you have and have referred to in your talks with me, there is ample justification for immediately filing these suits for determination. The interest of the general public, and particularly the consuming public, have been so seriously jeopardized by the practices of some of these companies that I am confident the Department of Justice would be playing unfairly with the interests of the general public in failing to proceed at the present time.
>
> Many newspapermen have been besieging me for information as to the reasons why the suits have been postponed or dropped. I have carefully refrained from comment and carefully refrained from giving out information, but I have reached a point where I do not believe that, in fairness to my public duty, I can continue to delay these matters. Unless you are able to give me controlling or satisfactory reasons to justify the neglect to conduct the prosecutions at this time, I shall probably feel impelled to reopen the hearings on the pending legislation, and I do not believe that I would be further justified in refusing to comment on what appears to be an unjustified attitude on the part of the Department of Justice in bringing to the courts the long and carefully prepared facts which you have assembled.
>
> I am sure you will not consider this personal in any way, but will be fully aware of the difficulty of my position. I hope those responsible in any way for the delay will realize that the action is not compatible with the public interest.

Mr. Thurman Arnold made a personal call at my office bringing the reply and delivered it to me, which I will now read:

> DEAR SENATOR GILLETTE: I have received your letter inquiring about the delay in starting the proceedings against the major oil companies which have been under preparation by the Antitrust Division for a number of months.
>
> As a matter of courtesy to the Defense Commission and information to this Department, the matter was referred for study as to possible effects on national defense. Their recommendations will be carefully considered with respect to modifying any of the relief sought in the oil suit if, as a matter of fact, it appears that the interests of national defense are involved. This does not mean a waiver of the antitrust laws. We anticipate no conflict.
>
> We are convinced that the oil suit will, in a civil proceeding, settle various issues which until now have been the subject of numerous criminal cases, all of which the Department has won.

In this connection I desire to read an excerpt from the comment of a columnist on this matter which appeared at that time. I refer to Mr. Ernest K. Lindley, who said, in part:

> One reason why conscription for military service is encountering an uphill struggle is the feeling that business is not being called upon for corresponding sacrifices. There are multiplying signs that the national policy with regard to business enterprise in its relation to national defense is to become one of extreme solicitude, bordering on pampering.
>
> On one side it is proposed to compel men to bear arms. At least they will have to take a year of military training. At most they will be called upon to sacrifice their lives.
>
> On the other side, it is not proposed to apply in any way the principle of compulsion to the industrial mechanism which must provide the weapons for these men, or to any other sector of the American economic system. Instead, to some who are dubious about the conscription of manpower, the official approach to business enterprise seems to be a compound of cajolery and bounties.

Mr. President, I ask unanimous consent that the two letters from which I have just read and the article by Mr.

Ernest K. Lindley be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. MURRAY in the chair). Without objection, it is so ordered.

The letters and article are as follows:

AUGUST 14, 1940.

HON. THURMAN ARNOLD,
Assistant Attorney General, Department of Justice, Washington, D. C.

MY DEAR MR. ARNOLD: I am somewhat disturbed over the trend of events in connection with the alleged violations of antitrust statutes by some of our oil companies as bearing on the course of legislation which is pending in the Congress in which I have a personal interest as one of the sponsors.

You will recall that, with Senator Borah, I have introduced in the Senate two proposals requiring the divorcement of the business of marketing petroleum products from the production and distribution field for such products and also for the divorcement of pipeline activities and methods in connection with the producing-oil companies. You will recall that some time early in the spring of this year I had a conversation with you with reference to the studies that have been made by your section of the Department of Justice in connection with this field, and you informed me at that time that the Department was preparing, under your supervision, to institute a number of suits for violations of existing statutes and requiring divestiture in some instances. As a result of our conversation, it seemed wise and mutually beneficial from the standpoint of legislative and also judicial activity to parallel action and conduct hearings on the proposed legislation coincidental with the judicial prosecutions. You requested me to delay hearings on the legislative proposals until such time as you were ready to proceed with the suits you were preparing to file. I recognized the wisdom of your request and acceded to it. I have delayed the hearings up to the present time. I learned indirectly that you are about to abandon the prosecutions contemplated. I am sure you will recognize the unfortunate position in which it places me and the pending legislation. I do not know what reasons impelled your decision to postpone the prosecutions referred to, or the filing of the suits, but from information which I have in my files, and information which I am sure you have and have referred to in your talks with me, there is ample justification for immediately filing these suits for determination. The interests of the general public and particularly the consuming public have been so seriously jeopardized by the practices of some of these companies that I am confident the Department of Justice would be playing unfairly with the interests of the general public in failing to proceed at the present time.

Many newspapermen have been besieging me for information as to the reasons why the suits have been postponed or dropped. I have carefully refrained from comment and carefully refrained from giving out information, but I have reached a point where I do not believe that, in fairness to my public duty, I can continue to delay these matters. Unless you are able to give me controlling or satisfactory reasons to justify the neglect to conduct the prosecutions at this time, I shall probably feel impelled to reopen the hearings on the pending legislation, and I do not believe that I would be further justified in refusing to comment on what appears to be an unjustified attitude on the part of the Department of Justice in bringing to the courts the long and carefully prepared facts which you have assembled.

I am sure you will not consider this personal in any way, but will be fully aware of the difficulty of my position. I hope those responsible in any way for the delay will realize that the action is not compatible with the public interest.

Respectfully submitted.

GUY M. GILLETTE.

DEPARTMENT OF JUSTICE,
Washington, August 16, 1940.

HON. GUY M. GILLETTE,
United States Senate, Washington, D. C.

DEAR SENATOR GILLETTE: I have received your letter inquiring about the delay in starting the proceedings against the major oil companies which have been under preparation by the Antitrust Division for a number of months.

As a matter of courtesy to the Defense Commission and information to this Department, the matter was referred for study as to possible effects on national defense. Their recommendations will be carefully considered with respect to modifying any of the relief sought in the oil suit if, as a matter of fact, it appears that the interests of national defense are involved. This does not mean a waiver of the antitrust laws. We anticipate no conflict.

We are convinced that the oil suit will, in a civil proceeding, settle various issues which until now have been the subject of numerous criminal cases, all of which the Department has won.

Sincerely,

THURMAN ARNOLD,
Assistant Attorney General.

NECESSARY SACRIFICES—IS BUSINESS TO BE PAMPERED?

(By Ernest K. Lindley)

One reason why conscription for military service is encountering an uphill struggle is the feeling that business is not being called upon for corresponding sacrifices. There are multiplying signs that the national policy with regard to business enterprise in its relation to national defense is to become one of extreme solicitude, bordering on pampering.

On one side it is proposed to compel men to bear arms. At least, they will have to take a year of military training. At most, they will be called upon to sacrifice their lives.

On the other side, it is not proposed to apply in any way the principle of compulsion to the industrial mechanism which must provide the weapons for these men, or to any other sector of the American economic system. Instead, to some who are dubious about the conscription of manpower, the official approach to business enterprise seems to be a compound of cajolery and bounties.

The two chief exhibits of the present approach to business are (1) taxation and (2) the efforts to throttle certain suits under the antitrust laws.

The tax question falls into two parts: Depreciation and the taxation of profits. It is generally conceded that if private capital is to be induced to invest in new buildings and new tools for the manufacture of munitions, it must be given reasonable assurance of recovering the investment within the period that the orders for munitions probably will occur. Accordingly, the Defense Commission obtained an agreement among all Government agencies that companies making these special investments, useful only for military purposes, should be allowed to write them off in 5 years. This means that they can deduct 20 percent for depreciation each year for 5 years as an item of cost in calculating the profit on which they may be taxed. The understanding is that if orders for military defense purposes do not continue over a 5-year period, these companies can come back and obtain a further readjustment of taxes in their favor.

Until this arrangement is set up by law through Congress, the defense program on the manufacturing side is held up.

This liberal allowance for depreciation supposes, however, that the industries receiving it will make very small profits. Since industries, understandably, do not want to shoulder the risk of loss through failure of Government orders to continue long enough to justify the new investment, they are not entitled to a counterbalancing reward for taking the risk.

When it comes to taxing profits, however, the policy seems to be "go easy." In the view of several influential Members of Congress, the Government tax policy with regard to national defense is, for business, a "heads I win, tails you lose" proposition.

The Antitrust Division of the Department of Justice has pending several suits involving industries of importance to the national defense. But it is feeling the pressure to "lay off," lest it make the industries involved noncooperative with the defense program.

It already has run into difficulty in its suit against a number of the large oil companies. This was to have been filed almost 3 weeks ago. It was not regarded with open hostility by the oil companies, because it was a civil suit. It covered various questions which had been raised already in criminal suits and which would be raised eventually in additional suits if this over-all civil suit were not carried through.

The filing of the suit, however, was deferred on representations from the Defense Commission that it might impair the psychological attitude of the oil-company officials toward the national-defense program. Thurman Arnold, Assistant Attorney General, in charge of antitrust work, has taken the reasonable position that he will not prosecute any practice otherwise in contravention of the antitrust laws which is essential to the national defense. But he balks at being asked to discontinue a suit otherwise justified on the ground that it might instill in the leaders of a particular industry a noncooperative psychology.

When the Defense Commission has completed its study of the specific hearing of the case on national defense, it may agree with Mr. Arnold. It may have to pass similarly on four or five other impending suits.

It seems clear enough that if a specific business practice otherwise illegal is valuable for national-defense purposes it should be openly sanctioned during the period of the emergency.

But the contrast between the wary solicitude for the psychological attitude of business and the approach to the problem of obtaining men to bear arms is griping some of the administration's sturdiest supporters in Congress. It may lead shortly to a real political explosion.

GILLETTE DEMANDS ACTION ON OIL CASES—SENATOR ASKS ARNOLD TO EXPLAIN DELAY IN PROSECUTION

Senator GILLETTE (Democrat), of Iowa, demanded yesterday that Assistant Attorney General Thurman Arnold give "satisfactory reasons" why the Justice Department has not prosecuted petroleum companies for alleged monopolistic practices.

He told the head of the Department's Antitrust Division in a letter that unless such reasons were given he would not be "further justified in refusing to comment on what appears to be an unjustified attitude on the part of the Department of Justice in bringing to the courts the long and carefully prepared facts which you have assembled."

HEARINGS DELAYED

"I hope those responsible in any way for the delay will realize," he said, "that the action is not compatible with the public interest."

GILLETTE said that at Arnold's request he had brought about delay in the committee hearings on his bills to divorce production, transportation, and distribution of petroleum.

"You informed me," GILLETTE continued, "that the department was preparing, under your supervision, to institute a number of suits for violations of existing statutes and requiring divestiture in some instances * * *.

PUBLIC INTEREST

"You requested me to delay hearings on the legislative proposals until such time as you were ready to proceed with the suits you were preparing to file. I recognized the wisdom of your request and acceded to it. I have delayed the hearings up to the present time.

"I learned indirectly that you are about to abandon the prosecutions contemplated. I am sure you will recognize the unfortunate position in which it places me and the pending legislation."

"The interests of the general public and, particularly, the consuming public have been so seriously jeopardized by the practices of some of these companies," GILLETTE continued, "that I am confident the Department of Justice would be playing unfairly with the general public in failing to proceed at the present time."

Mr. GILLETTE. After I received the letter, personally delivered by Mr. Arnold, I waited for some time to receive a further report from the Department of Justice when they should have heard from the Council of National Defense; but I waited for almost a month. Then I addressed a further letter to the Honorable Robert H. Jackson, United States Attorney General, under date of August 19, 1940. After waiting 8 days I received a letter from the Attorney General advising me that he was still waiting to hear from the Defense Commission. I then waited for a period of 22 days, and under date of September 18 I addressed a further letter to Mr. Jackson, the Attorney General. I shall trespass on the patience of the Senate to read the letter of September 18th, and then I shall insert all three letters in the RECORD.

This letter is dated September 18, after the matter of whether or not the suits would be filed had been held in abeyance for almost 2 months:

SEPTEMBER 18, 1940.

The Honorable ROBERT H. JACKSON,
Attorney General, Department of Justice,
Washington, D. C.

MY DEAR MR. JACKSON: In the recent weeks I have had some correspondence with your office regarding the commencement of certain suits prepared for filing in the petroleum industry, relative to alledged violations of our antitrust laws.

I believe the last letter mailed to you was during the latter part of August, and which you very courteously acknowledged in your letter of August 27, 1940, stating that you expected prompt action by the Defense Commission with reference to their views in the matter of filing these suits, with the possible effect of such suits on the problems of national defense.

From information received through these letters and other media, I believe the National Council for Defense were disturbed over the possibility that the filing of these antitrust suits might have an unfortunate effect relative to the attempts of the Government to secure the cooperation of these oil companies in the all-important matter of the fuel needs of our armed forces. I do not wish to seem persistent or troublesome, but more than 3 weeks have elapsed since the receipt of your letter and, so far as I am informed, no report has been received from the Defense Commission, although the Commission had the matter under consideration for several weeks prior to the writing of your letter.

Since the receipt of your letter of August 27 ultimo, I requested Mr. Thurman Arnold to give me what information he had available relative to the prospects for filing these suits. Mr. Arnold informed me that suggestions had been made by him for changes in the prayer for relief in the suits, and he has made available to me the suggestions which he has made for these changes. From a copy of these proposals before me, I note that the wish of the plaintiff is to secure three primary objectives:

1. To prevent fixing prices at artificial levels to the consumer.
2. To permit retail dealers to compete without artificial restrictions.
3. To provide a free market for the presently existing independent refiners and for new enterprise in the oil industry.

While these three objectives are what I am trying to secure through the legislative proposals now pending in the Congress and which were introduced by the late Senator Borah and myself, I fully realize that none of us is ready to do or say anything which might jeopardize or delay our national-defense preparation. But I believe that any possibility of such result is removed entirely by the suggestion of Mr. Thurman Arnold that the last paragraph of the prayer in the petitions should state:

"Plaintiff prays for such further and other relief as the court may deem proper and in considering such relief, or in considering any of the specific relief herein prayed for, that the court hear all relevant testimony as to the effect of such relief on the problem of national defense to the end that no combination necessary for national defense be improvidently held to be illegal."

It seems to me that with this provision in the prayer for relief, and with the court fully advised that the plaintiff seeks no relief which at any time in the pendency of the legislation might have a harmful effect on our national-defense preparation, that there should be no further delay in the filing of these suits.

I hope you will know that I fully realize that the decision as to the filing of the suits rests with you entirely and not with me, the Council for National Defense, or anyone else. I have been strongly hoping that the suits might be filed before this. I have in mind the offering of a resolution on the floor of the Senate for inquiry and feel that in fairness to the public interest and my duty to the deceased Senator Borah and myself, I must not let this session of the Congress be adjourned or recessed without some action relative to this legislation. As a recess or adjournment seems probable next week, I felt constrained to write to you once more relative to the matter and again venture to hope that there will be something definite to report to me within the next few days, that I may know whether or not your Department plans to file the petitions and commence the proceedings.

I assure you of my sincere appreciation of your unfailing courtesies.

Very sincerely,

GUY M. GILLETTE.

Mr. President, I ask that the other two letters to which I have just referred be printed in full at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

AUGUST 19, 1940.

Hon. ROBERT H. JACKSON,
United States Attorney General, Washington, D. C.

MY DEAR MR. JACKSON: Mr. Thurman Arnold personally brought the letter to me today which had been previously released to the press and which was in answer to my letter of inquiry concerning the filing of certain suits by your Department in the oil industry.

Mr. Arnold told me that, under instructions from you, it was to be made clear to me personally that the letter did not represent an absolute commitment to start suit or not to start suit regardless of the Defense Commission's recommendations. I gather that that issue is still to be met and that you are delaying it until such time as you may have the benefit of the Defense Commission's views with reference to it. Mr. Arnold told me further that in the event the Defense Commission delayed unreasonably, or in the event their recommendation would be against the filing of the suits, you would exercise your independent judgment in the matter.

I assure you it was unnecessary to inform me that you would exercise your independent judgment on the matter. I think I realize fully that there was an element of courtesy due to the Defense Commission which might well in an ordinary case justify delay. In this particular case, however, there was associated with the case a number of elements which were important. The filing of the suits had been delayed over some length of time, and I had been withholding action here in the Congress on the request of Mr. Arnold until such time as the two branches of the Government could in a degree coordinate their activities in the matter. In most circumstances a further delay would not have concerned me greatly, but I have in mind the deep interest that hundreds of thousands of our citizens have in these suits, and also the state of mind of the general public, which is ready and anxious to render every patriotic service and sacrifice in furtherance of the national weal. It seemed to me particularly unfortunate that certain great institutions should be put in a position in the public eye where they might be making the question of dropping or postponing suits against them a condition precedent to their participating in the general national-defense program.

You can understand the intense suspense and disappointment on the part of the independent oil companies with whom I am constantly in touch in receiving the news of the delay in these actions. As they have asserted to me, they felt the Department of Justice was appearing in the public eye to be deferring to the judgment of a group of men who had a deep personal interest in the suspension of the suits, especially in view of the fact that so many of the advisors in the oil section of the defense commission are closely connected with companies deeply affected by the suits.

I can readily see that there could be a change in the relief demanded when the actions are filed, but, frankly, I do not believe it is in the public interest to delay or confuse the actions in any way.

This letter of mine will not be given to the press, and I hope you will keep it confidential, although you may refer to it if you wish, or quote excerpts from it. I assure you I have every confidence in you and your Department, and a deep admiration for Mr. Arnold. Whatever course I take at this end of the line is predicated entirely on that confidence, but with full thought to my obligations in the public interest.

Very sincerely,

GUY M. GILLETTE.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., August 27, 1940.

Hon. GUY M. GILLETTE,
United States Senate, Washington, D. C.

MY DEAR SENATOR GILLETTE: I have your letter with reference to the commencement of the oil suits, and I am assured that the defense commission will promptly convey whatever information

they care to submit in reference to the effect of these cases on the national defense.

I fully understand your position and genuinely appreciate your expression of confidence. I think we will not be long held in suspense.

With best wishes,

Sincerely yours,

ROBERT H. JACKSON,
Attorney General.

Mr. GILLETTE. Mr. President, I also desire to place in the RECORD, without reading and without comment, the statement which was given to the Department of Justice by the Advisory Commission to the Council of National Defense after they had been considering this matter for a number of weeks. Without making any invidious or unfair attack, I also should like to refer to the fact that of the 11 members of the Advisory Commission to the Council of National Defense who had this matter under consideration, 9 were connected with the Standard Oil Co., or with the Shell Oil Co., and had a personal interest in the subject matter.

I do not mean to suggest that it is improper to have on the Council of National Defense men conversant with the oil industry. It was highly proper. It was very essential to have on the commission men with some knowledge of the industry; but I want the fact to appear that of the 11 men who were considering the effect of these suits, 9 were actual potential defendants if the suits were filed. But their report was made, and I ask to have it inserted in the RECORD at this point as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report is as follows:

UNITED STATES VS. AMERICAN PETROLEUM INSTITUTE ET AL.—REPORT OF THE ADVISORY COMMISSION TO THE COUNCIL OF NATIONAL DEFENSE

The Advisory Commission to the Council of National Defense has given consideration to the proposed antitrust suit against the American Petroleum Institute and 22 major oil companies, their subsidiaries and affiliates, with a view to determining its probable effect on the defense program.

The Commission appreciates that the decision of whether or not to take action against any particular persons or corporations for violation of the antitrust laws must be made by the Attorney General in the exercise of his sound discretion. It further appreciates that in the work of the Department of Justice generally, and in the interpretation of the antitrust laws and the institution of civil proceedings thereunder in particular, there are involved not only problems of law but also problems of policy, including the harmonization of other aims and purposes of the Nation. This report is submitted in the belief that it will be of assistance with respect to the questions of policy presented.

The Commission's primary function is to assure and facilitate the availability of adequate supplies of all materials necessary for the defense of the Nation at the lowest cost consistent with other necessary objectives. The Commission, therefore, would deplore any condition or action leading to a failure of supply of such materials, whether for a short or long time, and whether partial or complete, or leading, among other things, to a lessening of efficiency, waste of natural resources, or any substantial increase in price to the Government or to consumers.

In appraising the impact of the proposed suit on the defense program the Commission has examined the relief prayed for in the complaint and considered the effect of such relief upon the technical task of supplying petroleum products so vital to our defense forces and industry. Emphasis has been placed upon the anticipated effects of granting the prayer for relief, rather than upon the anticipated effects of filing the proposed complaint, largely because the practical result of the suit can be tested only by the objectives of the Department as stated in its complaint. It is impossible, moreover, to say with assurance how long the trial of the issues raised by the complaint will require, how soon the structural changes sought will be achieved, or even what the character of the defense program will be during that interim period. If the objectives of the suit are consistent with the interests of national defense, no question can be raised by this Commission. Our task is simply to determine so far as practicable whether those objectives in fact substantially impede the defense program.

The Commission states at the outset that, in view of its desire to insure and facilitate adequate supplies at lowest cost, it is opposed to monopolistic or conspiratorial price fixing and to artificial restrictions on supply of materials (except where restrictions on supply are temporarily necessary to promote sound conservation of the Nation's resources under law). Such price fixing and restrictions, always a threat to the national welfare, are particularly dangerous in time of emergency. The Commission does not have information adequate to justify comment upon the various allegations in the draft complaint relating to price fixing and similar abuses in the wholesale and retail distribution of petroleum and petroleum products. But the Commission wishes to assure the Attorney General that it will wholeheartedly approve any appropriate legal action brought to eliminate such restraints on competition, where they are proven to exist.

The other provisions in the draft complaint—primarily the prayer that 22 of the larger integrated oil companies, their subsidiaries and affiliates, be required to divest themselves of their transportation and their marketing facilities—require thorough consideration from the defense viewpoint.

Before considering the effect of such a prayer, we may point out, although we do not propose to emphasize, that the suit has its intangible aspects. Certain demands have been made and others will be made upon the petroleum industry in connection with the defense program. From this industry, and from industry generally, the Government expects cooperation, and, indeed, enthusiasm, in furthering the defense effort. The Commission is loath to believe that the members of the industry, or the members of any other industry, would consciously permit any personal resentment to interfere with the vital purchasing functions and supply needs of the Government. Yet the Commission is aware that any legal action seeking relief as rigorous and comprehensive as the one under consideration, whether based upon the antitrust laws or not, has a tendency to becloud relationships between the Government and industry. Such considerations, however, are speculative and difficult to appraise with certainty.

In considering the effect of the prayer for divestiture by the oil-company defendants of their transportation and marketing functions, the Commission recognizes that, apart from other considerations, the existing organizational structure of the oil industry is well adapted to the defense program. It simplifies problems of supply and facilitates the making of firm and long-range commitments. Divestiture may entail a loss of technical management and efficiency. The readjustments contemplated by the suit, and the process of habituation under a new set-up, will involve complications and delays.

Curbs on capital expansion, certainly during the period when the split-ups are still in contemplation and not yet in effect, must be anticipated. Doubts and uncertainties may arise as to whether a company should undertake capital expansion in properties which may be divested, as to who will be able to afford such expansion (in view of the prospective division of capital resources), and even as to who could appropriately apply for Government assistance in such expansion. Eventually the Government will of course find some way to assure its supply. But time is precious.

The Commission finds it impossible to estimate with precision or exactitude the extent to which obstacles to industrial preparation for national defense are presented by the relief prayed for in the complaint. However, the Commission does not suggest that the proposed suit should be abandoned. The Commission feels it appropriate to point out, nevertheless, that to a greater or less degree certain prayers for relief may hinder the defense program. The Commission cannot undertake to meet the burden of proving, with courtroom evidence and logic, that such hindrances will ensue. But this balancing of national policies and weighing of judgments is peculiarly a matter for determination by executive officers rather than by judicial bodies accustomed to reliance upon legal precedents. And even where the likelihood of interference with the emergency effort cannot be explicitly demonstrated, substantial possibilities should control, especially when these are examined in the light of the rapidly expanding requirements for national defense. Some of the problems presented by the prayer for relief may here be elaborated.

I. DIVORCEMENT OF MARKETING FACILITIES

In certain instances the proposal that the larger oil companies be required to divest themselves of all direct or indirect ownership or control of facilities used in marketing petroleum products may affect the construction of such facilities pursuant to negotiations now under way or in prospect for national-defense purposes. The proposed divestiture would involve not only local bulk plants, storage facilities, and service stations but also trunk marketing facilities such as gasoline pipe lines, barges, tank cars and terminals for petroleum products. At present both the Army and the Navy are interested in having private capital construct pipe lines to transport gasoline to the east coast States without the necessity of the long haul around Florida and up the Atlantic coast, which in time of emergency might be difficult and in any event would require a large convoy service. Moreover, in time of emergency it would be possible to take a part of the burden of the gasoline deliveries to the east coast through these gasoline pipe lines and in turn release tankers for the purpose of handling the essential products such as Navy fuel oil which cannot be handled in crude oil or gasoline pipe lines. These gasoline pipe lines would also afford exceptionally desirable locations for some of the reserve stocks of aviation gasoline for both the Army and Navy since deliveries can be made at low cost and removal can be effected readily even in time of emergency. An initial expenditure of approximately $13,000,000 is involved in the gasoline pipe lines now under consideration and it would be desirable to have private capital construct similar equipment for emergency use in other parts of the country.

With respect to marketing terminals the program of the Army and Navy to care for the greatly increased stocks of aviation gasoline and Navy grade fuel oil has not yet been completely formulated. The Army plans to locate most of its interior reserve storage at points on gasoline pipe lines. Such location of large buried

storage facilities would not only be virtually invulnerable but would make it possible to deliver the gasoline to the Army through any of the industry tap points or bulk plants located along the gasoline line or lines to which the Army storage would be connected. In addition, the Navy is giving consideration to the location of some of their reserve storage adjacent to or connected with petroleum products pipe lines at existing industry terminals. This would greatly reduce the investment in docks, lines, utilizing facilities, and so forth, and also minimize the labor required to guard and operate these facilities.

It is clear that substantial additions to the gasoline pipe line and terminal storage capacity of the industry will be necessary under this program. Arrangements and understandings to secure such gasoline pipe lines and storage may have to be discarded and delayed until the ability to perform is clarified, and later new negotiations begun with new parties if the existing companies are required to divest themselves of such facilities. Moreover, we must take note of the fact that the Government may well encounter hesitancies and delays on the part of refiners who are asked to extend their contractual commitments, particularly since substantial investments are necessary to meet anticipated demands and, indeed, are now being requested. Several of the larger oil companies may face financial difficulties due to the impact of the current international conflict on the returns from their foreign properties. And granting the relief prayed for in the draft complaint will of itself diminish the capital resources available for particular products. Even Government financing assistance would undoubtedly be delayed pending determination as to the proper identity of the borrower and terms of the loan.

Another proposal is that companies be prohibited from exchanging gasoline and other petroleum products. As a practical matter this would probably require the scrapping of the Army and Navy plan to insure the ready availability of Navy grade fuel oil and aviation gasoline at terminal storage points and would increase the cost of such products to the Government. In any event this would increase the actual amount of transportation required, which would be highly undesirable in any period of emergency.

II. DIVORCEMENT OF TRANSPORTATION FACILITIES

The draft complaint proposes that the larger oil companies be ordered to divest themselves of all direct ownership in the various media of transportation whereby crude oil is brought from the well to the refinery. These include primarily crude-oil trunk pipe lines and tankers.

Pipe lines today are admittedly utilized as plant facilities of petroleum refineries and afford to refineries of integrated companies the steady supply of crude oil regarded by such companies as essential to low-cost continuous operation. Divestiture of ownership in these facilities might, under certain circumstances, increase the difficulty of obtaining supplies. Such a potentiality would be particularly disadvantageous with respect to particular types of crude oil, used in the manufacture of high-octane aviation gasoline and toluol specified by the Army and the Navy, a shortage of which is indicated by preliminary estimates of experts of the Raw Materials Division of the Commission. Some expert opinion holds that the divestiture of crude-oil pipe lines would lead to increase of cost to the Government, or even to the discontinuance in some instances of transportation of crude oil, where the transportation in and of itself is relatively unprofitable.

It is similarly suggested that divestiture would delay or discourage construction of new connections. All the larger refineries and many of the smaller ones located on the Gulf Coast or in California have some crude oils available to them from their existing crude-oil pipe-line connections which would be useful for the production of these special materials. The curtailment or stoppage of the pipe-line supply of these crude oils would occasion refiners difficulty in meeting their commitments under Government contracts and, consequently, the prospect of pipe-line divestiture might delay capital investment in necessary facilities to manufacture the refined products.

The prospective divestiture not only may complicate refiners' contractual commitments but also may intensify the problem of financing certain additional crude-oil pipe-line construction. In order to safeguard against disruption of transportation in time of emergency, looping of trunk lines and the installation of additional pumping stations is contemplated. Studies to determine the necessary amount of such new construction are now in progress.

The Commission wishes it to be understood that this general outline of problems to be met in the working out of the defense program does not mean that it in any way endorses the continuance of alleged abuses in crude-oil pipe-line operation. On the contrary, as has been indicated generally, if there are abuses, it favors their elimination, particularly if they result from any illegal combination or conspiracy. However, it does not feel qualified to discuss this phase of the proposed suit.

Capital problems are of course also presented by the proposal to divorce tanker facilities. A large proportion of the present tanker capacity of about 4,100,000 dead-weight tons is approaching the end of the 20-year period of useful life. The supply of crude oil to the refineries by tankers must be safeguarded. However, it would appear that there is no absolute shortage of tankers foreseeable at the present time since new tankers already under construction plus tankers now chartered in foreign service which could be put in domestic service would probably meet our needs. The direct needs of the Army and Navy probably would not require a large proportion of the tanker capacity.

In this general regard, you are advised that there is in the process of negotiation under the auspices of the Maritime Commission and the Navy Department an arrangement for allocating equitably as between the various companies the burden of supplying tankers to the Navy in time of emergency. If the suit is filed in the manner proposed, negotiations will have to cease. If effect is given to the proposal in the draft prayer, a new program will have to be devised and negotiated with the possibility of increased cost to the Government.

III. THE AMERICAN PETROLEUM INSTITUTE

The Commission, in its technical study of defense requirements, does not have to rely on trade associations for information and contact with their respective industries. It is true, of course, that the institute provides information on petroleum statistics which are not now available elsewhere, and arrangements would have to be made to supply this need.

IV. CONSERVATION OF CRUDE PETROLEUM RESOURCES

Military authorities have estimated that during war the requirements for petroleum products would increase about 25 percent above normal peacetime needs. On the basis of the 1939 consumption of crude petroleum of one and one-fourth billion barrels, an emergency would lead to additional needs for somewhat more than 300,000,000 barrels a year. These estimates were made before the adoption of recent plans for expansion of the air force and extended mechanization of the land forces and are constantly being revised upward.

Our present reserves of crude petroleum have been variously estimated but probably approximate something in the neighborhood of 18,000,000,000 barrels. Consequently, there is no immediate problem of an over-all shortage of the basic raw crude though, as has been indicated, there may be problems with respect to certain crudes peculiarly valuable for military or naval use. The expansion, mechanization, and rigorous training of the armed forces would certainly bring about a vast acceleration in the rate of production. If this is not accompanied by sound methods of conservation, a protracted emergency would seriously diminish the oil resources of the country. Sound conservation is of the utmost importance to any adequate defense program.

It must be remembered that the problem of crude reserves is not solely one of the amount of oil in the ground. The effect of increasing production per well would be a lower ultimate recovery. As time goes on, the lifting cost of the crude substantially increases and fewer barrels per day are recovered. Thus, though by simple arithmetic it would appear that the country's reserves are good for more than 10 years under emergency conditions, declining production and higher prices for petroleum products will arrive long before exhaustion of reserves unless the discovery rate is maintained and production is effected with a minimum of waste. The possible adverse effects upon the Government and the consumer are clear.

In recent years, an expanding national demand for petroleum products has been met by the discovery of new sources of petroleum approximately equaling the amount of products consumed per year. It appears vital that this rate of discovery remain unaffected. More and more, the business of prospecting for oil has come to depend on the availability of large capital resources. In the first instance, it seems that reduction of the size of the existing units in the industry will leave less capital available for exploration. Secondly, although the intendment of the draft complaint, and particularly paragraph 17 of the prayer for relief is not clear, the power of the companies named as defendants to develop additional reserves may be inhibited.

In addition, a development widely endorsed by Federal and State conservation authorities has been the organization of a newly developed oil field on a unit basis. The proposed suit would apparently prohibit such activities, many of which are now carried out under the supervision of the Department of the Interior. These unit plans are deemed a major force in conservation since they reduce the number of wells to be drilled, conserve gas or hydrostatic pressure and otherwise conduce toward scientific production. This, of course, means lower investment costs per barrel of ultimate production and insures generally lower production costs and higher ultimate recovery of oil.

Mr. GILLETTE. Mr. President, I certainly shall not take the time of the Senate to go into the merits of this controversy. The suits have been filed. It is a wonderful thing for the people of the country that our Department of Justice, having considered and weighed all the potentialities of the situation and the report which I have just placed in the RECORD, has decided, within certain limitations, to go ahead with the suits, with no desire to affect in any way the national defense.

I may say, in that connection, that one of the things the Advisory Commission to the Council of National Defense refer to is that $13,000,000 is about to be spent for the construction of a pipe line on the Atlantic coast; and if these suits are filed, they do not know whether it will be possible to go ahead with the construction of that pipe line and the expenditure of $13,000,000. Imagine the expenditure of $13,000,000 in a defense program being weighed against a

$3,000,000,000 industry that we are trying to reach, and the abuses that we are trying to remove from that industry—abuses which the Federal court in Madison, a little over a year ago, took the first long step toward correcting by the decisions and the convictions secured in that court.

On the 28th of September I received a letter from the distinguished Attorney General. Throughout all this controversy, throughout all this discussion, throughout all this correspondence, I desire to say that the Attorney General of the United States and Mr. Thurman Arnold have taken the high position and the high plane of public interest and the obligation under their official positions; and nothing I say here must be construed in any way as criticism of these men, who were trying to carry out as well as they could—and it has been well done—the obligation that they have as representing the consuming public of the United States and all the residents of the United States, including the oil companies.

On the 28th of September the Attorney General addressed to me this letter, which I shall now read:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., September 28, 1940.

Hon. GUY M. GILLETTE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: After considering your letter of September 18, urging commencement of the suits proposed by the Antitrust Division against the petroleum industry, and after studying the report of the Defense Commission, I beg to answer your letter as follows:

As national defense is the paramount problem facing the American people today, I am accepting the recommendations of the National Defense Advisory Commission and, in accordance therewith, have taken the following steps:

1. The Defense Commission advised me that it would wholeheartedly approve "any appropriate legal action brought to eliminate such restraints on competition where they are proven to exist." In accordance therewith I have authorized the Antitrust Division to commence the proposed civil action so far as it seeks to prevent existing abuses in the oil industry, including price fixing, discriminations, and all practices which tend to restrain or prejudice the independents in the industry or to jeopardize the interests of consumers.

2. The Defense Commission indicated that a court decree of divestiture at this time would create a number of serious problems for the national defense.

Accordingly, this action does not seek at this time to compel the oil companies to get rid of their pipe lines, barges, or other facilities for the transportation and distribution of petroleum. I believe there might be serious consequences from a disruption of these facilities at a time when we have no capital presently willing, so far as I am able to ascertain, to acquire and operate these facilities by themselves.

3. The National Defense Commission, however, referring to the divestiture phase of the case, says "the Commission does not suggest that the proposed suit should be abandoned." It is not being abandoned, and no action is being taken inconsistent with divestiture proceedings, either in a later action or by amendment of proceedings in the existing suit if, at the time of trial, it shall appear that the abuses in the oil industry can be corrected in no other way.

I noted with interest your suggestion that you "must not let this session of the Congress be adjourned or recessed without some action relative to" certain legislation which you have sponsored. I see no reason why the pendency of this action in any form should interfere with or delay legislative consideration of the problems of the oil industry. We know from the history of antitrust cases that many years lapse between commencement of a case and its ultimate decision. Moreover, court decrees are in the main negative affairs forbidding certain acts, combinations, and contracts. They do not necessarily lead to constructive steps in industry. In shaping legislation the Congress can provide a comprehensive and constructive plan.

The statement most significant to me in the report of the Defense Commission has been almost wholly overlooked in the discussion of these cases. It states "though by simple arithmetic it would appear that the country's reserves are good for more than 10 years under emergency conditions, declining production and higher prices for petroleum will arrive long before exhaustion of reserves unless the discovery rate is maintained and production is effected with a minimum of waste." The very fact that in considering national defense we begin to calculate the life of our oil reserves in such small figures is an ominous sign for national defense and for our economic life.

In advocating revision of the antitrust laws over 3 years ago to make them effective and clear, I repeatedly said that, in my opinion, the doctrine of compulsory competition embodied in the antitrust laws is unwisely applied to oil production where the principle of conservation of an exhaustible and irreplaceable national resource should replace the principle of competitive exploitation. The companies seem to recognize this for they have tried to limit depletion by devices of their own, but without representation of the public interest or the consumer welfare, or that of smaller producers. Private conservation plans which restrain or discriminate against independents and disregard consumer interests violate the antitrust laws, but they should not be replaced by a headlong race to exhaust petroleum supplies, but rather by a conservation plan which will be in the public interest.

Only Congress can protect the future economic life of this country by protecting oil reserves in the ground. It has made several efforts to do so, some of which have failed. I believe more comprehensive plans could be devised now which would be successful. Litigation by itself will never completely accomplish the wise utilization of this great asset by this generation or its conservation for the future.

Therefore, I urge that you do not let the pendency of litigations delay or deter the Congress from giving this basic industry consideration in the interests of conservation and orderly utilization of our basic petroleum resources.

With high regards and good wishes, I am,
Sincerely yours,

ROBERT H. JACKSON,
Attorney General.

I call particular attention to this sentence in the letter:

We know from the history of antitrust cases that many years lapse between commencement of a case and its ultimate decision.

If many years lapse between the commencement of a suit and the decision, what possible immediate effect will it have on the national-defense situation if there is to be no decision in the suits filed before a matter of several years? But the letter of the Attorney General informs me of his decision, after careful consideration of all the elements and factors in the situation, to commence the suits; and they were in fact instituted on Monday of this week.

Mr. President, that is all of the ground that I care to cover at this time. The merits of the controversy will, of course, be determined in the courts of the United States with the pendency of these suits. I desire to make this statement:

Because of the circumstances that have put off this action month after month and month after month, it is too late in this session for us to resume hearings before the subcommittee on the bills which are here pending—the pipe-line-divorcement bill and the marketing-divorcement bill. They will, of course, die with the passing of the present Congress; but it is my intention in January, when the next Congress assembles, to reintroduce those measures substantially as they are at this time.

I wish to give notice that as soon as they are introduced I shall have them rereferred, if possible, if I can secure the action in the Committee on the Judiciary, to the same subcommittee, to resume the hearings where they were left off by the distinguished Senator from Nevada, and have this all-important work carried on.

I want to make one further remark in connection with the matter. There have appeared in the public press lately a number of articles indicating that this whole matter was to be referred to a supervisory body composed of representatives of the companies, and some of the officials of the United States Government, that Secretary Ickes, of the Department of the Interior, was meeting with representatives of some of the oil companies to pave the way for such a supervisory body.

I do not know whether or not that report is true. The only authority I have for it is a number of excerpts and clippings which were sent to me reciting that such is the plan. But I wish to give notice now that no supervisory body composed of the Secretary of the Interior, or any other official, and Mr. Teagle or anyone else representing the oil companies, shall supersede the legislative rights of the American Congress to go into this whole field. When this proposed legislation is reintroduced, if such a body is contemplated or appointed, it will not deter or delay, so far as I am able to secure action, proper action by the Senate of the United States.

EXEMPTION OF INTERBANK DEPOSITS

Mr. BROWN. Mr. President, on June 14 this year the Senate passed a bill exempting, in the calculation of Federal deposit insurance charges against a bank, what are known as interbank deposits. The bill went to the House, and I understand there is now pending before the House an amendment to the Senate bill. I was informed earlier in the day that it had passed the House, but that report was wrong.

The amendment would greatly affect the Federal Deposit Insurance Corporation. It would increase the membership on the board controlling the Federal Deposit Insurance Corporation from three to four. It would increase the amount of deposit insured from $5,000 to $10,000. It would reduce the insurance premium rate from one-twelfth of 1 percent to one-fourteenth of 1 percent. It also provides for the construction of a building for the Federal Deposit Insurance Corporation in the city of Washington.

Mr. President, that is a very important amendment. It makes fundamental changes in the make-up of the Federal Deposit Insurance Corporation.

In the ordinary course the bill would be sent to conference after it was returned to the Senate. I will not be here tomorrow, and thought perhaps the matter might be taken up. I believe the bill should be referred to the Committee on Banking and Currency, and not sent to conference, in the usual manner, because it is entirely too important a matter to be handled in the ordinary way.

I hope that members of the Committee on Banking and Currency will look into this piece of legislation, and I suggest that it at least be referred to the committee for study, and not passed through the adoption of a conference report.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. BYRNES. The Senator states that the bill has passed the House.

Mr. BROWN. It has not. I informed the Senator earlier in the day that it had, and I had gotten information to that effect. It is on the House Calendar, and ready for action at the present time.

Mr. BYRNES. Mr. President, so far as I am concerned, as the author of the Senate bill, I do not believe legislation of the importance of the provisions proposed to be added by the House should be considered as an amendment to the bill passed by the Senate, which was introduced by me. So far as I am concerned, I would advocate sending the bill to the committee, where it could be given the consideration which three or four of the provisions deserve, and I do not believe it should be sent to conference.

Mr. BROWN. I think the banking fraternity generally is in favor of this reduction in rate, but I do not believe it should be made, if it is to be made at all, until we have heard from the general public, the depositing public, who are interested in the safety and security of the fund back of the deposit insurance.

SUPPLEMENTAL APPROPRIATIONS FOR NATIONAL DEFENSE

The Senate resumed the consideration of the bill (H. R. 10572) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

Mr. ADAMS. Mr. President, I think we should not proceed with this bill, involved as it is, with so few Senators present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Calif.	Schwellenbach
Andrews	Downey	Johnson, Colo.	Sheppard
Ashurst	Ellender	King	Shipstead
Austin	George	McKellar	Smathers
Bailey	Gerry	McNary	Stewart
Bankhead	Gibson	Maloney	Thomas, Idaho
Barkley	Gillette	Mead	Thomas, Okla.
Brown	Glass	Minton	Thomas, Utah
Bulow	Green	Murray	Townsend
Burke	Guffey	Norris	Truman
Byrnes	Gurney	O'Mahoney	Tydings
Capper	Hale	Overton	Vandenberg
Caraway	Harrison	Pepper	Van Nuys
Chavez	Hayden	Pittman	Wagner
Clark, Idaho	Herring	Radcliffe	Walsh
Clark, Mo.	Hill	Reed	Wheeler
Connally	Holt	Russell	White
Danaher	Hughes	Schwartz	Wiley

The PRESIDING OFFICER (Mr. HUGHES in the chair). Seventy-three Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Committee on Appropriations on page 11, lines 8 to 19.

The amendment was agreed to.

The next amendment was, under the heading "Title III—Navy Department—Naval Establishment, office of the Secretary", at top of page 15, to insert:

Not to exceed $5,000 of the appropriation "Miscellaneous expenses, 1941", shall be available in the discretion of the Secretary of the Navy, for the payment of the services of experts now engaged on a survey and study of the methods of transacting the business of the Navy Department.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to insert:

BUREAU OF SHIPS

Maintenance, Bureau of Ships: For the same objects specified under the appropriations or portions of appropriations transferred to and consolidated under this head in accordance with section 1 (h) of the act approved June 20, 1940 (Public, No. 644, 76th Cong.), $11,000,000.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Supplies and Accounts", on page 16, after line 3, to insert:

Reserve material, Navy: For an additional amount for reserve material, Navy, including the same objects specified under this head in the Naval Appropriation Act for the fiscal year 1940 and in title III of the Naval Appropriation Act for the fiscal year 1941, $700,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Yards and Docks—Public Works, Bureau of Yards and Docks," on page 16, line 15, after the word "respectively", to strike out "$6,500,000" and insert "$9,500,000", so as to read:

Toward the following public-works and public-utilities projects, including the purchase of necessary land, at a cost not to exceed the amount stated for each project, respectively, $9,500,000, which amount, together with unexpended balances of appropriations herein and heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund:

Third naval district: Graving drydock and accessory construction, New York Harbor, $10,000,000.

The amendment was agreed to.

The next amendment was, at the top of page 17, to insert:

Naval Air Station, Corpus Christi, Tex.: Additional facilities, including the acquisition of land, $3,000,000.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. WALSH. Mr. President, I have been interested in an appropriation, in addition to that provided for in a recent appropriation bill, for facilities for the drydock at South Boston, and I expected to offer an amendment. The item unfortunately has not to date the approval of the Budget Bureau, and, therefore, would not be in order under the rules of the Senate. In this connection I ask that a letter from the Chief of the Bureau of Yards and Docks be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NAVY DEPARTMENT,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., October 2, 1940.

Hon. DAVID I. WALSH,
United States Senate:

MY DEAR SENATOR WALSH: Referring to our recent conversation relative to the improvements of the drydock facilities at South Boston, I have investigated the present status of this project and find it to be as follows:

The total estimated cost of the dock improvements is $2,545,000. These funds are, as you know, already available. The work now under way consists of the construction of quay walls, pier, an assembly shop building, latrine, galley, storage structure, distributing systems, and miscellaneous improvements to existing structures. The work is now 40 percent completed. The scheduled date for completion in its entirety is October 1941, but at our present rate we will complete the work in May or June of 1941.

Under the circumstances, there would appear to be no great need for immediate action in obtaining additional funds for the extension of facilities at South Boston. As I stated to you, we

have presented to the Bureau of the Budget a project for an appropriation of $5,000,000 in our next budget. I have received an unofficial statement from the Bureau of the Budget that this project would be looked on with favor. In the normal course of events, the project will have been approved by the Congress and the funds made available in March or April of 1941, and this means that the work now under way will be extended without interruption and very little time will be lost.

Consideration should be given, also, to the fact that, in accordance with this schedule, the facilities will be available for taking care of the big outfitting load at South Boston.

I would like to take this opportunity to express my personal thanks for the many courtesies and the very helpful cooperation which I have always received from you and your committee in connection with the development of the naval shore establishment.

Sincerely yours,

B. MOREELL.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 10572) was read the third time, and passed.

Mr. ADAMS. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the bill (S. 3778) to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SUMNERS of Texas, Mr. HOBBS, Mr. CREAL, Mr. GUYER of Kansas, and Mr. HANCOCK were appointed managers on the part of the House at the conference.

The message further announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.;

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska; and

H. R. 10122. An act to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869).

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 253. An act to authorize the leasing of certain Indian lands subject to the approval of the Secretary of the Interior;

S. 1160. An act for the relief of Roland Hanson, a minor, and Dr. E. A. Julien;

S. 3550. An act to make unlawful the transportation of convict-made goods in interstate commerce, and for other purposes;

S. 3636. An act to amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes;

S. 3868. An act for the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration;

S. 4258. An act to remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, N. Y.;

S. 4353. An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes;

H. R. 1999. An act to confer jurisdiction upon certain United States commissioners to try petty offenses committed on Federal reservations;

H. R. 2728. An act to add certain lands to the Cleveland National Forest in Orange County, Calif.;

H. R. 3009. An act for the relief of June Thompson, a minor;

H. R. 3481. An act for the relief of C. Z. Bush and W. D. Kennedy;

H. R. 4066. An act for the relief of Josefina Alvarado;

H. R. 4126. An act for the relief of Warren Zimmerman;

H. R. 4615. An act for the relief of Sallie Barr;

H. R. 4656. An act to record the lawful admission to the United States for permanent residence of Esther Klein;

H. R. 4724. An act for the relief of Charles F. Martin, a minor;

H. R. 4815. An act for the relief of Henry J. Wise;

H. R. 5040. An act for the relief of Arthur Joseph Reiber, a minor;

H. R. 5314. An act for the relief of Paul J. Kohanik;

H. R. 5814. An act for the relief of David J. Williams, Jr., a minor;

H. R. 6215. An act for the relief of John E. Avery;

H. R. 6512. An act for the relief of F. W. Heaton;

H. R. 6687. An act to permit the States to extend their sales, use, and income taxes to persons residing or carrying on business, or to transactions occurring, in Federal areas, and for other purposes;

H. R. 6820. An act for the relief of Mrs. Hama Torii Emerson;

H. R. 6888. An act for the relief of Esther Jacobs;

H. R. 7139. An act for the relief of Joe L. McQueen;

H. R. 7276. An act for the relief of Walter B. McDougall and Herbert Maier;

H. R. 7302. An act for the relief of Lillian Brown and Silas Young;

H. R. 7357. An act to amend section 4472 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 465) to provide for the safe carriage of explosives or other dangerous or semi-dangerous articles or substances on board vessels; to make more effective the provisions of the International Convention for Safety of Life at Sea, 1929, relating to the carriage of dangerous goods, and for other purposes;

H. R. 7731. An act to provide for the burial and funeral expenses of deceased veterans of the Regular Establishment who were discharged for disability incurred in the service in line of duty, or in receipt of pension for service-connected disability;

H. R. 7815. An act for the relief of Boston and Maine Railroad;

H. R. 7910. An act for the relief of Betty Jane Bear Robe;

H. R. 8069. An act to reform the lease for the Sellwood station of the Portland (Oreg.) post office;

H. R. 8150. An act providing for the barring of claims against the United States;

H. R. 8163. An act for the relief of Antonio Sabatini;

H. R. 8301. An act for the relief of Allen B. Boyer;

H. R. 8369. An act authorizing a per capita payment of $10 each to the members of the Red Lake band of Chippewa Indians from any funds on deposit in the Treasury of the United States to their credit;

H. R. 8744. An act for the relief of Ernst Lyle Greenwood and Phyllis Joy Greenwood;

H. R. 8868. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Bolinross Chemical Co., Inc.;

H. R. 9073. An act to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe*, at Norfolk, Va., on October 27, 1939:

H. R. 9284. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. A. L. Ridings;

H. R. 9561. An act granting the consent of Congress to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Sauk Rapids, Minn.;

H. R. 9656. An act to authorize the acceptance of donations of property for the Vicksburg National Military Park, in the State of Mississippi, and for other purposes;

H. R. 9670. An act to provide an 8-hour workday and payment for overtime for dispatchers and mechanics-in-charge in the motor-vehicle service of the Postal Service;

H. R. 9722. An act to provide for the regulation of the business of fire, marine, and casualty insurance, and for other purposes;

H. R. 9734. An act authorizing allocation of funds for the construction of Saco Divide unit, Milk River project, and for other purposes;

H. R. 9736. An act to amend section 355 of the Revised Statutes, as amended, to authorize the Attorney General to approve the title to low-value lands and interests in lands acquired by or on behalf of the United States subject to infirmities, and for other purposes;

H. R. 9840. An act for the relief of Bela Karlovitz;

H. R. 9921. An act to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project;

H. R. 9942. An act authorizing the Secretary of the Interior to issue to Henry W. Shurlds and W. H. White a patent to certain lands in the State of Mississippi;

H. R. 9943. An act authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi;

H. R. 9952. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Ind.;

H. R. 9989. An act authorizing the Administrator of Veterans' Affairs to grant an easement in certain land to the city of Memphis, Tenn., for street-widening purposes;

H. R. 9991. An act to amend section 4021 of the Revised Statutes and to repeal section 4023 of the Revised Statutes relating to establishment of postal agencies;

H. R. 10061. An act to consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code;

H. R. 10155. An act for the relief of William M. Irvine;

H. R. 10246. An act to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission;

H. R. 10267. An act to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration Facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes;

H. R. 10337. An act to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes;

H. R. 10406. An act to authorize the appointment of graduates of the Naval Reserve Officers' Training Corps to the line of the Regular Navy, and for other purposes;

H. R. 10413. An act to provide revenue, and for other purposes;

S. J. Res. 267. Joint resolution providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts;

H. J. Res. 467. Joint resolution to exempt from the tax on admissions amounts paid for admission tickets sold by authority of the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect in January 1941; and

H. J. Res. 603. Joint resolution to authorize the United States Maritime Commission to furnish to the State of Pennsylvania a vessel suitable for the use of the Pennsylvania State Nautical School, and for other purposes.

SUPPLEMENTAL CIVIL APPROPRIATIONS, 1941

Mr. ADAMS. Mr. President, I move that the Senate proceed to the consideration of House bill 10539, making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 10539) making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ADAMS. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the committee be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will proceed to state the committee amendments.

The first amendment of the Committee on Appropriations was, under the heading "Title I—General appropriations—legislative," on page 2, after line 2, to insert:

SENATE

For payment to Norma Ward Lundeen, widow of Ernest Lundeen, late a Senator from the State of Minnesota, $10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 6, to insert:

So much as may be necessary of the appropriation "Clerical Assistance to Senators, 1941" is hereby made available to enable the Secretary of the Senate to pay 2 additional clerks at $1,500 per annum each, 1 for each Senator from the State of Wisconsin, from the date the Census Bureau officially announces the population of said State to exceed 3,000,000 to June 30, 1941.

The amendment was agreed to.

The next amendment was, on page 2, after line 13, to insert:

For an amount required to increase the compensation of the clerk of the Finance Committee of the Senate $1,000 per annum so long as the position is held by the present incumbent, $1,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to insert:

Beginning with the first day of the month next following the enactment of this act, the compensation of the assistant superintendents of the Senate press gallery shall be at the respective rates of $3,000 and $1,920 per annum, and the Legislative Branch Appropriation Act for the fiscal year 1941 hereby is amended accordingly.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

For miscellaneous items, exclusive of labor, fiscal year 1940, $40,000.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For repairs, improvements, equipment, and supplies for the Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, $15,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

ARCHITECT OF THE CAPITOL

Senate Office Building: For painting the Senate cabinet shop, located in the Senate Office Building, under the office of the Sergeant at Arms, $2,800.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to insert:

LIBRARY OF CONGRESS

Books for the adult blind: For an additional sum required to enable the Librarian of Congress to carry out the provisions of the act entitled "An act to provide books for the adult blind," approved March 3, 1931 (2 U. S. C. 135a), as amended, $25,000.

The amendment was agreed to.

The next amendment was, under the heading "Federal Security Agency—Public Health Service," on page 7, after line 24, to insert:

Miscellaneous and contingent expenses: Not to exceed $10,000 of the amount appropriated for "Pay of personnel and maintenance of hospitals, Public Health Service, 1941" in the Federal Security Agency Appropriation Act, 1941, may be transferred to the appropriation "Miscellaneous and contingent expenses, Public Health Service, 1941."

The amendment was agreed to.

The next amendment was, on page 8, after line 5, to insert:

Emergency health and sanitation activities: For all necessary expenses to enable the Surgeon General of the Public Health Service to assist State and local health authorities in health and sanitation activities in areas adjoining military and naval reservations, areas where there are concentrations of military or naval forces, and areas adjoining Government and private industrial plants having to do with national defense, including personal services in the District of Columbia and elsewhere; purchase, exchange, maintenance, and operation of passenger-carrying automobiles and motortrucks; stationery; services; supplies and materials; equipment; travel; printing and binding; and items otherwise properly chargeable to the appropriation for miscellaneous and contingent expenses of the Public Health Service, $800,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Education", on page 9, line 25, after the word "registers", to strike out "$30,000,000' and insert "$26,000,000", so as to read:

Education and training of defense workers: For payment to States, subdivisions thereof, or other public authorities operating public educational facilities, and where hereinafter authorized to engineering schools and universities, through certification from time to time made by the United States Commissioner of Education (hereinafter referred to as the "Commissioner") to the Secretary of the Treasury of the name of such agency or the name of such engineering school or university and the officer thereof to whom payment is to be made, and the amount to be paid, such payment to be made prior to audit and settlement by the General Accounting Office, for the furtherance of the education and training of defense workers, as follows:

(1) For the cost of vocational courses of less than college grade, provided by such agencies in vocational schools pursuant to plans submitted by such agencies and approved by the Commissioner, which plans shall include courses supplementary to employment in occupations essential to the national defense and preemployment refresher courses for workers preparing for such occupations selected from the public employment officer registers, $26,000,000.

Mr. WALSH. Mr. President, I should like to inquire of the Senator from Colorado about the amendments on pages 9, 10, and 11, particularly as to the plan and purpose of the appropriations.

Mr. ADAMS. The Senator refers to the appropriations under the Office of Education?

Mr. WALSH. That is correct.

Mr. ADAMS. The purpose of the appropriations is to provide a fund for distribution by the Office of Education to State, county, and municipal schools in order to carry on vocational education. The actual work is carried on by the State school authorities, and Federal funds are provided through the Office of Education.

Mr. WALSH. Do the proposed appropriations represent an increase over present funds?

Mr. ADAMS. Yes. The regular appropriation went through in an earlier bill, and this is a supplemental and increased appropriation.

Mr. WALSH. I understand. How large is the increase?

Mr. ADAMS. The previous appropriation was $15,000,000, and this appropriation is $30,000,000, plus an item of seven and a quarter million, which is a cooperative appropriation between the N. Y. A. and the Office of Education.

Mr. WALSH. What I wish to inquire about especially is what new activities or undertakings are to follow as the result of the increased appropriation in addition to what has already been done for vocational education?

Mr. ADAMS. I will say to the Senator that the same blanket covers this as seems to cover all other appropriations. It is based upon the claim of national defense. It is necessary to give more boys and girls training, because they may have an opportunity to contribute to the national-defense activities.

Mr. WALSH. It is not military training?

Mr. ADAMS. No; school training. To a large extent it is mechanical training.

Mr. WALSH. The purpose is to broaden and increase the vocational training which has been provided for in the past in the expectation and hope that education along mechanical lines, let us say, will be of assistance in providing persons for trades and occupations in after life which will be helpful to the national defense?

Mr. ADAMS. That is correct. As the Senator knows, the national-defense angle appears everywhere.

Mr. WALSH. I realize that.

Mr. ADAMS. I say that without making any personal comment about it.

Mr. WALSH. I recognize the importance of the words "national defense" at this time.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. ADAMS. I yield to the Senator from Michigan.

Mr. VANDENBERG. Is the question involved in any of these appropriations whether or not the N. Y. A. is to set up independent educational facilities of its own?

Mr. ADAMS. That question arose in the committee. There was an appropriation aggregating $40,000,000, of which seven and a quarter million was in cooperation with the Office of Education. From some of the testimony which came to us from the N. Y. A. authorities it seemed to the committee that the N. Y. A., under the authorization contained in the bill, might contemplate doing something outside the program of the Congress for the N. Y. A., and in conflict with the understanding between the Office of Education and the N. Y. A., by setting up independent schools. The Senate committee endeavored to meet that situation by an amendment which is found on page 13, which provides, in connection with that appropriation, that all amounts to be expended by the National Youth Administration shall be under the control and supervision of State boards for vocational education of the several States and shall be paid for out of appropriations made to the Office of Education and expended by the States pursuant to plans submitted by State boards for vocational education and approved by the Commissioner of Education as provided for under the heading "Office of Education." In other words, the amendment takes away from the N. Y. A. the authority—if it had any—to establish independent competitive schools.

Mr. VANDENBERG. I think that is a complete and commendable answer to my inquiry.

Mr. ADAMS. We had a great many communications from educational boards and the heads of State educational institutions which led to that amendment.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. BYRNES. I think the RECORD should show that the Office of Education and the Director of the N. Y. A. have arrived at an agreement which, according to my understanding of the testimony, is satisfactory to the Office of Education and to the N. Y. A.

Mr. ADAMS. Mr. President, I ask permission to have printed in the RECORD at this point a copy of the agreement

between the two organizations, so that it may be in the RECORD for reference.

There being no objection, the agreement was ordered to be printed in the RECORD, as follows:

DEFINITION OF THE RESPECTIVE FUNCTIONS OF THE UNITED STATES OFFICE OF EDUCATION AND THE NATIONAL YOUTH ADMINISTRATION

This statement was agreed to in Washington, D. C., July 27, 1940, by Aubrey Williams, Federal Administrator of the National Youth Administration; J. W. Studebaker, United States Commissioner of Education; and a group of chief State school officers and State directors of vocational education.

J. W. STUDEBAKER.

The sole purpose of the United States Office of Education is to "promote the cause of education throughout the country" and thus to "aid the people of the United States in the establishment and maintenance of efficient school systems",[1] including "cooperation with the States in the promotion of vocational education."[2] In securing the establishment of policies and in the operation of procedures to achieve this purpose, the Office necessarily works regularly and officially with and through State departments of education, institutions of higher learning, and local school systems. In general, its methods involve (1) cooperative relationships with State educational systems and agencies, especially through grants-in-aid of various forms of vocational education and for the operation of land-grant colleges and universities; (2) research and the dissemination of its findings; (3) leadership and clearinghouse functions concerning education in general performed through national and State conferences, educational planning, publications, and public addresses; and (4) experimentation and demonstrations to discover more effective educational policies and practices.

Through the years, therefore, the United States Office of Education has naturally and necessarily established its contacts with the schools and colleges in the States. To avoid overlapping and confusion of functions and duplication of effort, and to secure economy and efficiency in the operation of policies requiring Federal-State relationships with the school systems in the States, it is essential that the responsibility for Federal policies designed to stimulate or to support expansions or modifications of educational services to the youth of the country be placed in the United States Office of Education.

The purpose of the National Youth Administration is to furnish employment to needy youth. Incidental to and as a part of such employment, there is necessarily an element of training. But the operation of schools and training programs as such is not a function of the National Youth Administration. To several hundred thousand young people in high schools and colleges, the employment provided by the National Youth Administration furnishes a means of enabling the students to remain in school or college. For out-of-school young people of the ages 17 to 25, employment will be provided on work projects, to enable each person employed to earn a subsistence wage, or about $18 per month. In general young people employed by the National Youth Administration are expected to work an average of 15 hours a week. The national program is administered by a staff in Washington which operates through State organizations established for the special purpose of administering the program of the National Youth Administration.

Since any sound program for the development of youth should be designed to eliminate idleness among young people, and to substitute therefor the productive use of their time either in full-time productive work or in full-time education, or in a combination of both, it is the general objective of the national program of work and education for youth sponsored by the National Youth Administration and the United States Office of Education, respectively, to engage the time of each young person employed by the National Youth Administration during at least 30 hours each week.

Briefly, then, the function of the United States Office of Education is to secure the development and operation of educational or training programs for all youth, and the function of the National Youth Administration is to organize and administer programs of work for needy or selected youth.

In view of these clearly defined and mutually exclusive functions of the two agencies, it is agreed that:

1. It is the function of the United States Office of Education to exercise leadership in developing and in administering federally financed programs of education, including emergency-training programs to be conducted cooperatively by the Federal Government, the States, and the local communities, in schools and colleges. The Office, in accordance with its long-time policy, will develop and administer such programs through the established channels of educational administration.

2. It is the function of the National Youth Administration to provide and administer the funds with which to support programs of student work for young people who will be enrolled full time in schools or colleges, and also employment on work projects for other young people, all of whom will be provided with related or necessary instruction under the direction of Federal, State, and local educational authorities.

3. In establishing and carrying forward Federal-State relations while performing the functions as indicated under paragraph 1 above, the United States Office of Education is the Federal agency responsible for dealing directly with State educational systems and institutions.

4. In performing its functions as specified in paragraph 2 above, the Federal office of the National Youth Administration will be responsible for dealing directly with its authorized agents in the State.

5. In working out policies for the development of their respective programs, neither the United States Office of Education nor the National Youth Administration will seek to secure appropriations with which to support activities in the States which are not strictly in accordance with the respective functions of these agencies as indicated above.

6. It is understood that insofar as the Federal Government participates in the support of educational services in the States for young people employed by the National Youth Administration and involving personnel, supplies, equipment, and other operating costs, such support will be limited to the funds made available to the United States Office of Education and allotted by it to the States.

7. The United States Commissioner of Education and the Federal Administrator of the National Youth Administration assume the responsibility for securing the acceptance of this definition of functions by the officials of State departments of education and the State administrators of the National Youth Administration respectively.

8. In planning projects the State Youth Administrator shall work out jointly with the State department of education the nature of and plan for the work including the location of the project. The State department of education shall be responsible for developing a program of education suited to the needs of the youth employed on such projects. In any situation in which the State department of education decides that it is not feasible to furnish instruction in addition to that which is incidental to and a part of the work and is given during the work period, the specific situation in question shall be referred to a committee of three persons, selected jointly by the State director of vocational education and the State administrator of the National Youth Administration. This committee shall decide whether such additional instruction is to be provided and whether the State department of education or the National Youth Administration shall provide it.

Mr. KING. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. KING. Did the committee believe that it was the function of the Bureau of Education and the N. Y. A. to take charge of educational activities and facilities, and that the committee had nothing to do other than to approve any agreement which they might enter into? I am wondering where the authority exists for these large expenditures for education, which may encroach upon the activities, functions, and powers of States and their political subdivisions.

Mr. ADAMS. I am not in a position to answer as to what was in the minds of other members of the committee. I can say to the Senator that, so far as I am concerned, I have always been unwilling to have a Federal agency trespass upon the domain of the control of education by the States; but this is done pursuant to acts of Congress heretofore passed, and we have endeavored by the amendment, which I read in part to the Senator from Michigan, to assure control of educational processes by the State educational authorities, so that the Federal Government would be assisting, and not controlling, State education.

Mr. KING. I ask the Senator whether or not any restrictions are contained in the bill in regard to the activities of or the sphere in which the N. Y. A. organization shall operate; or may it operate as it sees fit?

Mr. ADAMS. If the Senator will refer to the amendment which begins at the bottom of page 13 and continues at the top of page 14 I think he will find a limitation which meets his objections.

Mr. KING. What amount has been added by the bill to the appropriations heretofore authorized by Congress for the Bureau of Education and for the youth movement?

Mr. ADAMS. Seventy million dollars.

Mr. KING. Added to what has heretofore been appropriated for the coming year?

Mr. ADAMS. For the current fiscal year the N. Y. A. has an appropriation of $102,000,000. The Office of Education has $15,000,000. The bill adds $70,000,000.

Mr. KING. Is that conceived to be a part of the national-defense program?

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[1] Excerpt from act of 39th Cong., 2d sess., approved by President Andrew Johnson, March 2, 1867.

[2] Excerpt from Smith-Hughes Vocational Education Act passed by Congress February 23, 1917.

Mr. ADAMS. When the Senator asks, "Is that conceived to be a part of the national-defense program?" to whom does he refer?

Mr. KING. To the committee which reported the bill.

Mr. ADAMS. I cannot answer for the committee. I can answer as to what the committee did. I cannot answer as to what the committee thought.

Mr. KING. I understood that the bill was a measure devoted to national defense.

Mr. ADAMS. Mr. President, I should like to make a correction. The clerk of the committee advises me that I have made an error in my figures. Instead of $70,000,000, $92,000,000 has been added.

Mr. KING. That is unimportant, in view of the enormous appropriations which we make from day to day. I was about to say from week to week, or from month to month, but it becomes almost from hour to hour. The point I am trying to bring out is that I understood that the bill was to deal with the question of national defense.

Mr. ADAMS. Not this bill. I will say that the national-defense thread is carried through all the testimony as one of the supporting elements, but this is not primarily a national-defense bill. It is a supplemental appropriation bill for civil functions.

Mr. KING. It has more or less to do with the activities of the military arm of the Government, has it not?

Mr. ADAMS. Very little.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. ADAMS. I shall be glad to yield as soon as the Senator from Utah shall have concluded.

Mr. KING. As I understand, whatever the purpose of the bill is, it increases the appropriations for the Bureau of Education and for the youth movement to the extent of $92,000,000.

Mr. ADAMS. That is correct as to the figure.

Mr. KING. Does the Senator have in his mind the total appropriation for these two organizations for the coming year?

Mr. ADAMS. For the two the figures are $102,000,000 for the N. Y. A. and $15,000,000 for the Office of Education, and the addition of $92,000,000 will make the total about $209,000,000.

Mr. KING. That would be the aggregate appropriation for those two organizations?

Mr. ADAMS. Yes; which I think is entirely adequate.

Mr. KING. Many believe that it is entirely too much, because it looks as though we are attempting to place our educational system more or less under the control of the Federal Government, to which I am very much opposed.

Mr. ADAMS. The Senator is not going to engage in any controversy with me about that.

Mr. HOLT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from Colorado yield to the Senator from West Virginia?

Mr. ADAMS. I yield.

Mr. HOLT. I should like to ask the Senator from Colorado if it is not true that practically every single agent of the Government who has appeared before the Appropriations Committee asking for increased appropriations within the last 2 or 3 years has asked for the increase on the ground of national defense, even if it is a grazing appropriation or anything else?

Mr. ADAMS. I should not want quite to agree with that. I will state to the Senator that, while I am a great believer and advocate and supporter of national defense, I think it has been overplayed somewhat. Almost all officials of the Government feel that their particular function contributes to the national defense. I think they are honest about it, but I sometimes think they exaggerate their own importance in the scheme of national defense.

Mr. HOLT. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee which was last stated.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment reported by the Committee on Appropriations.

The next amendment was, on page 10, line 6, after the word "Commissioner", to strike out "$4,000,000" and insert "$8,000,000", so as to read:

(2) For the purchase, rental, or other acquisition of new or used equipment when needed by agencies in providing courses pursuant to a plan approved under (1) of this heading when such acquisitions are in accord with detailed proposals submitted by such agencies and approved by the Commissioner, $8,000,000: *Provided*, That the proposals approved by the Commissioner shall include provisions governing the holding of title to and the use of the equipment to be acquired.

The amendment was agreed to.

The next amendment was, on page 11, line 15, after the figures "$7,500,000", to strike out the semicolon and "and for the purposes of the National Youth Administration Appropriation Act, 1941, such courses and instruction may be regarded as work on a 'public project'", and insert a colon and the following proviso: "*Provided*, That the amount allotted to any agency shall be available for expenditure for purchase or rental of additional equipment and rental of additional space found by the Commissioner to be necessary for carrying out the approved plan", so as to read:

(5) For the cost of vocational courses and related or other necessary instruction provided by such agencies for young people employed on work projects of the National Youth Administration, such courses and instruction to be provided pursuant to plans submitted by such agencies and approved by the Commissioner, $7,500,000: *Provided*, That the amount allotted to any agency shall be available for expenditure for purchase or rental of additional equipment and rental of additional space found by the Commissioner to be necessary for carrying out the approved plan.

Mr. ADAMS. Mr. President, I think an explanation should be made in connection with this amendment striking out the House provision. As it came from the House, it seemed to us to permit the furnishing of education for a young man as "a project" so that he would be paid for going to school. We did not think that when the Government endeavors to aid a young man to obtain vocational education it should be made a project. The original N. Y. A. theory was that in the case of young men who wanted to go to school, who had need for school, but were unable to finance themselves, the N. Y. A. would find employment for them, so that they would earn sufficient money to carry themselves through school. The average amount which the N. Y. A. was providing for the young men was about $20 a month. For the $20 a month the young man performed certain work which took a part of his time, and during the other part of his time he went to school. It never occurred to Congress that we were to pay any young man for going to school. So we are striking from the bill the provision which would make going to school a project, so the young man would not have to do any work, but would merely have to go to school and be paid for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, under the subhead "National Youth Administration", on page 13, line 21, after the numerals "1941", to insert a comma and "except (a) that all training or educational programs for youth employed by the National Youth Administration on work projects shall be under the control and supervision of the State boards for vocational education of the several States and shall be paid for out of appropriations made to the Office of Education and expended by the States pursuant to plans submitted by State boards for vocational education and approved by the Commissioner of Education as provided for in this act under the heading, 'Office of Education', paragraph (5), and"; and on page 14, line 11, after the word "act", to strike out the colon and "*Provided*, That the proviso appearing in paragraph 4 of such act as to the distribution of funds among the several States shall not apply to such sum of $30,535,375", so as to read:

For additional amounts for the National Youth Administration to be expended in accordance with the provisions of the National Youth Administration Appropriation Act, 1941, except (a) that all training or educational programs for youth employed by the National Youth Administration on work projects shall be under the

control and supervision of the State boards for vocational education of the several States and shall be paid for out of appropriations made to the Office of Education and expended by the States pursuant to plans submitted by State boards for vocational education and approved by the Commissioner of Education as provided for in this act under the heading, "Office of Education", paragraph (5), and except as hereinafter provided, for the following purposes:

For the purposes and objects specified in paragraph 1 (b) of such act, $30,535,375, of which $50,000 shall be available to the United States Employees' Compensation Commission for the purposes of paragraph 18 of such act.

The amendment was agreed to.

The next amendment was, under the heading "Federal Works Agency—Public Buildings Administration", on page 14, after line 21, to insert:

Salaries and general expenses, public buildings and grounds in the District of Columbia: For an additional amount for administration, protection, maintenance, and improvement of public buildings and grounds in the District of Columbia, maintained and operated by the Public Buildings Administration, Federal Works Agency, including the same objects specified under this heading in the Independent Offices Appropriation Act, 1941, $2,000,000.

Mr. ADAMS. Mr. President, there is a typographical error in the committee amendment on line 4, page 15. It is a very easy type of error to make in these days of liberal figures, but the printer put in an extra cipher in line 4. The figures should read "$200,000" and not "$2,000,000." I ask permission to correct that error.

The PRESIDING OFFICER. Without objection, the correction proposed by the Senator from Colorado will be made, and, without objection, the committee amendment, as corrected, is agreed to.

The next amendment was, on page 16, after line 19, to insert:

Navy Department Building, Washington, D. C.: For the construction of an additional wing on the Navy Department Building and an additional story on wing No. 1 thereof, under the provisions of the Public Buildings Act approved May 25, 1926, as amended, including administrative expenses in connection therewith, $590,000: *Provided*, That the contract or contracts for such project may be entered into without advertising.

Mr. WALSH. Mr. President, I should like to call the Senator's attention to the proviso on page 17, which reads:

Provided, That the contract or contracts for such project may be entered into without advertising.

Does this mean without competitive bidding?

Mr. ADAMS. That is what it would mean.

Mr. WALSH. So that this construction work will be done by negotiated contracts?

Mr. ADAMS. That would be the result. I call the Senator's attention to the fact that this same provision is made in lines 5, 6, and 7, page 16, in reference to Federal office buildings, and in lines 18 and 19 in reference to certain other buildings. Whether it is sound or not, the justification submitted is that it is a matter of emergency, and that advertising would involve probably an extra several weeks' delay.

Mr. WALSH. I do not think that I have ever done anything that has caused me more annoyance, though I felt it my duty to do it, than to provide for the making of negotiated contracts to speed up our defense. It has resulted in an army of contractors seeking various kinds of influence for the purpose of getting contracts. I am of the opinion that negotiated contracts ought not to be used except when there is a real emergency.

Mr. ADAMS. If the Senator wishes to make a motion to strike out these provisions from the bill, he will get one vote in addition to his.

Mr. WALSH. If the Department feels there is a real emergency, and it is very necessary to have the building constructed at once because of lack of quarters, I should not be opposed to that; but I am concerned about letting down the bars to the extent of having all Government work during this period performed under negotiated contracts. We should adhere to the competitive-bidding system as much as possible.

Mr. ADAMS. I am entirely in accord with the Senator, but my own judgment as to the imminence of emergency and the presence of a crisis does not conform with the view of a majority of the Senate. So I have restrained myself, but I will be glad to support the Senator if he wants to make a motion.

Mr. WALSH. I suppose every Senator has had the experience I have had—that when provision has been made for negotiated contracts it has thrown open the floodgates for the use of influence on the part of those who very naturally and properly seek contracts which are so easy to handle and so profitable to the contractor.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. McKELLAR. The Navy Department is housed in the Munitions Building. Of course, as we all know, the Department is obliged to have additional space. The testimony before the committee was that it was absolutely necessary that they have more space, and I think the place provided is the most available to afford the additional space. The officials of the Navy Department say they need it, that they need it right now, that they have not the necessary room, and it is absolutely necessary for this construction work to be done.

I agree with the Senator from Massachusetts that contracts ought to be let through public bidding; we all feel that way; but the peculiar circumstances that surrounded this particular matter caused the committee to agree that the building might be constructed in this way. I do not think it is even a permanent building. I think the old building ought to be removed as soon as possible, but according to the testimony offered, there was nothing else to be done.

Mr. WALSH. I did not rise to question the amendment or to object to it, but I thought it was an appropriate time for the Senate to indicate to the departments of the Government that the negotiated-contract system ought to be restricted to cases of absolute necessity. I rose more for the purpose of sounding a note of warning that they should employ negotiated contracts for public purposes only when it is impossible to get hasty action through competitive bidding.

Mr. McKELLAR. I am glad the Senator has done so. I agree with him entirely.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield if I have the floor.

Mr. ADAMS. I yield to the Senator from Michigan.

Mr. VANDENBERG. Assuming that the Senator made out a case of emergency in connection with the Navy Department, what about the fact that on page 16 of the bill there are authorized two Federal office buildings for general use and the contracts are permitted to be made without advertising. It seems to be not merely an emergency formula at the moment, but to be the new standard practice.

Mr. McKELLAR. It certainly is.

Mr. VANDENBERG. Does the Senator approve of that?

Mr. McKELLAR. I cannot say that I do.

Mr. VANDENBERG. The Senator is a very influential member of the committee and I am not. I wish he would give me some guidance out of this wilderness.

Mr. McKELLAR. There is not much guidance at the present time, because the departments undertake to make an emergency out of everything and the cost-plus-fixed-fee system of contracts has been adopted by them and is being used.

It is but fair to say that a great many think the Government will thereby save money, rather than to have competitive bidding. I do not believe so. I believe in competitive bidding and have always believed in it, but in the emergency it is to be dispensed with, and has been dispensed with.

Mr. VANDENBERG. Are these two general Federal office buildings emergency projects?

Mr. McKELLAR. I am frank to say that matter was not brought to the direct attention of the committee, because there was no amendment offered in regard to that item.

Mr. VANDENBERG. May I ask the Senator from Colorado what is to be the use of the two general Federal office buildings covered by lines 2 to 7 on page 16?

Mr. ADAMS. Of course, the one provided for beginning in line 8 is definitely described as a central heating plant. The

other two buildings are general buildings, and provision for them, as the Senator will note, was made originally by the other House.

Mr. VANDENBERG. What is the emergency in connection with their construction?

Mr. ADAMS. I will say to the Senator that in the report of the House committee, apparently it was intended "to care for the greatly augmented forces required for the War and Navy Departments," and then they add "and other agencies." That clause is just as definite to me as it is to the Senator from Michigan. The original request was for eight and a half million dollars for a building; and that was then divided by the House committee into two buildings of an aggregate cost of $6,400,000, which were to be for the use primarily of the Army and the Navy.

Mr. VANDENBERG. What I am trying to get at is that this new process of permitting contracts without advertising does not seem to be confined solely to imminent emergencies. It seems to be a new standard practice. Is not that correct?

Mr. ADAMS. It seems to have occurred rather more often than I personally would wish. In the House report the committee attempted to justify that provision as to the heating plant by saying:

> This course will expedite the provision of the space urgently needed in these low-cost buildings and in the case of the heating plant will accelerate its utilization for next winter.

Mr. VANDENBERG. Of course, it would expedite matters still further if the departments did not even bother to come to Congress for the appropriation. Something besides expedition is involved, however.

Mr. ADAMS. The Senator knows that we still have, on the part of departments, the embarrassment of the Constitution, which requires appropriations. We have ways of going around that constitutional provision; but they have not been made use of, as yet, in these matters.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. McKELLAR. Both of these were House provisions; and, as I recall, no evidence was given and no question was raised as to either one of those provisions before the Senate committee, either the one beginning on line 2 or the one beginning on line 8.

Mr. ADAMS. That is correct.

Mr. McKELLAR. Would the Senator object if I should offer an amendment to strike out the provisos in both instances?

Mr. ADAMS. I should not object if the Senator should obtain unanimous consent to offer the amendment. We have a unanimous-consent agreement that committee amendments shall be first considered.

Mr. McKELLAR. I ask unanimous consent to offer an amendment striking out the proviso beginning in line 5 and ending with the word "advertising" in line 7 of page 16.

The PRESIDING OFFICER. The amendment proposed to be offered by the Senator from Tennessee will be stated.

The LEGISLATIVE CLERK. On page 16, line 5, it is proposed to strike out:

> *Provided,* That the contract or contracts for either or both of such projects may be entered into without advertising.

The PRESIDING OFFICER. Is there objection to the offering of the amendment?

Mr. AUSTIN. Mr. President, reserving the right to object, I desire to ask a question. I have heard a great deal of discussion about this being a new method, and I wonder if it is.

I notice that the text of the bill refers to the act of 1926. That act is devoted in large part to the erection of public buildings in the District of Columbia. I ask the Senator from Colorado if he does not understand that that act gave the same authority which is contained in these provisos by the following language—and I am reading from page 631 of volume 44 of Public Laws:

> The Secretary of the Treasury is authorized to carry on the construction work herein authorized by contract, or otherwise, as he deems most advantageous to the United States.

I ask the question. I am not very familiar with this subject.

Mr. McKELLAR. Mr. President, if the Senator asks me the question, I believe that under the law as it is now, buildings such as those mentioned here must be submitted to competitive bidding. Otherwise, there would have been no necessity of the House putting in those two provisos. I am frank to say that they were not called to the attention of our committee; and it seems to me, in the interest of having proper legislation, that the two provisos ought to be stricken out. That is why I ask unanimous consent to strike out the first proviso in line 5, ending in line 7; and, if that is done, I shall offer an amendment to strike out the second proviso in line 17.

Mr. AUSTIN. May I ask a further question before the request of the Senator from Tennessee is acted upon? Is there not some Senator here who knows definitely the reason for waiving the advertising for bids in this case?

Mr. McKELLAR. That matter was not brought before our committee. It will be before the conference committee if my amendment shall be agreed to.

Mr. AUSTIN. I was about to ask the distinguished chairman of the Committee on Naval Affairs to give us any light he can give on the question whether it is necessary to waive a requirement of that kind.

Mr. WALSH. Mr. President, in my opinion the Navy Department—and I think the same statement applies to the War Department—is unable to negotiate any contract without advertising, and without giving the contract to the lowest responsible bidder. That is the general law so far as the Navy is concerned. In the legislation passed this year that requirement was waived, so as to permit negotiated contracts to be made under certain circumstances and in cases of emergency; so the bar of compelling competitive bidding, and compelling the award of the contract to the lowest bidder, has been lifted so far as the Navy is concerned during the present emergency. It is limited, however, to the present emergency.

Mr. AUSTIN. Mr. President, I desire to ask another question. If we should accept the bill as proposed, would the Navy Department construct this building, or would it be constructed under the provisions of the Public Building Act approved May 25, 1926, as amended?

Mr. WALSH. The Navy Department does all of its own building. It contracts for it, makes the specifications, and disburses all the funds for building under the Navy Department.

Mr. AUSTIN. I have no objection to the unanimous-consent request of the Senator from Tennessee.

Mr. BARKLEY. Mr. President, will the Senator from Colorado yield to me?

Mr. ADAMS. I shall be glad to do so.

Mr. BARKLEY. Referring to the statement made by the Senator from Massachusetts [Mr. WALSH] with reference to negotiated contracts, I think we all realize that in the case of the larger contracts it is almost necessary to authorize the various departments to negotiate them. Otherwise there would be almost interminable delay in advertising, preparing specifications, and all that, and then letting the contract to the lowest responsible bidder.

I realize that in normal times it is always advisable to have competitive bidding on contracts; but under the circumstances which now prevail it has seemed wise to authorize negotiated contracts, especially in the case of the larger contracts, involving millions of dollars and materials going into various equipments of the Army and Navy and the defense program. I fully appreciate, however, what the Senator says about the terrific inconvenience that has been brought to the shoulders of Senators by individual contractors within our own States, who seem to have an idea that all we have to do is to call up some department and ask that a contract be awarded to that particular firm and it will be done.

Mr. WALSH. Mr. President, if the Senator will yield, if he were chairman of the Naval Affairs Committee he would not be invited to do what he has stated. He would be told that he could do it if he wanted to.

Mr. BARKLEY. That is correct. I have had instances of that sort. Of course, we have to steel ourselves against criticism when we are unwilling to become special pleaders in Washington for contractors within our own States. Personally, I have refused to become any such special pleader; and I should hate to think that any Senator could call up any department and ask that a contract be awarded to some constituent of his and that it would be done. Certainly the award of such a contract would not be on a scientific basis.

Mr. ADAMS. The Senator understands that those appeals are made to him and to the distinguished Senator from Massachusetts [Mr. WALSH] because of their prominence, and that some of the rest of us are never even honored, or dishonored, with those requests.

Mr. BARKLEY. I have a suspicion that if I were to examine the Senator's mail I should be able to dispute the suggestion that he has not been called on to do the same thing. All Senators have; and it is a perfectly natural thing, because our friends back home who constitute the firms which are in the contracting business do not know anybody in Washington except us. They have no direct contact with the War Department or the Navy Department or any other department, or with the Council of National Defense; and the natural thing for them to do is to write to us, and of course, all our inclinations and our natural desires would be to help them, if possible.

It would be an utterly impossible situation if these contracts were to be let upon any political basis or through any political influence of any sort, and, while it is inconvenient to have to be sought by our friends to get contracts for them, I think we must assume the responsibility of saying that these things are not political, and that in certain cases negotiated contracts are necessary in order that interminable delay may be avoided.

I wish to reiterate and emphasize what the Senator from Tennessee has said with regard to the buildings on Constitution Avenue. During the World War many temporary buildings were erected in many sections of Washington, most of which have been torn down. When the Munitions Building and the Navy Building were erected on Constitution Avenue, buildings which really obstruct the view of the Lincoln Memorial until one gets beyond them, and which are a horrible eyesore in the Potomac Park development, they were constructed of concrete and steel, and are more permanent in their structure than various other buildings which were built of stucco and wood, most of which have been torn down. For a long time I have hoped that we might finally eliminate those buildings on the south side of Constitution Avenue near the Washington monument.

I am for almost anything that will give the same amount of space in any other section of Washington. When those buildings were erected, 20 or 25 years ago, there was more empty space, more vacant lots, and more vacant territory, in other parts of the city, where the buildings could have been constructed, than the Government could possibly have occupied, but for some reason they were erected on Constitution Avenue, in a part of Potomac Park, and built of permanent materials, which makes it difficult to persuade Congress to eliminate them.

I share the views of the Senator from Tennessee on that subject, and I hope that ultimately we may be able to remove those buildings, so that they will not interfere with the development of that part of the District of Columbia, and that they may be put elsewhere.

Mr. WALSH. Mr. President, will the Senator from Colorado yield?

Mr. ADAMS. I yield.

Mr. WALSH. Of course, the Senator from Kentucky knows that there is a plan to remove those buildings, and to erect, on the present site of the Naval Hospital, a new series of buildings to house the Army and the Navy activities.

Mr. BARKLEY. I realize that, and that can be done when the Naval Hospital is finally moved to the site on the road to Rockville, where the new Naval Hospital is now under process of construction. I think that should be done as soon as possible.

Mr. WALSH. I am pleased to note, also, that the Senator feels as I do with reference to the care and caution which should be exercised by the departments in substituting negotiated contracts for competitive bidding.

Mr. BARKLEY. I appreciate that.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator from Colorado yield for a brief statement?

Mr. ADAMS. I yield.

Mr. THOMAS of Oklahoma. I think that if we will just stop and reflect for a moment we can see a very good reason why these contracts are being let on the suggested basis.

It is obvious that the administration is trying to keep prices down. It is trying to keep down the price of steel, the price of cement, and the prices of all things which go into the building of the structures which must be erected under the national-defense program. Yet the responsible authorities are not sure that prices may be kept stable.

We are spending this year many billion dollars. In all times in the past when vast sums have been expended, prices have tended to rise, and it is now thought by many that prices will rise.

I believe it is impossible to secure responsible contractors who will make bids for the construction of large buildings on the present basis of prices. The contractors do not know how much they will have to pay for brick, cement, labor, or anything else 6 months or 12 months from now, and because of this condition, and the departments' desire to employ the negotiated-contract system, as contractors will not bid on a reasonable basis at this time, but must bid on a basis which will take care of any eventuality. With the possibility that prices may rise 15 or 20 percent, they must now bid sufficiently high to cover any increase in the next 6, 9, or 12 months.

Mr. AUSTIN. Mr. President, if the Senator will permit, is he aware of the fact that there is another problem which confronts the Government, that is, the difficulty of getting material? For example, I happen to know of a specific contract which calls for the use of structural steel, and it was not obtainable in time to perform the contract within the time limit. Therefore the parties had to amend the contract in order to be able to make progress, under the conditions of today.

Mr. THOMAS of Oklahoma. Mr. President, at the present time the officials are having trouble in securing lumber with which to construct the necessary housing facilities to take care of our increasing Army. The responsible authorities believe that they can make the contracts on what might be termed a cost-plus basis, and get the buildings completed quicker and for less money than they could by asking for bids and letting contracts, for the obvious reason that the contractors will want to bid high enough so as to protect themselves against what may happen. It is for that reason, I understand, that they believe it is better business to employ the negotiated-contract method. They are of opinion that they will get better buildings and get them more quickly, and really get them for less money.

Mr. GEORGE. Mr. President, will the Senator from Colorado yield?

Mr. ADAMS. I yield.

Mr. GEORGE. I have been much impressed by the various arguments which have been submitted as to why we should depart from a perfectly sound principle and practice, but I do not want the matter to be passed without registering my protest against the abandonment of a practice which is sound, which serves the public interest, and in the absence of which we necessarily run into all kinds of trouble.

Mr. President, it is not a question of whether Senators are disturbed by the demands made by their constituents. That, I think, is negligible. It is not a question of whether some contractor or manufacturer in any one State is importuning the Senator from that State to get him a contract. That seems to me to be not at all involved in the matter. It may be a matter of some inconvenience and some little worry, at times,

but it is not fundamental. What the Senator from Oklahoma says, of course, is true in all periods such as the present. Yet, I dare say, that if there ever was a time when we could not relax a sound rule, it is exactly in this kind of time.

I wish now to make another statement, because this matter is not new to me. I have been worrying about it for some time, and have been making some investigations into it.

There has been under way a definite program to employ negotiated contracts as to standard articles which are purchased by the Army and by the Navy.

There has been a definite purpose to resort to the negotiated contract, to abandon the method of requesting bids for ordnance in the War and Navy Departments, and other departments of the Government, for things which are standardized, and as to which the Regular Army and Navy set-up has had abundant experience for years and years and years, and as to which, I think I may say, there has been no profiteering.

Anyone familiar with the textile business can find contract after contract negotiated by responsible merchants and manufacturers to supply the needs of the War and Navy Departments at no profit at all, because it was in the interest of the industry to have the orders so that the manufacturers might take care of their large organizations.

There is another reason why there is a desire to get away from public bidding, and the other reason is the very reason why this rule should not be relaxed. When we get rid of public bidding, someone, some individual, some little bureau, some little agent, has the power to deny business to a legitimate concern, to a respectable business, to honest contractors and honest manufacturers. Some little bureau, some one little agent—because finally and at last it all comes down to one or two men back of the scenes controlling it all—has the power to discriminate between States and has the power to discriminate between sections.

This question has been one of controversy, as some of us happen to know, in the Council of National Defense. The primary purpose is to go to the negotiated contract in order to avoid public bidding, to avoid asking for bids, for one purpose; that is, for the purpose of enabling the official to say to the manufacturer or to the merchant, "We do not like the methods you are employing with respect to labor, or something else, and we will not negotiate a contract with you." It does not make any difference whether or not the concern is complying with the labor laws; it does not make any difference whether the concern is complying with the hour and wage law; that does not make any difference, for if we put the matter into the hands of the officials in any single procurement branch of the Government, they will have the power to deny a contract because the contractor is not favoring the right kind of a labor organization within his plant.

Mr. President, I am speaking plainly about this matter, but I wish to register my protest against the abandonment of a perfectly sound principle which should not be relaxed in an hour when we are throwing billions of dollars into the market to purchase countless kinds of commodities.

It is perfectly easy to say, "You have a mill here which is organized, but the American Federation of Labor is the recognized agent with whom you are contracting." Someone may want a contract with a mill which is employing C. I. O. agents as the representatives of labor.

When competitive bidding is broken down, when the Government ceases to invite bids, and when the departments are given a free hand to negotiate all contracts, we simply invite sectional discrimination, State discrimination, discrimination between industries, and discrimination for reasons not sanctioned by the Congress, and which Congress would not sanction.

Mr. President, if we would take the time to note the real reasons which lie back of many things that are requested of us, I am satisfied the Congress would not care to accede to the requests. Oh, I know very well that there are many things that cannot very well be done by means of public bidding. I know that such a course may result in some delay. I know that we are now in a period when prices may rise. I realize all that, but I know very well it is possible in any contracts to take care of any abnormal rise in labor or material prices. I know very well that any careful contractor will do so.

Invitation to the public to make bids is a procedure which ought not to be abandoned, because it is sound, and it eliminates certain opportunities for discrimination and partiality. In the handling of public funds there ought not to be any encouragement lent to discrimination and partiality. I do not mean to say that in the particular cases in question any such reason exists, or that it exists in any particular case, but in many of the appropriations we have thus far made I think I have noticed other provisions for the purchasing of materials or for the letting of contracts without competitive bidding or without any invitation to bid.

Mr. ADAMS. Mr. President, will the Senator yield to me for an inquiry?

Mr. GEORGE. The Senator from Colorado has the floor. I am trespassing on his time.

Mr. ADAMS. We passed an excess-profits tax measure. Of course, a Senator can hardly be excused for not having mastered all its details, but I have been busy with some other matters, and I wish to ask the Senator from Georgia whether in that bill Congress repealed the provisions placing some limitations on profits made under any of these Government contracts? I know that question was under consideration.

Mr. GEORGE. They were not repealed but they were suspended. All the profit limitations under the Vinson-Trammell Act, as amended, were suspended in the excess-profits tax measure for a specified time.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. SHIPSTEAD. I do not think the issue raised by the Senator from Georgia can be overemphasized. There is already complaint from contractors throughout the country that when specifications for new work have been published they find that the contract has already been made, before publication. At least they have made statements to me to that effect. If that be so, it seems to me to be very dangerous to permit such a course to be continued, and I, at least, think the Congress ought to know something about it, if the executive branch does not.

Mr. President, we are now entering upon a great program involving tremendous expenditures, and unless someone keeps an eye on the expenditures we may have a repetition of the cost-plus scandals of the last war.

There has also been complaint not only of favoritism but of secrecy, and that only certain favored people can get the necessary information. For instance, reference has been made to a very prominent man in political circles having received contracts for architectural work amounting to approximately a million dollars in the very first few days of this great expenditure program. At least it has so been stated in the press. I hope something will be done, if not by the executive department, at least by the Senate or the House, to make sure that there will not be a repetition of the scandals of the last World War.

Mr. President, something has been said about a great number of buildings being placed in downtown Washington. I do not know what can be done about it, but I want to protest against the concentration of buildings in the center of the metropolitan area of Washington. We are building up a congested district. We are adding to the congestion of traffic.

In some cities there may be some reason for it, but the whole State of Virginia, the whole State of Maryland, surround the city of Washington. There is plenty of room to scatter out the city and make it a beautiful city, instead of making a congested metropolitan area in which are crowded Federal buildings, resulting in hundreds of thousands of workers coming out of the buildings and into a congested space between the hours of 4 and 6 in the evening. The traffic congestion is already so bad it is almost impossible at certain times to drive through the downtown areas. A

pedestrian is about as safe in the congestion of traffic there as would be a jackrabbit chased by a dozen greyhounds.

Mr. President, that is a matter concerning which we ought to look to the future. So far as the city of Washington is concerned, we have already gone so far in building as to show that we have not had foresight enough to prevent a beautiful city, such as Washington is, becoming the congested mess that it is downtown.

I believe the Committee on Public Buildings and Grounds should take cognizance of the kind of planning that is being followed here, and if possible prevent this city from becoming a congested mass, which will spoil the beauty of the city, and make it almost impossible to get home at night, or to get downtown in the morning.

Mr. ADAMS. Mr. President, I wish to suggest to the Senator from Minnesota that the Committee on Appropriations 2 or 3 years ago took one step to protect against that danger. There was a plan to erect a great building across from the Senate Office Building, but the Committee on Appropriations decided there were enough people going in and out of that building, without bringing three or four thousand more people into the immediate neighborhood. So something has been done by the Committee on Appropriations to protect the Senator and his associates.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. BARKLEY. I desire to ask the Senator about a matter which has no relationship to the bill now under immediate discussion. There is a bill now on the calendar, which we hope to take up following the disposition of the pending measure. That bill relates to housing, particularly military housing. It was discussed last Monday on the call of the calendar for over an hour, and then objected to. If that bill, which provides for an authorization, had passed the Senate, it might have been possible for the bill now under consideration to have contained some appropriation for the beginning of that particular work. If the bill passes today, which I hope it may, authorizing the construction of certain housing facilities, what will be the possibility or probability with respect to getting any appropriations made at this session to begin the work provided for in the bill to which I refer? Would the departments involved have the authority to go ahead and contract for the construction of houses?

For instance, at Radford, Va., where recent developments have compelled an increase to be made in the plant and the facilities for turning out the product which is manufactured there, there is a shortage of housing facilities. The Du Pont Co. has made a contract with the War Department for the construction of a powder plant in Indiana costing $25,000,000, and it has been found necessary to increase the allotment for that purpose to $41,000,000, or some such sum, because of the explosion which took place recently in New Jersey. There are no housing facilities at Charlestown, Ind., which even approximate adequate facilities for housing the men who will be compelled to work there. When the pending bill is enacted, which may be the last deficiency bill at this particular time, and assuming that the Senate and the House agree on the bill providing for housing, which is largely military, and which is in charge of the Senator from Texas, and which we hope to have taken up next, what will be the situation with respect to going ahead with that work? Will it be possible for the Government to enter into contracts under the authorization with the expectation that a later appropriation will be brought in?

Mr. ADAMS. I can say "No," not unless there is an appropriation. Of course the Senator knows there is a very large sum of money at the disposal of the President.

Mr. BARKLEY. Well, there was, but there is not now, because out of the $200,000,000, $100,000,000 was to be expended in cash and the other $100,000,000 was in authorizations. My information is that that authority has been wellnigh exhausted.

Mr. ADAMS. We are putting $29,000,000 back into the President's fund in the bills we are passing today.

Mr. BARKLEY. What does the Senator mean by "putting it back"?

Mr. ADAMS. I mean that the President expended $29,000,000 for certain purposes, and the pending bill appropriates $29,000,000 to replenish his fund to that extent.

Mr. BARKLEY. What I have in mind is the necessity or desirability of avoiding any delay in beginning the projects which will be authorized by the bill which we hope to pass today.

Mr. ADAMS. Of course, the Senator knows that there are certain very large housing appropriations which are not very narrowly confined. I think there was an item of some $330,000,000 in a measure which passed a few days ago which had a housing aspect. We had one-hundred-and-twenty-million-odd dollars in another bill. There is a very large available fund.

Mr. BARKLEY. That is true; but none of the other appropriations are for the same purposes as those covered in the bill.

Mr. ADAMS. I think part of the money would be available, under the language of the appropriations.

Mr. BARKLEY. Probably it would not be fruitful to enter into an argument over the question now, because there is no item in this bill about it; but there is great anxiety about starting the work under a bill which I hope will soon be passed; and I am wondering whether or not any delay will be brought about because of the failure of the Senate to pass the bill a few days ago. If it had been passed, it would have authorized at least an initial appropriation in the pending bill to begin the work.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. HAYDEN. The $29,000,000 which was expended from the President's fund and which is being replaced by this bill, was expended on an urgent recommendation made by the Chief of Staff. In certain military camps it was necessary to have water, sewerage, and things of that kind. Normally such things would be provided. Merely to save time, the Chief of Staff obtained the money from the President, so that the National Guard could go to camp. We are replacing that money, which was expended on account of an emergency. With respect to the $100,000,000 which the President has in contractual authority, I doubt if that has been utilized. He may have used the cash.

Mr. BARKLEY. I understand that the cash has been almost completely exhausted.

Mr. HAYDEN. The situation about which the Senator is talking might be met out of the $100,000,000 of contractual authority if Congress were not to be in session again until the end of the year. The President might possibly utilize that authorization, and on proper representation to Congress we could hereafter restore the contractual authority for some other purpose. I do not think we are getting into a hopeless situation. Let me further point out that undoubtedly we shall be back in 5 or 6 weeks, and it will be possible to care for the situation at that time.

Mr. BARKLEY. What I am specifically inquiring about is this: Assume that the bill which has already passed the House, and which we hope to take up and pass today or tomorrow, becomes a law. May the President, the Secretary of War, the Secretary of the Navy, or the Defense Council, as the case may be, go ahead and make contracts?

Mr. HAYDEN. Not unless the legislation should authorize it.

Mr. BARKLEY. There must be an actual appropriation, or the bill itself must authorize the contract?

Mr. HAYDEN. Yes.

The PRESIDING OFFICER. Is there objection to the present consideration of the amendment offered by the Senator from Tennessee? The Chair hears none. The amendment will be stated.

The CHIEF CLERK. On page 16, line 5, after the numerals "$6,400,000", it is proposed to strike out "*Provided*, That the contract or contracts for either or both of such projects may

be entered into without advertising", and on page 16, line 17, after the numerals "$3,900,000", it is proposed to strike out "*Provided,* That the contract or contracts for such project may be entered into without advertising."

The amendment was agreed to.

Mr. ADAMS. Mr. President, does the Senator from Tennessee desire to amend the committee amendment to the same effect?

Mr. McKELLAR. No; because I think the matter ought to go to conference. We do not want to strike it out in the committee amendment, because it is a Senate amendment, which will go to conference anyway.

The PRESIDING OFFICER. The next amendment reported by the committee will be stated.

The next amendment was, under the heading "National Labor Relations Board", on page 17, line 22, after the word "elsewhere", to strike out "$40,000" and insert "$123,000"; in line 23, after the words "sum of", to strike out "$35,000" and insert "$27,000"; and in line 24, after the word "Salaries", to strike out "and expenses", so as to read:

Printing and binding: For an additional amount for all printing and binding for the National Labor Relations Board in Washington and elsewhere, $123,000, and in addition thereto the sum of $27,000 is hereby transferred from the appropriation "Salaries, National Labor Relations Board, 1941" and made available for printing and binding for the fiscal year 1941.

INFLUENCES TO BRING THE UNITED STATES INTO WAR

Mr. HOLT. Mr. President, I hesitate to speak at this time, but an appointment compels me to leave the Chamber. I have waited for some time in order not to interfere with the appropriation bill. I wish to make a few comments about another subject.

The PRESIDING OFFICER. Does the Senator from Colorado yield for that purpose?

Mr. ADAMS. I yield. May I make a confidential inquiry as to how long the Senator expects to take?

Mr. HOLT. I do not think I shall consume very much time. I hope not, at any rate.

Mr. ADAMS. I do not mean to put any limitation on the Senator.

Mr. HOLT. I realize that. I dislike to interrupt the discussion of the appropriation bill, but I have waited for some time.

Mr. President, I was quite shocked to read in a magazine article by a commentator very friendly to the President, and who supports the President, that:

Both President and Mrs. Roosevelt are deeply interested in the general idea of some eventual alliance—

Speaking of England—

and have had several private discussions with Clarence Streit, author of Union Now.

Note that the President and Mrs. Roosevelt have had several private discussions with Clarence Streit about an eventual alliance with Great Britain. In the same discussion it is said that nothing will be done before the election. That is not surprising. But I feel that the people of this country ought to know something about the background of Union Now.

It is one of the many groups and associations in this country based on the idea of involving the United States in the war. I say on the floor of the Senate that millions of dollars are being spent in this country, under various so-called patriotic titles, to involve the United States in the war. I wish briefly to discuss Union Now and its background, as well as the background of Clarence Streit, who has a very definite and well-known connection with Great Britain and the League of Nations. I shall not go into great detail and delay the Senate, but I wish to put in the RECORD a brief story of Mr. Clarence Streit's Union Now. We have seen advertisements in the newspapers about it. Who are some of the sponsors of Union Now?

One of them is John L. Balderston. John L. Balderston, as will be recalled, is the man who was recently discussed on the floor of the Senate as coming to the United States from Great Britain for the purpose of selling England's cause to the United States, because he is an American citizen. John L. Balderston is described in the English Who's Who. It speaks about his connections in Great Britain, and gives his address as 38 Trevor Square, SW. 7, London. Because I do not wish unduly to delay the Senate this afternoon, I refer to the CONGRESSIONAL RECORD of September 26, in which Mr. Balderston is discussed in more detail than I shall discuss him this afternoon.

Who else is a sponsor of Union Now? Stringfellow Barr. Who is Mr. Stringfellow Barr? He was one of the men who signed the manifesto asking for the United States of America to declare war. He is one of the sponsors of Union Now, the director of which, according to Mr. Lindley, has had several private discussions with the President of the United States and his wife. They are very favorable, or at least interested, in that movement.

Who else is interested in Union Now? I find the name of Mr. Robert McElroy. Who is Mr. Robert McElroy? Is he just an innocent United States citizen who is interested in Union Now? No. Mr. Robert McElroy was educational director of the National Security League, that infamous organization which helped to propagandize America in the last World War. (See exhibit B.) His record was investigated by the House of Representatives. As a result of Mr. McElroy's work preceding the World War, he was named as a professor at Oxford University. He was awarded an honorary degree of master of arts at Oxford in 1925. He was awarded an honorary degree of doctor of literature at Oxon in 1934. This is the man, an Oxford professor, who is coming back to the United States to tell us that we should have Union Now. In the English Who's Who, on page 2005, where Mr. Robert McElroy's name is shown, it will be found that he does not even claim a residence in the United States. Where does he claim residence? Let us look. His address is 78 Banbury Road, Oxford, not in the United States of America, but in England. His telephone number is 1328. He is coming over here now asking for Union Now.

Mr. President, I do not desire to delay the Senate. After the names of each of these individuals I shall place in the RECORD more information than I have time to give now.

(See exhibit A.)

Who else is a sponsor of Union Now? Lewis Mumford: He is another of the 30 signers who asked for a declaration of war. He was a journalist in England, editor of the Social Review in London in 1920. The English Who's Who, in its biography of Lewis Mumford, says this:

Disciple and colleague of late Prof. Sir Patrick Geddes.

It lists his recreations. His recreations are "rambling and swimming." Rambling and swimming are Mr. Mumford's recreations, as well as getting America involved in the war. That is very good—rambling around over the country and swimming through the maze of international complications. I want the Senate to know these individuals and their backgrounds, so that it may know the background of Union Now with respect to which the President and his wife have had several conferences.

Who is another sponsor of Union Now? Endicott Peabody. Who is Endicott Peabody? He recently retired as the head of Groton. He is the man who, the President of the United States said, had more influence over him than any other man he had dealt with in school or public life. Endicott Peabody was educated in England, imbued with the idea of English aristocracy. Groton is based on the English school methods.

Anybody who knows Groton is aware what it will do to a boy. The President went to Groton. We know the background of Mr. Endicott Peabody.

(Note exhibit A.)

Who else is in this Union Now movement, according to their own statement? Robert E. Sherwood, who, the President publicly proclaimed, was doing a great job for America. Do you know, Mr. President, in 1939, in the English Who's Who there is found on page 2898 a biography of Mr. Robert E. Sherwood, and he does not even give an American address? What does he give as his address—where he is today? No. He gives his

address as Great Enton, Witley, Surrey, England. His record was discussed by me on the floor July 11.

I am referring now to men who are asking for Union Now under the guise of doing it to preserve the American way.

Who is another one of the sponsors? Betty Gram Swing, wife of Raymond Gram Swing. Many Members of the Senate may not realize it, but Raymond Gram Swing was an employee until he recently took this contract of the Canadian Broadcasting System and a regular commentator for the British Broadcasting Co. My purpose is to show the English connections of those in Union Now.

Whom else do we find? We find Juliet Rublee, the wife of George Rublee, who has been tied with British interests for years.

Whom else do we find in Union Now? We find Arthur U. Pope. Arthur U. Pope is given quite a long biography in the English Who's Who. What is his address? Is it in the United States of America? No. According to the English Who's Who on page 2563 it is, "Care Oxford University Press, Amen House, Warwick Square, E. C. 4, London, England."

One would think that these are innocent Americans, scholarly Americans, who are interested in helping America, but when we come to look into their history we find it goes right back to the English influence and its control.

Whom else do we find? We find the name of L. A. Post, who was a Rhodes scholar in 1916. We find Edwin P. Hubble, who was a Rhodes scholar in 1913, and in 1934 was given an honorary degree of doctor of science by Oxford University. He also is a fellow of the Royal Astronomical Society of England.

If there were but one or two individuals with English connections, it would not arouse much question, but when the sponsors are almost wholly composed of those who believe in internationalism and intervention, one does wonder.

This does not condemn all Rhodes scholars, but it shows that Cecil Rhodes knew that his plan would influence some to aid in the building of the English Empire and help in bringing the United States back under the English Crown.

Clarence Streit has been close to the League of Nations work. America has expressed itself on this before and would give the same answer again if it is submitted to them. They also do not desire the Rhodes idea of our country being a part of the English Empire.

Why do I mention these matters about Oxford and Rhodes scholarships? Because many of us realize that the wills of Cecil Rhodes—he wrote six of them—were specifically drafted to bring about unity between the United States and Great Britain and complete control of the world by Great Britain and the British influence. He made six wills, but what was in his first will? It set out a secret society to carry out a scheme. A system of emigration was to be perfected for colonizing all lands where the means of livelihood were attainable by ability and labor and enterprise.

The whole continent of Africa was to be settled by Britain, also the whole continent of South America, the Holy Land, the Valley of the Euphrates, the islands of Cyprus and Candia, the islands of the Pacific not heretofore possessed by Great Britain, the Malay archipelago, the seaboards of China and Japan, and finally the United States of America. That was set out in his first will. As I have said, he wrote five other wills. They were changed, but through the six wills written by Cecil Rhodes, empire builder of the British Empire, is the scheme that, sooner or later, the United States of America and Great Britain will once again be together. We see that movement starting here in America, and we see it developing through Rhodes scholars.

Who was the secretary of the Rhodes Trust? It was none other than Lord Lothian, the British Ambassador to the United States of America. What did the Round Table in London say about that in September when he was to be named Ambassador? May I quote it? It says:

> The designation of the Marquess of Lothian as new British Ambassador here evoked a warm response in many circles where Lord Lothian is well known.

This is from a London publication.

> Not for many years, it was universally commented, has there been the prospect of a British Ambassador here with such wide knowledge to the United States. Newspapermen, in particular, looked forward to the change because for some time past the British Embassy has maintained an aloofness which has discouraged contact, while Lord Lothian is already an old friend to many in the press corps here. On his many visits to Washington, Lord Lothian usually made it a point to visit Capitol Hill.

I will read that again.

> On his many visits to Washington, Lord Lothian usually made it a point to visit Capitol Hill, and he has plenty of friends in the Senate, among them many isolationists.
>
> To some perceptive observers, Lord Lothian's coming is particularly significant because he understands so well the viewpoint of all the member nations of the British commonwealth.
>
> His continuing interest in Americans and their ideas (wrote the New York Times) has been vouchsafed by his work as secretary of the Rhodes Trust, which administers the Rhodes scholarships, and as editor of the Round Table, a periodical which has had as one of its purposes the fostering of a clearer understanding and a closer harmony of interest among the English-speaking peoples. He will now have an opportunity to pursue this aim on a much grander scale—

How well they knew—

> at a time when there is no more important mission in the world than to place the relations of Great Britain and the United States on the basis of complete frankness and mutual confidence.

So commented the English-published Round Table about the coming of Lord Lothian, who has been secretary since 1925 of the Rhodes scholarships.

Who was one of his close friends? Dr. Frank Aydelotte, president of Swarthmore College, who is one of the leading lights of the William Allen White committee. He is the American representative of the Rhodes scholarships. Then note the other organizations such as the William Allen White committee, Bundles for Britain—but the trouble is they want to send bundles of American boys. Other organizations have been set up, many of them with administration backing and administration help. Then add the influence of the Rhodes scholars, as Cecil Rhodes knew the value of creating good will in America, and you will realize part of the English propaganda.

I do not want to delay the Senate; but I know that when we trace back many of these organizations that are for so-called patriotic purposes we find the forces of England. If they were German, if they were Italian, if they were Russian, they would be called subversive; but if they are English they can go to the White House and get a nice audience from the President.

When I say that I do not uphold German propaganda, I do not uphold Italian propaganda, I do not uphold Russian propaganda; but I say it is time in America that we in Congress investigate all types of propaganda, be it German, be it Italian, be it Russian, or be it English. Let the American people have the truth about these foreign interests that are trying to involve America.

Mr. President, what do you think would happen if such an organization as that I mentioned should be set up under German sponsorship in America? Immediately the interventionist press would come forward, immediately the Department of Justice would get ready, and then they would say, "Look at the terrible subversive group in America!"

When Englishmen, on the pay roll of English institutions and on the pay roll of English corporations, come over here and try to involve the United States in war to its final destruction, why is there not a word said about it? Other Senators know why and I know why. It is because there is pressure brought from the higher officials in this land not to allow an exposure of British propaganda in America.

When I say that I again wish to make it perfectly clear that I want a disclosure of all types of propaganda. Why should we sit in the dark and allow these men to come over here to propagandize us for war? Why should nothing be said about Sir George Paish, who, I understand, is still in this country? Why is there nothing said about Noel Coward, who works in and out of New York society and does a wonderful job in behalf of involvement of the United States in the quarrels of

Great Britain? We have never heard anything from the Department of Justice about Mr. Noel Coward. We hear nothing about the English lecturers who are coming over here speaking to America in order to involve us in war. No; there has been no investigation of that. Why? Because the President of the United States will not allow an investigation.

Mr. Hoover himself, of the Department of Justice, was quoted as discussing propaganda with a newspaperman in an interview. He told about the German propaganda and the Italian propaganda and the Russian propaganda in America. The newspaperman said, "What about the British propaganda?" Mr. Hoover is supposed to have said, according to this report: "Yes; we know it exists, but what?"—in other words, that he could not expose it.

Is not that a sad commentary on America? Have we reached a point where we dare not expose propaganda which ultimately means the death of American boys? If we go to war, we shall go to war on the side of Great Britain. That is the way American boys will die. Do not fool yourselves! Soon after the election you will find the speed of the drift toward war greater than it is today, just as it was said by the commentators, speaking of Union Now, that President Roosevelt and Mrs. Roosevelt were very much impressed with it, and had secret conferences with Clarence Streit, but they would not do anything about it before election.

That is a sad commentary on what is going on in America today. I know it is not popular to raise one's voice against those things, such as exposing British propaganda, which, if successful, will mean the destruction of America. I know that when I rise on the floor of the Senate and call a spade a spade, and tell the truth, I shall be labeled "pro-German" when I am really pro-American. When I say these things, it is not a question of how I stand on the war; I say them because I want my country to stay out of it. I am just as convinced as I ever could be in talking to you here this afternoon that if we continue on the path on which we are going, we shall be in the war before 12 months shall have elapsed, and perhaps much sooner.

Oh, it is said, "You have said that before," that these were steps to war; and so they were. Every step has been progressive down that path, pushed on by English finance and by so-called patriotic Americans.

Mr. SHIPSTEAD. Mr. President——

Mr. HOLT. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. In line with this propaganda, I ask unanimous consent to have inserted in the RECORD, after the remarks of the Senator from West Virginia, a newspaper release issued by the Department of Justice, and an article by Boake Carter, dealing with the muckraking post-mortem character assassination which appeared after the death of my colleague, the late Senator Lundeen. The Senator from Michigan [Mr. VANDENBERG] at one time characterized it as the most amazing post-mortem character assassination that had come to his attention.

I happen to have a copy of the article printed in the Philadelphia Record. It is one of the most malicious, one of the most scandalous reflections on the character of a man who is dead that I have seen in my life. That article maligned the Senate of the United States; it maligned the character of my State; it maligned every Member of the Senate of the United States.

I ask that the statement and article to which I have referred be printed in the RECORD after the remarks of the Senator from West Virginia.

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Without objection, it is so ordered.

The matters referred to appear at the end of Mr. HOLT'S remarks.

Mr. HOLT. Mr. President, I wish to say to the Senator from Minnesota that I intend to discuss that subject later on the floor of the Senate. There is no more low, dirty, contemptible attack than that committed by the Washington Merry-Go-Round in attacking our colleague who is dead and who could not defend himself. I refer to the attack made on the late Senator Lundeen because he dared to raise his voice against involvement of America in war, questioning the patriotism of a man who offered his services to his country and served in the Spanish-American War, and calling him unpatriotic, as it did. He is smeared because he dared to tell the truth. But I do not care to comment more on that subject at this time. I intend to discuss it later on the floor of the Senate. Matters are reaching such a point in America that if anyone dares raise his voice against involvement in the present war he is to be smeared, he is to be destroyed by public opinion, with the cooperation of English control with the administration as it shows itself in publications.

These things may seem like idle thoughts to you; but time after time, as we watch, we can detect the sly, slick move toward involvement in war.

I was recently sent an article published in Home Movies for September, about the distribution of a film in the schools of the United States. It is entitled "Our Constitution," by H. G. Hilton, of the Oklahoma public-school system. After it describes the film that was to be shown, what does it say? Let me read it to you:

> The unfair attitude of the British Government in that time—
>
> Speaking about the American Revolution—
>
> The unfair attitude of the British Government in that time was played down, emphasis being placed on the fact that the trouble lay with the ruler, George III, rather than with the English people. This was important in the formation of correct attitude toward the British Empire today.

Get that! A man of the Oklahoma public-school system saying that "the unfair attitude of the British Government" during the Revolutionary period "was played down" in a film in our school system, "emphasis being placed on the fact that the trouble lay with the ruler, George III, rather than with the English people. This was important in the formation of correct attitude toward the British Empire today."

"Correct attitude toward the British Empire"—in other words, breaking down the idea that we had a revolution against England because it was desired to involve us as England's partner in this war. We see that thought being developed throughout the country. I am afraid, however, we are not seeing it soon enough. American boys will pay for our failure to investigate propaganda. We shall not die as the result of it. American boys will die as the penalty for our failure to expose these war propagandists.

I make the statement here that pressure has been put on the United States Senate from somewhere to prevent an investigation of propaganda by the United States Senate. Why has not the committee reported the resolution to investigate all propaganda on the part of all nations to involve us in war? Only $25,000 was asked to do it.

Why has the resolution stayed in the committee for 1 year and no report been made on it? Are they afraid to have an investigation? Why should not the American people know who is trying to involve us in war? Why should not the facts be known? Where did the pressure come from?

The American people have a right to know the facts. They have a right to know why a committee of the United States Senate has not been created to investigate propaganda such as that which I have discussed in Union Now; and I shall later discuss the William Allen White committee. I want the American people to have the facts; and the facts will prove that the administration has prohibited investigations and promoted the idea of involvement, because in so doing it has created a hysteria which has a political advantage.

In other words, the more we are involved, the more political value it has to scare people into line.

That is the dastardly part of this propaganda. If it were conscientious, I would have more respect for it; but when it is involved in politics it should be condemned by any man who has a clear thought in his mind. Let the American people have the facts, and they will see. America is in danger, not alone from the propaganda organizations of the totalitarian governments, but from British propaganda, which

comes right into the official life of Washington and right into the financial control of the United States. When that is known, if it ever be known, I have no fear of our involvement in war.

EXHIBIT A

JOHN BALDERSTON

Director of Information for Great Britain, United States Government Committee for Public Information, 1918–19; chairman, New Outlook, Ltd. (London publication) 1921–23; editor, The Outlook, 1920–24; chief correspondent for New York World in London 1923–31. Author of the successful plays, Berkeley Square (1926–27) and Farewell Performances (1936) in London. Addresses: 38 Trevor Square SW. 7. (Source of above information: English Who's Who.)

References to Mr. Balderston have been made in the informative article of Charles G. Ross on the William Allen White committee in the St. Louis Post Dispatch of September 22, 1940. Signer of June 9 manifesto asking for declaration of war against Germany; prepares White (William Allen White committee) letters for newspapers in the propaganda drive; advocates giving Great Britain our bomb sight, flying boats, flying fortresses, and all other material requested.

Mr. Ross states:

"That he (Balderston) is in touch with officials of the British Embassy is no secret and has no special significance."

ROBERT M'ELROY

Professor of American History at Oxford University since 1925; educated at Oxford; member of executive committee of National Military Training Camps Association (note the record of this association in debate on conscription in the Senate); educational director, National Security League, 1917 (note discussion of the National Security League in CONGRESSONAL RECORD, July 8, 1940). Sir George Watson lecturer, London, Cambridge, Manchester, Leeds, Edinburgh, and Bristol (all English), 1926; Fellow of Queens College, Oxford, 1926; member of governing board since 1927; lecturer at Rugby, Charterhouse, Winchester, Stowe, and other English public schools, 1926–30; address, 78 Banbury Road, Oxford; telephone, 1328. (Source of above information English Who's Who.)

It may also be noted that this is the same Professor McElroy, of whom the Daily Cardinal, of the University of Wisconsin, said: "We remember him (Dr. McElroy). We remember his pitiful attempt to make a loyalty speech on April 6 when 1,000 shivering, rain-soaked cadets were forced to listen for 2 hours to his endless dissertation on Nietzche's German theory of the superman. The clinic treated 300 cases of grippe contracted at that meeting, and two persons died of pneumonia." The Cardinal stated that the students got restless, and then Dr. McElroy said to them, "I think you are a bunch of damned traitors," and referred to the students as Prussians. It is shown that he has a much higher regard for the college students of Great Britain than he had of the students of Wisconsin.

LEWIS MUMFORD

Associate editor, Fortnightly Dial, 1919; acting editor, Sociological Review (London), 1920; lecturer in Geneva School of International Studies (check League of Nations background). (Source of information: English Who's Who.) Mr. Mumford also signed the manifesto of June 9 demanding an immediate declaration of war against Germany, and stated: "Therefore, all disposable air, naval, military, and material resources of the United States should be made available at once to help maintain our common front."

RAYMOND GRAM SWING

London correspondent, Philadelphia Public Ledger and New York Evening Post, 1924–34; New York correspondent, London News Chronicle, 1936–37; commentator on American affairs for British Broadcasting Corporation since 1935; commentator for Canadian Broadcasting Corporation since 1938. (Source: English Who's Who.)

CLARENCE STREIT

Foreign correspondent since 1920; correspondent, League of Nations since 1929; Rhodes scholar, Oxford University, 1920–21; home, 45 Bis Florissant, Geneva. (Source: Who's Who In America.)

STRINGFELLOW BARR

Rhodes scholar, Oxford University, 1919–21; received A. B., A. M., Oxford University. (Source: Who's Who In America.) Mr. Barr was also a signer of the June 9 manifesto asking for a declaration of war against Germany, referred to in reference to Lewis Mumford.

ENDICOTT PEABODY

Graduate Cheltenham College, England, 1876; LL. B., Trinity College (University of Cambridge), 1880; LL. M., Trinity College, 1884. The following discussion of Dr. Peabody's methods at Groton were written by a Groton scholar:

"For Groton puts its mark on its students more than St. Paul's, more than St. Mark's, more than Andover or The Hill. It is quite possibly the most snobbish educational institution this side of Winchester. The boys wear patent-leather pumps (kept in the basement 'boot room') and stiff collars to supper every evening. They bear names like Higginson, Whitney, Roosevelt, Havemeyer, Schermerhorn, Harriman, Morgan. They attend the most elegant of Episcopal services in the loveliest of school chapels. Yet life is far from luxurious at Groton, especially among the younger boys. These must live in cubicles—i. e., little curtained booths—must scamper down the hall on frosty mornings to wash in a tin basin filled from a tap, must live in mortal awe of all upper classmen. Hidden away, far from any sizable town, the school itself is not outstandingly elegant in architecture (except for the Gothic chapel). Up to a few years ago the boys were transported to and from the railway station in huge horse-drawn barges."

The snobbish Bostonian simplicity, like almost everything else at Groton, is a reflection of the personality of Dr. Endicott Peabody, the school's headmaster. He founded the school in 1884, and, thanks to an amazing vigor of character and physique, he has remained the dominant force at Groton ever since. Though the boys call him "Peebo" behind his back, the wildest of them is awed when he confronts the rector's majestic 6 feet 2, when he hears the rector deliver a dignified reproof, or when he listens to the rector preach in his powerful Boston-Cantabrigian voice. Born and bred in Boston, educated in England at Cambridge, where they still remember him as a great oarsman, Dr. Peabody spent a year or two in the untamed West before he founded Groton. When he founded Groton he made no bones about its being a school for young aristocrats. He himself was an aristocrat; he believed in the aristocratic virtues, and he was no more intimidated by popular ideas about "democracy" than he had been by the two-gun ideas of the western frontier.

There are many customs like "Google," for Groton in its short history has already acquired the quaint usages of the British schools after which it is more or less frankly patterned. Classes are called "forms"; boys enter as young as 12; chief school honor is to be chosen a prefect, with authority over the rest of the school; there is much playing of fives, a British form of handball. Until lately the rector himself used to play a good game, plunging about the court and bellowing until the whole campus resounded. On Hallowe'en there is much ingenious baffling of new boys, and on Memorial Day the whole school puts on white-duck trousers and canvas leggings to march through the town.

EDWIN HUBBELL

Rhodes scholar at Oxford University, 1910–13; bachelor of arts in jurisprudence; honorary doctor of science, Oxford, 1934; Rhodes Memorial lecturer, 1936; Fellow Royal Astronomical Society of England. (Source: English Who's Who.) Professor Hubbell was also one of the signers of the June 9 manifesto asking for a declaration of war against Germany.

EXHIBIT B

NATIONAL SECURITY LEAGUE

Report of the House of Representatives committee:

"The National Security League and like organizations in their political activities constitute a serious menace to representative government. Ordinarily their real purpose is concealed, and their appeal is made to the public on some principle in harmony with dominant sentiment. Usually, as in this instance, they have access to almost unlimited wealth and borrow respectability by the use, in honorary positions, of the names of men of national prominence. If their real purpose were apparent, the danger would be relieved.

"Men in public life are given by them to understand that they must be subservient to the demands of such institutions; and, upon their failure to do so, they will be held up to public scorn and humiliation by false accusations. Under such circumstances the best-intentioned candidate for office realizes that he has one of two alternatives—he must be either subservient to the demands of these camouflaged organizations or be put on the defensive by false charges. Such activities on the part of organizations similar to the National Security League have a tendency to compel obedience to the wishes of special interests rather than obedience to a real concern for the welfare of the people. This condition is not at all fanciful, since its baneful effects have been fully demonstrated by the activities of the National Security League.

"The fight made by the National Security League upon the loyalty of men of the highest patriotism was so glaringly unjust and so patently false that it failed of its purpose.

"But the failure was due to an error of judgment on the part of the league, and not because of the lack of vicious purpose.

"In times of war, organizations avowing patriotism, such as the National Security League did, will receive many adherents, and for that reason the league secured a membership of nearly 90,000 people throughout the United States. It was the duty of the league, therefore, to exercise the greatest care and caution in its publicity matter, where the good names of men were involved.

"Section I of the Federal act, generally known as the Corrupt Practices Act, approved June 25, 1910, is as follows:

" 'The term "political committee," under the provisions of the act, shall include national committees of all political parties, the national congressional campaign committees of all political parties, and all committees, associations, or organizations which shall in two or more States, influence the result, or attempt to influence the result, of an election at which Representatives in Congress are to be elected.'

"Sections 5 and 6 of the act, as amended by an act approved August 19, 1911, require that such political committees as are defined in section 1 shall file with the Clerk of the House of Representatives, at Washington, D. C. certain itemized statements which shall be verified by oath.

"In the judgment of your committee the National Security League has violated the provisions of that act, the penalty for which is a fine of not more than $1,000, or imprisonment not longer than 1 year, or both."

At the request of Mr. SHIPSTEAD the following statement and article were ordered printed in the RECORD at the conclusion of Mr. HOLT's remarks:

DEPARTMENT OF JUSTICE

Attorney General Robert H. Jackson today issued the following statement concerning newspaper reports of an alleged investigation by the Department of Justice into the affairs of the late Senator Ernest Lundeen, of Minnesota:

"I wish to deny emphatically recently published press reports to the effect that the late Senator Ernest Lundeen, of Minnesota, at the time of his death in an airplane accident on August 21, was under investigation by the Department of Justice. No inquiry into the affairs of Senator Lundeen has ever been instituted or contemplated, either by the Federal Bureau of Investigation or by any other agency of the Department of Justice, and any statement or report to the contrary is untrue."

BUT, SAYS BOAKE CARTER—CLEARING A NAME—UNJUSTIFIED ATTACK—MEN CAN STILL THINK

In the years that this column has been in existence its writer has abided by a general rule to refrain from bickering with fellow columnists.

But today this column departs from the general rule to defend the name of a dead man that has been foully smeared.

The late Senator Ernest Lundeen, of Minnesota, who died in a commercial airline crash recently, declared to his friends shortly before his death that he wouldn't be surprised if, because of his grim adherence to his convictions, he wouldn't some time suffer the same fate that befell Huey Long.

But I'm quite sure that Senator Lundeen never expected to have his character assassinated after his death.

A few days ago a Washington-written column carried a statement to the effect that Lundeen was under investigation at the time of his death by the Federal Bureau of Investigation for alleged pro-Nazi activities. Said that column: "A G-man, a Department of Justice attorney, and an F. B. I. secretary were on the plane with him and all were killed."

The article then proceeded to assert that suspicion was directed to Lundeen after "many mysterious visits to his office" by George Sylvester Viereck, "famous German propagandist * * * and self-avowed friend of Adolf Hitler's Germany."

The article said that Viereck wrote Lundeen's speeches for insertion in the CONGRESSIONAL RECORD; that the visitor gave gifts of candy to the Lundeen stenogs. "Justice Department agents were attempting to find out the extent to which Berlin was definitely hooked up with members of this (isolationist) congressional bloc when Lundeen's plane crashed," the article continued.

Shocked to the core on reading the article, I set about checking immediately. Since Lundeen was my friend—I am proud to be able to say that—and since I knew his hatred of Hitlerism, but knew also of his determination to battle doggedly against those elements which desire to drive this country into a foreign war, it was impossible for me to believe the truth of what I read.

By the end of a day's telephoning, I gathered the facts. I set them down here. I hope they help to clear as fine and decent an American as ever sat in the United States Senate.

Attorney General Jackson denied categorically that the Department of Justice was investigating Lundeen.

From the office of J. Edgar Hoover, director of the F. B. I., I got the following: That the "G-man" on the plane was en route to his first assignment in the Chicago field office, after his initial training period of 7 weeks. He had sought permission to stop off at Pittsburgh to see his sick father before going on to Chicago. He had no more to do with Lundeen than did the cow that jumped over the moon.

The F. B. I. secretary was not a secretary, but a typist, setting out on her annual leave, bound for Cleveland, where she had planned to spend the week end with a girl friend.

The Department of Justice attorney was a lawyer from the tax division, without connection whatsoever with the F. B. I. and unknown to them as an identity until she died.

I was told I was the first newspaperman to check with the Bureau for confirmation or nonconfirmation of facts. I was further told that the director, the F. B. I. itself, and the Department of Justice hoped the foregoing facts in this column would be publicized widely to square Lundeen's name with the public, to square the F. B. I.

"Smears like this one on Lundeen," I was informed from Mr. Hoover's office, "are totally unfair to the F. B. I. We are not a Gestapo nor an Ogpu. We are not engaged in spying on Senators or Congressmen and we don't intend to. We are doing more right now, as a matter of fact, to prove the Americanism of many unjustly maligned people in these days of hysteria, than to prove their un-Americanism. Senator Lundeen was not under investigation, and it is a gross slander on him to say he was. The smear he received, putting us inferentially behind the eight ball, is typical of the type of Communist tactics we have had to contend with in our work."

A long-distance telephone call to New York, to find George Sylvester Viereck came next.

"Certainly," he said to me, "I have been in the Senator's office. And why not? We knew each other for 25 years. Yes; he called me occasionally for certification of something he was writing, just as he called his other friends, or the War Department, or the Navy Department, or anyone for information, viewpoints, or opinions.

"When in Washington, I dropped in to see him. His office force sometimes worked until early morning. Often I'd ask the girls to run through miles of corridors to the Library, or somewhere else, to get material. And to thank them, I once bought them a box of chocolates!

"If the fact that I knew the Kaiser once, wrote a book about him 25 years ago, disagreed with the interventionists, and gave a box of candy to the girls in the Senator's office for running errands for me, adds up to make both Lundeen and myself Nazis—then the art of character assassination is growing filthier than I imagined."

Finally, a call to Miss Cummings, Lundeen's secretary, now gathering the loose ends of the Senator's affairs in the National Capital.

"I only hope," said she, "that you will point out what a miserable and despicable lie it was—about a man who never hurt a soul in his life and loved this country as much as any man in America—and suffered for it, too!"

These, then, are the facts. They are not presented to bicker with other writers, but solely to clear the name of a fine Senator, now unable to defend himself. Also to dispel the unjust inference that the F. B. I. is just another Gestapo.

Many men may still hold an honest difference of opinion in America. It is not manly to blast a man's reputation when he's dead, or honest to smear him with whole untruths. But it is damnable to add to the public unrest muck that belongs, not on a news page, but more appropriately in the men's room.

Mr. KING. I came into the Chamber a few minutes ago during the address of the Senator from West Virginia [Mr. HOLT]. I only heard the concluding part of his speech. It is not my purpose to reply to his address or to detain the Senate but for a few moments.

The American people do not desire war or that this Republic shall become a belligerent or take part in a conflict so tragic and so far reaching in its effects. However, an overwhelming majority of the American people are interested in the maintenance of democratic governments and look with profound concern upon military movements in various parts of the world aimed at the destruction of democratic governments. In my opinion the American people are opposed to the philosophy and the policies of totalitarian states; they see in them the aim and purpose to destroy democracy and to so regiment individuals as that they shall become part of a powerful, destructive, and oppressive machine. They see in the totalitarian states no moral or spiritual principles which are essential to the maintenance of democracy and the development of that high degree of individualism essential to a progressive civilization.

In my opinion the American people are willing to make many sacrifices to avoid war. They know what war means and are not oblivious to the tragedies which result from international conflicts. They do not forget the World War and the tragedies which it brought to the world. While they desire that this Republic shall escape the great conflagration now raging throughout the world, they are, as I have indicated, deeply concerned over the results of this conflict which embraces a large part of the world within its destructive operations.

But as I have indicated, they cannot close their eyes to this world conflict and to the forces which are operating therein and which may draw the United States within their orbit.

While our citizens desire that this Republic escape the tragedies which are being brought to many peoples throughout the world, they realize that there are some things dearer than life itself; these are liberty, justice, and preservation of those high moral and spiritual standards which constitute the foundations upon which rests an enduring civilization.

When the principles upon which this Government rests find expression in the lives and conduct of other peoples, the destruction of democracy, of liberal governments in any part of the world have repercussions in all parts of the world. When powerful nations devoted to tyranny and to the destruction of justice, liberty, individualism, and morality, and the spiritual things of life, achieve success in their work of devastation, and evince a purpose to bring all liberal and democratic nations within their power and within the orbit of their malign and evil purposes, then peoples who love liberty and the way of life which calls for peace, happiness, and justice, cannot be otherwise than deeply concerned.

It is natural, indeed proper, that in such a situation their sympathies and their prayers should go out in behalf of the downtrodden and the oppressed, of those whose temples of justice and liberty are being destroyed. Indeed, it is natural and conformable to the highest form of human conduct, to manifest that sympathy and concern in a material way, such as may arrest the devastating forces of war and oppression.

As I have indicated, the American people desire peace; they would be glad to aid in every proper way the extension of the principles of justice and the policies which make for peace and liberty for all peoples.

In my opinion they sympathize with the nations which have recently been the victims of ruthless aggression. They look with deep regret upon the destruction of Czechoslovakia and Holland and Belgium and France and Norway, as well as the savage assault upon Finland. When they learn of the tragedies and the sorrows which have come to the peoples of these countries, when they learn of the frightful effects of this modern war, of the destruction of cities, the bombing of towns and villages, the slaughter of helpless men, women, and children, of the attacks upon ships carrying helpless children to lands across the mighty deep, they would be less than human if they did not, deep down in their hearts, experience profound grief, and a rising spirit of indignation and anger.

Several years ago I paid visits to Europe and to the Orient and I thought that I perceived manifestations of a profound revolutionary movement which would shake the foundations of many governments. During the past few years there has been increasing evidence of a rise of totalitarian states, actuated by a purpose to change the forms of governments, and to establish oppressive and tyrannous systems for the control of the lives and conduct of individuals, groups, and peoples.

More than 2 years ago I stated that some democratic governments would be assailed and destroyed, and that an oppressive and barbarous dictatorship would be imposed upon many countries and upon millions of human beings. I stated that in my opinion an understanding had been reached between Hitler, Stalin, and Mussolini, under the terms of which democratic nations were to be overthrown and freedom and liberty denied to millions of people. I indicated that in my opinion there was an understanding that practically the entire world was to be divided among the three powers mentioned, with Japan as a silent partner participating in a world division. Intervening years have justified the views which I then entertained. Japan is now cooperating with Stalin, Hitler, and Mussolini, and is manifesting a belligerent and warlike spirit which indicates her purpose to actively participate in the overthrow of democratic governments and in the division of this little globe of ours.

I admit that my sympathies are with Great Britain. The British people are fighting not only for the preservation of the British Empire but for the protection of democratic nations and the preservation of justice and liberty throughout the world. I have approved the policy of the present administration in dealing with international affairs. I approved of the statement of the President when he indicated that France had received a stab in the back from a friend. I approve of the efforts which President Roosevelt has made for world peace. I sincerely hope that the mad ambitions of Hitler and his associates will be frustrated and that the peoples of the world may be permitted to return to the paths of peace and freedom.

But we cannot be blind to the fact that if Great Britain shall be destroyed by the Nazi government and those collaborating with it, this Republic, and indeed the Western Hemisphere, will not be immune from attack. Indeed, there are evidences indicating that if Great Britain is brought under the iron heel of the Nazi government and its associates, this Republic will not escape the wrath of the victors.

Manifestly the American people are concerned in the attitude of the Nazi government and its associates. If this were not true, we would not be appropriating billions and indeed tens of billions of dollars for military preparations. Our Government is not arming against France or the victims of Nazi aggression. It is arming to protect itself from attacks of foes beyond the seas. Heretofore we have been content with a one-ocean navy. Now we feel compelled to build a two-ocean navy. Certainly there would be no justification for the enormous expenditures being made by our Government for military purposes, if it were not for the belief or the fear that the totalitarian powers may direct their engines of destruction against this Republic and the Western Hemisphere.

In my opinion Great Britain is, as I have stated, a rampart for the protection of democratic nations, and of liberty and justice in all parts of the world. And because of that belief my sympathies are with Great Britain, and my sincere desire is that she will survive the cruel and barbarous assaults now being dealt against her.

SUPPLEMENTAL APPROPRIATIONS FOR NATIONAL DEFENSE

The Senate resumed the consideration of the bill (H. R. 10539) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

Mr. TYDINGS. Mr. President, there is an item in the bill, which was passed upon earlier in the day, concerning some necessary work by the Coast Guard. Admiral Waesche, at my request, has sent me a letter stating the views of the Coordinator of Shipbuilding, showing the vital necessity of this work.

I ask that the letter be printed in the RECORD immediately following my remarks, and I hope that should the matter come up for discussion the conferees will refer to the letter, because it shows the vital necessity of the work provided for in the provision of the bill adopted by the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
UNITED STATES COAST GUARD,
Washington, October 2, 1940.

Hon. MILLARD E. TYDINGS,
Committee on Appropriations, United States Senate,
Washington, D. C.

MY DEAR SENATOR: In order to supplement and to confirm the testimony given during the hearings before the Senate Appropriations Committee on the Coast Guard item of $812,000 for the construction of two shipways at the Coast Guard Depot, Curtis Bay, South Baltimore, Md., contained in the First Supplemental Civil Functions Appropriation Act, 1941, I conferred this date with the Coordinator of Shipbuilding (Chairman of the Maritime Commission), with a view of obtaining his independent judgment as to the availability of shipways throughout the country at present and in the near future.

The Coordinator of Shipbuilding stated that during the next several years the facilities for building ships in this country would become more and more acute so that the Coast Guard undoubtedly would have more and more difficulty in getting its vessels built by commercial yards and that construction in navy yards is entirely out of the question. He also stated that, while there were a few shipways vacant now, contracts that will be let during the next 6 months to a year would unquestionably fill up these additional ways and that he felt it was a good business proposition at this time for the Federal Government to provide the two shipways at the Coast Guard Depot and that, unless these were furnished, the Coast Guard would, during the next several years, have great difficulty in getting its vessels built, and possibly would not be able to get any commercial firms to handle them.

I am forwarding this additional information relative to this particular item, which is included in the supplemental appropriations for the Coast Guard contained in the First Supplemental Civil Functions Appropriation Act, 1941, as it was not available at the time of the hearing on this Coast Guard item before the Senate Appropriations Committee on September 25, 1940.

Very truly yours,

R. R. WAESCHE,
Rear Admiral, United States Coast Guard, Commandant.

The PRESIDING OFFICER. The clerk will state the pending amendment.

The amendment was, under the heading "National Labor Relations Board", on page 17, line 22, after the word "elsewhere", to strike out "$40,000" and insert "$123,000"; in line 23, after the words "sum of", to strike out "$35,000" and insert "$27,000"; and in line 24, after the word "Salaries", to strike out "and Expenses", so as to read:

Printing and binding: For an additional amount for all printing and binding for the National Labor Relations Board in Washington and elsewhere, $123,000, and in addition thereto the sum of $27,000

is hereby transferred from the appropriation "Salaries, National Labor Relations Board, 1941," and made available for printing and binding for the fiscal year 1941.

The next amendment was, on page 18, line 4, after the word "Salaries", to strike out "and Expenses", and in line 9, after the word "Service", to insert a colon and the following proviso: "*Provided*, That not to exceed $3,200 may be expended in performing those functions necessary to keep records and to make a report to Congress and to the President thereon as required by section 3 (c) of the National Labor Relations Act", so as to read:

After the date of the enactment of this act, none of the appropriation "Salaries, National Labor Relations Board, 1941", shall be obligated for carrying on any of the functions or duties assigned prior to June 29, 1940, to the Division of Economic Research or for carrying on any of the functions or duties assigned on or after such date to the Division of Technical Service: *Provided*, That not to exceed $3,200 may be expended in performing those functions necessary to keep records and to make a report to Congress and to the President thereon as required by section 3 (c) of the National Labor Relations Act.

Mr. WAGNER. Mr. President, I should like to make an inquiry of the Senator from Colorado, in charge of the bill. The committee has amended the bill as it passed the House by the provision that not to exceed $3,200 may be expended in performing the functions necessary to keep records and to make a report to Congress and to the President with reference to the activities of the National Labor Relations Board.

I desire to ascertain from the Senator whether the purpose of the amendment is to limit all of the expenditures which may be made by the Board in the preparation of its report and the keeping of its records during the year.

Mr. ADAMS. Mr. President, the situation as it developed before the committee was that the House had been determined to eliminate the Division of Economic Research and the Division of Technical Service, and the House had inserted a very flat provision that none of the appropriations should be used for carrying on any of the functions assigned to those two divisions. The members of the Labor Relations Board said to us that among the functions which had been performed by these services were the keeping of certain case statistics and the making of annual reports, and that they feared that the language which the House had inserted would prevent the use of the funds which they had for doing those things. So the Senate committee, believing that it was conforming with the desires of the Labor Relations Board in that respect, added the $3,200 for that purpose.

In the testimony of Mrs. Stern, who I think is secretary of the Board, which appears at page 319 of the hearings, an estimate was submitted to us in these terms:

Professional personnel for the keeping of case statistics for the purposes of the annual report amounts to $3,200 on an annual basis.

It was in line with that suggestion that we did this. We were giving to the National Labor Relations Board a release from the binding effect of the House provision as they related the matter to us.

Mr. WAGNER. If that is what the committee intended, I have no objection to it, if it merely refers to the professional services to be rendered in connection with the keeping of the case statistics, namely, a qualified statistician for this particular job. That does not include ordinary stenographic assistance, for example.

Mr. ADAMS. The Senator will see that originally it was stated in the paragraph that none of these appropriations shall be obligated for carrying on any of the functions of just these two divisions, the Division of Economic Research, and the Division of Technical Service. What we inserted was a provision that not to exceed this amount might be expended for the performance of those functions, that is, the functions which had been performed by these two particular divisions of the Labor Relations Board. That is what the committee meant to do.

Mr. WAGNER. Did the committee mean to limit the amount to be expended to $3,200 for all of the statistics which would have to be collected for preparing the reports and for the printing of the reports?

Mr. ADAMS. Of course not.

Mr. WAGNER. That is what I wanted to make clear.

Mr. ADAMS. As I understand, the complaint of the House was very positive and definite against the Division of Economic Research and the Division of Technical Service. We have no information as to why they took that position. We do know that the House was very much set against these two divisions of the Labor Relations Board.

Mr. WAGNER. I understand that.

Mr. ADAMS. When they were taken out, the Labor Relations Board said, "If you take them out in this flat, arbitrary way, there are certain things which they have done for us which we will not be able to do." So we thought that for these things which these two divisions only had done, not the preparation of case records, of course, the $3,200, more than they otherwise would have, would be available.

Mr. WAGNER. A large part of the reports to Congress and to the President deals with discussion of cases which have been before the Board, and instead of giving the entire decision or record, a short synopsis is prepared which is part of the report. The attorneys in charge of these cases prepare the records for the report. These reports are of great importance to employers and employees in operating under the law. The committee did not intend by this amendment to provide that that type of service could not be rendered?

Mr. ADAMS. Oh, no; we were trying to broaden the limitation put on by the House, because, as the Senator knows, we have heretofore expanded the amount of money available for printing and binding, and for services in connection with briefs and records, as requested by the Labor Relations Board.

Mr. WAGNER. I am quite satisfied with the explanation. I have another question I should like to pose, which relates to the intent of Congress. The House provision, which has not been changed by the committee except as just expressed by the Senator, is that no funds shall be obligated for carrying on any of the functions or duties assigned to the Division of Economic Research.

The particular research bureau in question is of great assistance to the Board in the preparation of its cases. For instance, when a complaint is filed with the Board, the question arises whether the particular industry is engaged in interstate commerce. If it be not engaged in interstate commerce, the Board has no jurisdiction over it at all. All that is a matter to be determined through a determination of the kind of manufacturing the particular factory is engaged in, where the product goes, whether it goes into interstate commerce or stays within the State. The Senator from Colorado is as familiar as I am with all those duties. Someone must perform those duties for the Board, otherwise it will not be in a position to determine whether it has jurisdiction or not. That function, in many difficult cases, has heretofore been vested in the Economic Research Division.

Let me refer to another matter. Take the Republic Steel case.

Mr. ADAMS. Mr. President, let me interrupt the Senator to say that if he has any idea that the language of the bill would prevent the carrying on of those functions by the National Labor Relations Board, I am very sure that any amendment which he would see fit to draft so as to carry those functions on, would be agreeable to the committee and, I think, to the Senate.

Mr. WAGNER. I thank the Senator.

Mr. ADAMS. The Senate committee is in accord with what the Senator has in mind. We were only trying to avoid conflict with the House so far as we could, and at the same time we tried to help the Board in carrying out its functions. If the Senator has doubts about the matter, if he will get out his pencil and draw up an amendment, we shall be glad to have it.

Mr. WAGNER. How does the Senator himself feel about it? He has the advantage of being the chairman of the subcommittee which has had these matters in charge. I thought the language was much more restrictive than either the House or the Senate committee intended. I am sure the Senate committee did not intend to deprive the Board of the

information that has heretofore been furnished it by this research bureau.

Mr. ADAMS. If the Senator will draft a provision saying that "nothing herein contained shall prevent" just what he has on his mind, we shall not have any trouble about it.

Mr. WAGNER. That is very fair.

The PRESIDING OFFICER. Does the Senator from New York want to amend the amendment, or does he wish to offer a separate amendment?

Mr. WAGNER. It has been suggested by the Senator in charge of the bill that, so far as he is concerned, he is willing to accept any amendment to carry out what I have just suggested, but I wish to have time to prepare it.

The PRESIDING OFFICER. The Senate will proceed, then, with the committee amendments.

Mr. WAGNER. May I ask the Chair if we may return to that amendment?

The PRESIDING OFFICER. Yes. The clerk will state the next amendment.

The next amendment was, under the heading "Department of Agriculture", on page 21, after line 18, to insert:

FOREST SERVICE

Reconstruction and repair of roads and other improvements, national forests in Georgia, North Carolina, South Carolina, and Tennessee: For reconstruction of roads, trails, bridges, and other improvements in the national forests in Georgia, North Carolina, South Carolina, and Tennessee damaged or destroyed by floods in August 1940, $125,000.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will say to the Senator in charge of the bill that on page 22 there appears the item:

Washington National Airport: For the construction, with or without advertising, of five hangars—

And so forth. That brings up the same question as the one that was discussed awhile ago with reference to the provision on page 16 in the matter of other buildings. So the Chair, in his capacity of Senator, asks unanimous consent that the language be amended at this point by striking out the words "with or without advertising."

Mr. ADAMS. I think the Presiding Officer is in a position to do almost anything he pleases.

The PRESIDING OFFICER. No; the Chair will not accept that statement.

Mr. ADAMS. I mean whether he is in the chair or on the floor.

The PRESIDING OFFICER. Without objection, under the heading "Department of Commerce Administrator of Civil Aeronautics," on page 22, line 3, after the word "construction", the comma will be stricken, as well as "with or without advertising," so the paragraph will read:

Washington National Airport: For the construction of five hangars at the Washington National Airport, Arlington County, Va., including a roadway service underpass and other necessary appurtenances, $2,700,000—

And so forth. The clerk will state the next committee amendment.

The next amendment was, under the heading, "Department of Commerce, Administrator of Civil Aeronautics", on page 22, after line 17, to insert:

For all necessary expenses incident to the care, operation, maintenance, and protection of the Washington National Airport in accordance with the act of June 29, 1940, including personal services in the District of Columbia, purchase, operation, and maintenance of one motor-propelled ambulance, one fire-and-crash truck, and one rescue-fire-and-crash motorboat; purchase (including exchange), operation, and maintenance of two passenger-carrying motor vehicles; purchase of equipment, materials, and supplies, including $700 for the purchase, cleaning, and repair of uniforms for the guards, $152,200, and, in addition, the sum of $103,450 is transferred to this appropriation from the appropriation "Maintenance and Operation of Air Navigation Facilities," contained in the Independent Offices Appropriation Act, 1941: *Provided*, That $15,000 of this appropriation shall be available for personal services in the District of Columbia, employed in connection with the completion of the construction of said airport, without regard to the Civil Service Act and regulations.

The amendment was agreed to.

The next amendment was, on page 23, after line 11, to strike out:

Development of landing areas: For the construction, improvement, and repair of airports and other landing areas in the United States and its Territories and possessions, determined by the Administrator, with the approval of the Secretary of Commerce, to be necessary for national defense or for the training of airplane pilots, including areas essential for safe approaches and including the acquisition of land, $30,000,000 of which $3,000,000 shall be available for general administrative expenses, including the objects specified in section 204 of the Civil Aeronautics Act of 1938 and including engineering services and supervision of construction and, in addition to such sum of $30,000,000, the Administrator, with the approval of such Secretary, is authorized to enter into contracts prior to July 1, 1941, for the above purposes in the amount of $50,000,000: *Provided*, That none of the funds appropriated in, or authorized to be obligated by, this paragraph shall be expended or obligated for the purchase of land or construction of buildings unless such purchase or construction is certified by the Secretary of War or Secretary of the Navy to be essential for military purposes: *Provided further*, That this appropriation shall not be construed as precluding the use of other appropriations available for any of the purposes for which this appropriation is made.

Mr. O'MAHONEY. Mr. President, I should like to ask the chairman of the subcommittee to make a statement with respect to the elimination of the item for the development of landing areas. A reading of the item which is stricken out indicates that it provides for an appropriation of $30,000,000 for the acquisition of landing areas, and the acquisition of land, and the construction of approaches and the like. It authorizes contracts in the amount of $30,000,000, and an authorization of $50,000,000, or a total of $80,000,000 for the development of landing areas. Then I find this provision:

That none of the funds appropriated in, or authorized to be obligated by, this paragraph shall be expended or obligated for the purchase of land or construction of buildings unless such purchase or construction is certified by the Secretary of War or Secretary of the Navy to be essential for military purposes.

Mr. President, at the hearings of the Appropriations Committee, testimony was submitted, it appears, by the Assistant Secretary of Commerce, Mr. Hinckley, indicating that this appropriation is sought because the Army and the Navy have agreed with the Civil Aeronautics Authority that there should be immediately a development of airports throughout the United States.

Mr. ADAMS. Mr. President, I will say to the Senator from Wyoming and to other Senators that by this provision not only the committee but every Senator has been put upon a very hot spot because of propaganda. The Assistant Secretary of Commerce came before the committee in support of this appropriation. The committee, without exception, so far as I know, concluded that it ought not to be included in the bill in this form at this time.

Mr. O'MAHONEY. Mr. President, may I interrupt the Senator at that point?

Mr. ADAMS. Certainly.

Mr. O'MAHONEY. I am a member of the committee, but I was detained——

Mr. ADAMS. I am speaking of those who attended——

Mr. O'MAHONEY. I was detained from the meeting of the committee because of the fact that it was necessary for me to be on the floor in connection with the truth-in-fabric bill.

Mr. ADAMS. Had the Senator been there I assume he would have agreed with the other members of the committee, because he is always one of our agreeable and gracious members.

Mr. O'MAHONEY. The Senator is very kind.

Mr. ADAMS. The practical situation was presented in this way: Airports, of course, are desirable. There is no Senator and no Representative who does not appreciate the desirability and the necessity of developing airfields and airports. The matter was presented in such a way, however, that the committee doubted the wisdom of putting the provision into the bill at this time for several reasons. In the first place, it involves a complete departure from the program for the establishment of airports which has been in effect up to this time.

Airports in this country have been largely municipal. There are some State airports. The work upon the airports to a very great extent has been conducted by the P. W. A. and more largely by W. P. A. One hundred and thirty million dollars has been spent from those two funds upon airports.

A large amount of W. P. A. labor has been available for the construction of airports. The major part of this provision and contract authorization of $50,000,000 will result in the elimination of W. P. A. labor. It means that W. P. A. labor which has been employed upon airports would have to be taken care of elsewhere. The local communities are now contributing approximately 25 percent of the cost of the airports, and the Government is contributing the remainder through W. P. A. or through P. W. A. The adoption of the provision in question means that the communities would no longer contribute to and perhaps no longer control their airports. Not one member of the Army or Navy appeared before the committee in support of the program in the bill, which involves $80,000,000, and which inaugurates a program admitted to cost $600,000,000, and which would probably cost more than $1,000,000,000.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. O'MAHONEY. Let me ask the Senator if the committee asked any member of the Army or Navy to appear.

Mr. ADAMS. Representatives of the Army and the Navy had repeatedly been before the committee. We asked those who proposed the appropriation to come in and justify it. They did not suggest bringing in representatives of the Army and Navy. We asked them to come in and explain why the appropriation should be in the bill.

Mr. O'MAHONEY. Does the Senator imply a desire to have the Senate gain the impression that the Army and Navy are not in favor of the construction of landing fields, as provided by the proposed appropriation?

Mr. ADAMS. The committee was not advised as to the attitude of the Army or the Navy on the project. This is a new departure in the construction and control of airports. They would be constructed and controlled by the Civil Aeronautics Authority. The Army and Navy would not have any hand in their construction or control. As I say, the Senator and the Senate must not understand that the committee is in any way opposed to the construction of airports.

Let me go a step further. There was submitted to the committee a carefully prepared list—we will call it a program; some would call it propaganda, but I shall not—in behalf of this project. It was a volume showing that the Civil Aeronautics Authority proposed to construct 4,000 airports in the United States. A map was submitted to us, designed, of course, to stimulate Senators and Representatives to support the measure, because prospective airports were sprinkled over the map until they made the United States look as though it had the chicken-pox. [Laughter.] Four thousand airports in the United States were proposed.

Mr. O'MAHONEY. The Senator does not imply that they are additional airports, does he?

Mr. ADAMS. Very largely. They are airports upon which moneys are proposed to be spent by the Civil Aeronautics Authority. That is perfectly proper. But what followed? In my State, in New York State, and in other States over the country lists of the airports to be constructed under the bill have appeared in the newspapers. The headlines in my State recited that 45 airports were to be constructed out of this appropriation. In the State of Wyoming, 50 airports are proposed.

Mr. O'MAHONEY. Wyoming is more strategically located than is Colorado.

Mr. ADAMS. It is wonderfully located.

The proposed appropriation is $80,000,000. That would not construct 10 percent of the proposed airports, and yet the people of the country have been led to think that 4,000 airports would be constructed if the appropriation were made.

Let me tell Senators the other side of it. If the appropriation is not made, Senators will be told, "If you had voted for the appropriation we should have obtained our airports." If Senators vote for the appropriation, out of the 50 airports proposed for Wyoming probably 4 would be established. Then the people would want to know, "What did you do with the money for the other 46 airports?" In other words, those who prepared the program and permitted it to become public put Senators on the spot, whether they vote for it or against it. The result has been most unfair to the Congress.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. HAYDEN. I have tried to find out how this information came to be spread throughout the country by Associated Press dispatches, so that newspapers in every State have carried bold headlines about the number of airports to be constructed in the several States, specifically naming the airports and the amounts of money. These are the facts, as best I can determine them:

The report which the Senator has before him, and the map, were prepared for the use of the House and Senate Committees on Appropriations. The report was not released to the press. When the hearings were held before the House Committee on Appropriations, reference was made to the report; and when the hearings were printed, representatives of the press in the House saw a reference to a report, and wanted to see the report. Not having been made public by the Authority, it was actually obtained from the House Committee on Appropriations, and very properly so, because if the House Committee on Appropriations had attempted to suppress it, it would have been the subject of even greater comment.

What the Civil Aeronautics Authority was seeking to do was to point out to the Congress a broad program which might take 5, 6, or 10 years to carry out. The money proposed to be appropriated in this bill would be a start. It would fit into a broad general program.

Mr. O'MAHONEY. Mr. President, I think the Senator is quite correct about the report which was submitted to the committee. I was present when the report on the civil-aeronautics program was brought to the Appropriations Committee. This document showed a prospective program to cost something like $526,000,000, if I correctly remember. Mr. Hinckley, who testified with respect to it, explicitly stated that the intention with respect to this appropriation was to expend the money only on airports which would be given priority by a special board to be set up, consisting of representatives of the Army, the Navy, and the Civil Aeronautics Authority.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. ADAMS. Mr. President, let me resume the floor, if I may. I do not want to get into the middle of a controversy between the two distinguished Senators.

Mr. HAYDEN. There is no controversy.

Mr. ADAMS. I wish to say two things.

It does not make any difference, in its effect upon Members of Congress, how the report got out. Every Member of Congress is seriously embarrassed over the fact that it got out. We are to have a priority board. Who is to appoint the priority board? Is Congress to have anything to say about it? No. Is the President to have anything to say about it? No. Mr. Hinckley is to appoint the priority board.

Mr. O'MAHONEY. Mr. President, may I interrupt the Senator?

Mr. ADAMS. I will yield in a moment.

Fifty airports are proposed for the State of Wyoming. The Senator from Wyoming has not a particle of assurance that a single one of those airports would be constructed under this appropriation; but the people of Wyoming would hold the Senator responsible for obtaining 50 airports. Four thousand airports are to be scattered throughout the land. There is an average of probably 10 in every congressional district. Accidentally, the airports cover the congressional districts very widely.

The report may have leaked out, as has been stated, but the headlines say, "Forty Colorado airports slated to get United States funds." This country is made up of people who read headlines. The people in my State feel that they are to get 40 airports. If the appropriation should be made, they would get about 4. The smaller communities, which think they are to get airports, and think we are appropriating the money, will be disappointed. They will be outraged at the Government and at the Congress. We are absolutely taking out of the control of Congress the entire airport development of the

country and putting it into the hands of an appointive board in Washington.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. O'MAHONEY. Obviously, it would have been a perfectly simple matter for the Senate Committee on Appropriations to have brought in an amendment to the language which is proposed to be stricken out, by which it should be provided that the airports should be selected by a board to be appointed by the President and confirmed by the Senate. if necessary.

There is no need for us to surrender control of the selection. If the Senator will recall, when Mr. Hinckley was before the Appropriations Committee the Senator from Wyoming raised that very question.

I am not here to legislate on the basis of the embarrassment which I may or may not suffer because the Associated Press may have secured from the House Committee and distributed to the country, without the authority of the Civil Aeronautics Authority or without the authority of the Senate Committee on Appropriations, a report on a program which was confidentially laid before the committee. As I see it, the point is whether or not the Congress of the United States will make available the sum of $80,000,000 for the construction and improvement of landing fields, and whether or not such a program is necessary in the national defense. My own belief is that it is necessary in the national defense. If the conditions which exist in Europe demonstrate a single thing, it is that modern warfare is fought in the air, and that an essential step in defending our institutions is to provide all the necessary facilities for air defense.

Mr. ADAMS. But there is not a word in the testimony to show the necessity for national-defense purposes of 50 airports in the State of Wyoming. I am desperately interested in Wyoming, but to say. that 50 airports in the State of Wyoming are necessary for national defense is going rather far.

Mr. O'MAHONEY. Of course, there is nothing in the testimony to indicate that——

Mr. ADAMS. That is what I said.

Mr. O'MAHONEY. And there is nothing in the provision which came over from the House to indicate that the appropriation of $80,000,000 was for the construction of all the airports included in this program but for the construction of those which a board selected by the Army and Navy and the Civil Aeronautics Authority might determine upon.

Mr. ADAMS. No; they are not to be selected in that way; they are to be selected by the Civil Aeronautics Authority.

Mr. O'MAHONEY. We can change that in 10 minutes.

Mr. ADAMS. We are talking about the bill as it is before the Senate.

Mr. HAYDEN. Mr. President, the only information I have is a press release, which states:

> Airport locations probably will be decided by some sort of a joint board to be set up by the President, representing the War, Navy, and Commerce Departments.

That statement indicates just what kind of a board will be set up. When it is to be set up has not been determined upon, but the general idea is that it will be a board appointed by the President.

Mr. ADAMS. I do not seem to be able to make clear to at least one of the Senators that what we were concerned with was the establishment of a sound policy for the construction and location of airports and that we were not willing that one agency of the Government should on its own account proceed to take over the whole thing—military, naval, and commercial—and put out the W. P. A. help and put out the P. W. A. help.

That is not all. One might think from some of the things that have been said that no money had been appropriated by Congress for airports. Congress has appropriated many million dollars for airports. For Texas, I think, we appropriated some twenty-odd-million dollars very recently. There is an airport in New York that cost $45,000,000. There was one dedicated the other day nearby that cost thirteen and a half million dollars. How many airports will $80,000,000 construct?

Mr. HILL and Mr. AUSTIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield; and, if so, to whom?

Mr. AUSTIN. Will the Senator yield for a question?

Mr. ADAMS. Please let me finish.

The PRESIDING OFFICER. The Senator from Colorado declines to yield.

Mr. ADAMS. I do not decline, but I am yielding a little time to myself.

What I am trying to point out is that under this program it is suggested to the country that it will provide 4,000 airports so that every town of 2,000 people and many of less than that will be given by the Government an airport and the Government will assume the whole cost. I wonder whether or not the Federal Government should stand all the cost of the establishment of every airport in the United States, most of them to be only used for commercial purposes?

Mr. HILL. Mr. President, will the Senator yield there?

Mr. ADAMS. I will yield in a moment or two.

The appropriation is $80,000,000. We are now talking about four classes of airfields. The first-class airports are merely of dirt or sod. The second class are to cost something over $100,000. In the third class the cost will run from $200,000 to $500,000. Then there is the fourth class, the cost running over a million dollars. There are 4 or 5 fourth-class airports in the country; one at New York, one at Cleveland, one at Chicago, one at Salt Lake, and one other. The one in New York cost $45,000,000; the one in Washington, which has not reached the status of fourth class, cost thirteen and a half million dollars. How far will this sum of money go? The effort is being made to persuade the people of the United States that they will get 4,000 airports out of a fund that will give them but a few hundred.

When an agency of the Government puts out a program of this kind, inevitably it is given publicity in the press. Take a New York newspaper with the heading "One hundred and sixteen airfields listed in State defense plan." It will be found that all the other States have, in some mysterious way, obtained a list of the airfields they would get out of this appropriation; and most of the Senators have had telegrams and letters requesting them to make sure that the money is obtained.

Nobody is opposed to airports; nobody is opposed to reasonable appropriations of Federal money for airports, but the committee felt in the case of this supplemental deficiency bill, on the eve of the recess of Congress, we ought to take the time to sit down and study it, call in the Army, call in the Navy, call in the Civil Aeronautics Authority and call in others interested in aviation, and lay down a program which is sound and which will carry the thing through. As the matter was presented to the committee they were not opposed but felt it ought to be postponed.

Mind you, Mr. President, there is nothing in this bill that prevents this money being spent on private airports, it is not limited merely to military and naval airports, but may be expended at any place where pilots can be trained, for that is the definition in the bill. Of course, it is easy to answer that by saying it can be changed by amendment. Of course, it can; but we thought that the simple method was to take it out for further consideration by the Congress.

We are not dealing with a trifling matter; we are dealing with a program the cost of which will run not only into the hundreds of millions of dollars but into the billions of dollars, and we did not feel, merely upon the report of one subordinate in one department, that Congress should change the whole policy as to the establishment of airports in the United States.

Mr. HILL and Mr. AUSTIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and if so to whom?

Mr. ADAMS. I yield first to the Senator from Alabama; then I will yield to the Senator from Vermont.

Mr. HILL. As the Senator says, no plan has been worked out. Mr. Hinckley, in his press release of September 30, referred to his proposal as a Nation-wide survey. That means he has not even obtained the basic facts. Yet there are some cities in the United States that have gone to great

sacrifice to provide their own airports. Many of them have bonded themselves, have piled up indebtedness on their citizens, and mortgaged the property of their citizens to build airports. Now, without any consideration for those cities, are we going to tax them to build airports for other cities that have made no effort whatever to build their own airports? All that is involved in this question and ought to be carefully thought out before any action is taken. Some of the cities, as I have said, have made sacrifices in order to build airports, while others, perhaps, have done nothing whatever or certainly they have made no sacrifices looking to the building of airports. All those questions ought to be gone into and carefully weighed before we launch on a great program for airports.

Mr. RUSSELL. Mr. President, if the Senator will yield to me for a moment, I may add to what the Senator from Alabama has said, that under the wording of this provision not only could moneys be spent for the improvement of airports but they could be spent for the acquisition of land. The entire sum could, in the discretion of the Civil Aeronautics Authority, be expended for the acquisition of lands for airports that are not strictly for military purposes. Certainly before we launch on a program that will run into the billions of dollars, including the acquisition of land, some fair formula should be evolved and enacted into law by the Congress to insure that those cities and communities that have heretofore spent local funds for the acquisition of land for the building of airports should not be discriminated against in such a comprehensive and expensive program.

Mr. AUSTIN. Mr. President——

Mr. ADAMS. I promised to yield to the Senator from Vermont, who has been very tolerant with me.

Mr. AUSTIN. Mr. President, I should like to relieve the Senator from Colorado by referring to a particular airport, namely, the Washington National Airport, to which he alluded a moment ago. The Senator said that it had cost already, although it has not been completed, $13,500,000, and I notice that there is an additional appropriation in this bill of $2,700,000 in some other item, which would make a total of $16,200,000. I wonder if the testimony before the committee revealed from what source the $16,500,000 expended on the Washington National Airport came?

Mr. ADAMS. A very considerable amount came from the W. P. A., and some came from appropriations.

Mr. AUSTIN. I do not ask for the information in detail.

Mr. ADAMS. I have it available, but I will say that some of the money has not yet been actually expended, but contracts have been let for the work. So some of the thirteen and a half million dollars is on hand, but is obligated to be expended.

Mr. AUSTIN. Mr. President, I am willing to have the figures placed in the RECORD, to save the Senator some time in looking them up.

Mr. ADAMS. They are in either the House hearings or the Senate hearings, for I have seen them within 2 days.

Mr. AUSTIN. May I have unanimous consent to have them inserted in the RECORD, and, together with those figures, the estimate which was furnished to the Senate by the report of the commission to locate a national airport for the District of Columbia—a commission consisting of three Senators, three Representatives, and three members appointed by the President of the United States? I should like to have the RECORD show the difference between the estimate and the cost, up to date, of this airport.

I make that request.

The PRESIDING OFFICER (Mr. KING in the chair). Is there objection?

Mr. ADAMS. Mr. President, as to the figures, they appear at page 101 of the House hearings on the pending bill. I can submit them so that they will go into the RECORD. They show a number of items, and show the grand total to be $13,663,089. That is the grand total that they give. Then they give the summary of expenses. The Work Projects Administration put in $3,586,561. The Public Works Administration put in $8,747,500. The Civil Aeronautics Authority put in $175,000; and there were some others.

The PRESIDING OFFICER. The Senator from Vermont has asked to have inserted in the RECORD certain figures. Is there objection? The Chair hears none.

Mr. AUSTIN. I will provide later the estimate by the commission appointed to select a site.

The matter referred to by Mr. ADAMS is as follows:

[From p. 101 of House committee hearings]

Washington National Airport—Summary—Estimates of cost, costs incurred, and funds required as of July 31, 1940

EXHIBIT A—ESTIMATE OF COSTS

I. Initial development:	
Land	$252,000
Hydraulic fill	3,177,229
Dry excavation and backfill	950,433
Landscaping and fine grading	429,500
Drainage	641,000
Sewers, services, and utilities	318,000
Relocation of Mount Vernon Memorial Highway	593,720
Paving (runways, taxiways, aprons, and roads)	1,000,000
Field lighting	220,000
Buildings and structures: Terminal building, heating plant, hangar (1), fire-pump station, miscellaneous structures	2,440,000
Seaplane base (temporary facilities for light planes only)	15,000
Contingencies	213,851
Engineering, supervision, and overhead	662,356
Total	10,913,089
II. Supplemental development:	
Additional hangars (5)	2,500,000
Service roadway underpass	50,000
Plans, specifications, engineering, supervision, and contingencies	200,000
Total	2,750,000
Grand total [1]	13,663,089

EXHIBIT B.—SUMMARY OF COSTS INCURRED AS OF JULY 31, 1940

Agency	Funds			
	Public Works Administration	Civil Aeronautics Authority	Work Projects Administration	Total
Civil Aeronautics	$324,260	$4,039		$328,299
Corps of Engineers	4,900,000		$1,226,291	6,126,291
Public Buildings Administration	495,000			495,000
Public Roads Administration	38,720			38,720
U. S. Quartermaster Corps	15,068			15,068
Total	5,773,048	4,039	1,226,291	7,003,378

EXHIBIT C.—SUMMARY OF FUNDS AVAILABLE AND REQUESTED

	Funds available				Funds requested	Total funds required
	Public Works Administration	Civil Aeronautics Authority	Work Projects Administration	Total		
I. Initial development	$8,747,500	$175,000	$3,586,561	$12,509,061		
Less estimated balance of Work Projects Administration funds to remain unexpended			1,595,972	1,595,972		
Net amount available for construction	8,747,500	175,000	1,990,589	10,913,089		$10,913,08
II. Supplemental funds requested (H. Doc. 872)					$2,750,000	2,750,000
Total estimated funds required	8,747,500	175,000	1,990,589	10,913,089	2,750,000	[1]13,663,908

[1] For landing area, terminal building, heating plant, and 6 hangars.

Mr. AUSTIN. Let me say, before I conclude, that the commission did not recommend the Gravelly Point location which is being developed, but recommended another location. I have always been curious to know by what authority the construction was done at Gravelly Point, and by what authority this $13,000,000 is now being expended.

The PRESIDING OFFICER. Will the Senate pardon the Chair for a moment? The Chair hopes the Senator from Vermont will have inserted in the RECORD, as a part of his statement, the fact that the chairman of that commission was General Westover, the greatest flyer in the Army or in our Government, and whose untimely death we so much deplore.

Mr. AUSTIN subsequently said: Mr. President, I am now ready to supplement my request made during the colloquy with the Senator from Colorado. I want the RECORD to show that the members of the District Airport Commission were the following: Senators King, Copeland, and Austin; Representatives Norton (Mrs.), Nichols, and W. Sterling Cole; Frederic A. Delano, chairman of National Capital Park and Planning Commission; Col. Dan I. Sultan, District Engineer Commissioner; Brig. Gen. Oscar Westover, Chief of the Army Air Corps.

Senator KING, chairman, and Representative NICHOLS, secretary.

The comparative estimated costs of site for a Washington airport includes Gravelly Point. I point out that the estimate for 266 acres of development was $2,300,000, and the estimate for total development of 566 acres was $5,000,000. The estimates were made as to Gravelly Point and the Washington-Hoover site by the United States Engineer's office and published in hearings before the subcommittee on Parks and Highways of the Committee on the District of Columbia, United States Senate, Seventy-second Congress, second session, on Senate bill 5635 and Senate bill 5401, to establish a commercial airport for the District of Columbia, January 16 and 17, 1933.

I ask unanimous consent to have printed in conjunction with this estimate two reports, one by the subcommittee of the commission dated December 7, 1936, recommending the site at Camp Springs, in Maryland, and the other the report of the Joint Commission on Airports, Congress of the United States. I should like to have the whole of both reports appear in the RECORD.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

Comparative estimated costs of sites for a Washington airport

Item	Suitland, Md. (2,000 acres)	Marlboro Road, Md. (2,000 acres)	Forrestville, Md. (2,000 acres)	Silver Hill, Md. (1,500 acres)	Fort Hunt, Va. (1,800 acres)	Hybla Valley, Va. (2,000 acres)	Camp Springs, Md. (1,900 acres)	Washington-Hoover (204 acres)	Gravelly Point, D. C. (266 acres)
Land, purchased	$1,000,000	$1,000,000	[1] $1,050,000	$750,000	$1,800,000	$500,000	$475,000	$1,600,000	$100,000
Buildings removed—purchased	1,038,500	1,325,000	1,142,000	[2] 352,500	250,000	20,000	50,000		
Relocating roads	210,000	200,000	175,000	150,000	10,000			30,000	
Grading	750,000	600,000	600,000	1,125,000	300,000	350,000	400,000	627,300	88,500
Clearing	90,000	22,500	45,000	75,000	10,000	60,000	75,000		
Grading building area	5,000	10,000	10,000		10,000	10,000	20,000	10,000	
Seeding	70,000	70,000	70,000	70,000	70,000	70,000	70,000	21,600	30,400
Paving runways	500,000	500,000	500,000	500,000	500,000	500,000	500,000	365,050	437,500
Taxi road								119,000	152,250
Paving aprons	35,000	35,000	35,000	35,000	35,000	35,000	35,000	48,400	41,000
Water and sewer	31,500	20,000	30,000	31,500	30,000	30,000	30,000	29,000	27,400
Culvert								61,250	49,500
Drainage	50,000	50,000	50,000	50,000	100,000	250,000	75,000	61,000	101,000
Power and telephone lines relocated	100,000	75,000	40,000	115,000	15,000				
Approach road	20,000			1,000		2,000	3,000	11,700	14,000
Service road								18,500	26,600
Parking area	15,000	15,000	15,000	15,000	15,000	15,000	15,000	7,400	6,250
Roads for parking area								11,000	7,200
Fencing	38,000	38,000	30,000	35,000	38,000	29,000	36,000	11,800	7,000
Landscaping								5,000	5,000
Radio station	40,000	40,000	40,000	40,000	40,000	40,000	40,000		
Radio and meteorological equipment								18,000	18,000
Night lighting	100,000	100,000	100,000	100,000	100,000	100,000	100,000	55,000	55,000
Gas and oil storage	20,000	20,000	20,000	20,000	20,000	20,000	20,000	11,000	11,000
Fire-engine house, crash truck	20,000	20,000	20,000	20,000	20,000	20,000	20,000		
Fire-fighting equipment								5,000	5,000
Administration building	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
Hangars	500,000	500,000	500,000	500,000	500,000	500,000	500,000	220,000	255,000
Architectural design								15,000	15,000
Garage	40,000	40,000	40,000	40,000	40,000	40,000	40,000	25,000	25,000
Engineering and supervision	100,000	100,000	100,000	100,000	100,000	100,000	100,000		
Contingencies	696,125	626,375	630,000	773,125	500,750	555,250	532,250		
Levees									95,000
Dredging								9,000	520,000
Riprap									48,000
Field maintenance equipment								10,000	10,000
Total	5,619,125	5,556,875	5,392,000	5,048,125	4,653,750	3,396,250	3,286,250	3,556,000	2,300,000
Total for development of 566 acres									5,000,000

[1] Includes $50,000 for relocation of cemetery.

[2] Includes $20,000 for removal of radio station.

NOTE.—Estimates on Marlboro Road, Suitland, Camp Springs, Hybla Valley, Fort Hunt, Silver Hill, and Forrestville sites were prepared by office of the Quartermaster General and office of the Chief of the Air Corps.

Estimates on Gravelly Point and Washington-Hoover sites were prepared by U. S. Engineer office, and published in Hearing Before the Subcommittee on Parks and Highways of the Committee on the District of Columbia, U. S. Senate, 72d Cong., 2d sess, on S. 5365 and S. 5401, bills to establish a commercial airport for the District of Columbia, Jan. 16, 17, 1933.

DECEMBER 7, 1936.

Hon. WILLIAM H. KING,
Chairman of the District of Columbia Airport Commission, Washington, D. C.

DEAR SENATOR: The subcommittee of the District of Columbia Airport Commission submits the following report on a location suitable for the national capital airport, the manner in which the investigation was conducted, and the recommendations resulting therefrom.

Primarily the problem was one of aviation operating technique, with a background of engineering development. The United States Army Air Corps was therefore charged with the initial investigation. That agency set up three essential requirements which were interlocking and based upon present equipment and contemplated development. These were:

1. A relatively flat area sufficiently large to accommodate present-day transport airplanes with ample safety.

2. Available adjacent areas to permit expansion of runways as engineering development makes possible the larger ships which are now being projected.

3. The safety of operation under all meterological conditions. This last is unquestionably the most important, since it involves both the previous requirements and also scheduled aircraft operation.

Past hearings on the national capital airport and available meteorological data were studied; conferences were arranged with the office of the district engineer and with the National Capital Park and Planning Commission, which made available the investigation that body had conducted some years ago of 48 sites in the vicinity of Washington. The views then of all persons and agencies interested in this project, and the contributing factors involved, were given full consideration. A photographic mosaic map covering an area of 36 miles in diameter was constructed, photographs of all of the sites were prepared, together with special photographs, as required for a complete study.

As a result of this preliminary study, all but 8 of the 48 sites previously considered by the National Capital Park and Planning Commission were rejected as being undesirable for one or more reasons. One previously unconsidered site was included, thus making a total of 9 sites that warranted further study.

These sites were then carefully studied, both from the ground and from the air, and results were incorporated in the airdrome evaluation chart attached as enclosure 1, which indicated that only seven sites could logically be considered if the requirements were rigidly adhered to. However, since the two low-rated sites had been the subject of much discussion in the past it was decided to retain them in the approved group for further study.

The Quartermaster General was then requested to prepare estimates for developing the following sites based on runway lay-outs prepared by the Air Corps:

Suitland, Md., No. 8.
Oakland, Md., No. 9.
Forestville, Md., No. 10.
Silver Hill, Md., No. 11.
Camp Springs, Md., No. 12.
Hybla Valley, Va., No. 21.
Fort Hunt, Va., No. 49.

NOTE.—Site numbers refer to the original National Capital Park and Planning Commission study.

These estimates were based on the cost for similar developments, evaluating the land at a relatively high cost per acre. The cost of the land was based on offers of real estate which had been received by the subcommittee during the course of its investigation. The above-mentioned estimates were then combined (enclosure 2) with those for Gravelly Point and Washington-Hoover, which had been previously submitted in hearings by the National Capital Park and Planning Commission and the National Airport Corporation, owners of Washington-Hoover Airport.

At the conclusion of this further study, the following seven sites remained as worthy of consideration:

Suitland, Md., No. 8.
Oakland, Md., No. 9.
Forestville, Md., No. 10.
Silver Hill, Md., No. 11.
Camp Springs, Md., No. 12.
Hybla Valley, Va., No. 21.
Fort Hunt, Va., No. 49.

Of these, Fort Hunt, on the west side of the Potomac, and Camp Springs, in Maryland on the east side of the Potomac, offered the greatest advantages from the standpoint of development and expansion.

The Fort Hunt site, however, lies so close to the river that, while no accurate information is available, it is reasonable to expect that it will be subject to river fog. The land is held at such a high figure that this may preclude further consideration of this site.

The Camp Springs site is unquestionably the most desirable. Its initial area is sufficient; it has possibilities of almost unlimited expansion, drainage will be no problem, and it will require less grading than any of the other areas. It is the most sparsely settled of all the sites investigated, and thus its adoption will effect the minimum discomfort to established residents; it will not require the rerouting of existing roads. It will provide more work for a larger number of relief workers in clearing the site, and the cost of the land will indubitably be less than elsewhere.

The subcommittee, therefore, strongly recommends that the airport for the National Capital be located at Camp Springs, Md.

Should the commission as a whole agree with this recommendation, or elect to choose any of the other six suggested sites, it is urgently recommended that all discussion and any selection be kept secret for the following reasons:

As stated before, the subcommittee received a number of offers of parcels of real estate during the course of its study. In almost every instance it was felt that the price per acre was exorbitant, and that this price was exorbitant because the owner or his agent felt that he or they had a piece of property which was desirable for airport usage, and on this basis were in a position to dictate terms. If options can be secured prior to the disclosure of the Commission's recommendations, it is believed that the desirable land can be secured in competition and at a lower figure.

The subcommittee is continuing its investigations insofar as they involve expected financial returns from a first-class airport, and when sufficient data is assembled upon which the Commission may make a reasonable deduction as to the amount of return that the National Capital Airport may be expected to produce, this study will be forwarded for consideration.

Yours very truly,

O. WESTOVER,
Major General, Air Corps, Chairman, Subcommittee of the District of Columbia Airport Commission.

AIRPORTS, NATIONAL CAPITAL

The Joint Commission on Airports, created under authority of Public Resolution 106, Seventieth Congress, approved March 4, 1929, presents the following report:

Organizing at once upon the approval of the resolution, the Commission immediately began its study of the problem in hand with the view of formulating recommendations to Congress for providing the National Capital and the District of Columbia with suitable airport facilities. The Commission unanimously took the position that these facilities should be not only sufficient for present and anticipated needs so as to serve Washington's maximum aviation requirements, but should also ultimately be of an extent and completeness to reflect a creditable leadership on the part of the Capital in the development of this science. The Commission readily recognized the prospective strategic importance of Washington as a focal point for far-flung air lines, and the Board was keenly alive to the fact that as prompt action as possible on its part was essential in view of the phenomenally rapid growth of aviation and the desirability of putting the Nation's Capital on the airways map with the least possible delay by the establishment of an adequate commercial airport.

In its quest for expert opinion and advice bearing on its problem the Commission not only consulted with officials of various governmental departments concerned, including the government of the District of Columbia, and the National Capital Park and Planning Commission, but proceeded in April 1929 to conduct a series of public hearings which brought together a notable coterie of foremost airport engineers and aeronautical experts, and noted Government and air-mail flyers. Their testimony was embodied in a volume of nearly 200 pages constituting a valuable compendium of information on the subject of municipal airports.

Among the outstanding features of this evidence, stressed by substantially all of the experts, and emphasized particularly by Colonel Lindbergh, was the fundamental principle that the relative success of an airport is dependent to a large extent upon its proximity to and accessibility from the center of the municipality which it serves. "One of the most important things in relation to the modern airport," said Colonel Lindbergh, "is its distance from the city. If it requires an hour or an hour and a half or more to go from the airport to Washington, and vice versa, that takes away to a large extent any advantage from flying from a city such as New York or Philadelphia to the Capital, inasmuch as the time required to go to and from the airport adds so much to the flying time that there is very little advantage over rail travel. * * * I think distance from the city would be of primary importance."

The joint commission early found itself confronted with no inconsiderable undertaking in making a survey of suggested sites for an airport in the vicinity of the Capital. These sites numbered more than a score, many of them presenting advantages of one kind or another, but comparatively few of them obviously suited to the needs of the Capital, as measured by the various factors entering into the equation. These included distance from the civic and business center of the city, accessibility by highways and means of overland transportation, contour of ground, drainage, atmospheric conditions, prevailing wind directions, cost of land, and probable expense of grading and development, etc. The commission addressed itself to this task earnestly and painstakingly with technical and engineering assistance, and studied the problem from all angles.

Out of the mass of information assembled from the statements of leading aviators and engineers and the studies conducted by the commission there emerged the conviction on the part of that body that the Capital City's airport needs embraced a comprehensive plan that would provide, in the final picture, a close-in landing field and port, as a loading and unloading terminal, and one or more auxiliary and larger ports somewhat further removed, where facilities for maintenance, services, overhauling, and storage could be had. With these requirements in mind, the range of possibilities was considerably narrowed.

Salient advantages for the speedy development of a municipal airport seemed to rest in property situated immediately to the southward of the Highway Bridge, on the Virginia side of the Potomac River, embracing two flying fields known as Washington Airport and Hoover Field. These are virtually adjoining tracts, being separated only by Military Road, a highway leading from the bridge terminus to Arlington and Alexandria. Adjacent to Hoover Field on the west is the Agricultural Department experimental farm, a considerable portion of whose land is reasonably level, while to the northward of the property bearing the President's name lies Columbia Island in the Potomac separated from the mainland by a narrow and shallow strip of water.

The acquirement of the two privately owned properties, when thrown together and augmented by a portion of the farm lands and a part of the island, both Government-owned, it was found by the Commission would provide a tract of some 280 acres. Furthermore, it was learned that both the flying fields in question could be purchased from their owners on what appeared to be reasonable terms. It was recognized by the Commission that these tracts were already operated as flying fields and that, therefore, their further and unified development as a municipal airport would be a relatively simple undertaking compared with the task of putting virgin lands to such uses. As an additional feature the fact that these fields are within 15 minutes of the business and hotel center of Washington carried a further and potent argument in their behalf.

In the process of developing these properties, it would be necessary to reroute a portion of Military Highway, so that there would be no dividing line between the fields, a change that would add very materially to the acreage of the tract. A comparatively small amount of filling would be required also between Columbia Island and the mainland.

These improvements made and the entire area thrown into one tract, airplane runway facilities half a mile in length in the direction of the stronger winds, and four-fifths of a mile in the direction of the lighter winds could readily be provided.

During all of its deliberations, the joint commission has not been unmindful of the airport possibilities latent in that tract bordering on the Potomac known as Gravelly Point, located about one-half mile below Highway Bridge on the Virginia side. In the consideration of this possible site, however, the Commission was forced

to take into account the evidence given by Army engineers to the effect that if Gravelly Point were developed only through the normal rate of filling with material dredged from the river channel it would take 40 years to provide land for an airport that might be available to the next generation.

Testimony from engineering experts showed that if the Gravelly Point tract were already filled today, it would require at least 5 years before the fill would settle sufficiently to warrant the construction of concrete runways, or warrant a proper development of grass. Nevertheless, the Commission believes that Gravelly Point possesses highly encouraging possibilities for the future in the Capital airport problem, and its gradual development is favored, to the end that the future growth of commercial air transportation at the National Capital may be amply provided for.

In considering any property bordering on the Potomac River for airport purposes, the factor of atmospheric and weather conditions, particularly fog, although not a controlling element, must be reckoned with and duly weighed. It is believed that in view of the occasional, though relatively infrequent occurrence of fog in sufficient volume to render hazardous the use of the suggested tract for airport purposes, additional property situated at a materially higher altitude and some distance from tidewater, although as convenient as possible to the center of the city, should be acquired and developed as an auxiliary airport.

In view of the foregoing observations, and having given careful consideration to all of the manifold elements entering into the problem of providing timely and adequate airport facilities for the Nation's Capital, the Joint Commission recommends the following steps to that end, namely:

1. Passage by Congress of legislation similar to the Cramton bill (H. R. 26, 71st Cong.) providing for a loan by the United States Government to the District of Columbia for airport-development purposes of $2,500,000, without interest, to extend over a period of 10 years, and to be paid back by the District of Columbia in 10 annual installments of $250,000 each.

2. The acquisition, under the most advantageous terms obtainable, by the National Capital Park and Planning Commission, for immediate development, of the properties situated at or near the southern terminus of the Highway Bridge known as Washington Airport and Hoover Field, as best suited to the immediate airport needs of the Capital.

3. The passage of legislation providing for a change in the location and routing of that part of the highway known as Military Road, lying between Washington Airport and Hoover Field, so as to afford uninterrupted continuity of these lands for airport use.

4. The passage of legislation permitting the government of the District of Columbia to use such portion of the so-called Agricultural experimental farm lands lying east of the railroad tracks and adjacent to Hoover Field as may be required for municipal-airport purposes.

5. That the full control and management of the airport proposed to be thus established be vested in the government of the District of Columbia.

6. The gradual development of the tract known as Gravelly Point.

7. The acquirement by the National Capital Park and Planning Commission of a site situated on high land, as near as possible to the center of the city, for development as an auxiliary airport to be available for use whenever weather and atmospheric conditions render inadvisable the operation of aircraft at the main municipal airport.

Mr. McKELLAR. Mr. President, if the Senator from Colorado will yield to me, I wish to say that the wording of the provision in the House bill is:

> For the construction, improvement, and repair of airports and other landing areas in the United States and its Territories and possessions, determined by the Administrator * * * to be necessary for national defense or for the training of airplane pilots, including areas essential for safe approaches and including the acquisition of land.

It is perfectly apparent from that language that this appropriation should be refused altogether. The item provides for the acquisition of lands all over the country without building airports on them; and in that way the Government in a measure would be forced to build airports on the lands that might be bought. That was one reason which actuated members of the Senate committee in taking the action they did. Another one was that this proposal was brought here at the last moment, without previous information concerning it. It was brought in very large volume, as Senators have noticed from the copy the Senator from Colorado has exhibited. It is a tremendous project, aggregating probably somewhere between $600,000,000 and $800,000,000. The Senator from Colorado says it aggregates a billion dollars, but I think the figures show the total to be between six and seven hundred or perhaps eight hundred million dollars—a very large sum of money. So far as the information the committee had was concerned, we did not think there was sufficient evidence on which to inaugurate such an enormous series of projects.

Another thing which actuated the committee was that the proposal came on a deficiency bill. Congress will be in session in January, February, and March 1941, when the regular bill will come up, and when those who are interested in this proposal will have every opportunity to come before the committee, every part of the matter can be gone over and every item of it can be thoroughly investigated. If an amendment, such as was suggested by the Senator from Wyoming a few moments ago, is offered, then it can be considered at that time.

The committee did not turn down the matter absolutely, as I recall; but they postponed its consideration in connection with this deficiency bill because we thought the inauguration of a great proposal of this kind, costing six or seven hundred million dollars, was too large an undertaking to be inaugurated on the testimony which we had before the committee.

I very much hope Senators will look at the matter in the same way that the committee looked at it, and let it go over until it can be more thoroughly considered in a proper way, and not be presented to us on the spur of the moment, so to speak.

Mr. CONNALLY. Mr. President——

Mr. ADAMS. I yield to the Senator from Texas.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. Do I correctly understand that it would be in order to offer an amendment to the language which it is proposed by the committee amendment to strike out?

The PRESIDING OFFICER. If it is to be treated as a perfecting amendment, it would be in order.

Mr. O'MAHONEY. That was my purpose. Another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. May I at this time offer such an amendment?

Mr. ADAMS. The Senator from Texas [Mr. CONNALLY] has the floor.

The PRESIDING OFFICER. The Senator from Colorado has the floor; and, as the Chair understands, he has yielded to the Senator from Texas.

Mr. CONNALLY. Mr. President, I desire to say to the Senator from Colorado that I quite agree with him that it is very unfortunate that this list should be handed out. In my own State the list contains a large number of cities and towns. The impression created on them was that the money was already here, waiting to be sent down there. As a matter of fact, I understand that to build airports in all the towns on this list would cost six or eight hundred million dollars; and, of course, we cannot get that much money at this time for this purpose.

I desire, however, to correct the Senator as to one point. He referred to the recent expenditure in Texas of $25,000,000 for an airport. That was not quite accurate. There has been authorized the expenditure of $25,000,000 in Texas, not for an airport like those in this list, but for a naval aviation base at Corpus Christi, Tex. The base was located there because the Navy, after making a very comprehensive survey and investigation—not since the emergency, but a year or two ago—decided that that was the place to put the naval aviation training base, on the Gulf, where it would dominate the Gulf, and, in connection with Pensacola, would dominate the whole Caribbean area. So I wanted to make it clear that it is not a local project at all; it is a national project.

Mr. ADAMS. Mr. President, one of the things I am trying to point out is that if we adopt this amendment we shall be supplanting the program of the Government, established after long study. As the Senator knows, there has been a continual succession of contentions and upheavals in these aeronautic boards. Before they get really seated and get their feet in the stirrups, when they cannot have had time to make a careful study of this subject, they seek to reach out and take over the entire airport problem of the United States. We felt, as a committee, some obligation to try to stay their hand

temporarily, until full consideration could be given to the subject; not a 20-minute report before the committee, and the handing in of a prepared list of projects.

Reference has been made here to embarrassments. If the Senator from Colorado were interested in embarrassments, he would not be here opposing this project and supporting the committee amendment. The Senator from Colorado has not been very much concerned about embarrassments in trying to do what he thought was his duty.

Mr. CONNALLY. Mr. President, will the Senator further yield for a moment?

Mr. ADAMS. I yield.

Mr. CONNALLY. I congratulate the Senator from Colorado. He has courage and fine judgment and good common sense, and, in the main, I am trying to agree with the Senator. But I did not want this program to be charged with the responsibility of the naval aviation base at Corpus Christi, Tex.; and I did not want Corpus Christi, Tex., to be charged with a private project that was trying to get something out of the Treasury. It is a national project, and all the money is being furnished by the Government. The naval training station is being placed at Corpus Christi, Tex., because the Navy of the United States said that was the place where it should be established.

Mr. ADAMS. The Senator will agree that there are several kinds of bases. There are those which are strictly naval, like that at Corpus Christi; there are those which are strictly Army bases; and there are some which are strictly commercial. This is a program of tremendous importance. The future commerce of the United States may depend upon the proper development of air fields, their location, and their development. It is not a question which we should decide instantly because there has been sent out through the country, willfully or innocently, a report which may result in a greatly expanded hope for airports at every crossroads.

Mr. CAPPER. Mr. President, will the Senator yield?

Mr. ADAMS. I yield to the Senator, and I apologize for not having yielded sooner, as he has been trying for some time to make a statement.

Mr. CAPPER. I have here a telegram received an hour ago from John F. Scott, the mayor of Topeka, who is greatly disturbed over the report in today's morning newspapers that this airport item in the appropriation bill has been eliminated.

I have no doubt there are hundreds of airport projects throughout the country expecting help under this particular proposal. I do not know about the merits of all of them, but I do know about the one at Topeka, my home town. I know that it is a very worthy undertaking, on which a considerable amount of money already has been spent. It has been in process of construction for about a year. The city of Topeka has done its part in carrying out the project, and it is greatly needed. I hope that some way will be worked out by which this airport appropriation can be approved, so that we can go ahead with the enterprise.

Mr. ADAMS. Would the Senator be interested in the construction of 3,999 projects at Government expense which might not have been so well justified as the one to which he refers, in order to be sure of the one at Topeka?

Mr. CAPPER. I can only say at this time that we not only need this airport but we also need employment for labor at this time. It is a legitimate and meritorious undertaking.

Mr. ADAMS. There would be less local labor employed under this provision, because the W. P. A. labor which has been working on the airport would be eliminated; the work would be done by contract, and the contractor would bring his labor in from wherever he pleases. There are 85 airports on the list for Kansas, and I venture to say that outside the two Senators from Kansas there is not a Member of the Senate who can identify two-thirds of the towns.

Mr. O'MAHONEY obtained the floor.

Mr. WALSH. Mr. President, will the Senator yield to me to ask a question of the Senator from Colorado?

Mr. O'MAHONEY. I yield.

Mr. WALSH. I have been impressed with the novelty and the unusual character of the disposition of public funds provided in the House amendment. The setting up of the smallest or the largest field for naval aviation, or a naval base, or a navy yard, or any other naval facility cannot be accomplished by the Navy without congressional authorization. The Department must come before the Committee on Naval Affairs and get authorization, give the name of the place, and the cost, and then go before the Committee on Appropriations and get an appropriation.

Is it a fact that under this proposal there will be no authorization by any committee of the House or Senate, or both, as to where the airport shall be located, or as to the cost, but that a board, without any further action, would be given this sum of money and authority to place these fields wherever it chose, all in one State, or all in one part of the country, in any manner they chose?

Mr. ADAMS. The Senator is absolutely correct. Not only is it true that the Navy must go to a committee and go through the authorization process, and that the Army must go to a committee and go through the authorization process, but here is a proposal that it shall not be necessary to go through the Committee on Commerce, to which ordinarily matters which affect commerce must be handled, but they would go direct to the Committee on Appropriations and say, "Give us the money, give us the authority for both the location and the development of every single airport in the United States for a period of years."

Mr. WALSH. It seems to me that is a revolutionary procedure. I should like to ask the Senator another question. How long has a study been made by any board of this new and extensive problem?

Mr. ADAMS. I cannot answer, because this has just appeared for the first time before the Committee on Appropriations. The report is dated September 16, 1940.

Mr. WALSH. How long was it in preparation? How extensive was the study?

Mr. ADAMS. I have no idea.

Mr. WALSH. How was the amount of $80,000,000 reached?

Mr. ADAMS. There is a list of projects in which the possible cost of projects, in round numbers, is set out, so that when the people of the town of Phillipsburg, in Kansas, look over this, they say, "We are going to get $19,630, and we are going to have an airport of a certain classification."

Mr. WALSH. It only means that some board, in looking over the possibilities in the next hundred years for building airports, may decide that one might be placed there at that cost.

Mr. ADAMS. Yes. They go further. They say that this is not a closed list, that other towns may be added to it "in our discretion," not in the discretion of the Congress. In other words, no longer can Congress say where airports shall go, what their character shall be, what their purposes shall be, or what their functions.

Mr. WALSH. I desired to emphasize that fact, and that is why I made the inquiry I propounded. In view of my experience on the Committee on Naval Affairs, even when the selection could be left to the Department on the ground that it required some secrecy, they have to come before the committee and say what they contemplate doing, state the place where they are to locate the airport, the cost of the project, and give full information, even before they go before the Committee on Appropriations. Is not that the practice?

Mr. ADAMS. The Senator is correct.

Mr. WALSH. I am in general sympathy with the working out of some national scheme for the building up of airports, but I hope it will be done in an orderly, systematic way, without favor, and with the sole purpose and intention of building up a reasonable national defense for the protection and security of our people. I think the idea has merit, but I think we should proceed systematically and in the orderly and regular way, unless there is some evidence that the precedents

we have followed in the past should be disregarded entirely. I favor the general idea, but I hope it will be presented to us in a more definite way.

Mr. McKELLAR. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. McKELLAR. The reasons which have just been given in the colloquy between the Senator from Colorado and the Senator from Massachusetts were the reasons which actuated the committee in postponing this matter until we could have something definite, something fixed, something certain to which the other departments of the Government would agree. That is the fact, is it not, so far as the committee is concerned?

Mr. ADAMS. Yes; and I may add, frankly, that the committee did not enthuse over the pressure that was being put on, regardless of the source. It was an obvious effort to put the clamps on every Senator and say, "If you do not vote this way you are going to deny our city an airport."

Mr. McKELLAR. Obviously that had its effect, because it was not taken up in the way in which it should have been taken up.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. JOHNSON of Colorado. Was there any evidence before the committee which indicated that after the expenditures were made these airports would be properly taken care of and the proper upkeep and maintenance would be provided? My colleague understands very well that an airport may be built today, but a year from now it may be full of gopher holes, and everything else may be wrong. It would be a clear waste of money to proceed to build an airport unless an arrangement were made for taking care of the airport.

Mr. ADAMS. There is an utter absence of provision for maintenance. It was not decided what the airports were to be. One might be a municipal airport, another a private airport, and another a Federal airport. There is a total lack of a consecutive, thought-out plan such as is necessary in order to maintain the continuity of air service.

Mr. O'MAHONEY. Mr. President, I have been impressed, during the discussion which has taken place, with the thought that the committee recommended the striking out of this language not so much because it is opposed to the development of airports in the national defense but because it resents the fact that there was publication in the press of the country of the report which had been prepared by the Civil Aeronautics Authority for the advice of Congress, a report which apparently was not given out by the Civil Aeronautics Authority, but which, according to the statement of the distinguished Senator from Arizona, was secured by the very accurate and diligent newspapermen from the House Committee on Appropriations.

Mr. President, it seems to me to be clear that we cannot blame the Civil Aeronautics Authority because a correspondent or two succeeded in digging out from the Committee on Appropriations information with respect to a Nation-wide survey that was made. The matter is presented to us this afternoon as though we were discussing a broad program for the expenditure of $526,000,000. That obviously is not the case.

The recommendation which comes to this body with the authority of the House of Representatives behind it, since the House adopted it, is simply that there be an expenditure of $30,000,000 and an authorization of $50,000,000 for the development of landing fields.

Instead of attempting to answer any of the questions which have been raised this afternoon with respect to the manner in which this money should be expended, the committee has simply eliminated it all. The feeling I have is that we are confronted with a really important problem, namely, that of constructing and improving airports. In order to make clear how simple it would be to amend the language, Mr. President, let me suggest this change which would cover at least two of the criticisms which have been offered this afternoon. On page 24, in line 5, after the word "by", strike out the remainder of line 5 and all of line 6, down to and including the word "purposes", and insert in lieu thereof:

a priority board of three persons to be appointed by the President, one to be an officer of the Army, one to be an officer of the Navy, and one to be a representative of the Civil Aeronautics Authority, the findings of which board shall be certified by the Secretary of War or the Secretary of the Navy to be essential for military purposes: *Provided*, That no construction shall be authorized on any private airport.

Mr. President, I fear from what I have heard during the debate that most of the Senators who are present are persuaded by the fact that there was a publication in the newspapers of a report which was not given out by the Civil Aeronautics Authority. In order to perfect the language I offer the amendment which I have just now read.

Mr. ANDREWS. Mr. President, I trust the amendment offered by the Senator from Wyoming will prevail. It seems to me we have overlooked one of the salient provisions that should be included in the committee amendment, and the amendment offered by the Senator from Wyoming will supply it.

The committee amendment proposes to strike out, among other language, the following:

Provided, That none of the funds appropriated in, or authorized to be obligated by, this paragraph shall be expended or obligated for the purchase of land or construction of buildings unless such purchase or construction is certified by the Secretary of War or Secretary of the Navy to be essential for military purposes.

We have entrusted to the Navy Department and to the War Department many duties similar to those set forth in that provision, and I cannot see that the money which is to be used in connection with the choice that is made by the Army or the Navy could be frittered away, as it has been suggested it might be.

It is true that many cities and localities have spent much money in trying to help locate naval bases for national defense. One county in my State voted to bond itself to the extent of more than $1,000,000 to purchase a very valuable property consisting of approximately 800 acres of land. The people went to the polls and bonded themselves for that purchase. Part of the land was purchased, but much of it had to be condemned because the owner did not want to surrender it at any agreed price. Practically all the condemnation suits have now been completed. Similar action has been taken in many other places in my State. The airport at the city of Orlando was not sufficiently large, although the city had spent a half million dollars on it. Forty additional acres of land were wanted, and the Government required the city to purchase that land before it would locate and perfect its Army training base there. Similar situations have arisen all over the State of Florida. The majority of the cities of Florida containing more than 10,000 inhabitants have been asked to do the same thing, and they have done it. They have spent many million dollars of their own trying to help out this program, and we feel that the Government should at least take part to the extent of providing for the safety of the young men who must do their training there.

I read a statement in a newspaper yesterday that between five and ten thousand young aviators had lost their lives in England during the last few months in training, and it was indicated that that great loss of life had occurred because proper preparation had not been made to provide landing areas and other safeguards for the young men who were training.

I think it is very important that the Government should undertake to select the landing areas provided by the language stricken out by the committee amendment, and that no money should be spent on such areas unless it is certified by the Army and the Navy that they are necessary for national defense. If we do that, we can rest assured that airports will not be located in out-of-way places or on land which belongs to someone else. That would not be done. It would not be common sense to do it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the committee amendment.

Mr. DANAHER. Mr. President, may we have the amendment stated?

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 24, line 5, after the word "by" it is proposed to strike out the remainder of line 5, and all of line 6 down to and including the word "purposes", and to insert in lieu thereof the following:

A priority board of three persons to be appointed by the President, one to be an officer of the Army, one to be an officer of the Navy, and one to be a representative of the Civil Aeronautics Authority, the findings of which board shall be certified by the Secretary of War or the Secretary of the Navy to be essential for military purposes: *Provided*, That no construction shall be authorized on any private airport.

Mr. ADAMS. Mr. President, I think the amendment of the Senator from Wyoming improves the House language. I do not think it meets the essential objection to it. I have no authority from the committee, but, so far as I am personally concerned, I should be very glad to see it adopted, and then see the committee amendment, as it would then be amended, adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, in justice to the Civil Aeronautics Administration I should like to have printed in the RECORD at this point a press release which it gave out respecting the airports about which there was so much discussion this afternoon.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

No list of airports to be improved under the $80,000,000 program now before Congress has been, or can be, issued by the C. A. A. at this time, Col. Donald H. Connolly, Administrator of Civil Aeronautics, said Monday.

Colonel Connolly explained that even if the money is made available, the current intensity of the defense factor will dwarf all other considerations, and that the War and Navy Departments must, of course, play a major part in deciding what locations are most useful to them.

He added that airport locations probably will be decided by some sort of joint board to be set up by the President, representing the War, Navy, and Commerce Departments.

Colonel Connolly said that certain airport lists for various States, published over the week end, probably are taken from the 6-year plan submitted by the C. A. A. to the Appropriations Committees of Congress. He said no such lists had been made public by his office, because he felt the effect would be very misleading.

"There is a great difference," he said, "between the work to be done under the present $80,000,000 authorization and the so-called long-range plan of the Civil Aeronautics Administration.

"Perhaps our plan should be called a Nation-wide survey instead of a long-range plan," he said. "It is merely a detailed survey of all the existing landing facilities of the country, supplemented by our own idea of the additions and improvements needed to meet present-day aviation traffic requirements.

"We have been besieged by requests for copies of this 'plan.' We cannot give it out. It was prepared for the Committee on Appropriations and submitted to them. It is not in any sense a priority list. It is just the basis for somebody else to begin the discussion of priorities. It has no status whatever under the law, because no such program is even under consideration by the legislative branch of the Government.

"The work done under the $80,000,000 appropriation by Congress need not, under the law, bear any relation to the survey submitted by us."

Colonel Connolly said that, naturally, the Civil Aeronautics Administration must know the exact status of every airport in the country if it is to do intelligent planning. And, he added, the agency's airport experts must be able to estimate the country's future needs with some accuracy if they are to enjoy the confidence of Congress and the President that they know what they are doing.

The 6-year plan, he said, represents merely this knowledge transmitted in a single package for the consideration of congressional committees which recommend appropriations to Congress.

"The important thing is for communities not to assume that long lists of airports on our 6-year list are going to be built immediately from current funds," he said. "That 6-year list involves some 4,000 locations, whereas the program now before Congress will not exceed a few hundred fields."

The Federal Government will neither buy land nor construct buildings under the $80,000,000 airport program now before Congress, Colonel Connolly said.

"What the country needs immediately for defense purposes is landing areas—good fields which can handle plenty of aircraft quickly," Colonel Connolly explained.

"The law provides for just that. Federal funds can be spent on grading, drainage, paving of runways, lighting and navigation aids where necessary; in short, on improving the field.

"Federal funds cannot be spent, under this law, to buy any land or construct any buildings, except in most unusual cases where the Secretary of War or Navy certify the action.

"States, counties, or cities which ultimately will benefit from civilian use of the airports when the emergency has passed, are expected to provide the land and put up whatever structures they will need. They also must agree to maintain the field after it is built."

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The next amendment was, under the heading "Department of the Interior—Office of the Secretary", on page 25, after line 19, to insert:

Leasing of grazing lands, Grazing Service: For leasing State, county, or privately owned lands in accordance with the provisions of the act of June 23, 1938 (52 Stat. 1033), fiscal years 1940 and 1941, $50,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of said act.

The amendment was agreed to.

The next amendment was, on page 26, after line 14, to insert:

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

United States High Commissioner to the Philippine Islands: For an additional amount for the maintenance of the office of the United States High Commissioner to the Philippine Islands, $18,250, which amount shall be available for the improvement of office and living quarters and grounds for the High Commissioner.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Indian Affairs", on page 26, after line 23, to insert:

Suppressing forest fires on Indian reservations: For an additional amount for the suppression or emergency prevention of forest fires on or threatening Indian reservations, $30,000, together with $25,000 from funds held by the United States in trust for the respective tribes of Indians interested.

The amendment was agreed to.

The next amendment was, on page 27, after line 18, to insert:

Compensation and expenses of attorneys, Modoc and Klamath Tribes and Yahoo Skin Band of Snake Indians, Oregon (tribal funds): Not to exceed $10,000 of the funds on deposit in the Treasury to the credit of the Modoc and Klamath Tribes and Yahoo Skin Band of Snake Indians may be expended for payment of the compensation and expenses of an attorney or firm of attorneys to be employed by the General Council or Business Committee of said Indians under a written contract to be executed and approved in accordance with existing law.

The amendment was agreed to.

The next amendment was, on page 28, after line 3, to insert:

Construction and repair: For an additional amount for the construction, repair, or rehabilitation of school, agency, hospital, or other buildings, and utilities, including the purchase of land and the acquisition of easements or rights-of-way when necessary, and including the purchase of furniture, furnishings, and equipment as follows:

Red Lake, Minn.: School facilities, $107,000, to remain available until completion of the project when the unobligated balance shall revert to the Treasury: *Provided*, That no obligation shall be incurred hereunder unless and until the school district of Beltrami County, Minn., shall have deposited into the Treasury to the credit of this appropriation the unobligated balance of the insurance collected on the destroyed Red Lake school plant.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Mines," on page 30, line 8, after the numerals "1941", to strike out "$275,000" and insert "$350,000", and in line 14, before the

word "respectively", to strike out "$25,000" and insert "$30,000", so as to read:

Investigation of domestic sources of mineral supply: For an additional amount for investigation of domestic sources of mineral supply, including the same objects specified under this head in the Interior Department Appropriation Act, 1941, $350,000; and the limitations therein of $1,000 which may be expended for printing and binding, of $15,000 which may be expended for the purchase of motor-propelled passenger-carrying vehicles, and of $15,000 which may be expended for personal services in the District of Columbia, are hereby increased to $1,500, $22,000, and $30,000, respectively.

The amendment was agreed to.

The next amendment was, under the subhead "National Park Service", on page 31, after line 13, to insert:

Arlington Memorial Bridge: For an additional amount for furnishing granite and carving of equestrian groups for the Arlington Memorial Bridge across the Potomac River at Washington, authorized in an act entitled "An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, and for other purposes," approved February 24, 1925 (43 Stat. 974), to be expended in accordance with the provisions and conditions of the said act, $55,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 23, to insert:

BUREAU OF BIOLOGICAL SURVEY

Enforcement of Alaska game law: For an additional amount for the enforcement of the Alaska game law, approved January 13, 1925, as amended, to be used exclusively for the construction and equipment of hangars in Alaska for airplanes of the Alaska Game Commission, $8,500.

The amendment was agreed to.

The next amendment was, under the subhead "Government in the Territories", on page 32, after line 6, to insert:

Legislative expenses, Territory of Alaska, 1939: The limitations in appropriations for legislative expenses, Territory of Alaska, as contained in the Interior Department Appropriation Act, 1939, and the Third Deficiency Appropriation Act, fiscal year 1939, are hereby amended to read as follows:

"For salaries of members, $21,585; mileage of members, $9,448.40; salaries of employees, $5,160; printing, indexing, comparing proofs, and binding laws, printing, indexing and binding journals, stationery, supplies, printing of bills, reports, and so forth, $14,458.81; in all, $50,652.21."

The amendment was agreed to.

The next amendment was, under the heading "Department of Labor—Secretary's Office," on page 33, line 14, after the word "program", to strike out "$150,000" and insert "$300,000"; in line 16, after the word "follows" and the colon, to strike out "$1,500" and insert "$3,000"; in line 17, after the word "and", to strike out "$15,000" and insert "$30,000", and in line 21, after the word "to", to strike out "$193,000" and insert "$201,570", so as to read:

Salaries and expenses, Division of Labor Standards: For an additional amount for salaries and expenses, Division of Labor Standards, including the same objects specified under this head in the Department of Labor Appropriation Act, 1941, to be used exclusively for the promotion of the apprenticeship program, $300,000, from which amount transfers may be made to other appropriations for the Department of Labor, fiscal year 1941, as follows: $3,000 to contingent expenses and $30,000 to traveling expenses: *Provided*, That the limitation on the amount which may be expended under this head for personal services in the District of Columbia is hereby increased to $201,570.

The amendment was agreed to.

Mr. DANAHER. Mr. President, with reference to the appropriation contemplated by the amendment in line 14, on page 33, which has just been agreed to, I wish the RECORD to show that word with reference to the successful operation of the program contemplated by this section of the bill has come to me from so many sources, and it seems so eminently worth while that I wish to indicate in the RECORD my approval of what has just been done.

The PRESIDING OFFICER. The next amendment reported by the committee will be stated.

The next amendment was, under the heading "Navy Department—Office of the Secretary", on page 34, line 26, after the word "in", to insert "Senate Document No. 281, and", and on page 35, line 2, after the name "Congress", to strike out "$566.25" and insert "$1,456.86", so as to read:

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922, as fully set forth in Senate Document No. 281, and House Document No. 907, Seventy-sixth Congress, $1,456.86.

The amendment was agreed to.

The next amendment was, under the heading "Post Office Department", on page 35, line 13, after the numerals "1941", to strike out "$325,000" and insert "$485,199", so as to read:

OFFICE OF SECOND ASSISTANT POSTMASTER GENERAL

Domestic Air Mail Service: For an additional amount for the inland transportation of mail by aircraft, and so forth, including the same objects and subject to the same conditions specified under this head in the Post Office Department Appropriation Act, 1941, $485,199.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department—Coast Guard", on page 39, line 20, after the word "expended", to strike out "$8,648,000" and insert "$9,460,000", so as to read:

Emergency construction, Coast Guard vessels and shore facilities: For additional vessels and their equipment, and the construction, rebuilding or extension of shore facilities, including the acquisition of sites therefor, and including the construction of a floating drydock and shipways at the Coast Guard Depot, Curtis Bay, Md., to remain available until expended, $9,460,000, of which amount not to exceed 4 percent shall be available for administrative expenses in connection therewith, including personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 40, line 3, after the numerals "1941", to strike out "$580,000 and insert "$880,000", so as to read:

General expenses: For an additional amount for general expenses, Coast Guard, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, $880,000.

The amendment was agreed to.

The next amendment was, under the heading "War Department—Military Activities, Quartermaster Corps", on page 40, after line 23, to insert:

Removal and reestablishment of Arlington Farm, Va.: For the removal and reestablishment of the functions and activities at Arlington Farm, including the acquisition of lands by purchase or by condemnation, the construction and installation of buildings, equipment, and utilities and appurtenances thereto, including the employment of persons and means in the city of Washington and elsewhere; $3,200,000, to remain available until expended: *Povided*, That this appropriation shall be transferred to the credit of the Secretary of Agriculture for expenditure by him: *Provided further*, That upon the transfer of the activities of the Department of Agriculture from Arlington Farm, so much of the land thereof as may be required by the War Department shall be transferred to the control and jurisdiction of the latter Department.

The amendment was agreed to.

The next amendment was, under the subhead "Civil Functions, Corps of Engineers", on page 41, after line 23, to insert:

Flood control, general: For an additional amount for Flood Control, General, to be used for removing accumulated snags and other debris, and clearing channels in navigable streams and tributaries thereof, in the State of Louisiana, including the objects and conditions specified under this head in the War Department Civil Appropriation Act, 1941, to be additional to the amount authorized for this type of work by section 1 of the act of August 11, 1939 (53 Stat. 1414), $55,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 21, to insert:

Power plant, Bonneville Dam, Columbia River, Oreg.: For an additional amount for continuing the construction of the hydroelectric power plant at Bonneville Dam, Columbia River, Oreg., as authorized by the acts approved August 30, 1935 (49 Stat. 1038), August 20, 1937 (50 Stat. 731), and June 24, 1940 (54 Stat. 508), $4,000,000.

The amendment was agreed to.

Mr. ADAMS. Mr. President, from this point to the end of the bill the amendments consist of judgments and authorized claims, and audited claims. I move that the remaining amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

Under the heading, "Title II—Judgments and authorized claims—property damage claims", at the top of page 44, to insert:

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding $1,000 in any one case," approved December 28, 1922 (31 U. S. C., 215), as fully set forth in Senate Document No. 280 of the Seventy-sixth Congress, as follows:

Federal Works Agency: Work Projects Administration, $496.36;
Department of Agriculture, $557.27;
Department of the Interior, $1,551.58;
Navy Department, $540.10;
War Department, $2,859.29;
Post Office Department (payable from postal revenues), $1,637.68;
In all, $7,642.28.

Under the subhead "Judgments, United States courts," on page 45, after line 8, to strike out:

(b) For payment of the final judgment, including costs of suit, rendered by the United States District Court for the Southern District of New York, under authority of the act entitled "An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protective and Indemnity Association (Ltd.)," approved April 28, 1928 (Private Act No. 100, 70th Cong.), and certified to the Seventy-sixth Congress in House Document No. 906 (under the War Department), $26,904.21.

And insert:

(b) For the payment of final judgments in special cases rendered against the Government of the United States pursuant to authority contained in the act, approved June 15, 1938 (Private Act No. 588, 75th Cong.), and (Private Act No. 100, 70th Cong.) certified to the Seventy-sixth Congress in Senate Document No. 278, and House Document No. 906, under the following Departments:

War Department, $26,904.21.
Federal Works Agency, $412.50;
In all, $27,316.71.

Under the heading "Audited Claims," on page 56, after line 18, to insert:

(b) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1938 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document No. 282, Seventy-sixth Congress, there is appropriated as follows:

Executive office: For National Resources Planning Board, $3.
Independent offices: For Federal Trade Commission, $5.44.
For salaries and expenses, National Labor Relations Board, $1.30.
For operations under Mineral Act of October 5, 1918, $39,109.69.
For Interstate Commerce Commission, $1.
Federal Works Agency: For general administrative expenses, Public Buildings Branch, Procurement Division, $2.65.
For repair, preservation, and equipment, public buildings, Procurement Division, $16.95.
For salaries and expenses, public buildings outside the District of Columbia National Park Service, $4.67.
Veterans' Administration: For Army and Navy pensions, $187.16.
For salaries and expenses, Veterans' Administration, $830.74.
Department of Agriculture: For exportation and domestic consumption of agricultural commodities, Department of Agriculture (transfer to Federal Surplus Commodities Corporation, act June 28, 1937), $621.80.
For exportation and domestic consumption of agricultural commodities, Department of Agriculture, $92.39.
For National Industrial Recovery, Agricultural Adjustment Administration, $51.72.
For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), $720.62.
For conservation and use of agricultural land resources, Department of Agriculture, $281.25.
For acquisition of lands for protection of watersheds of navigable streams, $8,516.44.
For acquisition of lands, Uinta and Wasatch National Forests, Utah (receipt limitation), $1,920.
For salaries and expenses, Soil Conservation Service, $83.
For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Agriculture), $13.60.
For submarginal land program, Farm Tenant Act, Department of Agriculture, $3,745.09.
For salaries and expenses, Forest Service, $128.16.
For salaries and expenses, Bureau of Animal Industry, $83.41.
For miscellaneous expenses, Department of Agriculture, $20.95.
For special research fund, Department of Agriculture, $100.12.
For control of emergency outbreaks of insect pests and plant diseases, $1.02.
For chinch bug control, Department of Agriculture, $21.50.
For farmers' seed-grain loans, $7.
Department of Commerce: For Civil Aeronautics Authority fund, $1,383.58.
For establishment of air-navigation facilities, Civil Aeronautics Authority, $326.39.
For maintenance of air-navigation facilities, Civil Aeronautics Authority, $52.85.
For air-navigation facilities, $5.30.
For salaries and expenses, Weather Bureau, $38.27.
For traveling expenses, Department of Commerce, $5.80.
Emergency Relief: For emergency relief, Interior, National Park Service, parks and recreational facilities, non-Federal projects, $82.92.
For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, etc., $24.16.
For emergency relief, Agriculture, Farm Security Administration, rural rehabilitation, $162.24.
For emergency relief, Farm Security Administration, administrative expenses, $1.91.
For emergency relief, Works Progress Administration, public buildings, parks, utilities, flood control, etc., $2,448.30.
For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), $175.83.
For emergency relief, Works Progress Administration, public utilities, etc., $2.60.
For emergency relief, Works Progress Administration, work relief projects, $6.
For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), $352.30.
For emergency relief, Federal Emergency Relief Administration, expenses of liquidation, $87.01.
For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, etc. (transfer to Agriculture), $10,269.11.
For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), $17.57.
For emergency relief, Works Progress Administration, grants to States, etc., $1,583.49.
For emergency relief, Agriculture, public roads, highways, roads and streets, $47,457.07.
For emergency relief, Works Progress Administration, parks and recreational facilities, $3.89.
For emergency relief, Agriculture, Forest Service, flood control and other conservation, $105.60.
For emergency relief, Agriculture, Forest Service, public buildings, parks, utilities, flood control, etc., $115.20.
For emergency relief, Interior, Puerto Rico Reconstruction Administration, public buildings, parks, utilities, flood control, etc., $440.46.
For emergency relief, Works Progress Administration, National Youth Administration (Federal projects), $11.
For emergency relief, Works Progress Administration, administrative expenses, project supervision, $20.96.
For emergency relief, Works Progress Administration, miscellaneous work projects, $12.
For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, $4.
For emergency relief, Agriculture, Soil Conservation Service, flood control and other conservation, $2.52.
For emergency relief, Works Progress Administration, assistance for educational, professional, and clerical persons, $304.08.
For emergency relief, Justice, administrative expenses, $68.54.
For emergency relief, Interior, National Park Service, public buildings, parks, utilities, flood control, etc., $186.
For emergency relief, Works Progress Administration, administrative expenses, general, $16.45.
For emergency relief, Agriculture, Forest Service, forestation, etc., $12,309.63.
For emergency relief, Interior, Indians, loans and grants to Indians for rehabilitation, 83 cents.
For emergency relief, Labor, United States Employment Service, administrative expenses, $217.40.
For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), $5,072.02.
For emergency relief, Works Progress Administration, non-Federal projects approved prior to June 30, 1937, $1,042.70.
For emergency relief, Works Progress Administration, highways, roads, and streets, $315.89.
For emergency relief, Agriculture, agricultural economics, public buildings, parks, utilities, flood control, etc., $116.30.
For emergency relief, Emergency Construction Work, War, Civilian Conservation Corps, $1,745.72.
For emergency relief, Emergency Conservation Work, Agriculture, miscellaneous projects, $7.70.
Department of the Interior: For Civilian Conservation Corps (transfer to Interior, Indians), $10.35.
For loans and relief in stricken agricultural areas (transfer from Agriculture to Interior, Indians), $122.82.
For general expenses, Indian Service, $54.45.
For Indian school support, $102.15.
For conservation of health among Indians, $12.57.
For construction, etc., irrigation systems, Indian reservations (reimbursable), $5.45.

For improvement and maintenance, irrigation systems, Crow Reservation, Mont., $14.08.

Department of Justice: For salaries and expenses of marshals, etc., Department of Justice, $103.37.

For United States Northeastern Penitentiary, maintenance, $9.36.

For United States Penitentiary, Atlanta, Ga., maintenance, $18.88.

For support of United States prisoners, $21.15.

For fees of commissioners, United States courts, 50 cents.

For miscellaneous expenses, United States courts, $175.

For fees of jurors and witnesses, United States courts, $13.

For salaries and expenses, Bureau of Prohibition, $9.26.

For salaries, fees, and expenses of marshals, United States courts, $8.77.

Department of Labor: For salaries and expenses, Bureau of Labor Statistics, $1.50.

For traveling expenses, Department of Labor, $1.25.

Navy Department: For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), $251.66.

For pay, Marine Corps, $42.05.

For general expenses, Marine Corps, $16,739.65.

For aviation, Navy, $1,934.23.

For maintenance, Bureau of Supplies and Accounts, $95.39.

For organizing the Naval Reserve, $176.92.

For engineering, Bureau of Engineering, $1,492.50.

For pay, subsistence, and transportation, Navy, $1,014.60.

For pay of the Navy, $18.13.

Department of State: For salaries, Foreign Service officers while receiving instructions and in transit, $950.35.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (State), $49.83.

For transportation of Foreign Service officers, $28.01.

For office and living quarters, Foreign Service, $244.84.

For contingent expenses, Foreign Service, $336.34.

Treasury Department: For pay and allowances, Coast Guard, $60.

For suppressing counterfeiting and other crimes, $3.35.

For collecting the internal revenue, $6.30.

For collecting the revenue from customs, $142.55.

For public debt service, $13.51.

War Department: For general appropriations, Quartermaster Corps, $3,518.77.

For pay of the Army, $13,605.33.

For pay, etc., of the Army, $2,101.57.

For Army transportation, $146.22.

For National Guard, $113.96.

For regular supplies of the Army, $259.22.

For travel of the Army, $39.

For clothing and equipage, $58.60.

For Reserve Officers' Training Corps, $11.92.

For replacing medical supplies, $108.46.

For replacing ordnance and ordnance stores, $4.20.

For ordnance service and supplies, Army, $59.56.

For Organized Reserves, $1.

For expenses, camps of instruction, etc., National Guard, $49.28.

For barracks and quarters, Army, $14.

For replacing Army transportation, $2.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (War), $1,130.31.

For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, act June 19, 1934), $6.39.

For emergency conservation fund (transfer to War, act March 31, 1933), $207.72.

For emergency conservation work (transfer to War, act June 22, 1936), $1,136.63.

For emergency conservation work (transfer to War, act February 9, 1937), $329.69.

For emergency conservation fund (transfer to War, act June 19, 1934), $117.47.

For Civilian Conservation Corps (transfer to War), $1,163.21.

Post Office Department—Postal Service (out of the postal revenues): For clerks, contract stations, $14.52.

For clerks, first- and second-class post offices, $46.81.

For compensation to postmasters, $119.

For contract air-mail service, $857.12.

For furniture, carpets, and safes for public buildings, $2.44.

For furniture, carpets, and safes for public buildings, Post Office Department, 44 cents.

For indemnities, domestic mail, $75.50.

For miscellaneous items, first- and second-class post offices, $80.97.

For operating force for public buildings, Post Office Department, $45.

For rural delivery service, $79.35.

For special delivery fees, $2.25.

For transportation of equipment and supplies, $18.85.

For vehicle service, $2,239.20.

Total, audited claims, section 204 (b), $195,242.34, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

On page 67, line 24, after the word "in", to insert "Senate Document Numbered 279, and", and on page 68, after the name "Congress", to strike out "$166,249.91" and insert "$582,494.01", so as to read:

SEC. 205. For the payment of claims allowed by the General Accounting Office pursuant to Public Act No. 505 of the Seventy-sixth Congress, approved May 2, 1940, which have been certified to Congress under section 2 of the Act of July 7, 1884 (U. S. C., title 5, sec. 266), in Senate Document No. 279, and House Document No. 903, Seventy-sixth Congress, $582,494.01.

On page 68, after line 2, to strike out:

SEC. 206. Judgments against collectors of customs: For the payment of the claim allowed by the General Accounting Office covering a judgment rendered by the United States District Court for the Southern District of New York against a collector of customs, where a certificate of probable cause has been issued as provided for under section 989, Revised Statutes (28 U. S. C. 842), and certified to the Seventy-sixth Congress in House Document No. 909 (under the Department of Labor), $529.51.

And insert in lieu thereof the following:

SEC. 206. Judgments against collectors of customs: For the payment of claims allowed by the General Accounting Office covering judgments rendered by the United States District Court, Western District of Washington, Northern Division, and the United States District Court for the Southern District of New York, against collectors of customs, where a certificate of probable cause has been issued as provided for under section 989, Revised Statutes (28 U. S. C. 842), and certified to the Seventy-sixth Congress in Senate Document No. 276, and House Document No. 909, under the following departments:

Department of Labor, $529.51.

Department of Justice, $1,165.

In all, $1,694.51.

On page 69, after line 1, to insert:

SEC. 207. For the payment of claim alowed by the General Accounting Office pursuant to the acts of January 12, 1899, and May 26, 1900, which has been certified to Congress under the Permanent Appropriations Repeal Act, approved June 26, 1934 (31 U. S. C. 725b), in Senate Document No. 277, Seventy-sixth Congress, $26.

On page 69, line 8, to change the section number from 207 to 208.

On page 71, line 1, to change the section number from 208 to 209.

Mr. ADAMS. Mr. President, I ask unanimous consent that the clerks be authorized to renumber the sections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WAGNER. Mr. President, in accordance with the agreement made earlier in the day, I ask that we now return to page 18 of the bill. We had some discussion about one of the sections, and it was suggested that I prepare an amendment, and that we subsequently return to that section.

I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. On page 18, it is proposed to strike out the item beginning in line 3, down to and including the word "Service", in line 9, and to substitute the following:

After the date of the enactment of this act, none of the appropriation "Salaries, National Labor Relations Board, 1941", shall be obligated for the Division of Economic Research or for the Division of Technical Service.

Mr. WAGNER. Mr. President, I should prefer to have the Division of Economic Research or the Division of Technical Service remain in the framework of the Labor Board. I think they are performing a proper function and a very important function as an administrative unit, but I understand that the House is insistent that these Divisions be abolished.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. McKELLAR. Does the Senator's amendment include the proviso which the committee inserted?

Mr. WAGNER. Yes. I do not touch that at all.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. WAGNER. Yes.

Mr. BYRNES. As I caught the reading of the amendment, it simply provides for abolishing the Division. The Senator does not propose to repeal the law or the functions provided for in the law, does he?

Mr. WAGNER. No.

Mr. BYRNES. All that is proposed is to abolish the Division.

Mr. WAGNER. All that is proposed is to abolish the Division. I have been informed by several members of the committee that the House is absolutely firm on that question, and I should not want to create an impasse, although I think the Division has done admirable work. The very least that can be done, however, is to continue the functions, so that the administration of the law is not crippled.

Mr. President, I have a further amendment, which is part of the same section and carries out the same idea. May the amendment be stated?

The PRESIDING OFFICER. The second amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. On page 18, at the end of line 13, it is proposed to insert the following:

Provided further, That nothing herein shall be construed to prohibit the National Labor Relations Board from obligating any part of such appropriation for carrying on any of the functions or duties conferred upon it by the National Labor Relations Act.

The PRESIDING OFFICER. Does the Senator desire to disagree to the committee amendment on page 18, line 9?

Mr. WAGNER. No. I am not interfering with the committee amendment at all.

The PRESIDING OFFICER. Without objection, the committee amendment on page 18, line 9, is agreed to.

Mr. OVERTON. Mr. President, which amendment is now being considered? For the information of the Senate I ask that the amendment under consideration be stated.

Mr. WAGNER. The last amendment?

Mr. OVERTON. Whatever is now under consideration.

The PRESIDING OFFICER. The first amendment offered by the Senator from New York will be again stated.

The CHIEF CLERK. On page 18, it is proposed to strike out the item beginning at line 3, down to and including the word "Service", in line 9, and to substitute the following:

After the date of the enactment of this act none of the appropriation "Salaries, National Labor Relations Board, 1941," shall be obligated for the Division of Economic Research or for the Division of Technical Service.

Mr. OVERTON. Has that amendment been acted upon?

The PRESIDING OFFICER. It has not been acted upon. The amendment is pending.

Mr. OVERTON. I have no objection to that amendment, but I do object to the second amendment.

The PRESIDING OFFICER. Without objection, the first amendment offered by the Senator from New York is agreed to.

The second amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. On page 18, at the end of line 13, it is proposed to insert the following:

Provided further, That nothing herein shall be construed to prohibit the National Labor Relations Board from obligating any part of such appropriation for carrying on any of the functions or duties conferred upon it by the National Labor Relations Act.

Mr. OVERTON. That would authorize the National Labor Relations Board to use any of the appropriation to discharge the functions of the Division of Technical Service, or the Division of Economic Research.

Mr. WAGNER. The amendment to which the Senator had said he had no objection provides that the appropriation may not be used for either of those two Divisions.

Mr. OVERTON. With the sole exception of $3,200. The committee amendment allows $3,200 to be used to make up case records.

Mr. WAGNER. To make a report. That limitation applies only to professional service of a particular type for a particular purpose.

Mr. OVERTON. Yes. The second amendment does not contemplate that any of the funds may be used for personal services, or in connection with the functions of the Division of Economic Research or the Division of Technical Service, does it?

Mr. WAGNER. My intention is to preserve the functions, because unless the functions are preserved the National Labor Relations Act might as well be repealed. However, the House has objected to the Division of Economic Research exercising those functions, so I provide that the functions shall not be exercised by the Division of Economic Research. The amendment prevents use of the 1941 appropriation for the Division of Economic Research or the Division of Technical Service.

Mr. OVERTON. As I understand the situation, at the last session of Congress, the House committee recommended that none of the funds be employed in connection with the Division of Economic Research or the Division of Technical Service. That was the committee recommendation. No provision was inserted in the appropriation bill to that effect. The National Labor Relations Board used something like two-thirds of the fund, I think, for the identical purposes of the Division of Economic Research and the Division of Technical Service. The Division was called by another name, but almost all the same personnel were employed, and most of the money was spent for that purpose. The reason why the House has inserted this provision in the bill is to prohibit the National Labor Relations Board from using the funds for any of the functions of the Division of Economic Research or the Division of Technical Service. If the Senator's amendment would permit the use of funds for those functions, over and beyond the $3,200 which is allowed, it would be contrary to the views expressed by the Senate committee and by the House committee.

Mr. WAGNER. I do not believe that either the Senate committee or the House committee intends practically to repeal the National Labor Relations Act. Such efforts have been made, and they have not succeeded so far. As I recall it, the real basis of the House objection was the individual who heads the particular division, David J. Saposs, because of some radical economic or social views he is alleged to hold. He vigorously denies holding such views. The House committee felt that he ought not to be employed, and not being able to bring any other grounds for his removal, the committee abolished the division which he headed, in order to get rid of him. That is the real basis of the difficulty. I am not here concerned with that essentially personal difficulty. But I do not think that either the House or the Senate wants to abolish the functions, and I am sure the Senator would not want to do so.

Whenever a case comes before the National Labor Relations Board in the form of a charge, the first thing which the Labor Board must determine is whether or not it has jurisdiction. If it cannot determine that question, it cannot proceed any further. In many cases, the Research Division ascertains the facts, the economic facts, which determine whether a particular concern is engaged in interstate commerce or in intrastate commerce, whether or not it sells in the interstate market, and what is its relation to the national economy.

Mr. OVERTON. Is that done by the Division of Economic Research?

Mr. WAGNER. It is now done by the Division of Economic Research in many cases.

Mr. OVERTON. Can anyone else do it?

Mr. WAGNER. That work may be transferred to any other division, and that is exactly what I am proposing to do. I am saying that we do not intend to say to the Labor Board, "We are not going to give you any money to ascertain these facts." Otherwise, we are in effect repealing the National Labor Relations Act. We are saying to the Board, "You cannot administer the law." What this amendment does is to carry out the wish of the House in abolishing this particular division, and to say, "If you are to function at all, some other bureau will have to do that particular work."

I am sure the Senator from Louisiana does not want to have the bill provide that the Labor Board cannot spend any money to ascertain these facts.

Mr. OVERTON. I may say to the Senator from New York that we had quite extensive hearings in the subcommittee on this whole question; and the Board finally requested of the committee that $3,200 be saved of the money which had heretofore been expended by the Division of Economic Research in order to make a record of case statistics, and in order to make the annual report. That was satisfactory.

Mr. WAGNER. Exactly. The Senator from Louisiana and I are not apart on that matter at all. The Economic Research Division also aids in performing that particular function. The Senator provides by his amendment that this shall be done by payment of $3,200 to some particular professional statistician, so that is provided for. That is another function. I merely want to preserve the law; and I do not think the Members of the Senate or the House meant, by indirection, to kill the law.

Mr. OVERTON. It is not clear to me whether or not the able Senator from New York is going farther than the National Labor Relations Board itself requested the committee to go. All they want is $3,200 to be used to perform certain functions which have heretofore been performed by these two divisions; and those are the two matters I have just mentioned.

Mr. WAGNER. I was not present at the hearings; but the Senator agrees that the particular function to which I have referred is very important, does he not?

Mr. OVERTON. I have no doubt it is important, and I have no doubt they will be able to do it under the general appropriation.

Mr. WAGNER. That is one of the functions which were conferred upon the Economic Research Division. The Senator's amendment—I am sure it is an oversight—provides that no money shall be hereafter expended for any of the functions which had been conferred on the Division of Economic Research or the Division of Technical Service. One of the functions transferred to them was the ascertainment of the facts to which I referred a moment ago. If the bill is passed in this form, the National Labor Relations Board will be absolutely prohibited from spending any money to ascertain those facts; and if they cannot ascertain those facts they cannot determine the question of jurisdiction. It is an indirect way of killing the law, and I do not believe anybody wants to do that. I am sure it is an oversight. All I am trying to do is to remedy that situation.

The other function to which the Senator referred—namely, that of compiling case statistics for the purpose of reporting to Congress and to the President—I am not touching at all. That matter has been passed upon by the committee, and I am quite satisfied with the explanation of the Senator from Colorado [Mr. ADAMS] on the meaning of that revision.

Another function involved here is quite as important as the one to which I have referred. That is the following: In the Republic Steel Co. case, which went all the way to the United States Supreme Court, the courts sustained the Labor Board in their direction to the Republic Steel Co. to reinstate several thousand men who had been forced to strike in protest against the company's flagrant violations of their rights under the law. The circuit court of appeals sustained the findings of the Board, and the United States Supreme Court denied certiorari. Now the questions come up as to whether the men are being reemployed, whether they are getting the proper back wages, whether they are ineligible because they have obtained other substantially equivalent employment. That is a function which we imposed upon the Labor Board. That happens to be one of the functions which the Board conferred on the Division of Economic Research or the Division of Technical Service. To take that function away from the Board entirely would paralyze the Board in the performance of its duties. If we should adopt this amendment as it now stands, without any further amendment, we might just as well repeal the law.

I am calling these facts to the attention of those who will be conferees on the bill. If the Senate conferees should recede on this matter, they would be going a long way toward repealing the National Labor Relations Act. That would be most unfortunate for all the workers of the country, because the Labor Board would be unable thereafter to protect them in their right to organize and to bargain collectively, and to remedy abuses of that right.

The PRESIDING OFFICER (Mr. ELLENDER in the chair) The question is on agreeing to the amendment offered by the Senator from New York (Mr. WAGNER).

The amendment was agreed to.

Mr. WAGNER. Mr. President, I ask unanimous consent to have certain matter relating to this subject printed in the RECORD at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SUMMARY OF STATEMENTS URGING RETENTION OF THE DIVISION OF ECONOMIC RESEARCH AND THE CHIEF ECONOMIST—TRADE-UNIONS

William Green, president, American Federation of Labor:

"I appreciate very greatly the service which the Division of Economic Research of the National Labor Relations Board is rendering. We will interpose no objection to the continuation of the Division of Economic Research of the National Labor Relations Board or to Mr. Saposs."

R. J. Thomas, president, United Automobile Workers of America, C. I. O.:

"On behalf of 375,000 auto workers I consider threatened dissolution of Economics Division fatal to work of Board and enforcement of Wagner Act. If Senate and House do not reconsider, we urge that work of the Economics Division be contained intact by use of funds transferred from some other Board activity. We have complete faith in record, integrity, ability of David J. Saposs and hope Board will not permit his being made a sacrifice because of his devoted work."

E. C. Davison, general secretary-treasurer, International Association of Machinists A. F. L. (membership, approximately 190,000):

"The Economic Research Division is an indispensable unit of the National Labor Relations Board in carrying out its fact-finding functions respecting labor relations. * * *

"The Economic Research Division has proven its worth through the quality of the expert service it has rendered. * * * Therefore be it

"*Resolved*, That the executive council of the International Association of Machinists, in session assembled, denounce this move to impair the efficient functioning of the National Labor Relations Board and call upon the members of the Board to maintain and keep intact its Economic Research Division. Adopted."

David Dubinsky, president, International Ladies' Garment Workers' Union, unaffiliated (membership approximately 235,000):

"Our organization is particularly anxious that the unfair attacks on the Board's Division of Economic Research shall not be permitted to interfere with its proper functioning.

"We all appreciate the usefulness of the Division in the preparation of Board cases and in the publication of valuable economic studies and bulletins. Our union regards these services as indispensable to the enforcement of the act. If the modest funds with which the Division of Economic Research has been operating are reduced, it will, in our judgment, undermine the effectiveness of the Board's work."

George L. Berry, president, International Printing Pressmen and Assistants' Union, A. F. of L. (membership approximately 40,000):

Without the work done by the Division enforcement of the act would have been in the past, and will be in the future, seriously impaired. I will even go so far as to venture the opinion that my point of view on this score is representative of a major part of organized labor in this country.

"* * * in addition to feeling that a division of economic research is essential to the most efficient functioning of the Board, I feel that the present director of the Division, Mr. David Saposs, contributes greatly to its work. This is in large measure because he has the rare combination of academic qualifications and intimate knowledge of the labor movement and collective-bargaining dynamics."

Gustav A. Strebel, president, New York State Industrial Union Council, C. I. O.:

"The discontinuance of the Division of Economic Research of the National Labor Relations Board would severely impair the effective functioning of that agency."

Daniel J. Tobin, president, and Michael J. Cashal, first vice president, International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, A. F. of L. (membership approximately 350,000):

"We believe it would be a mistake to hamper this Division in any way, because it would be a detriment to both employer and employee from our point of view. We are strongly in favor of maintaining the Economic Division as it is at this time."

Steel Workers Organizing Committee (resolution and telegram sent to President Roosevelt from the S. W. O. C. convention):

"In addition, the present appropriation destroys a single division of the Board which is now primarily concerned with enforcing the order of the Board, which has been upheld by the Supreme Court of the United States against the Republic Steel Corporation.

"* * * Steel Workers Organizing Committee assembled in convention * * * speaking for over 500,000 steel workers throughout the Nation, most earnestly calls upon you as President of the United States to veto the bill as passed by the Congress of the United States in order that it be returned to Congress and that Congress be requested to appropriate sufficient funds for the

National Labor Relations Board with which the Wagner Act may be properly and most effectively administered."

LABOR ATTORNEYS

Joseph A. Padway, counsel, American Federation of Labor:

"I believe that the Economics Division should be retained. It would be a serious mistake to abolish it."

Isadore Katz, general counsel, Textile Workers Union of America and American Federation of Hosiery Workers (total membership approximately 300,000):

"I have no doubt that the Board might very well have been functioning in a vacuum had it not been for the aid of the Economics Division.

"* * * I am fully aware of the fact that a vicious attack has been leveled against this Division; but that attack springs from malice, and is not based upon knowledge of the functioning and service rendered by the Economics Division. * * *

"Not only is the Economics Division of great value to the Board itself, but its studies have aided employers, employees, and labor unions."

Leon M. Despres, Chicago attorney, Amalgamated Clothing Workers, and other unions:

"In my opinion, the work of the Division of Economic Research is of such great value that it would be highly inadvisable to destroy this appropriation or this Division. In some of the most difficult cases it is only through the work of the Division of Economic Research that the truth and the true effect of malpractices have been presented."

David I. Ashe, New York attorney, Sheet Metal Workers International Association and other unions:

"It is hardly necessary to remind you of the important role the Economic Research Division has played in the functioning of the Board ever since its inception. * * *

"* * * To abolish the Division at the particular time, or to curtail its activities, would be so shortsighted that I cannot believe the Board will do any such thing.

"My views, may I say, are shared by a great number of lawyers and union representatives with whom I have discussed this matter."

William Karlin, attorney for various unions in New York:

"The arguments given for the elimination of the Research Department of the Board are unscientific and not for the best interests of industry and labor. What a library is for a university and a laboratory is for a scientific or technical institution, a division of economic research is to a board whose functions are to render decisions involving labor disputes."

LABOR ECONOMISTS, EDUCATORS, AND OTHERS

Edwin E. Witte, chairman, Department of Economics, University of Wisconsin; member, United States Social Security Advisory Council:

"For its efficient functioning, the Board needs the sort of data which the Division of Economic Research has been compiling for its use."

Harry W. Laidler, author; councilman, city of New York:

"In behalf of many people in New York, may I express the hope that this tremendously important Division of the Board's work will be retained and strengthened. The effectiveness of this Board depends, to no small extent, upon the continued work of the Economic Research Division."

Mark Starr, educational director, International Ladies' Garment Workers' Union:

"With thousands of activists and educators in the trade union movement, I hope that the Division of Economic Research connected with the National Labor Relations Board will be retained and extended.

"The work which this division has done is invaluable for any future legislation governing collective bargaining. I do not see how laws can be intelligently made based upon the experience and the decisions of your board unless they are preceded by competent investigation of the current labor situation.

"In your present staff, headed by David J. Saposs, it seems to me you have an irreplaceable combination of historians of the past and researchers in the present state of labor unions."

Lawrence Rogin, educational director, American Federation of Hosiery Workers:

"As an educational director for one of the unions which has made consistent use of the National Labor Relations Board, may I protest very vigorously any action of this sort. The Division of Economic Research has provided the material which makes possible an intelligent understanding of the problems being administered by the National Labor Relations Board. Were it to be discontinued in its present form, someone else would have to do the work in order for the Wagner Act to be effectively administered."

Alfred M. Bingham, editor, Common Sense:

"I feel so strongly that this division has proved itself an indispensable part of your board's splendid work that I would like to add my voice to those urging the continuance of Mr. Saposs' division."

INTERNATIONAL ASSOCIATION OF MACHINISTS,
Washington, D. C., September 24, 1940.

Subject: Third deficiency bill (H. R. 10539).

Senator ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: For your information we are enclosing herewith a copy of the letter which was delivered by messenger yesterday to every Member of the House of Representatives relative to the above bill. We are also enclosing a copy of the wire which we sent today to all members of the Senate deficiency committee with regard to the same bill. We thought that you would be interested in learning of the action taken by our organization relative to this matter.

Very truly yours,

H. W. BROWN,
International President.

WASHINGTON, D. C., *September 24, 1940.*

This day letter is to be sent individually to the following Senators: Carter Glass, Kenneth McKellar, Carl Hayden, James F. Byrnes, Millard E. Tydings, Richard B. Russell, Alva B. Adams, John H. Overton, Frederick Hale, Gerald P. Nye, John G. Townsend.

Third deficiency bill as passed by House yesterday completely wipes out the Technical Service Division of the National Labor Relations Board and makes it impossible for that Board to use any funds allocated to it to pay the costs of maintaining such necessary service. If the N. L. R. B. is not allowed to perform the necessary technical and research work needed for the proper preparation and presentation of its cases the value and usefulness of the National Labor Relations Act will be sharply curtailed, if not destroyed. On behalf of our 220,000 members we urge that the Senate deficiency committee not concur in this feature of House approved bill and insist that the N. L. R. B. be allowed to perform the technical and research work necessary to properly effectuate the principles and policies of the N. L. R. A. Labor will hold the Congress sharply responsible if it destroys the effectiveness of the N. L. R. A. by passage of House approved deficiency bill.

H. W. BROWN,
International President, International Association of Machinists, Affiliated with American Federation of Labor.

INTERNATIONAL ASSOCIATION OF MACHINISTS,
Washington, D. C., September 23, 1940.

Subject: Third deficiency bill H. R. 10539.

MY DEAR CONGRESSMAN: It has been brought to my attention that the Appropriations Committee of the House of Representatives today reported out to the House the third deficiency bill. This bill as reported out would completely wipe out the Technical Service Division of the National Labor Relations Board and make it impossible for the Board to use any funds allocated to it to pay the costs of maintaining such Technical Service Division.

On behalf of its more than 200,000 members, the International Association of Machinists, affiliated with the American Federation of Labor, is unalterably opposed to any such attempt to sabotage the National Labor Relations Act, which has benefited and is benefiting our membership. If the Board is not allowed to perform the necessary technical and research work needed for the proper preparation and presentation of the many cases which are brought before it, the value and usefulness of the National Labor Relations Act will be sharply curtailed, if not destroyed.

Therefore, on behalf of our entire membership, we urge that you give serious consideration to this matter at once, and see that the third deficiency bill as reported out by the Appropriations Committee today, is properly modified so that it does not have the effect of destroying the usefulness of the National Labor Relations Act. The proposal of the Appropriations Committee in this regard is nothing more than an attempt to cut out of the N. L. R. B. one of its parts which is essential to a continued functioning of the Board to effectuate the policies and principles established by the National Labor Relations Act.

All workers will hold the Congress sharply responsible if the effectiveness of this act is destroyed by the passage of the third deficiency bill as reported today by the Appropriations Committee.

Sincerely yours,

H. W. BROWN,
International President.

WASHINGTON, D. C., *October 3, 1940.*

Senator ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

Deficiency bill H. R. 10537 passed by House contains rider completely wiping out Technical Service Division of National Labor Relations Board and making it impossible for that Board to perform necessary technical and research work needed for proper preparation and presentation of cases thus destroying usefulness of Wagner Act. On behalf of our 220,000 members we urge you to work for complete removal of this vicious rider.

H. W. BROWN,
International President, International Association of Machinists, Affiliated with American Federation of Labor.

Mr. McKELLAR. Mr. President, I was authorized by the committee to offer the amendment which I send to the desk. Before it is read, let me say, in a word, what it is.

By a recent law an increase was made in the per diem allowances of judges all over the country except the judges of the Court of Claims. There was an increase of their per diem when they are required to go to other places than their own courts. The purpose of this amendment is merely to put the judges of the Court of Claims on exactly the same footing as all the other judges in regard to that matter.

I hope the amendment will be adopted.

The PRESIDING OFFICER. The amendment offered by the Senator from Tennessee will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

THE JUDICIARY

Court of Claims: The act of June 23, 1930 (46 Stat. 799, ch. 573), entitled "An act to amend section 2 and to repeal section 3 of the act approved February 24, 1925 (43 Stat. 964, ch. 301), entitled 'An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation', and for other purposes," is hereby reenacted: *Provided, however,* That the amount payable to commissioners of the court for their actual expenses incurred for subsistence shall not exceed $7 a day, and the maximum amount payable to stenographers for their actual expenses incurred for subsistence shall not exceed $5 a day: *And provided further,* That retired judges recalled to active duty in Washington or elsewhere shall be entitled to the travel and subsistence expenses provided for in said act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. ADAMS. Mr. President, at the instance of the senior Senator from Virginia [Mr. GLASS], I offer an amendment providing an appropriation of $5,000 to establish a commission for the celebration of the two hundredth anniversary of the birth of Thomas Jefferson.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado on behalf of the Senator from Virginia [Mr. GLASS] will be stated.

The CHIEF CLERK. On page 18, after line 13, it is proposed to insert:

United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

For expenses of carrying out the provisions of Public Resolution No. 100 (76th Cong.) entitled "A joint resolution to establish a Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson," approved September 24, 1940, $5,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. ADAMS] on behalf of the Senator from Virginia [Mr. GLASS].

The amendment was agreed to.

Mr. BYRNES. Mr. President, I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The Chief Clerk. On page 3, after line 6, it is proposed to insert the following:

No part of any appropriation made for the contingent expenses of the Senate shall be used to defray the expenses of any person except the members of any congressional committee, the Sergeant-at-Arms of the Senate or a representative of his office, and except the widow or minor children or both of the deceased, to attend the funeral rites and burial of any person who at the time of his or her death was a Senator of the United States.

Mr. BYRNES. Mr. President, the only purpose is to make the action of the Senate accord with the action of the House as to contingent expenses.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, by direction of the committee I offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert at the proper place in the bill the following:

GOVERNMENT PRINTING OFFICE

The Superintendent of Documents is hereby authorized to deliver to the Librarian of Congress, from the sales stock in the Government Printing Office, two hundred and fifty sets of The Writings of George Washington, as published by the Bicentennial Commission, for distribution through international exchange and for such other distribution for the use of foreign governments as may be deemed appropriate.

Mr. HAYDEN. The amendment was recommended to the Joint Committee on Printing by the Secretary of State as desirable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, I offer another amendment, on page 26, after line 2, to insert language recommended in a Budget estimate.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 26, after line 2, it is proposed to insert the following:

Appropriations available to the Department of the Interior for the fiscal year 1941 for soil- and moisture-conservation operations shall be available for packing, crating, and transportation, including drayage, of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior.

Mr. HAYDEN. The transfer of the functions from the Department of Agriculture to the Interior Department did not carry this authority, and the money expended will be in accordance with the original appropriation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERTON. Mr. President, by direction of the committee, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 17, after line 18, it is proposed to insert the following:

GEORGE WASHINGTON BICENTENNIAL COMMISSION

For payment to Katherine H. Clagett and to the estate of Dr. John C. Fitzpatrick $2,700 and $6,666.66, respectively, for services rendered the George Washington Bicentennial Commission in connection with the compilation of the definitive writings of George Washington, $9,366.66: *Provided,* That the payment to the said Katherine H. Clagett shall be in full, complete, and final compensation of any and all claims arising out of services rendered to the George Washington Bicentennial Commission prior to June 30, 1940.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I desire the attention of the chairman of the subcommittee, in charge of the bill.

Some time ago, during the present Congress, a bill was introduced by me and referred to the Committee on Agriculture and Forestry proposing to repay to the holders of cotton-pool certificates the sum of $2.40 per certificate. The Committee on Agriculture and Forestry made a favorable report on the bill. Later the Senate passed the bill, on the 22d day of June, the legislative day of June 21.

I desire to have printed in the RECORD at this point a copy of the bill which passed this body.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

An act (S. 2930) to provide for reimbursement to the holders of cotton pool participation trust certificates, and for other purposes

Be it enacted, etc., That there is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, the sum of $4,320,000, or so much thereof as may be required by the Secretary of Agriculture to accomplish the purposes hereinafter declared and authorized. The Secretary of the Treasury is hereby authorized and directed to pay to, or upon the order of, the Secretary of Agriculture, such a part or all of the sum hereby appropriated at the request of the Secretary of Agriculture.

SEC. 2. The Secretary of Agriculture is hereby authorized to draw from the Treasury of the United States any part or all of the sum hereby appropriated, and to deposit same to his credit with the Treasurer of the United States, under special symbol number, to be available for disbursement for the purposes hereinafter stated.

SEC. 3. The Secretary of Agriculture is hereby directed to pay the sum of $2.40 per bale, from the sum hereby authorized to be appropriated, to all holders of participation trust certificates of the cotton producers' pool, Form C–5–I, of record as of May 1, 1937.

SEC. 4. The Secretary of Agriculture is authorized and directed to promulgate such rules and regulations as are necessary to carry out the purposes of this act, which purpose is here specifically stated to be to reimburse holders of Form C–5–I cotton producers' pool participation trust certificates for $2.40 per bale carrying charges deducted from the proceeds of the cotton producers' pool.

SEC. 5. All expenses incident to the accomplishment of the purposes of this act are authorized to be paid by the Secretary from the appropriation authorized hereunder, and any balance remaining after reimbursements have been made in accordance with this act shall be covered into the Treasury of the United States as miscellaneous receipts.

Mr. THOMAS of Oklahoma. I desire to introduce into the RECORD certain portions of the committee report as justification in support of the bill as it passed this body.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

This amendment makes the necessary appropriation and the promulgation of the simple rules and regulations necessary to carry out its purposes and for expenses incident to its administration.

The cotton producers who acquired cotton producers' pool participation trust certificates were those cotton growers who complied with the 1933 cotton plow-up campaign. The participation trust certificates were issued by the Government and granted to such cotton growers in partial consideration for plowing up from 25 to 50 percent of his growing cotton acreage. The pool cotton was acquired by the Secretary of Agriculture under the provisions of section 3, part 1, title I, of the Agricultural Adjustment Act (1933) and he acquired full legal title to this cotton on which the Federal Farm Board had made loans or advances. The cotton producers were assured by official announcement and by the first of a series of contracts and agreements which they were required to sign that their 6 cents per pound option price was absolute and inviolate and that any equity which the producers held in the optioned cotton in the pool would not be eaten up and liquidated by carrying charges or other costs and expenses. There were, however, a series of agreements, contracts, and authorizations, all of which was a part of the scheme which finally nullified the true substance of his option contract. The essence of such original option contract was the fixed price of 6 cents a pound on the optioned cotton, the free choice to sell and realize a profit prior to May 1, 1934, and that no carrying charges would be charged against the optioned cotton. Each of these three essential considerations was nullified by the subsequent contracts, agreements, and authorizations which the producer was required to execute to participate in the plan. The option price was increased, the right of free choice to sell the optioned cotton within the period of the option was denied, and carrying charges at the rate of six one-hundredths of a cent a pound, or 30 cents per bale per month from the date the pool was established, February 1, 1934, to September 30, 1934, was deducted from and charged to the holders of Form C–5–I participation trust certificates. All of which was contrary to the promises made by the Government to the cotton growers and contrary to and in violation of the first of a series of contracts and agreements which were a part of the whole scheme and signed and executed between the Agricultural Adjustment Administration and the cotton growers. The imposition and exaction of $2.40 per bale carrying charges to the holders of Form C–5–I participation trust certificates was unjust and erroneously and wrongfully imposed.

Original options were issued to approximately 571,969 producers for an aggregate of approximately 2,387,795 bales of cotton. (See p. 320, Agricultural Adjustment, May 1933 to February 1934.) Approximately 125,000 of these producers holding options for approximately 500,000 bales elected to call their option, request the balance of their cotton, and receive settlement. These requests were honored, the cotton sold, and the options canceled. Approximately 450,000 of these producers holding options which approximate 1,950,000 bales elected to take the advance of $20 per bale to surrender their cotton to the pool and to take participation trust certificates.

Cotton prices on July 31, 1934, approximated 13⅛ cents to 13½ cents per pound for October-July New York contracts, or approximately $67.50 per bale, against which the farmer had been advanced 4 cents per pound, or $20 per bale, plus the option price of 6 cents per pound, or $30 per bale, a total of $50 per bale. Therefore, when Mr. Oscar Johnson took over discretionary powers to sell the pool cotton on August 1, 1934, there was a balance of profit or equity accruing to the farmer of $17.50 per bale. Since that date the farmer has only received the payment of $7.60 per bale which was paid out in the early fall of 1934. In accordance with a radio announcement of Mr. Johnson that the farmers' equity for this amount was negotiable by a surrender of 10-cent so-called yellow certificate for this advance and substitution therefor of the so-called brown certificate (Form C–5–I), which are presently held to the extent of about 1,600,000 bales by approximately 350,000 producers and merchants. Mr. Oscar Johnson estimates that 80 percent of these brown certificates (Form C–5–I) holdings are owned by farmers and 20 percent by the merchants. (See p. 127, Hearings Before Senate Committee on Agriculture and Forestry on S. Res. 137, April 11 to May 14, 1938.)

THE CERTIFICATES

The Form C–5–I pool participation trust certificates were issued to cotton producers in partial consideration for compliance with the 1933 cotton plow-up program. The certificates were issued to the producers who chose the combination cash rental payment plus an option on Government-owned cotton. Under this plan the producer was to receive an option at 6 cents a pound on Government cotton in an amount equal to the estimated production on the land he retired from production. (See p. 24, Agricultural Adjustment, May 1933 to February 1934.)

THE PLOW-UP CAMPAIGN

The plan was announced June 19, 1933. The sign-up campaign began the week beginning June 26. The producer must contract to take out of production not less than 25 percent nor more than 50 percent of his cotton acreage. The campaign was to close July 8, but the closing date was extended to and did close on July 12, 1933. Cotton farmers had exactly 23 days from the day the plan was announced to the closing sign-up date and just 16 days during which to sign up the program. The time (23 days) was so short that the farmer was compelled to rely upon the representations of his Government made to him at the time. The plan was announced June 19. The sign-up campaign began the week June 26 and closed July 12.

THE LOSS ACCOMPLISHED

When the farmer signed up to plow under from 25 to 50 percent of his growing cotton his loss was accomplished. He lost his seed, his fertilizer, his labor, his rent or taxes and interest, and his labor and expense in plowing it under. The farmer depended upon the cotton plan to compensate him for this loss and reward him for his total effort by cooperating with the Government's cotton program and plan. The farmer put his trust in the plan and relied completely on the representations made to him by his Government. This was as it should be. This is proven by the fact that 1,026,514 cotton growers carried out adjustment contracts in 1933; 73 percent of the total cotton acreage was signed up; 10,400,000 acres of growing cotton was taken out of production or an estimated total of 4,400,000 bales of cotton. And a total of 571,969 growers chose the combination cash rental and option on Government-owned cotton (p. 19, Agricultural Adjustment, May 1933 to February 1934).

THE REPRESENTATION

In brief the plan was outlined and explained to the farmer in a 4-page pamphlet entitled "The Agricultural Adjustment Act Applied to Cotton" (serial No. 1823740–33). It carried a foreword by the President; it explained "the situation" and described "the plan." The farmer was offered a choice of two plans: (1) A cash payment only of $7 an acre for the 100 pounds to $20 an acre for the highest-yield land producing 275 pounds or more to the acre. The second plan (2) a cash payment, plus options on Government-held cotton at 6 cents a pound. The cash ranged from $6 per acre for the 100 pounds to $12 for acres producing 275 pounds or more to the acre.

In addition to the cash payment the producer was offered and given an option on an amount of Government cotton equal to the amount which the acreage he retires would produce. On page 3 of this pamphlet it was stated:

"If cotton prices go up or advance, the farmer can exercise his option, have the cotton sold, and take the profit. If prices fall below 6 cents, the Government will stand the loss. The farmer may have the cotton sold at such time before May 1, 1934, as he thinks will be to his best advantage and bring him the greatest return. He will receive the full difference in any advance in the price above 6 cents per pound."

The full difference in any advance in the price above the 6-cent option price left no room for any farmer to believe or even suspect that carrying charges in any amount were to be deducted and charged to him at any time prior to May 1, 1934. The farmer understood clearly that he had, was to have, and did receive an option on a certain amount of cotton at 6 cents per pound, and that he had a free choice to exercise that option by selling that cotton, prior to May 1, 1934, and take the profit, and that he would receive the full price difference in any advance above 6 cents with no carrying charges. But he was in fact denied the free choice to exercise the option to sell and realize a profit prior to May 1, 1934. And carrying charges were charged to him in the amount of 90 cents per bale between February 1, 1934, and May 1, 1934, all contrary to the understanding and an agreement between the Agricultural Adjustment Administration and the producer. An option, according to Webster, means a free choice. It is said that options have been universally construed by the courts as binding agreements to keep an offer open (18 How. L. Rev. 457; *Perry* v. *Paschal*, 103 Ga. 134, 29 S. E. 703).

THE COTTON OPTION CONTRACT

The cotton option contract A. A. A. Form No. C–5 was a grant by the Secretary of Agriculture to the producer of an option to buy a specified number of bales of cotton at 6 cents per pound—$30 per bale—basis Middling ⅞-inch staple cotton as quoted on the New York Cotton Exchange. The terms of the option embraced seven stipulations of which Nos. 1 and 7 are pertinent:

"(1) The option is nontransferable and expires May 1, 1934, unless exercised before such date; and

"(7) The Secretary shall pay to the producer, as soon as practicable after the exercise of this option, the difference between 6 cents per pound and the price as fixed in paragraph 5 (b), or if the option is exercised pursuant to paragraph 5 (a) then the difference between 6 cents per pound and the price at which sale is made. In making such settlement, no deduction shall be made for carrying charges, brokerage fees, or other costs or expenses. (See Form No. C–5 and pp. 25–26, Agricultural Adjustment, May 1933 to February 1934.)"

The representations made by the Agricultural Adjustment Administration when the program was announced—Agricultural Adjustment applied to Cotton (s. 1823740–33) and the cotton option contract, Form C–5—were in agreement that the right of free choice to exercise the option to sell and that carrying charges

would not be charged to the farmer at any time prior to May 1, 1934.

HOW THE RIGHT TO EXERCISE OPTION WAS DEFEATED

The cotton producers pool was established by order of the Secretary of Agriculture dated January 8, 1934. The appointment of the pool manager was included in the order.

In order that a farmer may participate in the 1933 cotton producers pool it was necessary that he sign and execute "Form C–5–C—Exercise of cotton option and pool agreement" contract. By the terms of this contract, the optioned cotton was sold to the farmer by being turned over to the 1933 cotton producers pool, to be handled by the pool manager pursuant to the pool agreements. When the conditions have been fulfilled, the farmer was to receive the initial distribution of 4 cents per pound for such cotton, and a participation trust certificate, entitling him to share ratably in any profits from the sale of the cotton held by the pool.

This contract, Form C–5–C, contained two provisions which to all intents and purposes nullified the free choice of the producer to exercise his option to sell. It nullified the essence of the cotton option contract Form C–5 without substituting for it or canceling it. The two provisions are:

"The optionee hereby appoints the manager his trustee of all right, title, and interest which the optionee may have in the cotton delivered to the pool pursuant hereto and hereby authorizes the manager; and

"(4) In the event that the cotton held by the pool or any part thereof including cotton futures contracts can be marketed on the basis of 15 cents per pound Middling ⅞-inch cotton, to sell and make delivery of such cotton upon such basis subject to the approval of the Secretary, and after July 31, 1934, to sell and make delivery of all or any part of the cotton including cotton futures contracts by way of hedge or for the purpose of fixation of prices of cotton bought or sold pursuant hereto by the manager."

By the terms of this contract, which was a part of the whole scheme, the pool manager was denied the authority to sell any cotton below 15 cents per pound not only prior to May 1, 1934, but prior to July 31, 1934. Since the price of cotton Middling ⅞-inch basis New York Cotton Exchange did not reach 15 cents the farmer was denied the right to exercise his option to sell and take a profit prior to May 1, 1934, as agreed to but also prior to July 31, 1934. This scheme denied the farmer the right to sell his option prior to May 1, 1934, and thus forced him to sign and execute A. A. A. Form C–5–B–No. 3 which was a "request for extension of option." The producer had no choice. He could not exercise his option to sell and take his profit prior to May 1, 1934, because the pool manager could not sell unless he got 15 cents per pound and after May 1, 1934, he had no option because on that date it expired. The farmer's sole opportunity to save any profit remaining in his share of the pool was to apply for an extension of his option and submit to the terms proposed in A. A. A. Form No. C–5–B–No. 3 request for extension of option, the essence of which is as follows:

"To the SECRETARY OF AGRICULTURE:

"Application is hereby made for an extension of time for the exercise of my 'cotton option' described in this form for a period of 1 year from May 1, 1934, agreeing (a) that the purchase price of 6 cents per pound shall be increased at the rate of 8 points or 40 cents per bale for each month or fractional part thereof, that the option contract may be carried after May 1, 1934; (b) that after May 1, 1934, if such extension be granted, the Secretary of Agriculture may at his discretion exercise the option for me, provided the price be not less than 12½ cents per pound; and (c) that if a less number of options be so called by the Secretary than are outstanding, the particular options to be retired may be selected by lot as may be prescribed by the Secretary."

The device used in this application for extension of option was to increase the option price of 6 cents at the rate of 8 points, or 40 cents per bale, per month after May 1, 1934, to cover carrying charges, the identical item which the producer was assured would not be charged against any equity in his optioned cotton above the 6-cent purchase price. He was also assured by anncuncements and by written agreements that the purchase price of the optioned cotton was absolute and inviolate. But the producer's protection on this vital point of purchase price was abrogated in this supplemental agreement by duress. The producer had no choice of whether or not he would sign the extension of option agreement Form C–5–B. He had no opportunity to negotiate as to terms. He must sign it or lose his option. The equity in his option was his partial compensation for plowing up his growing cotton. His cotton had been plowed up. His choice was not a free choice but a compelling one to continue with the program by signing and executing the agreements presented to him by his Government. The alternative was the loss of an essential part of the compensation due him in consideration for performances of his contract, a financial loss he was unable to bear.

LOADING THE OPTION WITH CARRYING CHARGES OF $2.40 A BALE

After July 31, 1934, the pool manager had authority and discretion to sell and dispose of pool cotton without the previous limitations with respect to price and except that the producer designated the day of sale on a form prescribed by the manager of the cotton pool, Form No. C–5–F. Under this authorization the producer was compelled, when he exercised his option to sell his equity in the pool cotton, to agree that carrying charges at the rate of six one-hundredths of a cent per pound, or 30 cents per bale per month, from February 1, 1934, to the first day of the cover month on which the price is fixed. This meant September 30, 1934. The language of the agreement of A. A. A. Form C–5–F referred to is as follows:

"* * * From the purchase price for the certificate the pool manager shall deduct 10 cents per pound, or $50 per bale, and six one-hundredths (6/100) of a cent per pound, or 30 cents per bale per month from February 1, 1934, to the first day of the cover month on which the price is fixed, to cover the obligation of the undersigned to the pool, the balance, if any, to be paid to the undersigned."

This contract (Form C–5–F) was the form prescribed by the pool manager as the instrumentality through which the producer authorized the date of sale of his cotton in the cotton pool. The manager of the pool chose the device of this contract to exact from the farmer the total carrying charges of $2.40 per bale from the time the pool was established February 1, 1934, to September 30, 1934. This notwithstanding that the cotton grower plowed up from 25 to 50 percent of his growing cotton crop on the pledge of his Government, supported by his cotton-option contract, Form C–5, that "no deductions shall be made for carrying charges, brokerage fees, or other costs or expenses" up to May 1, 1934. Since his right to sell his cotton was nullified by the 15-cent price limitation in Form C–5–C, the producer was without choice except to sign the request for extension of option Form C–5–B or lose his option entirely at its expiration, which he could not offer to do since he had previously plowed up his growing cotton in performance of his contract. Under these circumstances no carrying charges should have been charged to the farmer either before or after May 1, 1934.

THE AVERAGE AMOUNT DUE PRODUCERS

The average amount due holders of cotton producers' participation trust certificates, Form C–5–I, is approximately $10.97 per person.

THE APPENDIX

Your committee feel that because of the number of contracts, agreements, and authorization in the series which were a part of the whole plan with reference to the 1933 cotton producers' pool that it is pertinent to include these 11 exhibits as an appendix to this report.

The holders of participation trust certificates of the cotton producers' pool, Form C–5–I, have never been reimbursed for the carrying charges erroneously and wrongfully deducted from the proceeds of the cotton producers' pool. Your committee feel that in view of all the circumstances, and in fairness to the cotton producers, such reimbursement should be made, and it is accordingly recommended that the bill do pass.

Mr. THOMAS of Oklahoma. Mr. President, inasmuch as the bill to which I have referred has not passed the House, I submit an amendment for the consideration of the Senate, and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to insert at the proper place the following:

To the Secretary of Agriculture to reimburse holders of participation trust certificates of the cotton-producers pool, Form C–5–1, at the rate of $2.40 per bale to holders of record as of May 1, 1937, the sum of $4,320,000, or so much thereof as may be necessary: *Provided*, That payment shall be made under rules and regulations to be promulgated in harmony with the provisions of S. 2930 passed by the Senate on June 22, 1940.

Mr. THOMAS of Oklahoma. Mr. President, I ask that the Senate approve this amendment, and that the item go to conference. Then, if the House will not agree to it, it will have to go out of the bill, as all other amendments similarly treated do.

Just a word in justification of the amendment. In 1933 the Department of Agriculture proposed to the cotton farmers of the South that if they would plow up a part of their cotton land they could take a certain number of bales of cotton which were at that time in the hands of the Government at 6 cents a pound. They were given to understand definitely and positively that they would have all the cotton sold for above 6 cents a pound, with no carrying charges against them.

They accepted the proposal, they took almost 3,000,000 bales, and plowed up their cotton land on that understanding. Later they were charged $2.40 out of the surplus, which the cotton brought, over 6 cents a pound.

They have never been satisfied. The contract was broken. They have not been treated fairly. The Committee on Agriculture has passed upon the matter time and time again, and the Senate has acted favorably upon the report of the committee. All I am asking is that the committee take this matter to conference, and see what can be done about it.

Mr. ADAMS. Mr. President, I am sorry to have the Senator bring up this question. We have had problems some-

what similar in reference to the refunding of processing taxes. This comes up at a late hour; this is a deficiency bill; and, frankly, as one member of the committee, I do not feel qualified to pass on the question. The Senator, who is a member of the Committee on Appropriations, knows the problems we have to meet, and really, to do justice to ourselves and to the committee, we should have had an opportunity to consider this question in the committee. I hope the Senator will not insist on it.

Mr. THOMAS of Oklahoma. For the past 2 days the Senator from Oklahoma was not permitted, for reasons best known to himself, to attend the sessions of the committee. Otherwise, I would have been present at the meeting of the main committee, at least, and would have presented the matter to the committee. All I am asking is that those in the South who would be affected be given fair treatment. It affects some 11 or 12 of the States of the South. I hope the item may go to conference, to the end that it may be considered in conference, and if the House will not agree, the Senator from Oklahoma will have no other recourse than to accept the report as it comes back from the committee of conference.

Mr. ADAMS. I will say to the Senator from Oklahoma that I do not like to take an amendment to conference in a kind of half-hearted way when the Senate is not really passing on it. I should like to go to the conference with problems which represent the considered judgment of the Senate and the committee. I am unhappy to have to take with me an amendment of this kind. I know the Senator's time has been taken up on other matters, but this is not an emergency matter. It has not arisen within the last day or two. I wish the Senator would release us from the request he has made.

Mr. THOMAS of Oklahoma. It is not an emergency matter——

Mr. ADAMS. I will say that this is the first item which has come up which has not had tied to it the claim that it is connected with national defense.

Mr. THOMAS of Oklahoma. The amendment would be of great help to the farmers. I should like to have it put to a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma. (Putting the question.) The amendment was rejected.

Mr. THOMAS of Oklahoma. Mr. President, at this time I desire to present another amendment. Before it is stated, let me submit for the RECORD a copy of the bill for the relief of the Eastern Cherokees, as it passed the Senate. It is a bill relating to the eastern band of Cherokee Indians. It passed the Senate on the 30th of September (legislative day, September 18), 1940. It provided that the sum of $1,997.85 be paid back to the Eastern Cherokees. I submit the text of the bill as it passed the Senate.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

An act (S. 4232) for the relief of the Eastern Cherokees

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the sum of $1,997.85, with interest at 5 percent per annum from March 15, 1910, the same being the amount of the unpaid interest-bearing principal found due the Eastern Cherokees by the Supreme Court of the United States in 1906 (202 U. S. 101); and when appropriated shall be placed to the credit of the Eastern Cherokees and paid by the Secretary of the Treasury to their attorney of record. The warrants representing this unpaid balance are hereby canceled upon the approval of this act.

Mr. THOMAS of Oklahoma. I now submit an amendment based on that bill.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 28, after line 17, after the committee amendment heretofore agreed to, insert the following:

Eastern Cherokees: For the relief of the Eastern Cherokees, as authorized by the bill (S. 4232) entitled "For the relief of the Eastern Cherokees," Seventy-sixth Congress, fiscal year 1941, $1,997.84, without interest and to be in full settlement of all claims of such tribe of Indians against the Government as found to be due by the Supreme Court of the United States in 1906 (202 U. S. 101).

Mr. THOMAS of Oklahoma. The bill which passed the Senate provided for the repayment of this sum with interest. Interest would be calculated over many years. The amendment offered by me now eliminates interest and provides that the sum mentioned shall be in full settlement, so that if this item should be approved it would settle the claim without any question of interest. I understand the proponents of the proposed legislation are willing, if they can get the money now, to settle without interest, when later on they may perhaps insist upon it.

Mr. ADAMS. As an individual member of the committee, I have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still open to amendment. If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 10539) was read the third time, and passed.

Mr. ADAMS. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 225) relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8621) to amend the Civil Service Retirement Act and other retirement acts.

The message further announced that the House had agreed to the amendments of the Senate Nos. 1, 2, 3, 4, and 6 to the bill (H. R. 10464) to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts, and that the House had agreed to the amendment of the Senate No. 5 to the bill with an amendment, in which it requested the concurrence of the Senate.

REGISTRATION OF CERTAIN ORGANIZATIONS

The PRESIDING OFFICER (Mr. KING in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CONNALLY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CONNALLY, Mr. BURKE, and Mr. DANAHER conferees on the part of the Senate.

HOUSING AND NATIONAL DEFENSE

Mr. CONNALLY. Mr. President, I move that the Senate proceed to the consideration of House bill 10412, the so-called housing bill.

The motion was agreed to, and the Senate resumed the consideration of the bill (H. R. 10412) to expedite the provisions of housing in connection with national defense, and for other purposes.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. The amendments were all disposed of on a prior occasion, were they not?

The PRESIDING OFFICER. They were.

Mr. CONNALLY. I ask unanimous consent that the Senate reconsider the vote by which the committee amendment on page 1, line 7, and extending to page 2, was agreed to, and when that is done I shall offer an amendment to strike out——

The PRESIDING OFFICER. Is there objection to a reconsideration of the vote by which the committee amendment on pages 1 and 2 was agreed to?

Mr. DANAHER. Reserving the right to object, I should like to ask the Senator from Texas if it is his plan to dispose of this bill tonight?

Mr. CONNALLY. That is for the Senate to determine. I should like to have it passed today, but of course I cannot force its passage.

Mr. DANAHER. Mr. President, there have been many Senators who previously spoke in opposition to this bill and who, for one reason or another, due to public business, are not present tonight. I am perfectly willing that it be made the pending business and that we take it up in the regular course tomorrow, but I feel that we ought not to proceed to an amendment to that measure tonight.

Mr. CONNALLY. I have no disposition to force the Senate to remain here, but I will say to the Senator that if he will consult the bill he will have no objection to the amendment I shall offer.

Mr. DANAHER. I have already tried to intimate that I have no objection to the bill as such. I should like not to have the bill disposed of tonight, however.

Mr. BARKLEY. Mr. President, it is very desirable to dispose of the bill tonight. I realize that one day may not make much difference, but such departments as the War Department and the Navy Department depend upon this authorization. The War Department especially relies upon its passage. They have to provide additional facilities for civilian housing in communities where munitions are being made. For instance, at Charlestown, Ind., where the Du Pont Co. is under contract to build what was supposed to be a $25,000,000 plant, which has been increased to $41,000,000, it is absolutely necessary to have the housing facilities begun at once. The same is true in Radford, Va. They are simply waiting for the passage of this bill to begin those housing facilities. We debated the bill for about an hour last Monday, and I understood there was only one amendment to be offered, and that by the Senator from Kansas, and that we could dispose of that readily and get the bill out of the way. I do not care to be unreasonable about the matter, but it is desirable that the bill be passed at the very earliest moment.

Mr. CONNALLY. Mr. President, I my say to the Senator from Connecticut that when the bill was debated I do not know that any Senator present opposed it. Senators offered some amendments, and we debated them, and discussed them, and voted on them, but no Senator, as I recall, said that he was against the bill. The Senator from Kansas objected for the time being to the consideration in that manner of the measure, but even the Senator from Kansas did not say—he is here, and if I am in error he can correct me—he did not say that he was against the bill in principle. We discussed the bill for an hour, and every Senator had an opportunity to offer amendments to it. The amendments which were offered were debated and voted on, and we were on the point of passing the bill when objection was made.

Mr. BARKLEY. Mr. President, we have this bill, and also the river and harbor bill, which is a defense matter, and we have a sugar bill, and we hope to dispose of all of them tomorrow so we may avoid a session Saturday. If it would be any accommodation to Senators I thought we could stay a half hour longer today and not have a session on Saturday. I am not offering that as an inducement, but I am confiding to Senators what my hopes are.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. DANAHER. The other day when this measure came up it will be recalled that it was under the unanimous-consent rule under which we were proceeding through the calendar. The Senator from Kansas at that time objected because he felt, as I remember, that he did not want the bill disposed of in that fashion at that time. I know there were other Senators who spoke on the measure. There was an amendment contemplated by one of the Senators, I am sure, who is not present tonight, by the way, and while it is true he was for the bill, just as I am for the bill, there were some Senators who hoped perhaps that the measure could be more thoroughly canvassed.

It simply does not seem to me to be entirely feasible and entirely reasonable that we proceed to a vote on the bill tonight. I will say to the Senator from Kentucky that surely all the progress that is to be made with reference to housing in different places will not depend solely and simply on disposing of the bill tonight at half past 5.

Mr. CONNALLY. Let me say to the Senator from Connecticut that he evidently refers to the Senator from Ohio [Mr. TAFT].

Mr. DANAHER. That is correct.

Mr. CONNALLY. The Senator from Ohio was present. He offered his amendment, which was debated and then rejected. It could not be considered again except on a motion to reconsider.

Mr. DANAHER. The Senator will recall that there was some discussion after some Senator objected on the ground that a joint committee to investigate would not be feasible, but that a committee of the Senate alone might prove feasible.

Mr. BARKLEY. The Senator from Kansas will offer that amendment in the name of the Senator from Ohio, who brought the matter up. While we are not in favor of the amendment, we are perfectly willing that it shall be offered.

Mr. DANAHER. That observation is news to me. In the light of that explanation, I withdraw any obstructionist tactics which might otherwise have been chargeable against me.

Let me conclude briefly by saying to the Senator from Kentucky that the business of putting all the emergency measures on the basis of haste and necessity all at once is not convincing. I have in mind no less an instance than that of the conscription bill, which the Senator will recall was introduced in June and was debated for weeks and weeks; yet even now we have not a permanent head for the draft selection board. All those weeks intervened within which plans might have been made and an appropriate choice might have been made, and the right man might have been selected, in order that the proceedings might go forward apace. The same thing is true of the National Defense Commission. I do not say that I do not believe the Senator from Kentucky, but I do not give that argument the weight I might otherwise give to it had I not those instances before me.

Mr. BARKLEY. I suppose the Senator will agree that there are certain inherent delays incident to senatorial consideration of bills, and that the sooner we pass them the sooner the executive department may proceed to act, not only with respect to conscription, but with respect to housing.

Mr. CONNALLY. Mr. President, I wish to express my appreciation of the attitude of the Senator from Connecticut in not objecting. I believe we have unanimous consent to reconsider the committee amendment.

Mr. REED. Mr. President——

Mr. CONNALLY. Let me explain the amendment to the able Senator. The House language reads:

> In order to provide housing for persons engaged in national-defense activities, and their families, in those areas or localities in which the President shall find that an acute shortage of housing exists or impends which would impede national-defense activities—

The Senate committee added the following language:

and that such housing would not be provided by private capital when needed (but such finding shall not be made until notice shall be given to the Federal Housing Administrator of the proposed construction, stating the number of units proposed and the areas in which they are to be located, and a report received thereon from the Federal Housing Administrator).

Personally I have no objection to all that language, but the Council of National Defense objects to the requirement that it wait until the Federal Housing Administrator reports. The Federal Housing Administrator might delay. I propose to strike out the words "and a report received thereon from the Federal Housing Administrator." In other words, he will be advised as to where the locations are to be, and then it will be up to him. If he wishes to intervene and make representations, all right; but I do not want to tie the hands of the President by requiring that the proceedings shall await a report from the Federal Housing Administrator.

Mr. WAGNER rose.

Mr. CONNALLY. I am referring to the Federal Housing Administrator and not to the United States Housing Authority.

Mr. WAGNER. I have more interest in the F. H. A. than perhaps the Senator realizes.

Mr. CONNALLY. I do not mean to be unkind. I wish publicly to apologize.

Mr. WAGNER. The Senator need not apologize. I am not in the least disturbed by any of his observations. I enjoy them.

Mr. CONNALLY. Mr. President, I was referring to the Federal Housing Administrator. About that time I observed the Senator from New York rise in his usually courteous, urbane, and dignified manner; and, knowing his deep interest in the United States Housing Authority, I then particularized and said that I was not referring to the United States Housing Authority but to the Federal Housing Administrator, so as to relieve the Senator of any apprehension that I was making an assault on the U. S. H. A.

Mr. WAGNER. Mr. President, the Senator does me a great injustice. I was one of the first to participate in the drafting of the F. H. A. bill. I fathered it. I was chairman of the committee which considered it. So I also have an interest in the F. H. A.

The reason I rise is because I wish to express my agreement with the Senator. I did not wish to suggest an amendment, because I did not desire to obstruct the bill for a moment. I think it is very essential. I thought the amendment would delay matters, because it is very difficult for a department to certify that private industry cannot construct housing. I think the suggestion which the Senator makes is very wise.

Mr. CONNALLY. I thank the Senator very much. The amendment in question is an amendment of the Senate committee. It is not an amendment of the Senator from Texas. It was inserted on the representations of the Federal Housing Administrator that Congress had appropriated $300,000 and had directed him to make surveys all over the United States as to housing, and that he had made the surveys and had made the material available. He wanted a provision in the bill to require that before the housing is built he should be called upon to make his report, giving the information.

I think it is unjust to try to tie the hands of the administration by requiring it to wait until the Federal Housing Administrator makes his report. I am perfectly willing to call upon him and let him know that certain housing is contemplated; and if he has any information he certainly will offer it to the President.

I move that the words "and a report received thereon from the Federal Housing Administrator" be stricken from the committee amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas that the committee amendment on page 1, line 7, be reconsidered?

Mr. CONNALLY. I thought unanimous consent had already been granted to reconsider the amendment.

The PRESIDING OFFICER. It had not been granted.

Without objection, the vote by which the committee amendment on page 1, line 7, was agreed to, is reconsidered.

Mr. CONNALLY. I move that the words "and a report received thereon from the Federal Housing Administrator," on page 2, line 1, be stricken from the committee amendment.

Mr. KING. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. KING. My understanding is that the amendment does not relate to the organization with which Mr. Straus is identified?

Mr. CONNALLY. Not at all.

Mr. KING. With respect to Mr. McDonald, his activities have been so universally fair and just that, although I do not think the bill ought to be passed at this time, I shall not object to any requirement that he certify as to the advantages of a proposed housing project. However, I do not understand that either he or his organization is in a position to undertake work of this character.

Mr. CONNALLY. That is correct.

Mr. KING. Therefore I do not think such a provision in the bill is important.

Mr. CONNALLY. I thank the Senator. Mr. Carmody, who will administer the law, should have the benefit of whatever information Mr. McDonald may have as to the ability of private capital in a given locality to construct housing. The bill provides that where private capital can do it, the Government shall not spend any money.

Mr. KING. I think that is a wise provision. I do not wish to obstruct the passage of the bill, but I wonder if the Senator from Texas will agree to let the measure go over until tomorrow, to give us an opportunity to examine it. I shall have no objection to the bill being taken up the first thing tomorrow.

Mr. CONNALLY. It is a highly important measure. I am sure that if the Senator knew how many people I have on my back about this bill every day he would not insist.

Mr. KING. Would 1 day make any difference?

Mr. CONNALLY. Mr. President, I ask for a vote on my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas to the committee amendment on page 1, line 7.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment.

Mr. REED. Mr. President, when this bill came up on Monday it was during the consideration of bills on the calendar by unanimous consent. I then made an objection to its consideration because I thought it was too important a piece of legislation, involving too much of an authorization for appropriations, to be disposed of in that manner. I expressed no opposition to the bill itself.

Last Monday the Senator from Connecticut [Mr. DANAHER], who is present, and the Senator from Ohio [Mr. TAFT], who is not present, discussed at considerable length certain phases of the bill—not according to the calendar of the Senator from Oklahoma [Mr. THOMAS] but perhaps for 15 or 20 minutes. At that time the Senator from Ohio offered an amendment to the bill which provided for a joint commission of the Senate and the House of Representatives to consider the whole housing program. The Senator from Ohio called attention to the fact that he was a member of three different committees, all of which were legislating upon some phase of the housing matter, which is being administered by at least three agencies at the present time, and now we are creating a fourth agency, if I correctly remember the argument of the Senator from Ohio.

Before the Senator from Ohio left the city he discussed the matter with me, and asked me to discuss it with the distinguished Senator from Kentucky [Mr. BARKLEY], the majority leader, which I have done. I have revised the amendment offered by the Senator from Ohio in accordance with his suggestion, so as to provide only for a committee of the Senate and not for a joint committee of the Senate and the House.

I send to the desk the amendment which is printed in the name of the Senator from Ohio, and which I offer in his name.

The PRESIDING OFFICER. The amendment offered by the Senator from Kansas [Mr. REED] in behalf of the Senator from Ohio [Mr. TAFT] will be stated.

The Chief Clerk read as follows:

A committee of the Senate is hereby established to consist of five Members of the Senate, to be appointed by the President of the Senate. It shall be the duty of such committee to make a comprehensive study of the activities of the Federal Government in the field of housing, particularly as administered by the United States Housing Authority, the Federal Housing Administration, the Federal Home Loan Bank Board, the Federal Works Agency, and other agencies of a temporary or emergency nature. Such committee shall particularly consider—

(1) The need for housing in connection with the national-defense program;

(2) The formation of a long-range plan for stimulating slum-clearance and the construction of new housing for the lower- and middle-income groups with a minimum of Government subsidy;

(3) The coordination of all Government housing activity and the consolidation or elimination of agencies where such consolidation or elimination will promote greater economy and efficiency in administration; and

(4) The stimulation of private investment and private industry in the housing field.

Such committee shall report its findings to the Congress not later than March 30, 1941, and shall recommend such legislation as it may deem necessary to carry out the objectives set forth in this section.

For the purposes of this section, such committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-sixth Congress; to employ such clerical and other assistants; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; to take such testimony; and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $25,000, shall be disbursed by the Secretary of the Senate upon vouchers approved by the chairman. The appropriation of such sums as may be necessary for the purposes of this section is hereby authorized.

Mr. REED. Mr. President, I shall not detain the Senate. I have talked to the majority leader on this subject. I think the amendment of the Senator from Ohio is a good one, that it would clear the atmosphere, and would have a tendency to bring some cohesion and better order out of the general housing program, which is now divided between three agencies, to which we are adding a fourth agency. I am authorized by the Senator from Ohio to state that he is a supporter of the bill, and that he hopes the majority leader and our friends upon the other side will accept his amendment.

That is all I have to say in regard to the matter.

Mr. CONNALLY. Mr. President, I very much hope the Senate will not agree to this amendment. A similar amendment was voted down the other day. This is rather an anomalous amendment. It provides by statute for the establishment of a Senate committee. The Senate, if it desires to do so, may select such a committee by a simple resolution. It is a very unusual parliamentary procedure to insert in a bill a provision as to the creation of a Senate committee.

I hope the Senate will not agree to the amendment. I have no disposition to oppose the selection of a committee by the Senate when it is proposed in the regular way, by resolution authorizing the Banking and Currency Committee to make this study, or otherwise. The amendment now offered has no place on this bill, and I hope it will be rejected.

Mr. BARKLEY. Mr. President, I simply wish to say that the complaint of the Senator from Ohio [Mr. TAFT] on last Monday was that we have three committees of the Senate considering different phases of housing. This amendment would set up a fourth, and would set it up, as the Senator from Texas says, by statute.

The Committee on Banking and Currency has handled the home owners' loan legislation, which is a Federal housing project, and the Federal Housing Administration legislation, which is a Federal housing project. We have always had a Committee on Public Buildings and Grounds, but its jurisdiction has been limited to the construction of public buildings like post offices, customhouses, and so forth. When the United States Housing Administration legislation was under consideration it went to the Committee on Education and Labor, because it had involved in it the question of labor. I think it might as well have gone to the Banking and Currency Committee, which had been handling all housing legislation; but I see no need for setting up now a fourth committee to do the same work that any one or all of these other committees can do and are doing in the way of investigation and making surveys; and even when they made their recommendation, if their recommendation should be presented in the form of a bill, it would have to go to one of the standing committees. So it seems to me there is no need for this proposed committee.

Mr. BYRNES. Mr. President, I should like to say to the Senator from Kansas that the Senator from Ohio [Mr. TAFT] talked with me about the matter possibly 2 weeks ago. I greatly regretted that I did not have an opportunity to discuss it again with him, because I think possibly we could have reached an agreement about it.

As a matter of fact, as the result of the reorganization we did have at that time the thought of doing what the Senator from Ohio had in mind; and, as a result, we put into the Federal Works Agency the Housing Administration, the Bureau of Public Roads, and other building agencies. That is what the Senator from Ohio wanted to do. He wanted to coordinate the activities of the various building organizations. I share that view with him in great measure.

Since that time I learned that the Defense Commission had a representative who appeared before the Appropriations Committee presenting the question as to housing—the very question which is involved in the bill now pending before the Senate.

I learned that this gentleman had been doing a very splendid service in coordinating the building activities of the Army and the Navy. One reason why it is not all in one agency is that the Congress itself, the Committee on Appropriations directing it, has provided that construction shall not be handled by the Housing Administration, but by the Navy and the Army. Congress, for reasons satisfactory to itself, preferred that that be done. So that really some of the objection raised by the Senator from Ohio is due to our own action.

I must say that it was the attitude of the House more than of the Senate. They did not want the Housing Administration to handle this construction, and they provided that the Army and the Navy should do it. So that there is construction by the Army and by the Navy, and it is because we directed it.

The Federal Housing Administration is a lending agency, not a construction agency, and really upon investigation I think one must reach the conclusion that it has no part in the building activity.

As the Senator from Kentucky has said, I think the resolution of investigation should be considered upon its merits, and apart from the pending bill. I have no feeling about the matter at all. I must say that Congress is responsible for the division of authority at this time.

Mr. PEPPER. Mr. President, I merely wish to say that because of the fact that a good many houses are to be built by the Government in Florida in aid of the national-defense program, it has been my privilege and duty to be in some contact with the Federal agencies which are interested in this program. I have happily found the finest sort of coordination and cooperation among the agencies, the Procurement Division, the Public Buildings Administration, the National Defense Council, the Army and the Navy, the Federal Housing Administration, and some of the lending agencies affected under the R. F. C., all of which is being splendidly coordinated by Mr. Palmer. He has been functioning very efficiently, to my personal knowledge, as the coordinator of all these activities, and I am sure it will be found they are being operated efficiently.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. REED] on behalf of the Senator from Ohio [Mr. TAFT].

The amendment was rejected.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 4088. An act to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts;

H. R. 8846. An act to provide for the retirement of certain members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the members of the Fire Department of the District of Columbia;

H. R. 9581. An act to amend the Merchant Marine Act, as amended; and

H. R. 10339. An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes.

IMPROVEMENT OF RIVERS AND HARBORS IN THE NATIONAL DEFENSE

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of House bill 9972, Calendar No. 2182, the river and harbor bill.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes, which had been reported from the Committee on Commerce with amendments.

ASSIGNMENT OF CLAIMS UNDER PUBLIC CONTRACTS

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 10464, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
October 3, 1940.

Resolved, That the House agree to the amendments of the Senate Nos. 1, 2, 3, 4, and 6 to the bill (H. R. 10464) to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts; and

That the House agree to the amendment of the Senate No. 5 to said bill with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

"Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of any claim arising under such contract shall not be subject to reduction or set-off, and if it is so provided in such contract, such payments shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of such contract."

Mr. BARKLEY. I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 5.

The motion was agreed to.

TRANSFER OF JURISDICTION OF THE ARLINGTON FARM, VIRGINIA

The Presiding Officer laid before the Senate the amendments of the House of Representatives to the bill (S. 4107) to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdiction of the War Department and the Department of the Interior, and for other purposes.

Mr. SHEPPARD. I move that the Senate disagree to the amendments of the House of Representatives, ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SHEPPARD, Mr. REYNOLDS, Mr. THOMAS of Utah, Mr. MINTON, Mr. AUSTIN, and Mr. GURNEY conferees on the part of the Senate.

EXTENSION OF CLASSIFIED CIVIL SERVICE—CONFERENCE REPORT

Mr. MEAD. Mr. President, I ask for the immediate consideration of the conference report on House bill 960, submitted by me yesterday, which is now on the table.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960) extending the classified civil service of the United States.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960) extending the classified civil service of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from its amendments numbered 4, 8, 11, 12, 24, 30, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, and 31; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "or to any position to which appointments are made by the President by and with the advice and consent of the Senate, or to positions of assistant United States district attorney"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "*And provided further*, That the Civil Service Commission may require the submission of fingerprints of applicants for competitive or noncompetitive examinations ordered or conducted by the Commission, but may not require the submission of a photograph of any applicant"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) That from and after the effective date of this Act any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives and whose separation from the service is involuntary and without prejudice shall acquire, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe, a classified civil service status for transfer to a position in the classified civil service notwithstanding any contrary provisions of the civil service laws or regulations: *Provided*, That any individual who may hold such a position in the legislative branch must obtain such transfer within one year from the date of separation, and nothing in this Act shall be construed to impair any right of retransfer provided for under civil service laws or regulations made thereunder."

And the Senate agree to the same.

W. J. BULOW,
WALLACE H. WHITE, Jr.,
LYNN J. FRAZIER,
JAS. M. MEAD,
WALTER F. GEORGE,
Managers on the part of the Senate.
ROBERT RAMSPECK,
JENNINGS RANDOLPH,
FRANK FRIES,
Managers on the part of the House.

The report was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. KING, from the Committee on the Judiciary, reported favorably the nomination of Ingram M. Stainback, of Hawaii, to be district judge for the district of Hawaii, vice Seba C. Huber, term expired.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). If there be no further reports of committees, the clerk will state the nominations on the calendar.

COLLECTOR OF INTERNAL REVENUE

The legislative clerk read the nomination of Roy G. Paschal to be collector of internal revenue for the District of Arkansas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the United States Public Health Service.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

POSTMASTERS

The legislative clerk read the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr., which had been passed over.

Mr. BARKLEY. Mr. President, I ask that this nomination go over again.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the remaining post-office nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed. That completes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate took a recess until tomorrow, Friday, October 4, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate, October 3 (legislative day of September 18), 1940

COLLECTOR OF INTERNAL REVENUE

Roy G. Paschal to be collector of internal revenue for the district of Arkansas.

UNITED STATES PUBLIC HEALTH SERVICE

TO BE MEDICAL DIRECTORS

James F. Worley
Marion S. Lombard
Carl Michel
Robert L. Allen

TO BE SENIOR SURGEONS

Floyd C. Turner
Calvin C. Applewhite
Frank V. Meriwether
Roy E. Bodet
Walter G. Nelson
Albert E. Russell
Ralph D. Lillie

TO BE PASSED ASSISTANT SURGEONS

Robert C. Dunn
Russell K. Taubert
Randall B. Haas
Robert D. Duncan

TO BE SURGEONS

Eddie M. Gordon
Ralph Gregg

TO BE ASSISTANT SURGEONS

Edwin N. Hesbacher
William A. Miller
James A. Finger
Robert L. Smith
William B. Wiley
William B. Hoover
Paul T. Moore
Steve Fagan Price
George E. Parkhurst
Lloyd D. Miller
Arnold B. Kurlander
Charles W. Fey
James M. Howell
William J. McAnally, Jr.
Jack T. Rush
Jack G. Hallatt
Clarence B. Mayes

POSTMASTERS

COLORADO

Charles A. Fitzsimmons, Leadville.

INDIANA

Edward E. Speas, Whiteland.

IOWA

Frances F. Baldwin, Cascade.
Arthur A. Smith, Lewis.
Walter W. White, Spirit Lake.

KENTUCKY

Carl D. Evans, La Center.
Hannah G. Chappell, Lewisport.
Manis Slone, Pippapass.
Ouida L. O'Flynn, Utica.
James Wendell Nickell, West Liberty.

NEW HAMPSHIRE

Fred L. Sargent, Woodsville.

PENNSYLVANIA

Medea F. Hoffman, New Alexandria.

SOUTH CAROLINA

James E. Bell, McCormick.

TEXAS

Macon L. Rice, Venus.

WASHINGTON

Mike Capps, Port Gamble.

HOUSE OF REPRESENTATIVES

THURSDAY, OCTOBER 3, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Be pleased to harken, O Lord, unto our supplication; in the love and mercy of Thy holy nature incline Thine ear unto us. We would praise and thank Thee for all Thy goodness and wonderful works to the children of men; Thou hast kept us and not we ourselves. Vouchsafe Thy continued blessing unto us and keep us this day without sin. We beseech Thee that Thy spirit may abide in all our hearts and enable us to glorify Thee in all that we do or say. Being conscious that it is very possible for us to live the fuller life with the Master, let Thy hand still lead us on from the world's fascinations to the everlasting harmonies and the spiritual joys and rest of the soul. Heavenly Father, by the darkened homes we may bless, by the ignorant we may teach, by the poor and starving we may feed and clothe, by all the good we may do, may we present ourselves a living sacrifice at the altar of our Lord. In our Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 10122. An act to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869); and

H. R. 10464. An act to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 162) entitled "An act to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 3920. An act to amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes; and

S. 3990. An act to transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court, Government counsel, and stenographic clerks as set forth therein for traveling expenses incurred for maintenance while absent from New York on official business, and to repeal all acts inconsistent therewith to the extent of such inconsistency, and for other purposes.

CUSTODIAL-SERVICE EMPLOYEES OF THE POST OFFICE DEPARTMENT

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 892) to extend to custodial-service employees employed by the Post Office Department certain benefits applicable to postal employees, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Line 9, after "reached", insert "*Provided*, That no individual employee shall receive an increase in excess of $60 per year."
Line 14, strike out "1939" and insert "1941."

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, as I understand, this bill has the approval of the entire Committee on the Post Office and Post Roads?

Mr. ROMJUE. That is right.

Mr. MICHENER. The gentleman from Illinois [Mr. MASON] is here, a member of the committee. Has the gentleman anything to say about the bill?

Mr. MASON. Only this, that it was reported by our committee unanimously and passed the House. The Senate amended it in just two particulars. One was to cut the maximum increase from $100 to $60, and the other was to change the date from 1939 to 1941. That is all. We approved these changes.

Mr. RICH. Reserving the right to object, Mr. Speaker, does not the gentleman from Missouri believe the Senate did a good thing when they cut the amount from $100 to $60? I can recall that in the last 7 years, while Mr. James Farley was Postmaster General, we were asked to increase the postage rate from 2 cents to 3 cents so that we could get funds to carry on the New Deal. However, the expense has become so great that the Post Office Department started to run in the red, and has run in the red every year. Instead of getting $100,000,000 to carry on and help defray the expenses of other parts of the Government due to legislation that was passed because it was recommended by the various committees, you used up that $100,000,000. The people of this country will never get rid of the 3-cent postage rate. You will always have to pay it, and you are not going to have anything to help pay the national debt.

Mr. ROMJUE. I may say to the gentleman that while I appreciate his speech nevertheless this $100 provision has been in existing law for some time; now, in this bill as amended it provides $60 automatic.

Mr. RICH. If the gentleman appreciates my speech on that, he ought to hear me when I talk about the Federal statement and the way you are going in the red. You ought to digest that. It would do all of you a lot of good.

Mr. ROMJUE. I should be very glad to hear the gentleman. I always appreciate what he says although I do not always agree with him.

Mr. RICH. You over there do not agree with me, and that is the reason we are going in the red so fast. If you would agree with me we would get out of the red, I promise that.

Mr. ROMJUE. I am so glad the gentleman is so well read.

Mr. TABER. Reserving the right to object, Mr. Speaker, I understand that this bill gives to the custodial employees of the Post Office Department an automatic increase in wages each year regardless of the situation that may exist in their communities, whether it is a very small office they have to look after and a very small job, or whether it is a great big job. It does not seem to me the bill is right. Increases have been provided for these employees which have been allocated by the Post Office Department to those who have the big burdens to bear. Under the circumstances I am sorry, but I feel obliged to object.

TRANSPORTATION OF MAIL WITHIN THE TERRITORY OF ALASKA

Mr. MASON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9851) authorizing special arrangements in the transportation of mail within the Territory of Alaska, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, line 3, after "contract" insert "That the Postmaster General in his discretion, may fix the postage for the mails carried, or any part thereof, by aircraft to, from, or within Alaska, at rates not exceeding in any case 30 cents per ounce or 15 cents per half ounce, notwithstanding any other provision of law."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain the amendment?

Mr. MASON. This bill was reported by our committee unanimously and passed the House. It was amended by the Senate in just one particular. This amendment is to correct an inadvertence. When we changed the Civil Aeronautics Act in June 1938 we struck from that act certain words which gave the Postmaster General authority to set the rates for air mail in Alaska. This bill pertains to Alaska only. The Senate inserted these words in our bill:

That the Postmaster General, in his discretion, may fix the postage for the mails carried, or any part thereof, by aircraft to, from, or within Alaska, at rates not exceeding in any case 30 cents per ounce or 15 cents per half ounce, notwithstanding any other provision of law.

That was a part of the law, and that was the prerogative of the Postmaster General up until 2 years ago. Now this provision has been reinserted in the bill. The Post Office Department has no objection to this provision, and our committee approves it.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SWEARING IN OF A MEMBER

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the oath of office may be administered to Mrs. FLORENCE REVILLE GIBBS, a Member-elect from the Eighth Congressional District of Georgia, notwithstanding the fact that the certificate of election has not been received in the Clerk's office. Mrs. GIBBS was elected at a special election on the 1st day of October, without opposition, to succeed her late husband, Congressman W. Ben Gibbs. I ask that she be permitted to take the oath of office now.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mrs. GIBBS appeared at the bar of the House and took the oath of office.

EXTENSION OF REMARKS

Mr. DELANEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a sermon delivered by the Reverend Maurice S. Sheehy, of the Catholic University.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONSTRUCTION OF FACILITIES FOR ENFORCEMENT OF CUSTOMS AND IMMIGRATION LAWS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3778) to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930.

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain in detail just what the bill is?

Mr. LANHAM. Yes;. I shall be glad to explain the bill.

In 1930 a law was passed with reference to the limitation of costs for the facilities of customs and immigration buildings along the Canadian and Mexican borders. This limitation was $3,000 on those buildings that were operated by one of the units, and $6,000 on those buildings operated by the two units jointly. They have operated under this law since 1930. It is contemplated that within the next 5 years about six of these buildings are to be erected. They are in isolated regions along these borders and this limitation of cost includes not only the building itself, but the purchase of the land, the lighting and sewerage facilities and usually the drilling of a well for water, as well as all of the conveniences and utilities necessary to be provided in these isolated spots.

By reason of the cost of materials and the cost of labor and the fact that these structures are in isolated places, it is impossible for these buildings and facilities to be provided now for this price. This bill provides that the limits of cost shall be extended to $5,000 for one unit with all necessary conveniences and utilities, and $10,000 where two units use the building jointly.

I may say in this regard that, recently, there was necessity to build one of these stations for the Customs Bureau along the Mexican border. Invitations for bids were submitted to 26 different contractors. Only 2 replied with bids and each put in an estimate of over $5,000 for a single unit, whereas the present limitation is $3,000 for a single unit.

Mr. RICH rose.

Mr. LANHAM. Let me state also, before responding to the gentleman from Pennsylvania, that no further appropriation is required in view of the fact that we are advised by the Treasury Department that the funds are available for this additional cost in the construction of these buildings, about six of which are contemplated in the next 5 years along the Canadian and Mexican borders for immigration and customs purposes.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Pennsylvania.

Mr. RICH. I think the gentleman figured I was going to ask the question, "Where are you going to get the money?" but I believe here is an opportunity where the American people and the American Congress ought to be doing everything they can to keep people from foreign countries coming into our land without proper credentials and without authority to come in, because when this war is over in Europe, if it ever is over, they are going to try to flock into this country and we ought to be very vigilant right now and should try to see that such laws are enacted that people cannot get into this country unless we are willing to permit them to come in. If we ever do let the bars down, we will regret it and rue our action the rest of our days.

Mr. LANHAM. I thank the gentleman, and I am pleased to say that the money is available without further appropriations of any character and that these structures cannot possibly be built under the limitation of cost that was set 10 years ago.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Texas.

Mr. THOMASON. Is the limitation taken off entirely?

Mr. LANHAM. No; it is extended from $3,000 and $6,000, respectively, to $5,000 and $10,000, the higher amounts being where the two units of the Immigration Bureau and the Customs Bureau use the same building; and I may say that each building houses the officers and their families and includes their office space and in addition provides necessary conveniences in these isolated regions, and by reason of the increases in cost and the fact that these stations are far from settled centers, it is impossible, by the testimony before us, for them to be constructed under the present limitations of cost, and we have a very striking example of that in the effort of the Treasury Department to construct one recently along the Mexican border.

Mr. THOMASON. If the gentleman will permit, I may say that in my district, at a town called Fabens, Tex., on the Mexican border, a building has been authorized for the joint use of customs, immigration and public health, and an allocation of $25,000 has been made for that joint building. Will this bill place any limitation upon that structure? There has been inexcusable delay in the construction of this building. The Government already owns the land and the money is available. The building is badly needed and I want to see work begin.

Mr. LANHAM. No; because this has reference simply to the Immigration Service and the Customs Bureau, where they operate jointly or where they operate separately.

Mr. RICH. Mr. Speaker, will the gentleman yield for another question?

Mr. LANHAM. Yes.

Mr. RICH. Are we getting the cooperation of Canada and Mexico in trying to prohibit people from going from one country to another?

Mr. LANHAM. Of course, someone more familiar with the activities of the State Department could answer that question better, but I assume that we are.

Mr. McGREGOR. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. McGREGOR. Is it not true that these proposed limitations of $5,000 and $10,000 for single and double units include the utilities as well as the land involved?

Mr. LANHAM. They include all utilities, land, sewerage, water facilities, and light facilities. Everything is included within these limitations. These buildings, just a few of which are in contemplation, cannot possibly be constructed under the limitation of cost that was set 10 years ago.

Mr. MICHENER. Will the gentleman yield further?

Mr. LANHAM. I yield.

Mr. MICHENER. As a general policy, I think the gentleman agrees with me that bills of this type should not be brought up and passed by unanimous consent. However, I understand in this bill the element of emergency is present. There is a necessity for immediate action. I think oftentimes the Congress yields too much to the gentleman from Texas [Mr. LANHAM]. We have such explicit faith and confidence in him, that we believe he will not bring in a bill that should not be here. His views respecting this bill are concurred in by the minority members of the committee. I therefore withdraw the reservation to object.

Mr. LANHAM. I thank the distinguished gentleman. May I say to the gentleman that, of course, I have no personal interest in this, except simply as an American citizen. We are drawing near the time when we may be in recess, and the fact that at least one of these buildings is now necessary and cannot be constructed under the limitation of cost makes it important to have this legislation.

Furthermore, I will say that the Committee on Public Buildings and Grounds of the House of Representatives has reported unanimously the same bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930 (U. S. C., 1934 ed., title 19, sec. 68), is hereby amended to read as follows:

"That to aid in the enforcement of the customs and immigration laws along the Canadian and Mexican borders and to provide better facilities for such enforcement at points along such borders at which no Federal or other buildings adapted or suitably located for the purpose are available, the Secretary of the Treasury and the Attorney General are hereby authorized to expend, from the funds appropriated for the general maintenance and operation of the

Customs and the Immigration and Naturalization Services, respectively, the necessary amounts for the acquisition of land and the erection of buildings, sheds, and office quarters, including living quarters for officers where none are otherwise available: *Provided*, That the total amount which may be so expended for any one project, for the use of one department, including the cost of the site, shall not exceed $5,000, and that where quarters are so erected or facilities so provided for the joint use of the Customs and the Immigration and Naturalization Services the combined cost charged to the two appropriations concerned shall not exceed $10,000 for any one project, including the site.

"SEC. 2. The Secretary of the Treasury is authorized to expend, from the funds appropriated for the general maintenance and operation of the Customs Service, such amounts as may be necessary for the erection of protective gates across international highways and roads crossing the Canadian and Mexican borders and for the erection of such fences in the immediate vicinity of such highways and roads as may be necessary to prevent unlawful entry or smuggling."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that a similar House bill, H. R. 9086, be laid on the table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDING AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4374) to amend the Agricultural Adjustment Act of 1938.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this the bill where there is a reallocation of funds beneficial to the tobacco growers?

Mr. FLANNAGAN. No, sir; that was stricken out. It does not go into operation until next year. I took the matter up with the gentleman from Michigan yesterday and he asked me to see the gentleman from Minnesota [Mr. ANDRESEN]. I talked to the gentleman from Minnesota and also to the gentleman from Kansas [Mr. HOPE]. I had talked to all of the members of the committee prior to that time and they agreed to a favorable report of the bill.

The tobacco growers are unanimous in their request for this piece of legislation. They think it is necessary at this session.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. FLANNAGAN. I yield.

Mr. AUGUST H. ANDRESEN. As I understand it, no hearings have been held on this proposal by the Committee on Agriculture?

Mr. FLANNAGAN. That is true, except that it was referred to the Department and a favorable report was made. I discussed the bill with each member that I could find. I did not see the gentleman from Minnesota [Mr. ANDRESEN] until yesterday. They all agreed to a favorable report. The committee had not been called together, due to the fact that the chairman was away.

Mr. AUGUST H. ANDRESEN. What does the bill actually do?

Mr. FLANNAGAN. With reference to certain types of tobacco, it makes a different classification for the purpose of a referendum. It was found that they had been incorrectly classified. Some of the tobacco growers in one area did not want to be hooked up in a referendum with the tobacco growers in another area, of a type that was a distinct type, although somewhat similar.

The other amendment only changes the base period from 1934 to 1939, due to the fact that in tobacco we have found that the cost of production has greatly increased in the burley and flue-cured types. The increase in the production cost has been brought about largely by the increase in the tobacco now used for cigarettes. About 80 percent of the flue-cured type is now used for cigarettes and about 60 percent of the burley. That is, that part of the crop domestically consumed. Just a few years ago it was about half that much. Now to produce a leaf of tobacco for cigarette purposes requires closer spacing in order to grow a lighter leaf. It takes a great deal more labor and it is more costly. We are trying to bring the price relationships more into line.

Mr. AUGUST H. ANDRESEN. It is my understanding that the change in this base period will transfer $2,500,000 benefit payments from wheat, cotton, and rice over to tobacco.

Mr. FLANNAGAN. Not this year; no, sir. It would not do it next year if we maintain our price level. In spite of the fact that tobacco contributes each year over a half billion dollars to the Federal Treasury it has never received 1 cent in parity payments to this good day.

Mr. AUGUST H. ANDRESEN. The gentleman does not want to maintain here that it is the tobacco grower who contributes that tax to the Federal Treasury?

Mr. FLANNAGAN. Well, it is reflected in our price, more or less.

Mr. AUGUST H. ANDRESEN. I think with two and a half million dollars involved in this proposal and taking it away from other basic commodities, it looks to me as though this measure is of sufficient importance to have had hearings on it before the committee.

Mr. FLANNAGAN. It does not affect parity payments at all this year. The psychological effect of this piece of legislation, however, it is believed, will go a long way towards maintaining a decent and fair price for the present crop. Moreover, it will be of great value in the event we have to apply for loans.

Mr. AUGUST H. ANDRESEN. It affects crops next year and gives them $2,500,000 more.

Mr. FLANNAGAN. That is if our tobacco prices tumble.

Mr. AUGUST H. ANDRESEN. I told the gentleman I would not object, but I think it is poor practice to bring up important legislation of this character by unanimous consent without hearings in the committee. The membership should know what is going on.

Mr. FLANNAGAN. I hope the gentleman will not object.

Mr. CHURCH. Mr. Speaker, reserving the right to object, the bill has not even been on the Consent Calendar. Is that right?

Mr. FLANNAGAN. The bill was introduced sometime ago. Due to the fact the chairman of the committee has been away the committee has not been in session. I did poll the committee, and every member I talked to was in favor of making a favorable report. The gentleman from Pennsylvania [Mr. KINZER], representing the minority tobacco interests on the committee and especially the Pennsylvania tobacco growers, is in favor of the bill. Senator BARKLEY introduced a similar bill in the Senate, which the Senate passed and is now on the Speaker's desk.

Mr. CHURCH. The bill has not been before the House committee for consideration.

Mr. FLANNAGAN. Not formally. It was introduced, referred to the Department of Agriculture for a report, and a favorable report was made. Discussion has been going on between the members of the committee for the past 3 weeks. And I may add that every Representative of a tobacco district in the House is in favor of the bill.

Mr. CHURCH. Mr. Speaker, I shall object.

Mr. FLANNAGAN. Mr. Speaker, will not the gentleman withhold his objection?

Mr. CHURCH. The bill has not been before the House committee for consideration, it has not been on the Consent Calendar. The Consent Calendar will soon be in order again. It is not in the interest of orderly procedure to have the bill brought up this way.

Mr. FLANNAGAN. I understand it is not according to the regular procedure.

Mr. CHURCH. The official objectors devote a great deal of time to the bills on the Consent Calendar.

Mr. FLANNAGAN. As a matter of fact, the bill has been given more consideration than most bills that come before the committee, due to the fact that we polled the members and discussion has been going on for several weeks.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, if the gentleman will yield, surely the gentleman does not mean that

this bill has been given more careful consideration than most bills that come before the committee.

Mr. FLANNAGAN. What I mean is we have had a lot of discussion between the members, a thorough discussion. I do not know of a single committee member opposed to the bill. The bill was thoroughly considered by the Senate.

Mr. JONES of Texas. Mr. Speaker, reserving the right to object, I may say to the gentleman from Illinois that this bill carries an amendment put on in the Senate which permits the tobacco to be treated as of different classes. To take care of that situation, which is not involved in the bill under discussion, will not the gentleman permit the bill to go through properly amended?

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. CHURCH. Mr. Speaker, for the reasons I have stated, I object.

The SPEAKER. The Chair recognizes the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Speaker, by authority of the Committee on Agriculture, I ask unanimous consent for the present consideration of Senate Joint Resolution 225 relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

Mr. PETERSON of Florida. Mr. Speaker, reserving the right to object, at the present time I shall be compelled to object, but I am seeking certain definite assurances from the Department which I hope to have in a very short time. A little later in the day I may be in position to withdraw my objection, but for the present I shall be compelled to object.

Mr. FULMER. Mr. Speaker, will the gentleman withhold his objection for the moment?

Mr. PETERSON of Florida. Mr. Speaker, I withhold my objection to permit the gentleman to make a statement.

Mr. FULMER. I may say to the gentleman that it is definitely understood that the Department will submit the letter in question. I hope the gentleman will not object at this time, because I will guarantee to the gentleman that the letter will come in and be placed in the RECORD giving their statement as to the purpose and intent of the bill, which I understand is satisfactory to the gentleman. With this assurance, I hope the gentleman will not object.

Mr. MICHENER. Mr. Speaker, reserving the right to object, a great many bills are being called up under unanimous consent. Unless the House knows what they are, they cannot take proper action. The way for them to do this is to have the bills explained.

Mr. FULMER. I may say to the gentleman from Michigan that the purpose of the bill has been carefully considered by the committee and the committee authorized me to ask that the bill be taken up for consideration. May I state that a number of Members who are interested in sugar legislation have been consulted, particularly the gentleman from Michigan [Mr. CRAWFORD], who is deeply interested in all sugar legislation, and the gentleman from Florida [Mr. PETERSON], who likewise is deeply interested. There is no objection on the part of any member of the committee, either minority or majority, to this bill, or on the part of Members who are deeply concerned in the matter.

I may state to the gentleman that the only purpose of the bill is to take care of a situation which arose in Louisiana when the quotas were temporarily withdrawn. Certain planters in the State of Louisiana—about 200—perhaps overplanted their acreage which would tend to overproduce their quotas, but because of bad weather and crop conditions in the State, even if they harvest the total acreage planted, they will not overrun the quota.

Mr. MICHENER. This is what is known as the Ellender bill?

Mr. FULMER. The gentleman is correct.

Mr. MICHENER. I understand the gentleman from Colorado is deeply interested in the beet-sugar provisions of this bill.

Mr. FULMER. Yes; and the gentleman from Michigan [Mr. CRAWFORD] likewise is deeply interested in all sugar legislation. He is favorable to the bill.

Mr. MICHENER. Is this a bill for which a rule was going to be asked?

Mr. FULMER. The gentleman is correct.

Mr. MICHENER. If the matter is considered by unanimous consent it will save just that much time of the Rules Committee.

Mr. FULMER. That is true.

Mr. RICH. Will the gentleman yield?

Mr. FULMER. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman refers to the people who are interested in sugar in Louisiana and Florida, and those interested in the beet-sugar industry, but who is looking after the general public to know whether we are getting the best results from legislation that is going to aid and assist the sugar industry of this country in competition with that of Cuba and other foreign countries? Are we going to look after the public so that we can create jobs in this country; and are we going to look after America first; then, if there is anything left over, look after the people outside of this country?

Mr. FULMER. The Committee on Agriculture has been the one committee of the House that has always been deeply interested in the people and we are looking after the interests of the consumer.

Mr. RICH. If the Committee on Agriculture is doing a good job for America, we will not have to go down into the Treasury to pay somebody and we ought to let the Committee on Agriculture go further. What we want to do is create jobs in the Agricultural Department, we want to increase production in this country, we want to give these farmers an opportunity to work, we want to make this a land of plenty, not a land of scarcity.

Mr. JONES of Texas. There is more sugar produced in this country under this program than before.

Mr. RICH. Are you going to do that with everything? Let us make this a land of plenty.

Mr. JONES of Texas. I am not running everything. We are doing it in this respect.

Mr. RICH. Why do you not do it in other respects?

Mr. JONES of Texas. I cannot answer all the questions at one time. This is the only thing that is up at this time.

Mr. FULMER. Mr. Speaker, the gentleman from Pennsylvania [Mr. RICH] spoke about scarcity. May I say to the gentleman that in connection with practically every farm product we have not a scarcity. We have stored away in the interest of the people of the United States, and for export, millions of bales of cotton, millions of bushels of corn and wheat, and hogs are in pretty good shape.

Mr. RICH. We are going to need them before this war in Europe is over. If you would have stopped the reciprocal trade agreements during the last 3 or 4 years, our farmers would have sold their produce, then we would have been in shape to take care of the farmers. Now you find yourself in a predicament and you want to get out of it the best way you can.

Mr. FULMER. May I say to the gentleman that the trade treaties have not anything to do with what we are now considering.

Mr. PETERSON of Florida. Mr. Speaker, I expect a letter almost any time and after it has arrived I will have a conference with the Florida delegation. I do not want to be put in the position of objecting. I should prefer not to object to the gentleman's request. If the gentleman would defer the request until about 10 minutes after 1, I will try to get my delegation together.

Mr. FULMER. Mr. Speaker, I withdraw the request at this time at the request of the gentleman from Florida.

REGISTRATION OF CERTAIN ORGANIZATIONS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10094) to require the registration of certain organizations carrying on activi-

ties within the United States, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

There was no objection, and the Speaker appointed the following conferees on the part of the House: Mr. SUMNERS of Texas, Mr. HOBBS, Mr. CREAL, Mr. GUYER of Kansas, and Mr. HANCOCK.

AMENDMENTS OF SECTIONS 3477 AND 3737 OF THE REVISED STATUTES

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10464) to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contract.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 10, strike out "$3,000" and insert "$1,000."

Page 2, line 4, strike out "this act" and insert "the Assignment of Claims Act of 1940."

Page 2, line 8, strike out "this act" and insert "the Assignment of Claims Act of 1940"

Page 3, line 4, strike out "this act" and insert "the Assignment of Claims Act of 1940."

Page 3, after line 5, insert:

"Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of such contract shall not be subject to reduction or set-off, and if so provided such payments shall not be subject to reduction or set-off, for any indebtedness of the assignor to the United States arising independently of the contract designated in the assignment."

Page 3, after line 5, insert:

"SEC. 2. This act may be cited as the 'Assignment of Claims Act of 1940.'"

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, this is a bill in which a slight change was made in the Senate, which changes were considered by the Judiciary Committee this morning and unanimously agreed to?

Mr. HOBBS. The distinguished gentleman is correct, essentially. Our committee unanimously authorized the action now being taken to correct an error of terminology in one of six Senate amendments.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, will the gentleman explain what the changes are? We are very much interested in this bill, because it has to do with several million dollars of excess reserves. I wish the gentleman would explain the changes.

Mr. HOBBS. We believe through inadvertence the Senate in drafting its amendments used the word "contract" when it should have used the words "any claim arising under such contract." In other words, this bill is for the assignment of claims against the Government arising out of national-defense contracts.

Mr. WOLCOTT. Let me understand this matter. As I understand the amendment, as explained by the gentleman, a contract cannot be assigned as a pledge for a loan?

Mr. HOBBS. That is right.

Mr. WOLCOTT. That defeats the purposes of the bill, as I understood it.

Mr. HOBBS. No, sir.

Mr. WOLCOTT. The purpose of this bill, and the purpose of the bill introduced by the gentleman from Minnesota [Mr. YOUNGDAHL], was to make it possible to pledge defense contracts with banks for loans in order that we may get some of this private capital working. It seems to me if you confine this to claims growing out of contracts you defeat the very purposes of the bill and you change it completely from that which we all understood it was heretofore.

Mr. HOBBS. I may say to the distinguished gentleman that he is mistaken, that the bill as passed by the House dealt only with the assignment of claims arising out of Government national-defense contracts and similar contracts. There has never been any legislation which permitted the assignment of a contract itself.

Mr. WOLCOTT. Then, am I all wrong here in assuming that when we passed this bill the other day we were going to make it possible to pledge these contracts for loans? I wake up now and find that what you actually have done is something entirely different. That is not my understanding.

Mr. SUMNERS of Texas. Reserving the right to object, Mr. Speaker, the gentleman recalls we had some discussion when this bill was pending before on this subject. May I say to the gentleman that this bill was drawn with a view of avoiding some difficulties that grew out of experience in the World War. During the World War we had what were known as contract brokers who came down here with a lot of contracts that were assigned, and a very unpleasant situation developed out of it. This bill, as has been explained by the gentleman from Alabama, has for its purpose the assignment of claims arising under the contracts as distinguished from the assignment of contract, the purpose of the bill being to make it possible for persons who have made contracts with the Government to pledge their claims against the Government to get more money with which to complete the contract. This broadens the field from which you can draw bids. That is the whole purpose of this bill. As the gentleman from Alabama has just explained, the only reason why it is necessary to have this concurrence with an amendment is to strengthen this bill from what inadvertently got into it.

Mr. WOLCOTT. That is the gist of this whole proposition as I see it. Now you have created a situation where a contract cannot be assigned until a claim has arisen under that contract.

Mr. SUMNERS of Texas. The contract may not be assigned at all.

Mr. WOLCOTT. This anticipates that there has been performance on the contract. What I thought we were doing was to authorize the assignment of these contracts to local banking institutions by which the industries having these contracts might get money from private institutions in anticipation of claims, if you want to put it that way, rather than having to come to the R. F. C. or other agencies of the Government to get the credit which should be flowing naturally and normally from the private lending agencies and the private banks of the Nation.

If that is not the purpose of this bill, I surely want to look it over a little further before I consent to its passage, because I do not believe we are accomplishing anything by allowing them to pledge claims when the purpose of this legislation is to thaw out this vast reservoir of unused capital in the banks. If we are not going to do that, I believe we should give further consideration to the measure and at least let us on this side understand what we are doing.

Mr. HOBBS. I believe the distinguished gentleman is confusing the bill with this amendment.

Mr. WOLCOTT. I believe the gentleman is confusing me. I do not believe I am confused about the purpose of this bill. Unless the bill expressly provides that these Government contracts may be pledged with private banks or private institutions for the purpose of getting the cash and credit to put into this national-defense program, then the gentleman is defeating what I understood to be the purpose of this bill.

Mr. HOBBS. May I say to the gentleman that the bill does exactly what the distinguished gentleman desires and it never has done anything else.

Mr. WOLCOTT. Then perhaps I do not understand the gentleman. He says that only the claim may be assigned.

Mr. HOBBS. That is true.

Mr. WOLCOTT. A claim does not exist until there has been performance or partial performance of the contract.

Mr. HOBBS. Then the claim may be assigned to a bank or trust company to accomplish exactly what the gentleman has had in mind all along. The bill does the job we all wish done, but in a slightly different way from what the gentleman mistakenly thought was provided.

Mr. WOLCOTT. There is no claim until there has been at least some performance of the contract.

Mr. HOBBS. The gentleman is mistaken, in my opinion. There is a claim for the full amount of the contract price,

subject to the performance of his contractual obligations by the contractor.

This bill was passed by this House. It changed the law which theretofore absolutely prohibited any transfer of either contract or of claim thereunder. This bill opens the door of opportunity for small business concerns to bid on these Government contracts. It only permits that which is absolutely outlawed now, the hypothecation of claims under those contracts, so that money may be obtained to finance operations. It will put idle money to work and gives the little man a chance.

Mr. WOLCOTT. We were quite proud of the action taken by the House last week.

Mr. HOBBS. You should be. It is a good bill. The Senate amendment does not change the bill materially. What we now propose is merely a clerical correction of Senate amendment 5.

Mr. WOLCOTT. The press commented editorially upon the fact that here at least was one policy which would reverse a policy which has grown up in the last 7 years in this country of stultifying the endeavors of private enterprise to get private money into use on this defense program.

I do not want to be a party to letting this legislation go through now which will completely nullify the purpose as expressed on this floor and as expressed editorially in the press throughout the Nation. For that reason, I am going to object until we find out what this is about.

Mr. HOBBS. Will the gentleman withhold his objection until the amendment which we propose is read?

Mr. WOLCOTT. I have no objection to the amendment being read, but we should have some discussion and consideration of it.

The SPEAKER. Without objection, the amendment will be read for information.

There was no objection.

The Clerk read as follows:

Mr. HOBBS moves to concur in Senate amendment No. 5 with an amendment to read as follows: In lieu of the matter proposed in Senate amendment No. 5, insert the following:

"Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of the claim arising under such contract shall not be subject to reduction or set-off, and if it is so provided in such contract such payment shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of such contract."

Mr. WOLCOTT. Mr. Speaker, I believe we should look this bill over a little bit before we pass it by unanimous consent, and I object to the request.

LAMBORN & CO.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5937) to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, strike out lines 5 to 12, inclusive, and insert:

"SEC. 2. In the proceedings upon such claim before the Court of Claims, the United States shall not avail itself of the defense that the Department of Justice of the United States acted without legal authority in making representations or requests or issuing directions or fixing restrictions with regard to the purchase, importation, or disposition of such sugar."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain just what are the changes made in the bill.

Mr. KENNEDY of Maryland. This reinstates the language that was in the bill as it passed the Committee on Claims but was stricken from the bill by an amendment offered in the House. The language originally in the bill has been reinstated by the Senate.

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, will the gentleman explain what the bill is about?

Mr. KENNEDY of Maryland. This bill confers jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co. It passed the Senate and was then passed by the House, but was amended over in the Senate to conform to the language in the bill as it came from the committee.

Mr. WOLCOTT. What is the nature of the claim?

Mr. KENNEDY of Maryland. It is a claim dating back to 1920 and I am not at the moment familiar with all the details, but I may say to the gentleman that it has been considered by a special subcommittee of the Committee on Claims and was agreed to by the committee and was passed by the House unanimously.

Mr. WOLCOTT. It is not an Indian claim?

Mr. KENNEDY of Maryland. No.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent to print in the RECORD an address delivered by our distinguished colleague the gentleman from Virginia, Hon. A. WILLIS ROBERTSON, on the occasion of the dedication of the Big Levels Game Refuge, in the George Washington National Forest, on September 29, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CONSERVATION IN THE ARID AND SEMIARID AREAS OF THE UNITED STATES

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent, as a member of the Committee on Reclamation and Irrigation, to take from the Speaker's desk the bill (H. R. 10122) to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869), and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 9, strike out lines 21 to 24, inclusive, and lines 1 to 19 on page 10, and insert:

"(5) The Secretary shall establish the size of farm units of irrigable lands on each project in accordance with his findings of the area sufficient in size for the support of a family on the lands to be irrigated. No water may be delivered to or for more than the farm unit area of irrigable lands in the project owned by a single landowner: *Provided*, That this subsection shall not apply to the United States or any agency or instrumentality thereof, corporate or otherwise. No water shall be delivered to or for any land, in a project area, transferred or disposed of subsequent to approval of the project by the President, and within 3 years from the time water becomes available, unless and until it has been shown to the satisfaction of the Secretary or his duly authorized representative that the land has been transferred or disposed of at a price not exceeding the appraised value as determined by the Secretary or his duly authorized representatives, and upon proof of fraudulent representation as to the true consideration involved the Secretary is authorized to cancel the water right attaching to the land involved: *Provided further*, That nothing herein shall be construed to create authority to interfere with the delivery of water under prior rights.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question about this legislation. Does this create any new legislation so far as irrigation projects are concerned?

Mr. CASE of South Dakota. No; it is amendatory of existing legislation.

Mr. O'CONNOR. I will say to the gentleman that it does not. This bill simply clarifies what is known as the Wheeler-Case law to make it more workable to conditions in the Western States and to coordinate the acts of Interior Department and Agriculture Department on contemplated projects. Also as we have gone along we have found that the bill needed minor amendments in different ways. Among these in some

instances we found that it is difficult to secure 160 acres of irrigable land unless we take into consideration an entire section. This amendment is for that purpose, so that we may take out a piece of land here and a piece of land over there and finally make up the 160 acres of land as a unit of irrigable land out of an entire section. This feature was included in an amendment that the House wrote in and is now incorporated in the Senate amendment.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield to me?

Mr. O'CONNOR. Yes.

Mr. WHITE of Idaho. I may explain to the gentleman from Pennsylvania that the objective of this bill is to coordinate the activities of the Department of the Interior and the Department of Agriculture in respect of these small reclamation projects. The bill does not add anything, but simply brings them into coordination and simplifies the procedure.

Mr. RICH. Does this legislation in any way provide for additional funds in order that we may take care of these water holes for these farmers?

Mr. WHITE. It does not.

Mr. O'CONNOR. It does not add any additional funds or any new thing to the bill.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. CASE of South Dakota. This bill does not provide additional funds. It is not an appropriation bill. It is clarifying as between two existing laws to define the responsibility of the Department of the Interior and the Department of Agriculture and it will prevent competitive bidding between two different types of projects. It does not create authority for new kinds of projects that could not be undertaken under existing law, but it does clarify authority and responsibility.

Mr. RICH. It is about time, I may say, that the Interior Department and the Agricultural Department worked together, because if I understand things correctly, they have been at loggerheads for the last 4 or 5 years.

Mr. CASE of South Dakota. This bill goes further in that direction than anything now on the statute books.

Mr. HINSHAW. Mr. Speaker, reserving the right to object, does the amendment have the full approval of the members of the committee on both sides of the aisle?

Mr. O'CONNOR. Yes; I may say that the bill was passed out unanimously by the Committee on Reclamation and Irrigation and the amendments that have been written into the House bill were agreed to by the membership of the committee and all amendments have been approved by all Congressmen and Senators interested.

Mr. HINSHAW. By the minority members of the committee?

Mr. O'CONNOR. It has the support of all the members on the minority side of the committee as well.

Mr. HINSHAW. As I understood the reading of the amendment it gave the Secretary the power to set the maximum price of the land that is to be sold under a project. Is that correct?

Mr. CASE of South Dakota. If I may answer the gentleman, that is the so-called antispeculative provision and is limited to 3 years.

Mr. HINSHAW. It is limited to 3 years?

Mr. CASE of South Dakota. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution passed at the ninth annual convention of the National Reclamation Association.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my remarks and include an address by Hon. ALBERT GORE.

The SPEAKER. Is there objection?

There was no objection.

DIVIDENDS ON INFLAMING CLASS HATREDS, SUSPICIONS, AND PREJUDICES

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, the Nation was shocked and Michigan was shamed by the exhibition of ruffianism which occurred when the Republican Presidential candidate, Wendell Willkie, and Mrs. Willkie were touring Michigan.

The Nation is now collecting the evil dividends of an 8-year investment by the New Deal administration in class hatreds, prejudices, suspicions, and fears which have been aroused and nurtured by the New Deal bureaucracy.

The spectacle of class antagonism presented in the Michigan occurrence is almost unprecedented in this country.

No amount of regretting and no amount of rebukes of this sort of thing as reprehensible can relieve the Roosevelt administration of the responsibility for having aroused and nurtured the class hatreds and prejudices that inevitably result in this sort of un-American acts.

In the very hour when Mr. Roosevelt was characterizing these hoodlum acts against Mr. and Mrs. Willkie as "reprehensible," the New Deal administration, through the S. E. C., was releasing to the newspapers a story that the Du Ponts, the Rockefellers, and the Mellons own or control billions. The actual figures showed these billions to be approximately one billion and a half.

It is precisely this sort of propaganda played up at a time like this for purposes of political demagoguery that inevitably eventuates in the kind of acts which will make every decent Michigan citizen blush for shame for many a day to come that these occurrences should have taken place in our State.

Unfortunately, the extinguishment of chivalry is one of the fruits of a long propaganda campaign to arouse class animosities—and such was the case in Michigan. The presence of Mrs. Willkie, a very charming and retiring lady, made not a whit of difference to those who were cowardly enough to commit such acts of insult—and even of menace—against a distinguished American and his wife.

For several years the closest students of mass psychology have foreseen the dangers of just the sort of thing that has happened to Mr. and Mrs. Willkie.

No more dangerous, hateful, and contemptible policy can be followed by any political group, clique, or party than the practice of inflaming class hatreds and suspicions and prejudices.

As I took occasion to say a few days ago, should the New Deal be successful in perpetuating itself in power, we can expect even greater disorder of this character among our people along class lines. It would threaten to become the most dangerous and disrupting influence that could come into American life.

At a time like this, when all over the world hatreds—racial and class and national—are seething and boiling and throwing off their noxious fumes, and while we are endeavoring to build our national defense, unify our people, and guard ourselves from potential enemies, both within and without, these manifestations of class hatreds are disturbing indeed.

Mr. Roosevelt, Mr. Ickes, Mme. Perkins, and others of the administration have all helped to plant these seeds of disunity and hatred. We will be fortunate, indeed, if we do not reap a harvest of grief as a result. Let us hope such will not be the case. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the subject Garbage to Gasoline.

The SPEAKER. Is there objection?

There was no objection.

FARM CHEMURGY

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HINSHAW. Mr. Speaker, my colleagues in the House are very much interested in the subject of farm chemurgy. I am placing in the Appendix of the RECORD for today a statement concerning a new process for transmuting vegetable waste, such as the byproducts of sugar refineries, the garbage of large cities, the waste from sulphide cellulose paper mills, and low-grade starch materials, into butyl alcohol and from thence into aviation gasoline. I heartily recommend to the Members of the House interested in the subject of farm chemurgy that they read this little discussion for which I take the responsibility.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to place in the RECORD what is believed to be the last public utterance of our late lamented friend, Will Bankhead.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BURGIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from one of the papers in my district.

The SPEAKER. Is there objection?

There was no objection.

WENDELL WILLKIE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, Wendell Willkie in his Cleveland speech rang the bell when he said "that the American people do not want war and have no idea whatever of joining any conflict, whether on the Atlantic or the Pacific. They are determined to keep America at peace."

The Republican Members of the House believe that keeping America out of foreign wars, except in defense of America and the Western Hemisphere, is the greatest issue in the campaign and transcends all party lines. We have no confidence in either President Roosevelt's ability or will to preserve peace. We are aware of his repeated provocative attacks on nations with whom we maintain diplomatic relations and his determination to police and quarantine the world.

I believe that I can say without any reservations that the Republican Members of the House of Representatives are unanimously for Mr. Willkie in his efforts to keep America out of war and will back him to the limit. I shall be glad to take the stump in the Middle West when Congress recesses to campaign for such issues as Americanism, national defense, keeping out of war, and the election of Wendell Willkie in order to guarantee the fulfillment of this program.

The Congress must not adjourn, but stay in session through 3-day recesses to meet any emergency at home or abroad, to safeguard national defense, to preserve our free institutions, and to keep America out of foreign wars. [Applause.]

Mr. SABATH. Mr. Speaker, I ask unanimous consent that I may proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, once again the gentleman from New York, who never seems to know when he is licked, is wasting his energy by coming to the defense of one Wendell Willkie. I presume that the man he is referring to is the same man who is the Power Trust candidate for President on the Republican ticket, and whose rough treatment in several places in Michigan has just been rightly deplored by the gentleman from Michigan [Mr. WOODRUFF].

Though I myself personally regret these occurrences, I cannot help but feel that Candidate Willkie is bringing these attacks on himself by his reckless, harsh, contradictory references to the present administration. His misrepresentations are sometimes so bald and so maliciously untrue as to be unworthy of a candidate for the great office of the Presidency. Naturally this type of campaign will be and is resented not only in Michigan but in every section of the United States.

The gentleman from New York states that Mr. Willkie in a speech—I do not know which one—assures the voters he will, if elected, keep the country out of war. But how does this compare with his boast and bragging about what he is going to do to Hitler if elected? In any event, he is once more endorsing an outstanding Roosevelt policy. I must admit Candidate Willkie does seem to have some little sense, for he has now endorsed nearly all of the administration policies.

The Power Trust candidate also stated that he will find employment for 9,600,000 unemployed. He does not mention the fact that most of the 18,000,000 that were unemployed under the Hoover administration during 1931, 1932, and 1933 have already been reabsorbed in industry under the Roosevelt administration, that there are comparatively few able and willing to work still out of employment. The last report, as of October 1, revealed but 6,000,000 unemployed. Many of these, no doubt, are unemployable because of age, illness, or for other reasons.

I would appreciate it if the gentleman from New York or his candidate, for whom he states he is now willing to take the stump, would take the people into their confidence and tell them how and in what manner he will reemploy all those still remaining unemployed.

But, as we all know, this foolhardy promise of Candidate Willkie is just another of the many reckless bids that he is making in his mad dash for the White House, which he is destined never to reach.

The gentleman from New York states that he is speaking for the Republican membership of Congress. Though I dislike to question my colleague, I doubt very much that any considerable number of those 40 Republican Members who once stated Mr. Willkie's nomination would be a public calamity would be willing to stultify themselves now by saying too much. I am informed, by the way, that the gentleman from New York [Mr. FISH] will this evening broadcast a speech on behalf of Mr. Willkie. I do not envy the gentleman at all. He has a tough job on hand.

I also sympathize with him because he, being a smart man, must recognize as well as I do that a vast preponderance of the voters have already made up their minds to reelect Franklin Roosevelt. This I am sure they will do regardless of the number of speeches that may be made by the gentleman from New York. It is rumored, by the way, that the former President, Herbert Hoover, may also make a few speeches for Mr. Willkie. Democrats are wondering whether this is a threat or a promise, meanwhile devoutly hoping that it will come to pass. Of all the leading, outstanding Republican leaders, Mr. Hoover is best qualified, or is he, to give Mr. Willkie advice on how successfully to run a nation. I am wondering whether the former President, the symbols of whose administration were soup kitchens and bread lines throughout the length and breadth of a despairing land, and who was responsible for the greatest crash in the history of our country, will be able to show his Power Trust protégé how to make a better and greater debacle? He certainly was very successful himself in establishing an all-time record in governmental failures.

Many Republicans and independents to whom I have talked or heard from by mail ask, Why should we vote for Willkie as long as he has endorsed nearly every act of Roosevelt? We might as well let F. D. R. stay in, because he at least has had more experience in handling public affairs than Mr. Willkie. It is true that Candidate Willkie does qualify his complete endorsement of the Roosevelt administration by bringing up the subject of a third term, but if he keeps on adding one endorsement of Roosevelt policies after another at the rate he has been going lately, it is feared by many astonished Republicans and independents that it is only a matter of time until he will come around to the soundness of a third term and endorse that, too.

I am indeed pleased that the vast majority of intelligent, thoughtful, patriotic Americans, having the interest of American institutions sincerely at heart, appreciate the great ability, service, and efforts of the President on behalf of their Nation. Especially are they grateful for his high-minded cooperation with Secretary of State Hull to the end and for the purpose of keeping America out of war.

The people of this Nation not only do but will continue to resent the childish, yes, I may say cheap, attacks on the President such, for instance, as that based on the action of his son Elliott in obtaining an Army commission where others had failed. I presume if it had been one of the Rockefellers, Mellons, or Du Ponts that had obtained the commission, it would have been quite all right with the Republican press. But that criticism is on a par with some of his other complaints. Perhaps he will try to make a great issue out of this, as, for instance, the keeping of Congress in session after it had enacted into law every important item of legislation that the President had asked for and there remained nothing more to do.

When a great major political party is obliged to resort to such trifling matters to work up an issue to hoodwink voters, a sad state of affairs has come about in the greatest nation of free men today existing on earth.

So, once more, in all candor I advise my colleague from New York and others who feel obliged to champion the cause of the Power Trust candidate, Wendell Willkie, to conserve their energy for a more worthy cause.

ADDRESS BY HON. HAMILTON FISH

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I wish to announce to the Members of the House and to the country that our distinguished colleague the gentleman from New York, Hon. HAMILTON FISH, this evening at 10:30 o'clock p. m., over a hook-up of the National Broadcasting System, will discuss a very interesting subject, Conscription and Capt. Elliott Roosevelt. [Laughter.] If, however, before 10:30 this evening Capt. Elliott Roosevelt is made a general in charge of the Procurement Division of the Army Air Corps the gentleman from New York will have to discuss the subject, Conscription and Gen. Elliott Roosevelt. [Laughter and applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BRADLEY of Michigan, Mr. GILLIE, and Mr. JOHNSON of Illinois, by unanimous consent, were granted permission to extend their own remarks in the RECORD.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech by Hon. Thomas E. Dewey.

The SPEAKER. Is there objection?

There was no objection.

Mr. GAMBLE. Mr. Speaker, I make the further request to extend my remarks and to include a speech by Hon. Wendell L. Willkie.

The SPEAKER. Is there objection?

There was no objection.

Mr. RISK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an address by Mr. Leicester R. F. Watts to the northeast regional convention of the General Welfare Federation of America, held at the Crown Hotel in Providence, R. I., on July 27, 1940.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. KELLER] may be permitted to extend his remarks in the RECORD and to include therein a part of a speech made by the late Speaker Champ Clark.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from William L. Green.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by Raymond Moley at Stamford, Conn., on October 1.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks on the subject The Present Day in Religious Trends.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks by incorporating in the RECORD the radio speech just referred to that I expect to deliver tonight.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a paragraph from a magazine and some data which I have compiled on the petroleum question.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

Mr. MAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10338) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of persons serving in the Military and Naval Establishments, including the Coast Guard, and that the bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

Mr. FISH. Mr. Speaker, reserving the right to object—and I shall not—I am perfectly willing to have this bill brought up without a rule; but, inasmuch as I wish to speak on this bill, I ask the gentleman if I may not have 10 minutes.

Mr. MAY. I certainly would not object to 10 minutes, but I should like to ask the gentleman if he would not take 5 minutes?

Mr. FISH. No; I want 10 minutes on the bill. I am waiving objection to there not being a rule.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

Be it enacted, etc.

ARTICLE I—GENERAL PROVISIONS

SEC. 100. That in order to provide for, strengthen, and expedite the national defense under the emergent conditions which are threatening the peace and security of the United States and to enable the United States the more successfully to fulfill the requirements of the national defense, provision is hereby made to suspend enforcement of civil liabilities, in certain cases, of persons in the military service of the United States in order to enable such persons to devote their entire energy to the defense needs of the Nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified over which this act remains in force.

SEC. 101. (1) That the term "persons in military service" and the term "persons in the military service of the United States," as used in this act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard; and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term "military service," as used in this act, shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) The term "period of military service," as used in this act, shall include the time between the following dates: For persons in active service at the date of the approval of this act it shall begin with the date of approval of this act; for persons entering active

service after the date of this act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this act ceases to be in force.

(3) The term "person," when used in this act with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

(4) The term "court," as used in this act, shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

SEC. 102. (1) That the provisions of this act shall apply to the United States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, including the Philippine Islands while under the sovereignty of the United States, and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

(2) When under this act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

SEC. 103. Whenever pursuant to any of the provisions of this act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, endorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

When a judgment or decree is vacated or set aside in whole or in part, as provided in this act, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, endorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

ARTICLE II—GENERAL RELIEF

SEC. 200. (1) That in any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit, plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this act.

(2) Any person who shall make or use an affidavit required under this section, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed 1 year or by fine not to exceed $1,000, or both.

(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this act to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within 30 days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than 90 days after the termination of such service, be opened by the court rendering the same and such defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this act shall not impair any right or title acquired by any bona fide purchaser for value under such judgment.

SEC. 201. That at any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within 60 days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this act, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

SEC. 202. That when an action for compliance with the terms of any contract is stayed pursuant to this act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

SEC. 203. That in any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within 60 days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service—

(1) Stay the execution of any judgment or order entered against such person, as provided in this act; and

(2) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this act.

SEC. 204. That any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this act may, except as otherwise provided, be ordered for the period of military service and 3 months thereafter or any part of such period and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others, the plaintiff may nevertheless by leave of court proceed against the others.

SEC. 205. That the period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action shall have accrued prior to or during the period of such service.

ARTICLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES

SEC. 300. (1) That no eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed $80 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than 3 months, as provided in this act, or it may make such other order as may be just.

(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed 1 year or by fine not to exceed $1,000, or both.

(4) The Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury with respect to the Coast Guard, as the case may be, is hereby empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

SEC. 301. (1) That no person who has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment falling due during the period of such military service, except by action in a court of competent jurisdiction.

(1a) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed 1 year or by fine not to exceed $1,000, or both.

(2) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this act unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

SEC. 302. (1) That the provisions of this section shall apply only to obligations originating prior to the date of approval of this act and secured by mortgage, trust deed, or other security

in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him.

(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

(a) stay the proceedings as provided in this act; or

(b) make such other disposition of the case as may be equitable to conserve the interests of all parties.

(3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within 3 months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

ARTICLE IV—INSURANCE

SEC. 400. That in this article the term "policy" shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association; the term "premium" shall include membership dues or assessments in such association, and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association; the term "insured" shall include any person who is the holder of a policy as defined in this article; the term "insurer" shall include any corporation, partnership, or other form of association which secures or provides insurance under any policy as defined in this article.

SEC. 401. That the benefits of this article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form prepared in accordance with regulations which shall be prescribed by the Administrator of Veterans' Affairs. Such form shall set forth particularly that the application therein made is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of this article and by receiving and filing the same the insurer shall be deemed to have assented thereto, to the extent, if any, to which the policy on which the application is made is within the provisions of this article. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration.

The Veterans' Administration shall issue through suitable military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article and shall furnish forms to be distributed to those desiring to make application for its benefits.

SEC. 402. That the benefits of this act shall be available to any person in military service in respect of contracts of insurance in force under their terms up to but not exceeding a face value of $5,000, irrespective of the number of policies held by such person whether in one or more companies, when such contracts were made and a premium was paid thereon before the date of approval of this act or not less than 30 days before entry into the military service; but in no event shall the provisions of this article apply to any policy on which premiums are due and unpaid for a period of more than 1 year at the time when application for the benefits of this article is made or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 percent of the cash surrender value of the policy.

SEC. 403. That the Veterans' Administration shall, subject to regulations, which shall be prescribed by the Administrator of Veterans' Affairs, compile and maintain a list of such persons in military service as have made application for the benefits of this article, and shall (1) reject any application for such benefits made by persons who are not persons in military service; (2) reject any applications for such benefits in excess of the amount permitted by section 402; and (3) reject any applications in respect of contracts of insurance otherwise not entitled to the benefits of this article. Said Administration shall immediately notify the insurer and the insured in writing of every rejection or approval.

SEC. 404. That when one or more applications are made under this article by any one person in military service in respect of insurance exceeding a total face value of $5,000, whether on one or more policies or in one or more companies, and the insured shall not in his application indicate an order of preference, the Veterans' Administration shall reject such policies as have the inferior cash surrender value, so as to reduce the total benefits conferred within the face value of $5,000, and where necessary for this purpose shall direct the insurer to divide any policy into two separate policies. The said Administration shall immediately notify the insurer and the insured in writing of such selection.

SEC. 405. That no policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of this article, shall lapse or be forfeited for the nonpayment of premium during the period of such service or during 1 year after the expiration of such period: *Provided*, That in no case shall this prohibition extend for more than 1 year after the date when this act ceases to be in force.

SEC. 406. That within the first 15 days of each calendar month after the date of approval of this act until the expiration of 1 year after the date when this act ceases to be in force every insurance corporation or association to which application has been made as herein provided, for the benefits of this article, shall render to the Veterans' Administration a report, duly verified, setting forth the following facts:

First. The names of the persons who have applied for such benefits, and the face value of the policies in respect of which such benefits have been applied for by such persons, during the preceding calendar month.

Second. A list as far as practicable of the premiums in respect of policies entitled to the benefits of this article which remain unpaid on the last day of the preceding calendar month, which day is at least 31 days after the due date of the premiums, provided such premiums have not previously been so reported as in default.

Third. A list of premiums which, having been previously reported as in default, have been paid by the policyholder or someone on his behalf in whole or in part during the preceding calendar month.

Fourth. A computation of the difference between the total amount of defaulted premiums therein reported and the total amount of premiums paid as therein reported, after having been previously reported as in default. From this sum shall be deducted the total sum of any premiums previously reported as in default, upon policies in respect of which the Veterans' Administration has, since the date of such report, rejected an application for the benefits of this article. The final sum so arrived at shall be denominated the monthly difference.

SEC. 407. That the Administrator of Veterans' Affairs shall verify the computation of monthly difference reported by each insurer and shall, within 10 days thereafter, deliver each month to the proper officer of such insurer, a certificate in the amount of the monthly difference certified in respect of each insurer. Such certificate shall be signed by said Administrator in the name of the United States, shall be in such form as the Administrator shall determine, shall be payable to the insurer within 60 days after the approval of the statement of account, as provided in section 411 hereof, and shall bear interest at the rate of — percent per annum, payable with the principal. Such certificate shall not be transferred except with the approval of said Administrator and shall remain with the insurer until settlement is made in accordance with this article.

SEC. 408. That the certificate so delivered shall be held by the respective insurers as security for the payment of the defaulted premiums with interest. To indemnify it against loss the United States shall have a first lien upon any policy receiving the benefits of this article, subject only to any lien existing at the time the policy became subject to this act, and no loan or settlement or payment of dividend shall be made by the insurer on such policy which may prejudice the security of such lien. Before any dividend is paid or any loan or settlement is made the written consent of the Veterans' Administration must be obtained.

SEC. 409. That in the event that the military service of any person being the holder of a policy receiving the benefits of this article shall be terminated by death, the amount of any unpaid premiums, with interest at the rate provided for in the policy for policy loans, shall be deducted from the proceeds of the policy and shall be included in the next monthly report of the insurer as premiums paid.

SEC. 410. That if the insured does not within 1 year after the termination of his period of military service pay to the insurer all past-due premiums with interest thereon from their several due dates at the rate provided in the policy for policy loans, the policy shall at the end of such year immediately lapse and become void, and the insurer shall thereupon become liable to pay the cash-surrender value thereof, if any: *Provided*, That if the insured is in the military service when this act ceases to be in force, such lapse shall occur and surrender value be payable at the expiration of 1 year after the date when this act ceases to be in force.

SEC. 411. That at the expiration of 1 year after the date when this act ceases to be in force there shall be an account stated between each insurer and the United States, in which there shall be credited to the insurer the total amount of the certificates held as security under this article, together with accrued interest to the date of the account, and in which there shall be credited to the United States the amount of the cash-surrender value of each policy lapsed or forfeited as provided in section 410, but not in any case a greater amount on any policy than the total of the unpaid premiums with interest thereon at the rate provided for in the policy for policy loans.

SEC. 412. That the balance in favor of the insurer in each case shall be certified by the Administrator of Veterans' Affairs to the Secretary of the Treasury, who shall pay to the insurer the amount thereof, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, upon the surrender by the insurer of the certificates delivered to it from time to time by the Administrator of Veterans' Affairs under the provisions of this article.

SEC. 413. That this article shall not apply to any policy which is void or which may at the option of the insurer be voidable, if the insured is in military service, either in this country or abroad, nor to any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium.

SEC. 414. That this article shall apply only to insurance companies or associations which are required by the law under which they are organized or doing business to maintain a reserve, or, which if not so required, have made or shall make provision for the collection from all those insured in such insurer of a premium to cover the special war risk of those insured persons who are in military service.

ARTICLE V—TAXES AND PUBLIC LANDS

SEC. 500. (1) That the provisions of this section shall apply when any taxes or assessments, whether general or special, falling due during the period of military service in respect of real property owned and occupied for dwelling, agricultural, or business purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees are not paid.

(2) When any person in military service, or any person in his behalf, shall file with the collector of taxes, or other officer whose duty it is to enforce the collection of taxes or assessments, an affidavit showing (a) that a tax or assessment has been assessed upon property which is the subject of this section, (b) that such tax or assessment is unpaid, and (c) that by reason of such military service the ability of such person to pay such tax or assessment is materially affected, no sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon an application made therefor by such collector or other officer. The court thereupon may stay such proceedings or such sale, as provided in this act, for a period extending not more than 6 months after the date when this act ceases to be in force.

(3) When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than 6 months after the termination of such service, but in no case later than 6 months after the date when this act ceases to be in force; but this shall not be taken to shorten any period, now or hereafter provided by the laws of any State or Territory for such redemption.

(4) Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of 6 percent per annum, and no other penalty or interest shall be incurred by reason of such nonpayment. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

(5) That the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury shall make provision in such manner as each may deem appropriate for his respective department, to insure the giving of notice to persons in the military service under their respective jurisdictions, of the benefits accorded by this section and the action made necessary to claim those benefits in each case.

SEC. 501. That no right to any lands owned or controlled by the United States initiated or acquired under any laws of the United States, including the mining and mineral leasing laws, by any person prior to entering military service shall during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon or his failure to do any other act required by or under such laws.

If a permittee or licensee under the act of June 28, 1934 (48 Stat. 1269), enters military service, he may elect to suspend his permit or license for the period of his military service and 6 months thereafter, and the Secretary of the Interior by regulations shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during such suspension.

This section shall not be construed to control specific requirements contained in this article.

SEC. 502. That section 1 of the act of July 28, 1917 (40 Stat. 248), is hereby amended to read as follows:

"If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed, after such entry or application enters military service, the Department of the Interior shall construe his military service to be equivalent to residence and cultivation upon the tract entered for the period of such service. From the effective date of this act no contest shall be initiated on the ground of abandonment and no allegation of abandonment shall be sustained against any such person, unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases initiated subsequent to the effective date of this act that the alleged absence from the land was not due to such military service. If such person is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability shall be deducted from the required length of residence, without reference to the time of actual service. No patent shall issue to any homestead entryman who has not resided upon, improved, and cultivated his homestead for a period of at least 1 year."

SEC. 503. That section 2 of the act of July 28, 1917 (40 Stat. 248), is hereby amended to read as follows:

"If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed dies while in military service or as a result of such service, his widow, if unmarried, or in the case of her death or marriage, his minor orphan children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or upon an application which is allowed after the applicant's death, and shall be entitled to receive a patent for such land. The death of such person while in military service or as a result of such service shall be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead, notwithstanding the provisions of section 1 of this act.

"If such person is honorably discharged and because of physical incapacities due to such service is unable to return to the land, he may make final proof without further residence, improvement, or cultivation, at such time and place as the Secretary of the Interior may authorize, and receive a patent to the land entered."

SEC. 504. No desert-land entry made or held under the desert-land laws prior to the entrance of the entryman or his successor in interest into military service shall be subject to contest or cancelation for failure to make or expend the sum of $1 per acre per year in improvements upon the claim or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in military service or during a period of 6 months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of his period of service and the 6-month period and any such period of hospitalization.

If such entryman or claimant is honorably discharged and because of physical incapacities due to such service is unable to accomplish reclamation of, and payment for, the land, he may make proof without further reclamation or payments under such rules as the Secretary of the Interior may prescribe and receive patent for the land entered or claimed.

In order to obtain the benefits of this section, such entryman or claimant shall, within 6 months after the effective date of this act or within 6 months after his entrance into military service, file or cause to be filed in the land office of the district in which his claim is situated a notice that he has entered military service and that he desires to hold the desert claim under this section.

SEC. 505. That the provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply during the period of his service, or until 6 months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in line of duty, to claims or interests in claims which are owned by a person in military service and which have been regularly located and recorded. No mining claim or any interest in a claim which is owned by such a person and which has been regularly located and recorded shall be subject to forfeiture by nonperformance of the annual assessments during the period of such military service, or until 6 months after the termination of such service or of such hospitalization.

In order to obtain the benefits of this section, the claimant of any mining location shall, before the expiration of the assessment year during which he enters military service, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold his mining claim under this section.

SEC. 506. Any person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may, at his election, suspend all operations under his permit or lease for a period of time equivalent to the period of his military service and 6 months thereafter. The term of the permit or lease shall not run during such period of suspension nor shall any rentals or royalties be charged against the permit or lease during the period of suspension.

In order to obtain the benefit of this section, such permitee or lessee shall, within 6 months after the effective date of this act or 6 months after his entrance into military service, notify the General Land Office by registered mail of his entrance into such service and of his desire to avail himself of the benefits of this section.

This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

SEC. 507. That nothing in this article shall be construed to limit or affect the right of a person in military service to take any action during his period of service which may be authorized by law or the regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering military service. It shall be lawful for any person while in such service to make any affidavit or submit any proof which may be required by law or the practice or regulations of the General Land Office in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command and holding a commission in the branch of the service in which the person is engaged. Such affidavits shall be as binding in law and with like penalties as if taken before a register of a United States land office. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of sections 501 to 508, inclusive.

SEC. 508. That the Secretary of the Interior is hereby authorized, in his discretion, to suspend as to persons in military service during the period while this act remains in force and for a period of 6 months thereafter or during any period of hospitalization because of wounds or disability incurred in line of duty that provision of the act known as the Reclamation Act requiring residence upon

lands in private ownership or within the neighborhood for securing water for the irrigation of the same, and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper.

SEC. 509. That the Secretary of the Interior shall issue through appropriate military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article except as to section 500 hereof and shall furnish forms to be distributed in like manner to those desiring to make application for its benefits, except as to said section.

SEC. 510. That during the pendency of any war in which the United States may be engaged while this act remains in force any homestead entryman shall be entitled to a leave of absence from his entry for the purpose of performing farm labor. The time actually spent in farm labor shall be counted as constructive residence, if within 15 days after leaving his entry to engage in such labor the entryman files a notice of absence in the land office of the district in which his entry is situated, and if at the expiration of the calendar year the entryman files in that office a written statement under oath and corroborated by two witnesses giving the date or dates when he left his entry, the date or dates of his return, and the place where and person for whom he was engaged in farm labor during such period or periods of absence.

Nothing in this section shall excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law. The provisions of this section shall apply only to persons whose applications have been allowed or filed prior to the effective date of this act.

SEC. 511. That any person under the age of 21 who serves in the military service while this act remains in force shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over 21 now possess under such laws. Any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until 6 months after his discharge from military service. Applications for entry may be verified before any officer in the United States or any foreign country authorized to administer oaths by the laws of the State or Territory in which the land may be situated.

SEC. 512. That citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this act remains in force shall be entitled to the relief and benefits afforded by this article, if such service is similar to military service as defined in this act, and if they are honorably discharged and resume United States citizenship or die in the service of the allied forces or as a result of such service.

ARTICLE VI—ADMINISTRATIVE REMEDIES

SEC. 600. That where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this act, the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this act to the contrary notwithstanding.

SEC. 601. (1) That in any proceeding under this act a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the United States Navy, or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Major General Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificates to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

(2) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided*, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of 6 months after the time when this act ceases to be in force.

SEC. 602. That any interlocutory order made by any court under the provisions of this act may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require.

SEC. 603. That this act shall remain in force until June 30, 1942: *Provided, however*, That should the United States be then engaged in a war, this act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for 6 months thereafter: *Provided further*, That wherever under any section or provision of this act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided, the due exercise or enjoyment of which may extend beyond the period herein fixed for the termination of this act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of the proceeding, remedy, privilege, stay, limitation, accounting, or transaction aforesaid.

SEC. 604. That this act may be cited as the Soldiers' and Sailors' Civil Relief Act of 1940.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the amendments from the Clerk's desk may now be considered. They are some 10 in number and are merely clarifying in character so as to make this bill conform as nearly as may be to a Senate bill which is on the Speaker's table, having already passed the Senate. After we dispose of the committee amendments I will yield some time to the gentleman from New York.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

Committee amendment: Page 10, line 20, after the word "jurisdiction", insert the following: *"Provided*, That such contract may be terminated or canceled by mutual consent of the parties thereto or their assignees, executed in writing, and possession of such property resumed."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 11, line 9, strike out the words "and shall" and insert in lieu thereof the word "or."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 11, beginning in line 18, strike out the words "originating prior to the date of approval of this act and".

Mr. MAY. Mr. Speaker, I ask unanimous consent to withdraw the committee amendment.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

Committee amendment: Page 12, line 20, insert a new section as follows:

"SEC. 303. No court shall stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, where said motor vehicle, tractor, or accessories are encumbered by a purchase money mortgage or conditional sales contract and 50 percent or more of the purchase price of said property has been paid, but in any such proceeding the court may, before entering an order or judgment, require the plaintiff to file a bond, approved by the court, conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any such judgment or order should the judgment or order be set aside in whole or in part."

Mr. MAY. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MAY to the committee amendment: Page 12, line 24, after the word "mortgage", strike out the word "or" and insert a comma.

The amendment to the committee amendment was agreed to.

Mr. MAY. Mr. Speaker, I offer another amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MAY to the committee amendment: Page 12, line 24, after the word "contract", strike out the word "and" and insert in lieu thereof the following: "or a lease or bailment with a view to purchase unless the court shall find that."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The Clerk read as follows:

Committee amendment: Page 23, strike out all of lines 21, 22, and 23, and insert:
"SEC. 502. That if any person whose application for a homestead entry."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 24, strike out all of lines 21, 22, and 23, and insert:
"SEC. 503. That if any person whose application for a homestead entry."

The committee amendment was agreed to.

Mr. MAY. Mr. Speaker, I offer several amendments, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MAY: Page 24, line 3, after the word "service", insert "or if any person who has a valid settlement claim enters military service."

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MAY: Page 24, line 6, after the word "entered", insert "or settled upon."

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MAY: Page 24, lines 18 and 19, after the word "any", strike out "homestead entryman."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 24, line 20; page 25, line 13; page 25, line 18, strike out quotation marks.

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MAY: Page 25, line 1, after the word "allowed", insert "or who has a valid settlement claim."

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MAY: Page 25, line 4, after the word "minor", strike out the word "orphan."

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MAY: Page 25, line 7, after the word "death", insert "or upon the homestead application thereafter allowed based on a valid settlement claim."

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MAY: Page 25, line 11, after the word "homestead", insert "or claim."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 25, line 12, after the word "section", strike out "1" and insert "502."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 25, line 18, after the word "entered", insert "The act of July 28, 1917 (40 Stat. 248), is hereby repealed."

The committee amendment was agreed to.

The Clerk read as follows:

Page 29, line 7, strike out "508" and insert "512."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 34, line 1, strike out "1942" and insert "1945."

The committee amendment was agreed to.

The Clerk read as follows:

Page 34, after line 16, insert:
"SEC. 605. The provisions of section 4 of the act approved August 27, 1940 (Public Resolution No. 96, 76th Cong.), and the provisions of section 13 of the act approved September 16, 1940 (Public, No. 783, 76th Cong.), are hereby repealed."

The committee amendment was agreed to.

Mr. FISH. Mr. Speaker, I move to strike out the last word, and I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. FISH]?

There was no objection.

Mr. FISH. Mr. Speaker, I understand that this bill comes before us with the unanimous report of the Committee on Military Affairs and I am heartily in favor of the measure as far as it goes. It aims to help those who are in the military service get some protection from conditional sales or installment contracts on their automobiles, refrigerators, and furniture, and so forth, and rents on their homes and apartments. I would like to know if there is anything Congress can do, through appropriations or otherwise, to enable members of the National Guard to vote in the coming national election.

It is important before Congress adjourns that it protect to the limit of its powers the right of members of the National Guard called into the Federal service to vote on election day. It may be necessary to provide appropriations to defray traveling expenses to permit members of the guard to return home to register as most of them come from cities where personal registration is necessary. I assume under existing laws in New York State that they could then vote an absentee ballot.

I appeal to Governor Lehman to call a one-day session of the New York State Legislature in order to amend the election law so that members of the guard in Federal service may register by mail and vote by absentee ballot if there is no such provision in the law.

There is no more loyal and patriotic group of Americans than those who have enlisted in the guard in time of peace. By their service they have proved their devotion to our institutions and national defense. It would be a travesty on free elections if men who have been called out in this emergency to defend the Government should be disfranchised.

It is the duty of the State to enact appropriate legislation immediately, and, failing that, for Congress to provide sufficient funds for traveling expenses where personal registration is required.

Mr. Speaker, I am sorry that this bill carries no provision for transporting these National Guard soldiers back to their voting districts on election day. I am also sorry that the Committee on Military Affairs has failed to report or bring up in this House a bill giving sergeants in the National Guard longevity pay and rental allowance. These sergeants with long military experience are now resigning from the National Guard because of the failure of the Congress to act. They need this rental allowance to maintain their families at home, and I hope that Congress will not adjourn without providing rental allowance and longevity pay for them. If Congress fails to act we will lose the much needed services of some of the finest-trained soldiers in America, these sergeants of many years military training and experience.

Mr. Speaker, I feel compelled to raise, unfortunately, another issue, one that I am very sorry to bring up in Congress as an American who believes in the best possible national defense. I received today from my own district three letters protesting about the deplorable housing and poor feeding of the members of the One Hundred and Fifty-sixth Field Artillery, from my district, who are now stationed at Camp Dix. I propose to read to the House a letter from a private of the One Hundred and Fifty-sixth Artillery published in the Poughkeepsie Evening Star yesterday. I do not guarantee the correctness of his criticisms, but I want to put it in the RECORD before we recess. I propose to investigate these charges immediately, and hope that other Members of the House from New York and New Jersey will do so also. It is dated September 29, 1940, Fort Dix, N. J., and is addressed to the editor of the Evening Star, which is the largest daily newspaper in my district:

DEAR SIR: I am writing to you so that you may acquaint your readers, our families, and our friends of the conditions that actually exist at Fort Dix.

I am a private of the One Hundred and Fifty-sixth, which so proudly left Poughkeepsie a short time ago. But now I am one of the many hungry, disgusted soldiers at Fort Dix.

The food is poorly prepared, and after eating our rations, still leave the mess shack hungry. The food is poorly prepared, never seasoned, frequently burned, and never enough. Many of us have suffered serious weight losses.

The whole regiment of about 800 men eat in a single mess shack which necessitates standing in the rain and standing to eat.

We did not expect a bed of roses, and cheerfully accepted the many hardships, which we felt would be justified in wartime, but we are at peace. However, there are many things we cannot stand without resentment.

First of these is the food situation. Second is the sanitation facilities.

The wash bowls are nearly always stopped up, leaving them full of dirty, filthy water. Many of us do not wash any more. The toilets are frequently stopped up for days. There is seldom warm water for showers.

Our families were assured that everything would be done to safeguard our health. But evidently those people have forgotten about us. Most of the boys suffer from the cold at night due to lack of heat and blankets.

We appeal to you, our friends and families back home, "Can't you do something to help us?"

Thanking you for any consideration you may give this letter of appeal.

The letter is signed "A Private, One Hundred and Fifty-sixth Field Artillery." However, he adds:

P. S.—We are still loyal, patriotic Americans.

Mr. Speaker, I regard this as a very, very serious charge. If it is so, it means that we have called the National Guard into service without proper housing, without proper sanitary facilities, and without proper food. There is not a single Member of this House, Republican or Democrat, who will condone any such deplorable situation. It is up to us to find out if this situation exists and to remedy it at once. I know the Chairman of the Committee on Military Affairs will be the first to protest any such situation if these conditions actually exist.

Now, let me read to you a release from the War Department dated September 24 in regard to this situation as affecting men to be inducted into the service under the Conscription Act.

In all instances, it is expected that the selectees will be called only after the actual housing, sanitary, and hospital facilities, which are building or are to be built, are completed.

I hope that is so, even if it takes months, even if it takes to January or February. I hope no draftees will be called and put into inadequate cantonments in the midst of the coming winter.

The last page of this memorandum released by the War Department states:

The folks at home can be assured that their young men will be well cared for, etc.

Mr. Speaker, I have today received from my constituents, who are very good to me and who very seldom send protests to me without legitimate reason, three letters making these complaints, based on the letter from a guardsman from the city of Poughkeepsie. They protest, and very properly, the complaint that these volunteers should have to live under any such deplorable conditions, with the weather getting colder and colder every day. They are entitled to know all the facts and I propose to get them immediately.

Mr. McGRANERY. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Pennsylvania.

Mr. McGRANERY. Has the gentleman investigated any of these conditions himself?

Mr. FISH. I purposely said that I have not. I received these letters today from my own constituents. I propose to investigate them at once. I know that the Forty-fourth Division, of which this man is a member, is one of the best divisions in the National Guard. I do not believe it is necessary now for this House to take action, but I propose to check on these charges and to take whatever steps that are necessary. I know this, that the chairman of the Committee on Military Affairs will be the first man to try to remedy any such conditions, if they do exist. I said at the outset that I was not making this statement on my own knowledge.

Mr. McGRANERY. It is my observation from what the gentleman has said that he would demonstrate his sincerity to the House, to his district, and to these soldiers in a better manner if he would make his investigation and then come to the House.

Mr. FISH. The gentleman knows that the House is about to recess. I do not believe the gentleman will be here in 2 or 3 days himself. If the gentleman knows all about the conditions at Camp Dix that is all right but I do not. I am inclined to believe in the sincerity of this private soldier, as his letter rings true and he seems to know what he is talking about. I intend to investigate the charges and I want the people in New Jersey where Camp Dix is located to investigate them also. My constituents who have written me have a right to be heard. Does the gentleman mean for one moment that a member of the National Guard has not the right to petition his Member of Congress and have his views expressed on the floor of the House?

These are not my views. They are the views of a soldier from my district and I am submitting them as a petition from him. The gentleman can investigate if he wants but I intend to and I hope other Members of the House will do the same. [Applause.]

The people of my district are very proud of the One Hundred and Fifty-sixth Field Artillery, and rightly so. I attended and spoke at two farewell dinners to units of this regiment in Newburgh and Poughkeepsie. I promised then that nothing was too good for them and I propose to keep my promise. The Congress has a definite responsibility as it voted to call the National Guard into the Federal service. I shall ask for a thorough investigation and report from the War Department tomorrow in addition to making my own. I also promise that there will be no delay, as the mothers of these boys and their families are worried and if conditions are unsanitary and unhealthy they must be remedied at once. The following letters from three constitutents are self-explanatory.

NEW HAMBURG, N. Y., *October 2, 1940.*

DEAR MR. FISH: Although I realize you are probably not on any committee which would be able to take care of, or look into, a situation such as is explained in the enclosed article, isn't there something you can do to help rectify it? Certainly it is a very poor way for soldiers of our United States to have to live—and the weather keeps getting colder all the time, which doesn't help matters any.

I shall look forward to seeing you at the dinner October 15 given by the Women's Republican Club of Dutchess County.

Sincerely,

AGNES VAN VOORHIS.

POUGHKEEPSIE, N. Y., *October 1, 1940.*

Congressman HAMILTON FISH.

DEAR SIR: I am one of the many mothers of which my boy has went away last Wednesday with the National Guard for a year's training at Camp Dix.

I am enclosing a clipping for which I would appreciate it if you would take it into consideration, as we mothers are all so worried.

Thanking you,

BULL MARKETS, INC.,
Kingston, N. Y., October 2, 1940.

Hon. HAMILTON FISH,
Member of Congress, Washington, D. C.

MY DEAR MR. FISH: I would like to call your attention to a letter from Fort Dix, which appeared in the Poughkeepsie Evening Star, Tuesday, October 1, in regard to the food being served to our National Guard.

I am presuming to call this to your attention because I personally have reason to believe that there is some truth in it. I have received several cards from the boys at Fort Dix, which complain not only of poorness of food but also of the shortness of the rations.

I fully realize that in times like these there are hardships which the boys in training must endure until such a time as things are organized. I can fully understand that a boy who is used to home cooking might not like the preparation of or the quality of foods given to him in camp. However, by no stretch of the imagination can I see any excuse at this time for giving them insufficient rations. Because of the fact that the officers of the One Hundred and Fifty-sixth are aware that I am personally acquainted with several of the recruits, I hesitate to write directly to them for obvious reasons.

When these boys enlisted they did so in a spirit of patriotism and enthusiasm. I believe that everything possible should be done to foster that spirit.

Yours truly,

E. J. HUGHES, *Manager.*

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 23, line 2, insert a new provision as follows: "(6) The payment of income taxes on the income of any person in the military service shall be deferred if such person's ability to pay such taxes is impaired by reason of his military service, and no interest or penalty shall accrue on such taxes because of the nonpayment thereof."

Mr. COSTELLO. Mr. Speaker, this amendment simply provides for the deferment of income taxes in the event any might be due from any of the trainees who would be called into the service. The amendment only provides for the deferment of such taxes in the event the ability of the person is impaired to meet these payments. This amendment would not affect the income taxes of the officers in the Army at the present time. Their ability to meet the payment of their current income taxes is not impaired in any way because their situation has not been changed, but in the case of many individuals who are earning a limited income and who frequently make no provision to meet their income tax when it comes due in the succeeding year, except out of their current income, they would find great difficulty, by reason of their being called into the service, in meeting the income tax which would be levied next March. By reason of this amendment, such an individual would be able to defer that payment until he had come out of the service, when it would be possible for him to meet the payment. In addition no interest or other penalty would accrue by reason of the fact the income taxes were so deferred.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. HANCOCK. The bill, as reported by the committee, provides for the deferment of the payment of taxes on real estate, rent, and various other things.

Mr. COSTELLO. That is correct.

Mr. HANCOCK. And it is just as much of a burden on a man to pay an income tax as any other tax.

Mr. COSTELLO. Very often it might be a greater burden.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. HINSHAW. It seemed to me from listening to the reading of the amendment that no date was fixed for the ultimate payment of the tax by the gentleman's amendment. Does the gentleman intend to have it deferred indefinitely or until a date certain in the future?

Mr. COSTELLO. It would be deferred like all the other taxes during the period the gentleman was in the service.

Mr. HINSHAW. It is deferred in accordance with the other provisions of the bill.

Mr. COSTELLO. The same as the other taxes mentioned in the same section.

Mr. SECCOMBE. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Ohio.

Mr. SECCOMBE. Do I understand that in the bill proper there is an amortization of debts pertaining to these draftees as well as those who might enlist in the National Guard?

Mr. COSTELLO. That is correct. It covers all persons in the military service, the Army, Navy, and the Coast Guard and includes the National Guard, Reserve officers, and the trainees when they are actually in the service.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Kentucky.

Mr. MAY. I have examined the amendment and I have no objection to it, Mr. Speaker.

The amendment was agreed to.

Mr. MURDOCK of Arizona. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I have asked for this time because I want to raise a question with the committee. I recall that when the conscription bill was before the House, I believe on September 7, I proposed an amendment which was intended to protect the draftees, or any men in the service, who had certain claims upon the public domain, as, for instance, in regard to homestead entries or assessment work on unpatented mining claims. At that time my amendment was defeated, perhaps largely because some thought the language of the bill already accomplished it, but I was assured by the committee that pending legislation would definitely take care of that very problem. I would like to ask the chairman whether that has certainly been done in this bill.

Mr. MAY. Mr. Speaker, the committee has three or four different amendments on pages 24 and 25 of the bill which have been adopted, and all of them take care of the question, not only of persons who have settled on claims or entered the military service while living on a claim, but one who has even settled on one, whether he owns it or not. All those questions have been covered.

Mr. MURDOCK of Arizona. I thank the gentleman. In the Western States, where so large a portion of the area of the State is controlled by the United States Government, I think it only fair that the draftees and service men should be protected in all such claims, as I expressed to the committee earlier, and I hope they are adequately protected.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Arizona. I will be glad to yield to the gentleman.

Mr. COSTELLO. I think the gentleman will find that various sections of the bill, particularly sections 501, 502, 503, 504, and 505, fairly cover both homesteads and mining claims. The Department of the Interior has recommended a number of these amendments which have been offered, and I think the gentleman will find that the matter which he desires to have covered is very adequately covered in the legislation, as he was informed at the time he offered his other amendment to the Selective Training Act.

Mr. MURDOCK of Arizona. I thank the gentleman from California. No doubt this is the legislation which the gentleman had in mind in making his reply to me on September 7 when I offered the amendment to the selective-service-training bill.

Mr. VOORHIS of California. Mr. Speaker, I move to strike out the last two words.

Mr. Speaker, I do this because it seems to me that this bill ought to be as thoroughly understood as possible.

I do not propose to make an oration here, but I do propose to try to interpret the bill as I understand it, with the request that I be corrected as I go along.

I am afraid there are many Members of the House and there may be men who are going to be affected by the terms of this bill who are not going to understand what we are doing.

As I understand what this bill provides, it is roughly the following: It says that if a person who is drafted into the service of the country under the terms of legislation recently passed, is renting a home or purchasing a home or has some other contract on which he is liable to make payments, then he shall not be dispossessed or his family shall not be evicted or no action of that sort shall be taken without court permission during the time he is in the service or for 3 months thereafter. I do not understand, however, that his payments are in any way forgiven to him, or anything like that. He is still liable to make the same payments at some future time as he would have to make under these circumstances. The only thing that happens is that his family cannot be evicted or the property cannot be taken away from him, which he is in the process of purchasing.

In the case of insurance I understand that the Government guarantees the difference between the amount of premium that the man can pay and the full amount of the premium, but that the man must repay the Government for the amount that the Government pays on his behalf during this period, at some future time. In other words, I think we should not give the impression that this is a moratorium on payments of various sorts. It is not. It is a suspension of action against men who are put into service, which may affect these instruments of theirs, and in effect a postponement of payment to such time, if the court decides it is fair to do it, as they are able to pay. As I understand it, such action on the part of the court is permissive and not mandatory; that the court may grant this relief. It does not have to grant it.

If I am wrong about any of these remarks, I want to be corrected now. I am only a layman. I am not a lawyer and I have not been on the committee, but I just made these remarks because I think it is a very important bill to many thousands of people and that Members of Congress ought to consider it carefully and that we ought to be clear in our minds as to what we are doing.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. VAN ZANDT. Did I understand the gentleman to say that where a person has an insurance policy and is unable to meet the payments, the Government will assume that responsibility?

Mr. VOORHIS of California. Perhaps the chairman of the committee had better answer it, but my understanding is that the Government pays the difference between the amount a man is considered able to pay and the full amount of the premium, while he is in the service.

Mr. ARENDS. Will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. ARENDS. The gentleman is correct. However, he will be issued a certificate and he will have to pay this back. In other words, the Government will have a lien against this man's insurance policy until such time as the owner of the insurance policy reimburses the Government.

Mr. VOORHIS of California. And how long does he have to pay it back? A year?

Mr. ARENDS. A year after he is out of service.

Mr. VOORHIS of California. And during that year he must repay the Government what it has paid on his policy?

Mr. ARENDS. That is correct.

Mr. VAN ZANDT. Will the gentleman yield further?

Mr. VOORHIS of California. I yield.

Mr. VAN ZANDT. Who is to determine whether or not the selectee is able to pay and how much?

Mr. VOORHIS of California. I would rather the chairman of the committee tell us that.

Mr. MAY. In case of a controversy of that kind it goes to the court, and this committee debated that question quite a great deal and felt that if there was any part of the Government we could trust implicitly it is the courts of the country in the communities where the men live and where they owe their obligation.

I will say, in answer to the apparent sincerity of the gentleman from California, who is always looking after the underdog, and justly so, that this committee debated and debated and discussed this bill and had meeting after meeting time after time. After we had completed all of our studies on it we wondered if there was anything we could do that we had not done for these enrollees, and finally this morning the gentleman from California [Mr. COSTELLO] discovered we had overlooked payment of the income tax and he offered an amendment to take care of that situation. That is the last effort we have made. If we have overlooked anything else we will be glad to do it if we have an opportunity to do it. But this bill is important. It is urgent and the War Department is anxious to begin its administration in the interest of the National Guard men who are already in the service and the enrollees who are coming in.

[Here the gavel fell.]

Mr. VAN ZANDT. Mr. Speaker, I move to strike out the last three words in order to ask my good friend, the chairman of the House Military Affairs Committee, a question.

It may be true that the Congress has tried to take care of the selectee in every respect, but in a few words I am afraid when the selectee receives his $30 on the first of each month so many deductions will have been made he will find himself in debt to Uncle Sam, just the same as the World War veteran did during the World War.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. VAN ZANDT. I yield.

Mr. HINSHAW. I should like to ask the gentleman from Pennsylvania or the chairman of the committee how the selectee, when he is in camp down in Louisiana, is going to be able to get to the court, say, in Ohio, whence he came, in order to take care of that little matter.

Mr. MAY. In the first place, these things are all deferred until he is out of the service at the end of the year and back home. Then he is given a year in which to pay them.

In answer to the question of the gentleman from Pennsylvania, I may say there are no deductions allowed against the $30 a month under this bill, and the War Department nor anybody else can force a deduction regardless of what his obligations are.

Mr. VAN ZANDT. The gentleman is correct, but rest assured the selectee will be instructed by his commanding officer to take out a war-risk insurance policy in addition to the allotment he has been told to send back home. Then, of course, another Liberty-bond drive will be staged, and once again the selectee will receive instructions, this time to buy a Liberty bond.

Mr. MAY. Does not the gentleman agree with me that if the officer in charge directs him to deduct something for war-risk insurance that it is an important thing to him and more important to him than to anybody else, and that it ought to be done?

Mr. VAN ZANDT. That may be true, but since all these protections affect the pay of the selectees in the form of a deduction, I can visualize the selectee being financially embarrassed on the 1st of each month. In other words, the folks back home will have to return a portion of the allotment if the selectee is to have any spending money.

Mr. MAY. There is no compulsion about deductions, as I have stated.

Mr. LAMBERTSON. Mr. Speaker, will the gentleman yield?

Mr. VAN ZANDT. I yield.

Mr. LAMBERTSON. What are you going to do if these boys are in Dakar or Singapore?

Mr. VAN ZANDT. Get them back to the United States, where they belong.

Mr. MAY. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, strike out all after the enacting clause of the Senate bill and substitute the provisions of House bill 10338, to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of persons serving in the Military and Naval Establishments, including the Coast Guard.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the title of the Senate bill.

By unanimous consent, the first reading of the Senate bill was dispensed with.

Mr. MAY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAY: Strike out all after the enacting clause and insert in lieu thereof the provisions of H. R. 10338.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

By unanimous consent, a similar House bill (H. R. 10338) was laid on the table.

MAINLAND CANE-SUGAR BENEFITS

Mr. FULMER. Mr. Speaker, I renew my request for the present consideration of Senate Joint Resolution 225, relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

Mr. PETERSON of Florida. Mr. Speaker, reserving the right to object, it is my understanding that under this bill, if the production from 1940 crop acreage will not exceed the estimated production of the 1940 proportionate share acreage of 505,000 tons, that mainland cane producers may harvest the excess acreage without loss of benefit payments on the complete proportionate share acreage.

In other words, it will allow them, including Florida growers, based on that figure, to market the sugar from the cane which was planted prior to January 1, 1940.

Mr. FULMER. I yield to the gentleman from Nebraska to answer.

Mr. COFFEE of Nebraska. I may say to the gentleman from Florida that his statement is correct. That is one of the purposes of the bill.

Mr. PETERSON of Florida. In view of that announcement and the information which has been given to me by the Department after a series of conferences, while I do not believe this is a solution of the sugar problem, I will not object.

Mr. Speaker, I ask unanimous consent to extend and revise my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, in view of that announcement to the effect that Florida will be allowed to market sugar from the cane that was planted prior to January 1, 1940, which information has been given to me by the able members of the Committee on Agriculture of the House that have handled this matter, as well as by the Chief of the Sugar Division of the Department of Agriculture, I will not object, however, I feel that this is not a solution of the sugar problem. I shall continue to oppose the extension of the present quota system and continue to fight for an unlimited domestic quota. The allowing of growers who have cane already planted so as not to destroy the existing crop is desirable; yet, it is likewise of great importance to my State and to the national economy general, and particularly in a critical time like this, to the consumer of the Nation, that the many hundreds of persons who have lands capable of raising sugar in continental United States be allowed to furnish this food for our people; and, the world situation is such that we may be faced with food shortage, and ships used to transport sugar may be used to transport other things. We have not entirely forgotten the sugar condition in the World War period.

The curtailment of the right to produce an essential food product where there is not a surplus in this country is basically wrong. The consumers are paying above the world market, our growers are pleading for an opportunity to produce and employ American labor. I have yielded because I dislike to object to anything my good colleagues are vitally interested in. It might help them and does not particularly hurt my people and, in this instance, will help a few of my people. I know of the intense interest of the distinguished Senator from Louisiana, Senator ELLENDER, and my colleagues in the House, and the Senator has been very helpful to Florida on some of her problems and I have not objected because I do not want to imperil his bill, but I do not want my failure to object to be construed as giving approval to a continuation of the present quota system, and if that bill comes back before the House, I intend to fight against it, and I give warning that I intend to fight for our producer, our laborer, and our consumer. This bill covers a different situation which helps Louisiana and helps some of the present growers in Florida.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMES. Mr. Speaker, I object to the consideration of the bill.

Mr. COFFEE of Nebraska. Will the gentleman withhold his objection?

Mr. HOLMES. I shall be pleased to withhold my objection to permit the gentleman to make a statement.

Mr. COFFEE of Nebraska. Would the gentleman indicate what provision in the bill he objects to? I would remind the gentleman that this bill passed the Senate unanimously and that there was no objection on the part of any member of the House Committee on Agriculture. It pertains particularly to the situation in Louisiana.

Mr. HOLMES. And Florida.

Mr. COFFEE of Nebraska. And Florida; but Florida has withdrawn her objection.

Mr. HOLMES. I may say to the gentleman from Nebraska that I have been very much interested in sugar legislation for 10 years. Throughout those years we have been trying to get acreage developed in both Florida and Louisiana so they could raise more sugar in continental United States, but here in the United States we are paying them not to raise sugar. You are importing millions and millions of tons of sugar, keeping people in these States from developing their own natural resources, depriving them of the right of developing their own land. I must object.

Mr. COFFEE of Nebraska. Will the gentleman yield further, Mr. Speaker?

Mr. HOLMES. Certainly.

Mr. COFFEE of Nebraska. Let me point out that this bill is designed primarily for the benefit of the Louisiana growers. It was introduced by the Senator from Louisiana [Mr. ELLENDER]. It has passed the Senate. The bill makes it possible for the Louisiana and Florida growers to market their 1940 crop of sugarcane planted prior to January 1, 1940, and receive benefit payments.

Mr. HOLMES. The Sugar Act of 1937 set definite quotas for Florida and Louisiana and provided penalties for producing over these quotas.

Mr. COFFEE of Nebraska. There is nothing pertaining to quota in this bill.

Mr. HOLMES. But it does that in substance.

Mr. COFFEE of Nebraska. This bill simply makes it in order that these payments may be made to those growers.

Mr. HOLMES. Of course, the purpose of the bill is to keep them out of production, and I object.

Mr. COFFEE of Nebraska. If they have planted in excess of their acres.

Mr. HOLMES. Mr. Speaker, I object.

AMENDMENTS TO SECTIONS 3477 AND 3737 OF THE REVISED STATUTES

Mr. HOBBS. Mr. Speaker, I renew my unanimous-consent request to take from the Speaker's table the bill H. R. 10464, to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes, to permit the assignment of claims under public contract, with Senate amendments thereto, and to concur in the Senate amendments with the exception of Senate amendment No. 5.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, line 10, strike out "$3,000" and insert "$1,000."

Page 2, line 4, strike out "this act" and insert "the Assignment of Claims Act of 1940."

Page 2, line 8, strike out "this act" and insert "the Assignment of Claims Act of 1940."

Page 3, line 4, strike out "this act" and insert "the Assignment of Claims Act of 1940."

Page 3, after line 5, insert:

"Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of such contract shall not be subject to reduction or set-off, and if so provided such payments shall not be subject to reduction or set-off, for any indebtedness of the assignor to the United States arising independently of the contract designated in the assignment."

Page 3, after line 5, insert:

"SEC. 2. This act may be cited as the 'Assignment of Claims Act of 1940.'"

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I have given this bill some study since we discussed it a few minutes ago and much to my surprise I find it does not accomplish what we thought was the purpose of the bill when it was passed last week; but at least this bill is a step in the right direction, although I am disappointed that we misunderstood the purpose of the bill in the original instance. However, I am not going to object to this action today, but I hope the Committee on the Judiciary before this session

closes will bring out a bill which will authorize the pledging of Government contracts for the purpose of establishing credit to our small industries so that they can afford to take these defense contracts.

I think I understand the distinctions which have been drawn between this bill and what I understood to be the purpose of the original bill, and I do not see any harm in the bill, because it is innocuous. It will do absolutely no good whatsoever and will not accomplish the purpose we sought to accomplish when the original bill was passed.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. If the gentleman cannot see any harm in the bill and if he cannot see any good in the bill, why go to the expense of passing the bill and incurring the additional printing expense?

Mr. WOLCOTT. Because there is a provision in the bill that an industry may take a claim against the Government to a bank. Now banks are not lending on that kind of security. But if any bank will accept this claim there might be some help to local industries in the bill. That is why I say it is harmless. I cannot conceive of any bank giving the relief which they claim under this bill. That is why I say it is innocuous. It is harmless and I have no objection to it, but I am disappointed and I think the people of the Nation should know, regardless of newspaper and editorial comment to the contrary notwithstanding, that this bill does not authorize the pledging of Government defense contracts for loans to private enterprise for the purpose of helping finance the defense program.

Mr. SCHAFER of Wisconsin. Then there may be a little good in the bill?

Mr. WOLCOTT. There may be a little good in the bill; yes.

Mr. YOUNGDAHL. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Alabama [Mr. HOBBS] a question. What is the gentleman's opinion as to the possibility of these claims being assigned before complete performance of the contract?

Mr. HOBBS. That is the very purpose of the bill. We had before our subcommittee at the time of the hearings all of the representatives of banks who cared to come; the small banks, the little businessmen, the big businessmen, and all those who were interested in this financing. We know that this is the only chance, because both the War Department and the Navy Department protested most vehemently against permitting assignment of these contracts. They said that these contracts are for the production of munitions of war and should not be hawked around in the marts of finance so that the secrets of the Army or Navy might become public property.

They said, "We will cooperate with the banks, trust companies, and other financial institutions as well as with American business; we welcome a law that will permit the financing of all our contractors; but there are some things we cannot allow to become public." Please let me say to the distinguished gentleman from Michigan that we are all in accord. We are seeking to do exactly what he wants done, and we believe we have done it.

Mr. WOLCOTT. We might all be in accord with what we want to do, but surely we can agree that we are not doing it under this bill.

Mr. HOBBS. I disagree with the gentleman. I think we have.

Mr. YOUNGDAHL. The gentleman understands that a claim means the right as the result of performance?

Mr. HOBBS. No; not necessarily. It means a right accruing to any contractor under and by virtue of a contract which he has been awarded by the Government of the United States, whether it has been performed even partially or not.

Mr. YOUNGDAHL. Then, the gentleman's contention is that even though there has been no performance under the contract the claim may be assigned as collateral for a loan?

Mr. HOBBS. Certainly.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. HOBBS. I yield with pleasure to the distinguished gentleman from Nebraska.

Mr. McLAUGHLIN. It is not possible for me to understand the contention of the distinguished gentleman from Michigan that this bill will do no good. It is obivous that the bill will accomplish the purposes it is intended to accomplish. If I correctly understand the gentleman from Michigan, the only possible objection to the bill from the standpoint of its feasibility is that discretion is vested in the War and Navy Departments to obstruct the assignment of these claims because the War and Navy Departments feel under certain circumstances, as the distinguished gentleman from Alabama has pointed out, that it would be inimical to the interests of the Government for the contract to be assigned.

In those instances it is a case of preserving the secrecy of the munition or whatever it is being manufactured, and that discretion is vested with the Department, but it does not prevent the Department from permitting the assignment of claims on contracts in instances where no secret process is involved. In such instances the right of assignment is clear and unrestricted.

Mr. WOLCOTT. I may say to the gentleman that I do not know of any bank in the United States which is taking chances with its depositors' money on choses in action.

Mr. HOBBS. Nor will any bank in the United States take any risk on making a loan under the terms of this bill. The assignments permitted by the bill we are talking about will be good security; they can be safely accepted.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER. Without objection, all Senate amendments except Senate amendment No. 5 will be concurred in.

There was no objection.

Mr. HOBBS. Mr. Speaker, I move to concur in Senate amendment No. 5 with an amendment.

The Clerk read as follows:

Mr. HOBBS moves to concur in Senate amendment No. 5 with an amendment to read as follows: In lieu of the matter proposed in Senate amendment No. 5 insert the following:

"Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of the claim arising under such contract shall not be subject to reduction or set-off, and if it is so provided in such contract, such payment shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of such contract."

The motion was agreed to.

A motion to reconsider was laid on the table.

ACCOUNTS OF THE TREASURER OF THE UNITED STATES

Mr. WILLIAMS of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 844) to simplify the accounts of the Treasurer of the United States, and for other purposes, for immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, I do not sense any objection to the bill, but I wish the gentleman for the purpose of the RECORD would explain briefly what the bill is about.

Mr. WILLIAMS of Missouri. There is no money at all involved in this bill. It is simply a matter of bookkeeping in the Treasury Department. Under the old law, authorizing the issue of national bank notes and Federal Reserve bank notes the banks were required to pay into the Treasury a reserve fund equal to 5 percent of the amount of the notes issued to redeem those notes. Out of this 5-percent reserve there was a fund set up to pay the incidental expenses of redeeming them. All of those notes have been called. The funds are in the Treasury with which to redeem them. There are still some of them outstanding. Some of them will never be presented. No doubt many of them are lost or have been misplaced or destroyed. There has been created, as I say, in the Treasury a fund of $216,000, with which to pay the incidental expenses of redeeming them. This amount has been charged against the 5-percent redemption fund and has

been paid by the banks into the Treasury. That is in a separate fund. The purpose of this bill is to turn that money into the general fund of the Treasury and hereafter pay the expenses of redeeming the bonds out of general appropriations to the Treasury, simply doing away with that incidental fund and the bookkeeping in connection therewith.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That after the reimbursement to the Treasury from funds derived from assessments made pursuant to section 8 of the act of July 12, 1882, 22 Stat. 164, as amended (U. S. C., title 12, sec. 177), of all costs lawfully charged thereto for the fiscal year ending June 30, 1940, the balance of such funds shall be covered into the Treasury as miscellaneous receipts; and thereafter the cost of transporting and redeeming such outstanding national bank notes and Federal Reserve bank notes as may be presented to the Treasurer of the United States for redemption shall be paid from the regular annual appropriations for the Treasury Department.

With the following committee amendment:

Page 1, line 7, strike out "1940" and insert in lieu thereof "1941."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CIVIL SERVICE RETIREMENT ACT AND OTHER RETIREMENT ACTS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8621) to amend the Civil Service Retirement Act and other retirement acts, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, strike out line 25, and lines 1 and 2, on page 3, and insert:

"SEC. 97. Computation of accredited Service: Subject to the provisions of section 98 of this title, the."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain this bill?

Mr. RAMSPECK. This bill passed the House on the Consent Calendar. When it passed I offered an amendment which had in it a typographical error. The Senate has corrected the typographical error and passed the bill by unanimous consent.

Mr. MICHENER. That is all there is to it?

Mr. RAMSPECK. It is simply a technical amendment to correct the text.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MAINLAND CANE-SUGAR BENEFITS

Mr. FULMER. Mr. Speaker, the gentleman from Massachusetts having agreed to withdraw his objection, I now renew my request for the immediate consideration of the joint resolution (S. J. Res. 225) relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. NORRELL. Reserving the right to object, Mr. Speaker, is there anything in this bill respecting the reciprocal-trade agreements, especially the one with Cuba on sugar?

Mr. FULMER. I may say to the gentleman there is nothing whatever in this joint resolution that would affect it.

Mr. ANGELL. Reserving the right to object, Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD on the bill under consideration, and to include therein a short resolution.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ANGELL. Mr. Speaker, it is conceded that the most critical problem confronting us as a nation today, outside of our preparedness program, is to provide employment for the 9,600,000 men and women who have been unable to find work. This condition has existed for 10 years, until it is becoming chronic. While it may be difficult to find a full solution to this problem, it must be conceded that an approach to it is fostering all of our enterprises which will give jobs to the unemployed in private industry at American wage scales.

There is one very thriving industry in the Northwest which will help to bring money out of hiding and put men to work. I refer to the sugar-beet industry. Many of our people in the Northwest have large investments in the sugar-beet industry. It has come to be one of major importance in our communities, and particularly is this true in my own State of Oregon. Our refinery at Nyssa has a 112-day record of producing 750,000 bags of sugar, and the refinery company has fed 8,000 head of cattle from beet pulp as a pulp-feeding demonstration. Growers in the Owyhee reclamation project produced 16.2 tons per acre on 17,000 acres last year, the highest production in the United States, save one area in northern California. The fly in the ointment, however, is that under the A. A. A. crop-control program, Oregon growers, as well as those in other districts of our sugar-beet-producing States, are not permitted to place this fertile land in production. The regulations even threaten to reduce our own acreage. This plan has added $1,000,000 to the assessed value of Oregon, and is a most striking instance of the manner in which we may, by proper Government legislation, bring capital out of hiding to seek investment in free enterprise, giving the unemployed jobs and merchants markets for their products.

The National Reclamation Association, at its ninth annual meeting recently held at Great Falls, Mont., at which 918 delegates from 23 Western States were in attendance, unanimously adopted a resolution urging the Congress to take action to permit the sugar-beet States to produce a larger percentage of nonsurplus sugar-beet crop. We should put into production these large areas of fertile lands in the West, so admirably adapted to the growing of sugar beets, so that we may give some relief to the unemployment situation in those States.

Mr. Speaker, I include as a part of my remarks, under the privilege granted by the House, a resolution adopted at the Great Falls meeting of the National Reclamation Association. It follows:

SUGAR-BEET EXPANSION

Whereas large areas of the West are dependent to a great extent on the maintenance and growth of the sugar-beet industry; and

Whereas the sugar-beet industry provides more field labor per acre unit than any other major crop produced and also provides more income for industrial labor in associated industries, such as railroads, coal mines, limerock quarries, and many manufacturing enterprises and is therefore far reaching in its possibilities; and

Whereas an orderly and sound expansion of beet plantings and processing as suitable land is developed is a reasonable and necessary condition precedent to the building up of this country and should be encouraged; and

Whereas American sugar-beet producers provide less than one-third of the requirements of our home market at the present time, but could and should be supplying a major portion of its requirements to the economic advantage of the Nation; and

Whereas our Government should adhere to the principles of American markets for American producers; and

Whereas the present all-time low net price of sugar is insufficient to maintain the industry on a profitable basis: Now, therefore, be it

Resolved by this association that the Congress of the United States is urged to provide through proper legislation for the progressive, orderly expansion of the production of beet sugar within the United States and to maintain the beet-sugar industry on a reasonable income basis by quota regulations and adequate tariffs on foreign sugar; and be it

Further resolved, That the secretary be directed to send a copy of this resolution to the Secretaries of Agriculture, Interior, and State, and to the Senate and House of Representatives of the

United States and to each of the Senators and Representatives of Western States in Congress.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That no payment under the Sugar Act of 1937 with respect to the 1940 crop shall be withheld from any producer in the mainland cane-sugar area, because of the marketing (or processing) of sugarcane in excess of the proportionate share for the farm, if the acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 is not in excess of the acreage of sugarcane for sugar planted prior to January 1, 1940, but payments shall be made only with respect to the proportionate share acreage established for the farm under the provisions of such act, and the following deductions shall be made from such payments, on account of any acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 which is in excess of (1) 110 percent of the proportionate share for the farm, or (2) the proportionate share for the farm plus 25 acres, whichever is the greater; for so much of such excess as does not exceed 500 acres, a deduction of $10 per acre; for so much of such excess as exceeds 500 acres, a deduction of $20 per acre: *Provided*, That the foregoing provision shall be effective only if the Secretary determines that the actual production from the 1940 crop acreage shall not exceed the estimated production of the 1940 proportionate share acreage of 505,000 tons.

SEC. 2. The last clause of section 201 of the act approved September 1, 1937, is amended to read as follows: "and in order that the regulation of commerce provided by this act shall not result in excessive prices to consumers, the Secretary shall make such additional allowances as he may deem necessary in the amount of sugar determined to be needed to meet the requirements of consumers, so that the supply of sugar made available to consumers shall not result in average prices to consumers in excess of those necessary to maintain the domestic sugar industry as a whole. The amount of such additional allowances shall not be less than the amount required, after allowance for normal carry-over, to give consumers in the continental United States a per capita consumption equal to the average of the 2-year period 1937–38."

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to include in the remarks I just made on the floor of the House a few brief letters.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE LATE EDMUND PLATT

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, in the closing days of the Congress I want to pay a tribute to a predecessor of mine in the House of Representatives, who died during the last session of the Congress, the Honorable Edmund Platt. He served in the House from 1912 to 1920 and was a distinguished and able Member. Including our distinguished Speaker [Mr. RAYBURN], there are still some 20 Members of the House who knew him well and still appreciate his fine qualities and service in this body. He was chairman of the important Committee on Banking and Currency. He resigned from Congress to become vice governor of the Federal Reserve Board, where he served for 10 years. Since 1930 he was a vice president of the Marine Midland Bank in the city of New York.

Mr. Platt was born in Poughkeepsie, N. Y., and came from a well-known Dutchess County family. He was an authority on Hudson River history, birds, and banking and monetary problems, and was for 40 years associated with the Poughkeepsie Eagle. For 13 years he was its editor. I got to know him and his charming wife and daughter well at Washington, as we lived on the same street. I had the highest regard for him personally and officially. He was a man of the finest character, lovable and able. My district has lost a true and loyal friend. He was a credit to it, a credit to the State of New York, and to the Federal Government.

EXTENSION OF REMARKS

Mr. STARNES of Alabama. Mr. Speaker, on Thursday last I submitted a unanimous-consent request to extend my remarks and include therein certain matter. This material exceeded the 2-page limit. I have an estimate from the Public Printer, and I now renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. RABAUT asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter I have received from Dr. Bernhardt.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from New York [Mr. ROCKEFELLER], may extend his remarks in the RECORD and include a short article from the Chatham Courier.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COFFEE of Washington asked and was given permission to revise and extend his own remarks in the RECORD.

ANNOUNCEMENT

Mr. GEYER of California. Mr. Speaker, during roll call No. 222, I was absent on important business. If I had been present I would have voted "yea" on that roll call; and during roll call No. 223, I was also absent on the same business and would have voted "nay" if I had been present for that roll call.

EXTENSION OF REMARKS

Mr. LUDLOW asked and was given permission to revise and extend his remarks in the RECORD.

ORDER OF BUSINESS

Mr. McCORMACK. Mr. Speaker, this completes the business of the day, but there are some bills that may come over from the Senate which it would be desirable to send to conference and for that reason I ask unanimous consent that the House stand in recess subject to the call of the Chair, the bells to be rung 15 minutes before the House reconvenes.

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman tell us what the program for tomorrow is?

Mr. McCORMACK. The program for tomorrow will be pretty much the same as the program today. There is no definite program, but various bills may come up like the bills we have had up today and if there are any conference reports, they will be received.

Mr. MICHENER. If any conference reports are received today, will they not be printed today and disposed of tomorrow?

Mr. McCORMACK. As we are going to be in session on Monday, any conference reports would probably be disposed of at that time if they were controversial reports.

Mr. MICHENER. There was a rumor floating around in the thin air that we were going to dispose of the conference reports on the appropriation bills tomorrow. If that is so, some of us are very much interested in knowing about it. If they are not coming up tomorrow, of course, that might make a lot of difference.

Mr. McCORMACK. Those bills have not yet passed the Senate and the purpose of the recess is to appoint conferees on such bills. But even if the conferees agreed, they would not probably report until tomorrow and under the rules the reports would have to go over 24 hours.

The SPEAKER. Unless there was no objection.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, can the gentleman give us any information as to what the Congress may do in the next week or 10 days with respect to recessing or adjourning?

Mr. McCORMACK. A week or 10 days is a long time to speculate.

Mr. WOLCOTT. I understood we were going to dispose of most of the business this week and start taking 3-day recesses Monday.

Mr. McCORMACK. Of course, the gentleman knows more than I do in that respect.

Mr. WOLCOTT. As the gentleman from Michigan said, it is just a rumor and everything seems to be a rumor.

Mr. McCORMACK. The gentleman does not act on rumors.

Mr. WOLCOTT. It is a matter of personal interest to me because I told my wife I might be home over the week end. [Laughter.] I find now that the Consent Calendar will be called Monday regardless of whether we take 3-day recesses or not, and that is why I have asked the gentleman, in all seriousness, if he can give us some information about what the program may be for next week, and whether we were definitely going to take 3-day recesses or whether there would be a program that would keep us busy during the week.

Mr. McCORMACK. On Monday, of course, there is the Consent Calendar and whatever conference reports or other incidental matters that may come up. Outside of that I cannot give the gentleman any information. I wish I were in a position where I could do so, and the gentleman himself may be of invaluable assistance in connection with the main matter that the gentleman has in mind.

Mr. WOLCOTT. I want to be of every possible assistance to the majority leader, and we on this side of the aisle also, in working out this program for the balance of the year. If the gentleman will suggest to us how we can be of any help to him in making up the majority's mind as to what they are going to do, I am sure we will cooperate.

Mr. McCORMACK. The gentleman is anxious to obtain information either about adjournment or recess, is he not?

Mr. WOLCOTT. I do not anticipate that the Congress is going to adjourn or take any lengthy recess. I merely wanted to know whether we would start our 3-day recesses Monday. I do not anticipate we are going to adjourn or take any extended recess.

Mr. McCORMACK. I would like to be able to give the gentleman the information he desires, but I cannot at this time.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Thereupon, at 2 o'clock and 15 minutes p. m. the House stood in recess subject to the call of the Speaker.

AFTER RECESS

The recess having expired the House was called to order by the Speaker at 5 o'clock and 27 minutes p. m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. St. Claire, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10572. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND to be the conferees on the part of the Senate.

THIRD DEFICIENCY APPROPRIATION BILL

Mr. CANNON of Missouri. Mr. Speaker, I understand it is probable that the Senate will pass the bill (H. R. 10539) making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes, and return it to the House with amendments before adjournment tonight.

I therefore ask unanimous consent that notwithstanding any adjournment of the House, the Clerk of the House be authorized to receive any message on that bill; and that the House disagree to any amendments of the Senate to the bill and agree to a conference thereon, and that the Speaker appoint managers on the part of the House to attend such conference.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The Chair announces the following conferees on the bill H. R. 10539, for which unanimous consent has just been granted: Mr. TAYLOR, Mr. WOODRUM of Virginia, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER.

Mr. CANNON of Missouri. Mr. Speaker, in view of the action just taken by the House on the bill H. R. 10539, I ask unanimous consent that it be in order tomorrow to consider the conference report on that bill, the rule requiring the printing of conference reports in the RECORD to the contrary notwithstanding.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SUPPLEMENTAL APPROPRIATIONS FOR NATIONAL DEFENSE

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10572) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, with Senate amendments thereto, and for the present consideration of the same.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read as follows:

Page 11, line 9, strike out "$90,000,000" and insert "$88,000,000";

Page 11, line 9, strike out all after "$90,000,000," down to and including the figures "1939" in line 19;

Page 15, beginning in line 1, insert:

Not to exceed $5,000 of the appropriation "Miscellaneous expenses, 1941", shall be available in the discretion of the Secretary of the Navy, for the payment of the services of experts now engaged on a survey and study of the methods of transacting the business of the Navy Department.

Page 15, line 6, insert:

BUREAU OF SHIPS

Maintenance, Bureau of Ships: For the same objects specified under the appropriations or portions of appropriations transferred to and consolidated under this head in accordance with section 1 (h) of the act approved June 20, 1940 (Public, Numbered 644, Seventy-sixth Congress), $11,000,000.

Page 16, beginning in line 4, insert:

Reserve material, Navy: For an additional amount for reserve material, Navy, including the same objects specified under this head in the Naval Appropriations Act for the fiscal year 1940 and in title III of the Naval Appropriations Act for the fiscal year 1941, $700,000, to remain available until expended.

Page 16, line 15, strike out "$6,500,000" and insert "$9,500,000";

Page 17, line 1, insert:

Naval Air Station, Corpus Christi, Tex.: Additional facilities, including the acquisition of land, $3,000,000.

Mr. CANNON of Missouri. Mr. Speaker, this bill carries supplemental appropriations for the Army and Navy.

As it passed the House, the bill carried for the Army $1,250,792,636, excluding $150,000,000 of contractual authority.

For the Navy, it carried $60,701,000, excluding $8,500,000 of contractual authority.

As will be noted, the amendments of the Senate are, in general, minor amendments and relate to conditions which have developed since the bill was reported to the House.

The first amendment, $11,000,000, is to provide for certain accessories for ships, aircraft, and various shore installa-

tions which the Navy considers of such importance as to be indispensable.

The item for $3,000,000 is for the development and enlargement of the advanced training station for carrier group pilots at the new Corpus Christi Naval Air Station, is understood to be necessary to segregate and disperse pilots in various stages of training. The item is of particular importance just at this time.

Another amendment provides $700,000 for the Bureau of Supplies and Accounts to be expended for the provision and storage of reserve material of various kinds needed by the fleet operating from bases on both coasts. A fourth minor item touching the Navy, which does not involve additional money, provides for final disposition of expenses incurred by a business efficiency expert in the Navy Department.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from New York, the ranking minority member of the committee.

Mr. TABER. There is one item that saves a couple of million dollars that I do not think the gentleman referred to.

Mr. CANNON of Missouri. The gentleman refers to the item providing a pilot plant for the beneficiation of manganese ores. An allocation of $2,000,000 has been made from the appropriation, for expediting production carried in the Second Supplemental National Defense Appropriation Act and the Senate amendment strikes the item from this bill. It is a saving, however, as it reduces the total amount appropriated by $2,000,000.

Mr. TABER. And I think it should be saved. Of all the other items I think the first one, $11,000,000 for the maintenance of ships, unquestionably should go through. The item for Corpus Christi of $3,000,000 will undoubtedly have to go through sometime in the near future, and it does not make any difference whether it goes through now or at some other time. The other items are quite small and minor. For this reason I am inclined to believe the gentleman is right in not asking for a conference and in moving to concur in the Senate amendments.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to my colleague on the committee, the gentleman from Texas [Mr. MAHON].

Mr. MAHON. I notice the Senate committee struck out the $30,000,000 item for the civil-aeronautics program.

Mr. CANNON of Missouri. That is provided for in the deficiency bill and will come up tomorrow.

Mr. MAHON. The civil-functions bill?

Mr. CANNON of Missouri. Yes. Arrangements have been made to send the bill to conference as soon as it is messaged to the House and the conference report has been made the order of business when the House meets tomorrow.

Mr. HOLMES. Mr. Speaker, will the gentleman yield for a question?

Mr. CANNON of Missouri. I yield.

Mr. HOLMES. Is this item of $3,000,000 for the Corpus Christi Air Station in addition to the $25,000,000 already appropriated and now available for this airport?

Mr. CANNON of Missouri. Yes; that is in addition to the amount already provided and makes ample provision for all present needs at that station.

Mr. HOLMES. In other words, there is now appropriated actually $28,000,000 allocated to that one training station?

Mr. CANNON of Missouri. Yes; a total of $28,000,000, all to be expended in the improvement and extension of the Corpus Christi station.

Mr. Speaker, in conclusion, I wish to call attention to the efficient and expeditious manner in which the House and the Senate have disposed of this bill, the capstone in the legislative preparedness program completed in this session—a program providing on land and on sea an impregnable line of defense for the Nation and the hemisphere. And in this connection may I express appreciation of the cooperation had throughout the session from the gentleman from New York and his colleagues on the committee and from the Members on both sides of the House.

Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to, and a motion to reconsider was laid on the table.

THE SILVER PURCHASING POLICY

Mr. SCRUGHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SCRUGHAM. Mr. Speaker, the New York Times recently announced their editorial support of Mr. Willkie for the Presidency. Their criticism of Mr. Roosevelt was based largely on his fiscal policies, and primarily directed against the Government purchases of silver. Presumably they had some assurances from Mr. Willkie that he would stop all silver purchases. The New York Times editorial on the subject is as follows:

(1) The fantastic silver policy of the Roosevelt administration, scarcely begun in 1936, has now grown to almost incredible proportions. More than 2,000,000,000 ounces of a metal for which our Government has no earthly use—approximately a hundred times as much silver as all the silver mines in the United States produced in the year before this policy began—have been bought by the Treasury at overvalued prices in an artificial market. This policy makes no sense, except as a political maneuver to win the support of the so-called silver bloc. Otherwise its only visible results have been to drive off the silver standard the one important country which had previously been on it and to take from other nations useless silver in exchange for our own good wheat and oil and motor cars and other exports. There is only one way to describe such a policy as this. It leads over the hills to the poorhouse.

This statement squarely represents the point of view of the average Wall Street banker and stock manipulator. The removal of the control of money from their hands is the basis of their objections. Actually the maintenance of the silver price has kept thousands of men in employment.

The silver purchases represent no actual cost to the Government, but a real profit in seignorage. The purchases of silver are paid for with silver certificates, payable in silver dollars coined from the purchased silver.

The gentleman from Idaho, Congressman WHITE, and I have individually wired Mr. Willkie asking him if he agreed with the statements of the New York Times in their reasons for supporting him. To date no reply has been received.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1999. An act to confer jurisdiction upon certain United States commissioners to try petty offenses committed on Federal reservations;

H. R. 2728. An act to add certain lands to the Cleveland National Forest in Orange County, Calif.;

H. R. 3009. An act for the relief of June Thompson, a minor;

H. R. 3481. An act for the relief of C. Z. Bush and W. D. Kennedy;

H. R. 4066. An act for the relief of Josefina Alvarado;

H. R. 4088. An act to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts;

H. R. 4126. An act for the relief of Warren Zimmerman;

H. R. 4615. An act for the relief of Sallie Barr;

H. R. 4656. An act to record the lawful admission to the United States for permanent residence of Esther Klein;

H. R. 4724. An act for the relief of Charles F. Martin, a minor;

H. R. 4815. An act for the relief of Henry J. Wise;

H. R. 5040. An act for the relief of Arthur Joseph Reiber, a minor;

H. R. 5314. An act for the relief of Paul J. Kohanik;

H. R. 5814. An act for the relief of David J. Williams, Jr., a minor;

H. R. 6215. An act for the relief of John E. Avery;

H. R. 6512. An act for the relief of F. W. Heaton;

H. R. 6687. An act to permit the States to extend their sales, use, and income taxes to persons residing or carrying on business, or to transactions occurring, in Federal areas, and for other purposes;

H. R. 6820. An act for the relief of Mrs. Hama Torii Emerson;

H. R. 6888. An act for the relief of Esther Jacobs;

H. R. 7139. An act for the relief of Joe L. McQueen;

H. R. 7276. An act for the relief of Walter B. McDougall and Herbert Maier;

H. R. 7302. An act for the relief of Lillian Brown and Silas Young;

H. R. 7357. An act to amend section 4472 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 465) to provide for the safe carriage of explosives or other dangerous or semi-dangerous articles or substances on board vessels; to make more effective the provisions of the International Convention for Safety of Life at Sea, 1929, relating to the carriage of dangerous goods, and for other purposes;

H. R. 7731. An act to provide for the burial and funeral expenses of deceased veterans of the Regular Establishment who were discharged for disability incurred in the service in line of duty, or in receipt of pension for service-connected disability;

H. R. 7815. An act for the relief of Boston & Maine Railroad;

H. R. 7910. An act for the relief of Betty Jane Bear Robe;

H. R. 8069. An act to re-form the lease for the Sellwood station of the Portland (Oreg.) post office;

H. R. 8150. An act providing for the barring of claims against the United States;

H. R. 8163. An act for the relief of Antonio Sabatini;

H. R. 8301. An act for the relief of Allen B. Boyer;

H. R. 8369. An act authorizing a per capita payment of $10 each to the members of the Red Lake Band of Chippewa Indians from any funds on deposit in the Treasury of the United States to their credit;

H. R. 8744. An act for the relief of Ernst Lyle Greenwood and Phyllis Joy Greenwood;

H. R. 8846. An act to provide for the retirement of certain members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the members of the Fire Department of the District of Columbia;

H. R. 8868. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Bolinross Chemical Co., Inc.;

H. R. 9073. An act to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe* at Norfolk, Va., on October 27, 1939;

H. R. 9284. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. A. L. Ridings;

H. R. 9561. An act granting the consent of Congress to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Sauk Rapids, Minn.;

H. R. 9581. An act to amend the Merchant Marine Act, as amended;

H. R. 9656. An act to authorize the acceptance of donations of property for the Vicksburg National Military Park, in the State of Mississippi, and for other purposes;

H. R. 9670. An act to provide an 8-hour workday and payment for overtime for dispatchers and mechanics-in-charge in the motor-vehicle service of the Postal Service;

H. R. 9722. An act to provide for the regulation of the business of fire, marine, and casualty insurance, and for other purposes;

H. R. 9734. An act authorizing allocation of funds for the construction of Saco Divide unit, Milk River project, and for other purposes;

H. R. 9736. An act to amend section 355 of the Revised Statutes, as amended, to authorize the Attorney General to approve the title to low-value lands and interests in lands acquired by or on behalf of the United States subject to infirmities, and for other purposes;

H. R. 9840. An act for the relief of Bela Karlovitz;

H. R. 9921. An act to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project;

H. R. 9942. An act authorizing the Secretary of the Interior to issue to Henry W. Shurlds and W. H. White a patent to certain lands in the State of Mississippi;

H. R. 9943. An act authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi;

H. R. 9952. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Ind.;

H. R. 9989. An act authorizing the Administrator of Veterans' Affairs to grant an easement in certain land to the city of Memphis, Tenn., for street-widening purposes;

H. R. 9991. An act to amend section 4021 of the Revised Statutes and to repeal section 4023 of the Revised Statutes relating to establishment of postal agencies;

H. R. 10061. An act to consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code;

H. R. 10155. An act for the relief of William M. Irvine;

H. R. 10246. An act to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission;

H. R. 10267. An act to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration facility, Los Angeles, Calif.; to the county of Los Angeles, Calif., for sidewalk purposes;

H. R. 10337. An act to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes;

H. R. 10339. An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes;

H. R. 10406. An act to authorize the appointment of graduates of the Naval Reserve Officers' Training Corps to the line of the Regular Navy, and for other purposes;

H. R. 10413. An act to provide revenue, and for other purposes;

H. J. Res. 467. Joint resolution to exempt from the tax on admissions amounts paid for admission tickets sold by authority of the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect in January 1941; and

H. J. Res. 603. Joint resolution to authorize the United States Maritime Commission to furnish to the State of Pennsylvania a vessel suitable for the use of the Pennsylvania State Nautical School, and for other purposes.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 253. An act to authorize the leasing of certain Indian lands subject to the approval of the Secretary of the Interior;

S. 1160. An act for the relief of Roland Hanson, a minor, and Dr. E. A. Julien;

S. 3550. An act to make unlawful the transportation of convict-made goods in interstate commerce, and for other purposes;

S. 3636. An act to amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes;

S. 3868. An act for the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration;

S. 4258. An act to remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, N. Y.;

S. 4353. An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes; and

S. J. Res. 267. Joint resolution providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned until tomorrow, Friday, October 4, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1979. A letter from the Attorney General, transmitting the draft of a proposed bill to extend the provisions of section 6 of the act of June 28, 1940, to the Federal Bureau of Investigation of the Department of Justice; to the Committee on Naval Affairs.

1980. A letter from the Acting Secretary of the Navy, transmitting a report of contracts awarded under the authority of the act of March 5, 1940; to the Committee on Military Affairs.

1981. A letter from the Secretary of War, transmitting a report of awards made under the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LANHAM: Committee on Public Buildings and Grounds. S. 3778. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930; without amendment (Rept. No. 3011). Referred to the Committee of the Whole House on the state of the Union.

Mr. MURDOCK of Arizona: Committee on the Public Lands. S. 4130. An act to provide for the establishment of the Coronado International Monument, in the State of Arizona; without amendment (Rept. No. 3015). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. POAGE: Committee on Claims. S. 3493. An act for the relief of Elliott L. Hovel; with amendment (Rept. No. 3012). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 10110. A bill for the relief of Mary Madeline Zwalinski; with amendment (Rept. No. 3013). Referred to the Committee of the Whole House.

Mr. AUSTIN: Committee on Immigration and Naturalization. H. R. 10330. A bill for the relief of Lillian Ethel Flexen and children, Beatrice Mabel Flexen, Elizabeth Amy Flexen, and Edward Oscar Flexen; without amendment (Rept. No. 3014). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10504) granting a pension to Martha E. Lumley, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McLEOD:

H. R. 10605. A bill punishing treachery during the period that the United States Selective Service Act is in effect; to the Committee on the Judiciary.

By Mr. SCHWERT:

H. R. 10606. A bill to promote national preparedness and the national welfare through appropriation of funds to assist the several States and Territories in making adequate provisions for health education, physical education, and recreation in schools and school camps; to the Committee on Education.

By Mr. SMITH of West Virginia:

H. R. 10607. A bill to amend the act entitled "An act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes," approved October 6, 1917 (40 Stat. 385); to the Committee on Mines and Mining.

By Mr. SMITH of Washington:

H. R. 10608. A bill for the development and conservation of the resources of the Pacific Northwest through the wide distribution of electric energy generated by certain Federal projects, for the improvement of navigation and the promotion of the national defense, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BUCK:

H. J. Res. 609. Joint resolution to amend the act permitting States to extend their sales, use, and income taxes to Federal areas; to the Committee on Ways and Means.

By Mr. HARTER of New York:

H. Res. 620. Resolution to appoint a committee to investigate and report to the House the living conditions existing at the various forts and camps to which the National Guard and those ordered into the service under the military-training law are sent; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McANDREWS:

H. R. 10609. A bill for the relief of Hans Hubsch; to the Committee on Immigration and Naturalization.

By Mr. AUSTIN:

H. R. 10610. A bill for the relief of Severiana Maria Rodrigues De Caceres, and her sister, Irene Hernandez De Texada, and the latter's daughter, Irene Hernandez De Texada; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9340. By Mr. LYNCH: Petition of the Greater New York Industrial Union Council, urging passage of the United States Housing Act amendments providing for additional low-rent public housing; to the Committee on Banking and Currency.

9341. By Mr. O'NEAL: Petition of thousands of citizens of Kentucky, urging aid in behalf of England; to the Committee on Foreign Affairs.

SENATE

FRIDAY, OCTOBER 4, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou, who art the God of nations and Judge among the nations: Make us as a people deeply conscious of our corporate life, and as we pass through troublous times, days of a common anxiety, unite us, we beseech Thee, in a mighty purpose to fulfill our destiny among the nations of the world. Call us by the providence of events to take a lowlier estimate, not of our tasks but of ourselves, that we may be the better fitted for the high service to our country. And, as we pause here in the silence of the moment, may we feel the pulsings of Thy mighty heart, and know that the eternal God is our refuge and that underneath are His everlasting arms.

Teach us that when sorrow comes, the soul should be but kindled to a finer energy, rousing itself to achieve, to attain, and to obey the sterner stress; for loss, instead of gain, doth sometimes measure life, and often in love's sacrifice the one who suffers most hath most to give. Help us, O God, to learn this lesson day by day. We ask it in our Saviour's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, October 3, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Shipstead
Andrews	Downey	King	Smathers
Ashurst	Ellender	McKellar	Stewart
Austin	George	Maloney	Thomas, Idaho
Bailey	Gerry	Mead	Thomas, Okla.
Bankhead	Gibson	Minton	Thomas, Utah
Barkley	Gillette	Murray	Townsend
Brown	Glass	Norris	Truman
Bulow	Green	O'Mahoney	Tydings
Burke	Guffey	Overton	Vandenberg
Byrnes	Gurney	Pepper	Van Nuys
Capper	Hale	Pittman	Wagner
Caraway	Harrison	Radcliffe	Walsh
Chavez	Hayden	Reed	Wheeler
Clark, Idaho	Herring	Russell	White
Clark, Mo.	Hill	Schwartz	Wiley
Connally	Holt	Schwellenbach	
Danaher	Johnson, Calif.	Sheppard	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Kentucky [Mr. CHANDLER] are absent because of illness.

The Senator from Virginia [Mr. BYRD] is absent due to illness in his family.

The Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from New Mexico [Mr. HATCH], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from Arkansas [Mr. MILLER], the Senator from West Virginia [Mr. NEELY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Illinois [Mr. SLATTERY], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. MCNARY], the Senator from New Hampshire [Mr. TOBEY], the Senator from North Dakota [Mr. NYE], the Senator from North Dakota [Mr. FRAZIER], the Senator from Ohio [Mr. TAFT], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. HOLMAN], and the Senator from New Jersey [Mr. BARBOUR] are necessarily absent.

The VICE PRESIDENT. Seventy Senators have answered to their names. A quorum is present.

REPORT ON AWARD OF CERTAIN WAR DEPARTMENT CONTRACTS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of War, reporting, pursuant to the act of March 5, 1940, relative to divisions of awards of various contracts for aircraft, aircraft parts and accessories therefor, which was referred to the Committee on Military Affairs.

LAWS, ORDINANCES, ETC., OF MUNICIPAL COUNCILS AND LEGISLATIVE ASSEMBLY, VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate two letters from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of laws, ordinances, and so forth, passed by the Municipal Councils of St. Croix, St. Thomas, and St. John and the legislative assembly of the Virgin Islands for the year 1940, which, with the accompanying papers, were referred to the Committee on Territories and Insular Affairs.

REPORT OF AGRICULTURAL ADJUSTMENT ADMINISTRATION—PAYMENTS TO FARMERS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting, pursuant to law, a report, for the fiscal year ended June 30, 1939, of the activities carried on by the Agricultural Adjustment Administration, with tables showing payments to farmers by counties under the 1938 programs, which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution of the twenty-first annual convention of the California-Nevada Association of Lions Clubs at San Jose, Calif., favoring the prompt enactment of legislation to control the menace of subversive activities of agents of foreign powers in the United States, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution of the annual session of the National Council, Sons and Daughters of Liberty, at Atlantic City, N. J., commending and endorsing the activities of the so-called Dies Committee on Un-American Activities, of the House of Representatives in its endeavor to uncover subversive influences in the United States, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution of the twentieth annual convention of the Western Association of State Game and Fish Commissioners at Seattle, Wash., protesting against the regulation known as Regulation G20A of the United States Forest Service, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution of the twentieth annual convention of the Western Association of State Game and Fish Commissioners at Seattle, Wash., favoring the appointment of an interim committee to study, with a view to amendment, the Pittman-Robertson Act and the so-called Buck bill, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution of the twentieth annual conference of the Western Association of State Game and Fish Commissioners at Seattle, Wash., favoring the appointment of an interim committee to study the proposal to organize one Federal conservation body to handle all wildlife questions, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution of the twentieth annual convention of the Western Association of State Game and Fish Commissioners at Seattle, Wash., favoring an appropriation to provide for the development of the Deweyville Dam to supplement the Bear River bird refuge water supply, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution of the twentieth annual convention of the Western Association of State Game and Fish Commissioners at Seattle, Wash., protesting against the taking of fur bearers on Federal wildlife refuges except in accordance with State laws or in cooperation with the various States, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution of the twentieth annual conference of the Western Association of State Game and Fish Commissioners, at Seattle, Wash., requesting the Government not to set aside Federally administered lands for parks, recreational and wilderness areas, monuments, etc., until the various political subdivisions of the States have had opportunity to give the problems presented adequate consideration, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution of the twentieth annual convention of the Western Association of State Game and Fish Commissioners at Seattle, Wash., requesting the Director of the Fish and Wildlife Service to cooperate with the New Mexico Department of Game and Fish and New Mexico sportsmen in providing promptly necessary permits for the control of mergansers on their wintering areas in that State to prevent further depletion of the game fish resources, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution of the twentieth annual convention of the Western Association of State Game and Fish Commissioners at Seattle, Wash., pledging support to the States of Oregon, Idaho, and Washington in their joint effort to perpetuate an adequate run of fish in the Columbia River, which was referred to the Committee on Commerce.

He also laid before the Senate a resolution of the twentieth annual conference of the Western Association of State Game and Fish Commissioners at Seattle, Wash., requesting that the regulations of the Department of the Interior governing the leasing of lands under section 15 of the Taylor Grazing Act be amended so as to assure the right of the public to hunt and fish on such lands, which was referred to the Committee on Public Lands and Surveys.

He also laid before the Senate a resolution of the twentieth annual conference of the Western Association of State Game and Fish Commissioners at Seattle, Wash., favoring the enactment of the bill (S. 3739) to amend the act providing for Federal aid to the States in the establishment of wildlife-restoration projects to be owned by the respective States and maintained by them in accordance with the provisions of their laws, which was ordered to lie on the table.

Mr. AUSTIN (for Mr. BARBOUR) presented petitions of Father Divine and sundry other citizens of the United States, numerously signed, praying that the Americas be united for peace, and also for the enactment of pending legislation to prevent and punish the crime of lynching, which were referred to the Committee on Foreign Relations.

Mr. RADCLIFFE presented a letter signed by several members of the Committee to Defend America by Aiding the Allies, Maryland Branch, Baltimore, Md., submitting additional signatures to their petition praying that the United States extend necessary aid to England in the pending crisis, which was referred to the Committee on Foreign Relations.

He also presented a letter from Arthur O. Lovejoy, chairman of the Maryland branch, Committee to Defend America by Aiding the Allies, Baltimore, Md., relative to certain alleged misrepresentations in the remarks and speeches of several Senators pertaining to the Committee to Defend America by Aiding the Allies, which was referred to the Committee on Foreign Relations.

RESOLUTION OF THE BROTHERHOOD OF SLEEPING-CAR PORTERS

Mr. WALSH. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD, and appropriately referred, a resolution adopted by the Brotherhood of Sleeping Car Porters at its biennial convention in New York City, September 15 to 20, 1940, in opposition to Senate bill 3798, the so-called Pullman conductors' bill.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

CONDUCTORS' BILL

Whereas the Pullman conductors bill was presented to Congress for enactment and would deny porters the right to run in charge on certain lines and take from them who now run in charge $13.50, which is paid as a differential in wages, in addition to the established rate of pay; and

Whereas the propaganda that the conductors have spread among passengers and before State legislatures to get legislation adopted against porters' running in charge has tended to reflect upon the good name and character of the porters, calculated as it were to impress the public with the idea that women, children, and men passengers were not safe in cars where there were no conductors but where only a porter in charge was at work: Therefore be it

Resolved, That the Brotherhood of Sleeping Car Porters, in its biennial convention in New York City, September 15 to 20, 1940, goes on record as opposing and condemning the conductors' bill, and herewith calls upon the international president and the international executive board to take appropriate action to prevent this bill, or any one similar to it, from becoming a law, either in the Congress or in the States.

REPORTS OF COMMITTEES

Mr. SMATHERS, from the Committee on Claims, to which was referred the bill (S. 3240) for the relief of the St. Nicholas Park Co., reported it without amendment and submitted a report (No. 2201) thereon.

Mr. BURKE, from the Committee on Claims, to which was referred the bill (H. R. 7784) for the relief of Howard R. M. Browne, reported it without amendment and submitted a report (No. 2202) thereon.

Mr. ADAMS, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 6658. A bill to authorize the lease or sale of certain public lands in Alaska, and for other purposes (Rept. No. 2203);

H. R. 7252. A bill to authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska (Rept. No. 2204);

H. R. 8646. A bill to authorize the exchange of certain patented lands in the Death Valley National Monument for Government lands in the monument (Rept. No. 2205); and

H. R. 9173. A bill for the protection of the water supply of the town of Petersburg, Alaska (Rept. No. 2206).

Mr. ADAMS also, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 8512) to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes, reported it with amendments and submitted a report (No. 2207) thereon.

Mr. McKELLAR, from the Committee on Claims, to which was referred the bill (S. 4215) for the relief of Caffey Robertson-Smith, Inc., reported it with an amendment and submitted a report (No. 2208) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WHEELER:

S. 4399. A bill for the relief of Gros Ventre Nation or Tribe of Indians of Montana; to the Committee on Indian Affairs.

By Mr. AUSTIN (for Mr. BARBOUR):

S. 4400. A bill for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.; to the Committee on Claims.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 844. An act to simplify the accounts of the Treasurer of the United States, and for other purposes; and

S. 4270. An act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10572) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10539) making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TAYLOR, Mr. WOODRUM of Virginia, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER were appointed managers on the part of the House at the conference.

ADDRESS BY WENDELL L. WILLKIE AT PITTSBURGH, AND INTRODUCTION BY SENATOR M'NARY

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD the address delivered by Wendell L. Willkie, Republican nominee for President of the United States, at Pittsburgh, Pa., on October 3, 1940, and the introductory remarks of Senator MCNARY, which appear in the Appendix.]

ADDRESS BY SENATOR WAGNER BEFORE THE NEW YORK STATE DEMOCRATIC CONVENTION

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a speech delivered by him at the Democratic State convention in New York City, on September 30, 1940, which appears in the Appendix.]

WENDELL L. WILLKIE AND THE PUBLIC POWER QUESTION

[Mr. HILL asked and obtained leave to have printed in the RECORD an address delivered by him on the occasion of the throwing of the switch bringing T. V. A. electric current to Bessemer, Ala., on December 15, 1939, which appears in the Appendix.]

THE VOTING RECORD OF SENATOR MALONEY ON WAR VETERANS' LEGISLATION

[Mr. HARRISON asked and obtained leave to have printed in the RECORD a compilation of the voting record of the senior Senator from Connecticut [Mr. MALONEY] on legislation affecting war veterans, which appears in the Appendix.]

STATEMENT BY ARCHBISHOP JOSEPH SCHREMBS ON THIRD PRESIDENTIAL TERM

[Mr. BURKE asked and obtained leave to have printed in the RECORD a statement on the subject of a third Presidential term by Archbishop Joseph Schrembs, of Cleveland, which appears in the Appendix.]

JAPANESE-AMERICAN RELATIONS

[Mr. HOLT asked and obtained leave to have printed in the RECORD a number of articles concerning relations between the United States and Japan, which appear in the Appendix.]

JAPANESE ACTIVITIES—ARTICLE FROM THE WASHINGTON STAR

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article from the Washington Evening Star of September 30, 1940, entitled "Contend United States Must Stop Japanese," which appears in the Appendix.]

LOOTING OF FRANCE—ARTICLE FROM NEW YORK HERALD TRIBUNE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article from the New York Herald Tribune of September 30, 1940, entitled "The Looting of France Begins," which appears in the Appendix.]

ELECTION OF PRESIDENT—LETTER FROM DEAN ACHESON

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a letter dated September 27, 1940, from Dean Acheson to the editor of the Baltimore Sun, relating to the election of the President of the United States, which appears in the Appendix.]

HITLER AS AN ISSUE IN THE CAMPAIGN

[Mr. BYRNES asked and obtained leave to have printed in the RECORD an editorial from the New York Times of the 1st instant under the heading "Hitler as the issue," and a quotation from an article appearing in the same publication today, sent from Rome by the correspondent of the New York Times, Herbert L. Matthews, which appear in the Appendix.]

IMPROVEMENT OF RIVERS AND HARBORS IN THE NATIONAL DEFENSE

The Senate resumed the consideration of the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes.

The VICE PRESIDENT. When the Senate took a recess yesterday, what is known as the river and harbor bill was the pending business. The Chair understands that the Senator from North Carolina [Mr. BAILEY] is in charge of the bill. Does the Senator from North Carolina desire to have unanimous consent given to consider committee amendments first?

Mr. BAILEY. Yes, Mr. President; I make that request.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mrs. CARAWAY. Mr. President——

The VICE PRESIDENT. The Senator from Arkansas has requested the Chair to recognize her for the purpose of addressing the Senate. The Senator from Arkansas.

THE PRESIDENTIAL CAMPAIGN AND THE THIRD-TERM ISSUE

Mrs. CARAWAY. Mr. President, I wish to join others in expressing my sympathy for the real Republicans in the current Presidential race. With a wealth of Presidential timber in its own ranks, that party permitted its convention in Philadelphia to be "blitzkrieged," and an unknown to capture the place as standard bearer of the Republican Party in the present campaign.

Many stories have come out of Philadelphia as to how this was accomplished. That it was put over by Wall Street, the backer of Mr. Willkie, in the same manner that would have been used in a stock-promotion scheme, is well known.

We now perceive the sad spectacle of the once great Republican Party making gestures of following a leader in whose behalf its members are not genuinely sympathetic.

This Republican candidate is now engaged in running up and down the country preaching a doctrine of liberalism, or, in fact, anything which he thinks will secure votes. With most of his statements a majority of his own party do not agree, and they are in direct opposition to most of the Republican legislative record. Under the pressure of politics, Republican legislators must render their candidate "lip service." This is a bitter pill for most of them to swallow. There are so many instances in which they do not agree with their titular leader that it has been a difficult task for them to speak in his behalf. In these efforts there has been an avoidance of reference to these policies. This has left them with apparently but one theme to discuss. That is the third-term issue.

In recent days the CONGRESSIONAL RECORD has been filled with speeches by Republican legislators regarding this feature. The thought is that there is a sacred "tradition" against a third term for the President of the Nation. That this has no foundation in fact is easily determined by the history of our country.

An effort has been made to prove that the so-called two-term tradition was founded by the Father of his Country. Not only did Washington not inveigh against more than two

terms, but he clearly stated in his Farewell Address that he was declining to be considered for a third term only on purely personal grounds, and not as a matter of principle. Even before his election, Washington had taken positive stands against limiting the Presidential term.

Washington retired because he was weary. He had wished to quit after one term, but had been persuaded to remain, as he wrote in his Farewell Address, by the "perplexed and critical posture of our affairs with foreign nations." His reason for agreeing to serve a second term was essentially the same as Franklin D. Roosevelt's reason for accepting nomination to a third term. When Washington retired, he knew the infant Republic was on its feet, and that he was being succeeded by John Adams, a man in whom he had full confidence.

It has likewise been argued that Thomas Jefferson was against a third term. While statements were made by Mr. Jefferson which could be construed as in opposition to a third term, yet he did say that if an emergency arose he would consent to serve again.

The failure of one or more of the early Presidents to consent to being a candidate for a third term is attributed by historians to age and failing health rather than anything else. Washington was 65 years of age when he retired. The same thing was true of Madison. Monroe was 66 when he quitted the Executive Mansion. Andrew Jackson was 69. Every one of the five pre-Civil-War Presidents who served two terms was 65 or older when he left the office. Three of them, at least, were anxious about their health. Every one of them knew, when he retired, that he was turning the office over to another man of his own party and political philosophy. In at least three cases the successor was hand-picked by the retiring President.

The next President upon whom I shall comment was a Republican, Gen. U. S. Grant. He was the sixth President up to that time to serve two terms. He saw nothing binding in the two-term precedent. Grant was only 55 at the end of his second term. It was said that he was deeply hurt because he was not proffered a third nomination in 1876. However, after an interim this Republican President came back and sought a third nomination in 1880. Notwithstanding happenings which turned many members of his own party against him, the Republican Party at that time thought enough of him to deadlock the national convention for more than 30 ballots. The Republicans who supported Grant on that occasion saw nothing wrong in the third-term idea. In fact, it was not the third-term idea at all which beat Grant, but other factors which I do not care to mention at the present time.

Republican consciences, which appear to be so badly hurt at the present time over the third-term issue, did not bother their owners very greatly upon another occasion. I refer to the candidacy of Theodore Roosevelt. Teddy Roosevelt saw nothing wrong with being a candidate for a third term. In fact, he believed so strongly in such a term of office that he split asunder his own party, and, failing to receive the nomination, ran as an independent. In that race he made a splendid showing. Wilson defeated him with fewer popular votes than Bryan had received in any of his three races for the Presidency. There is no evidence that the two-term tradition was an important factor in the failure of Theodore Roosevelt to win in 1912. He was supported by thousands of Republicans, many of whom are still living. That being true, it is difficult to understand how it is possible for those Republicans who voted for Theodore Roosevelt for a third term, and their descendants, to insist that it is now wrong for Franklin D. Roosevelt to be elected to a third term.

Mr. President, the fact is that even later than that there were great numbers of Republicans who insisted that Calvin Coolidge should again be a candidate. It was agreed that he could easily have secured the Republican nomination for another term of office if he had desired it. Mr. Coolidge declined, largely, I believe, upon the ground of his health. There has been talk to the effect that he afterward regretted his decision, but that it was then too late to change his mind.

At the end of his second term Franklin D. Roosevelt will have served a shorter period than any other two-term President in our history. This will have been occasioned by the twentieth amendment to the Constitution, which changed the beginning of a Presidential term from March 4 to January 20. On next January 20 he will have been President only about 5 months longer than was Theodore Roosevelt. If he serves a third term, which he will do, he will have occupied the White House for 11 years, 10½ months. If Theodore Roosevelt had been elected in 1912, as hundreds of thousands of Republican supporters of his desired, and had served the full term, he would have been in the White House for 11 years and 6 months. It is difficult to see, with the record as it is, and the wholehearted support which Republicans gave to Grant and to Theodore Roosevelt, how it can be argued how it would have been all right for those two men to have been elected to a third term, and yet it would be subversive to our system if Franklin D. Roosevelt were to serve such a term.

Mr. President, Franklin D. Roosevelt is still a comparatively young man. In serving a third term he will leave the White House at 63, 2 years or more younger than 5 earlier Presidents when they retired at the end of two terms. The so-called tradition against a third term, as argued by the Republicans at the present time, was not in evidence in other periods of our national history. They know that, and yet they seek to use it at the present time for their own political advantage.

Our Nation faces one of the most critical periods in its history. Scarcely a day passes but brings this knowledge home to every American citizen. I doubt if there has been a period in the history of the world when the situation was similar to that of the present day. We need, as never before, a man in the White House of demonstrated knowledge and ability who, by experience and training, is fitted to lead us in this critical hour. To replace him with an untried, untrained man whose only public record is that of running a great utility corporation would be the most tragic mistake America has ever made.

Franklin D. Roosevelt has the complete loyalty and respect of millions of Americans. He assumed the Presidency when the economic and social condition of our Nation, due to the fault of the preceding Republican administrations, was at its lowest ebb. It is idle to compare that situation with the present situation. The present Democratic administration has a glorious record of achievement. Never before in our history have the rights of the common man been so recognized as they have been under the administration of Franklin D. Roosevelt.

It was because of this remarkable record that the overwhelming victory of 1936 was had. Despite all of this quibbling over the third term and the various objections which the Republicans have raised, Franklin D. Roosevelt will again be elected President of the United States by a majority comparable to those he received in 1932 and in 1936.

Mr. BURKE. Mr. President, we have listened to a very interesting discussion as to the attitude of George Washington toward a third term, and in order that the RECORD may be somewhat more complete I shall in a moment ask unanimous consent to have inserted in the RECORD an editorial printed in the New York Times today, a reprint from an editorial in the Standard-Times-Mercury, of New Bedford, Mass., entitled "George Washington and the Third Term." This editorial shows more completely and truly, as I see it, what Washington's attitude toward unlimited tenure of office of our Presidents might be.

But before presenting the unanimous-consent request, I should like to say also that in 1929 there was an occasion on the floor of the Senate, as we all know, when there was before this body the La Follette resolution, reading:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the Presidential office after their second

term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

Among the Senators who listened to the several days' debate on that question, when the attitude of George Washington toward a third term was very fully discussed, and among those who expressed their opinions in the final vote, I note that the then distinguished Senator from Arkansas, Senator Caraway, was paired in favor of the adoption of the resolution, which declared it to be the sense of the Senate that the precedent established by Washington should be maintained.

I ask unanimous consent, Mr. President, to have inserted as a part of my remarks the editorial to which I have referred.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[Advertisement from the New York Times of October 4, 1940]

GEORGE WASHINGTON AND THE THIRD TERM

(An editorial from the Standard-Times-Mercury, New Bedford, Mass.)

A widespread effort is being made to prove that Washington favored, or countenanced, a third term for President.

It is based on a letter which Washington wrote Lafayette, now being widely circulated.

It is an abuse and misuse of the Lafayette letter.

It is time to debunk and remove this last historical leg from the third-term propaganda.

Here is the quote from the Lafayette letter on which the third termers are relying:

"Guarded so effectually as the proposed Constitution is in respect to the prevention of bribery and undue influence in the choice of President, I confess I differ widely myself from Mr. Jefferson and you as to the expediency or necessity of rotation in that appointment. * * * I can see no propriety in precluding ourselves from the services of any man who in some great emergency shall be deemed universally most capable of serving the public."

On its face this would seem a "natural" for the advocates of the third term.

But a study of the facts reveals the contrary.

By a strange "blind spot" modern writers, as well as the third termers, have omitted consideration of so obvious matters as—

The date of this letter of Washington to Lafayette, April 28, 1788, and the surrounding circumstances.

When this letter was written it was yet a year before Washington's first term as President.

The Constitutional Convention, which established the new Republic, had adjourned but 7 months before.

Lafayette was seeking counsel in the problems of France, already seething with revolution.

Washington was trying to justify the action of the Constitutional Convention which had, at the last minute, removed the requirement of rotation (change after each term) in the office of President.

The Convention had voted many times on the term of President.

Every vote, prior to the last, had been for a term of 6 or 7 years.

Every vote, save one, prior to the last, had demanded rotation in that office.

Only in the final vote, when the term of President was changed to 4 years was the rotation requirement removed.

In other words, the conviction of the Constitutional Convention plainly was, if the Presidential term was to be 6 or 7 years, the President should be limited to one term.

If the term was to be 4 years the restriction of one term, rotation, should be removed.

This was the conviction of Washington, for in the letter to Lafayette he said "the matter was freely discussed in the Convention and to my full conviction."

But Washington, in the same letter to Lafayette and in justifying the removal of the rotation requirement, narrows the purpose to two conditions:

One—in time of "some great emergency."

And two—when there existed a man "deemed universally most capable of serving the public."

These facts are implicit in the letter and the record, and obvious to even casual study.

Nor by one official act during his career does Washington violate or act out of harmony with this, which might well be called the Washington plan as to Presidential succession.

It was, we repeat, a single term of 4 years—except in great emergency—and then only to a man "deemed universally most capable."

As the end of his first term approached, as is well known, Washington prepared a Farewell Address.

On May 20, 1792, he sent a draft to Madison containing the following, in the obscure wording sometimes characteristic of the first President:

"* * * and as the spirit of the Government may render a rotation in the elective offices of it more congenial with the ideas the people have of liberty and safety, that I take my leave of them as a public man * * *."

On June 21, 1792, Madison returned the draft to Washington with the following clear-cut refinement of Washington's rotation clauses:

"* * * May I be allowed further to add, as a consideration far more important, that an early example of rotation in an office of so high and delicate a nature, may equally accord with the republican spirit of our Constitution and the ideas of liberty and safety entertained by the people."

This expression of Washington's views of rotation remained in the final draft of the first Farewell Address.

A copy adorns the rare-book department of the Boston Public Library, in Washington's own handwriting.

Though the persuasion of Madison, Jefferson, and others caused Washington to accept a second term, he clung tenaciously to the rotation principle.

In 1796, at the end of his second term, when deserted by Madison and Jefferson, he turned to Hamilton for help in his Farewell Address. The draft sent Hamilton May 15, 1796, contained the same Madison clause on rotation.

"It will be perceived from hence that I am much attached to the quotation," wrote Washington to Hamilton.

The quotation did not appear in the final draft of Washington's Farewell Address.

It had disappeared in the hands of Hamilton, the arch-Federalist, who had proposed a life term for President in the Constitutional Convention.

But Washington's convictions had not and did not change.

Steadfastly he refused to consider the Presidency again, in the name of emergency or otherwise.

On June 26, 1796, he wrote to his nephew, Robert Lewis:

"* * * I shall make my last journey to close my public life on the 4th of March, after which no consideration under heaven that I can foresee shall again withdraw me from the walks of private life."

Not a scrap of evidence in word or deed exists to indicate that Washington ever considered or favored a third term for President.

We have said it was time to debunk the Washington third-term propaganda.

It also is time to bring the third-term issue down to date.

For 150 years the Washington formula has worked substantially as planned and expected.

It now faces its first real challenge.

The longest tenure of office for President ever considered by the Constitutional Convention, 7 years, now is sought to be made 12.

The fears of Madison, Jefferson, Lafayette, and others are being justified.

The loophole left in the Constitution for the emergency second term is being taken advantage of to bring about a third term—and perhaps more.

By no wide stretch of the imagination can President Roosevelt qualify under the Washington formula, a man "deemed universally most capable of serving the public."

He is running because he was "deemed universally most capable" of being elected—by the Democratic Party.

Corrupt city gangs with mass political machinery contributed toward this third-term nomination—with the President's own knowledge and consent.

These corrupt gangs now promise to herd voters en masse to bring about election.

President Roosevelt alone of all Presidents has seen fit to make the class appeal, to divide the country in time of peril.

He baldly reminds labor of what he has done for labor and asks pay in votes, an affront to labor—and a disservice to democracy.

Federal employes now total more than 1,000,000.

More than 5,000,000 are on Federal relief.

These represent a population more than five times that of the United States at the time of Washington's election.

A subtle process of coercion is being exercised throughout the country on Government employees—especially on the unfortunate recipients of Federal relief.

The theme of this is "vote for the third-term candidate or jeopardize your job."

Are we facing now the situation to which Washington referred in the now famous letter to Lafayette where he said:

"* * * when a people have become incapable of governing themselves and fit for a master, it is of little consequence from what quarter he comes."

We do not know.

Today's crisis may well be, however, that "conflict of popular factions" to which Washington referred as "the chief, if not the only, inlets of usurpation and tyranny."

We do not believe the American people are ready for a "master."

We do believe they are nearer the "master" than they realize.

We do not charge President Roosevelt with attempting, consciously, to become a "master."

We do believe he is nearer than even he may realize.

Powers which President Roosevelt holds, which, he said, in the hands of others would "provide shackles for the liberties of the people" now are sought for another 4 years.

It is of no avail that President Roosevelt does not intend to be a dictator—

If by his bitter class partisanship and ignorance of the democratic economy he destroys the mainspring of democracy.
It is unimportant that President Roosevelt does not want to be a dictator.
For, unless democracy can be made to function, a dictatorship, of Roosevelt or some other, is inevitable.
Its specter stares now through the loophole in the Constitution left by Washington and others—
Left there to meet an "emergency," which it now creates.
There is a drift toward a "master."
Only the American people can stop this drift—
By voting against the third term.
If we do not, we have only ourselves to blame.
Washington's plan and precept preserved liberty for 150 years.
His warning stares us plainly in the face today.
If we do not heed this warning let us admit that we have failed to catch the torch of liberty which he has thrown us.

BASIL BREWER, *Publisher.*

Mrs. CARAWAY. Mr. President, I merely wish to say that the Senator Caraway to whom the Senator from Nebraska [Mr. BURKE] has referred was my husband. I am sure that if he were alive and here today he would take the same position I have taken.

MR. WILLKIE AND THE NATIONAL LABOR RELATIONS ACT

Mr. WAGNER. Mr. President, in a radio speech delivered from Pittsburgh last evening the Republican Presidential candidate made this statement:

I was for the National Labor Relations Act before it was passed—I was for it after it was passed—and I am for it now.

On an issue of such far-reaching importance, labor and the country at large will want to square these kind words uttered a few weeks before election with the record made before Mr. Willkie became a Presidential candidate. The record shows that three of the operating companies in the Commonwealth and Southern utility system have openly defied the rights of their workers to organize in unions of their choice, and established and maintained company-dominated labor organizations whereby the companies could sit on both sides of the conference table. In one of these companies where opposition to an American Federation of Labor union extends back to 1934, before the National Labor Relations Act was passed, labor has denounced the situation as "one of the blackest spots on the utility map."

I ask unanimous consent to have printed as part of my remarks:

First. Findings of fact and order of the National Labor Relations Board in the Consumers Power Co. case.

Second. The decision of the United States Circuit Court of Appeals for the Sixth Circuit upholding the Labor Board's order in full.

Third. The findings of fact and order of the National Labor Relations Board in the case of the Alabama Power Co.

Fourth. The comment on the Alabama Power Co. situation appearing in the Radio and Electrical Union News, issue of July (second half) 1940, official organ of the International Brotherhood of Electrical Workers, affiliated with American Federation of Labor.

Fifth. The consent decree entered by the United States Circuit Court of Appeals for the Seventh Circuit in the case of National Labor Relations Board against Southern Indiana Gas and Electric Co.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

[United States of America. Before the National Labor Relations Board. In the matter of Consumers' Power Co., a corporation, and Local No. 740, United Electrical, Radio[1] & Machine Workers of America. Case No. C–790.—Decided November 8, 1938]

Electric and gas utility industry—interference, restraint, and coercion: surveillance of meeting; transfer of union members to less desirable work; warnings not to join union—company-dominated union: domination of and interference with formation and administration; support; urging employees to form inside labor organization; encouragement of inside organization by discouragement of other labor organization; participation by supervisory employees; respondent ordered not to recognize as agency for collective bargaining.

[1] A motion to change the title in this proceeding was made and granted, as described below.

Mr. Harold A. Cranefield and Mr. Charles F. McErlean, for the Board.
Bisbee, McKone, Badgley & Kendall, by Mr. Don T. McKone and Mr. M. F. Badgley, and Mr. W. D. Kline, of Jackson, Mich., for the respondent.
Mr. Maurice Sugar, of Detroit, Mich., for Local 740.
Mr. Frank C. Painter, of Jackson, Mich., for the Independent.
Mr. Joseph B. Robison, of counsel to the Board.

DECISION AND ORDER

STATEMENT OF THE CASE

On February 2, 1938, Local No. 740, United Electrical, Radio & Machine Workers of America,[2] herein called Local 740, filed a charge with the Regional Director for the Seventh Region (Detroit, Mich.) alleging that Consumers' Power Co., a corporation,[3] Jackson, Mich., herein called the respondent, had engaged in and was engaging in unfair labor practices affecting commerce, within the meaning of the National Labor Relations Act, 49 Stat. 449, herein called the act. On May 5, 1938, the National Labor Relations Board, herein called the Board, by the Regional Director, issued its complaint against the respondent, alleging that the respondent had engaged in and was engaging in unfair labor practices affecting commerce, within the meaning of section 8 (1) and (2) and section 2 (6) and (7) of the act. Copies of the complaint, accompanied by notice of hearing, were duly served upon the respondent and Local 740.

In respect of the unfair labor practices, the complaint in substance alleged that the respondent dominated and interfered with the formation and administration of a labor organization known as the Independent Power Employees' Association, herein called the Independent, and contributed support to it; that such domination, interference, and support was manifested by displaying hostility toward United Electrical, Radio & Machine Workers of America, herein called the United; by encouraging membership in the Independent; by discriminating in regard to the tenure and term of employment of its employees for the purpose of encouraging membership in the Independent and of discouraging membership in the United; by permitting activity on behalf of the Independent during working hours and on its premises; by open surveillance of meetings of the United; and by other acts.

The respondent filed an answer dated May 10, 1938, and on May 17, at the hearing of the case, filed an amendment to its answer. The answer, as amended, in substance denied the alleged unfair labor practices, admitted certain allegations of the complaint concerning the respondent's business, denied the other allegations, and alleged affirmatively that the effect upon commerce of labor disputes in the conduct of the respondent's business would be indirect and remote. The answer of the respondent was accompanied by a motion to dismiss the proceedings on various jurisdictional and constitutional grounds.

Pursuant to the notice, a hearing was held in Jackson, Mich., from May 12 to July 28, 1938, before Charles W. Whittemore, the trial examiner duly designated by the Board. At the outset of the hearing a petition for intervention, previously filed by the Independent, and dated May 7, was granted by the trial examiner, participation by the intervenor being limited, however, to such matters as pertained to the alleged unfair labor practices within the meaning of section 8 (2) of the act. The Board, the respondent, Local 740, and the Independent were represented by counsel and participated in the hearing. With the limitation noted above as to the independent, full opportunity to be heard, to examine and cross-examine witnesses, and to produce evidence bearing upon the issues was afforded all parties.

The respondent's motion to dismiss the proceedings, made prior to the commencement of the hearing, was denied by the trial examiner on May 16. At the conclusion of the presentation of the Board's case on June 16, the respondent moved to dismiss the proceedings on the grounds alleged in its original motion and on the additional grounds that the evidence failed to sustain the allegations of the complaint of unfair labor practices and that all matters in dispute had been settled pursuant to a contract between the respondent and the United. The Independent moved to dismiss that portion of the complaint which alleged unfair labor practices within the meaning of section 8 (2) of the act. These motions were denied. Both were renewed at the close of the hearing, at which time the trial examiner reserved decision.

On May 16, counsel for the Board moved to amend the title of the proceedings to conform to the evidence by substituting for the name of Local 740, the name, "Utility Workers Organizing Committee, Local 101." The motion was granted.[4] On June 18, counsel for the Board moved for leave to file an amended complaint to conform to the proof. The motion was renewed at the close of the hearing, at which time it was granted. Counsel for the Board was allowed 7 days in which to file the amended complaint, and the respondent was allowed 7 days after the filing of the amended complaint in which to file an amended answer. At the close of the hearing, the parties were given 30 days for the filing of briefs, and were informed that they would be given 10 days from the date of the trial examiner's intermediate report to request oral argument before the Board.

[2] The name of Local 740, as it appears in the charge, is Local 740, U. E. R. & M. W. of A.
[3] The name of the respondent as it appears in the charge is Consumers Power Co.
[4] This aspect of the case is discussed below in section II.

On August 2, 1938, pursuant to the motion made and granted at the hearing, counsel for the Board filed an amended complaint, which contained certain additional allegations concerning acts of the respondent constituting unfair labor practices within the meaning of section 8 (1) and (2) of the act; and an allegation that "Utility Workers Organizing Committee," herein called U. W. O. C., "successor to Local 740" of the United, was a labor organization within the meaning of section 2 (5) of the act. The amended complaint also differed from the original complaint in that it alleged that certain unfair labor practices of the respondent affected U. W. O. C. as well as the United.

Thereafter, the respondent filed its amended answer to the amended complaint, in which it changed some of the allegations and denials of its original answer with regard to the nature of its business and the effects thereof upon commerce. It denied the right of the Board to substitute a new union as complaining party; and it alleged that the amended complaint was contrary to the rules of the Board in that, among other things, it enlarged the scope of the original complaint. The amended answer contained a prayer that the complaint be dismissed.

On August 3, 1938, the Board, acting pursuant to article II, section 37 (a) of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued an order directing that the proceedings be transferred to and continued before it.

Thereafter, the Independent filed an objection and exception to the above order, and requested that an intermediate report be filed by the trial examiner. The respondent filed a motion, dated August 11, 1938, to remand the case to the trial examiner. On August 16, 1938, the Board issued an order denying the respondent's motion, overruling the Independent's objection and exception, and denying its request.

The respondent also requested that it be permitted to file a brief with the Board, and the Independent requested permission to file briefs and make oral argument. By an order dated August 29, 1938, the Board directed that proposed findings of fact, proposed conclusions of law, and proposed order be issued and that the parties have the right, within 10 days from the receipt thereof, to file exceptions thereto, to request oral argument before the Board, and to request permission to file a brief with the Board.

The Board has considered and hereby affirms the rulings of the trial examiner with respect to the motions described above. The motions made at the conclusion of the hearing, on which the trial examiner reserved decision, and the motion to dismiss the complaint made in the respondent's amended answer, are hereby denied.

During the course of the hearing, the trial examiner made numerous other rulings on motions and objections with respect to the admission of evidence. The Board has reviewed the rulings of the trial examiner and finds that no prejudicial error was committed. The rulings are hereby affirmed.

Counsel for the respondent and counsel for the Independent objected throughout the hearing to the participation therein of counsel for the union which filed the charge herein. The participation of Mr. Sugar was in accordance with the rules and practice of the Board. The rulings of the trial examiner in this regard are hereby affirmed.

On September 2, 1938, pursuant to the order above described, proposed findings of fact, proposed conclusions of law, and proposed order were issued. On September 15 and 16, respectively, the respondent and the Independent filed exceptions thereto. The respondent and the Independent also filed briefs with the Board, which have been considered. Pursuant to a notice of hearing and a notice of an advancement of the date thereof, a hearing was held before the Board in Washington, D. C., on October 6, 1938, for the purpose of oral argument on the exceptions. The respondent and the Independent were represented by counsel and participated in the argument.

The Independent filed a motion with the Board, dated October 3, 1938, requesting that the record in this proceeding be reopened for the purpose of taking further testimony, and specifically for the purpose of incorporating therein the record in the proceeding in case No. R–1044, and for the purpose of showing activity by crew foremen on behalf of labor organizations other than the Independent. The motion is hereby denied. Most of the evidence in question was available at the time of the hearing in this proceeding. We do not deem the other evidence offered of sufficient significance to warrant reopening the record.

The Board has considered the exceptions filed by the respondent and the Independent. Except insofar as the findings of fact below differ from the proposed findings of fact, we find them to be without merit. They are hereby overruled.

Upon the entire record in the case, the Board makes the following

FINDINGS OF FACT

I. THE BUSINESS OF THE RESPONDENT

The respondent was incorporated under the laws of the State of Maine on April 14, 1910, and was admitted to do business in the State of Michigan on July 21, 1915. On November 30, 1937, 68.97 percent of the respondent's voting stock was owned by the Commonwealth & Southern Corporation of Delaware. Ten other subsidiaries of the Delaware corporation operate in the Middle West and South Atlantic States. The various subsidiaries together own the Commonwealth & Southern Corporation of New York, which perform certain services for each of them.

The respondent's executive offices are located in Jackson, Mich. It is engaged in the production, purchase, and distribution of electric energy and gas, as well as of water, steam heat, electrical and gas appliances, and byproducts, in the State of Michigan. It serves an area of 25,000 square miles, the population of which is in excess of 1,900,000. The area includes over 900 cities, towns, and smaller communities. Electricity is sold in 987 communities and townships as well as in rural areas; manufactured gas is sold in 126, and natural gas in 103 communities and townships. Steam heat and water are each sold in 4 communities. On November 30, 1937, the respondent had 392,653 customers of electric energy and 193,515 customers of gas.

Aside from certain municipal power plants, there are no competing sources of electric power in the area served by the respondent. Other gas and electric utility companies operating in Michigan do not operate parallel lines.

In November 1937 the respondent had 6,961 employees. In February 1938 the total number of employees was 6,467, and in May 1938, 6,131.

The respondent has interconnections with other electric utility companies operating in Michigan. Thus it has two interconnections with Michigan Public Service Co. It supplies almost all of the power requirements of a utility company in Adrian, Mich. It purchases the output of four companies, including that of Wolverine Power Co., which has an installed capacity of 13,400 kilowatts. Finally it purchases the entire supply of electric energy, about 29,000 kilowatts, which it distributes in Pontiac, from the Detroit Edison Co., and has other interconnections with that company which are used as a source of emergency supply for either company. Through these latter connections the respondent has an emergency reserve of 25,000 kilowatts. There is a daily interchange of power over these lines.[5]

The 42 hydroelectric plants operated by the respondent include 17 with a total capacity of 137,110 kilowatts, and 25 small plants with a total capacity of 10,605 kilowatts. The total effective capacity of these plants during the low-water season is estimated at 91,890 kilowatts. The respondent's 6 steam electric plants have a total effective capacity of 254,500 kilowatts, of which 23,000 kilowatts are held in reserve. During the 12 months ending on November 30, 1937, the respondent produced 1,546,816,430 and purchased 155,251,089 kilowatt-hours of electric energy.

The respondent's generating plants are connected into a single unitary system known as a power pool, which uses 2,455.52 circuit miles of high tension transmission lines. The distribution system totals 15,094 miles of line.

The respondent has seven active and six inactive plants for the production of coal gas, and seven active and five inactive plants for the manufacture of water gas. The total daily manufacturing capacity of these plants is 40,430,000 cubic feet. The respondent also purchases natural gas produced in Michigan. In the 12 months ending November 30, 1937, the respondent produced 5,452,768,000 and purchased 3,853,754,000 cubic feet of gas.

Purchase and sale of materials in interstate commerce

Coal is used for the operation of the steam electric plants which include over 60 percent of the respondent's total generating capacity. It also constitutes the raw material used in the coal-gas generating plants. All of the coal used by the respondent is purchased outside of Michigan, chiefly in West Virginia and Kentucky. In 1937 it paid $1,835,000, exclusive of transportation costs, for about 1,000,000 tons of coal. About 325,000 tons were used in the gas plants and most of the balance was used in generating electricity. Shipments of coal by rail are received daily at each of the plants, and are also received frequently, during the shipping season on the Great Lakes, at the respondent's docks in the Saginaw River.

In addition to the natural gas purchased by the respondent, oil for the manufacture of water gas is also purchased. All the natural gas and oil so purchased are produced within Michigan.

In connection with its operations, the respondent sells gas and electric household appliances within the area it serves, maintaining 45 retail outlets for this purpose. Although this phase of its operations is maintained merely to increase the sale of gas and electric energy, the appliances sold by the respondent constitute about 30 percent of such articles sold in the territory. During 1937 the respondent paid $2,200,000 for the purchase of appliances, 60 percent of which were shipped to it from points outside Michigan.

Among the other raw materials purchased by the respondent are poles used for transmission lines. During 1937 all of the poles purchased were shipped to it from points outside Michigan, including 80,000 pine poles from Louisiana and 10,000 cedar poles from Washington.

Large supplies of the raw materials described above are kept on hand at all times. Thus, although shipments of coal are received daily by the respondent, there is an established practice to keep at least a 60-day supply on hand. The average for appliances is 1½ to 2 months. Generally, all purchases made by the respondent are added to stock and are not used at once.

The raw materials used by the respondent are sent to it by railway, motortruck, lake vessels, and other means.

The respondent sells certain byproducts of the manufacture of gas, which include coke, all of which is sold to purchasers in Michigan; tar, 65 percent of which, amounting in value to $59,500, was sold during 1937 to purchasers outside Michigan; ammonia and ammonium sulfate, 95 percent of which, amounting in value to

[5] Detroit Edison Co. supplies power for a tunnel between Michigan and Canada. The record shows that it is unlikely that power from the respondent could find its way to this tunnel.

$30,300, was sold to purchasers outside Michigan; and drip oil, all of which, amounting in value to $10,600, was sold to purchasers outside Michigan.

Dependence of consumers on electric energy and gas supplied by the respondent

For the 12 months ending on November 30, 1937, about 56 percent of the electric energy sold by the respondent, representing 32 percent of the revenue received from the sale of such energy, was sold for industrial purposes. In the same period, 32 percent of the gas sales, representing 21 percent of the revenue received from such sales, was made for commercial and industrial purposes.

During 1937, 15.85 percent of the respondent's revenue for the sale of electric energy, and 26.40 percent of its revenue from the sale of gas came from the automobile and automobile-equipment industry alone. It should be noted that the percentage of electricity and gas sold to this industry, as distinguished from the percentage of revenue derived therefrom, is even higher, because of the relatively lower rates charged to industrial users. In addition, during 1937, 0.94 percent of the revenue from the sale of electric energy and 0.22 percent of the revenue from the sale of gas came from instrumentalities of transportation and communication, such as railroads, newspapers, telephone and telegraph companies, airports, and docks.

The record shows that the effect upon commerce and the instrumentalities of commerce of a cessation of the power supplied by the respondent to its customers would be disastrous. Among such customers are vast industrial concerns, the operations of which create a constant flow of materials into and out of Michigan, and various instrumentalities of interstate transportation and communication.

Industry: As noted above, a very large percentage of the electric energy and gas sold by the respondent is used in the automobile and automobile-equipment industries. Plants operated by General Motors Corporation alone during 1937 purchased 371,896,003 kilowatt-hours of electricity and 1,775,892,000 cubic feet of gas, paying $3,691,655 and $567,171 therefor, respectively. These plants do not have sufficient auxiliary equipment to operate without the electric energy and gas supplied by the respondent. If this supply should fail, the operations of these plants would automatically cease.

The various operating divisions of General Motors Corporation which use the respondent's power and gas send part of their products to other divisions of that company and sell the balance to General Motors Sales Corporation, which sells them to other unallied companies. Similarly, they use some raw materials supplied by other divisions of General Motors and by outside producers. Figures furnished by General Motors Corporation show that, on the average, 53.95 percent of the raw materials used by the plants served by the respondent are shipped to them from points outside Michigan. On the average, 42.09 percent of the finished products of these General Motors plants was shipped to points outside Michigan.

Several of these General Motors plants manufacture parts which are not manufactured elsewhere, and consequently are necessary to the operations of other General Motors plants which do not use electric energy or gas supplied by the respondent. Assembly plants in 13 States are dependent on the continuous operations of these parts plants. Similarly, parts plants in other States would be affected by a cessation of the operations of the automobile plants supplied with power by the respondent. Such a cessation would cause a progressive retardation of the operations of the supplier plants, as their output could not be handled. The movement of raw materials and products to and from these plants is a daily operation. An interruption in the operations of these plants, which would result from a cessation of the flow of power from the respondent, such as would tend to accompany a labor dispute between the respondent and its employees, would stop the operations of General Motors plants both within and without Michigan in a very short time and would halt or diminish the daily flow in interstate commerce of raw materials and products to and from the General Motors plants. During 1937, the operations of some of the General Motors plants were in fact halted by the strikes among the respondent's employees which are described below in section III. On two occasions the plants were shut down and the men sent home.

Other industries in Michigan use a substantial quantity of the electric energy and gas distributed by the respondent. These include machinery and metal products, chemical and allied products, foodstuffs and tobacco, and lumber and wood products. The record shows the magnitude of the operations in interstate commerce which depend on the respondent. Evidence in the record as to specific plants operating in Michigan shows their complete dependence on the respondent for electric energy and gas, their absence of auxiliary equipment, the magnitude of their operations, the amount of their shipments of raw materials and products across State lines, and the actual effect of previous strikes among the respondent's employees. Typical of such businesses and the dependence of their operations upon power supplied by the respondent is Baker-Perkins Co., Inc., which manufactures food-producing and chemical machinery. It is completely dependent on the supply of electricity and gas by the respondent, and would have to shut down in the event of an interruption of that supply. During 1937, 60 to 65 percent of the raw materials purchased by that company were shipped to it from points outside Michigan, and 90 to 92 percent of its products were shipped to points outside Michigan. Its gross sales during 1937 amounted to $4,443,169.21. The operations of this company were interrupted during 2 days by a strike of the respondent's employees.

Another instance is Kalamazoo Stationery Co. which manufactures stationery supplies, with gross sales during 1937 of $1,485,724.35. It appears that it depends entirely on the respondent for the electric energy and gas necessary to its operations, and that during the 12 months ending on October 31, 1937, 80 percent of its raw materials, and 82 percent of its products were shipped across State lines.

A final example is that of the Defoe Boat & Motor Works, which during 1937 was engaged chiefly in the building of three ships sold at a total price of $536,243, and which depends entirely on the respondent for the electricity which drives all of its machinery. Its plant was closed down during the 1937 strikes of the respondent's employees. Eighty-five percent of the materials used in production in 1937 were shipped to it from points outside Michigan, and practically its entire output for that year was shipped out of the State.

The importance of the relationship between the respondent and its industrial customers who ship and receive large quantities of goods in interstate commerce, can be seen in the statement which appears in a prospectus, dated January 17, 1938, issued in connection with a $9,000,000 bond issue, that, "The current recession in the automobile industry and industrial production generally may adversely affect the revenues of the company."

The record clearly shows the dependence upon the respondent of a large industrial area. Engaged in business in this area are concerns which daily make and receive shipments in interstate commerce. There is a constant flow of a vast amount of materials across State lines to and from companies whose operations would cease at once upon an interruption of the respondent's output of electric energy and gas. This flow would be severely diminished in the event of such an interruption. The effect on commerce of a labor dispute between the respondent and its employees involving a cessation of work upon the part of the latter would be catastrophic.

Transportation: The respondent sells electric power to several interstate railroads, including the Pennsylvania Railroad, the Pere Marquette Railway, the Michigan Central Railroad, the Grand Trunk Railroad, and the Ann Arbor Railroad. None of these roads is electrified. Testimony by representatives of the last three railroads named above shows that the power purchased by them from the respondent is used for the operation of block signals, of crossing protection signals, of watering and coaling stations, and of various repair shops, and for the illumination of shops and stations. The testimony indicates that a cessation of the power supplied by the respondent would not result in a stoppage of the train service, but that it would cause the accumulation of repair work, that it would entail greatly increased operating expenses, and that it would necessitate the use of emergency equipment in place of the electrically operated block signals and other equipment, thereby greatly increasing the possibility of a break-down in the operations of the trains.

Power supplied by the respondent operates lighthouses maintained by the Federal Government in Saginaw Bay, which is an arm of Lake Huron. Auxiliary equipment for these lighthouses is not sufficient to keep them operating in a normal fashion in case of a failure of the respondent's power. Shipping passing through the Bay would be to some extent hampered by such a failure. In addition, drawbridges across the Saginaw River, which flows into the Bay, are lifted by power supplied by the respondent. These bridges are located in Bay City and Saginaw. One of the bridges in Bay City has no auxiliary equipment, and in the event of a power failure, 15 to 20 hours would be required to put it in operation. Stipulations in the record show that a substantial amount of freight from points outside of Michigan is shipped through Saginaw Bay, past the bridges in Bay City, to points in Saginaw and between Bay City and Saginaw. The respondent also serves electric energy to a public dock in Muskegon, Mich., on Lake Michigan.

Communications: The respondent supplies electric energy to the Western Union and Postal Telegraph Systems. Both of these companies receive and transmit messages into and out of Michigan. The respondent's energy is used by them for the operation of mechanical equipment used in the sending and receiving of messages, as well as for illimunation and other purposes. They use their own power for the energy required for transmission of the messages. A failure of the respondent's power would require the sending of messages by hand, which in turn would require skilled operators who are not available at all of the telegraph offices. A representative of one of the two telegraph companies testified that in case of an unexpected cessation of the respondent's power, service would be restored to some extent in 3 or 4 hours, and to a full extent in a day and a half.

The respondent supplies electric energy to the Michigan Bell Telephone Co., the territory of which includes part at least of the territory served by the respondent. During 1937, the company transmitted messages originating in Michigan to points outside Michigan, for which the total charges were $4,065,000. Approximately 30 percent of these messages originated at stations supplied with energy by the respondent. The telephone company has auxiliary equipment which would maintain its services for an indefinite period. With regard to the illumination of some of its exchanges, however, it appears that a sudden cessation of the respondent's power, at night, would leave them temporarily in darkness. In such a case, the service would be interrupted for a period of some minutes.

The respondent supplies electric energy to seven radio broadcasting stations operating in Michigan. None of these stations has auxiliary equipment to substitute for the energy so supplied in case it is interrupted. All of them broadcast programs which originate in States other than Michigan and are sent to the station for rebroadcast. The amount of time devoted to such programs varies between 10 and 53 percent of the total broadcasting time of the stations in question. All but two of the stations broadcast electrical

transcriptions, which are sent to it from points outside Michigan, the time devoted to such programs varying from 10 to 30 percent of the total time on the air. The programs broadcast by these stations include advertising matter for articles on sale to the general public, produced by commercial firms with principal places of business outside Michigan.

It should be pointed out, with regard to both communication and transportation, that many companies which use power supplied by the respondent, but which have auxiliary arrangements to take care of a possible interruption of that power, would have to rely on batteries, small motors, and similar devices. It can readily be seen that reliance on such makeshifts would create a continuing possibility of temporary break-down. Such a change to operations on an emergency basis in itself would constitute a burden and obstruction upon these instrumentalities of commerce. Moreover, while each company, considering itself separately, might feel confident that it could procure sufficient additional equipment in case of an emergency, it may well be doubted, if all of them were faced with an interruption of service at the same time, whether all of their needs could be satisfied.

Conclusions as to the respondent's relation to commerce

It is evident from the findings above (1) that the respondent receives vast quantities of coal, as well as other commodities, in interstate commerce; (2) that the respondent ships a substantial amount of byproducts in interstate commerce; (3) that a labor dispute between the respondent and its employees would seriously affect the flow in interstate commerce of these commodities and byproducts; (4) that a large area in the State of Michigan is almost entirely dependent upon the respondent for electric energy and gas; (5) that a cessation of the flow of electric energy and gas from the respondent, such as would tend to accompany, and has in the past accompanied, labor disputes between the respondent and its employees (a) would tend to burden and obstruct the operations of various agencies of interstate transportation and communication by forcing them to use makeshift substitutes for their normal supply of power, as well as by causing, in some cases, temporary interruptions of service, and (b) would directly cause a cessation or curtailment of the operations of the businesses served by the respondent with power, which receive and ship commodities in interstate commerce, similar to that which would accompany simultaneous labor disputes in all of such businesses, thereby causing a substantial diminution in the flow of products in interstate commerce.

The respondent contends that it has scrupulously maintained a policy of avoiding interstate connections, and that its intrastate character is demonstrated by the extensive regulation by State agencies to which it is subject. It is also alleged in the respondent's answer to the complaint herein that, "it is required to serve all customers who demand or request its service, and that it is unreasonable and unlawful to determine respondent's status under said National Labor Relations Act based upon such remote and indirect consequences which respondent cannot avoid." However, the question for us to decide is, simply, what would be the effect upon commerce of a labor dispute between the respondent and its employees.[6] It is clear that the effect would be immediate and extensive. This fact is clearly demonstrated by the strikes which have occurred in the past in restricted portions of the respondent's system.

II. THE ORGANIZATIONS INVOLVED

United Electrical, Radio & Machine Workers of America is a labor organization affiliated with the Committee for Industrial Organization, herein called the C. I. O. Its jurisdiction formerly included employees of utility companies. In the latter part of January 1938, it surrendered its jurisdiction over utility workers to Utility Workers Organizing Committee. Prior to that time it had chartered separate locals for the employees of the respondent, membership in the various locals being determined along geographical lines. Local 740, which filed the charge in this proceeding, included employees of the respondent at, and in the vicinity of, Jackson, Mich.

Utility Workers Organizing Committee is a labor organization, likewise affiliated with the C. I. O. It admits to membership employees in the public-utility industry, exclusive of companies engaged in communication. It was organized in 1938 to take over that field which had formerly been within the jurisdiction of the United. The employees of the respondent who were formerly members of the various locals of the United have been transferred to corresponding locals of U. W O. C. Members of Local 740 have become members of U. W. O. C Local 101, herein called Local 101. On February 9, 1938, Local 740 surrendered its charter and received a charter as Local 101 of U. W. O. C. The other United locals since that date have similarly changed their affiliation, although at the time of the hearing not all of the 12 separate locals had received their new charters from U. W. O. C.

As noted above, the respondent objected to the motion of counsel for the Board to change the title of these proceedings, on the ground that such a motion involved a substitution of parties. It advanced the contention that the party which filed the charge was no longer in existence. Even if the respondent's contention is true and the ruling was in error, we do not see how it can affect the issues in this case, since Local 740 was in existence at the time the charge was filed. Moreover, the evidence shows that when Local 740 of the United transferred its affiliation to U. W. O. C. the entire structure of the local remained unaltered, and it continued with the same members, officers, and bylaws. It is clear that Local 101 of U. W. O. C. is the same labor organization as Local 740 of the United, and that the union which filed the charge in the proceeding is still in existence. The respondent has at all times been aware of the changes in affiliation of the C. I. O. organizations. The contracts which it has entered into with them are discussed in some detail below in section III-A. It is sufficient to state here that the first contract was made with the United Automobile Workers of America, a C. I. O. affiliate, herein called the U. A. W., and provided for a possible future change in affiliation of the contracting union. The subsequent change from the U. A. W. to the United was acknowledged by the respondent in a letter to the latter organization. Finally, on April 4, 1938, the prior agreement was altered and extended by an agreement between the respondent and U. W. O. C., in which the first contract was referred to as "the memorandum of agreement made between said parties, or their predecessors." The respondent thus treated with U. W. O. C. as the proper party with whom to negotiate an extension of the agreement originally made with the U. A. W.[7]

Independent Power Employees' Association is an unaffiliated labor organization, admitting to its membership only employees of the respondent.

III. THE UNFAIR LABOR PRACTICES

A. Background of organization among the respondent's employees

Self-organization of the respondent's employees first assumed definite form early in 1937, in Bay City and Saginaw, 2 of the northernmost districts of the respondent's widespread system. Organization soon extended to Flint and Lansing, and later to Jackson and other operating centers until, at the time of the hearing in this proceeding, 12 locals were affiliated with the C. I. O. through U. W. O. C. These locals were established in the towns mentioned above and in Manistee, Muskegon, Battle Creek, Alma, Owosso, Pontiac, and 1 other town, the name of which does not appear in the record. At present each local elects 5 delegates to the State or joint council, and from that council a 5-man executive board is elected. Each local has its own bargaining committee for the adjustment of local grievances, while the executive board negotiates with the management at Jackson concerning matters of system-wide application.

The respondent's employees in the Bay City area formed an organizing committee in January 1937. The automobile workers in Bay City were at that time being organized, and the respondent's employees enrolled in the Flint local of the U. A. W., the jurisdiction of which had temporarily been extended to include Bay City. The respondent's Bay City employees, however, elected their own officers, and set up their own 9-man committee for the purpose of negotiating with the respondent. Similar organizational activities began in March 1937 among the respondent's employees in Saginaw, a few miles south of Bay City. As in Bay City, the members of the present local were first enrolled as members in the U. A. W., but they elected their own officers and constituted a separate unit of utility workers. The respondent's employees in Flint began organizing in March 1937 and first enrolled as members in the U. A. W. In Lansing the respondent's employees began organizing in February 1937, enrolling as members in the U. A. W. local, after they failed to obtain affiliation with the A. F. of L. The record does not contain details concerning the process of organization in the remainder of the 12 locals, but most of them took form subsequent to the agreement of June 8, 1937, which is discussed below.

A conference between the respondent and representatives of the locals in Saginaw, Flint, and Bay City was held in Saginaw on April 29, 1937. Vice President M. W. Arthur and Assistant General Manager A. E. Kriegemann represented the respondent, and the C. I. O. was represented by a group of operating employees and their U. A. W. representatives. The proposals of the C. I. O. as to wages and working conditions were presented and discussed. Further conferences were held on May 4, 5, and 10. On May 10, the respondent's vice president, D. E. Karn, was present, and urged that a consent election be held, under the Board's supervision, to determine whether or not a representative had been designated by a majority of the employees throughout the system. Karn pointed out that although the C. I. O. was requesting bargaining rights only for the employees at Saginaw, Flint, and Bay City, any wage increase granted would be made system-wide. The C. I. O. would not consent to an election, and the parties left the conference in disagreement. The C. I. O. communicated with Governor Murphy, of Michigan, and a meeting of the respondent and the C. I. O. was arranged and held in the governor's office on May 11. Governor Murphy heard the opposing contentions and suggested that negotiations be continued, but that in the event of another deadlock, the parties should return to him. Negotiations were resumed in Saginaw on May 12, 13, and 14. Toward the close of the meeting on May 14, the respondent requested an adjournment of negotiations until May 18. The C. I. O. protested against the delay and attempted unsuccessfully to communicate with Governor Murphy, then in New York, but succeeded in

[6] *Consolidated Edison Co. of New York, Inc., et al.* v. *National Labor Relations Board,* 95 F. (2d) 390 (C. C. A. 2d), where the court said: "But the problem is not to be approached from the standpoint of vicarious liability. It is to be approached as a question of fact, namely, what will be the result upon commerce of a labor dispute between the petitioners and their employees."

[7] For a similar situation see Matter of M. Lowenstein & Sons and Textile Workers' Organizing Committee, Local No. 65, C. I. O., 6 N. L. R. B. 216.

reaching Homer Martin, of the U. A. W., who thereafter participated in the negotiations. On May 17, the respondent's representatives appeared at the Board's regional office in Detroit where, they claimed, the C. I. O. was to meet with them for discussion of a possible election. The C. I. O., however, did not make an appearance at Detroit, claiming that it had made no agreement to meet there. The respondent returned to the regional office in Detroit on the following day, May 18, while the C. I. O. waited in Saginaw, in accordance with the joint agreement of May 14. As a protest against the respondent's failure to attend the meeting in Saginaw on May 18, a strike was called at noon, May 19. Switches were pulled in Saginaw, Bay City, and some sections of Flint. Power was cut off and the power plants were picketed. At 9 o'clock that night, power and light service were restored following an arrangement made with Governor Murphy for a meeting with the respondent at his office the next day. Negotiations were resumed in Saginaw on May 21, when a meeting was scheduled for May 24, in New York City, at which Wendell L. Willkie, president of the respondent, and John L. Lewis, representing the C. I. O., were to be present. No agreement as to wage increases was reached at the conference in New York, and further negotiations continued in Saginaw from May 25 to June 4. On the latter date, the respondent's office employees in Flint, who had enrolled during the formation of the local in that city, went on strike in protest against the respondent's insistence that they be omitted from the bargaining unit. On June 8, negotiations were resumed in Washington, D. C., where, at about 11 o'clock that night, a contract was signed, the signatories being Willkie and Lewis.

Word that an agreement had been reached and signed was not immediately received by employees waiting in Flint, and at 2:30 a. m., June 9, another strike was called. Power was cut off in Flint, Saginaw, and Bay City, with the exception of circuits supplying hospitals, dairies, the sewage-disposal plant, jails, and other institutions. The strike did not cease until 5 or 6 o'clock in the afternoon of June 9.

The agreement of June 8, 1937, applied to all operating employees of the respondent who were or might become members of the U. A. W. or its successor, applications already having been made to the parent organization, the C. I. O., for charters covering utility workers. The agreement excluded all supervisory employees, both crew and general foremen, assistant foremen, load dispatchers, office employees, clerks, accountants, secretaries handling confidential matters, and appliance salesmen. The respondent agreed not to bargain collectively with any other organization during the life of the contract, which was to remain in force until March 1, 1938. It covered wage rates, hours, working conditions, and other matters, and established a procedure for the handling of grievances.

In December 1937, as a result of negotiations, the agreement was modified in some respects. Also in December, the C. I. O. formally requested that February 1, 1938, be fixed as the date for the opening of negotiations looking toward a new agreement. Actual negotiations for this purpose were begun on February 10. Prior to the expiration date of the original contract, a 30-day extension period was mutually decided upon.

Prior to the beginning of these negotiations in February, two other labor organizations had obtained some membership among the respondent's employees: The Independent, and International Brotherhood of Electrical Workers, herein called the I. B. E. W., the latter being affiliated with the A. F. of L. The organization of the Independent is discussed at length in section III–B below. The record in this proceeding does not show the form or extent of the organization of the I. B. E. W.

On January 20, 1938, the Independent protested to the respondent against further negotiations with the C. I. O. until majority representatives had been determined, although at that time the Independent had not sought an election. On February 3, the respondent replied to this protest, stating that it had unsuccessfully sought an election by the consent of all parties before the original agreement was signed with the C. I. O. in June 1937. In the same letter, the respondent pointed out that the I. B. E. W. had filed a petition for investigation and certification with the Board. Subsequently, on February 23, 1938, the Independent filed its petition for investigation and certification. The I. B. E. W. filed its petition on February 2, 1938.

On February 25, a temporary injunction was issued by the Jackson County court, in a suit brought by the Independent, restraining the respondent from entering into an agreement with the C. I. O. The C. I. O. filed an ancillary bill of complaint and joined with the respondent in its motion to dismiss the Independent's complaint and to set aside the temporary injunction. On March 31, the respondent notified the C. I. O. that the "status quo" of their relationship would be observed by it until the injunction was lifted or modified, but no longer than 10 days from the date of notification. The injunction was dismissed on April 2, 1938.

Not until the week preceding April 1 did the negotiations between the C. I. O. and the respondent, which began on February 10, reach the state of definite discussion of wage rates for the different classifications of employees. As the close of the 30-day extension period approached, and no agreement on the wage scale appeared imminent, the C. I. O. requested continuation of the existing wage scale for a year. The respondent countered with an offer to "peg the wages" for a period of 3 months. No compromise was reached, and on April 1, members of the C. I. O. excluded the supervisory employees from a number of gas, steam electric, and other plants in Saginaw, Bay City, Flint, and Lansing, and assumed operation of the plants. They occupied these plants until April 4, 1938. On that day, Governor Murphy called a meeting of officials of the respondent and the C. I. O. in Detroit. At the Governor's suggestion, and because of the continued controversy concerning majority representation, the respondent agreed to extend the existing contract 4 months, or until August 4, 1938.

B. Formation of, interference with, and support of the Independent; interference, restraint, and coercion

1. The Letter of June 11, 1937

At the time of the signing of the June 8 contract, no local of the C. I. O. had been started at Jackson, where the respondent's headquarters are located; nor had any other labor organization displayed activity among the respondent's employees in the Jackson division. It is significant, therefore, that almost immediately after the signing of the June 8 contract, an undetermined number of Jackson employees should have received a mimeographed letter, Board exhibit 18, purporting to come from room 306 of the Consumers' Power Co. building, the executive headquarters of the respondent. The letter is dated June 11, 1938, and reads as follows:

JACKSON, MICH., *June 11, 1937.*

DEAR FELLOW EMPLOYEE: Events of the past few weeks have given cause for grave concern to all employees of Consumers Power Co. By this time, no doubt, you have received a copy of an agreement of limited scope between Consumers Power Co. and the United Automobile Workers of America. You, no doubt, appreciate that in fairness to all employees, the company will extend to all employees any advantages accruing as the result of this agreement.

We believe that the general attitude of the majority of the employees in this connection is one of genuine loyalty to the company and its management. Appreciating the peculiar nature of the business and mindful of the many unfair and, in some instances, vindicative [sic] measures it has been subjected to, we feel that we employees are much better qualified to negotiate with the management concerning any grievances, working conditions, rates of pay, etc., that may arise.

The recent trend, as evidenced by the Wagner National Labor Relations Act, indicates that henceforth relations between employee and employer will be dealt with by collective bargaining between the management and representatives of employee groups. In this event, what is the position of the average, responsible, and fair employee of Consumers Power Co.? In our opinion, the following is about our position.

The employee may elect not to join any union or other form of labor or employee organization. In that event he may later, through no fault of his own, find himself without adequate representation.

Or, the employee may elect to join one of the existing labor organizations, such as the A. F. of L. or the U. A. W. A. In that event, based upon the history of the last few months, he may find his relations with his employer handled by representatives, not of his own choosing, having no knowledge of the business and working conditions, whose actions and decisions are dictated by outside influences and whose interest is apparently mainly of a pecuniary character.

Or, the employees may elect, as we hereby propose, to band themselves together in a solid, loyal, and truly representative-employee organization free of any outside influence. We feel that such an organization with representatives in all departments and all divisions can better represent and settle fairly with management any and all questions that may arise.

We are enclosing a confidential card which we ask that you return to us at once signifying your cooperation in this undertaking. Upon receipt of these cards it is the intention to proceed at once to the formation of such an employee organization.

Yours truly,

CONSUMERS POWER EMPLOYEES' COMMITTEE.

Accompanying this letter was a pledge card, Board exhibit 19, which reads as follows:

To Consumers Power Employees' Committee:

I am fully in accord with the statements made by the committee for an employee organization to protect my interests, and I hereby pledge my cooperation and assistance.

Signed _____
Department _____
Division_____

The return envelope, Board exhibit 20, accompanying the letter and pledge card, reads:

Consumers Power Employees' Committee,
Consumers Power Co. Building,
Room 306,
Jackson, Mich.

The identity of the "Consumers Power Employees' Committee" is not revealed in the record. Vice Presidents Arthur and Karn denied knowledge of the letter, both as to authorship and distribution. Arthur testified that for the past 2 years room 306 has been used as a storeroom. In June 1937, room 307 was occupied by Supervisor Haroldson, who has charge of gas sales and is employed by Commonwealth & Southern. The other adjacent office was an assembly room for meter readers and appliance salesmen. Executives of the respondent and Commonwealth & Southern have offices on the same floor. Arthur declared that no record of mail distribution is kept,

and that he had no knowledge as to the disposition of any return cards which might have been received in reply to the letter.

An undetermined quantity of the return cards were in the office of John Markle, general foreman of the Jackson division. Markle has complete charge of all crews operating in the Jackson division. There were 20 such crews at the time of the hearing. His immediate superior is L. E. Southard, electrical superintendent of the same division. Markle hires, discharges, and transfers, and is the man to whom all crew foremen, city foremen, and line crew employees under his jurisdiction look for supervisory advice and instruction.

Markle had knowledge of the letter. While being examined by counsel for the Board concerning the distribution to the employees of copies of the June 8 contract, he testified that he had received a "group" of the "books" to be passed out to the men, and that a letter accompanied the books. Counsel for the Board handed Markle Board Exhibit 18, and inquired if it appeared to be a copy of the letter which, according to his testimony, had accompanied the contracts. Markle examined the document and returned it to Board's counsel with the comment, "Well, this letter was posted on the bulletin board."

"Q. At the service plant?
"A. Yes.
"Q. At about the same time?
"A. Yes.
"Q. For how long—a couple, a day or two?
"A. I wouldn't be surprised if one of them was on there yet.
"Q. At any rate, it was posted?
"A. I don't know for sure. Yes. I don't know for sure whether it is down there.
"Q. Who posted it, did you post it?
"A. Well, that is something I couldn't say. * * *
"Q. Do you know where it came from?
"A. No not directly."

Following a brief recess, Markle was questioned further about this letter on redirect examination by the respondent's counsel. This time he vigorously denied ever having seen the letter, insisted that he had not read the exhibit when it was presented to him by counsel for the Board, and accused the latter of "pulling a fast one" on him. At this point the trial examiner declared for the record, "* * * from my own observation, I know that the witness did read at least the first page of that letter."

Earl C. Parker, Markle's assistant, who is himself in charge of a number of crew foremen, testified for the respondent some days later. When shown a series of bulletins and letters from the management, already in evidence, Parker denied ever having seen them, although some of them should have come to his attention as a supervisor. He was shown Board exhibit 18 and denied recollection of having seen it anywhere. He was then shown Board exhibit 19, the return card above referred to. This he identified, "Yes, I remember seeing that, seeing that card there. I saw that." Asked if it was in the possession of some employee, he replied, "No, if I remember right, there was quite a bunch of those. It was down at the service building one time."

"Q. Where in the service building? Markle's office?
"A. No; I don't think they were in Markle's office, I think they were—well, it would be Markle's office, too."

Although from the testimony of Parker, reasonable doubt may exist as to the accuracy of Markle's recollection that Board Exhibit 18 was posted on the bulletin board by him or anyone else, we find that he had knowledge of the letter, and that the return cards were in his office.

Leo C. Jensen, one of the three employees who later assumed leadership in organizing the Independent, admitted that he had heard that the letter had been circulated, had read it, and had taken part in discussion of its contents with other men in the gas-production department. It is significant that Jensen, Harry Bowersox, and Ed Youman,[8] the three men had led the organizational activity for the Independent, all came from the same department, one of those in which the letter of June 11 is known to have been read and discussed.

We find that the respondent caused the letter of June 11, the card, and the return envelope, to be circulated among its Jackson employees. We find further that they were an important factor in the formation of the Independent. Although some time elapsed between the issuance of the letter and the taking of the first formal steps toward formation of the type of organization proposed by it, the letter clearly showed the attitude of the respondent regarding the type of union which it favored. This aspect of the case is further discussed in section III B 7, below.

2. Early Antiunion Activity of Markle

Prior to the actual incorporation of the Independent and the solicitation of members in its behalf in Jackson, Markle pursued a course of conduct which was calculated to, and did, reveal to many of the respondent's Jackson employees that the respondent vigorously disapproved of the C. I. O. The effect of this campaign was to clear and harrow the ground for the fostered growth of the Independent.

A C. I. O. local was formed in Jackson during July 1937. On August 4, according to his own admission, Markle attempted to attend a C. I. O. meeting, and sharply denounced a number of employees because of their union activity. Among the employees warned by Markle on this occasion, and whose testimony was substantially confirmed by Markle himself, were Clarence E. "Red" Burke, Verne "Butch" Devine, and Murl Bolenbaugh. Markle stood across the street, observing the men as they came to the meeting. Burke testified that Markle told him that he "was making a hell of a big mistake," and urged him to "use his head." Burke overheard Markle tell other employees "not to be a damn fool." Bolenbaugh testified that Markle "wanted to know if I didn't think I was making a mistake, and that these C. I. O. fellows was pretty smart, and that they was smarter than he was and for me to watch my step."

Markle's own testimony is significant. He admitted that on "the day of August 4—on Wednesday, there was passed around * * * in a whispered voice about a union meeting. * * * I didn't know at that time there was any union activities in the Jackson division. * * * I went down there of my own personal self to see what it was all about. * * * I was on my own time, figured it was on my own time. * * * I went up in the hall and looked around * * * nobody that I knew, so I came back down * * * and went across the street and stood around a little while. * * * Burke was surprised to see me. He came over and talked to me a few minutes. * * * They didn't like my language, I guess, and they went across the road." Markle admitted expressing himself in vigorous terms, but indicated that his words were mainly addressed to an organizer with Burke; and he admitted having about the same talk with employees Devine, McFayte, and Bolenbaugh. He declared that the men "kept milling around waiting for me to leave, or something, that is my decision of it, anyway, so I finally went on down the road." In view of Markle's admissions, we believe the testimony of the C. I. O. members described above.

On the following Friday, August 6, when employees came to him for their pay checks, Markle admitted that he "asked if they would all wait a second." The door was closed; about 60 men were present. "I held one pay check up in front of me, asked them to do the same. I * * * asked them if that didn't look like a pretty good pay check. * * * I told them there wasn't a man in the crowd that ever worked for me, that ever had to buy me a glass of beer, cigar, or a loaf of bread, to hold his job, he never would have to." His meaning, he admitted, was that "no man had to join a union to hold his job with the power company." Thus, Markle, by positive action, demonstrated his resentment against the respondent's employees joining the C. I. O.

3. The Transfer of Clarence E. Burke

When Burke reported for work the morning after the meeting of August 4, he was transferred by Markle from the crew on which he had served continuously for 8 years. He had been attached to the crew known as Oliver's, one of the two crews classed by Markle as being top or special crews in the Jackson division, maintained for word "on all energized wire." The remaining 18 crews under his supervision, according to Markle's description, "work out on rural lines where there is no energized wires for them to come in contact with. In other words, they work what we call everything dead." At the time of Burke's transfer, Oliver's crew consisted of 2 first-class linemen, of whom Burke was one, 2 second-class linemen, 1 apprentice lineman, and 1 groundman, with a crew foreman in charge.

The crew to which Burke was transferred on August 5, and with which he remained for 2 months, until he was returned to his old crew following a grievance meeting with the management, was known as Gilmore's crew. L. M. Gilmore is listed as a first-class lineman, but acts in the capacity of a foreman. Until Burke's temporary transfer to it, Gilmore's crew had consisted of Gilmore and two groundmen. At the time of the hearing it was again a three-man crew. Gilmore himself described his job as that of "maintenance of street lighting, and taking care of underground vaults."

Markle admitted that he transferred Burke to Gilmore's crew on August 5. The reasons which he gave for the transfer, however, are not wholly consistent. He first declared that, having observed Burke to be active in the C. I. O., and having placed him in temporary charge of the crew the previous Monday for the week of Oliver's vacation, "I knew it was no place for a crew foreman to be, acting as an organizer and running a crew." He later explained that Burke was transferred to Gilmore's crew, "especially that date, to put in a primary metering installation for the Hardy Manufacturing at Hudson." He insisted that Burke's experience was needed on this job.

The respondent offers no testimony to show that the efficiency of Oliver's crew suffered during the first 3 days of that week, although Burke had joined the C. I. O. in July, or that Burke had attempted to organize on company time. The contention that Markle was sincerely concerned with the propriety of Burke's seeming to serve two masters fails to explain why Burke, when the regular foreman returned from his vacation, was not returned to the position which he had filled on Oliver's crew for 8 years.

Upon completion of the brief Hudson job, Gilmore's crew returned to Jackson, and resumed the task at which it had been occupied since the preceding April, the removal of steel trolley poles along Jackson's main street. This work consisted mainly of cutting down the poles with acetylene torches and trucking them to the pole yard, and was hardly on an equal plane with Markle's definition of a top lineman's customary duties. During the period before his return to Oliver's crew, Burke was also assigned to the task of cleaning insects from the boulevard lighting globes. This assignment was made in the fall, although Markle testified that this work

[8] This name also appears in the record as "Youmans" and "Yoeman."

was ordinarily performed "right after Christmas and in the summertime, early spring, rather, right after the smoke season." This variance from custom is not explained in the record. Burke testified that he felt this assignment to be "humiliating" for a top lineman, and that comment upon it became general in other parts of the system.

It is difficult to conform the facts surrounding Burke's demotion in duties to any explanation but that it was an expression of resentment against his union activities and an attempt to discourage such activities. Soon after the transfer, Markle passed by Burke and Devine at the service station and asked "how all the rats were." When Burke inquired as to which one he meant, Markle replied, "If the coat fits you, you can slip it on." We are persuaded that the transfer of Burke described above was a demotion, and that it was made with the purpose of discouraging union activity.

4. The Pole-Yard Transfer

The pole yard is a storage area for poles, transformers, and pipe used in the Jackson division. Poles of varying lengths are brought into the yard by rail, piled on bunks and piers, where they remain until hauled away for line-construction jobs. At one corner of the yard a large stock of transformers is stored; in one of two small buildings transformers are cleaned and repaired, while in the other pipe and sundry supplies are kept.

One crew, under Foreman Wayne Frushard, is regularly assigned to the pole yard. This crew unloads and draws poles, and since late in 1936 has spent much time at the task of replacing the old cement piers which are inadequate to support the weight of the poles which had increased as the respondent supplanted cedar with pine. Markle testified that the work of replacing the old piers was given to employees who otherwise might have been laid off during slack periods in line construction, instead of employing an outside contractor and labor. Respondent exhibit 42 contains a list of employees who have worked at various times at the pole yard from January 1, 1937, to May 9, 1938. This exhibit, however, does not disclose the exact nature of the work which the men performed on the duties cited. It appears, for example, that on infrequent occasions an entire crew may, in the course of its regular line-construction duties, put in all or part of a day at the pole yard loading the poles necessary for its job.

Despite Markle's insistence that work in the pole yard is more desirable than digging holes for poles, or climbing the creosote-impregnated poles on a hot day, his own testimony shows clearly that, with the exception of the few who have charge of work there, steady employment in the pole yard ranks below that of construction and maintenance crews. In commenting upon Frushard's crew he stated: "* * * when these men that I gave Frushard showed ability to want to go ahead, could go ahead, I take them off of there and put them in another ground crew that was putting on arms and things like that, gave them a chance to work up."

Frushard's crew, at the time of the hearing, was composed of employees Niles M. Sowle, William Tuippi, and one Halsey. Markle testified that these men were assigned to this crew because they had been given ample opportunity to become linemen, but had lacked the necessary qualifications. Although some significance might be attached to the fact that both Tuippi and Halsey were suddenly discovered to be lacking in linemen's requisites shortly after they joined the C. I. O., in 1937, it cannot be found that their transfer to, or continuance in, the pole yard was directed at their union activity. The case of Sowle is discussed in section III B 5 below.

Verne Devine, whom Markle admitted having seen with Burke on the night of August 4, was ordered to the pole yard Friday morning, August 6, where he cleaned transformers that day and August 9, before being transferred to Oliver's crew. Until the transfer of August, Devine had served on the same crew for about 8 years, although for a part of that time he was under a different foreman. There is no evidence that he had ever before been assigned to the task of cleaning transformers. Devine is rated as a "top" lineman. Husker's crew, to which he had been attached, is the crew which, with Oliver's crew, was characterized as "special" by Markle. It does not appear that, with the exception of his 2-day assignment in the pole yard, Devine's transfers from Husker's to Oliver's crew can be considered as demotions, either in fact or in effect.

Markle's explanation of the 2-day pole-yard episode, however, is confused and conflicting. He declared that Husker had asked to have Devine transferred out, because he was slowing up on the job. Markle asserted that prior to the transfer he and Husker had discussed Devine's membership in the C. I. O., and that Husker believed Devine was using his affiliation with the union as a leverage to lay down on the job. Furthermore, he testified, he had himself observed Devine absolutely stand around on top of the pole and not do a thing, waiting for somebody to catch him standing there. Markle placed his discussion with Husker as at least 6 days before the meeting of August 4. This testimony is in serious conflict with his following answer on cross-examination:

"Question. Did you know that Devine was a member of the C. I. O. when you took him off Husker's crew and put him on Oliver's?

"Answer. No, sir; I didn't."

It is clearly established that Markle did see Devine, among others, at the C. I. O. meeting of August 4, and that, among others, Devine was summarily transferred to other duties in the pole yard. There is no evidence that Devine, when ordered to the pole yard, was informed that he would later be attached to Oliver's crew.

Of the six men in Husker's crew in early August 1937, four had joined the C. I. O. at or before the meeting of August 4—Oscar W. Anderson, Willard Freemire, William Hendershot, and Devine. All but Devine soon resigned from the union. Devine, as has been noted, was transferred on the following day to the pole yard, and eventually to another crew. Freemire went to the pole yard on August 6, and remained there August 9 and 10, the next 2 working days. All of Husker's crew was in the pole yard on August 10, but the testimony shows that the service on the 10th was in the regular line of duty in obtaining materials for construction work.

Freemire, called as a witness by the respondent, had been elected an officer of the C. I. O. the night of August 4. He was present at Markle's pay-check lecture. He stated that he did not consider the assignment of August 6 and 9 to be a punishment or unusual, although he could not recall that he had ever been removed from his crew for pole-yard service since he had joined Hucker's gang in June 1936. Excavating piers, according to Markle's own testimony, is not work regularly assigned to second-class linemen, the rating held by Freemire. Markle's explanation of Freemire's transfer on August 6, that Husker's crew was "overloaded," is weakened by the testimony of Anderson, first-class lineman called by the respondent, who admitted that, at the time Devine and Freemire were transferred, Husker's crew was consistently busy in the normal way.

Anderson was not present at the C. I. O. meeting of August 4, but admitted having heard that Markle was there. He also admitted that sometime during August, and obviously before he resigned from the C. I. O., Markle stopped him in front of the service building and asked if he belonged to the C. I. O., to which he replied that he did.

Hendershot, another first-class lineman on Husker's crew, admitted never having seen a first-class lineman, with the exception of Devine, transferred to the pole yard for detached duty. Hendershct had joined the C. I. O. in July, paid dues for the month of August, and then let his membership lapse. He was present at the meeting of August 4, and admitted having heard "some things" about Markle's sending C. I. O. members to the pole yard.

We find that Devine and Freemire were transferred to the pole yard by the respondent for the purpose of discouraging activity on behalf of the C. I. O.; that Freemire withdrew from the C. I. O. because of his transfer; and that Anderson and Hendershot withdrew from the C. I. O. because of Markle's hostility to C. I. O. activity, manifested by the transfers and attendant circumstances described herein.

Further evidence of a purpose on the part of the respondent to discourage union activity by transferring new C. I. O. members to the pole yard is found in testimony concerning Meier's crew, also under Markle's supervision. Early in August 1937, Meier's crew included Tuippi, Simmons, Hammond, Thompson, Murphy, and Sponsler. All but Sponsler had joined the C. I. O. on or before August 4, and of these five, all but Simmons attended the union meeting that night.

Hammond was transferred to the pole yard the day following the meeting, and was kept there August 5, 6, 16, and 17. He was on vacation during the interim between August 6 and 16. Murphy was assigned to the pole yard August 6. Thompson worked in the pole yard from August 9 to 16.

Hammond was secretary of the newly formed C. I. O. local, and Murphy was a trustee. Soon after their pole yard assignment, however, Hammond, Murphy, and Thompson withdrew from the C. I. O. The three men were called to testify by the respondent; all of them denied dropping out of the C. I. O. because of the pole yard incident, and Murphy, although he joined the C. I. O. on August 3, explained his withdrawal therefrom as follows: "It seemed like all the rest of the members had petty grievances of some sort they were nursing, and I didn't have any grievance like the rest of them."

Murphy talked with Markle on Monday morning, August 9, the next working day following his assignment to the pole yard, and was thereafter instructed to join another crew, stringing poles in the country, until Meier's crew should be reassembled on August 16. None of the men on the crew to which he was temporarily assigned had been present at the C. I. O. meeting of August 4. Under all the circumstances, we find that the respondent induced the withdrawal of Murphy from the C. I. O. by transferring him to the pole yard.

Hammond quit the C. I. O. upon return from his vacation, and was then transferred back to Meier's crew. Although denying that his pole yard experience had anything to do with his withdrawal from the C. I. O., Hammond admitted that he had heard others comment upon Markle's presence outside the union meeting, and that he had been present when Markle lectured the employees on their pay checks. Asked by the Board's counsel, "Did you get the idea that Markle was friendly toward unions, from his statements there," Hammond replied, "Oh, I don't know—it was his own opinion."

Recorded facts in respondent exhibit 42 refute Markle's testimony that Hammond was sent to the pole yard only because other members of Meier's crew were on vacation. Hammond was assigned there 2 days prior to the vacation period, and remained there 2 days after Meier's crew was reassembled following the vacation. In view of all the circumstances, and because Markle's testimony is in contradiction with his own records, it must be found that Hammond's transfer to the pole yard was designed to induce his withdrawal from membership in the C. I. O.

Thompson was in the pole yard from August 9 to 18, during the week that other members of his crew were on vacation. He admitted having talked privately with Markle, following the general foreman's pay-check lecture on August 6, and recalled that both

Hammond and Murphy had been transferred from his crew prior to the vacation week. He insisted that his conversation with Markle did not relate to the pole-yard transfers. While the evidence is insufficient to show that the assignment of Thompson to the pole yard was an act of discrimination on the part of Markle, we find that Thompson's resignation from the C. I. O. is attributable to the action taken against his crew mates Hammond and Murphy, who were officers of the newly formed C. I. O. local.

Simmons worked in the pole yard during the week following his vacation, but admittedly at his own request. On the day of his return from vacation, he was instructed to report for work in Hudson. He protested against this transfer to another town, declaring that he was being removed from Meier's crew in disregard of seniority. Markle pointed out that he was handling such matters, but permitted Simmons to remain in Jackson another week, to take care of personal details, and work in the pole yard. The record shows that both Thompson and Murphy were employed after Simmons, but Markle maintained that Simmons had been originally hired for Hudson service, although he had subsequently exchanged jobs with a Jackson employee, and that therefore he was properly selected to return to Hudson. Markle's denial of knowledge that Simmons was a C. I. O. member is contradicted by the testimony of one of his own foremen, Robert M. McDonald, in charge of the two Hudson crews. Donald W. Darby, a Hudson employee, testified that McDonald, just before Simmons was transferred there, informed "the whole bunch" that "we have got a C. I. O. member coming down," and told them that every time he was thrown in the lake they would get a case of beer. McDonald admitted the incident in substance, but characterized the offer as a joke. While in Jackson, McDonald explained, he had been told by Markle that Simmons was to be transferred to his supervision. At the same time he overheard men in Markle's office "laughing and talking" about "someone offering a case of beer to anybody * * * that threw any C. I. O. member in the creek or river or lake, * * * and I don't know to this day who offered the case of beer." McDonald declared that he almost always tells "the boys anything I found out in the way of gossip." There is no evidence that Simmons was ever molested.

The testimony of many witnesses shows that it was known generally in the Jackson district that transfers of C. I. O. members to the pole yard had been made. As noted above, crews commonly made short stops in this storage area to get supplies. On these visits they were able to see that the transferred men were no longer engaged in their regular duties.

The events described above persuade us that Markle made use of the device of transferring men to the pole yard for the purpose of discouraging the C. I. O. activity which he had discovered. It also appears clearly that the device was effective in several cases. It should be noted that all six men who, as mentioned above, withdrew from the C. I. O. in mid-August, at the time of or subsequent to the pole yard transfers, later became members of the Independent. Although some of the men in question testified that the transfers were not the cause of their dropping from membership in the C. I. O., we do not believe this testimony. The series of events described above convinces us that these men were intimidated and that that intimidation continued to have effect up to the time of the hearing before the trial examiner.

5. The Transfer of Niles M. Sowle

On or about September 1, 1937, Lisle Goff, a gas trouble man at Jackson, was called into Markle's office. Goff is a brother-in-law of Sowle, an apprentice lineman mentioned above as being a member of Frushard's pole-yard crew. Goff, who is a member of the Independent, testified that Markle first inquired if Sowle was a relation of his. Upon receiving an affirmative answer, Markle said, "If you do see him—will you try and see him and tell him not to have anything to do with the C. I. O."; and further, "if he thought anything of his job, tell him not to have anything to do with the C. I. O." Goff's testimony was unrefuted.

About a month later Sowle was instructed by Markle to report for work at Jonesville. Sowle protested against the transfer, pointing out that men with less seniority than himself were being kept in Jackson. Markle told him that he was being sent to Jonesville as a promotion. Sowle reported as instructed, and was sent out with a line truck and crew, supervised by Foreman Myles Beattie. That noon, according to his testimony, Sowle found his lunch box "full of grease," and that night the air had been let out of his automobile tires. The following noon, he testified, "after I had ate part of my sandwiches I found there was something in them which smelled like kerosene." He was sick that night, and under the care of a physician for 2 weeks thereafter. Immediately upon his return to Jackson from Jonesville, Sowle reported his experience to Burke, head of his local, and Burke entered a complaint with Superintendent Southard, Markle's superior. When Sowle reported for work 2 weeks later, Southard "apologized" to him and said "it wouldn't happen again." Sowle was told that Foreman Beattie had been laid off for a week, that half of the crew at Jonesville had been "put on breaking up scrap iron at the waterworks at Reading, and the other half had been put tearing down the chimney in Jonesville." Sowle was questioned on this point by the respondent's counsel:

"Q. And you understood, did you, from Mr. Southard's conversation that the punishment that he spoke of as to the crew and the foreman was because of their action in connection with you?

"A. That is what I understood."

Foreman Beattie and members of his crew were called by the respondent, and all denied tampering with Sowle's food or tires. Beattie, however, admitted that he had been told by Parker, prior to Sowle's transfer from Jackson, that a new man was being sent to him and "that he belonged to the C. I. O., to be very careful there was nothing done to injure him any way." He denied knowledge as to why Parker should voice this caution, "other than he always tells me to be very careful of any new man he gives me." Parker admitted the advice, and gave as a reason for it the fear of possible accident, and the fact that he was "proud of the safety record." Questioned further by the Board's counsel:

"Q. When you told Beattie that Sowle was coming over and he was a C. I. O. man, why did you bother to go on and warn him against discrimination?

"A. I thought that he ought to know if he belonged to the C. I. O. I understood that he did, that he was a C. I. O. member. Being a foreman of a crew, I thought it was to his advantage to know that he belonged to the C. I. O."

Although Southard assured Sowle that Beattie had been punished by a 1-week lay-off, it is revealed by Board exhibit 64, his payroll record, that the latter was in fact rewarded. On the Friday prior to October 18, Southard informed him that he would be laid off the following week. During the week of this announcement, Beattie was credited with 12 hours overtime at time and a half. He was absent from duty from Monday through Friday, October 18 to 22, but on the succeeding Saturday and Sunday put in 8 hours at time and a half and 8 hours at double time. During the week preceding October 18, he earned $19.80 above his regular weekly rate, and during the week of his lay-off he received $30.49. The exhibit shows that for the 3-week period preceding, during and following his lay-off, he earned the sum of $138.60, an average of $2.20 per week above his regular weekly rate. Beattie testified that during the week preceding his appearance on the stand he got in 3 hours' overtime, and that some weeks he averages more, and some less. It is evident that Beattie, in effect, received a 5-day vacation with pay.

We are convinced that the transfer of Sowle to Jonesville was made because of his membership in the C. I. O., with the expectation that he would be mistreated there. The warning given to Sowle through Goff, the advance notice of his arrival in Jonesville as a C. I. O. member, and the other facts described above leave room for no other conclusion.

Markle's active efforts to discourage membership in the C. I. O., in the Jackson division were the subject of negotiations between management and C. I. O. representatives at a meeting on October 12. The latter demanded that Markle be discharged. This action the management refused to take, despite the fact that Southard had given him a warning in a letter dated August 9. Arthur testified that on the same day, October 12, he threatened Markle with disciplinary measures "if he would be guilty of any such discrimination in the future." On the following night Arthur called a meeting of managers and general and crew foremen, "to acquaint these men with their responsibility to the company in maintaining a neutral attitude toward any labor organization." Subsequent to October 12, Markle engaged in no further antiunion activity, nor were any complaints made by the C. I. O. concerning such activity on his part.

6. Other Discouragement of Union Activity

The record contains evidence of other incidents of interference and coercion on the part of responsible agents of the respondent, although mainly of minor and cumulative nature. These occurrences indicate that, while its activity became less apparent, the respondent continued to express disapproval of, and to discourage membership in, the C. I. O., not only subsequent to Southard's letter to Markle of August 9, but after Arthur's warning to all foremen in October.

Donald W. Darby, a Hudson employee, testified that in mid-January 1938 he was interviewed while on the job by McDonald, city foreman at Hudson. McDonald called Darby to his car and asked him why he had joined the C. I. O. Darby replied that he did not like the way things were being run down there. McDonald told him, "Well, you know I will catch the devil for it." McDonald admitted Darby's testimony in substance, but explained that he feared Darby had something against him personally.

Some indication of Foreman McDonald's early attitude toward the C. I. O., before the Jackson local was formed, is established by the unrefuted testimony of Clark D. Bolenbaugh, a Hudson employee. Bolenbaugh declared that when McDonald passed out printed copies of the June 8 agreement to employees in Hudson he said, "We wasn't under those agreements and we didn't have to sign up anything, that we would get our same rights." McDonald's active support of the Independent is discussed below.

7. Organization of the Independent

We have previously discussed the responsibility of the respondent for the letter of June 11, 1937. The events which followed its issuance show its connection with the formation of the independent.

The independent first appeared in the open on or about September 21, 1937. The three leaders were Leo C. Jensen, Harry Bowersox, and Ed Youman, all maintenance men employed at the respondent's gas-production plant in Jackson. Youman became the first president, and was later succeeded by Jensen, who was president at the time of these proceedings. Youman was not called to testify at the hearing. Although both Jensen and Bowersox testified that they had entertained the idea of such an organization, and Jensen declared that he had even discussed it, prior to June 1937, it must be borne in mind that no concrete steps were taken with regard to formation

of the independent until after the receipt and discussion of the letter of June 11, in effect a circularized proposal from the management.

During the summer following the issuance of the June 11 letter, Bowersox consulted Wirt King, Jr., who was at that time a member of the firm of counsel which represented the respondent in these proceedings, with reference to the formation of an independent organization of the respondent's employees. Bowersox did not testify as to this conference with King, but Jensen, to whom Bowersox reported, recalled that Bowersox understood that King "could be retained for that purpose." There were no further activities toward the formation of an organization, however, until after the end of the summer, and the commencement of activity on behalf of the C. I. O. in Jackson.

Bowersox and Jensen sent invitations to employees throughout the system to attend a meeting, scheduled for September 21, at the Colonial Theater in Jackson. On that date about 200 employees gathered to hear one Joe Allen, an employee of the Michigan Bell Telephone Co., describe the set-up of the independent organization of that company. Jensen testified that Allen had been suggested to him by some other employee. Wendell Bather, plant chemist at the Jackson gas plant, presided, at Jensen's request. Representatives of various departments were selected at this meeting to convene at a later date.

Among the supervisors and foremen who attended the Colonial Theater meeting were Parker, Markle's assistant; Joseph A. "Red" Sheets, in charge of three tree-trimming crews and their foremen; and McDonald, in charge of the crews and foremen at Hudson. Sheets was nominated "for some office," but did not accept. McDonald was selected as a Hudson representative. In direct contrast to Markle's vigorous disapproval of employees joining the C. I. O. and his surveillance of that organization's meeting on August 4, the attendance and participation of his assistant Parker and two other supervisors at the first gathering of the independent served as genuine support, by agents of the respondent, to the latter organization.

Although the exact sequence of events is not clear, it appears that soon after the Colonial Theater meeting petitions were passed among employees in the Jackson division upon which they indicated their support of an independent organization. One of these petitions appears in the record as Board exhibit 36, and was drawn up, according to his own testimony, by McDonald. The typewritten heading of this exhibit originally read:

"We, the undersigned, are interested in an independent labor bargaining [sic] organization, and authorize K. Reed and R. McDonald to act as our representative."

McDonald called a meeting of all his Hudson employees, following the Colonial Theater gathering, outlined the purpose of the independent, and then helped Kenneth Reed, a Hudson employee, line up some of the men in his crews. A majority of the 26 employees whose signature appears on Board exhibit 36 subsequently became members of the independent, although the petition itself was never returned to the officials of that organization. It is clear that McDonald, a supervisory employee, took an active part in the formation of the independent and contributed his support to it.

Sheets has charge of the respondent's tree-trimming crews in the Jackson division, consisting of 3 crew foremen and their 14 men, and is under the immediate supervision of Markle. Sheets admitted having attended the Colonial Theater meeting with his superior, Parker, and an employee, Kenneth Meek, and that he was then nominated for some office but did not accept. Frushard, foreman of the pole-yard crew, testified that Sheets and Meek drove into the yard one morning during working hours in Sheets' truck and that Meek got out and handed a sheet of paper to Frushard's truck driver. The driver could not read without glasses and passed the paper to his foreman, who read the heading aloud. The text of the heading, according to Frushard's recollection, was "I am in favor of an independent union and I will not join any other." Frushard testified that he declined Meek's invitation to sign it himself. Frushard also testified that Sheets asked Verne Stanfield to sign, and that Stanfield did so. Sowle, who was then working in the pole yard, testified substantially as did Frushard. Meek admitted the incident in part, recalling that "somebody," whom he could not identify, had given him the petition to be circulated at the service building, before accompanying Sheets to the pole yard that morning. Meek denied, however, that Sheets knew anything about his possession of the petition. Sheets denied any knowledge of the petition or that he had asked for the signature of Stanfield. Stanfield was not called on to testify. Both Sheets and Meek are in substantial agreement that their main errand, that morning, was to visit the pole yard and other crews before Meek took over a truck and tree-trimming crew as foreman.

In view of the fact that Sheets and Meek were close friends and had gone to the Colonial Theater meeting together, and the fact that no steps had as yet been taken by the leaders of the independent to exclude supervisory employees from participation in its affairs, we do not believe it possible that Sheets had no knowledge of the petition which Meek was carrying. The story of these two witnesses is unconvincing. We find that, as Sowle and Frushard testified, Sheets, together with Meek, solicited signatures on behalf of the independent.

Representatives of different departments, selected at the Colonial Theater meeting on September 21, including McDonald, met in a private dining room of the Hotel Hayes in Jackson a week or 10 days later. At this meeting Jensen and Bowersox were selected as a committee of two to seek legal advice looking toward incorporation of the independent. Bowersox sought the advice of Wirt King for a second time, subsequent to the meeting at the Hayes Hotel. On this occasion the attorney informed him that he would be unable to act for the organization, since he was retained to represent the respondent in other matters. Following King's refusal to serve as their legal adviser, Frank C. Painter was retained by Jensen and Bowersox. Painter drew up incorporation papers for the Independent, which were signed on October 13, and filed with the Michigan Corporation and Securities Commission on November 1, 1937.

Subsequent to the incorporation of the independent, its organizational efforts were projected beyond Jackson, into other centers of the respondent's system. Roy Lee Lepley, an employee of the respondent at Jonesville, testified that Beattie, the foreman of the crew to which Sowle was temporarily attached, was present at an organizational meeting of the independent held in Jonesville. The meeting was not held on company property, or during working hours, but Lepley testified that a number of other crew foremen were present, including Ray Randall, Dick Barger, Jonas Schumann, Rex Shea, Milton Smith, and Harold Kraft, practically all of the foremen with headquarters at Jonesville. None of these foremen with the exception of Beattie, were called by the respondent to testify. Beattie did not recall the meeting about which Lepley testified but denied that he had attended any independent meeting. One witness who testified on behalf of the respondent, denied that any foremen were present at the Jonesville meeting, although he also stated that he could not remember everyone who was there. Even if we accept Beattie's denial, concerning the weight of which there is some doubt, in view of the Sowle incident, the detailed testimony of Lepley as to the presence of other foremen appears to us more credible than the general denial described above. We find that by the presence of its agents at an organizational meeting, the respondent provided open support to the extension of the independent's activities to Jonesville.

Glenn Piper, line foreman at Ionia, was present at an organizational meeting of the independent, held south of Lansing, in February 1938. Vernon A. Burch, street department foreman in Flint, attended a similar meeting in that city during March 1938. Foreman Metzgar attended the Alma meeting which took place during February 1938, but was asked to leave. These cases are in marked contrast to the active discouragement of the formation of the C. I. O. local in Jackson, described above. Furthermore crew foremen continued to attend independent meetings even after they had been declared ineligible for participation in that organization.

8. Status of Foremen

Vice President Arthur testified that crew foremen direct the work of from 1 to 10 men, usually away from headquarters. Crews are of varying types, including line, street-department, trouble, tree-trimming, and transformer crews. The foremen are paid from $4 to $6 a week more than top linemen in their crews. They assign individual tasks to the men under them. Vice President Frank G. Boyce testified that crew foremen occasionally have the power to hire local labor. The recommendation of crew foremen as to general hiring is considered, although employment is ordinarily handled by the respondent's personnel department. Crew foremen have the power to recommend promotion, discharge, and discipline of the employees under them. When, in October 1937, Arthur called all supervisors in the Jackson division together to warn them against discriminatory acts, the crew foremen were included.

Thus, from the testimony of executive officers, as well as the employees themselves, it is clear that the respondent has conferred power upon its crew foremen which enables them effectively to coerce the employees and to interfere with their right to self-organization.

As described above, Markle, Parker, Sheets, and McDonald possess even greater supervisory powers than the crew foremen. The latter, looking to them for guidance, unquestionably charted their activities against the C. I. O. and in support of the independent in accordance with the course so clearly defined by their superiors.

C. Conclusions as to the unfair labor practices

Several of the occurrences discussed above, which constituted part of the respondent's dual campaign of discouraging membership in the C. I. O. and of encouraging membership in the independent, were, if considered alone, acts of interference with and coercion of its employees in their right of self-organization. Among these incidents are Markle's surveillance of the C. I. O. meeting on August 4, 1937, his disapproval of that organization and its activity so vigorously expressed on that occasion to a number of employees under his charge, and his lecture to some 60 employees 2 days later, when distributing pay checks. The transfer of Burke, head of the C. I. O. local, from the crew to which he had been attached for 8 years, on the day following Markle's surveillance of the August 4 meeting, and the accompanying transfers of men to the pole yard, all constituted acts of restraint and coercion. We have already found that these acts effectively caused withdrawals from the C. I. O. membership and that they were designed for that very purpose.

Markle's efforts to discourage membership in the C. I. O. did not cease following Superintendent Southard's letter of August 9, relating to discrimination. His advice to Goff that he attempt to persuade his brother-in-law, Sowle, to have nothing to do with the C. I. O. constituted flagrant interference, particularly when followed by Sowle's transfer to Jonesville, where more vicious measures were taken to discourage his membership in the C. I. O.

Nor is the evidence of interference restricted entirely to Markle's acts. McDonald, supervisor of crews at Hudson, exceeded the limits

of management neutrality when he informed employees under him, at the time of distributing copies of the contract of June 8, that they were not "under those agreements," that they did not have to sign anything but would get their "same rights." He exercised more positive interference when he took Darby to task for joining the C. I. O.

It further appears that all of these acts, unfair labor practices of interference and restraint, were of a pattern with a design of the respondent to foster and support the formation of an independent organization.

The respondent introduced evidence showing that early in August, after complaint by the C. I. O., it instructed Markle and other superintendents to refrain from activity directed against the C. I. O. Nevertheless, such activity continued after the instructions were given. Whatever instructions the respondent may have given his employees, it remained responsible for their acts of coercion and interference.

We find that by the acts above mentioned, as well as by other acts described in section III–B, above, the respondent interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in section 7 of the act.

The acts which we thus find to have been separate unfair labor practices also constituted part of the respondent's effort to substitute for the organization which had gained a foothold among its employees an organization of the respondent's choosing. The letter of June 11, 1937, showed the desire of the respondent to foster a "loyal" organization limited to its own employees. The subsequent conduct of Markle and other supervisory employees tending to discourage activity on behalf of the C. I. O. further prepared the ground for such an organization. Finally, the respondent, through its agents, participated in the formation of the independent, and in its subsequent activities, and lent active support and encouragement to the independent.

While it is contended that, following the adoption by the independent of bylaws, and the employment of Painter as legal advisor, foremen were excluded from formal participation in the Independent's affairs, the findings above show that crew foremen, garage foremen, and others with supervisory powers continued and persisted, throughout the winter and spring of 1938, in attending organizational meetings of the independent, and in permitting solicitation by independent organizers on company premises and during working hours. Thus the mere procedure of refraining from soliciting foremen's membership, on the part of the independent organizers, did not and could not effectively refute the belief of many employees that the respondent, through its agents, was continuing to encourage the growth of that organization.

We find that the respondent has dominated and interfered with the formation and administration of the independent, and has contributed support to it, and that by so doing it has interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in section 7 of the act.

At the commencement of the presentation of its defense, counsel for the respondent stated:

"And without admitting the commission of any unfair labor act or practice the respondent will further show that all charges and allegations of unfair labor practice stated in this hearing have heretofore been presented by the complaining union to the respondent in meetings held in accordance with the procedure outlined in the existing contract between the complaining union and the respondent, and that all of such claims and allegations were, after negotiations between the parties, fully and completely settled, compromised, and adjusted.

"And that even if any such claims and allegations could be held to be unfair labor practice within the meaning of the act, that all of such claims and allegations have become moot, and having been settled and adjusted that there is no relief to be administered by the Board and the National Labor Relations Act, if applicable, having been held to be remedial, has no application."

A sufficient answer to the respondent's contention may be found in section 10 (a) of the act, which provides:

"The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 8) affecting commerce. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise."

However, a further answer to the contention is found in the fact that while many of the discriminatory acts complained of by the C. I. O. were remedied by the respondent after protest had been made, this did not dissipate the most important effect of those acts, namely, the manifestation of hostility toward the C. I. O., and of friendliness toward the independent. This is particularly true in view of the fact that the adjustment of one set of grievances never prevented the commission of a fresh series of acts of discrimination by the respondent's agents. The situation thus presented was that members of the C. I. O. were impressed with the fact that their membership laid them open to the hostility of their supervisors, and that they might at any time be called on to go through the machinery laid down in the contract for the correction of abuses. The mere fact that the respondent made such corrections in many of the cases concerning which complaint was made does not, and did not remove the effect of the acts of its supervisors.

The respondent also sought to show that all those who testified concerning acts tending to discourage membership in the C. I. O. were not in fact discouraged. We have found above that in some cases at least the respondent's efforts to halt the self-organization of its employees were successful. But even if this were not clearly shown, it would not remove the respondent's conduct from the sphere of the act. Such conduct, whether successful or not, constitutes unfair labor practices which it is the Board's duty under the act to prevent.

IV. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

The activities of the respondent set forth in section III above, occurring in connection with the operations of the respondent described in section I above, have a close, intimate, and substantial relation to trade, traffic, commerce, transportation, and communication among the several States, and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

V. THE REMEDY

We have found that the respondent dominated and interfered with the formation and administration of the independent, and contributed support to it. The mere withdrawal of the respondent's domination, interference, and support of the Independent will not be sufficient to overcome the impression created by the circumstances which surrounded its origin. Therefore we will order the respondent to cease and desist from the unfair labor practices described above and also to refrain from recognizing the independent as an organization representative of any of its employees for the purpose of dealing with it concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of work.

Upon the basis of the above findings of fact and upon the entire record in the case, the Board makes the following:

CONCLUSIONS OF LAW

1. United Electrical, Radio & Machine Workers of America; Utility Workers Organizing Committee and Local 101 thereof, formerly known as Local 740 of the United; and Independent Power Employees' Association are labor organizations within the meaning of section 2 (5) of the act.

2. By its domination and interference with the formation and administration of the independent, and by contributing support to it, the respondent has engaged in and is engaging in unfair labor practices, within the meaning of section 8 (2) of the act.

3. By interfering with, restraining, and coercing its employees in the exercise of the rights guaranteed by section 7 of the act, the respondent has engaged in and is engaging in unfair labor practices, within the meaning of section 8 (1) of the act.

4. The aforesaid unfair labor practices are unfair labor practices affecting commerce, within the meaning of section 2 (6) and (7) of the act.

ORDER

Upon the basis of the findings of fact and conclusions of law, and pursuant to section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the respondent, Consumers' Power Co., a corporation, and its officers, agents, successors, and assigns, shall—

1. Cease and desist—

(a) From in any manner dominating or interfering with the administration of Independent Power Employees' Association, or with the formation or administration of any other labor organization of its employees, or contributing support to the independent or to any other labor organization of its employees;

(b) From in any other manner interfering with, restraining or coercing its employees in the exercise of their right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purposes of collective bargaining or other mutual aid and protection, as guaranteed in section 7 of the National Labor Relations Act.

2. Take the following affirmative action which the Board finds will effectuate the purposes of the act:

(a) Refrain from recognizing Independent Power Employees' Association as representative of any of its employees for the purpose of dealing with the respondent concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of work;

(b) Immediately post in conspicuous places throughout the various plants in its system, including among such places all bulletin boards commonly used by the respondent for announcements to its employees, notices stating (1) that the respondent will cease and desist in the manner aforesaid; and (2) that the respondent will refrain from recognizing Independent Power Employees' Association as representative of any of its employees for the purposes of dealing with the respondent concerning grievances, labor disputes, rates of pay, wages, hours of employment, or other conditions of work;

(c) Maintain such notices for a period of at least thirty (30) consecutive days from the date of posting;

(d) Notify the regional director for the seventh region in writing within ten (10) days from the date of this order what steps the respondent has taken to comply herewith.

[U. S. Circuit Court of Appeals, sixth circuit. No. 8180. *Consumers Power Company, a Corporation, petitioner,* v. *National Labor Relations Board, respondent.* Petition to review and set aside an order of the National Labor Relations Board. Decided June 27, 1940]

For the Board: Argued by Mr. Phillips. On the brief: Messrs. Fahy, Watts, Knapp, Phillips, Edises, and McCalmont.

Before Simons, Allen, and Arant, circuit judges.

Simons, circuit judge: The initial question to be determined is the jurisdiction of the National Labor Relations Board over the petitioner under section 10 (a) of the National Labor Relations Act,

which empowers the Board to prevent any person from engaging in any unfair labor practice affecting commerce.

The petitioner is an operating utility, subsidiary of Commonwealth & Southern Corporation. It is organized under the laws of the State of Maine but confines its operations exclusively to the State of Michigan, its policies being directed from its general offices in the city of Jackson. It is actively engaged in furnishing electric energy, natural and artificial gas, central heating, and in a limited degree water, to customers located for the most part within the southern peninsula of Michigan and in geographical area which includes important industrial centers, such as Bay City, Saginaw, Flint, Jackson, and Kalamazoo. As incidental to its utility business, it also sells electric appliances within its territory and operates hydroelectric developments on the Muskegon, Manistee, Au Sable, and Kalamazoo Rivers. All of its electric energy is generated within the State and none of it is sold for consumption or use outside of the State. Its gas is likewise manufactured or produced and sold within the State, it having no gas lines or electric connections extending to or from any other State or crossing any State line. It employs upward of 6,000 persons, among whom are members of three union organizations, the selection of a representative bargaining agency by a run-off election being still undecided. (See *International Brotherhood et al.* v. *N. L. R. B.* (105 Fed. (2d) 598 (C. C. A. 6), 308 U. S. 413).

The petitioner contends that it had, for a long time, been its established policy to confine its business activity to the State of Michigan; that in pursuance of that policy it had studiously avoided making connections with or giving service to anyone which would make it possible to constitute its business interstate in character, and, as evidence of its effort to confine its operations exclusively to the State, it had required prospective purchasers of power to sever use of out-State connections before it would deliver power to such purchasers; that its transmission system has been so developed and integrated that it would remain without relation to or connection with any property or business outside of its wholly localized intrastate network in Michigan.

While the petitioner purchases fuel from points outside of the State of Michigan, its purchases during 1937, amounting to $1,835,000, and while it buys appliances for resale from without the State amounting annually to approximately $1,300,000, it says that all appliances, materials, and commodities go into stock rather than into immediate use or consumption, and are commingled with similar property already on hand, so that interstate shipments have come to rest within the State long before consumption occurs. It ships a relatively small amount of byproducts, such as tar, ammonia, ammonium sulfate, and drip oil, outside of the State, but these byproducts are insignificant, amounting to but one-twentieth of 1 percent of its gross business, and are but a mere incident rather than a primary or essential purpose of its business activities. It sells electric energy to four interstate railroads, the Ann Arbor, the Grand Trunk System, the Pere Marquette, and the Michigan Central, for the purpose of lighting stations, crossings, shops, and yards, for water pumping, and for telegraph and signal purposes. Representatives of each of the four railroads testified, however, that if there were a complete failure of power from the petitioner, there would be no substantial interruption of service on their roads. The petitioner also furnishes electric energy to the Western Union and Postal Telegraph Cos., and the Michigan Bell Telephone Co. for message transmittal, time clocks, and other functions, but its evidence is to the effect that the services of these utilities would not be interfered with by a failure of electric energy, and that during a strike when power was shut off in Saginaw and Bay City, the telegraph companies switched promptly from the teletype to the Morse system without interruption of service, while the telephone company has other sources of electric energy upon which it relies. As an aid to navigation, the petitioner furnishes electric energy for the operation of vehicular and railroad bridges across the Saginaw River at Saginaw and Bay City, but these bridges are also equipped for mechanical or steam operation, and failure of electric power would not in any wise impede navigation.

Finally, the record shows that in the area served by the petitioner, there are over 250 private industrial plants which it supplies with either gas or electricity, either totally or in large part dependent upon petitioner's power for the continuation of normal manufacturing operations, and that cessation of petitioner's service would suspend interstate shipments of more than $20,000,000 per annum flowing into Michigan, and more than $65,000,000 per annum moving out of Michigan. Among these industrial plants are the E. I. du Pont de Nemours & Co. plant at Flint and 17 plants of the General Motors Co. Of the latter only two, the Buick and Chevrolet plants in Flint, have auxiliary generating equipment, and these generate but 10 and 20 percent, respectively, of their own requirements. Moreover, a shut-down of the plants dependent upon petitioner would cause a shut-down of the Cadillac and Chevrolet plants of General Motors in Detroit, and its Oldsmobile plant in Lansing, which, while not supplied with electric energy by the petitioner, yet depend entirely upon the Saginaw and Flint plants for parts. Not only are the General Motors plants in Michigan so dependent, but its assembly plants in 13 other States would likewise have to cease operations if the Michigan plants became idle through failure of light and power.

Confining ourselves for the moment to that phase of the petitioner's business which involves purchase of fuel and appliances shipped to it from without the State and sold or consumed wholly within the State, to its business in the sale of byproducts outside the State, and to its furnishing of light and power to interstate railroads and bridges spanning navigable streams, and to telegraph and telephone companies, it would seem to be clear, under the reported decisions, that the petitioner is engaged, in a substantial way, in interstate commerce, or that the impact of a labor controversy which shuts down its plants and hydroelectric developments, would substantially and directly affect the flow of interstate commerce into and from the State of Michigan. The petitioner's contention that the interstate railroads, bridges, telegraph and telephone companies would be but momentarily affected, and that its interstate business in byproducts is relatively small even though actually substantial, must, it seems to us, be rejected upon the authority of *N. L. R. B.* v. *Fainblatt* (306 U. S. 601), and *N. L. R. B.* v. *Bradford Dyeing Association* (— U. S. —), decided May 20, 1940. In the first of the references it was said:

"Nor do we think it important, as respondent seems to argue, that the volume of the commerce here involved, though substantial, was relatively small as compared with that in cases arising under the National Labor Relations Act which have hitherto engaged our attention. The power of Congress to regulate interstate commerce is plenary and extends to all such commerce, be it great or small." In the second case the Court rejected the conclusion of the circuit court of appeals that a business in waste products sold in interstate commerce, which did not exceed 1 percent of the total goods processed, was but a mere incident to which the maxim de minimus might be applied.

These activities aside, however, it seems abundantly clear that a stoppage of power supplied to the numerous plants in the great automobile industrial area, which includes Flint, Pontiac, Jackson, and other cities in Michigan, the closing of which would affect other great industries in Detroit and throughout the Nation, establishes the jurisdiction of the Board over the petitioner under the terms of the act. Not only would interstate commerce be affected, but the effect would be as catastrophic as that pointed out in *Consolidated Edison Co. of N. Y. et al.* v. *N. L. R. B.* (95 Fed. (2d) 390, 394 (C. C. A. 2), affirmed 305 U. S. 197). The distinction which the petitioner seeks to make between that case and the present controversy is tenuous. The Commonwealth Edison Co. came within the purview of the National Labor Relations Act, and under the jurisdiction of the Board, not because its customers were instrumentalities of interstate or foreign commerce, but because labor strife, which would curtail its service, would directly and immediately affect commerce. The existence in the present case of an intervening private agency over whom the employer has no authority or control, is of no moment, since it is plain that the effect on commerce would be immediate and, in a realistic sense, direct. The distinction here urged is fanciful, for in its effect upon commerce the business of the petitioner is not insulated by the mere fact that the General Motors Co. and the Du Pont Co. are corporate entities engaged in manufacture rather than in transportation. The effect of labor strife in the petitioner's plants upon the shipment of goods from Flint, Pontiac, and Detroit would be felt immediately, and there is no sound principle by which processing of manufactured goods coming into or leaving the State, as affecting commerce, is to be distinguished from supplying power as an indispensable element in such processing. As was said by the Chief Justice in the Commonwealth Edison case, "In determining the constitutional bounds of the authority conferred, we have applied the well-settled principle that it is the effect upon interstate or foreign commerce, not the source of the injury, which is the criterion."

An added ground for the petitioner's assault upon the jurisdiction of the Board is the alleged inadequacy of the charge which initiated the inquiry, and the inadequacy of the complaint by which the Board sought to apprise it of the unfair labor practices in which it was thought to have engaged. Particularly, it complains of the Board having taken jurisdiction upon a charge failing to conform to its own rules and regulations which (art. II, sec. 4) require that the charge contain the full name and address of the person or labor organization making it, the full name and address of the person against whom the charge is made, and a clear and concise statement of the facts constituting the alleged unfair labor practice affecting commerce, with the names of the individuals involved, and the time and place of occurrence. It asserts that the charge accuses it of the violation of section 8 (1), (2), (3) of the act, but in the general language of the statute, with an additional paragraph which charges that it dominated and interfered with the formation and administration of the Independent Power Employees Association, and that the complaint subsequently issued by the Board, while more elaborate in form, merely charges the petitioner with violation of the act. It asserts that not at any time was it furnished with specific bases either for the charge or the complaint until proposed findings of fact and conclusions of law were served upon it after the termination of the hearing.

It is to be noted, in this connection, that the unions with members among the employees of the petitioner, were the United Electric Radio and Machine Workers of America, and its successor the Utility Workers Organizing Committee, affiliated with the C. I. O.; the International Brotherhood of Electrical Workers, affiliated with the American Federation of Labor, and later, the Independent Power Employees Association, organized by the petitioner's employees, and having no affiliation. The charge was lodged with the Board on February 2, 1938, by the C. I. O. affiliate, and accuses the petitioner of interfering with, restraining, and coercing its employees in the exercise of rights to self-organization, to bargain collectively through

representatives of their own choosing, and to engage in concerted activities for purpose of collective bargaining, mutual aid and protection, and accuses it of dominating and interfering with the formation and administration of the independent, the domination and interference consisting of acts restraining the employees' freedom of choice, and the form or character of representation, forcing upon them the Independent and maintaining control and domination over it, and discriminating in regard to tenure and condition of employment in order to discourage membership in the affiliated unions. The complaint is, however, more specific. It charges that the petitioner, since about April 1, 1937, and down to its date, dominated and interfered with the formation of the Independent by contributing to its support, by making known to its employees hostility to the C. I. O. union, by encouraging membership in the independent; by giving public credit to it for having procured beneficial changes in terms of employment for which the independent was in no way responsible; by discriminating in the tenure of employment of both ordinary and supervisory employees for the purpose of encouraging membership in it and of discouraging membership in other unions; by permitting solicitation of members of the independent on its premises and during working hours; by permitting meetings of the independent on its premises and giving it the use of its automobiles or gasoline for organizational purposes; by favoring its members in the assignment of desirable work and discriminating against others in the assignment of work, and by open surveillance by its executive employees of meetings of the C. I. O. union and threats of discharge or discrimination in the assignment of work, and by other means.

While the hearing ranged over a broad field, the order of the Board now sought to be set aside and on the other hand enforced, goes no further than to direct the petitioner to cease and desist from dominating, interfering, or contributing to the support of the independent, and from interfering with, restraining, or coercing its employees in the exercise of their right to self-organization, or to form, join, or assist labor organizations, or to bargain collectively through representatives of their own choosing and engage in concerted activities for the purpose of collective bargaining, or mutual aid and protection. Its affirmative provisions direct the petitioner to refrain from recognizing the independent in dealings concerning grievances, disputes, rates of pay, hours of employment, or other conditions of work, and direct the petitioner to post and maintain, for a period, the usual and appropriate notices. Whatever may have been the scope of the inquiry, the order is not broader than the complaint.

Under section 10 (a) of the National Labor Relations Act, no complaint may be issued by the Board until there has been a charge that some person has engaged, or is engaging, in an unfair labor practice affecting commerce. The filing of a charge is therefore jurisdictional. This means no more, however, than that the Board is without power to initiate a complaint upon its own motion, but must await the filing of a charge before its powers are exercised. The act contains no specification of what constitutes a proper charge, save that it shall state that the respondent has engaged or is engaging in any unfair labor practices affecting commerce. It would seem clear, therefore, that the provisions of article II, section 4, of the Board's rules and regulations, are for the information of the Board, to apprise it of the nature of the unfair labor practices alleged with sufficient particularity to enable it to determine that the charges are substantial and not frivolous, and so that it may enter intelligently upon the exercise of its exploratory powers. We must keep in mind that the statutory powers of the Board include not only the conduct of hearings and the entry of cease and desist orders, but preliminary investigatory authority necessary to a determination of the substantial character of the charge and to the formulation and issue of a complaint. There has been no lack of due process in failure of the charge to particularize specific acts as constituting unfair labor practices, when the complaint fairly apprises the respondent of acts alleged to do so. In considering the sufficiency of the complaint in that respect it is necessary to bear in mind that the nature of the proceeding is not punitive but preventive and in the interest of the general public. *N. L. R. B.* v. *Piqua Munising Wood Product Co.* (109 Fed. (2d) 552, 557 (C. C. A. 6)). It does not require the particularity of pleading in an indictment, declaration at law, or a bill in equity, for no security against double jeopardy or principle of res judicata commands the utmost of precision. Matters of evidence need not be recited in the complaint and a detailed knowledge of the Board's case in advance "is of slight value in a trial by hearings at intervals." *N. L. R. B.* v. *Remington-Rand, Inc.* (94 Fed. (2d), 862, 873 (C. C. A. 2)). We are of the opinion that the charge was sufficient to confer jurisdiction and the complaint adequate fairly to apprise the petitioner of the unfair labor practices therein charged and to sustain the Board's remedial order. There was jurisdiction of the controversy.

We are unable to perceive substantial merit in the petitioner's grievance at the union being permitted to participate in the proceeding through its counsel, or in its complaint that the conduct of the hearing was improperly delegated by the trial examiner to persons and agencies unknown to the petitioner, by the announced determination of the examiner to request a ruling upon debatable points from "Washington." Section 10 (b) of the act provides that persons other than the respondent may be allowed to intervene in the proceedings and to present testimony in the discretion of the member, agent, or agency conducting the hearing. The Board's rules and regulations (article II, § 19) provide for formal intervention, but article II, § 25, provides that any party shall have the right to appear at such hearing in person, by counsel, or otherwise, to call, examine, and cross-examine witnesses, and to introduce into the record documentary or other evidence. The report of the examiner is merely a recommendation subject to review by the Board, and it is the Board's findings and order that are here in issue, and not the examiner's recommendation. If the findings are supported by substantial evidence and sustain the order, it becomes our duty to direct enforcement. It is not contended that the Board, in making its findings, was in any way influenced, coerced, or intimidated by improper conduct of the union's counsel at the examination. We find nothing in *Amalgamated Utility Workers* v. *Consolidated Edison Co.*, supra, or in *National Licorice Co.* v. *N. L. R. B.* (60 S. Ct. 569) in conflict with the view herein expressed.

When the trial examiner indicated his intention to ask for instructions from Washington, the inference was, of course, inescapable that he desired instructions from the Board. His announced purpose was to save possible reversal upon questions which had never before been brought to his attention. We are unable to perceive in this announcement or in the practice anything prejudicial to the petitioner or in denial of due process.

We come finally to the contention most strongly urged as ground for setting aside the Board's order, that there was lack of substantial evidence to support findings of interference with or coercion of employees in the exercise of rights guaranteed in section 7 of the act, or to support findings that the petitioner dominated the independent contrary to the provisions of section 8 (2). It may be conceded at the outset, that many specific findings of fact to be culled from the discursive decision of the Board, are unsupported otherwise than by surmise, suspicion, or guess, as condemned by us in *N. L. R. B.* v. *Empire Furniture Corporation*, 107 Fed. (2d) 92. But with these eliminated there remain findings of coercion and domination based upon substantial evidence which support the decision and order of the Board. No purpose will be served by detailed review of the voluminous record made at the hearing. The investigation went far afield and much that is irrelevant and unimportant is incorporated, while unnecessary latitude was undoubtedly permitted the union attorney in his examination and cross-examination of witnesses. There remains, nevertheless, substantial evidence that Markle, an important supervisory employee, in charge of more than 20 line crews operating within the Jackson division comprising some 300 men, went far beyond the bounds of that strict neutrality asserted to be the petitioner's labor policy, in coercing employees to refrain from membership in the union, and in disciplining union organizers by transfers to undesirable work in the so-called pole yard. It is not necessary at this time to consider whether Markle's antiunion utterances transcended the limits of free speech, constitutionally guaranteed, for Markle's intimidation and disciplinary measures were not mere expressions of opinion. Likewise is it unnecessary to consider whether foremen in charge of single line crews of 1 to 10 men, are such supervisory employees that their antiunion acts may reasonably be attributable to the employer. Markle had much higher authority and was of much greater importance in the petitioner's organization than such line foremen, and so perhaps were others.

It may well be, as contended by the petitioner, that its officers took seemingly appropriate steps to suppress the antiunion activities of Markle, and that they endeavored, in the utmost of good faith, to be wholly impartial with respect to union organization and to redress grievances as soon as they were apprehended. The National Labor Relations Act, however, empowers the Board to protect employees in their right to organize and select representative bargaining agencies when such rights have been invaded, and we are unable to say, as a matter of law, that the Board should have relied upon the continued neutrality and impartiality of the petitioner for the protection of such rights, once there was substantial evidence that they had been overridden.

The contention that the several antiunion acts of Markle, and other supervisors amounting to intimidation, were not authorized and were beyond the scope of authority entrusted to these men must be rejected, not necessarily upon a strict application of the doctrine of respondeat superior as it has been applied in private controversies arising out of tort or contract. It has repeatedly been noted that the National Labor Relations Act contemplates the protection of the public rights which it creates and defines, and that its power to command affirmative action is remedial and not punitive. *National Licorice Co.* v. *N. L. R. B., supra; Consolidated Edison Co.* v. *N. L. R. B., supra.* As said by us in *N. L. R. B.* v. *Colton*, 105 Fed. (2d) 179: "The nature of regulatory statutes of the class here considered, and the scope and purpose of administrative orders made in exercise of powers conferred by such legislation, are to implement a public, social, or economic policy not primarily concerned with private rights, and through remedies not only unknown to the common law, but often in derogation of it." See also *Agwilines, Inc.* v. *N. L. R. B.*, 87 Fed. (2d) 146, 150 (C. C. A. 5).

It would seem to us, in view of the public rights involved and the remedial nature of the proceeding designed for their preservation and protection, that acts of coercion and intimidation by supervisory employees may be restrained and their resumption interdicted by appropriate action of the Board, even in the absence of clear demonstration of prior authorization or subsequent ratification, at least where the circumstances are such as to induce in subordinate employees a reasonable apprehension that the acts condemned reflect the policy of the employer. The right freely to organize without coercion or intimidation, is an empty one unless there is authority under the statutory scheme to safeguard it, and the necessity for doing so calls for more appropriate action by the employer than mere declarations of neutrality and impar-

tiality, even though in good faith proclaimed. Further than that we need not go for purposes of present decision.

The evidence in respect to alleged domination of the independent is not so clear as is that of attempted coercion by Markle of the union members by means of disciplinary transfers, and much that is sinister has been read into acts that might well have been perfectly innocent and conform to petitioner's reiterated policy of neutrality and impartiality. It must be considered, however, in relation to intimidation of union men definitely ascertained, and the failure of supervisory employees to make disciplinary transfers of officials of the independent similar to those made of officials and organizers of the union. So considered, there is room for reasonable inference that the petitioner was tolerant of the one organization in proportion as it was intolerant of the other. Whether the court would draw that inference from the established facts, is unimportant. It is sufficient if it be an inference permissible to the Board, and if so the finding must be sustained, whatever may be our own impression of the persuasiveness of the evidence.

In view of the broad authority given by the act to the National Labor Relations Board to take evidence and make findings of fact unfettered by the strict rules that govern judicial inquiry, and in view of the liberality accorded to its concept of substantial evidence and reasonable inference in the more recent cases, including *Consolidated Edison Co.* v. *N. L. R. B., supra; Natl. Licorice Co.* v. *N. L. R. B.,* supra; and *N. L. R. B.* v. *Bradford Dyeing Association, supra,* we are constrained to hold that there are findings of the Board supported by substantial evidence which sustain its order.

The petition to review is overruled and a decree may be entered for enforcement.

[United States of America. Before the National Labor Relations Board. In the Matter of Alabama Power Co. and International Brotherhood of Electrical Workers. Case No. C–1127.—Decided December 22, 1939]

Electric-utility industry—interference, restraint, and coercion: Antiunion statements by supervisors—Company-dominated unions: Interference with, domination and support of; independent union held successor of two employees associations; first employees association formed by company; second employees association formed with the company's assistance—Check-off: Held assistance to employees association—Remedy: Company ordered to disestablish second employees association, order not to affect accident, health, and hospitalization insurance program; to refrain from recognizing independent union; company ordered to return to employees dues checked off.

Mr. Samuel Lang and Mr. C. Paul Barker, for the Board.

Martin, Turner and McWhorter, by Mr. Hobart A. McWhorter and Mr. P. W. Turner, of Birmingham, Ala., for the respondent.

Mr. O. A. Walker, of Birmingham, Ala., and Mr. James Preston, of Washington, D. C., for the I. B. E. W.

Miss Carol Agger, of counsel to the Board.

DECISION AND ORDER

STATEMENT OF THE CASE

Upon charges and amended charges duly filed by the International Brotherhood of Electrical Workers, herein called the I. B. E. W., the National Labor Relations Board, herein called the Board, by the regional director for the fifteenth region (New Orleans, La.), issued its complaint and notice of hearing dated September 12, 1938, against Alabama Power Co., Birmingham, Ala., herein called the respondent, alleging that the respondent had engaged in and was engaging in unfair labor practices affecting commerce within the meaning of section 8 (1) and (2) and section 2 (6) and (7) of the National Labor Relations Act (49 Stat. 449), herein called the act. The complaint, as amended, contained certain allegations concerning the nature of the respondent's business and, in respect to unfair labor practices, alleged in substance that on or about July 30, 1934, the respondent originated a plan of employee representation, named the Alabama Power Employees' Representation Association, herein the representation association, and from July 30, 1934, up through August 1935, dominated and interfered with the administration of the representation association and contributed financial and other support thereto; that in May, June, July, or August 1935 the respondent assisted in the formation of a labor organization known as Alabama Power Co. Employees' Association, herein called the employees' association, and has at all times since dominated and interfered with its administration, and has contributed financial and other support thereto; that the respondent by pay-roll check-offs has collected dues in excess of $10,000, in behalf of the employees' association; that on or about July 23, 1938, the respondent assisted in the formation of a labor organization called the Independent Union of Alabama Power Employees, Inc., herein called the independent, and has at all times since that date dominated and interfered with its administration and has contributed financial and other support thereto; and that between July 5, 1935, and September 1, 1938, the respondent has discouraged membership of its employees in the I. B. E. W. in a number of ways specified in the complaint and by other acts and conduct. The complaint, and amendments thereto, and the notice of hearing were duly served upon the respondent and the I. B. E. W.

On September 27, 1938, the respondent filed a motion to dismiss the proceedings on the grounds that the complaint failed to set forth facts to show that the Board had jurisdiction to entertain the proceedings; that the facts set forth in the complaint were insufficient to show that the respondent had dominated or interfered with the three labor organizations, or that the respondent had interfered with, restrained, or coerced its employees; that the act is null and void because it deprives the respondent of its property without due process of law contrary to the provisions of the fifth amendment to the United States Constitution in that the act exempts from its operation power systems similar to the respondent's which are operated by political bodies; and that the charge upon which the complaint is based is deficient in that it does not state the address of the labor organization making the charge, the names of the individuals involved, and the time and place of occurrence.[1]

On September 27, 1937, the respondent filed an answer to the complaint as amended, and on November 28, 1938, filed a further answer to an amendment to the complaint which was made during the hearing. The respondent in its answers, without waiving its motion to dismiss, admitted that it assisted in the formation of the representation association and made financial contributions thereto from July 30, 1934, to July 5, 1935, but denied it dominated or interfered with the representation association; denied that it assisted in the formation of the employees' association or dominated or interfered with its administration or contributed support thereto, but stated that some meetings of the employees' association may have been held upon the respondent's property without its express approval or disapproval; stated that upon the basis of individual authorizations it deducted $7,115.40 from the salary due its employees and has paid the same to the employees' association; denied that it dominated, interfered with, or assisted in the formation or administration of the independent; and denied that it had interfered with, restrained, or coerced its employees in the exercise of the rights guaranteed by section 7 of the act and alleged that if any supervisory employees have participated in acts resulting in interference, restraint, or coercion of the employees, such participation was beyond the scope of their authority and in violation of instructions.

After several postponements, notices of which were served upon the parties, the hearing opened in Birmingham, Ala., on November 3, 1938, before D. Lacy McBryde, the trial examiner duly designated by the Board, and closed on December 7, 1938.

The Board and the respondent were represented by counsel and the I. B. E. W. by an international representative. At the beginning of the hearing the independent moved to intervene in the proceedings. This motion was denied by the trial examiner. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. At the beginning of the hearing, at the conclusion of the Board's case, and at the end of the hearing, the respondent renewed its previously filed motion to dismiss the proceedings. The trial examiner denied the motion on the first occasion and reserved ruling upon the second two occasions. The motion is hereby denied. The trial examiner also ruled upon a number of other motions and objections to the admission of evidence during the course of the hearing. The Board has reviewed all the rulings of the trial examiner and finds that no prejudicial errors were committed. The rulings are hereby affirmed.

On January 17, 1939, the trial examiner issued his intermediate report finding that the respondent had engaged in and was engaging in unfair-labor practices within the meaning of section 8 (1) and (2) and section 2 (6) and (7) of the act. He recommended that the respondent cease and desist from interfering with, restraining or coercing its employees in the exercise of their rights to self-organization, to form, join, or assist the I. B. E. W. or any other labor organization, to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection; that the respondent cease and desist from dominating or interfering with the formation and administration of the representation association, the employees' association, the independent, or any other labor organization, and from contributing financial or other support thereto; and that the respondent withdraw all recognition from the independent as representative of its employees for the purpose of dealing with the respondent concerning grievances, labor disputes, wages, rates of pay, hours of employment, and other conditions of employment and completely disestablish the independent as such representative.

On January 27, 1939, the respondent filed its exceptions to the intermediate report and on March 8, 1939, it filed a brief in support thereof in which it again renewed its motion to dismiss the complaint. On March 11, 1939, the I. B. E. W. filed a brief. Pursuant to notice, a hearing for the purpose of oral argument on the exceptions was held before the Board at Washington, D. C., on September 14, 1939, in which the respondent and the I. B. E. W. participated.

The Board has considered the exceptions to the intermediate report and, except insofar as they are consistent with the findings, conclusions, and order set forth below, finds them to be without merit.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE RESPONDENT

Alabama Power Co., the respondent, is an Alabama corporation having its principal place of business in Attalla, Ala. Ninety percent of its voting stock is owned by the Commonwealth & Southern Corporation, a Delaware corporation. It is engaged chiefly in the business of generating, selling, and distributing electrical energy for lighting, power, and other purposes.

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[1] This motion was renewed before the trial examiner at the beginning of the hearing and is ruled on below.

The respondent as the principal supplier of power in the State of Alabama

At the end of 1937, the respondent was supplying power either directly or indirectly to 672 communities in 64 of the 67 counties of the State of Alabama, including the cities of Mobile, Birmingham, Montgomery, Gadsden, and Anniston; there being a total of over 226,000 customers whose power requirements were being met by the respondent.[2] The respondent is the sole supplier of electrical energy to well over half the area of the State of Alabama, some portions being served by cooperatives, municipal systems, and about 8 other private utilities. Of these private utilities, the Birmingham Electric Co., which serves the city of Birmingham and vicinity, generated no power at all during the year 1937, and obtained its total supply from the respondent, which is its ordinary practice. The respondent also supplies power in substantial amounts to 4 other private utilities which operate in the State of Alabama.[3]

The cooperatives and municipal systems, which serve a comparatively small portion of the State, are supplied with electrical energy either by the respondent, by the Tennessee Valley Authority or by their own plants. The Tennessee Valley Authority supplies power to about 14 municipalities and to a few small towns. The record does not disclose how many of the municipal systems and cooperatives purchase power from the respondent.

In addition to this business the respondent buys and distributes a small amount of gas to consumers in the vicinity of Phenix City, Ala., operates a local bus system serving the city of Huntsville, Ala., and vicinity, and a street-railway system serving the city of Tuscaloosa, Ala., and vicinity.

The respondent's transmission and receipt of power across State lines

The respondent owns and operates six hydroelectric plants and seven steam plants in the State of Alabama at which all the respondent's electricity is generated. The respondent also owns and operates substations and transmission lines in the State of Alabama for the distribution of the electricity generated at the various plants. A number of these transmission and distribution lines are connected at the borders of the State of Alabama with the transmission and distribution lines of the Georgia Power Co., the Gulf Power Co., the Southern Tennessee Power Co., and the Mississippi Power Co.[4] The only break in these transmission lines at the State border is in ownership; the lines continue unbroken in a physical sense. The respondent, in selling to and exchanging power with these companies, delivers power to and receives power from them which is metered at the Alabama border.[5] During the year 1937, the respondent delivered approximately 20 percent of the total amount of energy produced by it to the above-named companies for use in States other than the State of Alabama. In its annual report to the Federal Power Commission for the year ended December 31, 1937, the respondent summarized its sale and interchange of power with other utility companies as follows:

Name of company	Kilowatt-hours, total deliveries, and receipts[1]	
	Received	Delivered
Mississippi Power Co	71,440	147,065,487
Gulf Power Co		44,717,122
Georgia Power Co	79,571,158	340,795,220
Tennessee Electric Power Co.[2]	2,332,000	98,977,907

[1] These figures include both sales and exchanges. The respondent's report breaks them down into the two elements, sales and exchanges of power, as well as reporting the total deliveries and receipts.

[2] 99 percent of the common stock of the Tennessee Electric Power Co. is owned by the Commonwealth & Southern Corporation. It is noted that the responded in its answer refers to deliveries to the Southern Tennessee Power Co., but does not report any deliveries to this company in its annual report. However, in the registration statement filed with the Securities and Exchange Commission, the Commonwealth & Southern Corporation explains that the Southern Tennessee Power Co., a wholly owned subsidiary of the Commonwealth & Southern Corporation, owns the transmission line over which is transmitted electrical energy purchased by the Tennessee Electric Power Co. from the respondent. It therefore appears that deliveries to the Southern Tennessee Power Co. were for the use of the Tennessee Electric Power Co. and are reported in the above table as deliveries to the latter.

[2] In the year 1937 the respondent sold 111,405,455 kilowatt-hours for residential and domestic use, 20,440,284 kilowatt-hours for rural use, 1,031,508,588 kilowatt-hours for commercial and industrial use, and 7,319,255 kilowatt-hours for street and highway lighting.

[3] Three of these companies, the Baldwin County Power Co., Tallassee Mills Utilities Co., and the Tuskegee Light & Power Co., generated no current by their own facilities during 1937, and purchased from the respondent, respectively, 639,000, 3,525,797, and 4,016,400 kilowatt-hours.

[4] The Commonwealth & Southern Corporation owns all the common stock of these companies. These companies are in turn interconnected with other companies with the result that the respondent is frequently a part of an interconnected system extending as far as Ohio.

[5] The respondent owns no transmission lines outside the State of Alabama.

The annual reports for the same year to the Federal Power Commission of these four companies show that a substantial portion of the total power used by them during the year 1937 was received from the respondent.[6]

The respondent urges in its brief that this delivery of power to other utility companies at the State line is incidental to its main business and that in all but two instances was a sale of surplus power upon the basis of "when, as, and if available" and that a cessation of power supply from the respondent would not affect the free flow of commerce in the States served by the four above companies since they have other sources of power within their respective States sufficient to supply their demands. While it may be that the respondent views such deliveries as "incidental" deliveries of surplus power, it is noted that approximately 20 percent of the total power generated by the respondent in 1937 was delivered to the companies providing services in other States. It further appears from the record that these deliveries are a continuing characteristic of the respondent's business.[7] Thus the respondent has delivered and received a substantial amount of energy, which moves across State lines, for a number of years, and the record does not disclose that this practice has ceased. It is immaterial that the respondent is not legally bound to make all these deliveries in the absence of a surplus.

The respondent, by its contention that the free flow of commerce would not be affected by a cessation of its operations because the four companies have other sources of power available, may intend to urge either or both of two contentions: (1) That the sale and interchange of power at the border does not result in a movement across State lines within the meaning of "commerce" as it is defined in the act since no material thing moves; or (2) that such cessation would not hamper the interstate activities of the customers of the four companies since their needs could be met by the companies in other ways. We think it clear that the delivery of power at the Alabama border into the connecting lines of the four utility companies does result in the movement of power across State lines and

[6] The report shows:

Company	Power generated kw-h.	Power purchased and interchanged (in gross) kw-h.
Gulf Power Co	48,604	52,372,872 (44,717,122 from the respondent).
Mississippi Power Co	23,990,511	151,654,287 (147,065,487 from the respondent).
Georgia Power Co	1,502,636,635	475,182,440 (340,795,220 from the respondent).
Tennessee Electric Power Co.	927,935,507	226,689,680 (98,877,907 from the respondent).

[7] The respondent's report to the Federal Power Commission for July 1938, entitled "Report of Movement of Electrical Energy Across State Lines," discloses receipts and deliveries as follows:

Name of company in adjoining State	Kilowatt-hours	
	Received	Delivered
Mississippi Power Co	5,780	14,175,438
Gulf Power Co		3,804,930
Georgia Power Co	6,299,228	29,616,486
Tennessee Electric Power Co	3,200	5,184,930
Grand total	6,308,208	52,781,784

The respondent summarized its deliveries and receipts of power for the years 1934, 1935, and 1936 as follows:

	1936		1935	
	Delivered kw-h.	Received kw-h.	Delivered kw-h.	Received kw-h.
Georgia Power Co	379,027,294	81,673,568	380,173,760	58,419,032
Tennessee Electric Power Co	46,752,602	59,400	8,426,400	50,200
Mississippi Power Co	135,149,714	6,228	110,251,273	8,000
Gulf Power Co	37,216,947		29,888,448	

	1934	
	Delivered kw-h.	Received kw-h.
Georgia Power Co	851,777,428	76,278,448
Tennessee Electric Power Co	14,183,200	632,400
Mississippi Power Co	92,785,203	97,772
Gulf Power Co	27,819,689	

that this is commerce within the meaning of the act, even though the precise nature of the movement cannot be fully explained.[8] The second possible contention is also without merit. It appears from the record that the four utility companies could not completely and immediately meet the demands of their customers. The Georgia Power Co. could take care of its "essential load" only by dropping one of its large secondary customers. If the cessation of the respondent's operations took place at a time when the load levels were high and the weather dry, the companies would require a number of hours to "bring in" their reserve steam plants. In any event the diversion of interstate commerce from the respondent to other suppliers would itself suffice to establish the relation of the respondent's operations to the flow of interstate commerce.

The respondent as supplier of power to instrumentalities of interstate commerce

The respondent supplies large amounts of electrical energy at a number of different points to the principal interstate railroads running in and out of Alabama carrying mail, passengers, and freight in and out of the State.[9] These railroads use electric power for a number of purposes, including the lighting of offices, stations, telegraphic offices, and interlocking towers, and the operation of signals which govern the movement of trains, the machinery in the shops, locomotive turntables, and to some extent for the operation of grain elevators and coal conveyors. The present normal operations of the railroads are dependent upon electric power. Certain make-shifts[10] could be employed to continue their operations should the power be cut off, although their employment would result in slowing the railroads' activities.

The respondent also supplies large quantities of electricity to the Southern Bell Telephone & Telegraph Co. at a number of points in the latter's system.[11] This company supplies telephone service to the whole State of Alabama except the extreme southeastern portion, and its system is connected with systems serving other States and foreign countries and with ships at sea by means of radio telephone. It also supplies teletypewriter services to the Associated Press, the United Press, sundry newspapers, radio stations,[12] and stockholders[13] and furnishes facilities to carry radio programs originating at New York City or Chicago from the central network stations to stations associated with the network.[14] The primary use to which the Southern Bell Telephone & Telegraph Co. puts electrical energy is the charging of storage batteries which supply the power to the telephone system. It also uses power for lights, for running various calculating machines, ringing machines, and for operating teletypewriter machines. If the electric power over the State were shut off, the Southern Bell Telephone & Telegraph Co. could operate its telephone service until the storage batteries ran down, a period of from 24 to 48 hours, and after that would have to obtain emergency equipment at those exchanges where it had no emergency generating systems. This would require considerable time and expense.

The respondent furnishes electric power to the three principal airports in Alabama, which are located at Birmingham,[15] Mobile, and Montgomery, and for the United States Army airport at Montgomery. These airports are used as stopping places for several airlines on interstate journeys where freight, mail, and passengers are picked up and discharged. At the airports, electricity is used to operate radio beams to allow instrument flying, boundary lights, beacons, and floodlights, all of which are essential for the safety of planes landing at night.

The respondent also supplies power to bus and trucking companies, United States post offices, and other United States Government offices and facilities including the United States Lighthouse Department and the Inland Waterways Corporation, the Western Union Co., Postal Telegraph Co., numerous newspapers, Railway Express Agency, Federal Barge Lines, a number of radio stations, railroads other than those above mentioned, warehouses at the State docks at Mobile, the cold-storage plant operated by the State Docks Commission, the State and municipal docks at Mobile, and to the coaling station for ships at Mobile.

The respondent as supplier of power to industries engaged in interstate commerce

Answers to questionnaires submitted to industrial concerns located in Alabama, and introduced pursuant to a stipulation between the Board and the respondent that such answers should be considered as though given by duly qualified witnesses,[16] indicate that at least 49 industrial concerns, which do a substantial interstate business, are wholly or almost wholly dependent upon power supplied by the respondent for their normal operation.[17]

The respondent contends that the contribution of these concerns to interstate commerce is "relatively small and lacks those elements of importance to commerce which would make applicable the principles laid down in the Consolidated Edison case."[18] Even if this were a material consideration,[19] there are, as we have pointed out, a large number of industrial concerns dependent upon the respondent for power to carry on their normal operations. Some of these concerns make a very large contribution to interstate commerce. We consider the respondent's contention to be without merit.

From the foregoing it is evident, and we find, that the respondent is the principal supplier of electrical energy in the State of Alabama; that it transmits and receives substantial quantities of power across State lines; that it supplies large amounts of power to instrumentalities of interstate commerce and to industries engaged in interstate commerce; that the normal operation of these instrumentalities and industries is dependent upon power supplied by it; and that a labor dispute between the respondent and its employees which resulted in the interruption of the respondent's operations would affect the flow of large amounts of electrical energy across State lines, and would seriously hamper, and in some cases paralyze, the operations of railroads, telephones, and other instrumentalities of interstate commerce and the operations of various industries engaged in interstate commerce.

II. THE ORGANIZATIONS INVOLVED

The International Brotherhood of Electrical Workers is a labor organization affiliated with the American Federation of Labor, admitting to membership all employees in the respondent's production and distribution departments and power plants except office employees, general foremen, supervisory employees ranking higher than general foremen, and superintendents of hydroelectric and steam plants.

Alabama Power Co. Employees' Representation Association was an unaffiliated labor organization, admitting to membership all employees of the respondent who had been employed by the respondent for at least 60 days, except employees identified with the management of the respondent, such as executive officers, general office department heads and assistants, division managers, managers of districts serving more than 1,000 customers, division superintendents and assistants, district superintendents, division sales supervisors, division auditors, district auditors, chief load dispatcher, plant superintendents and assistants, shop superintendents, and general foremen.

Alabama Power Employees' Association is an unaffiliated labor organization with a membership eligibility rule identical with that of the representation association, set forth above.

Independent Union of Alabama Power Employees, Inc., is an incorporated, unaffiliated labor organization, admitting to membership all the respondent's regular employees except those identified with the management, such as executive officers, general office department heads, division managers, managers of districts serving more than 1,000 customers, division superintendents, shop superintendents, and general foremen, and those employees holding

[8] E. W. Robinson, the respondent's vice president in charge of operations, testified that all the interconnected systems feed power into what is in effect one system when they are all generating power and that it is impossible to ascertain the source of a particular unit of energy. As a result of the connection of the respondent's lines with those of the other companies, the respondent's facilities would automatically supply more power to the other companies if some break-down should occur in their generating facilities.

[9] Southern Ry. Co.; Seaboard Airline Ry. Co.; Central of Georgia Ry. Co.; Atlanta, Birmingham & Coast Ry. Co.; L. & N. Ry. Co.; Tennessee, Alabama, & Georgia Ry. Co.; Alabama Great Southern Ry. Co.; St. Louis & San Francisco Ry. Co.; Mobile & Ohio R. R. Co.; Gulf, Mobile & Northern Ry. Co.; Illinois Central R. R.; Atlantic Coast Line Ry. Co.; and Western Ry. of Alabama.

[10] For example, the orders for train movements would have to be sent over commercial lines instead of the railroads' own telephone systems. The effect of the cessation of the power supply upon commercial telephone system is discussed below.

[11] The Southern Bell Telephone & Telegraph Co. buys power from municipal systems in the towns of Sheffield, Tuscumbia, Florence, Athens, Guntersville, Dothan, and Sylacauga.

[12] Radio stations use the teletypewriter to communicate with central network stations outside the State of Alabama.

[13] Stockbrokers use the teletypewriters to take and transmit quotations and orders, ordinarily to and from points outside the State of Alabama.

[14] One or more radio stations located in each of the cities of Birmingham, Montgomery, and Mobile, Ala., have connections with and broadcast the programs of national radio networks.

[15] The Birmingham Electric Co. supplies power to the Birmingham Airport. We have found above that the Birmingham Electric Co. ordinarily procures all the electricity distributed by it from the respondent.

[16] The respondent did not waive its objection to the materiality of such testimony by entering into the stipulation.

[17] Included among these plants are: Goodyear Tire & Rubber Co., of Alabama; Pepperell Manufacturing Co.; Nestles Milk Products, Inc.; Bemis Bros. Bag Co.; E. I. du Pont de Nemours & Co.; and many textile mills and coal mines. Other concerns, not so included, such as the Republic Steel Corporation and the Sloss-Sheffield Steel & Iron Co. ordinarily rely upon the respondent's power but have substitute or supplementary sources of power available to them.

[18] *Consolidated Edison Co. et al.* v. *National Labor Relations Board et al.* (305 U. S. 197).

[19] "* * * we can perceive no basis for inferring any intention of Congress to make the operation of the act depend on any particular volume of commerce affected more than that to which courts would apply the maxim de minimus." *National Labor Relations Board* v. *Fainblatt et al.* (306 U. S. 601).

equivalent or higher titles or positions with authority to hire and discharge.

III. THE UNFAIR LABOR PRACTICES

In our consideration of the unfair labor practices we are met at the outset by the respondent's contention that the Board and the I. B. E. W. are estopped from pressing the charges here involved because two elections have been held at the instance of the I. B. E. W. with knowledge of the respondent's activities with respect to the representation association and the employees' association. The first of these elections was held in 1934 under the auspices of the National Labor Board [20] between the I. B. E. W. and the representation association. Since this election was held pursuant to a law other than that under which these charges are brought, the I. B. E. W. is not estopped from pressing charges even if it then had knowledge of the respondent's activities with respect to the representation association. This Board had nothing to do with the 1934 election and cannot be bound by the acts of another agency which was acting pursuant to the terms of another law.

The second election was held under the auspicies of this Board pursuant to the consent of the I. B. E. W. and the respondent in November and December 1937. The Employees' Association was not on the ballot and took no formal part in the election. The I. B. E. W. was defeated by about 84 votes in this election. While in the interests of the effective administration of the act, the Board may, in its discretion, refuse to issue an order when its agents have previously represented to an employer that if he consents to an election pending charges will not be pressed,[21] the respondent here advances no evidence that any such representations were made. Even where no such representations are made, the Board has refused to consider events occurring prior to a consent election where the union later alleged to be dominated has appeared on the ballot and where the employer, subsequent to the time it consented to the election, has not engaged in unfair labor practices which show a continuity with conduct and attitude prior to such consent.[22] Here the Employees' Association did not appear on the ballot; moreover, as we find below, the respondent continued its unfair labor practices after the election of November 1937 and these practices were a continuation of the unfair labor practices indulged in prior to that time. The Board will therefore, in its discretion, consider evidence relating to unfair labor practices engaged in prior to the election of November 1937. We now consider such evidence.

A. Alabama Power Company Employees' Representation Association

1. The Organization of the Representation Association

Prior to spring 1934 there was no labor organization among the respondent's employees. In about March of that year the I. B. E. W. initiated an organizing campaign, carried on largely by a group of employees who had become interested in the I. B. E. W. The respondent's attitude toward labor organization was by that time already known to at least one of the individuals, J. C. McIntosh, who was active in starting the I. B. E. W. organization. Around the first of the year Superintendent Cox, of Jordan Dam,[23] in handing to McIntosh a letter sent to McIntosh bearing the return address of William Green, of the American Federation of Labor, said, "McIntosh, you realize that the company is opposed to organized labor." McIntosh replied that he was aware of the respondent's attitude, and Cox warned him, "Now, I don't know what is in that letter, but if I am called on for any information as regards organization at this plant, I will have to tell them about this letter." [24]

Late in March or early in April 1934, Superintendent of Production Neeson told McIntosh that the I. B. E. W. could go ahead and complete its organization if it liked but that if it did so there would not be enough men left at Jordan Dam to hold a meeting.[25] A few months later, in June 1934, McIntosh was transferred from his position as clerk at Jordan Dam to a job painting houses at the Gorgas steam plant. Upon his arrival at Gorgas, McIntosh was informed by Superintendent Lineberry that he knew McIntosh was an I. B. E. W. member, that there was no need for labor organization at Gorgas, that the men there would not be interested in the I B. E. W., and that the I. B. E. W. would not be successful on the respondent's properties. Lineberry then introduced McIntosh to Foreman Packer, under whom McIntosh was to work, and warned Packer that McIntosh was "full of I. B. E. W. ideas." [26] At about the same time Superintendent Cox asked R. R. Wade to go to work early one day. When Wade arrived Cox talked to him about the I. B. E. W. and asked him not to join.

During the spring of 1934 James Barry, the respondent's vice president and general manager, was advised by the various division managers [27] that I. B. E. W. organizational activity was going on in certain parts of the respondent's system. On about June 1, 1934, Barry undertook to draft a plan of employee representation with the aid of Vice President Robinson, Superintendent Neeson, and McWhorter, the respondent's general legal adviser. Barry testified that he undertook the preparation of the plan because he had been advised by a number of supervisors that the employees desired a plan of representation for the purposes of collective bargaining,[28] and that the National Industrial Recovery Act had stimulated the employees' interest in collective bargaining. The plan, as drawn by Barry, set up the representation association. The organizational scheme of the representation association may be generally described as an employees' representation plan. Under the plan local departmental councils, such as the accounting department council for the northern division, were to be elected. One councilman was to be elected to these department councils for each 20 members in that department. The councilmen elected as chairmen of each department council made up the division councils.[29] The chairmen of the various division councils made up the general council. The plan provided that each councilman be an employee of 1 year's standing and that he forfeited his office upon his transfer or upon his leaving the respondent's employ. The departmental councils were empowered to negotiate with the respondent concerning matters relating to employees of their respective departments; the division councils were similarly authorized with respect to the employees in the several divisions; and the general council took care of matters of interest beyond the scope of the departmental and division councils.

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[20] Set up in connection with sec. 7 (a) of the National Industrial Recovery Act, 48 Stat. 195. See Public Res. No. 44, 73d Cong., and Executive order of June 29, 1934, pursuant thereto.

[21] See *Matter of Godchaux Sugars, Inc.*, and *Sugar Mill Workers' Union, Locals No. 21177 and No. 2188*, 12 N. L. R. B., No. 67; *Matter of Shenandoah-Dives Mining Co.* and *International Union of Mine, Mill & Smelter Workers, Local No. 26*, 11 N. L. R. B. 885.

[22] See *Matter of Hope Webbing Company* and *Textile Workers Organizing Committee of the C. I. O., Local No. 14*, 14 N. L. R. B., No. 5.

[23] The superintendents of the respondent's various plants are in charge of the plants and personnel generally. They are under the supervision of Production Superintendent Neeson and are themselves superior to the plant foremen, who are sometimes referred to as assistant superintendents. These superintendents, together with division superintendents, are clearly important supervisory officials. Neeson is directly subordinate to Vice President Robinson, in charge of operations.

[24] Cox did not testify. The respondent objected to the admission of this testimony because it was not covered by the complaint and because the incident occurred prior to the effective date of the act. As to the first objection, it is valid only if the respondent was not given an opportunity to rebut the testimony. In this case, however, at the close of the Board's case, the respondent made a motion that the hearing be adjourned for several days in order that the respondent might have time to prepare its defense, and the motion was granted. The respondent had an opportunity to meet the evidence and was given a fair hearing. The objection as to the occurrence of the incident prior to the effective date of the act is without merit since such matters are necessary to an understanding of the background and circumstances surrounding the formation of a labor organization which continued after the effective date of the act and which we find below was the predecessor of another organization which existed for a considerable time after the effective date of the act. (See *N. L. R. B.* v. *Pennsylvania Greyhound Lines, Inc., et al.*, 303 U. S. 261.) During the hearing objections were made to other testimony upon the same grounds. We do not feel it necessary to point out and deal with each of these objections, for in all cases where such testimony is relied upon the above observations apply.

[25] Neeson testified that he did not make such a statement. However, in view of Cox's and other supervisory officials' statements of the respondent's attitude toward labor organizations, we are satisfied that McIntosh's testimony, summarized above, is substantially correct.

[26] Lineberry did not testify.

[27] The respondent, for purposes of administration, has divided its operations into 6 geographical divisions, which are under the direction of the division managers for certain purposes. It also divides its system into functional departments without reference to geographical location, such as the production department, the distribution department, and the like. Neeson, as already noted, is superintendent of the production department.

[28] In about May 1934 Foreman O. L. Heath told Division Manager Hunter that he had been asked to join the I. B. E. W., that he was not particularly interested but that he thought the employees needed some sort of organization, and asked Hunter if the respondent intended to make any response to the employees' demand for organization. Hunter replied that he would take it up with "Birmingham" (the respondent's general offices) and let Heath know. Hunter never advised Heath as to what he had done. At about the same time, Herbert Ross, an employee, was given some I. B. E. W. literature by one Williams and a few days later Superintendents Neeson and Dawkins approached Ross and inquired whether Williams had seen him and what Williams had had to say.

[29] The division councils consisted of the northern division, the eastern division, western division, southern division, southeast division, and Mobile division whch are geographical divisions of the respondent's system. The local departmental councils under these divisions are generally the accounting, distribution, local operations, and service, sales, and transmission departmental councils. In addition to these divisions the plan sets up the general office division with six departmental councils under it, and the production division council. Under the production division council are seven departmental councils, each representing one or more hydroelectric or steam-generating plants.

By the terms of the Barry plan, the reasonable and necessary expenses of the representation association were to be paid by the respondent and no dues or assessments were to be levied until a majority of the employees had so voted at a special election. The plan made no provision for regular general membership meetings, although such meetings could be called locally by the departmental councils, divisionally by the division councils, and generally by the general council. In addition, divisional meetings or general membership (by divisions) meetings could be called by membership petitions bearing the signatures of 20 percent of all members in the division and in the representation association, respectively.

The plan also makes provision for the arbitration of disputes with the consent of the general council and the management. The plan was to take effect upon the vote of a majority of the eligible employees.

About July 30, 1934, Barry had packages of mimeographed copies of the plan, together with a letter from himself to the employees,[30] sent in bundles to the various divisions and district offices to be distributed to the employees. The plan was presented to the employees by the various superintendents and supervisors. At the Gorgas steam plant, Superintendent Lineberry presented the plan to the employees and informed them that he did not think the men needed "any form of damn organization." He explained that he had attended a superintendents' meeting where Barry had discussed the plan, and had told Barry that if the respondent would restore the Christmas bonus and give the employees a 10-percent wage increase, he, Lineberry, thought the agitation among the employees would stop. He further stated that Barry had said that the respondent would have to give the employees some form of organization.

On August 9, 1934, an election was held in which the employees were to indicate whether they wanted to be represented as proposed by the Barry plan. This took place on the respondent's property during working hours. The majority of all the employees voted to accept the Barry plan. At the magazine plant and in the production department[31] generally, however, the vote resulted in the defeat of the plan. Superintendent Ames of the magazine plant then suggested to U. L. Gibson, an employee, that the plan should be given a trial to see whether the men could not obtain the results they desired through the plan and that Gibson present the matter to the other employees of the plant in that way. The plan was then resubmitted to the men and on the second vote they voted in favor of the plan. There was no resubmission of the plan to the production department generally.

Shortly after the election Foreman Pledger of the Gorgas plant informed the employees that Superintendent Lineberry wanted to see them in front of the office. When the men had assembled, Lineberry announced the results of the election and said that the result was not as favorable as he thought it should be; that he thought that Superintendent Neeson did not deserve the slap he had received in the vote; and that if the employees could not see the matter the way the respondent saw it, he would work with them for 6 months or perhaps a year or two, but if they could not come around to the respondent's view they could seek work elsewhere.[32] Thereafter most of the men present at the meeting joined the representation association.

Membership in the representation association was evidenced by the employees' signatures to a document stating that those signing chose to become members. In at least two plants the superintendent took the document to employees who had not signed and inquired if they wished to join.[33] One of these superintendents, Dawkins, told an employee that it would look bad for his plant if the men did not join. One employee, Heath, who was at that time a foreman in the distribution department, did not join the representation association. He was called into Superintendent Hulbert's office and was questioned by Hulbert about his attitude toward the representation association. Heath said that he did not care to join. According to Heath, Hulbert then spoke of the I. B. E. W. and said, "We didn't need a bunch of northerners to come down here and tell us southern people how to run our business, and that we didn't need that organization, and asked me which side I was on, the respondent's side" or the side of the I. B. E. W.; and warned Heath that if he did not drop out of the I. B. E. W. and join the representation association he would jeopardize his job with the respondent.[34]

Superintendent Hollis of Mitchell Dam also continued to make the respondent's attitude toward the I. B. E. W. clear to the employees during the period when the representation association was being organized. On one occasion, when Hollis was away, McRae and seven other employees at Mitchell Dam joined the I. B. E. W. On Hollis' return he was told by the plant foreman that as soon as he had left 8 or 10 men had joined the I. B. E. W. Hollis called these men into his office one by one. According to McRae, Hollis told him at his interview that the men had made a "terrible mistake"; that they would not have joined the I. B. E. W. if Hollis had been there; and that the respondent was like a sturdy boat which had carried them through the depression, and the men had jumped off into a frail craft, the I. B. E. W., and it would probably sink with them.[35]

Departmental councilmen were elected in August 1934. The chairmen of the departmental councils which made up the division councils and the chairmen of the division councils who made up the general council were elected shortly thereafter, and the organization of the representation association was complete.

While it is clear that the foregoing events, and other events recited below, taking place prior to July 5, 1935, did not themselves constitute violations of the act, they reveal the respondent's course of conduct over a period of years, the effects of which continued well beyond the effective date of the act. As a result, such events supply the necessary background against which subsequent events may be more accurately evaluated.

2. The Representation Association From September 1934 to August 20, 1935, and the Organization of the Employees' Association

The first production division council meeting was held in the respondent's general offices in Birmingham on September 21, 1934. One of the councilmen who had arrived early met Superintendent of Production Neeson, who told him that the respondent would not recognize the I. B. E. W. as a bargaining agency but would recognize the representation association.[36]

Starting on September 29, 1934, the National Labor Board, at the request of the I. B. E. W., held an election among the employees in the various electrical departments to determine whether the employees desired the representation association or the I. B. E. W. to represent them for purposes of collective bargaining. This election lasted for a number of days. In connection with and prior to this election, the respondent paid the expenses of representation association councilmen who went to various plants and urged the employees to give the plan a chance to operate for 90 days and see

[30] The letter advised the employees that an election would be held on August 9, 1934, on 2 propositions:

(a) The question of whether the employees desire to organize for the purpose of having representation for collective bargaining.

(b) The adoption of the tentative plan transmitted herewith as a basis for initial operation, in the event organization is desired by a majority of the employees.

The letter also stated that prior to August 9, 1934, the employees in each department should select three tellers to conduct the election.

[31] The production department operates the power-generating plants and some of the substations.

[32] Gurley Hill testified that he knew of four men who had voted against the plan. Of these, three are still working for the respondent. There is no evidence that the one no longer working was discharged because of his vote on the plan. Two of the four became members of the representation association. While it appears that the threat to discharge employees who did not accept the respondent's views on the plan was not carried out, the employees did not know at the time that the threat was made that it would not be.

[33] Upon objection being made to this procedure at one plant by one of the tellers, the document was destroyed and another one placed on the desk at the plant for the employees to sign.

[34] Hulbert did not testify.

[35] Hollis' version of the conversation was that he had said that he was greatly surprised that any employee who worked for him had thought he had to wait until he got out of the plant to join any organization and that was what he had informed the men; and that he had spoken of the respondent as a sturdy boat carrying the men through the depression but he had not said anything about the men jumping off into a frail craft.

We do not see why Hollis found it necessary to discuss the respondent's treatment of the employees during the depression if he did not mean to imply that the men had committed a disloyal act in joining the I. B. E. W. One, Parrish, who was apparently of the same group, testified that Hollis had told him he was making a mistake in joining the I. B. E. W. and that he, Hollis, would not do so if he were Parrish. We find that the statement of the incident set forth above is substantially correct.

[36] Neeson, although he testified, did not deny making this statement. Neeson's attitude toward the I. B. E. W. is illustrated by the following incident. Sometime prior to July 5, 1935, Neeson had a conversation with Powell, an employee, concerning the I. B. E. W. According to Powell, Neeson inquired whether Powell was one of the group of men who had sent in I. B. E. W. applications. Powell said he was. Neeson then told Powell that the respondent had Powell's interest at heart and that he thought Powell was making a mistake and was building a fence between himself and the respondent. Neeson advised him that if he had not already paid dues to the I. B. E. W. not to do so.

Neeson testified that while he had probably talked to Powell about the advantages and disadvantages of the I. B. E. W., he had never questioned Powell's right to join it. Neeson denied that he had asked Powell whether he had sent in an I. B. E. W. application but admitted that he had probably told Powell that he was making a mistake, that the respondent had Powell's interest at heart. Neeson also denied that he had advised Powell not to pay I. B. E. W. dues but stated that he may have asked Powell what dues he was paying. While the two versions vary in their details, it is clear that Neeson at least advised Powell that he was making a mistake in joining the I. B. E. W. since the respondent had Powell's interest at heart, and we so find.

Neeson's attitude toward the I. B. E. W. is further illustrated by his statement to McIntosh in May 1935, that McIntosh could not expect a better job with the respondent so long as he was an I. B. E. W. member.

what it could do for them. The chairman of the general council also traveled about the system electioneering at the respondent's expense. Just prior to the election Superintendent Lineberry suggested to G. W. Kindley, an employee, that he use his influence to get the men to "vote right" and said that some of the men were going off at a tangent. Lineberry also stated that if the men chose the I. B E. W., it would not be a representative of their own choosing, that representation would be out of the employees' hands. The representation association won the election.

Also in September of 1934, Herbert Ross, Jr., asked Superintendent Dawkins for the use of the clubhouse at Martin Dam for an I. B. E. W. meeting. The clubhouse is located upon the respondent's property and is available to the employees for various social uses. Dawkins refused to allow the I. B. E. W. to use the clubhouse. He testified at the hearing that he did not allow it to be used since the respondent's employees from other dams were to attend; that he viewed these other employees as "outsiders" and the clubhouse was for the use of Martin Dam employees only. Dawkins also testified that either in 1934 or 1935 he himself had held a Rotary Club meeting at the clubhouse which was attended by some persons who were not employees of the respondent at all. We are satisfied that the true reason for Dawkins' refusal of the clubhouse to the I. B. E. W. was not that employees from other dams were to attend the meeting but that Dawkins desired to place an obstacle in the way of I. B. E. W. organizational efforts. At that time and up to July 5, 1935, the representation association held meetings in the first-aid room at Martin Dam. Thereafter, the representation association used the clubhouse for its meetings. All meetings of the various representation association councils were held during working hours in the plants and the respondent met all the expenses of the elections and other business of the representation association incurred prior to July 5, 1935.

In the latter part of October 1934 the respondent entered into negotiations with the representation association with respect to a contract governing wages, hours, and working conditions. A separate agreement governing the production department was also negotiated. The record is not entirely clear as to how the negotiations were carried on but it appears that the production division council ultimately accepted a proposal made by Superintendent Neeson.

In addition to the negotiation of the wage agreement the representation association carried on individual grievance work. Ross was chairman of the production division council from August 1934 until April 1935 and was active in the grievance work. He was also a member of the I. B. E. W. until shortly after the I. B. E. W. lost the election in September and October 1934. On one occasion in November or December 1934, Ross' superior, Dawkins, returned from a meeting of superintendents and told Ross that the superintendents in the production department were "cussing out" Ross because of these activities. Dawkins testified, and we find, that he told Ross that the superintendents at the meeting had accused Ross of going around and "drumming up" grievances; that Dawkins thought it would be more satisfactory if Ross waited until grievances came to him instead of going around and asking the men if they had any grievances; that the superintendents felt that Ross was not handling grievances in the manner provided by the plan; and that for Ross' own good it would be well to handle grievances as the plan provided.

The record discloses nothing material concerning the activities of the representation association from this time until May 1935. On May 17, 1935, the general council appointed a committee to rewrite the representation association's constitution, the Barry plan, in order to make it conform to the act, which was then pending before the Congress. The committee prepared a draft of an amended plan. One member of the committee, Howard Williams, submitted the draft to McWhorter, the respondent's attorney, to get his advice upon the wording of one section. McWhorter made a few changes in the wording. The proposed amended plan was then mimeographed upon paper provided by the respondent and with the respondent's machines. At the same time the committee prepared and mimeographed, with the respondent's machinery and stationery, a letter submitting the amended plan to the members and a ballot form for use in the vote upon the amendment.[37] Williams, a committee member, then spent about a week in touring the system and getting the approval of various division councilmen to the proposed amendment. The petition of 20 percent of the members for an amendment is required by the Barry plan. The respondent paid Williams for the time spent in this distribution and paid the expenses incidental thereo.[38]

On July 9, 1935, the general council met in the Alabama Power Building, Birmingham, voted to hold an election upon the amendment, and approved the explanatory letter and ballot already prepared by the committee. The minutes of the meeting also disclose that McWhorter, the respondent's attorney, was called in to the meeting to interpret some of the provisions of the act; that the secretary of the general council was then instructed to write a letter to Barry advising him that no expenses incurred after the effective date of the act would be certified to the respondent for payment; and that a proposal[39] for a general wage increase was taken up with Barry, who promised that the general council would have an answer on the proposal shortly.

Copies of the proposed amended plan were then sent out to the division councilmen for distribution to members of the representative association, with the letter advising that an election would be held upon it on August 20, 1935. Some meetings were also held to explain the amended plan to the employees. On July 14 or 15, 1935, Councilman McRae went to Georgas to hold such a meeting. Either Northcutt or Kindley, employees active in the representation association, told Superintendent Lineberry of the expected visit and Lineberry gave the representation association his permission to have the meeting held during working hours. McRae addressed the men and told them it was necessary to amend the Barry plan because of the passage of the act. At about that time Lineberry told Northcutt that if all the employees would get behind the representation association it could be made to work without having any outside organization.[40]

The election on the amended plan was held on August 20, 1935. Ballot boxes were placed around the respondent's plants and at least some employees cast their votes during their working hours. The constitution, as altered by the amendment, was adopted.

The amendment made only two substantial changes in the representation association; namely, in changing the name of the organization to Alabama Power Employees' Association and in providing that if payment of expenses by the respondent should constitute a violation of any valid provision of law, the general council should then have authority to assess membership dues at the rate of 15 cents a month. The amended plan provided that the incumbent officers and councilmen of the representation association should remain in office until the next annual election. Other changes of a minor character, which in no way altered the general organizational scheme of the representation association, were also made but many of the provisions of the two constitutions are identical.

On August 20, 1935, with the acceptance of the amended constitution, the employees' association came into being and the representation association was considered dissolved.

3. The Employees' Association From August 20, 1935, to July 23, 1938

Officers and councilmen of the representation association continued to act as such for the employees' association.[41] They continued to use the representation association books and records and carried to completion the negotiation of an agreement with the respondent, originally initiated by the representation association. The employees association's general council and production division council continued to meet in the respondent's building in Birmingham until May 1937. Many of the departmental councils continued to meet and hold elections upon the respondent's property, in some instances in superintendents' offices during working hours, as late as April 1938. The employees' association officials likewise continued to use the respondent's stationery and had minutes of some of the council meetings typed by the respondent's stenographers.

The expenses of the election of August 20, 1935, conducted by the representation association were ultimately paid by the employees' association out of dues collected by it. Shortly after the election, the employees' association requested the respondent to deduct dues from the salaries of the employees. The respondent agreed to institute a "check-off" system but informed the employees' association that deductions could be made only upon the basis of individual authorizations signed by the employees. The employees' association then had membership application cards printed which had attached

[37] Howard Williams, a member of the committee, testified that the committee mimeographed these documents in June 1935, prior to their approval by the general council, because it desired to have the respondent meet the expenses involved. He could not recall that the committee had been advised that the respondent would not or could not pay for this work at a later date. Lamar Aldridge, the respondent's treasurer, testified that prior to the passage of the act, he and Vice President Barry decided that if the act passed, the respondent could not continue to pay the expenses of the representation association. Barry testified that this decision was not communicated to the representation association.

[38] The trip was completed prior to the effective date of the act.

[39] The proposal was in the form of a letter to the respondent's president and vice president which set forth arguments in favor of a wage increase and included the recommendation that the respondent:

"Seriously consider our statement that this council and representation association is threatened with destruction or replacement by outside labor organizations unless some outstanding and significant move is sponsored and encouraged by this association and our management."

Barry's reply was delivered to the wage committee, which was appointed by the representation association in July or August 1935. Barry explained the reasons why the respondent could not give a general wage increase at that time and with respect to the above-quoted recommendation, pointed out that it was unsound; that if the employees did not believe in the representation association they could change it; and that the respondent hoped that the fears of the representation association were groundless and that the organization would be preserved.

[40] About 2 weeks later Lineberry told Northcutt that the I. B. E. W. affected the respondent as would the shaking of a red rag in a bull's face and that the representation association affected the I. B. E. W. in the same way.

[41] New officers and councilmen were elected in April 1936. Robert Klein was elected as chairman of the general council shortly thereafter and continued to hold that position until May 1938. Klein was a cashier in the general office in Birmingham and handled the respondent's general cashbook. He had authority to recommend the hiring and discharging of employees in his department.

to them authorizations for the deduction of employees' association dues from the salary due to the signer. An applicant ordinarily signed both cards.[42] Distributions of these cards by the employee representatives among the employees started about August 31, 1935.[43] Solicitation in behalf of the employees' association was undertaken by at least one supervisor, F. J. Springer, foreman of the substation maintenance crew, who was at that time the chairman of his division council. Springer handed out the cards to the men in his crew and others and asked them if they wished to sign. The men signed the cards and returned them to Springer who completed filling them in. Springer testified that he filled in 40 or 50 application cards in this manner.

As already indicated, the employees' association continued to function in much the same manner as had the representation association. It negotiated contracts with the respondent and undertook the settlement of individual grievances. During the active existence [44] of the employees' association the respondent's officials made clear to the employees that they would do well to refrain from I. B. E. W. activity, and to join the employees' association.[45] During the year 1936, Superintendent Neeson inquired of McDaniels, an employee, whether he belonged to the I. B. E. W. When McDaniels replied in the affirmative, Neeson advised him that it would be best not to belong; that the respondent would do more for him if he were not an I. B. E. W. member; and that the payment of I. B. E. W. dues was just a waste of money.[46]

In late June 1936, Superintendent Lineberry asked F. F. Hyche, an employee, whether he had joined the I. B. E. W. Hyche said that he had applied for membership. Lineberry told Hyche that he had been coming to Lineberry for advice on other matters but if the I. B. E. W. went on strike, he, Lineberry, would be through with Hyche; that Hyche should join the Employees' Association and build himself up with the respondent. When Hyche replied that he had not joined the I. B. E. W. because he was against the respondent, Lineberry explained that Hyche was either for or against the respondent since he could not serve two masters. During the summer of 1936, Superintendent Hall inquired from Mussleman, an employee, what benefit he expected to derive from the I. B. E. W. and expressed the view that the only persons benefited by that organization were its international officers, that it was all hokum about the rank and file receiving any benefit. After advising Mussleman that he could do his fellow workers more good by working hard in the employees' association, Hall cautioned him that he need not expect any good jobs with the respondent if he stayed in the I. B. E. W. Mussleman replied that he did not believe that Hall or his assistant would discriminate. Hall answered, "Yes, but unfortunately, we are not the Alabama Power Co."

Sometime during the latter part of 1936, or in 1937,[47] Superintendent Lineberry inquired of John Walker, an employee, "John, have you heard about our union." Walker said he had not. Lineberry said, "Well, we got a union, John, you can join it if you want to. It will cost you 15 cents a month." The amount of dues mentioned clearly indicates that it was the employees' association to which Lineberry referred.

In February 1937 Superintendent Dawkins said to Romine, an employee, that he understood that Romine had withdrawn from the employees' association, and that he was sorry Romine had done so. Dawkins advised Romine that so far as he, Dawkins, was concerned, Romine could belong to anything he wanted to but that Dawkins felt that the respondent would rather that Romine did not belong to the I. B. E. W.[48] On May 6, 1937, Fred Mayfield, an I. B. E. W. member, and two friends paid a visit to Lay Dam, where S. R. Powers is the superintendent. On his way out of the plant Mayfield met Powers, who said to him, "Mayfield, I would rather you fellows wouldn't come up here trying to organize my men."

Shortly prior to an election held by the Board in November and December 1937, discussed below, McRae, accompanied by W. S. Parrish, another employee, went to visit the rotary substation at Montgomery, where Pete Chambliss was foreman. At that time Chambliss informed McRae, in the presence of several employees of the substation, that he, Chambliss, was doing everything in his power to fight the I. B. E. W.; that the I. B. E. W. was misrepresenting the facts when it said that the management was not antagonistic to the I. B. E. W.; and that the respondent's vice president, Coleman, had said at a banquet that the respondent did not need the I. B. E. W., since the employees' association was filling the bill.[49]

The respondent's attitude toward the I. B. E. W., and its freedom in allowing the employees to be aware of that attitude, is further demonstrated by a letter sent on September 13, 1937, to Superintendent Dawkins by District Manager Kittredge. The letter reads as follows:

"Mike Neeson [superintendent of production] told me the other day that you and Winn [an employee] thought I was responsible for getting Winn sent back to Martin Dam, and he said he told you that I had nothing to do with it which was true.

"I think this may have started from something I said to Mr. Thigpen [an employee] one day when we were discussing union activities, before I found out that Thigpen was active in it (the I. B. E. W.). I was talking to him about Winn keeping after our boys trying to induce them to join [the I. B. E. W.] and I remarked to him that it might be a good thing to send Winn back to Martin Dam, but that is as far as the thing went."

As stated above, pursuant to a request made by the I. B. E. W., the Board, with the respondent's consent, on November 29, 30, and December 1, 1937, held an election among the employees of the respondent to determine whether or not they desired to be represented by the I. B. E. W.[50] The I. B. E. W. was defeated in the election by 84 votes out of the 1,186 votes counted.

Shortly after the election, Superintendent Winston informed McIntosh that he personally did not care to what organization the men belonged but that he thought there was no question that the respondent would prefer to deal with the employees' association "as they had it" rather than with the I. B. E. W. A further illustration of the respondent's continued assistance to and interference with the employees' association is the conversation between R. C. Gaunt and Superintendent Hall. Gaunt had been active in the employees' association but resigned on February 1, 1938. He had joined the I. B. E. W. some months earlier. At about the time of his resignation from the association, Hall asked Gaunt how he expected to get anywhere riding two horses. He also stated that Gaunt had some employees' association records which he had been requested to return and accused Gaunt of having turned them over to the I. B. E. W. instead. Gaunt, as a matter of fact, had not turned the records over to the I. B. E. W.

On June 29, 1938, the respondent replied to the employees' association's request for a meeting to negotiate a new contract by informing it that charges had been filed by the I. B. E. W. alleging that the employees' association was dominated and supported by the respondent, and that in view of the charges the respondent

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[42] Persons on commission rather than a straight salary did not sign the authorizations.

[43] During 1936, Employee Representative Maxwell asked James Farrar to join and, when he refused, Maxwell asked why and wrote down the answer which Farrar gave. Farrar inquired why he did that and Maxwell replied that he wanted to turn over the answers to Superintendent Neeson when he returned from Mobile and that he had also written down the replies of other employees. Subsequently, Farrar asked Maxwell whether he had given the information to Neeson. Maxwell said that he had and that Neeson had read the material and had requested that the employees' replies be turned over to him.

Neither Neeson nor other supervisors spoke to Farrar about his failure to join the employees' association or his reasons therefor.

Neeson denied that he had requested Maxwell to get the information but did not deny that he had received such information from Maxwell. We find that Maxwell gave Neeson the information.

[44] There is a conflict in the testimony as to whether the employees' association is still in existence. This matter is discussed below.

[45] There is evidence that these officials were instructed not to interfere with labor organization and not support any union. The general instructions, unless they were followed, are immaterial. The activities of supervisors are coercive irrespective of whether they are carried on pursuant to, or in violation of, instructions. The respondent is not absolved from its responsibility for the acts of its agents merely because they were contrary to instructions.

[46] Neeson denied that he had ever discussed the I. B. E. W. with McDaniels in the year 1936, and testified that he never discussed the I. B. E. W. with any of the men after the effective date of the act. The views expressed are those Neeson is said by other employees to have expressed to them and we find no reason for questioning McDaniels' recollection of the date of the conversation. We find that the above statement is substantially correct.

[47] The witness was not certain of the date but was sure that it was subsequent to 1935.

[48] Dawkins' version of the incident was that the I. B. E. W. was discussed only with reference to its insurance program and that he had not told Romine that he felt that the respondent would prefer that Romine not join the I. B. E. W. In view of our findings above and below as to what various supervisors had stated the respondent's attitude to be, both before and after this time, we find that the version of the incident given above is substantially correct.

[49] The version given above is McRae's. Chambliss testified that the visit took place shortly before the election conducted by the Board in the fall of 1937; that a number of men from the hydroelectric plants had visited the substation during that period and he so informed McRae; that he, Chambliss, knew what McRae was there for and he was going to vote against the I. B. E. W.; and that he had told McRae that he "was going to do all the harm" to the I. B. E. W. that he could. Chambliss denied that he had said that the I. B. E. W. was misrepresenting when it said that the management was not hostile to it and that he had quoted Coleman to the effect that the employees' association was filling the bill. Chambliss could not recall that Coleman's name was mentioned. Chambliss also testified that there had been no banquet or meeting with the respondent's officials in years. W. S. Parrish, who was also present at the interview, substantially corroborated McRae's version of the interview. We find, therefore, that McRae's version of the interview is substantially correct but our finding does not go to whether or not Coleman in fact made the statement attributed to him at the interview by Chambliss.

[50] The employees' association informed the Board that it did not desire to have its name placed upon the ballot. Both the employees' association and the I. B. E. W. were active in campaigning for the election, attempting to persuade the employees to vote as the particular organizations desired. There is evidence in the record that Line Foreman Overton was requested to use his influence with his crew to get them to vote in favor of the I. B. E. W., but there is no evidence that he did so. A line crew usually consists of seven or eight men.

believed it inadvisable to meet with the employees' association. The employees' association took no immediate action with regard to this letter or the information contained therein.

4. The Employees' Association and the Independent, From July 23, 1938

On July 23, 1938, R. B. Freeman,[51] a member of the employees' association, called a meeting in Birmingham of employees selected from various localities, of whom many were members of the employees' association. At this meeting the Independent was organized. One of the employees invited to the meeting was Marshall Blackmon, who subsequently became the president of the Independent. On July 19, 1938, Freeman telephoned Blackmon and asked him to meet him, Freeman, on July 23, 1938, in the Thomas Jefferson Hotel in Birmingham. Blackmon asked Freeman what it was "all about" and Freeman said that he would tell Blackmon when he saw him. Blackmon testified that he had assumed that the meeting was about a union although he had no reason for making the assumption. Similarly, S. W. Templin,[52] who became one of the vice presidents and secretary-treasurer of the Independent, was invited to attend by Freeman and was told that he would find out what it was about when he arrived. About 12 employees and Rice, an attorney, attended the meeting. Rice had previously been retained by the employees' association in connection with the election held under the auspices of the Board in November 1937 and continued to represent the employees' association during the summer and fall of 1938. Freeman informed Heath, who inquired how the Independent happened to retain Rice, that Rice was retained by Freeman upon the recommendation of Howard Williams, treasurer of the general council of the employees' association.

The meeting was opened by Freeman, who stated that the purpose of the gathering was to organize an independent union which would meet the requirements of Federal and State laws. He explained that he had consulted Rice, had requested him to draw up a constitution, and had then called together those present as representative persons from each division to go over and ratify the constitution drawn by Rice. Freeman said that the employees' association was going to be "thrown out," because the charges made by the I. B. E. W. would be upheld by reason of the fact the employees' association was "derived" from the representation association. Rice also spoke and said that it was necessary to have a workable organization in the event that the employees' association were ordered disestablished by the Board because the Board, if there were only one labor organization in existence, would then "recognize" the I. B. E. W. as the exclusive bargaining agency without reference to whether or not it represented a majority. The constitution thus presented was adopted at the meeting after some changes had been made. It has never since been accepted by the membership of the Independent or by representatives designated by the membership. In addition, officers were elected at the meeting to serve 1 year or until their successors were elected.[53] A resolution was adopted that the name of the organization should be Independent Union of Alabama Power Employees, Inc., and that it be incorporated. Provision was made for monthly dues of 25 cents. On July 27, 1938, incorporation papers for the Independent were filed. On July 30, 1938, the officers of the Independent distributed a letter to employees announcing formation of the organization, enclosing a copy of its constitution and soliciting the employees to join.[54]

About August 1, 1938, Blackmon telephoned Lyle, the chairman of the general council of the employees' association and inquired as to the status of the employees' association. Lyle informed Blackmon that the employees' association was not negotiating with the respondent, that things were at a standstill. On August 11, 1938, the employees' association sent out a letter to its members informing them inter alia that charges involving it had been filed with the Board, denying that the employees' association was dominated or supported by the respondent, and stating that the employees' association had requested from the respondent that if the respondent should stipulate with the Board to withdraw recognition from or disestablish the employees' association, the respondent retain the right to advise the employees concerning the basis for such action.

On August 24, 1938, the independent sent out a letter, signed by Blackmon, to all employees, soliciting membership in the Independent and stating:

"* * * the (employees') association has successfully represented the majority of the employees without coercion or interference from anyone.

"Now after two elections in which the majority of the employees have signified their desire not to be represented by any outside labor organization, the I. B. E. W. has filed charges with the N. L. R. B. charging the Alabama Power Co. with unfair-labor practice arising out of its relationship with the Alabama Power Co. Employees' Association. * * * These charges, as we understand them (and it is the opinion of competent counsel), are sufficient grounds for the Labor Board to order the company to cease and desist negotiating with the * * * employees' association * * * if any one of these charges is sustained by the Labor Board, that would automatically disestablish the employees' association as our majority bargaining agency, which would, of course, leave the employees without majority representation. * * *

"* * * we are now again being forced to decide who shall bargain for us. The answer should be, as has been in the past two elections, the independent employee representative type of labor organization. This independent union has preserved for the employees the right to select who shall represent them to the company on matters of wages, hours, (etc.). * * *

"I have been a member of the * * * employees' association since its organization and definitely know that through its efforts it has received a better wage agreement and many worth-while accomplishments that could not have been negotiated by any other bargaining agency.

"I have discussed with the chairman of the * * * employees' association the status of the old organization, and he informed me that it would definitely disband and that no further dues would be collected. His letter to each of you [the letter of August 11, referred to above], he said, was to let you know that the old organization was not tucking its tail and running, but was emphatically denying charges made by the I. B. E. W. * * * The chairman has already made application for membership in the new organization [independent]."

This letter was prepared with Rice's assistance, as was all literature sent out by the independent.[55] Templin, the secretary of the independent, attended to the mailing of the letters to prospective members whose names, according to his testimony, he procured from the roster in the employees' association office[56] to which he had access as a councilman in the employees' association from the engineering department. Late in July 1938, the independent arranged with the employees' association, through Williams to use space in the employees' association office and to pay rent therefor for about a week. Subsequently, on October 1, 1938, the employees' association gave up the office space and the Independent took it over.[57]

Other letters were sent out from time to time soliciting the support of the employees for the independent. One of these letters was sent to S. R. Watson, superintendent of the Anniston district. Watson replied, in a letter to Blackmon, as follows:

"A few days ago I received a letter from you dated September 19, 1938, in which you invited me to sign an application for membership in the independent. * * * I believe that this must have been an error in addressing. Heretofore in my capacity as superintendent of the Anniston district * * * I have been barred by the rest of the employees from membership in their unions. I believe that was a reasonable ruling on their part and it seems to me that the ruling should still apply. However, if I am wrong and my membership would be of any value to the rest of the employees I will be only to (sic) glad to help."

Personal solicitation of membership in the independent was also carried on by those interested in the organization. They were assisted in this solicitation by the actions and attitudes of some of the respondent's supervisors. High Line Foreman R. L. Winn received independent literature from Templin and took it around to the houses of the members of his crew in July or August 1938. On August 8, 1938, after he had became a member of the independent, Winn accompanied Templin and another person active in the independent to an independent organizational meeting held in the home of J. R. Hall, Jr.,[58] then employees' association councilman from Martin Dam. This meeting was also attended by E. C. Milton, plant foreman of the Upper Tallassee and Thurlow Dams.[59] Winn addressed the meeting, spoke in favor of the independent, and told of grievances which had arisen among the members of his crew and which had been handled by the employees' association.

R. L. Winn's brother, W. D. Winn, a line foreman, during the noon hour on August 12, 1938, was filling out his own independent

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[51] Also referred to in the record as R. B. Freedman.

[52] Templin is the local manager of the Sylacauga substation, in charge of three other men.

[53] The same officers were holding office at the time of the hearing, no election having been held in September 1938, as required by the constitution, because the Independent had no money to pay for an election.

[54] On August 4, 1938, a second letter was sent out by the Independent to employees explaining that the organizers of the Independent had acted because of their feeling that "in view of certain charges having been filed by the I. B. E. W. with the N. L. R. B. * * * which charges, if sustained, would automatically disestablish the * * * employees' association, therefore leaving the employees without any majority bargaining whatsoever."

[55] No provision was made for the payment of Rice's fee. According to Blackmon, Rice was taking a chance upon the success of the Independent.

[56] The employees' association took office space on June 14, 1937. Prior to that time its records were kept in the respondent's building and it received mail from the respondent's mail box.

[57] From August 25, 1938, until October 1, 1938, the Independent rented other office space.

[58] J. R. Hall, Jr., is the clerk of the respondent's three hydroelectric plants located on the Tallapoosa River.

[59] A plant foreman of a hydroelectric plant is also commonly referred to as an "assistant superintendent." Plant foremen have the same powers as other foremen. They are in charge of the plants in the superintendent's absence, and can make recommendations concerning the hire or discharge of employees, the final word on such matters being reserved to E. W. Robinson, vice president in charge of operations, and S. M. Barry, vice president and general manager.

application card [60] in the respondent's local office and told two or three members of his crew who were present that those who cared to join the Independent might do so and that he would mail in their cards with his own. W. D. Winn also filled in a portion of one Rhodes' card at the latter's request. All the other members of W. D. Winn's crew had by then filled out their cards. At this time W. D. Winn was a councilman in the employees' association and testified that as far as he then knew the employees' association was still active.

A substation maintenance foreman, J. O. Summers, distributed Independent application cards to the members of his crew. Early in August 1938, Vernon Taylor was given an independent application card by his superior, W. H. Murray.[61] Murray told Taylor to look it over and if it suited him to fill it out and give it to Arthur Abels, who was in charge of the service department at Gadsden. At about the same time C. E. Packard, foreman in the turbine room at the Gorgas plant, asked Chester Jackson whether he had yet joined the Independent. Jackson said that he had not, that he wanted to know more about it first. Packard replied, "Well, the main thing is to keep the I. B. E. W. out of here. Ninety or ninety-five precent of the members of the independent union had rather not have any union at all, but they would rather have a company union than have the I. B. E. W." [62] That this was the attitude of the independent members is shown by the testimony of Blackmon, president of the Independent, who admitted at the hearing that the presence of the I. B. E. W. in the respondent's plants had some effect upon himself and the other organizers in coming to a decision to organize the Independent, although it was not "necessarily" one of the main reasons for organizing the independent.

On September 1, 1938, Lyle, chairman of the general council of the employees' association, acting upon the advice of Rice, wrote the respondent as follows:

"After due consideration of all the circumstances regarding the relationship of this association with Alabama Power Co., it has been decided to advise that effective immediately this association will not negotiate further with the company as the majority bargaining agent for their employees. * * *

"You are also advised that this association will not request any further pay-roll deductions for membership dues."

On September 7, 1938, the respondent replied to Lyle's letter and pointed out that the deductions were made upon the basis of individual authorizations and not upon the basis of an agreement between the employees' association and the respondent. On September 8, 1938, the employees' association replied and advised the respondent that it would not receive any "moneys representing payroll deductions * * * whether the employees have withdrawn their requests and authorizations or not." The respondent then sent out notices to the employees notifying them that it had been notified by the employees' association that it would receive no further pay-roll deductions in payment of dues and that the respondent could therefore no longer comply with the authorizations to make deductions for this purpose. The total amount deducted from salaries and paid over by the respondent to the employees' association for dues during the period that the check-off was in effect amounted to $7,115.40.

Lyle testified that this action was taken pursuant to the authority, to take whatever action Rice recommended, vested in him by the general council at an informal meeting, sometime in August 1938, at which five out of seven councilmen were present. No regular meeting was held for the purpose. Williams, treasurer of the employees' association, testified that the only activities carried on by the employees' association after June 30, 1938, were the administration of the health and accident insurance program and the hospitalization insurance program, which were sponsored by it. Williams further testified that no official of the organization had discussed with him the question of financing it after June 30, 1938.

Although there is conflicting evidence in the record as to whether or not the employees' association is still in existence, it is clear and we find that the employees' association ceased to act as a representative of the employees for purposes of collective bargaining with regard to wages, hours, and other conditions of employment on or about September 1, 1938. It is also clear that thereafter the employees' association continued to exercise its functions with regard to insurance programs, of which it was the sponsor.

[60] These application cards are almost identical with those used by the employees' association and were copied from the latter. Attached to them are authorizations to the respondent to deduct independent dues from salary due the employees, identical with those used by the employees' association. These authorizations have not been presented to the respondent.

[61] Murray was an employees' association councilman in June 1937. His term expired in April 1938.

[62] Packard denied that any such conversation had taken place. He also testified that Jackson's general reputation for truth was bad, that Jackson had made a number of misstatements. Jackson testified that immediately after the conversation he made a memorandum of the conversation. This memorandum was introduced into evidence. The memorandum gives a version substantially similar to that given in the text above, which is a quotation of Jackson's oral testimony. The trial examiner, who observed the behavior of the witness on the stand, found that Jackson's testimony was truthful. We see no reason to question the memorandum made by Jackson shortly after the conversation and we find that the version of the conversation appearing in the text above is substantially correct.

On September 9, 1938, the independent wrote to the respondent advising it that the independent had been organized, that a majority of the employees were expected to join, and that when they had done so the independent would request recognition. A copy of the independent's constitution and bylaws was enclosed. On October 14, 1938, the independent wrote to the respondent claiming to represent a majority of the employees and requesting recognition as bargaining agent for the employees. On October 17, 1938, the respondent replied that a complaint had been issued by the Board against the respondent alleging that it had assisted in the formation of, and had contributed support to, the independent; and that in view of the pending complaint, the respondent thought it inadvisable to recognize the Independent until further developments on the complaint.[63]

5. Conclusions

It is clear from the record that the representation association was originally set up by the respondent; that it received complete financial support from the respondent from its inception until July 5, 1935, that all its meetings were held upon the respondent's premises, usually during working hours; and that the respondent's other property was used freely by the representation association in the conduct of its business. It further appears and we find that the respondent's purpose in setting up and continuing to support the representation association was to counteract the organizational activity of the I. B. E. W. That this was the respondent's purpose is shown by the fact that the representation association was organized at the time when the I. B. E. W. was becoming active in its campaign for membership; by the respondent's hostility to the I. B. E. W., as demonstrated by numerous remarks of supervisory officials to that effect; and by Superintendent Lineberry's statement to the employees under his supervision that he had told Barry that if the respondent would restore the bonus and give a wage increase he thought the agitation among the employees would stop and no form of representation would be necessary That the respondent was deeply interested in the adoption of the Barry plan is further indicated by the activities of Superintendents Ames and Lineberry in connection with the employees' election upon the acceptance or rejection of the Barry plan. It will be recalled that Ames had the plan resubmitted to a vote when the first vote resulted in the defeat of the plan at the Magazine plant and that Lineberry warned that if the employees could not see the question of the plan as the respondent saw it, they would sooner or later have to seek work elsewhere. That the superintendents were acting pursuant to the respondent's well-understood policy that the plan was to be the form of employee representation to exist in its system, and as such was to be accepted by the employees, is demonstrated by Superintendent Dawkins' statement that it would "look bad" for his plant if the men did not join.

The foregoing, together with the pressure put upon employees to join the representation association by superintendents in at least two plants, and the continued expression of the respondent's hostility to the I. B. E. W. by supervisors, indicate clearly that the Barry plan was forced upon the employees and was in no sense their free and untrammelled choice. Nor was the election of September 1934 held by the National Labor Board a much better test of the employees' desires in the matter of representation. The respondent interfered with and attempted to influence the results of this election by bearing the expenses of the representation association's campaign, by urging the employees to give it a 90-day chance, and by Lineberry's suggestion that Kindley use his influence to get the men to "vote right." In view of Lineberry's outspoken attitude of hostility to the I. B. E. W., we entertain no doubt that he intended that the men should vote in favor of the representation association. In addition to the foregoing, the respondent further clarified its hostility to the I. B. E. W. and favoritism to the Barry plan, by denynig the I. B. E. W. use of its facilities, while giving the representation plan complete financial support.

The respondent not only initiated and completely supported the representation association, it also interfered with the day-to-day administration of the plan. As stated above, Superintendent Dawkins complained to Ross, the chairman of the production division council, about the latter's activity in taking up grievances and warned him that, for his own good, it would be well to handle grievances as the plan provided. This implied threat to Ross' well-being in an attempt to prevent him from exercising his best judgment in behalf of his constituents is the clearest form of domination and interference with the affairs of a labor organization.

We find that the respondent was entirely responsible for the original organization of the representation association and that it thereafter interfered with its administration and dominated and supported the representation association until July 5, 1935. The respondent contends that these acts, which took place prior to the effective date of the act, are immaterial since they were

[63] The Independent claims to have over 1,100 members, of whom 60 percent are said to be employees classified as field or physical workers. A total of 1,191 employees voted in the election held in November 1937 under the auspices of the Board. The record does not disclose the total number of employees who were entitled to vote in this election. The record does show that it was not unusual for an employee to be a member of the I. B. E. W. and at the same time to be a member of the representation association or the employees' association, but it does not indicate whether there are many employees who belong both to the I. B. E. W. and the independent

not in violation of the act. As already stated, the respondent's activities prior to the effective date of the act are not unfair labor practices within the meaning of the act, but their influence upon the employees and their results continued after that date. On July 9, 1935, the general council of the representation association, holding a meeting in the respondent's building in Birmingham, decided to notify the respondent that no more expenses would be turned over to the respondent for payment. Other than this cessation of the respondent's direct financial support,[64] the representation association continued unchanged after the effective date of the act until the amendment of its constitution of August 20, 1935, which resulted in the formation of the employees' association. We find that after the effective date of the act, the respondent continued to interfere with, dominate, and support the representation association, an organization originally formed by it, and thereby interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in section 7 of the act.

Through the action of Howard Williams, then the secretary of the general council of the representation association, the respondent bore a substantial portion of the cost of the amendment to the constitution of the representation association which resulted in the organization of the employees' association. It paid for the mimeographing and paper required for the various necessary documents and paid Williams' traveling expenses in connection with the amendment. Although the respondent's major outlay was made[65] prior to the effective date of the act, nevertheless it resulted in substantial assistance in the formation of the employees' association, since neither the representation association nor the employees' association had, at that time, any funds of their own, and a large number of documents were prepared.[66]

The amendment made only two substantial changes in the Barry plan; it changed the name of the organization and it allowed dues of 15 cents a month to be assessed in the event that payment of expenses by the respondent should violate any law. The officers of the representation association continued to act as officers of the employees' association; they continued to use the representation association books and records in the transaction of the employees' association's business; and continued and concluded the negotiation of an agreement with the respondent, which they had initially sought as officers of the representation association. Meetings and elections of the various councils of the employees' association continued to be held upon the respondent's premises, sometimes during working hours.[67] Such expenses of the amendment to the representation association as were not met by the respondent in the manner above indicated were ultimately paid out of the funds of the employees' association.[68] It is clear from the foregoing, and we find, that the employees' association is the same organization as the representation association, operating under a new name; that the respondent contributed financial support to the formation of the employees' association; and that it thereafter assisted the employees' association by allowing it free use of the respondent's property and time for meetings and elections. We find further that the respondent aided the employees' association by collecting its dues through the "check-off" system administered by the respondent. The "check-off" did more than merely facilitate the collection of dues. It also discouraged the employees from withdrawing from the employees' association, since the only method of stopping the payment of dues was to notify the respondent to cease making the deductions. Since the employees were made well aware of the respondent's desire that the employees' association endure, both by the assistance rendered to it and by the activities of supervisory employees, they would naturally be hesitant to advise the respondent to cease deducting dues. Thus the "check-off" tended to perpetuate the effects of the respondent's unfair labor practices.

During the active existence of the employees' association the respondent's officials made it clear to the employees that they would do well to join the employees' association rather than the I. B. E. W.; that the respondent would do more for them if they were not I. B. E. W. members; that they should join the employees' association and "build up" themselves with the respondent; and that I. B. E. W. members need not expect good jobs. This course of conduct clearly interfered with the formation and administration of, and gave support to, the employees' association, since its necessary effect was to make the employees fearful that a failure to join the employees' association rather than the I. B. E. W. would result in economic hardship to, or discrimination against, them.

Upon the basis of the foregoing we find that the respondent has dominated and interfered with the formation and administration of the employees' association and has contributed financial and other support thereto and has thereby interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed by section 7 of the act.

By the activities of the respondent's officials and by the various forms of support contributed to the employees' association, the employees were fully advised that the respondent favored the employees' association and that a failure to support that organization might result in some economic injury to themselves. The employees also knew that the respondent had persisted in its policy of support and favoritism with respect to both the representation association and the employees' association over a long period of time, both before and after the effective date of the act. Under these circumstances, we find that the employees could not have felt free in their choice of bargaining representatives. Thus the election of November 1937, held under the auspices of the Board, was not a true indication of the desires of the employees as to a bargaining representative.

The final consideration here presented is that of whether or not the Independent has been dominated, interfered with, and supported by the respondent. The Trial Examiner found that the respondent caused to be formed, and sponsored, the independent. The evidence relating to the respondent's direct interference in the formation of the independent is summarized above and concerns the assistance given the independent by supervisors in the solicitation of members. Foreman R. L. Winn distributed Independent literature to the members of his crew at their homes; he attended and spoke at an independent organizational meeting; Foreman Milton attended the same meeting; Foreman W. D. Winn offered to mail in the application cards of the members of his crew with his own; Foreman Summers distributed application cards to the members of his crew; Foreman Murray gave Taylor an application card and told him to fill it out if it suited him; and Foreman Packard asked Jackson if he had joined the independent and advised him that the principal object of the independent was to keep out the I. B. E. W. As to all these foremen, the respondent contends that there is nothing in the character of their position upon which to base an inference that they could speak for the respondent in a matter of policy affecting the respondent's entire system. The foremen in question have authority to make recommendations concerning the hiring and discharge of employees, who work under their immediate direction and take orders from them. They represent the management to those working under them and as such have at least apparent authority to inform the employees upon the respondent's policy. The respondent is responsible for their activities.[69]

The respondent also urges that the assistance contributed by the foremen is no indication of interference with, or domination or support of, the independent because foremen are eligible to I. B. E. W. membership. Whatever may be the merits of such a contention under other circumstances, we do not regard it as valid under those here presented. Here the respondent had, for almost 4 years, followed a policy of dominating, interfering with, and supporting labor organizations of its employees. It had, as we have found, made plain to them upon many occasions its hostility to the I. B. E. W., had threatened to discriminate against those who persisted in remaining members of the I. B. E. W., and had advised employees that they would better their positions by being members of the representation association or of the employees' association. The respondent took no action at any time to advise the employees that there was any change in this policy, or that it no longer intended to dominate and support organizations of its employees which were amenable to its wishes. Under these circumstances, the employees could not have felt free to join whatever organization they desired.[70] In addition to the above considerations, it may be pointed out that while the record discloses that at least two foremen were members of the I. B. E. W., there is no evidence in the record that they undertook solicitation in behalf of the I. B. E. W. after the effective date of the act.

We find that by the activities of the foremen in behalf of the Independent, the respondent interfered with the formation of, and gave assistance to, the independent.

An analysis of the constitution and organizational structure of the Independent supports the conclusion that it is not an organization capable of operating independently of the respondent's wishes. In many respects, the constitution is similar to, and in some instances almost identical with, the constitution of the employees' association. It will be recalled that, with the two exceptions noted above, the constitution of the employees' association was substantially the Barry plan which had been foisted upon the employees by the respondent. The constitution of both the employees' asso-

[64] The employees as a whole were given no notice that the respondent had ceased giving direct financial support. So far as they knew, the representation association was still fully supported by the respondent.

[65] The respondent's machines, after the effective date of the act, were used by the representation association to fill in blank dates left in the documents.

[66] Further assistance in the organization of the employees' association was the advice of the respondent's attorney upon the wording of one section of the amendment. Williams' action in showing the proposed amendment to the respondent's attorney further indicates the subservience to the respondent of those responsible for the organization of the employees' association.

[67] As stated above, the Council meetings held in Birmingham were not held upon the respondent's premises after May 1937, but local meetings and elections were so held at least as recently as April 1938.

[68] The expenses were originally met by various officials of the representation association and they were reimbursed by the employees' association.

[69] *Matter of Swift & Co.* and *Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 641 et al.*, 7 N. L. R. B., 268, enf'd as mod., *Swift & Co.* v. *N. L. R. B.*, 106 F. (2d) 87 (C. C. A. 10).

[70] There is some evidence in the record that one or two of the respondent's officials had, in the past, stated that employees were free to join any labor organization they desired. However, in the face of many statements and other indications to the contrary, they could have carried little weight with the employees.

ciation and the independent limit their membership to the respondent's employees and provide that membership is terminated upon the termination of the employer-employee relationship. Both establish three tiers of employee-representation councils (in the case of the Independent, called boards), local councils, division councils, and a general council (in the case of the Independent, called the executive board) and in which the chairmen of the local councils or boards make up the division councils or boards, and the chairmen of the division councils or boards make up the general council or executive board. The Independent has changed the electoral divisions in some of the divisions and has added a division or two, but the plan of organization is essentially that of the employees' association, namely, an employees' representation plan in which the membership as a whole is far removed from any direct control over the highest governing body, the general council or the executive board.

Both constitutions require that employee representatives be members of the organization and employees of 1 year's standing, which effectually prevents the employees from designating nonemployees as their bargaining representatives. Both provide that employee representatives who leave the respondent's employment or who are transferred from the electoral division from which they were elected are deemed to have vacated their offices. This provision vests in the respondent control over the representatives chosen by the employees. If an employee representative is distasteful to the respondent for any reason, it can prevent him from acting as such by discharging or transferring him. The respondent originally vested this control in itself in the Barry plan and maintained it thereafter in the constitution of the employees' association. That the Independent should provide the respondent with the power to disqualify the representatives selected by the employees is persuasive evidence of the independent's subservience to the respondent.

Representatives who are themselves employees, completely dependent upon the respondent, cannot act freely in the interest of their constituents unless they are in some way protected against economic coercion by the respondent. The constitution of the Independent makes no attempt to provide such protection. On the contrary, it provides that its members, which includes the employee representatives, lose their membership if they cease being employees. Having lost his membership, an employee representative could not have his discharge protested as a grievance since provision is made only for taking up the grievances of members.

Neither constitution makes provision for general membership meetings at which the membership can discuss its problems and instruct its representatives. Under both constitutions, meetings can only be called by the various councils or boards or upon petition of a large number of members. The membership's only functions under both constitutions appear to be the payment of dues and voting for representatives or on amendments to the constitutions. This pattern of membership nonparticipation, as well as the other essential elements of organizational structure discussed above, was originated by the respondent in the Barry plan, continued thereafter through the medium of the employees' association, and was ultimately adopted by the independent. The organizers of the independent necesarily were aware of the respondent's sponsorship of the employees' association. The form taken by the Independent clearly flowed from the respondent's hostility to outside labor organizations and its open preference for the employees' association and its predecessor, the representation association.

In view of the foregoing, the independent may realistically be regarded as the successor to the employees' association. It is apparent, moreover, that the two organizations are more closely related than the organizers of the former were willing to acknowledge. They did admit, however, that the independent was organized to supplant the Employees' Association and that one of the factors leading to its formation was a desire to prevent the I. B. E. W. from becoming the majority representative. As noted above, the respondent originally formed the representation association to prevent the I. B. E. W. from gaining a foothold and as a part of its policy of opposition to the I. B. E. W. The respondent continued its policy of opposition to the I. B. E. W. and support of a competing labor organization after the organization of the representation association's successor, the employees' association. In this respect, the independent was the direct successor to the employees' association as the respondent's bulwark against the I. B. E. W. The independent took care to emphasize to the employees that it was the employees' association's successor. In its letter to the employees of August 24, 1938, the independent pointed out that, like the two associations, it was "the independent employee representative type of labor organization," and that the chairman of the employees' association had joined the independent. Viewed against the background of the respondent's policy of support of labor organizations of the type represented by the Independent, the letter indicated to the employees that they would do well to join the independent, as successor to the favored employees' association.

A further connection between the employees' association and the independent appears in the similarity of their constitutions. Both employed the same attorney, who represented and advised them concurrently. As early as August 1, 1938, the chairman of the general council advised one of the organizers of the independent that the employees' association would not longer act as bargaining agent, but made no formal disclosure to this effect to the respondent until September 1, 1938. On September 7, 1938, the independent was sufficiently organized to advise the respondent that it would soon be seeking recognition as the exclusive representative of the employees. Other factors point to a substantial identity of the employees' association and the independent. The former allowed the latter to use its membership lists for organizational purposes; a number of employees' association councilmen were active in soliciting in behalf of the independent; Howard Williams, prominent member and treasurer of the employees' association, assisted in mailing independent literature; and the chairman of the employees' association's general council joined the independent before any notice was given to the respondent or to the membership of the employees' association that it would no longer act as bargaining representative.

Under the circumstances, we think it clear that the independent's organizers, the respondent, and the respondent's employees, all regarded the Independent as the successor to the employees' association, designed to combat the I. B. E. W. on the respondent's behalf.

We deem it important to stress again the effect of the respondent's long-standing and widely expressed policy of hostility toward truly independent labor organizations in general and the I. B. E. W. in particular. The fundamental purpose of the act is that employees should be afforded a full and free opportunity to choose their bargaining representatives, without the influence of the employer being brought to bear, either bluntly or subtly, so as to interfere with their choice. The respondent's failure to make any genuine effort to undo the effects of its unfair labor practices and to conform its labor policy to the law of the land is clear. Its 4-year campaign of sponsorship of "inside" organizations and hostility to the I. B. E. W. was in no wise disavowed by the mere diminution of the vigor with which this policy was proclaimed to the employees. The conclusion is inescapable that the formation of the independent was in large part a response to the continuing desire of the respondent for a labor organization patterned after its own creature, the original representation association.

We find that the continued existence of the independent, with the accompanying background of employer interference, domination, and support of its two predecessor organizations, offers a permanent obstacle to any free choice by the employees or their representatives for the purposes of collective bargaining.

Upon the basis of the foregoing, we find that the respondent dominated and interfered with the formation and administration of the independent, and contributed support to it, and thereby interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in section 7 of the act.

IV. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

We find that the activities of the respondent set forth in section III above, occurring in connection with the operations of respondent described in section I above, have a close, intimate, and substantial relation to trade, traffic, and commerce among the several States, and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

V. THE REMEDY

We have found that the respondent has dominated and interfered with the formation and administration of the representation association, the employees' association, and the independent, and has contributed support to them. In order to effectuate the policies of the act and free the employees of the respondent from such domination and interference, and the effects thereof, which constitute a continuing obstacle to the exercise by the employees of rights guaranteed by the act, we shall order the respondent to withdraw all recognition from the employees' association, to disestablish it as a representative of the employees for the purposes of collective bargaining with respect to grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment. We shall not, however, extend our order of disestablishment to the relationship between the respondent and the employees' association insofar as it pertains to the accident and health insurance program and the hospitalization insurance program sponsored by the employees' association. We shall further order the respondent not to recognize the Independent in the future as a representative of the employees for the purposes of collective bargaining. We have found that the sum of $7,115.40 was turned over by the respondent to the employees' association pursuant to an agreement by the respondent to collect dues for the Employees' Association by pay-roll deductions, such collection of dues being a further type of support and assistance rendered to an employer-dominated organization. As we said in matter of the Heller Brothers Co., of Newcomerstown, and International Brotherhood of Blacksmiths, Drop Forgers, and Helpers: [71]

"It seems plain to us that the authorization by an employee for the check-off of dues owed to an organization which his employer has formed and continues to dominate cannot be considered as having been voluntarily given by the employee. When check-off authorizations are sought under such conditions the employee is placed in a position of permitting the check-off or of putting himself squarely upon record as openly opposed to the company's wishes. No employee confronted with such an option can be regarded as having exercised free choice. Thus the same pressures by the respondent which compelled its employees to abandon their free choice of representatives enforced their acquiescence in the check-off. Under the circumstances we will restore the status quo by ordering the respondent to reimburse its employees for amounts deducted from wages as dues for the Independent."

[71] 7 N. L. R. B. 646. See also *Matter of West Kentucky Coal Co.* and *United Mine Workers of America, District No. 23*, 10. N. L. R. B. 88.

Adapting the reasoning of the above-quoted paragraph to the facts in this case, we will order the respondent to make whole its employees individually for the full amounts deducted from their wages as dues.

Since we have found that the representation association is no longer in existence, we shall make no order with respect to it.

The respondent will, in addition, be ordered to cease and desist from dominating and interfering with the formation and administration of and from contributing support to the employees' association, independent, or any other labor organization; and to cease and desist from interfering with, restraining, or coercing its employees in the exercise of the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing and to engage in concerted activities, for the purposes of collective bargaining or other mutual aid or protection.

Upon the basis of the above findings of fact and upon the entire record in the case, the Board makes the following:

CONCLUSIONS OF LAW

1. International Brotherhood of Electrical Workers, Alabama Power Employees' Association, and Independent Union of Alabama Power Employees, Inc., are labor organizations and Alabama Power Co. Employees Representation Association was a labor organization within the meaning of section 2 (5) of the act.

2. The respondent, by dominating and interfering with the formation and administration of the Alabama Power Co. Employees' Representation Association; Alabama Power Employees' Association; and Independent Union of Alabama Power Employees, Inc., and by contributing support to said organizations, has engaged in and is engaging in unfair-labor practices, within the meaning of section 8 (2) of the act.

3. The respondent, by interfering with, restraining, and coercing its employees in the exercise of the rights guaranteed by section 7 of the act, has engaged in and is engaging in unfair-labor practices, within the meaning of section 8 (1) of the act.

4. The aforesaid unfair-labor practices are unfair-labor practices affecting commerce within the meaning of section 2 (6) and (7) of the act.

ORDER

Upon the basis of the above findings of fact and conclusions of law, and pursuant to section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the respondent, Alabama Power Co., Attalla, Ala., and its officers, agents, successors, and assigns, shall—

1. Cease and desist from—

(a) In any manner dominating or interfering with the administration of Alabama Power Employees' Association and Independent Union of Alabama Power Employees, Inc., or with the formation or administration of any other labor organization of its employees, and from contributing support to said Alabama Power Employees' Association or to Independent Union of Alabama Power Employees, Inc., or to any other labor organization of its employees;

(b) In any other manner interfering with, restraining, or coercing its employees in the exercise of the rights to self-organization, to form, join, or assist labor organizations, to bargain collectively with representatives of their own choosing, and to engage in concerted activities, for the purposes of collective bargaining or other mutual aid or protection, guaranteed in section 7 of the act.

2. Take the following affirmative action which the Board finds will effectuate the policies of the act:

(a) Withdraw all recognition from Alabama Power Employees' Association as a representative of any of its employees for the purposes of dealing with the respondent concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment, and completely disestablish Alabama Power Employees' Association as such representative; provided that the withdrawal of such recognition shall not require the interruption of the relationship between the respondent and the Alabama Power Employees' Association relating to the accident and health insurance program and the hospitalization insurance program sponsored by Alabama Power Employees' Association;

(b) Refrain from recognition of Independent Union of Alabama Power Employees, Inc., as a representative of any of its employees for the purposes of dealing with the respondent concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment;

(c) Reimburse, individually and in full, all employees who were, or still are, members of Alabama Power Employees' Association for all dues which it has deducted from their wages, salaries, or other earnings, on behalf of Alabama Power Employees' Association pursuant to the arrangement between the respondent and the Alabama Power Employees' Association;

(d) Immediately post notices in conspicuous places in each of its plants, office buildings, or other buildings throughout its system, and maintain such notices for a period of 60 consecutive days, stating that the respondent will cease and desist in the manner set forth in 1 (a) and (b), and that it will take the affirmative action set forth in 2 (a), (b), and (c) of this order;

(e) Notify the regional director for the fifteenth region in writing within 10 days from the date of this order what steps the respondent has taken to comply herewith.

[From the Radio and Electrical Union News of July 1940]

ALABAMA POWER WORKERS REAFFIRM DETERMINATION—COMPANY UNION BATTERIES AND PLUG-UGLY BOSSES FAIL TO SHAKE COURAGE OF L. U. 904—LAW FLOUTED BY WILLKIE UTILITY

TALLASSEE, ALA.—Still one of the blackest spots on the utility map, the Alabama Power Co. continues its incessant war on organized labor. The company is a unit of the vast Commonwealth & Southern, a huge holding corporation of which, until his very recent resignation, Wendell L. Willkie, former Democrat and now Republican nominee for Presidency of the United States, was chairman of the board of directors.

Whether Willkie is at fault or not is beside the question. Undoubtedly, if he is interested in labor at all, he might very easily rectify the deplorable situation now existing on this power system.

SIX YEARS CONTINUOUS

The battle for labor recognition on this property has been raging for about 6 years, has run the gantlet of every device conceived in the minds of labor-hating bosses to destroy all semblance of democracy, company unionism has run rampant, the Labor Relations Act has been flouted and laughed at, Labor Board orders have been ignored or corrupted by the tycoons, and plug-uglies have incited riotous conditions to discredit union affiliation.

"Even in this year 1940," states an observer, "men are forced to face the same brutal conditions on this company's property that were thought to be wiped out decades ago.

"Just a few instances will serve to show the deplorable treatment meted out to those who dare to exercise their right to join a union of their own choosing.

UNION MEMBER SLUGGED

"A steam plant superintendent, notorious for his slave driving and labor baiting, slugged a union member who dared to resent being falsely labeled a thief. A hydro plant foreman threatened to knock another union member on the head when the member offered some constructive criticism of the foreman's faulty work. The known presence of company spies keeps everyone on nerves' edge and the widespread enmity of bosses for union members has reduced efficiency to a low ebb.

"In addition to all of this the company is still resisting an order to refund dues deducted from the payroll for the support of a company union, condemned as illegal under provisions of the Labor Act. The amount due is in excess of $10,000.

"This battle provoked and continued by the company since 1934, is probably the most outrageous anti-union campaign in recent history. But I. B. E. W. Local Union 904 continues to hold the fort for organized labor. We shall win."

[In the United States Circuit Court of Appeals for the Seventh Circuit. July 23, 1940. *National Labor Relations Board*, petitioner, v. *Southern Indiana Gas and Electric Co.*, respondent]

ORDER

The National Labor Relations Board having issued an order against respondent, Southern Indiana Gas & Electric Co., Evansville, Ind., pursuant to a stipulation entered into by the parties on May 11, 1940, and the parties having consented to an entry of a decree of this court enforcing said order of the Board, and the Board having petitioned this court for the enforcement of its said order; upon consideration of the petition of the Board for enforcement of said order and the stipulation of the parties; it is hereby ordered, adjudged, and decreed that Southern Indiana Gas & Electric Co., Evansville, Ind., its officers, agents, successors, and assigns shall—

1. Not—

(a) Dominate or interfere with the administration of the Association of S. I. G. E. Employees, Inc., or the formation or administration of any labor organization of its employees or contribute support to the Association of S. I. G. E. Employees, Inc., or to any other labor organization of its employees;

(b) In any manner, interfere with, restrain, or coerce its employees in the exercise of their rights to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection, as guaranteed in section 7 of the National Labor Relations Act.

2. Take the following affirmative action in order to effectuate the policies of the National Labor Relations Act:

(a) Withdraw all recognition from the Association of S. I. G. E. Employees, Inc., as a representative of any of its employees for the purposes of dealing with the company concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment;

(b) Post immediately notices in conspicuous places throughout its plant and maintain such notices for a period of 30 consecutive days, stating that the respondent will not engaged in any of the acts or practices set forth in paragraph 1 (a) and (b) of this order, and that it will take the affirmative action set forth in paragraph 2 (a) and (b) of this order;

(c) Notify the regional director for the eleventh region of the National Labor Relations Board within a period of 10 days after

the entry of this order what steps have been taken to comply with said order.

EVAN A. EVANS,
Judge, United States Circuit Court of Appeals for the Seventh Circuit.

WILLIAM M. SPARKS,
Judge, United States Circuit Court of Appeals for the Seventh Circuit.

OTTO KERNER,
Judge, United States Circuit Court of Appeals for the Seventh Circuit.

Approved July 19, 1940.

SOUTHERN INDIANA GAS & ELECTRIC CO.
By (Signature illegible),
Executive Vice President.

SIMPLIFICATION OF ACCOUNTS OF TREASURER OF THE UNITED STATES

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 844) to simplify the accounts of the Treasurer of the United States, and for other purposes, which was, in line 7, to strike out "1940" and insert "1941."

Mr. WAGNER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SUSPENSION OF CIVIL LIABILITIES OF CERTAIN PERSONS IN THE ARMED FORCES

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard.

Mr. SHEPPARD. I move that the Senate disagree to the amendment of the House of Representatives, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. SHEPPARD, Mr. THOMAS of Utah, Mr. OVERTON, Mr. AUSTIN, and Mr. GURNEY conferees on the part of the Senate.

IMPROVEMENT OF RIVERS AND HARBORS IN THE NATIONAL DEFENSE

The Senate resumed the consideration of the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes.

Mr. BAILEY. Mr. President, before we proceed with committee amendments, I think it would be appropriate for me to make a brief statement about the bill.

The bill before us is not a customary river and harbor improvement bill. It has an extraordinary aspect in that it is founded upon the national defense, not the national defense as a pretext, but the national defense as an actuality, and I am hoping that we may confine the legislation, for the present, at any rate, to the technical national defense; that is, that the projects in the bill, or projects which may be proposed by way of amendment, shall have been approved by the duly constituted authorities, to wit, the Board of Engineers of the Army, or the Commander in Chief, the President of the United States, or the Navy authorities, or the Coast Guard authorities, as actual necessities of the present national-defense program of our country.

I think I should make a further statement in this connection. During the present session of the Congress the House of Representatives and the Senate passed a river and harbor bill authorizing the appropriation of about $110,000,000.

That measure was vetoed, and in the veto message the President declared that the Congress ought not to authorize so large an expenditure, in view of the current necessities of the national defense. Sympathetic with that view, I did not move to override the veto, nor was a motion to override it made in the other House, but thereafter the House of Representatives prepared the bill which is before us—House bill 9972.

The Committee on Commerce has approved the bill practically as written, making only one material addition. That happens to be a rather costly addition, but I think a very important one. The House bill authorized the appropriation of $24,000,000 for 22 projects—the list of the projects appearing on page 6 of the report—but the Senate committee, upon the advice of the Army engineers, modified the provision with respect to the Los Angeles and Long Beach Harbors in California, so as to increase the cost of the projects there from $7,000,000 to $17,000,000. So whereas the House bill as passed calls for only $24,000,000, the bill before the Senate, by that single modification, increases the sum by more than $10,000,000—that is, to $35,000,000.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. CLARK of Missouri. Inasmuch as this is, at least ostensibly, purely a national-defense measure, what changed the situation, so far as the Army engineers are concerned, as to defense requirements between the time the House passed the bill and the time the bill was presented to the Senate?

Mr. BAILEY. I can state to the Senator that the change is only with respect to the Los Angeles and Long Beach projects.

Mr. CLARK of Missouri. I understand that, but I am asking the Senator with regard to those particular projects.

Mr. BAILEY. The original projects provided for a breakwater off Long Beach, in the interests of the Navy, of 7,000 feet, in order to provide harbor facilities. The engineers advised us that there was needed a breakwater of 21,000 feet, and that is what makes the difference.

Mr. CLARK of Missouri. Mr. President, will the Senator yield further?

Mr. BAILEY. I yield.

Mr. CLARK of Missouri. Did the engineers so advise the House committee and the House?

Mr. BAILEY. I do not know.

Mr. CLARK of Missouri. Has the situation in regard to the Los Angeles and Long Beach Harbors changed in the slightest degree since the engineers made the recommendation to the House committee or the House?

Mr. BAILEY. Mr. President, I do not think the situation in the harbors has changed, but the situation with respect to the defenses of the country has changed.

Mr. CLARK of Missouri. Mr. President, if the Senator will yield further——

Mr. BAILEY. Let me answer the Senator. I wish to be very courteous and patient with him and also to be as informing as possible. The engineers advised the Committee on Commerce of the Senate that the 21,000-foot extension was essential. Whether they had so advised the House I do not know, and I have not made inquiry. But the committee responded to the advice of the engineers.

Mr. President, let me say here something which I should like to say. In all these matters most Senators have no technical knowledge. I have never known what to do in matters of this sort, except to defer to the judgment of engineers, because I am not an engineer. In all matters affecting the defenses of our country I must coordinate my judgment with the judgment of the experts who are in charge.

If I may make a brief side remark, I have had a great deal of correspondence lately with my constituents, many of them seeming to understand just what the country should do in the matter of its defense, and I have notified them in all cases that I considered it my duty to defer to the judgment of the Chief of Staff of the Army and the Chief of Naval Operations of the Navy in the matters of defense, on the ground, first, that this Government is one of coordinate powers, and, second, that, after all, I am not a competent judge of what is necessary and what is not necessary for the national defense. It is a highly technical matter.

I hope I have answered the Senator to the extent of giving him a statement of my point of view. He may know—I am not saying he does or does not—that a 7,000-foot breakwater is entirely sufficient. I do not know whether a 21,000-foot breakwater is more than sufficient or not. It is a technical question, and I am advocating the amendment wholly because the technical authorities have told us that it is important to the national defense.

Now, if the Senator from Missouri knows better, all right.

Mr. CLARK of Missouri. Mr. President, will the Senator yield at that point?

Mr. BAILEY. I yield.

Mr. CLARK of Missouri. Let me say that I again question the Senator with very great trepidation because he expressed his feelings with great patience just a moment ago in yielding to one question, so I certainly do not intend to trespass very far upon time of the Senator from North Carolina.

Mr. BAILEY. I appreciate the Senator's statement.

Mr. CLARK of Missouri. Let me say that the Senator from Missouri does not profess to be a technical expert on the matter any more than does the Senator from North Carolina; but this seems to me to be an extraordinary matter. The President of the United States announced, in vetoing the former river and harbor bill, that he would be willing to sign a bill for certain defense river and harbor projects. Then the bill was passed by the House with a provision for only a 7,000-foot breakwater. I do not know whether a 7,000-foot breakwater is needed, or a 21,000-foot breakwater, or a 100,000-foot breakwater, but it seems to me to be an extraordinary circumstance that the bill passed the House of Representatives containing a provision for a 7,000-foot breakwater, and for the first time, apparently, when the bill was in the Senate committee, these great experts, for whom, incidentally, I have profound respect, finally said they needed a 21,000-foot breakwater.

I should like to know whether the Army Engineers have changed their opinion on the subject of whether they needed a 7,000-foot breakwater or a 21,000-foot breakwater.

Mr. BAILEY. I think it might be said that they have changed their opinion. The opinion first was that a 7,920-foot breakwater was needed. Now the recommendation is for a 21,000-foot breakwater. In order that we may clear this matter, and place the responsibility upon the duly constituted and technical authorities, let me read a letter which appears in the report on page 2, addressed to me by the Navy Department, under date of August 9:

> MY DEAR MR. CHAIRMAN: The Navy Department has recommended under date of August 5, 1940, to the War Department, a proposed amendment to bill H. R. 9972 (Rept. No. 2361), with a view to having the authorization for the breakwater extension at Long Beach, Calif., changed from a length of 7,920 feet to 21,000 feet, not only because this extension would provide the secure anchorage desired for the increased fleet but also because the Department has secured funds and is about to undertake the construction of fleet facilities on Terminal Island for the supply and docking of ships, antisubmarine net storage, and other fleet facilities.
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> The Navy Department is vitally interested also in a number of items in the bill which are of a national-defense character, such as the dredging in San Diego Harbor, the breakwater at Sitka Harbor, Alaska, the channel at Kodiak, Alaska, the dredging of Keehi Lagoon, Oahu, T. H., and the dredging at San Juan, P. R.

That is the statement. The Navy requests the project in the interest of the Navy, and I think the change was brought about because Congress has authorized a tremendous increase in the Navy.

I hope that explanation is satisfactory to my distinguished friend the Senator from Missouri. In my remark about patience, I did not mean to indicate that I was in the slightest degree impatient with him.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. OVERTON. In connection with the same project there is also a recommendation by the Secretary of War, as shown in the report submitted by the Committee on Commerce, on pages 2 and 3.

Mr. BAILEY. Yes. Mr. President, that is the only change of significance as between the House bill and the Senate bill.

With one more remark I shall be prepared to go forward with the amendments and the discussion of the measure. As I have said, the former bill was vetoed because it went beyond the necessities of the present time relating to the national defense. We may open the door, and one Senator after another may come in with his projects, and we may load down the legislation and bring about another veto. We may defeat the whole program by opening the doors and admitting all sorts of projects. Certain amendments will be offered, and I hope we shall give them fair consideration. My mind shall be open on the various questions. If the amendments are directly related to national defense, they will be agreeable to me.

I think I should say that the Senator from Nebraska [Mr. NORRIS] has an amendment which is not related to national defense, but I do not mention it with a view to saying that I shall oppose it. All I shall say about it is that if that amendment can be acted upon without opening the doors to a great many others, it will be agreeable to me. The Senator from Nebraska has some special considerations which he intends to submit. He is not asking for a new authorization or a new project, but is simply asking that an old authorization for an altered project shall be renewed with a view to the alteration. I take it that statement is satisfactory to the Senator from Nebraska.

So I beg the Senate not to yield to the temptation which must be in the breasts of all of us, very reasonably, to say, "Here is the opportunity to come in with my flood-control project or my local river and harbor project and get it through while a national-defense measure is going through." I am taking the course which I suggest. In the old bill there were 11 North Carolina projects. They did not involve very much money—less than $2,000,000—but in this bill there are only 2 very small North Carolina projects, and the 2 together involve about $100,000. There are plenty of needed projects in North Carolina. This year we had one of the worst floods in the history of the State.

Demands are coming to me from the people of western North Carolina to bring about some flood-control legislation, but I am not putting it in this bill. I am hoping that we may have a first-class, scientific, and well-conceived flood-control bill next year.

A great many meritorious river and harbor projects went down in the veto of the bill in the present session. I know Senators would like to bring them forward; but I am asking Senators not to bring forward any projects unless they can show, by statements from the engineers, the President, the Navy, the Army, or the Coast Guard, that their projects are directly related to the national defense.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. VANDENBERG. I do not think the Senator can too forcefully emphasize the appeal he has just uttered. As he knows, I have opposed all the river and harbor bills which have come from the Commerce Committee during the past 2 years. There are about $400,000,000 worth of ambitious projects lurking in the cloak rooms. Each one has more or less of a reason for being—usually less. If this bill opens itself to a general reception of amendments, I know no reason why all Senators should not consider that the vehicle is available for the whole $400,000,000 worth, and we shall be right back where we started.

The bill which the Senator now presents is the first river and harbor bill in the past few years which I have supported, in spite of the fact that I come from an area which has a very intimate relation to harbor development. The Senator's bill is supported by the recommendations of the defense authority. I am sorry to say that the Senator's total reliance upon the Board of Rivers and Harbors Engineers is scarcely satisfactory to me, because, in the light of the record of the river and harbor engineers during the past 2 years, I am not able to assign 100-percent dependability to their judgment. However, in this instance the Senator's bill has the mark of essential national defense from the appropriate spokesmen for the Government with respect to every item in it.

We can pass that bill and it can be signed and become a law. If it is opened up to all the other amendments, and they start to accumulate in any such—I was about to say almost scandalous—degree, as has been true in regard to our previous river and harbor bills in the past 2 years, then the national defense itself will be the sufferer.

Mr. BAILEY. That is correct.

Mr. VANDENBERG. I join the Senator in his plea.

Mr. BAILEY. I am very grateful to the Senator from Michigan. I shall take my seat after commenting upon one remark he has made. At the rate we have been going in the matter of flood-control and river and harbor projects, we shall convince ourselves and the country that the Congress is incompetent to legislate in such matters.

In view of the experience we have had since I have been chairman of the Committee on Commerce, I have been thinking that we might make better progress, and that the progress would be more substantial, if we should constitute another board. I am opposed to all that sort of thing; but I have seriously thought of suggesting a Board of Internal Improvements, in order that we might avoid the temptation within ourselves to come in at a moment like this and put even a fairly meritorious project in the bill. It is not scientific. It loads down the legislation, and makes it unpopular. We have acquired a bad name in America for our river and harbor legislation. I see it repeatedly referred to in the newspapers as "pork barrel" legislation.

I wish to avoid that sort of thing. I wish to go forward, not only with this bill, but next year with a legitimate, well-conceived river and harbor bill. I hope to go forward next year with a well-conceived flood-control bill. Both are necessities. There is room for both. But for the present I beg Senators, if they have amendments—and I make an exception of the distinguished Senator from Nebraska—to confine themselves strictly to the national-defense relationship in this matter.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. VANDENBERG. I do not think that appeal is quite definite enough, because nowadays everything is proposed in the interest of national defense.

Mr. BAILEY. I use the word "strictly." I should say "technically", as approved by the Army, the Navy, the Coast Guard, the engineers, or the Commander in Chief.

Mr. VANDENBERG. That is much better.

Mr. BAILEY. I yield the floor.

The PRESIDENT pro tempore. Let the Chair state the parliamentary situation.

Prior to the unanimous-consent agreement to consider the committee amendments first, an amendment was presented by the Senator from Massachusetts [Mr. WALSH] and stated. That amendment is now pending. It will have to be disposed of prior to the consideration of the committee amendments.

Mr. BAILEY. That is agreeable to me, if the Senator from Massachusetts wishes it.

The PRESIDENT pro tempore. The amendment offered by the Senator from Massachusetts will be stated.

The LEGISLATIVE CLERK. On page 2, between lines 20 and 21, it is proposed to insert the following:

Norfolk Harbor, Va.; House Document No. 683, Seventy-sixth Congress.

Mr. WALSH. Mr. President, in order to show the Senate that this amendment appears to come within the limitations and suggestions of the Senator from North Carolina, I should like to read a letter from the Chief of the Bureau of Yards and Docks of the Navy:

NAVY DEPARTMENT,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., September, 24, 1940.

Hon. DAVID I. WALSH,
United States Senate.

MY DEAR SENATOR WALSH: It is my understanding that H. R. 9972 authorizing improvement of certain rivers and harbors in the interest of national defense will be brought up on the floor of the Senate within the next day or two.

We have been cooperating very closely with the War Department (office of the Chief of Engineers) in connection with this bill inasmuch as all of the projects therein are of vital interest to the Navy in connection with the national-defense program.

The Navy Department has just received an urgent letter from the commandant of the fifth naval district recommending that the project for providing additional anchorage area south of Craney Island in Norfolk Harbor be inserted in the subject bill.

This project which will provide two anchorage spaces, at an estimated cost of $182,000, south of Craney Island, which is the Naval Fuel Depot in Norfolk Harbor, is covered in detail in house document No. 683, Seventy-sixth Congress, third session. (See Chief of Engineers' letter of March 19, 1940, p. 2 and pars. 8, 11 (b), 14, and 50.)

The increasing importance of the Hampton Roads area due to its central strategic location and enlarged defense plans now underway make it necessary that additional anchorage areas be provided for naval craft. This area will be used for ships awaiting their turn to fuel at the Craney Island depot; as a sheltered harbor for the increasing small naval craft used for loading stores, making minor ship's force repairs, liberty parties, and for the relief of the already crowded condition of other anchorage areas and dock spaces at the navy yard and the naval operating base.

The anchorage situation in the Elizabeth River at Norfolk has been made more acute owing to the necessity of providing buoy moorings for the large number of destroyers which are now basing at the operating base. Ships of the fleet are using the Craney Island Depot for fueling purposes on a continually increasing scale. It is contemplated that this anchorage will now be used entirely for Naval craft rather than for barges, freighters, and other commercial ships as contemplated in the original project and report. The estimated cost of $182,000 would appear very reasonable in proportion to the benefits to be obtained from this project.

I would very much appreciate it if you could propose the following suggested amendment when this bill is brought up on the floor of the Senate:

"Amendment intended to be proposed by _____ to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes: On page 2, between lines 20 and 21, insert the following:

" 'Norfolk Harbor, Va., House Document No. 683, Seventy-sixth Congress.' "

Sincerely yours,

B. MOREELL, *Chief of Bureau.*

Let me add that anyone who has observed the conditions at Norfolk must be convinced, in my opinion, of the absolute importance and necessity of the harbor improvement.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. VANDENBERG. I assume the Senator is presenting this amendment in his capacity as chairman of the Naval Affairs Committee?

Mr. WALSH. I am. I have no personal interest in it whatever.

Mr. VANDENBERG. I should like to say to the Senator that his authority on that subject is far more satisfactory to me than almost any other that could be quoted.

Mr. WALSH. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. WALSH].

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the committee amendments.

The first amendment of the Committee on Commerce was on page 2, after line 10, to strike out:

Thames River, Conn.; House Document No. 367, Seventy-sixth Congress.

The amendment was agreed to.

The next amendment was, on page 3, line 16, after the name "California", to strike out "seaplane base and related works in accordance with the plan recommended in the report on file in the office, Chief of Engineers", and insert "House Document No. 844, Seventy-sixth Congress", so as to read:

San Diego Harbor, Calif.; House Document No. 844, Seventy-sixth Congress.

The amendment was agreed to.

The next amendment was, on page 3, line 20, after the name "California", to strike out "improvement in accordance with the plan recommended in the report on file in the office, Chief of Engineers", and insert, "House Document No. 843, Seventy-sixth Congress, and in accordance with plans developed in conjunction with the Navy Department for modifying the alinement and increasing the length of the breakwater to approximately 21,000 feet", so as to read:

Los Angeles and Long Beach Harbors, Calif.; House Document No. 843, Seventy-sixth Congress, and in accordance with plans developed in conjunction with the Navy Department for modifying the alinement and increasing the length of the breakwater to approximately 21,000 feet.

The amendment was agreed to.

The PRESIDENT pro tempore. That completes the committee amendments.

Mr. NORRIS. Mr. President, as the Senator from North Carolina [Mr. BAILEY] has already said, I have an amendment which I have talked over with him at some length, and which I wish now to present.

Let me say, Mr. President, I am in full accord with what the Senator from North Carolina has said, and I am willing to be judged by that rule unless my amendment is an exception, as it probably is, and does not interfere in the least with the idea of constructing or providing for the construction only of defense projects. Under a preceding River and Harbor Act and in two different statutes the Board of Engineers were authorized to survey the Republican River in Nebraska and Kansas and also in Colorado, for the purpose of constructing flood-control reservoirs and making a survey of the large number of proposed projects on the Republican River and its tributaries, which would safeguard the Republican River and the Republican River Valley from damage by floods.

In 1935 that valley suffered a flood that was beyond anything ever known in the history of that section, and which was comparable to some of the great floods that have done untold damage elsewhere.

Prior to the survey of these proposed projects on the Republican River and its tributaries the Board of Engineers had recommended, for flood-control purposes, a dam on the lower Republican River in Kansas; but in the further survey of the Republican River they reported adversely on all the projects except one, and that was the construction of a dam known in their report as the Harlan County Dam, which is near the line of Harlan County, on the Republican River in Nebraska. A prior dam located at Milford, Kans., lower down on the Republican River, already approved, was reconsidered by the Board of Engineers, and considered in connection with the proposed dam farther up on the Republican River, with the result that the Board of Engineers recommended the building of the Harlan County Dam and not the building of the Milford Dam. In other words, they found that the Harlan County Dam would take the place of the Milford Dam, and so they located the dam then in Harlan County. Therefore, in reality, they sought to move the dam from Milford, Kans., to Harlan County, Nebr. I think all the people residing in the valley of the Republican River, both in Nebraska and Kansas, have approved this change.

The engineers thought it was a better location for a flood-control project; that it would perform the same office the Milford Dam would perform, and, in addition to that, by locating the dam farther up the river, it would not only give the same flood-control advantage but enable them to use the controlled water for irrigation for a distance of 75 or a hundred miles along the Republican River Valley. The people residing in that section are in the midst of a drought which has afflicted them for the last 6 years. It is as beautiful a section as can be found outdoors, and as fertile as any on the Nile, but no crops have been raised because of the drought.

It was the idea of the engineers that by relocating it the dam would retain the full value for flood-control purposes and enable the owners of the land in the Republican Valley both in Nebraska and in Kansas to irrigate their land from the controlled waters.

The act under which the Milford Dam in Kansas was recommended by the Board of Engineers contained the usual provision that they could modify or make changes as they saw fit. I concluded that their modification locating the dam at the Harlan County line was in accordance with what the law gave them the right to do, and that no further authorization would be needed. I took up the matter with the chairman of the committee and he shared with me that view. I concluded there would not be any necessity for offering an amendment to this bill. But I had the legislative counsel take it up with the Board of Engineers, and they sent me a memorandum expressing the view that the project was not in condition for an appropriation, and that, at least, raised grave doubt in my mind whether an appropriation would lie under the authorization previously provided.

The amendment I offer would do nothing else than simply, if it were possible, to move the dam from one place to another. That is the only effect it would have. I offer the amendment and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to insert the following new section:

SEC. 5. In addition to previous authorizations, there are hereby authorized to be appropriated for the prosecution of the comprehensive plan approved in the act of June 28, 1938, for the Missouri River Basin, such sums as may be necessary for the construction of a dam and reservoir on the Republican River at the Harlan County site, in accordance with House Document No. 842, Seventy-sixth Congress.

Mr. OVERTON and Mr. KING addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield, and, if so, to whom?

Mr. NORRIS. I yield first to the Senator from Louisiana, who rose first.

Mr. OVERTON. Mr. President, as I understand this project and the explanation made by the Senator from Nebraska, the main, if not exclusive, purpose is flood control, but it has the incidental feature that it may be used also for irrigation purposes.

Mr. NORRIS. That is correct.

Mr. OVERTON. But the main argument in support of it is that it would be of value as a flood-control project. Am I correct in that?

Mr. NORRIS. The Senator is entirely correct.

Mr. OVERTON. I desire to make the observation, Mr. President, in addition to what the able Senator from North Carolina in charge of the bill has said, that the Committee on Commerce of the Senate, while it may not have adopted the policy, has, at least, undertaken to follow the policy of not approving flood-control projects in rivers and harbors bills.

The reason for that, I think, is well-grounded. In the House there is a committee which considers river and harbor projects exclusively—that is, for navigation purposes—and in the House there is also a Flood Control Committee, which considers flood-control projects exclusively. Therefore, when a project is either exclusively a flood-control project or mainly a flood-control project, it is one which ought to be considered by the Food Control Committee of the House. When the Commerce Committee adds a flood-control project to a river and harbor bill it excludes any consideration of the policy by the Flood Control Committee of the House. So, out of regard for the Flood Control Committee of the House, we have undertaken not to include in the river and harbor projects any flood-control project.

Mr. NORRIS. This amendment does not propose a new project. It means a reauthorization, because the engineers have substituted the Harlan County Dam for the dam lower down the river. It is not a new project. There is nothing new in it.

Mr. OVERTON. It is a relocation of the project?

Mr. NORRIS. That is all; and, personally, I very much doubt whether it is necessary. I want to be frank with the Senate, but I do not want to be confronted later on with a technical objection when it comes to an appropriation, and have it said that there is no authorization for it. That is all I have in view.

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. BAILEY. The Senator is not asking for an increase in the total authorization, as I understand.

Mr. NORRIS. No.

Mr. BAILEY. He is simply asking for the transfer of an authorization heretofore made to a dam on the same river higher up in lieu of the dam which is to be abandoned.

Mr. NORRIS. That is correct.

Mr. BAILEY. I think that is the case.

Mr. NORRIS. It is really for the purpose of meeting a technical objection.

Mr. VANDENBERG. And it does not increase the total cost of the project by a nickel.

Mr. NORRIS. No.

Mr. KING. Mr. President——

Mr. NORRIS. I now yield to the Senator from Utah.

Mr. KING. The question just propounded by the Senator from Michigan was one which I had in my mind. I was wondering whether or not, by this change, a larger authorization would be required and a larger appropriation ultimately made.

Mr. NORRIS. Oh, no. This appropriation, as I understand, will come out of the appropriation made for the Missouri River. This river is a tributary of the Missouri. That project was authorized in 1938, I think, and appropriations have been made for it. There is now an outstanding appropriation of $9,000,000 for the improvement of that river, but, of course, it includes a vast amount of territory. The Board of Engineers decide which project is the most worthy, and take the projects in the order in which, in their judgment, they ought to be taken.

I am informed by a memorandum from the Board of Engineers that this particular dam is the next one they had in view. It is a very important flood-control project. More than that, it means something to the people who have settled in the Republican River Valley for the past 50 years, and made it a garden spot until during the past 6 or 7 years, when they have been dried up every year with a drought. It will bring relief to a people who are on the verge of being driven out of the country, of starving to death. They have been hanging on there as long as they possibly can, it seems to me; and they will be able to use for irrigation the water which will be stored, and make a garden out of what is now a desert.

Mr. KING. Mr. President——

Mr. NORRIS. I yield.

Mr. KING. Some time ago—perhaps a year ago—a lawyer who had made some investigation of these projects, in connection with the development of the vast area to which the Senator has referred, indicated to me that he was fearful that there would be protracted litigation growing out of conflicts as to priority of appropriation, and that perhaps some of the upper reaches of the streams—and some of them, as I was advised, had their headwaters in other States than Nebraska—would make claims to this water, and if those claims were sustained the project to which the Senator refers would be materially injured; and, of course, such action would give rise to very serious litigation. I am asking the Senator for information about the matter.

Mr. NORRIS. I live in this part of the country. I live on the Republican River. I have spent my mature life, from the time I was a young man, in the Republican River Basin, and I still live there. I will say to the Senator that so far as I know—and I think I know—no question of priority of right to irrigation is involved in this project. When this improvement came there was a great deal of dissatisfaction on the part of a number of persons who live right where I have lived all my life over the fact that all these other projects had been turned down by the engineers. It was heartbreaking to me, but I accepted it. While I live in the territory where I have always lived, above the area that will be benefited by this dam, nevertheless, as hard as it is to see all these projects turned down by the engineers, I cannot put myself in the attitude of opposing a project farther down which will be beneficial, and which, as far as flood-control value is concerned, I must admit has a greater value than any on the Republican River, and the people down there are suffering in the same way. Irrigation is needed in that part of the country just as much as it is needed farther up, in my part of the country.

Aside from the technicalities concerning this matter—I do not want to take up time in discussing it—if I had the ability I could paint a picture here that would reach the heart of every listener. Those people have gone into that area and raised families. Now they are old. Their children are now occupying the farms. They have seen the days of prosperity, when they raised rich crops on this soil. They have seen prosperity disappear. They have seen the region go into decay, all because of the lack of rain. This project will be a godsend to a large portion of those people who live below the dam. All of the few irrigation projects there are, I think, without exception, above this dam. They are not affected by it in any way. I will say to the Senator from Utah that I do not think there is a possibility of any litigation affecting the priority of water rights.

Mr. OVERTON. Mr. President, will the Senator further yield?

Mr. NORRIS. I yield to the Senator from Louisiana.

Mr. OVERTON. If I correctly understand the amendment offered by the Senator from Nebraska, it does not increase the authorization or the amount to be expended.

Mr. NORRIS. No.

Mr. OVERTON. And it has been recommended by the Chief of Engineers.

Mr. NORRIS. Yes; this dam is recommended by the Chief of Engineers, all the way down the line to the local engineer.

Mr. OVERTON. The change in the location of the dam has been recommended by the Chief of Engineers?

Mr. NORRIS. Yes; in a report, I think in House Document 842, the change of location has been recognized.

Mr. OVERTON. The reason why I am careful about the matter is that I assume that the constituents of practically every Senator on the floor are desirous of having amendments made to this bill. Louisiana wants amendments made to the bill. I shall not offer any of the amendments, under the suggestion made by the chairman of our committee and by the committee, and under the recommendation made by the President; but I think there can be a departure from the rule, as in the case of the amendment offered by the Senator from Nebraska, when there is no increase in the authorization, and when there is merely a change in the location of a reservoir, and it has been recommended by the Chief of Engineers. I think an exception can be made in such a case; and therefore I shall support the Senator's amendment.

The PRESIDING OFFICER (Mr. GURNEY in the chair). The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

The amendment was agreed to.

Mr. MALONEY. Mr. President, I offer the amendment, which is on the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

The CHIEF CLERK. On page 2, between lines 12 and 13, it is proposed to insert:

East Hartford, Conn.; House Document No. 653, Seventy-sixth Congress.

Mr. MALONEY. Mr. President, I am not sure that this particular amendment falls within the objectionable category referred to by the distinguished chairman of the committee, but I know very definitely that it falls within the category of the amendment just adopted, presented by the able Senator from Nebraska [Mr. NORRIS].

This amendment does not cover a new project. It is a project heretofore approved by the Army engineers, by committees of the House and the Senate, and in a separate bill has already passed the Senate. The amendment provides a reauthorization for a project approved a long time ago, to construct dikes and other protective works at East Hartford, Conn.

A reauthorization is probably necessary, and I find myself in exactly the position taken by the Senator from Nebraska, because in the proposal covered by my amendment there was a change in the plans. During the course of an investigation the Army engineers and others felt that greater protection could be afforded to this important industrial area by a change, and it is only because of that change that this authorization is probably now necessary.

I should like to point out, if I may, that in the bill under consideration one of the committee amendments struck out a project in my State, a project which I think is extremely important; but, because I am in complete sympathy with the high purposes of the committee——

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. BAILEY. That was stricken out because the work was going on. It is not destroying the project.

Mr. MALONEY. Not completely, in any event; the work is going on; but what I started to say was, that I am so completely in sympathy with the purposes and aims of our able chairman, and with the purposes of the Committee on Commerce, that I would make no attempt to resist that amendment.

But I would be derelict in my duty as a Senator, as well as a representative of the State of Connecticut, if I did not make every possible effort to bring about the adoption of the amendment which I have now offered, and I beg Senators to hear what I have to say in this respect.

Mr. VANDENBERG. Mr. President, will the Senator yield for one question?

Mr. MALONEY. I yield.

Mr. VANDENBERG. The Senator says his amendment falls in the same category with the amendment of the Senator from Nebraska [Mr. NORRIS], which the Senator from North Carolina has accepted. Does he mean by that statement that his amendment does not increase the total appropriations or authorizations carried in the bill?

Mr. MALONEY. I am not definitely sure. I think there is probably involved a very slight additional cost. There has been a change in plans. I am not absolutely certain, but I think that there would be an additional cost of $249,000. This whole project would cost approximately $1,600,000, and I am about to explain, as briefly as I can, the purposes impelling me to offer the amendment, and to urge, as seriously and sincerely as I can, that it be adopted, because it is extremely important.

Mr. KING. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. KING. During his explanation of the merits of this case, may I inquire of the Senator whether or not the situation is not such that the State itself, or the municipality, should have undertaken the project, or at least made some contribution toward its development? I hope the Senator will pardon me, but I may say that I made investigation of every river and harbor project from the days of Washington down to about 5 years ago. I investigated every single one of them, examining hundreds and hundreds of reports and thousands of pages of testimony, and I discovered that a very large number of the projects lack merit, and a very large number of them should have been constructed by local communities, by counties, by cities, or by States. I was wondering whether this project was one which should receive some aid in its construction from the county, or the city, or the State.

Mr. MALONEY. Mr. President, in reply to the very able Senator from Utah, I can only say that the particular community involved has made such a contribution as the Congress and the community and those interested in this character of legislation feel it should have made. There has been some contribution on the part of the community.

I am concerned with this project because it is, in my judgment, as important to the national defense as any project under this bill could be. Located at East Hartford, Conn., is the plant of the Pratt & Whitney Aircraft Corporation, which, from the standpoint of national defense, is probably the most important of the manufacturing plants in our country; it is certainly one of the most important. It is contributing right now to the greatest need we have—the manufacture of airplanes, or airplane motors. At this factory there are employed at the present time approximately 18,000 men. Much additional construction is going on at the plant. So I presume that in the near future thousands more men will be employed at the Pratt & Whitney plant.

During the very serious floods affecting my State in 1936, and again in 1938, it was necessary to close the Pratt & Whitney Aircraft Corporation plant because the employees could not get to the factory, since their homes were under water, and there was no way for them to reach the plant excepting by boat or by plane. I am fearful that another flood, coming at an even more serious time than the present, might handicap our national defense to a disastrous extent.

The Army engineers, in reporting on my amendment to the Committee on Commerce, point to the importance of this project in connection with this plant.

My State is very much concerned, and the people in the neighborhood, for the sake of their own homes, are greatly concerned; but that is not all that prompts me to make this appeal. I urge the adoption of the amendment because it is, in my judgment, extremely vital to the national defense. I doubt whether there is another such project in the bill, or a project which might be presented, that is so important as this one.

I am very hopeful that, for the reasons I have stated, the Committee and the Senate will approve this tremendously important amendment, which the Senate has previously adopted in the form of a bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. MALONEY].

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, between lines 9 and 10, it is proposed to insert the following:

Sabine-Neches Waterway at Orange, Tex., in accordance with report on file in the office of the Chief of Engineers.

Mr. SHEPPARD. Mr. President, since the bill was reported the Navy Department has awarded a contract to a plant at Orange, Tex., for the construction of twelve 2,100-ton destroyers. After awarding the contract the Navy certified to the Chief of Engineers for Rivers and Harbors that a channel would be necessary from the main channel to afford proper access to this plant manufacturing destroyers, certifying that it was necessary in the national defense.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. SHEPPARD].

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 4107) to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdictions of the War Department and the Department of the Interior, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES of Texas, Mr. FULMER, and Mr. HOPE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LANHAM, Mr. CROWE, and Mr. HOLMES were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendment to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two

Houses thereon, and that Mr. MAY, Mr. THOMASON, Mr. COSTELLO, Mr. ARENDS, and Mr. HARNESS were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3437. An act for the relief of the Franco-American Construction Co.; and

S. 3920. An act to amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes.

EXTENSION OF SUGAR ACT OF 1937

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 9654, the so-called sugar bill.

There being no objection, the Senate proceeded to consider the bill (H. R. 9654) to extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar.

Mr. GEORGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Shipstead
Andrews	Downey	King	Smathers
Ashurst	Ellender	McKellar	Stewart
Austin	George	Maloney	Thomas, Idaho
Bailey	Gerry	Mead	Thomas, Okla.
Bankhead	Gibson	Minton	Thomas, Utah
Barkley	Gillette	Murray	Townsend
Brown	Glass	Norris	Truman
Bulow	Green	O'Mahoney	Tydings
Burke	Guffey	Overton	Vandenberg
Byrnes	Gurney	Pepper	Van Nuys
Capper	Hale	Pittman	Wagner
Caraway	Harrison	Radcliffe	Walsh
Chavez	Hayden	Reed	Wheeler
Clark, Idaho	Herring	Russell	White
Clark, Mo.	Hill	Schwartz	Wiley
Connally	Holt	Schwellenbach	
Danaher	Johnson, Calif.	Sheppard	

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present.

Mr. JOHNSON of Colorado. Mr. President, House bill 9654 extends for another year the provisions of the Sugar Act of 1937, and it also extends for another year the taxes levied with respect to sugar. These taxes, under existing law, would expire on June 30, 1941. Unless this proposed legislation be enacted, the quota provisions and conditional payment provisions of the 1937 act will expire on December 31, 1940. The bill extends these provisions for 1 year. The bill also restores the limitations on direct-consumption sugar coming from Puerto Rico and Hawaii for 1 year, since these provisions expired on March 1, 1940. The bill also authorizes the appropriation of amounts equal to the taxes on the sugar coming from the Philippines to be used to finance the program of economic adjustment in the Philippines. Under present law no payments can be made for these purposes after June 30, 1941.

Mr. President, as every Senator knows, the sugar question is involved and complicated. Many Senators desired to change some of the provisions in the sugar law. The Senate committee considering the matter reached the conclusion that it would be better for everyone concerned if we merely extended the 1937 act for another year, and then, when Congress returns next year, to try and work out a sugar bill which might meet the objections made and make the adjustments which those representing the different phases of the sugar industry are demanding.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. VANDENBERG. In the Senator's time I should like to make it plain that the statement which he has just made authentically describes the state of mind of many of us from the midcontinent sugar-beet area. We are not accepting this continuing legislation through any degree of satisfaction or any notion that it adequately meets what we believe to be the essential changes in the sugar-control arrangements and administration. We are accepting it solely because it appears to be the only alternative open if there is to be any sugar program at all commencing New Year's Day. Therefore the statement which the Senator from Colorado has just made, it seems to me, is very important so far as the record is concerned, lest there be any misunderstanding with respect to the support which many of us give to this continuing legislation; and I do give it support under the circumstances as indicated. The support we give is predicated upon the fact that there is no time to do an adequate job at the moment, but that we expect an adequate job to be done in 1941.

Mr. JOHNSON of Colorado. Mr. President, I thank the Senator from Michigan for his statement. I think the same statement could be made by representatives of every other part of the sugar industry. The fact that none of the sugar people are satisfied rather indicates that this is a pretty good compromise. I know that the continental sugarcane section is not satisfied. The Puerto Rico and Hawaiian interests are not satisfied. The Philippine sugar interests are not satisfied. No one seems to be satisfied with the measure, and therefore I have reached the conclusion that it is a fairly good compromise.

Mr. ADAMS. Mr. President, I wish to make an inquiry of my colleague.

Mr. JOHNSON of Colorado. I yield.

Mr. ADAMS. If the bill should not pass, it would leave the tax upon the sugar industry as it now stands, without the benefit payments?

Mr. JOHNSON of Colorado. That is correct.

Mr. ADAMS. In other words, the industry would be forced to stand the tax without receiving any benefit payments in compensation?

Mr. JOHNSON of Colorado. That is correct.

Mr. ADAMS. In addition, we have had a reduction in the tariff on incoming sugar through the reciprocal-trade agreements.

Mr. JOHNSON of Colorado. That is also true. Of course, the tax which is now in effect would expire——

Mr. ADAMS. The point I wish to make is that the sugar situation in this country is now worse off by a reduction of 60 cents a hundred by reason of the reciprocal-trade agreements. If the bill should not pass, the domestic sugar industry would further suffer the detriment of a 50-cent tax, with no benefit payments.

Mr. JOHNSON of Colorado. The Senator has stated the case very well.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. ELLENDER. Has the Senator any figures to show the amount of sugar which might come into this country if the quota law now on the statute books should lapse?

Mr. JOHNSON of Colorado. I have no figures. Any statement I might make would be an estimate at best, and would be entirely dependent upon world conditions. I do not think anyone could answer that question.

Mr. ELLENDER. World conditions during the second world war differ from the world conditions that prevailed during the first World War and——

Mr. JOHNSON of Colorado. Yes. Of course, the blockade affects the situation.

Mr. ELLENDER. That is what I desire to point out. Because of said blockade sugar has accumulated in South American countries—Cuba, the Philippine Islands, Hawaii, and Puerto Rico—in excess of 2,000,000 tons; and if the quota were not retained, all that excess sugar would be dumped on the American market, thereby considerably affecting our prices.

Mr. JOHNSON of Colorado. The Senator has made an accurate statement of the situation. Of course, if the act is not continued, all that sugar will come in. I understand that the price of sugar in New York today, with no tariff, is about $1.65. Of course, that would completely put out of business all the sugar industry of continental United States. All our domestic-sugar industry would go.

Mr. THOMAS of Idaho. Mr. President, it is not my purpose to detain the Senate for any great length of time on this important measure. First, I wish to compliment the Senators from the West and the South who have spent so much time trying to work out a program which would help the sugar industry. I want it distinctly understood that I am not at all satisfied with the present arrangement; but I agree with the Senator from Colorado [Mr. JOHNSON] that probably this is the best solution which could be reached at this time, and it should be accepted, because it is of tremendous importance that this proposed legislation should be passed before this session of Congress ends. It is important that our sugar industry know what to depend upon for at least a short time.

In this connection I have the feeling that the Department of Agriculture has put into effect every obstacle it could think of in order to destroy the domestic-sugar industry, especially the sugar-beet industry of the West.

There can be no doubt whatever of the administration's intentions with reference to the domestic-sugar industry. Mr. Wallace, as Secretary of Agriculture, stated the administration's views quite bluntly at the time the first Sugar Act was being considered by Congress:

> The sugar-beet industry, as measured from the standpoint of free-world competition, is inefficient.

It was left to Mr. A. J. S. Weaver, then head of the Sugar and Rice Division of the Agricultural Adjustment Administration, to explain in detail the administration's views. I want to quote briefly here an exchange between Congressman HOPE and Mr. Weaver before the House Committee on Agriculture in 1934.

> Mr. WEAVER. * * * In this emergency situation it is not possible to do everything at once; but, now speaking from the point of view of long-time policy, if further expansion is continued, the United States will be saddled, possibly forever, with a high-cost industry which is not a fair thing to contemplate for consumers.
>
> Mr. HOPE. Well, then, in other words the policy is to start in eliminating the industry before it gets any bigger. Am I correct in that assumption
>
> Mr. WEAVER. Yes; if you mean limiting the industry, I think that is a reasonable statement.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. THOMAS of Idaho. I prefer not to yield at this time.

I wish to point out how the administration has acted deliberately to cripple the domestic sugar industry. Under the present Sugar Act, and under the Jones-Costigan Act which preceded the present act, the American market is protected not by a tariff, but by quotas which are adjusted at the discretion of the Department of Agriculture. The tariff on Cuban sugar, which was formerly 2 cents a pound, has been reduced to 0.09 cent a pound—considerably less than the difference in the cost of production between the United States and Cuba.

The law provides that Cuba shall be given a substantially larger share of the American market than the entire western sugar-beet area is permitted to supply. The western area is limited to less than 25 percent of the American market, and both the sugar-beet section and the southern cane growers together are permitted to supply less than 30 percent of the domestic market. This in itself, even were the act administered with the interests of the American grower in mind, is unfair. It is unfair to the sugar growers, and it is unfair to every other farmer in the United States. There are thousands of additional acres in the West on which sugar-beets could be profitably grown if the Government would permit. Today, these acres, which should be producing sugar which can be profitably marketed, are producing crops of which we already have surpluses burdening the market and depressing prices.

However, if the Department of Agriculture continues to administer the act to depress the price of sugar, there will be no need to worry about acreage allotments. All domestic production will be destroyed. At present, the price has fallen so low that many growers are producing at an actual loss. They cannot and will not continue to do so for long.

Let me show how the policy of Secretary Wallace and the administration has acted to depress the price of sugar. Hardly had the present Sugar Act become law in 1937 when the Department of Agriculture fixed its estimate of American sugar consumption at 7,042,000 tons, an amount of sugar greater than has ever been consumed in the United States in any year. The effect was to bring in sugar surpluses which reduce prices.

This policy of fixing the estimates of production high enough to depress the price has been followed consistently. This year, because of the hostility of the administration to the domestic sugar industry, domestic growers are in a peculiarly difficult position.

In September 1939, supposedly because of the fear of rising prices due to war conditions, quotas were suspended by the President, and the tariff on Cuban sugar automatically was raised from 0.9 to 1.5 cents per pound, still half a cent per pound lower than the tariff which protected the American grower prior to the New Deal. Then, on December 27, 1939, the tariff was reduced to 0.9 cent per pound, 4 days before the 1940 quota went into effect on January 1, 1940. During this 4-day period, only a 0.9-cent tariff was in effect, and there were absolutely no quotas effective to protect the American market.

Someone had evidently tipped off the owners of the Cuban sugar industry, for during this 4-day period 284,000 short tons of sugar, valued at $11,000,000, which had been stored in bond in this country, were admitted at the 0.9-cent tariff and free from any quota restrictions. This amounted to 15 percent of the entire year's sugar imports, and it meant a loss to the Federal Treasury of about $3,500,000. The loss to the American sugar grower was much more serious than that.

As a result of this manipulation, we faced the present year with an inventory of sugar in the United States of approximately 900,000 tons, about 400,000 tons more than normal. The situation, inevitably, has been detrimental to the American sugar grower.

In August, as a concession to the American sugar producers, the quotas of imported sugar were reduced by 136,000 tons. This was not enough materially to remedy the situation or to improve the price of sugar.

Today the price of sugar is at very nearly the lowest point in history. In August it was, at 5.1 cents per pound, lower than before the first sugar act went into operation. Yet that is only part of the picture. Out of that price of 5.1 cents per pound comes a tax of 0.53 cent per pound.

When the sugar legislation was first before the Congress, Mr. A. J. S. Weaver, who was officially presenting administration views, spoke of the danger that the price of sugar, without legislation, would bring us back to last year's very low prices, of which and about which the beet producers and continental can producers complained, and rightfully complained.

The low price referred to, of which beet producers "rightfully complained," was 5.3 cents a pound, 0.2 cent per pound higher than the price during August 1940. Moreover, no tax was taken out of the 1933 low price. Deducting the tax, the return on sugar would be less than 4.6 cents per pound. If farmers "rightfully complained" in 1933, they are entitled to a mighty howl of protest today, since the condition which prevails in the sugar market is the result of deliberate manipulation by a Secretary of Agriculture and an administration whose announced desire it is to eliminate the domestic sugar producer.

As the situation stands today, sugar growers in the United States are permitted to supply only a fraction of the American market. That is the result of an unreasonable law. There is absolutely no justification, however, for the administration to use that law to depress prices to the point where farmers will be forced to abandon domestic production altogether.

Last year many American sugar-beet growers sold their crop at an absolute loss. This year, prospects are not improved. In fact, with lower prices of sugar, the return to farmers may be no better this year than last. This condition could be easily remedied by a further reduction of the import quotas, but this the Department of Agriculture refuses to do. The Department's refusal means another loss for farmers.

It is nothing short of a crime that the administration should use the Sugar Act—supposedly framed in the interests of the cane and sugar-beet farmers—to destroy the American sugar industry. Nevertheless, that is precisely what is happening today.

Mr. President, I ask to insert in the RECORD as a part of my remarks an article from the National Beet Grower of the issue of September 1940 under the heading "United States sugar prices drop to all-time low in world history."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Beet Grower of September 1940]

UNITED STATES SUGAR PRICES DROP TO ALL-TIME LOW IN WORLD HISTORY

Sugar, as you no doubt recall, was supposed to be a war baby, but during the week of August 12 the world price fell to the lowest point recorded since trading was instituted on the New York Coffee and Sugar Exchange.

This world price represents an international appraisal, through the medium of futures traded in New York, or what raw sugar is worth on the dock in Cuba. At the outbreak of the war it shot up on the assumption that much of Europe's sugar-beet crop would be ruined. For a while Cuban sugar commanded about $15 a ton. But Nazi conquest and the blockade have eliminated one customer after another, while British rationing has further reduced the market, and during the week of August 12 the price backed down to about $8 a ton.

Cuba is capable of producing pretty close to 6,000,000 tons of sugar a year but output for a long time has been held down to around 3,000,000 due to lack of sales outlets. Of that, the United States normally takes roughly two-thirds, and the United Kingdom is the second largest customer, taking about one-fifth.

If the United States could increase its takings of Cuban sugar, it might help to make up for the lost markets in Europe. However, the quota system in this country freezes the amount that the island is permitted to supply in order to protect domestic producers. The result is that buying interest in Cuba's surplus has dwindled almost to the vanishing point and a small amount of selling readily depresses the world market price.

The quota system sets the United States market on a plateau protected by the tariff of $1.87½ a hundredweight. (Cuba enjoys a preferential tariff of 90½.) Nevertheless, a decline in the world price exerts a distinctly negative influence on prices in this country. The result has been another outbreak of cutthroat competition among refiners, particularly in the South, in the last couple of months. In fact, prices quoted (after deduction of the processing tax of 53½ cents a hundredweight and 2 percent discount for cash) were lower than the all-time bottom in 1932—and Louisiana cane growers are wearing Willkie buttons.

Meanwhile, Congress is still wrangling over the sugar-quota system. The House passed the Cummings bill, which would extend the quota provisions, due to expire the end of the year, through 1941. In the Senate, where votes of the beet and cane sugar States weigh more heavily than in the lower Chamber, opposition still is apparent. With revenue matters to the fore, the Senate Finance Committee announced that it was postponing consideration of the bill for indefinite time.

The cane sugar-refining industry in continental United States has been up against its usual fight over the quotas of Hawaii and Puerto Rico. The islands, being part of the United States, insist they should be permitted to ship their entire quota in the form of refined sugar. This was headed off when the 1937 law was passed. Puerto Rico in 1939, for example, was given a total quota of 806,642 tons (March revision) of which only 126,033 was to be refined. Hawaii's total was 948,218 tons with only 29,616 to be in refined form.

This limitation on refined sugar expired the end of last February, and Puerto Rico since that time has been shipping much more than its usual allotment in the form of refined sugar. Whether or not this has been a factor in the weakness of the refined sugar market in this country is now a subject of lively argument in the trade.

The sugar bill, now awaiting a Senate vote, would reimpose the limitations on the amount of refined sugar which can come in from the islands. It would not, however, penalize Puerto Rico for current overshipments of refined sugar.

Mr. THOMAS of Idaho. Mr. President, I also ask unanimous consent to insert in the RECORD as part of my remarks a resolution adopted by the National Reclamation Association at its annual meeting at Great Falls, Mont.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

[Resolution adopted by the National Reclamation Association at its annual meeting at Great Falls, Mont.]

RESOLUTION NO. I—SUGAR-BEET EXPANSION

Whereas large areas of the West are dependent to a great extent on the maintenance and growth of the sugar-beet industry; and

Whereas the sugar-beet industry provides more field labor per acre unit than any other major crop produced and also provides more income for industrial labor in associated industries, such as railroads, coal mines, limerock quarries, and many manufacturing enterprises and is therefore far reaching in its possibilities; and

Whereas an orderly and sound expansion of beet plantings and processing as suitable land is developed is a reasonable and necessary condition precedent to the building up of this country and should be encouraged; and

Whereas American sugar-beet producers provide less than one-third of the requirements of our home market at the present time but could and should be supplying a major portion of its requirements to the economic advantage of the Nation; and

Whereas our Government should adhere to the principles of American markets for American producers; and

Whereas the present all-time low net price of sugar is insufficient to maintain the industry on a profitable basis: Now, therefore, be it

Resolved by this association, That the Congress of the United States is urged to provide through proper legislation for the progressive, orderly expansion of the production of beet sugar within the United States and to maintain the beet-sugar industry on a reasonable income basis by quota regulations and adequate tariffs on foreign sugar; and be it further

Resolved, That the secretary be directed to send a copy of this resolution to the Secretaries of Agriculture, Interior, and State, and to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Western States in Congress.

Mr. THOMAS of Idaho. I also ask unanimous consent to have printed in the RECORD a statement prepared by E. W. Rising, vice president of the Western Beet Growers Association.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT PREPARED BY E. W. RISING, VICE PRESIDENT OF THE WESTERN BEET GROWERS ASSOCIATION

Mr. Chairman, I am representing the Western Beet Growers Association, composed of farmers in beet-growing areas that desire substantial increases in their acreage allotments, also farmers in areas that are not growing beets because of acreage or marketing-quota restrictions.

We favor new legislation along the general lines of the 1937 Sugar Act, to replace the act which expires December 31, 1940, but with yearly increases in tonnage allotments to continental growers, and with a provision which will enable new growers and new factory areas to share in allotment of increases in tonnage.

We hold that the American market belongs first, to the American farmer, the American laborer, and the American businessman. We propose to discuss sugar legislation with these principles in mind.

RIGHT OF AMERICAN FARMER TO AMERICAN MARKET

The right of the American farmer to supply the American market to the full extent of his ability is so fundamental that it seems scarcely to need discussion. It has been recognized for generations in our tariff policies, and it has become a doctrine supported by every large farm organization in the United States. Until that right is fully recognized in sugar legislation there will be no permanent settlement of the sugar question.

Continental American farmers are now denied the fundamental right to grow sugar beets and sugarcane, American labor is discriminated against in favor of cheap labor in a foreign land, and American businessmen are prohibited from processing and marketing the products of American soil and American labor.

In order that we may explain our position on this subject, I am placing a table in the record, showing the percentages of sugar supplied from all sources, under provisions of 1937 Sugar Act, to consumers in continental United States.

QUOTA PROVISION SUGAR ACT OF 1937

Under the provisions of the 1937 Sugar Act, the sugar needed to meet the requirements of consumers in the continental United States is to be supplied approximately as follows:

	Percent
Domestic beet sugar	23.19
Mainland cane sugar	6.29
Total, continental allotment	29.48
Hawaii	14.04
Puerto Rico	11.94
Virgin Islands	.13
Total, American possessions allotment	26.11
Total, American allotment	55.59
Commonwealth of Philippines	15.41
Cuba	28.60
Foreign countries other than Cuba	.40
Total, foreign countries and Phillippines	44.41

There are three main sources of supply for the 6,682,670 short tons of sugar normally required to supply the continental market.

	Short tons	
First:		
Beet sugar, continental growers	1,549,711	
Cane sugar, continental growers	420,340	
		1,970,051

Short tons—Continued

Second: American possessions		1,744,845
Third:		
Philippines	1,029,799	
Cuba	1,911,244	
Foreign, other than Cuba	26,731	
		2,967,774
Total normal requirement		6,682,670

LEGISLATION REQUIRED IN INCREASING CONTINENTAL ALLOTMENTS

If the continental growers of sugar beets and cane are to be permitted to produce additional tonnage it follows that one of the other two main sources of supply must be given a smaller allotment.

It will not be our purpose to ask that the allotment for our island possessions be reduced, but we do not hesitate to say that we do feel that the allotment of more than 26 percent of the requirements for the continental market, in addition to guaranty of full home market, is very liberal, and that our possessions should not be given additional tonnage until the needs of the continental farmer are take care of in a fair manner.

Provision in the Independence Act for Philippines allowing 850,000 long tons, equivalent to 952,000 short tons, duty-free sugar until 1946, brings the discussion at this time to the question of whether we shall continue to look after the interests of Cuba, before we provide for the welfare and markets for the products of our American farmer and American labor.

BEET-SUGAR TONNAGE ALLOTMENTS REQUIRED BY PRESENT GROWERS

Under normal requirements the beet-sugar allotment is 1,549,711 short tons. For the year 1938 the production of beet sugar was 1,803,000 short tons. For the year 1939 the production of beet sugar was 1,750,000 short tons.

Figures given indicate that present growers of sugar beets are exceeding a normal quota by approximately 200,000 tons of sugar each year. There is, therefore, no opportunity for new growers or new areas to engage in growing of sugar beets until the domestic quota is materially increased.

Sugar beets are peculiarly adaptable to irrigated land. For more than a third of a century, the Federal Government has encouraged irrigation as a means of developing the arid lands of the West. Since 1902 it has advanced nearly $700,000,000 for construction of irrigation and related projects under the Federal reclamation policy.

Repayment of a quarter of a billion dollars in these advances is to a large extent dependent on the ability of water users to grow sugar beets and market them under the protection of American law. The future of a score of reclamation projects now in operation is to a large extent dependent on sugar beets. Others under construction will require a cash crop like sugar beets if settlers are to get a proper start and become self-sustaining.

In the light of the facts above mentioned, the Government has a direct responsibility for and interest in the maintenance of a stable agriculture in the irrigated areas of the West.

The Department of Agriculture has recognized sugar beets as a logical cash crop for irrigated lands. Its Farm Security Administration includes sugar beets in crop rotation plans for the irrigation farmers it finances.

I might also state that in selecting a row crop a farmer in irrigated areas is limited to a few items, such as beets, beans, corn, and potatoes, all of which with exception of beets are currently produced in quantities to supply domestic market.

Statement of increased sugar-beet acreage desired by 10 Western reclamation and Great Plains States (with supporting data)

Idaho: Boise and loger Snake River Valleys	45,000
Oregon: Additional acreage for Nyssa factory	5,000
Minnesota-North Dakota: Red River Valley, for new factories	75,000
Montana:	
Lower Yellowstone-Sidney-Fairview-Savage	2,000
Sun River-Pondera-Milk River	20,000
Buffalo Rapids-Forsythe-Tongue River-Kinsey	14,300
Broadwater-Townsend	12,000
Southwestern Montana-Missoula-Bitter Root	15,000
Hardin	4,000
North Dakota: Bufford-Trenton and Lewis and Clark project	2,400
Nebraska:	
North Loup-Middle Loup Public Power & Irrigation District	12,000
Central Nebraska Public Power & Irrigation District	29,000
Nevada:	
Humboldt District	7,000
Newlands project	10,000
South Dakota: Belle Fourche	3,500
Washington:	
In present areas	10,000
New areas, including Roza	10,000
Wyoming:	
Lovell Big Horn Basin	1,250
Greybull	14,000
Total	291,450

IDAHO

"Southwestern Idaho was one of the early beet sections of the United States, having a sugar factory in 1907. Our section was affected by the blight and finally ceased to grow beets. After the perfection of the new resistant seed a new start was made and in 1937 a factory was located at Nyssa, Oreg., to process beets grown in that section of Oregon, and in southwestern Idaho.

"We have over a half million acres of fine irrigated land in southwestern Idaho and along the Snake River in Oregon. We find that our section is well adapted to dairying and stock raising, but we need a good root crop for rotation with alfalfa and grain. Sugar beets have proven to be an ideal rotation crop, having long roots reaching down into the deep soil, and through the intensive cultivation required assisting in eradication of weeds. Our small-dairy farmers are ideal customers for the beet pulp from the processing plants."

OREGON

New factory at Nyssa, built in 1937, has not been allotted sufficient acreage for full operating capacity.

NEVADA

In April 1940, Senator McCARRAN stated in a letter to me:

"Nevada some years ago engaged in a prosperous endeavor of beet-sugar culture, even to the extent of establishing a factory at Fallon, Nev. It was, indeed, a profitable pursuit with much promise of increased production. Unfortunately, beet-sugar culture in Nevada was beset with wilt, caused by the white fly sucking juice from the foliage.

"In 1938 the Spreckles Sugar Co. cooperated with the farmers in Pershing County, Nev., in planting several experimental patches using a newly developed alkali tolerant plant particularly adaptable to that climate. Again in 1939 with increased acreage more extensive tests on approximately 1,800 acres were carried on. These tests have conclusively shown that sugar beets of excellent quality can be successfully and profitably grown in Nevada.

"There is another important factor to be considered. By using sugar beets as a rotation crop alfalfa blight has been eliminated in those areas fortunate enough to receive beet-sugar acreage. You can readily appreciate what this means to a livestock State somewhat reliant on alfalfa as a foliage crop. In my judgment, by rotating these two crops, not only would the livestock industry be greatly benefited but the farmer would be guaranteed a cash-income crop."

MINNESOTA-NORTH DAKOTA

The Minnesota-North Dakota Sugar Beet Development Association state that the area represented by the association in the valley of the Red River has well over 200,000 acres of cultivated land adaptable to sugar-beet culture.

They have one processing plant at present with a quota of 26,500 acres. The plant manager had on file for the 1940 growing season well over 40,000 acres in applications. Additional farmers in the valley had indicated desire to plant another 60,000 acres, making a total demand available for 1941 planting of 100,000 acres.

Gov. John Moses, of North Dakota, under date of April 8, 1940, addressed a letter to the chairman of the Agricultural Committee of the House of Representatives, in which he stated:

"A considerable number of farmers of the more progressive type in the Red River Valley, in both North Dakota and Minnesota, are actively asserting their interest in the production of sugar beets. They have formed the Minnesota-Dakota Sugar Beet Development Association, with a present membership of over 1,200 which is expected to grow to well over 2,000.

"Sugar beets have been grown in North Dakota for many years. For the past several years they have been and are now the most successful crop grown in the Red River Valley, which is far-famed for its fertile soils, and in other parts of the State.

"In addition to the market value of the beets for sugar production, our farmers have an equal and increasing interest in the use of beet byproducts for livestock feeding. The tops, pulp, and crude molasses are valuable auxiliary feeds for lambs and sheep, dairy cattle, and beef cattle especially, and to some extent for other livestock. The use of these byproducts has become increasingly popular, and the demand exceeds the supply.

"Our farmers are emphatic adherents to the American principle that the American market belongs to Americans. They are irreconcilable to regulatory restrictions on the production of an important food commodity when over 70 percent of the domestic consumption is being imported.

"Sugar is the only essential agricultural commodity that we do not produce in quantity sufficient to meet normal domestic requirements. Our dependence on offshore supplies is hazardous in the event of war, as was forcefully demonstrated twenty-odd years ago when the price was forced up to 500 percent of normal."

MONTANA

The Southeastern Montana Counties Association, under date of March 23, 1940, wrote Congressman JAMES F. O'CONNOR in regard to the need of additional acreage for sugar beets. The following statements are made in the letter referred to:

"Mr. CUMMINGS' bill seems to have quite overlooked areas that have recently been brought under irrigation and, if that is really done, we in the Dust Bowl, or at least on the edge of it, might as well join the "Okies," which, of course, the people of Montana are not inclined to do.

"Nobody is being fooled by the ban being lifted on acreage, because unless the parity price is maintained and the processors given an opportunity to dispose of the refined sugar, they are not going to venture any capital in a new refinery.

"Our soil here is such that it is essential that we have a rotation of crops and there is no crop that does the soil so much good as a

root crop. With our open range back of all these potential beet areas that provide the best feed in the world during the summertime, why shouldn't our stockmen be able to bring their stock in and feed it out on these beet fields.

"The beet growers and the stockmen, members of this association, have in the last 2 weeks had seven meetings, and this letter is being written at their specific instruction and direction, and they are in hopes that you will be able to get this picture across to Congress. If you do, they are satisfied that the great drought disaster of 1934 and 1936 and such a calamity as the stockmen experienced in this area will never be experienced again, and a large number of people who are now on relief will be able to rehabilitate themselves and once again become self-respecting citizens."

From the Broadwater County Beet Growers Association of Townsend, Mont., under date of March 22, 1940, I have the following:

"During the past 10 years, sugar beets have been satisfactorily grown in all parts of this area, thus proving the adaptability of our soils and the fact that our climate and the altitude permit the satisfactory production of high-quality sugar beets. A new sugar factory located in this valley would, in turn, eliminate high freight rates and increase the agricultural wealth of the community by encouraging the development of livestock feeding, rotation of crops, and assist in building up the fertility of our soils. It should be further pointed out that the entire area is surrounded by range lands producing high-quality feeder livestock, including both sheep and cattle, which are now moving to other areas to be fattened for the market. The Federal Government in building the Broadwater-Missouri project assumed that the production of sugar beets would provide the cash crop retnurn required in order that we might repay the obligation which we owe to the Public Works Administration."

The Sun River and Pondera Beet Growers Association state:

"Sufficient sugar-beet acreage in the counties of Cascade, Teton, and Pondera, in Montana, to support a sugar factory is urgently needed. There are 200,000 acres of irrigated land in these three counties, two-thirds of which are suitable for sugar-beet production. Over 10,000 acres were signed up by the beet-growers' associations in 1938 to be planted in 1939 if a sugar factory were built, and at the present time growers would pledge 20,000 acres for 1941 if a factory were definitely promised.

"The effect of sugar-beet production on crop values of the Federal reclamation projects in Montana is shown by the fact that in 1937 the Huntley projects in Yellowstone County with 25 percent of its acreage in beets had an average crop value of $43.23 per acre; whereas the Sun River project with less than 1 percent of its cultivated area in sugar beets had an average crop value of $13.21 per acre.

"To summarize: What we want and very badly need is a new sugar factory situated somewhere in the Cascade-Teton-Pondera area so that at least an additional 15,000 acres of beets can be grown. We have the land, the water; have demonstrated that beets are entirely successful; and only need a factory, which we can get if proper legislation is passed."

The Sidney Water Users Association ask for an allotment of 1,000 acres for growing sugar beets and state:

"It is necessary to grow beets because the entire country toward the Little Missouri River is a range country, and livestock feeding is dependent on sugar-beet industry and the by-products therefrom for feeding livestock."

Statements showing a demand for sugar-beet acreage have also been filed on behalf of farmers in the Lewistown, Forsyth, and Hardin, Montana areas.

WYOMING

Congressman HORTON, of Wyoming, under date of April 10, 1940, advised me that the Lovell, Wyo., beet-sugar factory, should have an allotment that would permit the contracting of approximately 1,250 acres of beets in excess of acreage harvested for 1939.

Congressman HORTON also stated that with the completion of the Sunshine Dam on the Greybull River, that valley will need an additional acreage allotment for beets; that the soil in this area is identical with the Big Horn Basin.

NEBRASKA

Mr. H. C. James, of Arcadia, Nebr., states from his contacts and management:

"It is extremely necessary that these two valleys be provided with cash crops, and the ability to grow sugar beets would provide a very desirable cash crop. Thus, we are strenuously supporting the efforts now being made to change the quotas to permit the growing of gradually increasing acreage in the Continental United States, in the hope that a sugar factory can ultimately be established for the North and Middle Loup Valleys."

From the Central Nebraska Public Power and Irrigation District of Hastings, Nebr., we have the statement that:

"Nebraska is at the crossroads in her agricultural life. The agricultural methods of the past have clearly demonstrated that only through irrigation can a major portion of Nebraska's farms be salvaged from a return to grazing land and the original prairie.

"Nebraska now has just completed extensive irrigation improvements. Federal funds in the amount of over $50,000,000 have been invested in Nebraska in the past 6 years for multiple-purpose projects whose primary aim is to bring irrigation water to more than 350,000 acres of land. This is in addition to the expenditure of millions of dollars from other public and private sources for the same objective.

"This brings about a paradoxical situation. On one hand we find Federal funds being allotted the State in an attempt to bolster a failing agriculture, and on the other hand the most important irrigation crop, sugar beets, is placed under such stringent Federal regulation that it will absolutely prevent any sugar-beet production in the new areas."

WASHINGTON

Congressman KNUTE HILL stated in a letter to me dated April 10, 1940:

"As regards the question of expanding the industry in the State of Washington, Commissioner Page, of the Bureau of Reclamation, has written: 'The success of sugar-beet production on the Yakima project warrants further expansion of the area, which could well support a second factory with an initial allotment of 10,000 acres.'

"You may know that the Roza project is nearing completion, and in this connection I believe future plans should include from 10,000 to 15,000 acres for sugar beets in this area. The Reclamation Bureau is studying the subject of crops best suited for the Grand Coulee project."

CUBA AN AMERICAN MARKET

It is argued that the size of the beet-sugar industry in the United States should be limited because an expansion means a loss of the Cuban market for the corn-hog farmer of the Mississippi Valley. If more sugar is grown in the United States, so the argument runs, less will be needed from Cuba, and if Cuba's income from sugar sold the United States is reduced, she cannot buy Iowa's pork and lard.

In view of the above argument, Congress is expected to see a conflict between the need of maintaining a market for the Middle West and the market needed for the beet-producing States of the Northwest.

In fact, no conflict exists because the beet-producing States are large importers of Iowa's corn, pork, hams, and bacon. On the other hand, Cuba's imports of corn and hog products no longer look impressive.

The following figures are taken from page 87 of House hearings and were originally supplied by the United States Bureau of Foreign and Domestic Commerce:

	1926	1937
Cuban imports:		
Salt pork	$5,432,675	$506,131
Hams, cured or smoked	1,041,625	128,575
Corned beef	55,757	115
Sausages, canned	750,788	2,173
Corn	2,390,172	6,974

A great deal has been said regarding the large quantity of lard we sell Cuba; however, Senator THOMAS of Idaho in his speech before the Senate on July 29, 1940, stated that for 1939 we sold Cuba lard to the value of $3,976,000 while our purchases of sugar amounted to $72,772,000.

Statement made by the chairman of Cuban Committee, National Foreign Trade Council, at House hearings, page 174 of the record, shows that Cuba purchases from the United States rice, wheat flour, lumber, petroleum, fruits and vegetables, chemicals, iron, steel, paper, textiles, automobiles, machinery, hardware, and glass in moderate quantities. For all of these products the beet-producing States offer a much larger market.

Most recent figures from United States Tariff Commission indicate that we are making purchases from Cuba at the rate of approximately $110,000,000 per year and selling Cuba about $77,000,000 annually. Ratio of our sales to purchases being about $70 to $100.

While we do not agree that the sugar-allotment question should be settled on the basis of which is the better customer the low-priced laborer of the Tropics or the farmer of the West, nevertheless there is ample evidence that a decision on such basis would be favorable to the beet-sugar producing area of the West.

NATIONAL DEFENSE AND SUGAR

A speaker recently said that in case of war, the United States could depend on Cuba for a permanent and cheap supply of sugar. Perhaps so—but let us refer to the record.

In 1920 Cuba was in a position to name the price of sugar in the United States, and the record shows that the average price for the 12 months of 1920 was $19.40 per hundred; in May, $25.40; in June, $26.70; in July, $36.50; in December, when sugar from beets was on the market, it dropped to $10.50, and by December 1921 it was down to $6.05.

Do you think we should take a chance in the future?

It seems to me to be entirely logical that if we are in time of war likely to become the world's bread basket, then we are just as likely to become the world's sugar bowl. Sugar is an essential food.

It is also perfectly easy to imagine a time in the future when all the sea power this Nation has or can muster will have to be put into use for defense purposes. Such a situation would eliminate our opportunity to bring sugar from island producing areas and would leave our people entirely dependent on the sugar that could be produced right here in the continental United States.

When a nation is involved with an enemy in conflict, it is certainly not a time for our Army and Navy, and those who support them in the field and on the seas, to live or be dependent on imported food.

You cannot grow beets and produce sugar on a hit-and-miss basis. Time is required to prepare the land and produce a crop and factories must be built and equipped to manufacture sugar. Like any other branch of agriculture, the production of sugar must be on an orderly and systematized basis.

It seems to me that it is obvious that this is the time when we should plan that our agricultural resources of all kinds, particularly essential foodstuffs, be built up to as near our maximum requirements as is possible. Certainly we should not plan to continue to import 70 percent of our sugar.

It takes a lot of food to keep a nation of over 130,000,000 people at full fighting strength, and we should not take chances of having our supply of any essential item cut off or with being left dependent on a supply limited to less than 30 percent of our peacetime requirements.

LABOR IN REFINERIES AGAINST LABOR PRODUCING DOMESTIC SUGAR

It has been pointed out that in American refineries there are employed 18,000 workers at an annual pay roll of $27,000,000. A splendid pay roll and a phase of the sugar question to be given due consideration. It is the pay roll of the United States for production of 70.25 percent of our sugar, all but the 29.48 percent of domestic beet and mainland cane.

Now let us see what labor there is employed in the United States to produce the 29.48 percent of our sugar. There are over 70,000 growers and 90,000 field workers, and 10,000 factory workers employed in the beet-sugar industry.

Louisiana sugar industry lists those engaged in the cane-sugar industry as 17,000 farmers and 100,000 employees.

Labor in processing plants is paid from $5 to $9 per day. Under the present Sugar Act the field labor is paid wages as determined by the Secretary of Agriculture. Field labor costs exceeds an average of $21 for every acre of sugar beets.

In addition to the direct labor mentioned, huge quantities of limerock, coal, cotton sacks, and equipment are used in the production and transportation of which labor is a large item.

"Railroads collect approximately $35 in freight for every acre of sugar beets, and please keep in mind that 47 percent of gross railroad revenue is expended for pay rolls."

I have seen statements to the effect that refining a ton of raw sugar in the United States costs under $4 per ton, while processing a ton of beet sugar costs $10.28.

It is not denied that reduction of imports of raw sugar from Cuba would proportionately reduce the figure of $27,000,000 in wages for refining, however it is clear that any reduction will be replaced more than fourfold by the expenditure for labor in growing and processing sugar beets and sugarcane.

It should be noted that more than 70 percent of the income of farmers on irrigated land is expended for manufactured and agricultural products of the Midwest, East, and South. The benefits to American labor, from the home market irrigated agriculture has created, are attested to by the long trains of west-bound freight and streams of trucks carrying eastern products westward.

Every dollar earned in the production of beet sugar is spent in the United States.

SUGAR BEETS PRODUCED ON FAMILY-SIZE FARMS

Ninety percent of the sugar beets grown in the United States are produced on family-size farms, with the growers and their families doing part of the work. The average area per grower of sugar beets is less than 14 acres.

In no other sugar-producing area serving the American market is the percentage of producers so largely individuals. In every other area corporations largely or entirely control production.

In Cuba 68.1 percent of the production is on corporate farms; in Puerto Rico, 77 percent; in Hawaii, 100 percent; in Florida, 99 percent; in Louisiana, 48 percent.

CONSUMERS' INTEREST

A great deal is being said about protecting the consumer in every discussion regarding sugar legislation. Government officials are on record as stating, that if tariffs, processing taxes and benefit payments were eliminated that the consumer would be able to buy sugar at retail for 2 cents per pound less than the current prices. This conclusion is sometimes reached by considering the sum of the tariff on raw sugar entering the United States plus processing taxes, or benefit payments, more often, however, by pointing to the wholesale price of raw sugar in the so-called world market.

Most of the sugar produced in the world is sold in protected markets similar to the market in the continental United States. The world market is simply the market that exists, particularly at London, for sugar that is dumped after the producers have sold nine-tenths of their product in a protected market.

Not to exceed 10 percent of the world sugar production is sold on this dump market. Can it be said that the price for such dumped sugar is by any stretch of the imagination, the world-market price. By using the so-called world price for dumped sugar, administration officials have estimated that the American consuming public is paying a $350,000,000 annual subsidy to the sugar industry.

Let us analyze just what would be necessary if the United States were to be able to secure sugar at this dumped price.

First, we should remember that less than 10 percent of the world's production is dumped on the market—not more than 3,000,000 tons annually. It must be assumed that the market for this 3,000,000 tons will continue to exist, therefore in order to fill the present market and supply the needs of the United States, 6,500,000 tons of additional dumped sugar would have to be secured. There is no evidence to show that growers in any country in the world would engage in producing a large additional quantity of sugar for the so-called dump price.

Certainly, if the United States had to go into the market and purchase its entire supply it would immediately cause a very abrupt rise in the price of sugar in the world market. In fact there is every indication that our consumers would be required to pay more than present retail prices. This is proven by the fact that consumers in the United States buy sugar today at prices lower than prices in effect in any first-class nation in the world.

The average retail prices of sugar which have prevailed in continental United States under the Jones-Costigan Act and the Sugar Act of 1937 have been decidedly low. The annual average prices since 1934, as reported by the Bureau of Labor Statistics, are as follows:

Cents a pound

1934	5.5
1935	5.7
1936	5.6
1937	5.3
1938	5.4
1939	5.4
6-year average	5.48

The following table, quoted from CONGRESSIONAL RECORD of June 20, 1940, and originally obtained from the Bureau of Foreign and Domestic Commerce, shows the retail prices of sugar in 38 countries of the world in May 1939, as follows:

Retail price per pound United States cents

Exporting countries:	
Brazil	2.95
British Guiana	9.75
Cuba	3.84
Dominican Republic	6.00
Peru	2.40
Hungary	9.60
Australia	6.21
Philippine Islands	3.52
Netherland Indies	3.38
Union of South Africa	6.27
Average price	5.39
Principally self-supplying countries:	
Argentina	4.75
Ecuador	2.71
Guatemala	4.00
Mexico	2.88
Panama	7.50
India	6.01
Japan	5.56
Bulgaria	12.49
France	7.68
Germany	13.64
Italy	15.62
Netherlands	11.19
Rumania	10.25
Sweden	5.47
Yugoslavia	13.86
Average price	8.24
Importing countries:	
Chile	4.52
Honduras	3.92
Uruguay	3.58
China	3.70
Finland	8.43
Ireland	5.85
Norway	7.69
Portugal	8.49
Switzerland	4.74
Turkey	9.44
United Kingdom	5.36
Canada	6.30
United States	5.10
Average price	5.93

The average retail price of 0.0548 per pound for the last 6 years is lower than prices in 9 out of 12 importing countries, less than in 12 out of 15 self-supplying countries, and much less than average price for all countries.

How can it then be said that our consumers are paying a subsidy or that sugar would be sold at retail for a lower price if our American beet- and cane-sugar industries are destroyed.

SUGAR LEGISLATION REQUIRED

I believe it is generally conceded that the American grower of beets and cane cannot, except in a very limited way, continue without some measure of protection. I believe the statement just made is equally true regarding almost all other products grown or manufactured in the United States. No grower or manufacturer can pay the wages to labor that are in effect in the United States and compete with the cheap breech-cloth labor in the Tropics or in Europe.

The tariff in itself has proven defective as the sole means of protecting domestic production, because in the event of a tremendous world-over production there can be dumping on the American market.

The Western Beet Growers' Association favors sugar legislation continuing the quota system but with provision for increasing the allotment for continental growers. An increase of at least 300,000 tons for the beet area should be granted for 1941; 200,000 tons of which are needed to offset the present excess production over quota, and 100,000 tons for the benefit of new growers and new areas.

From 1942 until 1946 moderate additional allotments are needed by the beet areas. We are assuming that with the expiration of provision for duty-free Philippine sugar in 1946, that allotments will again be subject to adjustment.

The bill H. R. 9668, introduced by Congressman LEMKE on May 6, 1940, would provide satisfactorily for expansion of the beet-sugar industry, except that the basis for domestic beet for 1941 should be increased to 1,850,000 tons, and proportionate increases for the next 4 years.

H. R. 9668 also contains the following clause, which is very desirable for the purpose of granting new growers and new areas the right to participate in the sugar program:

"Provided, however, That in determining the proportionate shares (in terms of acreage) for the progressively increasing tonnage for the domestic beet-sugar area, as provided in section 202 (a) (1), the Secretary of Agriculture shall give first consideration to newly irrigated or other areas desiring to plant beets so that the establishment of necessary factory capacity for processing purposes where needed may be encouraged, it being the intent of this section to insure consideration for new sugar-beet producers in areas now without adequate processing facilities where beets may be economically produced."

H. R. 9654, passed by the House and now under consideration by the Finance Committee of the Senate, would extend the 1937 Sugar Act for 1 additional year. In connection with the consideration of this bill the Western Beet Growers Association ask that amendments be made granting additional acreage to beet growers. Suggestions for necessary amendments are hereto attached.

WESTERN BEET GROWERS ASSOCIATION

Proposed amendments to H. R. 9654, extending provisions of Sugar Act of 1937 for 1 year, now pending before the Senate Finance Committee, are attached hereto:

Amendment A provides:

1. That in extending the Sugar Act of 1937 the domestic beet-sugar area shall be allotted approximately 300,000 tons in addition to the basic quota provided for by existing law. This would increase the beet-sugar allotment for 1941 to approximately 1,850,000 short tons. With the average production for the last 2 years approximating 1,750,000 tons, the proposed amendment would take nothing from existing beet growers but would provide that the 100,000 additional tons or one-third of the increase should be allotted to new growers and especially to newly irrigated and other areas which heretofore have not been able to secure allotments.

2. That the method of adjusting quotas among the other sugar-producing areas, including Cuba, shall be left to the Secretary of Agriculture with the provision that no domestic area shall have its allotment reduced below the average production for the calendar years 1938 and 1939. This would prevent any decrease in the sugar production for the insular possessions, Louisiana, or Florida.

Amendment B: 3. An alternative amendment would provide for a flat increase of 20 percent in the allotments for all domestic sugar-producing areas and a corresponding decrease in the allotment for Cuba.

(The suggested amendment under paragraph 3 is more in line with the previous proposals that all domestic-sugar areas should be increased proportionately. A 20-percent increase in domestic allotments will give the beet area about 300,000 additional tons and reduce the Cuban allotment by a total of around 740,000 tons.)

Amendment C: 4. A suggested amendment provides for reducing the Cuban total.

E. W. RISING, *Vice President.*

Amendment "A" proposed for H. R. 9654, extending the Sugar Act of 1937: Section 6, subsection (a) of section 202 of the Sugar Act of 1937 (relating to proration of sugar among domestic sugar-producing areas) is amended by adding at the end thereof the following:

"This subsection is hereby extended to provide that not less than 4,115,353 short tons of sugar shall be allotted for proration among domestic sugar-producing areas: *Provided, however,* That of said 4,115,353 short tons not less than 44.95 percent (1,850,000) short tons shall be allotted to domestic beet-sugar areas: *And provided further,* That it is the intent of this amendment to authorize and direct the Secretary of Agriculture, in determining proportionate shares (in terms of acreage) of the increased tonnage to give preference for at least one-third of the additional tonnage for the domestic beet-sugar area to new growers and to growers in newly irrigated and other areas who have heretofore been deprived of opportunity to produce and market sugar beets under the provisions of the Sugar Act of 1937."

NOTE.—This proposed amendment does not undertake to say where reductions shall be made in quotas to permit the increase for the domestic sugar-beet area, but since it can come only from Cuba this proviso may be added:

"And provided further, That the Secretary of Agriculture is authorized and directed to make such reductions in the allotment to Cuba as will permit the increase in the tonnage allotted to the domestic beet-sugar area."

Amendments "B" and "C" proposed for H. R. 9654 extending the Sugar Act of 1937 for 1 year:

Amendment "B"

Section 6, subsection (a) of section 202 of the Sugar Act of 1937 (relating to allotments to domestic sugar-producing areas) is amended by adding at the end thereof the following:

"Provided, however, That for the calendar year 1941 the Secretary is authorized and directed to increase the basic allotments for each of the domestic sugar-producing areas by 20 percent, with the proviso that at least one-third of the increased allotment for the domestic beet sugar area shall be apportioned among new growers and among growers in newly irrigated or other areas who have heretofore been deprived of opportunity to produce sugar beets under the provisions of the Sugar Act of 1937."

Amendment "C"

Section 7, subsection (b) of section 202 of the Sugar Act of 1937 (relating to allotments to the Philippine Islands and Cuba) is amended by adding at the end thereof the following sentence:

"Provided, however, That for the calendar year 1941, the amount of sugar prorated to Cuba shall not exceed the difference between the amount of sugar determined to be needed to meet the requirements of consumers and the sum of the amount allotted to domestic sugar-producing areas under the provisions of section 6 of this act and the quota established for the Philippine Islands under the provisions of the Sugar Act of 1937."

WHAT EXPANSION OF SUGAR-BEET INDUSTRY MEANS TO WEST AND SOUTH

For the farmer

1. Permits the production of a crop of which the United States does not produce a surplus.
2. Will preserve for the American farmer a greater share of the American market.
3. Will more than offset any loss of foreign markets for American farm products by increasing purchasing power at home.
4. Will stabilize agricultural conditions in the West, including the livestock industry, and provide needed diversification of crops.
5. Will provide cash income for farmers on Federal reclamation projects and assure repayment of the Federal investment in irrigation facilities.

For labor

6. Will require construction of sugar factories, with consequent greater employment of skilled and unskilled labor.
7. Will give increased employment for farm labor and remove many from relief rolls.
8. Will provide opportunity for making a new start in life for many of the 100,000 farm families forced to migrate westward by the drought and other conditions.

For the businessman

9. Will turn a larger percentage of the American consumer's dollar into channels of American trade.
10. Will more than offset any loss of foreign markets for American products by increasing purchasing power in the West and South.
11. Will provide investment opportunity for millions of dollars of new capital in sugar factories and equipment.

For the taxpayer

12. Will bring no charge on the Federal Treasury, since the sugar program is more than self-sustaining.

REVISION AND CODIFICATION OF NATIONALITY LAWS—CONFERENCE REPORT

Mr. SCHWELLENBACH. I submit the conference report on House bill 9980 and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9980) to revise and codify the nationality laws of the United States into a comprehensive nationality code, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 6, 7, 8, 9, 10, and 11, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of inserting the matter proposed to be inserted by the Senate amendment, on page 92 of the House bill, between lines 10 and 11, insert the following:

"SEC. 503. If any person who claims a right or privilege as a national of the United States is denied such right or privilege by

any Department or agency, or executive official thereof, upon the ground that he is not a national of the United States, such person, regardless of whether he is within the United States or abroad, may institute an action against the head of such Department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which such person claims a permanent residence for a judgment declaring him to be a national of the United States. If such person is outside the United States and shall have instituted such an action in court, he may, upon submission of a sworn application showing that the claim of nationality presented in such action is made in good faith and has a substantial basis, obtain from a diplomatic or consular officer of the United States in the foreign country in which he is residing a certificate of identity stating that his nationality status is pending before the court, and may be admitted to the United States with such certificate upon the condition that he shall be subject to deportation in case it shall be decided by the court that he is not a national of the United States. Such certificate of identity shall not be denied solely on the ground that such person has lost a status previously had or acquired as a national of the United States; and from any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing the reasons for his decision. The Secretary of State, with approval of the Attorney General, shall prescribe rules and regulations for the issuance of certificates of identity as above provided."

And on page 92 of the House bill, line 11, strike out "Sec. 503" and insert "Sec. 504"; and on page 98 of the House bill, line 5, strike out "Sec. 504" and in lieu thereof insert "Sec. 505."

And the Senate agree to the same.

LEWIS B. SCHWELLENBACH,
WARREN R. AUSTIN,
Managers on the part of the Senate.

JOHN LESINSKI,
CHARLES KRAMER,
EDWARD H. REES,
JAMES E. VAN ZANDT,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. KING. Mr. President, the conference report deals with a measure of considerable importance covering a rather wide range of matters of legislation and political concern. I do not rise for the purpose of opposing consideration of the report but primarily to invite attention to the fact that in my opinion an injustice is being done to a number of persons who enjoy a civil-service status and who are in the Government service. As Senators know, after the United States took over the Philippine Islands a considerable number of Filipinos from time to time came to the United States, and I might add that a number of American citizens established themselves in the Philippine Islands and are there engaged in various business activities. Many Filipinos entered the military and naval service of our Government and, as indicated, several hundred—perhaps several thousand—from time to time came to the United States.

For a number of years there was uncertainty as to what would finally be the relations between the United States and the Philippines and the status which Filipinos would occupy. However, the Tydings-McDuffey Act, passed only a few years ago, made provision for the independence of the Philippines in 1946. A number of Filipinos who came to the United States obtained positions in the Government, and a limited number submitted to civil-service examinations and obtained civil-service ratings. Perhaps 200 of those who have a civil-service status are affected by the measure under consideration. This measure provides for the naturalization of various groups who are denominated in the measure as—

White persons, persons of African nativity or descent, and descendants of races indigenous to the Western Hemisphere.

The bill, however, excludes Filipinos, even though they have a civil-service status, and have served the Government for many years, and are still occupying positions under civil-service rules and regulations.

As will be observed, many groups and persons who are not citizens, who have not served the Government, and who do not have a civil-service status have the privilege of becoming naturalized citizens. Filipinos, however, regardless of their loyal service to the Government, are discriminated against and are denied the opportunity of becoming American citizens. I stated the number is very small, probably not more than 200, and they are discharging with fidelity the duties of the positions which they occupy. It was claimed by opponents of the proposition to permit the naturalization of the Filipinos referred to, that there were groups in other nationalities for whom provision was not made for their naturalization. A sufficient answer to that contention is that those persons within the category last referred to were not denied because of their race or nationality the chance of becoming American citizens. The Filipinos may not be naturalized, whereas groups of various nationalities may become citizens of the United States.

Hon. JOAQUIN MIGUEL ELIZALDE, the Resident Commissioner of the Philippines to the United States, appeared before the conferees and submitted a plea in behalf of the naturalization of certain Filipinos who enjoy a civil-service status. He suggested an amendment providing that "nothing in the act shall prevent the naturalization of native-born Filipinos with full civil-service ratings who have been in the service of the Government for at least 3 years."

His proposed amendment also covered other persons and groups as to which, as I understand, no controversy exists. The conference committee, however, refused to accept the amendment to the conference report and it, therefore, contains no provision in behalf of the group covered by the proposed amendment.

It seems to me that under all the circumstances the group of Filipinos who are now in the civil service of the Government and enjoy a civil-service status, should not be denied the opportunity of becoming naturalized. Many of them, as I have indicated, have been in the United States for 15 or 20 years—perhaps some for a longer period. A considerable number of them have married Americans and have children and homes, and constitute a part of the community in which they reside. They take part in civic, social, and political matters and they are, as indicated, a part of the communities in which they reside.

To deny them citizenship means to cast them out of the positions which they occupy, and to prevent them from obtaining any position whatever with the Government. While it may not occur to many, it seems to me that Congress should take cognizance of the dangerous situation in the Orient and the important position occupied by the Philippines in the event of a conflict in the Pacific. The Philippines are under the jurisdiction of the United States until 1946. They may be called upon to play some part in questions of international importance, which to a greater or less extent affect the United States. At any rate, I have felt that it was hardly fair or just to oust these fine public servants who have rendered and are rendering faithful and efficient service to our country.

Mr. SCHWELLENBACH. Mr. President, I should like to say a brief word. The Senate added 11 amendments to the House bill. The conferees on the part of the House, after full consideration, accepted 10 of those amendments. They stated very definitely that it was their deep conviction that if the other amendment remained in the bill it would not be possible to secure the passage of the bill in the other body.

This bill is a codification of the nationality laws, work on which was started in 1933 by the Department. It has been in the House of Representatives for 2 years. Some 30 or 40 hearings were held in the House on the bill, and it would be extremely unfortunate if, because of an amendment, the bill should fail of passage. While I was in full sympathy with the position of the Senator from Utah, and he presented the matter with his customary vigor and ability, I felt that the Senate should recede from that amendment in order to secure the passage of this very important piece of legislation.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

EXTENSION OF SUGAR ACT OF 1937

The Senate resumed the consideration of the bill (H. R. 9654) to extend, for an additional year, the provisions of the Sugar Act of 1937, and the taxes with respect to sugar.

Mr. THOMAS of Utah. Mr. President, while I concur in all the Senator from Colorado [Mr. JOHNSON] has said, while, of course, I am in agreement with the Senator from Michigan [Mr. VANDENBERG] when he says that he would like a better bill, and while I, of course, coming from a particular locality, should like to see the bill written entirely for the benefit of my own people and my own section, yet I feel that it would be unfair to the administration, unfair to the American people, and unfair to those who are interested primarily in the sugar industry for us at this time not to provide some sort of extension of the Sugar Act which has been the law since 1933.

I have, therefore, as carefully and as concisely as I know how, with what aid I could get, gathered together each of the objections which have been made to the sugar program as it has been administered by our Government since 1933. I shall categorically list the eight objections which have been made, as briefly as I can, and then I shall categorically answer those objections, also as briefly as I can.

Mr. President, the opponents of the administration's sugar program have made the following charges:

First. That the sugar program "has tended to discourage the domestic sugar industry in every possible way."

Second. That the present policy, which in the main is an extension of the program which began with the Jones-Costigan Act of 1934, was declared unconstitutional in 1936.

Third. That the growers are "rigidly limited" in acreage allotments.

Fourth. That "quotas have been adjusted to permit the price to fall below what it had been in 1934, although even the administration's theorists admitted that in 1934 it did not give the farmer a fair return."

Fifth. The sugar program has injured the American taxpayer because of the lower revenue obtained from the reduced duty on sugar.

Sixth. That the "sugar program has not helped either the grower or the consumer."

Seventh. That Secretary Wallace "traded the American sugar market for the Cuban lard market," and that a $72,000,000 sugar market was traded for a $4,000,000 lard market.

Eighth. That the administration's entire sugar program has been dictated by "anxiety for the welfare of the Cuban sugar industry."

Certainly it was not the view of the senatorial sponsor of the sugar program in its inception in 1933, the late Edward P. Costigan, that the plan for relieving the ills of the sugar industry embodied in his bill would have the vicious results described by opponents of the program. Speaking on the radio in defense of the administration's sugar program, as embodied in the then pending Jones-Costigan Act, on March 6, 1934, he said:

> On Lincoln's birthday there was introduced in Congress a much misrepresented bill which is part of President Roosevelt's farm-improvement program. It directly aims at the betterment of farm conditions and earnings for American sugar growers. The bill (S. 2732) has three special aims. First, it seeks to add sugar beets and sugarcane to the other basic commodities, such as wheat, cotton, and corn. * * * This means on the side of farm earnings, if the bill passes, that sugar farmers will receive the pre-war fair-exchange value of sugar beets. * * * Second, the bill provides that bounty payments are to be raised, without any increase in sugar cost to consumers, out of the proceeds of a processing tax on refined sugar exactly matching in amount the tariff reduction. Third, the bill provides a stabilization limitation on tonnage production in the different sugar areas of the continental United States, our island possessions, and shipments to the United State from Cuba.
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> * * * * * * *
>
> The combination of a more moderate sugar tariff with bounty payments is a far sounder treatment of the sugar problem than the persistent policy of ever higher tariffs, which has led our domestic industry to the verge of ruin.
>
> * * * * * * *
>
> I am, therefore, merely repeating when I say—backed by long official experience on the Tariff Commission—that the pending bill is the most constructive tariff effort to save and promote our domestic sugar industry in the history of this country. It is the Rooseveltian New Deal experimentally applied to sugar. This new approach to an old problem is so well worth trying that growers can afford for the time being to be less worried about some details. It represents an immense advance over outworn methods.

Let us examine the facts to determine whether the late Senator Costigan was correct in his prediction as to the benefits of the sugar program, or whether opponents of the program are correct in their criticism. May I answer the charges in the order given:

First. That the sugar program has tended to discourage the domestic sugar industry in every possible way.

Here is the way in which the administration has discouraged the industry:

(a) Beet-sugar production, which averaged 1,276,000 tons of refined sugar in the period 1929–33, increased to 1,685,000 tons in 1938 and 1,641,000 tons in 1939, an increase of no less than 28 percent.

(b) The sugar-beet processors, who showed losses of about 5 percent on their equity in the fiscal years ending in 1931 and 1932, before the administration's sugar program, have enjoyed an average net income equal to about 10 percent of their equity since these programs have been operative.

(c) Sugar-beet growers, who averaged approximately $6.15 per ton of beets and a total annual income of $54,250,000 in 1929–33 period—this amount includes Government payments of approximately $2,500,000 made with respect to the 1933 crop—had about $7 per ton in the period 1934–38, and $61,335,000 total in annual grower income.

(d) Sugar-beet growers received special payments for damage caused to their crops by drought, flood, freeze, storm, and other natural calamities. This form of free crop insurance is not provided for any other agricultural crops.

Second. That the present policy which, in the main, is an extension of the program which began with the Jones-Costigan Act of 1934, was declared unconstitutional in 1936.

It was the Agricultural Adjustment Act which was declared unconstitutional in January 1936. The Jones-Costigan Act was never before the Supreme Court; and, except for the tax-payment feature of the Jones-Costigan Act, the act continued in effect throughout 1936 and 1937 until enactment of the Sugar Act of 1937, with reenactment of the tax-payment feature. Various sections of the Sugar Act have been before the courts in recent years, and these sections of the act and the administration thereof by the Secretary have been upheld by the courts in every instance.

Third. That the growers are "rigidly limited" in acreage allotments.

It is true that there have been rigid limitations on Puerto Rican growers, and, under Cuban and Philippine sugar legislation, supplementing our sugar program, there have been severe limitations on growers of cane in these countries. There has also been an attempt of large Louisiana and Florida growers to exceed their acreages, which the administration has been obliged to resist. But except for the crop of 1938 there have been no limitations on growers' beet acreages since 1934, and the 1938 acreage was practically at the record level. The acreage devoted to sugar beets has greatly increased in recent years.

Fourth. That "quotas have been adjusted to permit the price to fall below what it had been in 1934, although even the administration's theorists admitted that in 1934 it did not give the farmer a fair return."

This statement conveniently ignores the Government payments which have been made to producers under the sugar program. In 1934, prior to the sugar program, whenever prices fell to a low point, Government payments to producers were not made to supplement their income from processors. Under the sugar program the growers' returns per ton, for the United States as a whole, show a significant increase as compared with the prior years, as the figures already cited show. Furthermore, the proportion of the total income from the sale of sugar received by growers has increased under the program. Until doubt arose this year about continuance of the sugar quotas after December 31, 1940, the price of sugar, including payments to growers, compared very favorably with the years prior to the program. The low price of 1934 for

raw sugar, duty-paid, was 2.70 cents, while the price, including Government payments, has averaged in excess of 3.50 cents per pound since the passage of the Sugar Act of 1937.

The recent decline in price is, in the opinion of trade experts, due more to uncertainty about whether or not there will be a quota system next year than to failure to adjust supplies to demand under the quota system. If anyone desires to help the sugar growers and processors, the first step is to give the sugar market confidence in the continuance of the quota system after December 31, 1940.

Fifth. The sugar program has injured the American taxpayer because of the lower revenue obtained from the reduced duty on sugar.

This statement is misleading, because the Treasury income from the duty on sugar was gradually disappearing as the high tariff duty stimulated the production of duty-free sugars in the United States and its possessions. The duty collections on Cuban sugar decreased from a peak of $145,000,000 in 1922 to only $63,000,000 in 1933, even with the highest tariffs on Cuban sugar in the history of the industry.

Sixth. That the "sugar program has not helped either the grower or the consumer."

It is, of course, inconsistent to say that the sugar program has not helped the consumer and at the same time to argue for greatly decreased supplies to consumers in order to increase prices to them.

Seventh. That Secretary Wallace "traded the American sugar market for the Cuban lard market," and that a $72,000,000 sugar market was traded for a $4,000,000 lard market; and

Eighth. That the administration's entire sugar program has been dictated by "anxiety for the welfare of the Cuban sugar industry."

In the above statement rice and other agricultural exports to Cuba are omitted in sarcasm. These exports, plus industrial exports, amounted to $78,000,000 in 1939. All the "invisible" items of trade are omitted also: the purchase of silver by the Cuban Government, for example.

This is how this administration has favored the Cubans:

First. Throughout the entire period of the 90-cent duty, there was in effect an excise tax on sugar against Cuba which makes the total burden on Cuban sugar producers throughout the period $1.40 per hundred pounds instead of 90 cents per hundred pounds.

Second. The amount of sugar permitted to come in from Cuba was slashed from about one-half of our total consumption in the late twenties to about 29 percent under the sugar program. This year's Cuban quota of 1,863,000 tons compares with receipts of Cuban sugar in the years 1925–32, as follows:

1925	3,486,000
1926	3,944,500
1927	3,491,000
1928	3,125,000
1929	3,613,000
1930	2,945,500
1931	2,534,000
1932	1,834,500

As a part of my remarks I should like to have inserted in the RECORD at this place a letter by Joshua Bernhardt, Chief of the Sugar Division, to a friend of mine in Utah. The letter explains the problems facing the sugar industry in America.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 10, 1940.

MY DEAR SIR: Hon. ELBERT D. THOMAS has referred to us your letter to him of May 13, 1940, and has asked us to write and inform you on the sugar program.

As you point out the beet-sugar industry is essential to the prosperity of Utah and the intermountain region, and it goes without saying that if it were possible to expand the beet-sugar industry in the Western States as you request without injury to important groups of citizens in other parts of the United States, there would be no difficulty in the sugar situation. Unfortunately this is not the case.

In support of your view you state that the sugar-beet industry "is not competing with any other American industry." The following quotation from a speech by the executive secretary of the United States Cane Sugar Refiners Association, made at a public meeting held on May 3, 1940, in New York City, shows the conflict of interests between the sugar-beet industry and the various communities on the eastern and southern seaboard which have long been dependent upon the business of refining raw sugar:

"In the face of an increased consumption, the port of New York business declined from about 2,100,000 tons to 1,200,000 tons. And I repeat: Last year, in 1939, New York had the lowest volume of sugar business, on a proportionate basis, that it has had since it was organized here in 1696.

"Now, why did that take place? Why did New York lose its volume of sugar business? Well, New York lost its volume of sugar business largely—not entirely, but largely—due to the fact that our Federal sugar policy favored other sugar groups and areas.

"The first thing that has crippled New York's sugar industry—and, gentlemen, it will continue to cripple it unless legislation stops it—has been the tremendous increase in the production of beet sugar in our Western States. I want to get it into the record, Mr. Pike, without any equivocation, that the refiners are unalterably opposed to an expansion of the production of beet sugar."

The recent public hearings on sugar before the House Agricultural Committee contains similar statements and resolutions by many organizations and communities which would be adversely affected by further expansion of the sugar-beet industry.

The primary cause of anxiety of the sugar-refining communities referred to is the record expansion of sugar-beet production in the United States under the sugar program of this administration. As you know, the production of beet sugar increased from an average of 1,238,000 short tons of refined sugar in the years 1928–37 to 1,685,000 tons in 1938, and 1,641,000 tons in 1939. All beet sugar is produced in refined form and consequently competes directly with the products of the seaboard refineries.

Curtailment of our importations of sugar is also an injury to a number of agricultural and industrial areas that have export outlets in the offshore sugar-producing areas which supply our market. Cuba, which supplies about 29 percent of our sugar requirements, is one of our most important foreign markets for our agricultural and industrial products. In fact, last year, the neighbor republic took $81,000,000 worth of commodities from us, compared with only $24,763,000 in 1933. The island is our principal foreign market for rice, and our second most important export outlet for lard. Exports of rice to Cuba in 1933 totaled only 4,785,000 pounds; in 1939 they amounted to 209,253,000 pounds, while in the same period lard exports went from 10,908,000 to 55,431,000 pounds. Obviously, American exporters of these and other products are anxious to protect the Cuban export market.

Consequently, as the President has repeatedly explained, the whole problem of sugar legislation is an effort on the part of the Congress to balance equitably the interests of the various conflicting groups involved. Every effort was made by representatives of the different interests during the past 6 months to agree upon a program, but it was not possible for them to come to a satisfactory conclusion. To avoid serious injury to the sugar-beet farmers, sugar-beet processors, and other interests now enjoying protection under the sugar program, it was necessary for the President to drop definite legislation on sugar and concentrate on mere continuance for 1 year of the existing program.

We have noted your statements to the effect that the profits of those engaged in the beet-sugar industry are unsatisfactory. The following table sets forth the financial record of the processors to whom you have referred:

	Utah-Idaho Sugar Co., net income after all charges	Amalgamated Sugar Co., Inc., net income after all charges [1]
Fiscal year ended—		
1929	[2] 143,463	[2] 23,168
1930	[2] 284,826	[12] 259,574
1931	[2] 2,095,000	[2] 595,823
1932	[2] 446,591	[2] 925,843
1933	[2] 390,314	[2] 427,502
1934	1,497,001	1,067,697
1935	1,048,504	263,546
1936	1,215,914	846,438
1937	1,256,318	[4] 1,087,230
1938	577,092	284,726
1939	414,625	722,033
1940	[5] 751,859	

[1] Before surplus adjustments.
[2] Deficit.
[3] 13-month period.
[4] 18-month period.
[5] After allowance of $250,000 for property abandonment in addition to normal depreciation. In the absence of this unusual charge, the net income of the company would have been equal to approximately 5 percent of its net worth. The income of the Amalgamated Sugar Co. for the period ended with Sept. 20, 1939 (the last date for which information is available), was equivalent to approximately 10 percent of its net worth.

You will note that processors' losses in the years 1929–33 were turned into substantial profits under the sugar program. Growers have received approximate parity returns during this period.

For your further information we enclose a copy of a bulletin recently prepared in this Department explaining the sugar program in relation to sugar beets and a copy of the letter from

the President to the Honorable MARVIN JONES, dated April 11, 1940, on sugar legislation.

Sincerely yours,

JOSHUA BERNHARDT, *Chief.*

Mr. THOMAS of Utah. Mr. President, I should like to emphasize the figures given in the last part of this letter. The figures deal with the incomes of the two great sugar companies in my State, and it seems to me that from the figures we can draw a conclusion which is absolutely based upon facts. The conclusion is that over a period of years these great sugar companies operated in the red, as I have previously stated. Then, beginning in 1934, and down to the present time, they have been consistently in the black, with a reasonably good, in fact, a splendid income from the investment.

From 1934 to the present time we note gains which have been substantial. Making comparison from the day of the loss to the day of the gain, we find the gain in percentages is tremendous. Of course, any percentage of gain compared with any percentage of loss is a tremendous gain, but when from a 5- or 6-percent loss on all equity, on all investment, the income has increased so as to show approximately a 10-percent gain on all investment, the program seems even too good to be true.

The processors in my own State have always been unfriendly to the act until there was danger of its not being continued in force; they have always been unfriendly especially to those who aided Senator COSTIGAN in bringing about the great sugar reform, and especially unfriendly to that particular Senator who had charge of the international sugar agreement, which supplemented the local act, and which put sugar pretty well under control, if not under control completely, at least to the extent that the whole world knows exactly what is taking place in the sugar industry in all parts of the world.

From this type of control, or from this type of study, we can gain at least an understanding, so that if there is anything at all in a managed economic system, if there is anything at all in the ability to fit industry into actual need, if there is anything at all in artificially or arbitrarily attempting to make industry profitable by any kind of act, we will be able to demonstrate it.

I cannot help saying, furthermore, that, as a result of what may be called experimental economics, and experimental agriculture, that which has been accomplished is all to the good, not, as one Senator has said, all that we would like, not, as any of us say, all that we want. Heaven only knows that if we could have all we pray for, we would have this world revolving around ourselves and our own interests. But I know of no time in the history of the world when an ordinary individual group, unless it has gone definitely into the exploitation of other groups and has taken advantage against other groups, has ever had its way for a very long time.

Mr. President, I ask to have inserted in the RECORD a Department of Agriculture press release dated August 26, 1940. I know that this information will be of interest to the Senate and to the general public.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[United States Department of Agriculture, Washington, D. C., August 26, 1940]

SECRETARY APPROVES REVISION IN SUGAR CONSUMPTION ESTIMATE

Secretary of Agriculture Henry A. Wallace today announced reduction in the estimate of consumers' requirements of sugar for the calendar year 1940 from the present estimate of 6,607,745 tons, announced February 23, 1940, to 6,471,362 tons, a decrease of 136,383 tons.

The Sugar Act of 1937 directs the Secretary of Agriculture to make an initial determination of consumers' requirements in December for the following calendar year and to make any necessary adjustments in this initial determination during the year. The present revision was made in accordance with a formula contained in the act on the basis of an analysis of statistics on sugar distribution in the United States during the first 6 months of 1940, which have been obtained recently and which were released on August 5, 1940, preliminary figures received to date on "invisible" stocks of sugar to be released shortly, and other data on demand conditions for sugar. The quotas for the various sugar-producing areas under the revised figure compare with the former quotas as follows:

	Revised determination	Previous determination of Feb. 23, 1940
Domestic beet	1,549,898	1,549,898
Mainland cane	420,167	420,167
Hawaii	938,037	938,037
Puerto Rico	797,982	797,982
Virgin Islands	8,916	8,916
Philippine Islands	[1] 982,441	1,003,783
Cuba	1,749,796	1,863,217
Foreign countries other than Cuba	24,125	25,745
Total	6,471,362	6,607,745

[1] 1939 duty-free quota.

Officials of the Department pointed out that under the Sugar Act no reduction may be made below 3,715,000 tons in the domestic quotas. Consequently, the reduction affects the Commonwealth of the Philippine Islands, Cuba, and other foreign countries solely.

Mr. THOMAS of Utah. Mr. President, my remarks have in a sense been political, therefore it will not be entirely out of place for me to turn to another subject.

Last night in Pittsburgh Mr. Wendell Willkie, the Republican nominee for President, attempted to win labor's votes by announcing his belief in the gains labor has won under the New Deal.

No doubt many workers will question Mr. Willkie's sincerity in view of the labor record established by some of the companies he has headed in the Commonwealth & Southern system. For instance, the Radio and Electrical Union News, published by the International Brotherhood of Electrical Workers, an A. F. of L. union, recently reported that the Alabama Power Co., one of Mr. Willkie's former concerns, was "still one of the blackest spots on the utility map" from the labor standpoint.

But, for the purpose of this discussion, I do not question the Republican nominee's sincerity. I want to suggest to organized labor that as President, Mr. Willkie can be no more friendly to labor than his party—which has shown, and continues to demonstrate whenever there is a showdown—that it does not agree with its nominee on the National Labor Relations Act, or many of the other reforms to which Mr. Willkie pledged allegiance last night.

Workingmen who listened to the speech last night undoubtedly noted that his Republican audience found much more reason to cheer when Mr. Willkie talked about changing the administration of the Labor Board than when he announced he was for the act and supported the right of labor to bargain collectively. Workers, I am sure, noticed that throughout his speech there was little enthusiasm when he listed labor's gains, but great enthusiasm when he used the language of labor critics in denouncing the Board's record.

That attitude is the attitude of the Republican Party as demonstrated by its voting record here in Congress. It was not Republicans who put through the Wagner Act and these other protections for the workingmen. The record shows that these laws are on the books because of Democratic votes, not Republican votes.

When the Wagner Act originally passed the Senate, on May 16, 1935, there were 12 votes against it in the Senate, and 8 of them were Republican votes. Republican votes were largely responsible for forcing through the House the so-called Smith amendments to the labor law, which, if they should be adopted as they stand today, would sabotage that act. Republicans voted more than 10 to 1 for that emasculating proposal.

When labor looks at the record, I am sure it will realize that Mr. Willkie cannot speak for his party on these issues. It will vote for the party which put these laws on the books and against the one which has tried to block these gains or would sabotage them.

Mr. ANDREWS. Mr. President, I desire to make my opposition clear with reference to the pending bill. I am opposed

to it because I consider it undemocratic and against the best interests of the consumers and producers of sugar, as well as the interest of American labor, and a detriment even to our national defense in this emergency.

Recognizing my right to object to the consideration of the bill at this time, any objection I might make would be immediately nullified, I am sure, on a motion to consider the bill, and I therefore do not interpose an objection to its consideration. However, I desire to have the RECORD show that I am opposed to the proposed legislation, but I do not object to its consideration now solely because I know that my objection would be immediately overruled by a majority vote of my colleagues, and I consider our time at this moment to be too valuable to be wasted by the interjection of dilatory tactics against the proposed legislation.

Mr. President, I propose, in what I shall say, to lay the foundation for future activity on the sugar-quota measure, and I shall present my views at this time.

In these days of world stress America should guard well her supplies of essential materials. Congress has been asked to spend many millions for the acquisition of essential raw materials, but there is one item on the essential-material list which we apparently have overlooked. I refer to sugar.

Sugar today is not a mere luxury. Sugar is a food. Sugar is something that is essential to any nation, whether at war or at peace, and it is one essential material it can cost us nothing to acquire.

Conditions in Europe have vitally changed the American sugar problem. It has been recently stated that for a nation at war bullets come first in importance, wheat second, and sugar third. I sincerely hope that our Nation will never be at war; but, if sugar is so important, let us do something to be assured of a steady supply for our people, irrespective of war or peace.

Home production should not in any event be denied or restricted so long as America produces less than it consumes. In spite of this obvious fact, under the iniquitous Sugar Act of 1937, we have set up a quota system in this country under which we must get two-thirds of our sugar from areas outside our mainland. This sugar which comes to us from Cuba, the Philippines, and other offshore areas must be transported by boat, and recent figures from the Maritime Commission concerning its transportation indicate the danger of relying on offshore areas for our sugar.

Over 85 percent of the vessels engaged in transporting sugar from Cuba to the United States are Scandinavian, and it must be remembered that Cuba supplies us with about one-third of our sugar consumption. Approximately 27 percent of the vessels engaged in transporting sugar from the Philippines to the United States are Scandinavian, 14 percent are British, 40 percent are Japanese, while only 15 percent are American. The Philippines supply us with about a sixth of the sugar; in other words, nearly 1,000,000 tons.

What would happen tomorrow if we were to engage in war with Japan? Probably the Philippines would be cut off. In the first place, there would be no vessels to bring the sugar to us. We know that the Japanese, who transport most of it, would not transport any and we could not obtain that sugar supply. If that were to occur it would take us 5 to 6 years to overcome the resulting deficiency in America. We are running a great and a dangerous risk in not allowing the people on the mainland of the United States at this time to lay the foundation for supplying ourselves. Let the world do what it pleases. We should look after ourselves.

What will happen to our sugar supplies if the Scandinavian British, and Japanese vessels are unable or refuse to transport our sugar to us? Britain needs all her vessels, including the Scandinavian vessels commandeered when those countries fell, for her own life-and-death struggle; Japan's militaristic clique now in power is unfriendly to us; the dictators, if they conquer Britain, will control the shipping industry. How, then, will we get our sugar from these offshore areas?

The answer is obvious. If unsettled world conditions continue, we in the United States will have a sugar shortage similar to what we had during the last war, and sugar prices will go sky high, as they did then.

Let us look back and see what happened to sugar prices during the last war, when we had to rely on offshore sources for sugar.

In 1914 the average retail price of sugar in the United States was slightly less than 6 cents per pound. By 1919 the average retail price for sugar in the United States was nearly 11½ cents per pound, while in 1920 the price was 20 cents per pound. It was even necessary to ration sugar during this period. Do we want this to happen in the United States again?

During the World War sugar was apportioned or rationed in my home city, and I recall very distinctly the trouble the authorities had in trying to prevent a great number of selfish persons from stealthily buying and storing excess amounts of sugar for the use of their own families and causing those who did not do likewise to suffer thereby.

Last year the United States had a sample of what happens when wartime conditions are coupled with limitations on marketings as provided for under the present Sugar Act of 1937, with its undemocratic quota system.

On August 15, 1939, the average retail price per pound for sugar in the United States was a little over 5 cents. In early September, immediately after the outbreak of war, retail prices jumped sharply all over the United States. The average price of sugar jumped about 1½ cents per pound, but in some cases prices went up as much as 5 cents per pound. The Department of Justice, as Senators remember, was flooded with complaints from housewives who were unable to buy sugar at any price and who in many instances were actually rationed when purchasing sugar.

By mid-September the price flurry had subsided, but the housewife in Boston was paying on the average a little over 6½ cents per pound for sugar, the housewife in Pittsburgh was paying slightly more, the Cleveland housewife was paying 7 cents per pound, while the housewife in Detroit was paying a little more. This occurred without the United States being in war. What would happen if this country ever becomes subject to wartime conditions?

Because of these advancing prices and the shortage in sugar supplies, on September 11, 1939, the President of the United States found it necessary to suspend the undemocratic sugar quotas so that more sugar could come in and prices could come down. Immediately the price of sugar fell to its pre-war level. In this act of the President we have the answer to the entire sugar problem in the United States and a way to avert a repetition of any wartime increase in price.

The present oppressive Sugar Act expires, as far as the quota powers of the Secretary of Agriculture are concerned, on December 31, 1940. As Senators know, this act allows American mainland producers to have only 30 percent of the American market and hands over the rest of the American market to the producers in the Philippine Islands, Cuba, Hawaii, Puerto Rico, and the Virgin Islands. Cuba alone is magnanimously given 28.60 percent of the American market, or about as much of the American market as our own American producers.

Now pending in the Senate is a bill to continue the present Sugar Act for another year. There is absolutely no need to continue the Sugar Act if we are to safeguard our position in the face of what may turn out to be a very strained condition between some of the great powers of the world and the United States.

Mr. ADAMS. Mr. President, will the Senator yield at this point, or would he rather not be interrupted?

Mr. ANDREWS. I should rather not be interrupted until I conclude my speech, and then I shall be glad to answer any questions Senators may wish to ask.

To those who claim continuance of the act is necessary because the beet growers and sugarcane growers need the Government subsidies, I would say that they are provided for by the Agricultural Appropriation Act and that this would take care of the 1940–41 crop.

Under the present act the taxing powers for benefit payments do not expire until June 30, 1941. It is therefore un-

necessary to pass any additional legislation to provide for benefit payments for another year. Next year if it is deemed advisable to continue the quota system of sugar control, there will still be time for the new Congress to give that matter whatever consideration is its due.

I am opposed to the continuation of the Sugar Act, first as a citizen of the United States, and, second, as a citizen of Florida, for I feel that the best interests of our Nation and State are adversely affected by the act.

Let us look at the case of Florida for a moment. Under the so-called historical basis of the Sugar Act, Florida producers of cane sugar get less than 1 percent of the American market, or about 60,000 tons. According to statistics, Florida consumes 120,000 tons of sugar per year; yet under the act Florida is not allowed to produce even enough sugar for her own uses. Is that a fair situation? Florida is permitted to produce only half the amount of sugar which the people of Florida themselves consume. That is a situation which no one can satisfactorily explain. It is un-American. I am wondering what would happen, for instance, if the people of Wisconsin were not allowed to produce more than 50 percent of the cheese they consume. The same question may be asked with respect to many products in the various States. Suppose, for example, that the State of Wyoming were not allowed to raise more than 50 percent of the cattle which would supply the needs of the people of Wyoming. We are exactly in that situation. You may try to explain to our people in Florida. It cannot be explained.

Florida pays the highest wages of any area furnishing sugar for the American market. In spite of that fact the cost of producing sugar in Florida is approximately 2 cents a pound.

On the other hand, Cuba pays the lowest wages, yet Cuba, according to figures recently introduced before the House Agriculture Committee, has a cost of production in excess of 2¼ cents per pound. Strange as it may seem, Cuba with a higher cost of production, is given the lion's shares of the American sugar market, taking jobs away from American workmen and adding thousands to our relief rolls.

Those favoring the retention of the Sugar Act have given as one of their arguments the statement that turning over the American sugar market to outside interests in turn creates a market for the American manufacturer. "Buy their sugar", these people say, "and they will buy our automobiles, our radios, and the rest of the things we manufacture."

Let us analyze this statement. As pointed out before a recent House Agriculture Committee meeting on sugar legislation, in Florida there is a radio for every 7 persons. In Cuba there is a radio for every 48 persons, in Puerto Rico there is 1 radio for every 100 persons, and in the Philippines only 1 radio for every 608 persons.

In Florida there is 1 automobile for every 5 persons. In Cuba there is only 1 car for every 250 persons, in Puerto Rico only one car for every 130 persons, and in the Philippine Islands only 1 car for every 490 persons. The question arises, Who is spending our money and where?

These facts should completely dispose of the theories advanced by those who desire to retain the Sugar Act on our statute books. A member of the House Agriculture Committee in open hearings asserted that in his opinion a dollar spent in this country for sugar creates a far greater market for American products than a dollar spent in Cuba, of which only about 30 cents returns to this country. I should say that the return is much lower. While only 30 cents out of every dollar we spend for Cuban sugar is returned to this country in the purchase of goods, we can say that practically 100 percent of the amount spent for sugar raised in this country is spent among our own people.

When hearings were held in 1937 on the Sugar Act, some interesting facts were introduced, but somehow or other they were ignored. It was shown that American banks in New York own sugar mills in Cuba which produce nearly 60 percent of all the sugar produced in Cuba, and that only about 25 percent of the sugar in Cuba is produced by mills owned by Cubans. It is easy to see from this that Cuban labor cannot be expected to buy much of our manufactured goods when the profits of the sugar industry in Cuba are being siphoned off by the New York bankers and the Cuban laborers are paid peon wages. I understand they receive an average of 53 cents a day. American laborers producing sugar in the State of Florida are paid nearly $2; in addition, they are furnished homes, trained nurses, hospitals, and schools.

I have no objection to bankers making a profit, but if they are to make a profit let them make it in the United States; let them come to Florida for their sugar and we will produce it for them more cheaply. At the same time our workers will receive a much higher wage than that paid the peon labor of Cuba, and we shall thus maintain the American standard of living for the workers. If the bankers come to Florida and produce their sugar there, we can be assured that the American workers hired will purchase American goods and thus increase American production. We can be assured of a steady supply of sugar, a lessening of the relief rolls, and a lessening of the danger that we might not have enough sugar in the event of war.

Florida is not asking charity. Florida is asking for simple justice. In the 1937 hearings before the Senate Finance Committee on the Sugar Act the Senator from Utah [Mr. KING] stated that an examination of the Florida lands led him to believe that they are the richest in the world for the production of sugar.

Today in the Everglades of Florida thousands and thousands of acres of the richest soil in the world lie idle. Today in the State of Florida more than 30,000 persons are on relief because there is no employment for them in the State. Florida offers a solution to all these problems. Remove the sugar quotas and we shall put all this rich acreage to work; we shall furnish sugar cheaply for families now in want; and we shall take off the relief rolls many of our finest citizens.

In the production of 60,000 tons of sugar in Florida more than 5,000 heads of families are employed; and as we increase the amount allowed continental United States, or Florida, every time an additional 100,000 tons of domestic production are allowed, something like six or seven thousand more persons can be put to work. It seems to me that is a matter which ought to be seriously considered. Every person employed in America producing additional tons of sugar will spend all his money at home. I have some figures on the subject. In 1937 our exports to Cuba were $92,000,000, whereas our imports from Cuba were $148,000,000, a difference in favor of Cuba of $56,000,000. If we compare the imports and exports over a period of years we find that the same proportion generally holds true. For example, in 1911 the proportion of the total exports of the United States which went to Cuba was 3 percent, whereas the percentage of total United States imports which came from Cuba amounted to 6.9 percent, the exports being one-half of the imports. That condition has obtained consistently.

Florida should not be penalized for its ability and initiative. Immediately after the World War, when America learned that it could not produce enough sugar for its own consumption, the taxpayers of the State of Florida and the owners of the Everglades taxing district spent more than $20,000,000 in preparing this land for cultivation.

The Federal Government did not help drain the Everglades, but the landowners of Florida did it themselves in order to have land from which we could produce our sugar and winter vegetables. After the disastrous storm and flood of 1936, the Federal Government aided at a cost of $10,000,000 in building dikes around Lake Okeechobee to protect it from floods after the State had succeeded in draining this area.

Now let us look at the consumer. On March 1, 1938, Secretary of Agriculture Wallace wrote a letter to a member of this body stating as follows:

> It is estimated that at current prices American consumers are obliged to pay more than $350,000,000 per annum in excess of the value, at world prices, of their annual sugar supply—

That is without allowance for the estimated net revenue of approximately $47,000,000, represented by the difference between disbursements under the Sugar Act of 1937 and receipts from the tariff and the 50-cent tax on sugar, or for the possible increase in world price that might result from changed conditions—

this is equivalent to a tax of approximately $2.70 per capita on a population of 129,000,000 persons. It means on the average a levy of more than $10 per family, including that one-third of the Nation which is ill-nourished, and it represents an amount of purchasing power equal to more than 50 quarts of milk and 50 loaves of bread for each family in the United States.

It actually costs the American consumers $350,000,000 a year over and above world prices just because of our quota system restricting supplies. In the 6 years the quota system has been in effect American consumers have paid an additional sum of money amounting to more than $2,000,000,000. Think what we could have done with this huge sum. Our purchasers would have been able to take up a lot of the slack in the surplus commodities market; they would have been able to purchase the surplus citrus fruits, the surplus wheat, the surplus lard, the surplus apples, the surplus cotton, and a large amount of our manufactured products. Yes, this $350,000,000 a year would certainly increase our standard of living.

The undemocratic sugar-quota system penalizes people of low income more than any other group in the United States, for they can least afford this loss of purchasing power. In terms of families this sugar protection contribution amounts to the cost of from 12 to 30 family meals per annum, depending on the size of the family income. Or we can say that the extra cost of sugar means 50 fewer quarts of milk per year for these families. This may sound like a small matter, but to those who have all too little to eat it is a very important item.

We feel that the beet areas are entitled to their normal protection which the Tariff Act gives them. If the Sugar Act of 1937 should not be continued, as I fervently hope it will not be, domestic areas would still be automatically protected by a $1.50 per hundredweight tariff.

Mr. President, we should bear preeminently in mind at this time that England and France are now paying for their failure to build up their own capacity for the production of airplanes and other war materials. We all recognize this to be so. Let us at the same time recognize that we are in the same position with reference to sugar. We are neglecting to build up our own sugar-producing facilities, so that this strategic material and basic food will be plentiful in the United States irrespective of any war conditions.

Let us give American industry a chance; let us give American workmen a chance; let us, when the proper time comes, which I hope will not be in the distant future, wipe out, once and for all, the undemocratic Sugar Act of 1937 from our statute books.

I present and ask to have printed in the RECORD at this point a table showing the retail price and consumption of sugar in 10 countries in the past few years, which partially indicates why there is a war in Europe today. Germany and Italy have the highest prices for sugar and the lowest consumption per capita. It is obvious that the struggle for sugar is one of the many factors in the present war in Europe.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Retail price of sugar and consumption in 10 countries, 1936–37 and 1937–38

Country	Price (cents per pound)		Consumption per capita (pounds refined value)	
	1937	1938	1936–37	1937–38
United Kingdom	5.1	4.7	112.9	111.6
United States	5.6	5.3	97.3	96.5
Canada	5.9	5.9	102.3	103.0
Australia	6.6	6.6	99.0	116.8
Norway	7.2	7.2	78.5	73.9
Irish Free State	7.2	6.8	90.8	90.6
France	8.8	7.2	59.3	54.7
Netherlands	12.1	12.2	62.4	64.4
Germany	13.7	13.7	59.3	59.1
Italy	14.6	15.7	18.5	20.1

Mr. ANDREWS. Mr. President, let me refer to the situation in Florida. Between September 1939 and January 1, 1940, the sugar quota was lifted. That is the time of the year when the seed must be placed for the next planting. Feeling that world conditions at that time would justify the farmers of my State making additional plantings, they increased their plantings in cane 35,000 acres. Since that time the apportionment has been placed on cane, and, proportionately, the share of Florida is only about 25,000 acres. In other words, 10,000 more acres have been planted than are permitted under the apportionment act because of the suspension in September 1939.

I wish to stress also that Florida is allowed to produce less than 1 percent of the mainland consumption of sugar. That is a very difficult thing to explain. I was raised on a farm and I know that for many years we were told and instructed by the county agents and other farm agencies to rotate our crops, to diversify them. We were told, "Do not plant so much cotton and tobacco." Cotton and tobacco are now being planted under an apportionment system, and in continental United States, apparently, more cotton and tobacco are now produced than can be consumed with the consequent effect on prices.

Sugar, however, is a nonsurplus product. In the mainland of the United States we grow less than 30 percent of what we consume. Is it not a pity that after we have diversified our crops, and inaugurated the production of sugar, which is a nonsurplus crop, we are not allowed to use the fruits of our labors? That condition cannot be explained. No one need try to explain it, because it would not be common sense to try to do so. My people are resenting the fact that, although they have spent $25,000,000 draining the richest soil on the face of the earth, soil which is anywhere from 1 to 8 feet deep, and which produces more per acre than any other in the world, for the valley of the Nile has no soil to compare with it, now they are not allowed to use the land. They undertook that development soon after the World War when they found that this country ought to begin to prepare for its own self-sustenance in any crisis.

Figure it anyway you please, Mr. President.

Cuba is allowed to ship to this country 2,000,000 tons of the 6,500,000 tons of sugar we consume. Our people will never understand—and how can they understand—why we should look so carefully after the interests of other peoples outside the United States while within a stone's throw of Cuba they themselves are not allowed to produce enough sugar to supply their own needs. I have heard the statement made that perhaps if we could float Florida down to the sea and attach it to Cuba, the farmers would have been infinitely better off than we are at this time in our efforts to produce and sell sugar and winter fruits. However, that is not the only unfavorable condition which we confront; it is only one of them. In Florida we produce winter vegetables. On the coldest days of the winter, in January and February, when ice in the north is on the ground, we can still get in the Senate restaurant, or any other restaurant, almost any kind of fresh vegetables, which are needed so badly during the winter. Where do they come from? In Florida roasting ears can be picked in December and January; strawberries are picked often at Christmas. I could name a great many other vegetables produced by Florida's winter gardens. Who are our competitors? Our competitors are those countries which are similarly located and have similar climates; and under the reciprocal-trade agreements, they are allowed to ship into the United States commodities which compete with us and we are "sold down the river."

Florida, which once had a prosperous pineapple industry, has lost it. Because we were without the proper protection and because of the cheaper methods of production in Cuba, the Cubans have taken it away from us. I understand the avocado-pear industry is going the same way, and we are apprehensive now that our sugar industry will suffer a similar fate, if it has not already gone that way.

That is the reason why we oppose the reciprocal-trade agreements on perishable farm and grove products. The people down there are trying to own and live in their own

homes. They are nearly all native Americans; and they feel that they are getting rather severe treatment, particularly when they realize that they are not allowed to produce as much of a necessary article of food as our own people themselves consume.

Mr. President, I have on the desk an amendment which I ask to have stated. It is an amendment to section 212 of the Sugar Act of 1937.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). The amendment offered by the Senator from Florida will be stated.

The LEGISLATIVE CLERK. On page 1, immediately after the enacting clause, it is proposed to insert the following:

That section 212 of the Sugar Act of 1937 (Public, No. 414, 75th Cong., ch. 898, 1st sess.), be, and the same is hereby, amended in the following respect: By striking out the period at the end of the section and inserting in lieu thereof a semicolon, and following the semicolon the following words, to wit: "(5) Any sugar or liquid sugar produced from sugar beets or sugarcane grown within the United States upon which no application is made for conditional payments under title 3 of the Sugar Act of 1937."

Mr. ANDREWS. Mr. President, that subsection merely inserts in the Sugar Act of 1937 another proviso to the effect that any grower shall be exempt from acreage who declines to take the benefit payments; that he may grow as much cane or beet as he desires if he waives that right of benefit payments.

Some of the growers have already offered to waive that right. Each one of these amendments now offered I introduced here last spring in the Senate in the form of an amendment to the same act, and I have just brought together these three amendments. The first one covers that particular subject. Any one who waives any right he has to any benefits should be allowed, we think, to grow whatever amount of sugar he desires on whatever amount of acreage he desires. In other words, he cuts himself off from any benefits whatever. It seems to me that that is fair; and I ask that the amendment be adopted.

I ask unanimous consent to have printed in the RECORD, as part of my remarks, a statement giving the answers to certain questions.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

(1) ANSWER TO QUESTION RE BENEFIT PAYMENTS TO UNITED STATES SUGAR CORPORATION

There have been paid United States Sugar Corporation so-called benefit payments aggregating $2,750,000. Taxes for meeting benefit payments, deducted by refiner in settlements with United States Sugar Corporation, are probably far in excess of such amount; for the harvest just completed the excess of taxes over benefit payments was $183,741; and for the preceding harvest $310,150. It is interesting to here note that had we been permitted to operate at capacity the increased earnings would have been much greater than the so-called benefit payments received; I believe this condition is also true of all efficient producers other than operators of family-size farms to whom payments not in excess of $250 per annum have been suggested.

(2) ANSWER TO QUESTION RE MAXIMUM BENEFIT PAYMENTS

The benefit payments per acre of sugar beets, based upon agricultural statistics, 1939, and using the maximum payment of 60 cents per 100 pounds of sugar, would be $21.75 (12.5 tons beets per acre times 290 pounds sugar per ton of beets times 60 cents per 100 pounds sugar. See table 170, p. 126). Using the same statistical source, and maximum base, the benefits per acre of Louisiana cane would be $18.60 (21.7 tons cane sugar per acre times 148 pounds sugar per ton cane times 60 cents per 100 pounds sugar. See table 180, p. 134). It is clear from these figures that the sum of $200 will cover sugar-beet production on 9 acres and sugarcane production in Louisiana on 11 acres. It is maintained without fear of successful contradiction that such acreage is the maximum which can be maintained on a diversified family-sized farm. It is interesting to note the much greater returns available from sugar beets than from three of our major crops. The average farm value of sugar beets is $63.50 (table 170, p. 126), and so-called benefit payments aggregate an additional $21.75 per acre, or a total of $85.25; such amount is 14 times the farm value of an acre of wheat (table 1, p. 10), 6 times the farm value of an acre of corn (table 45, p. 45), and more than 4 times the farm value of an acre of cotton (table 137, p. 103).

(3) ANSWER TO QUESTION RE SUGAR-HOUSE CAPACITY

Unrestricted production means we could operate from the beginning of October through the middle of May, a total of 227 days; deducting recent percentage lost time all causes yields 218 net operating days. Clewiston can average better than 600 tons 96-degree sugar per full operating day and as Fellsmere is one-sixth the size of Clewiston we have a combined daily output of 700 tons. A harvest season of 218 net days at 700 tons per day gives an annual capacity of 152,600 tons, which we have rounded off to 152,000 tons.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. ANDREWS].

FRANCIS BIDDLE

Mr. MEAD. Mr. President, I hesitate to enter into a controversy with one of my colleagues over a matter which seemingly and on the surface does not affect me, but I was chairman of the special committee appointed by the House of Representatives to investigate the Tennessee Valley Authority, and one of the duties of the committee was to employ an attorney. In the discharge of my duties, in connection with my colleagues, we employed the services of an attorney who is now the Solicitor General of the United States.

I well remember the discussion which took place when we offered Mr. Biddle the position of attorney for the Tennessee Valley Authority investigating committee. We realized that we were employing the services of a very busy man, of a man who had a number of excellent clients, of an attorney whose income was much larger than we could hope to offer. Our committee felt that they could offer Mr. Biddle $10,000 for the task which he was to perform, assuming that he might be able to complete the task in 6 months. After our investigation got under way, and as a result of regulations and legislation, we found that we could not pay Mr. Biddle the $10,000 we had planned to pay him; so he actually worked for 10 months instead of 6 months, and he drew $7,500 instead of $10,000.

The reason why I am saying a word in Mr. Biddle's behalf today is because his service was rendered to our committee, and I was a member of the committee, and a rather serious charge has been made on the floor of the Senate about his conduct in connection with the services he rendered to the committee of which I was a member. Because of the part I played in the conduct of the committee's investigation, and in the employment of Mr. Biddle as the committee's attorney, I thought I was duty bound to make inquiry as to the accuracy of these charges.

I received a reply on yesterday. I did not want to bring it to the attention of the Senate until I had opportunity to notify my distinguished colleague who had made the charges. I found that he was not in the city, and so I carried the letter around until today. I learned that my distinguished friend is out of town today. In view of the fact that I shall perhaps be out of the city on Monday, I felt that it was entirely proper for me to have the letter read on this particular occasion. I enter this controversy in a spirit of fairness and justice, together with a degree of loyalty to one who served very well the committee of which I was a member, and also because it seems to me that my integrity and the integrity of our committee, to a degree at least, are at stake.

Before I have the letter read, and in order that my associates of the Senate may know what the charges were, let me read from the RECORD of last Wednesday:

I here solemnly charge that the present Solicitor General not once but twice has abused his official position, first as counsel for the T. V. A. investigating committee—

That, of course, is the part of the charge which involves the committee of which I was a member—

and, second, as Solicitor General, in attempts to injure and destroy a newspaper whose only afternoon rival was a paper in which Francis Biddle was financially interested. Had he succeeded he might have lined his pockets with the resulting dividends.

That is a serious charge and it must be proved to the hilt. I shall proceed to do so.

This is a statement made by my colleague from New Hampshire [Mr. BRIDGES].

Then he goes on to say:

Francis Biddle, now New Deal Solicitor General, used his position as chief counsel of the T. V. A. congressional investigating committee to attempt to destroy a newspaper which was in competition

with a second newspaper in which he was financially interested. Had he been successful his personal gain would have been substantial.

The charge goes on, and there are some rather petty references to Mr. Biddle's boyhood, his student years at college, his association in connection with the committee, and his present occupation as Solicitor General.

As I said in the beginning and as I now repeat, as one of the members of the committee who sought and secured the services of Mr. Biddle, I felt that I was duty bound to find out and to report to my colleagues of the Senate as to the accuracy of those charges. I know that the Senator from New Hampshire is enough of a sportsman to give to Mr. Biddle an opportunity to reply to the charges made by the Senator. That is in keeping with the American methods of doing business. I, therefore, send Mr. Biddle's letter to the desk and ask that it be read by the clerk.

The PRESIDING OFFICER. Without objection, the letter will be read.

The legislative clerk read the letter, as follows:

OFFICE OF THE SOLICITOR GENERAL,
Washington, D. C., October 3, 1940.

Hon. JAMES M. MEAD,
United States Senate, Washington, D. C.

DEAR JIM: You'd think that after his comic misadventures with that famous T. V. A. "jackass" about 2 years ago, Senator BRIDGES would be extremely careful to get his facts straight before jousting again on the same field. You will remember that he got stirred up over T. V. A. spending $2,500 over a "jackass"—which afterward turned out to be a mechanical jack. But either the Senator is more reckless than I supposed or his skin is thicker than anyone had suspected.

He suggests I was substantially interested in the Chattanooga News, and, for financial gain, tried to kill off that newspaper's rival, the Free Press. As usual, the Senator is misinformed. As a member of the committee, you will remember that we went down to Chattanooga late in August 1938 to investigate, under specific directions in the joint committee resolution, attempts of utility companies to block public power. It was in the course of these hearings that we uncovered the subsidizing of the Free Press by the Tennessee Electric Power Co., a Commonwealth & Southern sidiary. The evidence at the hearings showed that a citizens and taxpayers' association was formed to fight public power in the Chattanooga election, but that out of a total $22,265.45 contributed by this organization for the purpose, a cool $20,000 came from the Commonwealth & Southern subsidiary.

The Tennessee Corrupt Practices Act makes it a crime for a corporation or its officers doing business in that State to spend money toward influencing a public election; but, of course, the Commonwealth & Southern subsidiary which contributed the $20,000 was a "foreign corporation" and was therefore able to avoid the letter of the law. The other day in Seattle I commented upon this and suggested that Mr. Willkie, who only recently had resigned as president of Commonwealth & Southern, and who even more recently made some remarks about obeying the spirit of the Hatch Act, explain if he could this plain violation of the spirit of the Tennessee Corrupt Practices Act.

And now, to put Senator BRIDGES straight on the facts: In April 1939 I subscribed to 5 shares of the preferred stock of the Chattanooga News for $500—a contribution to George Fort Milton's courageous fight to maintain an independent newspaper, which was openly advocating public power, against the power-dominated press and the public utilities. This is the only investment I ever made in the paper.

This, I assume, is what Senator BRIDGES had in mind when he mentioned my heavy financial interest in the paper. As usual, he seems to be pretty foggy about the whole thing.

As for the Senator's lyrical remarks about me personally, I can only express my admiration for so gifted a public servant, and suggest that perhaps this talent is being wasted on the current Republican campaign. Certainly it is not characteristic of most of his party's statesmen.

Won't you please give him my regards along with my most earnest suggestion that next time before he turns upon me or anyone else the full power of his poetic license he get the facts straight?

Sincerely yours,

FRANCIS BIDDLE,
Solicitor General.

Mr. MEAD. Mr. President, in my judgment the letter answers the charges specifically and definitely and completely, and I feel that as a member of the Tennessee Valley Authority Investigating Committee, I am not only wholly within my right, but I am obligated to my colleagues on that committee to seek out, as I have, this reply, and to give the publicity which the charges prior to the reply had received.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. MEAD. I am glad to yield.

Mr. NORRIS. I think I should say a word while this matter is before the Senate.

I do not believe it was necessary for Mr. Biddle to reply to the charges made by the Senator from New Hampshire [Mr. BRIDGES]. If Senators will read the speech of the Senator from New Hampshire, delivered here one evening when there was practically no one present, I think they will agree with me that the language used by the Senator from New Hampshire in reference to Mr. Biddle was unbecoming any Senator, and was not language which any Senator should have used against any high official of the Government unless he had some evidence to back up what he said.

Mr. Biddle's conduct as attorney for the committee, in my judgment, has been above approach. Everyone who knows Mr. Biddle knows that he is not a pettyfogger, not a narrow-minded partisan, and if the chairman of the joint investigating committee, the Senator from Ohio [Mr. DONAHEY], were present, he would say to the Senate, I am sure, as he has often said to me since the investigation, that Francis Biddle's work for the committee was of the very highest quality, showing ability and fairness and courage, and that he thought the committee was extremely fortunate in selecting an attorney of the ability and courage of Mr. Biddle.

The Senator from New Hampshire in his language referring to Mr. Biddle was impolite, and he used language which I do not believe I would desire to repeat in reference to an honorable man on the floor of the Senate. I think it was uncalled for, and was not backed up by any evidence.

It is untrue that Mr. Biddle was dishonorable or disreputable in any way. The committee investigated the Chattanooga election, as they were specifically instructed to do by the concurrent resolution which brought them into existence, and under which they were then working. The work of Mr. Biddle will stand in the future, I think, as an example of fairness and high character.

I talked with the chairman of the committee, the Senator from Ohio [Mr. DONAHEY], who is not present in the Senate at this time, and is not in the city, and I know he has commended Mr. Biddle's work in the very highest terms. I regret exceedingly that, without any evidence to back them, the charges would be made against Francis Biddle which were made by the Senator from New Hampshire.

I intended to refer to the matter in a speech which I expected to make yesterday, and thought of making today, in reply to the Senator from New Hampshire. There were other things in the speech just as bad as the charges against Mr. Biddle. The charges he made against the New Republic were uncalled for. I think they were untrue, although they were characterized by the Senator from New Hampshire in language which was vicious, and, I think, malicious, and I expect when I make my address, as I probably will next Monday, to read a telegram from the New Republic which will show absolutely that the charges in reference to that periodical were not only unfounded, but were absolutely untrue.

Mr. MEAD. Mr. President, I merely wish to conclude by saying that the most important point to remember, so far as these charges are concerned, is the matter which comes to the mind of one who listened to the charge or read the charge that Francis Biddle, while serving the Tennessee Valley Authority investigating committee in the capacity of attorney, was financially concerned with the well-being and the success of a newspaper, and that he was using his office and that he was using agents of the Government to destroy that newspaper. The fact of the matter is that Francis Biddle, after the work of the investigating committee in the territory covered by the T. V. A. was over, after he had returned to Washington, and as late as April of last year, did what a great many patriotic and civic-minded people did, he purchased some securities, or made a contribution, in other words, so that the people of that community might have a journalistic vehicle in which to carry their side of the questions then at issue. It was only as a result of his

deep and abiding sympathy for the masses of the people, after his work was completed, that out of the goodness of his heart he made an effort, as did many others, to see to it that the people had some agency there to speak for them.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. McKELLAR. The Senator has known Mr. Biddle for some time?

Mr. MEAD. I have.

Mr. McKELLAR. He is from the Senator's State?

Mr. MEAD. No; he is from Pennsylvania.

Mr. McKELLAR. Did the Senator see much or little of him during the time he helped conduct the investigation for the committee referred to?

Mr. MEAD. I was with him constantly, insofar as the investigations of our committee were concerned.

Mr. McKELLAR. Did the Senator note anything about the action or conduct or words of Mr. Biddle which in any way reflected upon him?

Mr. MEAD. Oh, no. Quite the contrary; the conduct of Mr. Biddle won the applause not only of everyone who was on his side or our side or the committee's side of the question, but won the applause of those who were taking a position in opposition to the position of our committee.

Mr. McKELLAR. Was he at all times fair and just?

Mr. MEAD. He was at all times fair, and his conduct was salutary. It met the highest ethical standards. He made a tremendous sacrifice to be with us, and he served with characteristic vigor, to the edification of the committee, and to the great credit of himself as a man and as a lawyer.

NATIONAL-DEFENSE HOUSING

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CONNALLY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CONNALLY, Mr. TRUMAN, and Mr. HALE conferees on the part of the Senate.

EXTENSION OF SUGAR ACT OF 1937

The Senate resumed the consideration of the bill (H. R. 9654) to extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar.

Mr. ADAMS. Mr. President, I had not intended to say anything about the bill, but I have been impelled by some of the remarks of my good friend the Senator from Florida [Mr. ANDREWS] to make a suggestion or two.

We are confronted with opposing economic and political theories. The Senator from Florida has gone down both avenues. In this country, as the Senator has said—and I am in entire accord with his statement—there are certain essential things which our Nation must have available to it in its time of need. One of these essential things is sugar. As the Senator pointed out, if war comes, we need bullets first, wheat second, and then sugar.

I agree absolutely with the Senator that we should, so far as possible, stimulate the production of sugar within the continental boundaries of the United States, but the Senator then argues that we should repeal the Sugar Act of 1937, the result of which would be to undo the very thing he seeks to have done.

Florida in many ways is in an enviable position. We are told that Florida can produce sugar at 2 cents a pound. I trust that is true, and if it is true, Florida is making more profit per acre, twice over, than is made upon any other acreage in the United States, and should be very happy over its profits. Let us assume, however, that Florida has unused 30,000 acres which might be devoted to the raising of sugar. If those acres were used for that purpose, they might produce, I assume, a ton and one-half of sugar per acre, which would mean 45,000 tons extra, which added to the 60,000 tons now produced in Florida would mean something over 100,000 tons of sugar. If that could be done, it would be highly desirable, but certainly the Senate of the United States does not wish the production of an extra 45,000 tons of sugar to destroy the production of one and one-half million tons of sugar upon other acreage.

If the proposal which the Senator makes to strike down the Sugar Act of 1937 should prevail, beet sugar would cease to be produced in the United States, and instead of providing an adequate supply of domestic sugar, the United States would be limited to the sugar which can be produced in the enviable State of Florida. So from the standpoint of our wartime or our emergency necessities we would be far worse off.

I say that I am in entire accord with the Senator against the limitations which are placed upon the American farmer to produce for the American market, but the Sugar Act of 1937 was designed on the whole to stimulate production, to make it profitable. The profit to the sugar producer in the western States is today extremely small. I have the feeling that upon most acres producing sugar beets there is probably a genuine loss rather than a profit.

The Senator from Florida points out that by reason of the tariff and by reason of benefit payments, the American sugar consumer is paying perhaps $2 a year more for his sugar than he would be obliged to pay if we struck down all the bars, and the Senator says we could do much good with the $250,000,000, or $300,000,000, or $350,000,000 excess cost of sugar. As a matter of fact, under the tariff laws of this country, we have, I think, something like 2,500 items, every one of which adds to the cost paid by the American consumer. If we should repeal our tariff laws the cost of living would be greatly reduced; the only trouble is we would have nothing with which to pay even the reduced cost. We would simply put the American consumer in the position where he could not compete with the foreign cheap-labor production.

America has been placed upon a high standard of living. It has been our purpose to provide better living in this land than in other lands. But both purposes cannot be achieved at one and the same time. We cannot compete in the production of sugar with Cuba, the Philippine Islands, and the cheap-labor tropical islands, unless we have some form of legislative protection. If we should take the bars down, perhaps Florida could successfully compete, and I say that is fortunate, but there is no other section of the United States which could compete if the bars were taken down. Certainly there is not an acre that can produce beet sugar in competition with the cheap sugar of Cuba, the Philippines, and Puerto Rico.

Mr. PEPPER. Mr. President, will the Senator yield to me for a question?

Mr. ADAMS. I shall if the Senator promises that the question will not be too hard to answer.

Mr. PEPPER. I cannot pose any question which would be too difficult for the able Senator from Colorado to answer.

I should like to ask the Senator if, in connection with his just claim for protection for the beet-growing States of the Nation because they are under some difficulties in the production of sugar at a low price, he would also claim that the quota system should be used as an artificial handicap to those sections of the country which nature has particularly fitted for the production of sugar?

Mr. ADAMS. I will say to the Senator that the State from which I come is the best fitted for the production of beet sugar of any State in the Union, which is demonstrated by the fact that it produces more beet sugar than any other State.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. ADAMS. I shall yield to the Senator in a moment. We do not like the limitations that are put upon us. There are thousands of acres in our State upon which we could produce sugar beets. But in consideration of the limitation

upon our production, the Government is giving to us a certain benefit payment, that is, we are being paid so much a ton in consideration of our self-restraint in the matter of production.

Prior to the passage of the 1937 Sugar Act, and its predecessor, the Costigan-Jones Act, there was no limitation, but we were confronted with the importation of tax-free sugars from the Philippines and other places that were literally destroying the beet-sugar industry. Colorado and the Western States were at the point of abandoning beet-sugar culture, because they could not meet the tropical cheap-labor production from the islands. So we were willing to submit to a limitation upon our unquestioned right to produce. We surrendered this right in consideration of payments made which would make possible the production of this product upon a moderately profitable basis.

Mr. PEPPER. Mr. President, will the Senator yield for another question?

Mr. ADAMS. Certainly.

Mr. PEPPER. If the State of Colorado, with an estimated population in 1940 of 1,118,820, was dissatisfied with an actual production quota of 262,000 short tons in the year 1939, how does the Senator think the people of Florida feel, with a population of 1,800,000, having in the same year, 1939, a quota of only 70,000 short tons of sugar?

Mr. ADAMS. Mr. President, I do not think the consideration of an economic and political question such as is involved in sugar production, can be confined to State lines. The statement that Florida is not permitted to produce its own consumption, as made by the Senator just now, or as his colleague made it, seems very persuasive. But if we believe in limitations at all, when we take the United States as a whole, we must accept either one or the other theory—either wide open, unrestricted sugarcane and sugar-beet cultivation, or some restriction. If we are to impose restrictions we cannot absolutely tie them down as the Senator would have us do.

Mr. PEPPER. Mr. President, will the Senator yield further?

Mr. ADAMS. Certainly.

Mr. PEPPER. Frankly I want to state that my position, when I address myself a little more to this question later, will not be that we should not have a quota system, or sugar regulatory legislation, but I propose as an alternative to the proposition the able Senator from Colorado has suggested of not having any quota at all, that we revise the quota system and its set-up, so that there will be certain basic principles which will be fair, which will cover the quota allocations, and which will give to every sugar-producing section in this country something like a fair share of the domestic market. On that theory I would not quarrel with the position of the Senator from Colorado that it is desirable to have sugar legislation, but I would respectfully suggest that the State of Colorado has not had its pro rata share of the allocable quota of such legislation.

Mr. ADAMS. I do not think the Senator and I differ in the matter of principle at all. We are confronted today with a very practical legislative problem. We would like to get the largest possible benefit-payment production, tariff-protected production, that we can get in the United States.

That is what we should like to get. At the same time we should like to protect the labor which is involved in refining sugar. So far as possible, we want American workmen, rather than unorganized cheap labor from the islands, to be employed in refining sugar.

Today we are confronted with a problem. Our present sugar legislation, which is unsatisfactory to the Senator from Florida and unsatisfactory to me, is better than no legislation; and if we should attempt to amend the bill today so that Florida and Colorado would receive extra quotas, we should jeopardize the possibility of any sugar legislation.

It is the old story that half of something is better than all of nothing. Our people are different from the sugar producers of Florida. We cannot produce in competition with the islands. The Senator's colleague says Florida can. We cannot. So it is absolutely essential to our sugar-beet producers that there be some form of legislative protection, in the form of either a tariff or benefit payments, or a combination, such as now exists.

We are dissatisfied with the administration of the Sugar Act. We cannot cure that situation today. We want a sugar act to go into effect so that we may come back at the next session of Congress, better the act, and improve the condition of the people of Florida and of Colorado.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was rejected.

Mr. ANDREWS. Mr. President, I offer another amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Florida will be stated.

The LEGISLATIVE CLERK. On page 1, immediately after the enacting clause, it is proposed to insert the following:

That section 212 of the Sugar Act of 1937 (Public, No. 414, 75th Cong., ch. 898, 1st sess.), be, and the same is hereby, amended in the following respect: By striking out the period at the end of the section and inserting in lieu thereof a semicolon and following the semicolon the following words, to wit: "(5) any sugar or liquid sugar produced from sugar beets or sugarcane grown within the continental United States upon which no application is made for conditional payments under title 3 of the Sugar Act of 1937."

Mr. ANDREWS. Mr. President, this amendment is confined to continental United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. ANDREWS].

The amendment was rejected.

Mr. ANDREWS. Mr. President, I offer another amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Florida will be stated.

The LEGISLATIVE CLERK. On page 1, immediately after the enacting clause, it is proposed to insert the following:

That the last sentence of subsection (a) of section 204 of the Sugar Act of 1937 is amended to read as follows: "If the Secretary finds that the Commonwealth of the Philippine Islands will be unable to market the quota for such area for the calendar year then current, he shall increase the quota for the mainland cane area by an amount of sugar equal to the deficit so determined: *Provided, however,* That the quota for any domestic area, the Commonwealth of the Philippine Islands, or Cuba or other foreign countries, shall not be reduced by reason of any determination made pursuant to the provisions of this subsection."

Mr. ANDREWS. Mr. President, this amendment would take effect in the event conditions should prevent the Philippine Islands from furnishing their portion of the sugar which has been allotted to them. I have tried to take care of that contingency. If that situation shall arise and shall not be taken care of, I shall bring up the matter again, because the condition is certainly facing us now.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. ANDREWS].

The amendment was rejected.

Mr. PEPPER. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Florida will be stated.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following:

The shares of the various areas in the total consumption in section 202 of the 1937 Sugar Act shall be so adjusted by the Secretary as to give the State of Florida an increased marketing quota of 50,000 tons.

Mr. PEPPER. Mr. President, we have had a good many conferences from time to time and have had a considerable amount of discussion on the floor of the Senate as to what could be done to equalize the distribution of the allocable sugar quota among the States of the Union. As I intimated in what I said to the able Senator from Colorado, I do not propose to try to prevent the passage of legislation which might protect the growing and processing of sugar in the United States. But, as I indicated to the Senator from Colorado, I believe that anyone who examines the quota which has been allocated to

Florida in the light of the ability of the State of Florida to produce sugar at an economical rate will come to the conclusion that Florida does not have a fair share of the domestic production.

We all know that the Jones-Costigan Act made certain provisions for the protection of producers of sugar in the United States. That act, becoming effective in 1934, was succeeded by the act of 1937. By the year 1937 the mainland cane area, in the very nature of things, was engaged in the production of a quantity of sugarcane which so appealed to the justice of the Congress that it voluntarily awarded 160,000 additional quota tons to that area from the offshore area and the domestic area of the United States.

The adjustment of the distribution of the quota available to the domestic area was attributable to recognition of the fact that Florida did not have a fair share of the quota. The beet area had not been able to produce its quota, and the offshore area was considered to be producing more than it might fairly be given the right to produce in view of the situation in the cane area. Louisiana had been engaged in the production of cane for more than a century. When the sugar quotas were first established it was under a physical impairment of its ability to produce on account of the presence of a disease. Everybody recognized that it was not fair to Louisiana to be held to a quota based upon what it was able to produce and was producing at a time when its industry was suffering from a disease. Therefore it was felt that consideration was due the State of Louisiana.

Everyone recognized also that the State of Florida was uniquely qualified for the production of sugarcane. Vast acres of rich muckland, level and accessible, were perhaps the ideal area of the country for the production of sugarcane at a low price. Enterprising producers had gone into that area and set up efficient machinery and an efficient system of production which made it possible for sugar to be produced in the Everglades of Florida more cheaply than in any other part of the United States, and at a rate even comparable to that of the offshore areas, which had a cheaper labor rate than the domestic area. So, out of a sense of fair play, it was recognized that that State was entitled to a larger quota than it had had, because it was a new State in the sugar business. So, as I say, 160,000 tons of sugar were taken from other areas, both offshore and domestic, and given to the mainland sugarcane area.

Mr. ELLENDER. Mr. President, will the Senator yield at that point?

Mr. PEPPER. I yield.

Mr. ELLENDER. Mr. President, section 202 (a) of the act provides:

(a) For domestic sugar-producing areas by prorating among such areas 55.59 percent of such amount of sugar (but not less than 3,715,000 short tons) on the following basis:

Sugar produced from the domestic sugar-producing areas must be apportioned as follows: To domestic beet-sugar producers, 41.72 percent; to mainland cane-sugar producers, 11.31 percent; to Hawaii, 25.25 percent; to Puerto Rico, 21.48 percent; and to the Virgin Islands .24 percent. In view of the fact that the percentages are fixed by the act itself, where does the Senator from Florida expect to obtain the 50,000 tons of sugar which he proposes to allocate to Florida?

Mr. PEPPER. The amendment clearly provides that it shall be the duty of the Secretary to discover from what other areas the additional 50,000 tons might best be obtained.

Mr. ELLENDER. Mr. President——

Mr. PEPPER. I will answer in a moment. It would be up to the Secretary to determine the area or areas from which that amount of tonnage might be taken for the purpose of equalizing the deficiency which the State of Florida has in its quota.

Mr. ELLENDER. Mr. President, I wish to say that I am in thorough sympathy with the Senator from Florida. I think that both his State and my State, as well as the States producing beet sugar, should have a larger marketing quota; but, as I have just pointed out, in view of the fact that of the entire amount of sugar consumed by continental United States a certain fixed percentage is distributed among the beet-growing interests, the domestic cane producers, and the island possessions, and the remaining percentage among the Commonwealth of the Philippines and Cuba, I am wondering if it would not be necessary, in order to conform to the pending amendment, to take the 50,000 tons from the 55.59 percent of our consumption requirements that I have heretofore referred to.

Mr. PEPPER. Legally, the amendment which the junior Senator from Florida has proposed, if adopted, as I construe its legal effect, would be to authorize the Secretary to diminish the percentage allocation to any of the areas mentioned in section 202 by such a number of tons as he thought that area's quantity might be diminished in order to meet the requirements of this amendment. By the way, I should have made it clear, but I did not think there was any doubt about it, that this amendment will operate only for 1 year, because it is appended to an amendment which itself will cease to be effective at the expiration of 1 year; so it is only a 1-year amendment.

If some area should have a deficiency in meeting its quota the Secretary would be authorized to allocate it, whether it were 10,000 tons or 5,000 tons or 3,000 tons, or 40,000 tons, to offset the deficiency to Florida for this one year. If he did not find any area that had any deficiency but the production of each area reached exactly its total quota, then, under the amendment, he would have to take away proportionately from such areas a total of 50,000 tons. But the quantity is so small that it could not possibly hurt anybody in any appreciable degree.

Mr. ELLENDER. Mr. President——

Mr. PEPPER. I will yield in a moment. The advantage of that would be this: As we are going along now, even if the cane area gets an additional quota, deep as is the affection we have for our friends from Louisiana and our neighbors, we get but a relatively small part of that additional quota. I have fixed the figure at 50,000 tons because I thought that was the minimum; and a little later I will show why I think it is a minimum. If we could be pulled up just that much, I feel that in the future our relative position would be sufficiently equalized so that we would not have to talk so much about States as we would about areas.

I feel that such an adjustment must be made some time, that the justice of the Senate will some time give it to us, and I am hoping that we can start to restore to our State a relative ratio which I think is fair, along with the other States, so that we will not be so conspicuously the State which has not had a fair share of the allocable domestic quota.

Let me add that I believe that, as it will logically work out if this amendment were adopted, there would be, perhaps, a total of as much as 50,000 tons available from some area that had not produced up to its quota; so that no area would actually be cut in its intended production. I now yield to the Senator from Louisiana.

Mr. ELLENDER. According to the argument of the Senator from Florida, if a certain area does not produce its quota, then, the Secretary shall use such deficit in order to make up the 50,000 tons?

Mr. PEPPER. It is not mandatory in the amendment itself, but I am confident the Secretary would exercise his authority so as to accomplish that end.

Mr. ELLENDER. Let us assume that all the areas would produce and would ship into this country the amount fixed by the Secretary; then, under those conditions, would not the Secretary be bound to give Florida the 50,000 tons?

Mr. PEPPER. As I said a moment ago, if in the theoretical view of each one of the areas producing exactly its quota as a minimum, then, in order to accomplish the purpose of this amendment, the Secretary would have to take the 50,000 tons from the whole number of areas, and the whole quota would be reduced proportionately with regard to each area.

Mr. ELLENDER. That area would include Louisiana, the beet-sugar producing States, Hawaii, and Puerto Rico.

Mr. PEPPER. Theoretically it would include all the areas that are engaged in the production of sugar, but out of the Secretary's——

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. PEPPER. I will yield in a moment. But out of the Secretary's vast knowledge on the subject, I am confident that none of that quota would be taken from the cane-growing State of Louisiana, although that would be legally possible under this amendment. I am confident, however, in view of what the Secretary has done in the past, in view of his knowledge of the subject, and in view of the fact that Louisiana is comparable to Florida in its entitlement to additional quota, that it would not actually work out that way. However, the only thing that I thought we could do fairly was to vest the discretion in the Secretary, with the consciousness and the confidence that the Secretary would use the authority so as not to do an injustice to anybody to try to equalize a rather bad local situation. I now yield to the Senator from Washington.

Mr. SCHWELLENBACH. Mr. President, upon what fact does the Senator base his belief that there is a possibility that some of the outside points will not produce their quota?

Mr. PEPPER. The chief fact upon which I base it is that in times past there has been a freeze or a drought, or some other weather disturbance which has interfered with the natural processes of production, so as to cause one area or another to be short of its quota in its actual production.

Mr. ANDREWS. Such as dust storms.

Mr. PEPPER. Yes. For example, until 1937 or 1938 the entire beet area—and I think the Senator from Colorado will affirm my statement—was a little behind in its production.

Mr. ADAMS. We have a drought condition there from which we have not entirely recovered as yet.

Mr. PEPPER. While in Florida, reluctant as my colleague and I are to admit that the weather ever gets cold in our balmy and fair State, we actually had a cold spell in the year 1938 that was serious enough, if it had occurred in any other State, to have been a freeze.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield there?

Mr. PEPPER. I will yield in a moment. Either one of those conditions may be repeated. Some of the offshore areas have been behind in the production of their quota on several different occasions; and I feel that there is a possibility that that condition will recur. I now yield to the Senator from Washington.

Mr. SCHWELLENBACH. I inquire at just what point in the thermometer does a freeze come in Florida? Is it different from other places?

Mr. PEPPER. The different chambers of commerce have different standards. When there is a freeze the weatherman is always sympathetic to us, so that seldom, if ever, as a historical fact is there an actual freeze in Florida, if I may reply technically to my able friend from Washington.

Mr. President, what are some of the facts that lead me to try to get a larger quota for the State of Florida?

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. I may say that the people of my State are, of course, extremely anxious to get a larger quota. We have in Montana a great deal of irrigated land, and practically the only profitable crop which, under ordinary circumstances, can be grown on that land is sugar beets, but we realize that in order to get this legislation through we cannot attempt at this particular time to get an amendment to the act providing for a larger quota for Montana.

As I understand—and I want to know if I am not correct—what it is proposed to do is to pass this bill at this time, and then come back at the next session of Congress with the idea of rewriting the whole sugar law.

It is extremely difficult for the people of Montana and the people of other western States to understand why the administration sets up quotas for Cuba and for other countries in order to protect them, when the people of the Western States themselves—our own people—are going hungry, and need to plant bigger crops in order to make a living. It is impossible to explain that course satisfactorily to the people of my State; and I am sure there is similar difficulty in Colorado and in Utah and in the other Western States. So we are just as anxious as is the Senator from Florida to have larger quotas for the territotry embraced in the United States itself.

Mr. PEPPER. Mr. President, I appreciate how the able Senator from Montana feels about the matter, and how the Senators from the other States feel about it; but I hope they will allow me to present these comparisons between other States engaged principally in beet-sugar production and the State of Florida.

First, under the Jones-Costigan Act the total benefit payments were as follows:

The mainland cane area, $11,967,000. Of that sum of money Louisiana got $10,573,000, and Florida $1,394,000. Domestic beet area, $31,650,000. Hawaii got $13,324,000; Puerto Rico, $14,573,000; or a total for all areas of $71,514,000.

Under the Sugar Act of 1937, through the 1939 crop, not including the 1940 crop, the benefit payments were as follows:

Mainland cane area, $17,215,000, of which Louisiana got $15,387,000 and Florida $1,828,000. Domestic beet area, $60,922,000. Hawaii got $21,743,000, and Puerto Rico $28,963,000.

Total to date under the Sugar Act of 1937, $128,843,000.

Mr. President, let me digress long enough to reiterate that out of total payments of $128,843,000 under the 1937 act, the State of Florida got $1,828,000.

Grand totals under both acts, mainland cane area, $29,182,000; Louisiana, $25,960,000; Florida, $3,222,000. Beet area, $92,572,000; Hawaii, $35,067,000; Puerto Rico, $43,536,000.

Grand total of benefit payments under both acts, $200,357,000.

Again let me particularize that out of total benefit payments of $200,357,000 since the Jones-Costigan Act became a law the State of Florida got $3,222,000.

Now let me make another comparison. This is by production instead of benefit payments.

The principal States of the Union engaged in the production of beet sugar are Ohio, Michigan, Nebraska, Montana, Idaho, Wyoming, Colorado, Utah, and California. There are eight additional States which are generally grouped under one head.

Now let us make a comparison of the average number of short tons of refined sugar which have been produced in those States for the years 1928 to 1937, for the year 1938, for the year 1939, the population of each State, and the square miles of area in each State, and make the same comparisons including the State of Florida.

We find that the State of Ohio, engaged in beet production, average for 1928–37, 29,000 tons; 1938, 43,000 tons; 1939, 42,000 tons. Population, 6,889,623. Square miles, 40,740.

The State of Michigan: Average for 1928–37, 107,000 tons; 1938, 171,000 tons; 1939, 162,000 tons. Population, 5,245,012. Square miles of area, 57,480.

I will say that all this information is furnished by the Sugar Section of the Department of Agriculture except the square miles of area, and that is obtained from the World Almanac.

Nebraska: Average, 118,000 tons for the period 1928–37; 135,000 tons for 1938; 106,000 tons for 1939. Population, 1,313,468. These population estimates are from the Census Bureau and are the preliminary estimates of the 1940 census. Square miles, 76,808.

Montana: 1928–37 average, 89,000 tons; 1938, 142,000 tons; 1939, 140,000 tons. Population, 554,136. Area in square miles, 146,131.

Idaho: Average, 1928–37, 79,000 tons; 1938, 143,000 tons; 1939, 127,000 tons. Population, 523,440. Area in square miles, 83,354.

Wyoming: Average, 1928–37, 85,000 tons; 1938, 106,000 tons; 1939, 92,000 tons. Population, 246,763. Area in square miles, 97,548.

Colorado: 1928–37 average, 339,000 tons; 1938, 309,000 tons; 1939, 262,000 tons. Population, 1,118,820. Area in square miles, 103,658.

Utah: Average, 1928–37, 86,000 tons; 1938, 111,000 tons; 1939, 100,000 tons. Population, 548,393. Area in square miles, 82,184.

California: Average, 1928–37, 208,000 tons; 1938, 337,000 tons; 1939, 451,000 tons. I have not here the figures of the population, but I believe it is something over 6,000,000, according to the last census. I have the population according to the 1920 census. It was then 3,426,000. California's increase this time is 22 percent. In square miles, its area is 155,652.

The other eight States, considered as one unit: Average for the years 1928–37, 98,000 tons; 1938, 188,000 tons; 1939, 159,000 tons. I have not calculated the population and area of those States. If an average were struck, there would be some 20,000 tons per State for the eight States.

Louisiana for the year 1939 had 437,000 tons, and has a population of 2,360,661, and an area in square miles of 45,409.

Florida for the year 1934 had 28,000 tons; 1935, 42,000 tons; 1936, 51,000 tons; 1937, 57,000 tons; 1938, our peak year, 92,000 tons; 1939, 70,000 tons.

The population of Florida is 1,800,000, according to the preliminary estimate of the 1940 census, and its area is 54,861 miles.

Mr. President, it will be noticed from these comparisons, leaving out its peculiar fitness for the production of sugar, that neither on the basis of area nor population has the State of Florida received anything like the average the domestic producing States have received in the allocation of sugar quotas.

It is said that the reason why that is true is that Florida was somewhat late in coming into the business of sugar production. It was somewhat late, although the first successful sugar mill in the State on a large scale was functioning as early as 1929, and it has continued to grow in efficiency since that time and in quantity, as much, generally, as the law would allow.

Here is this vast acreage, adapted peculiarly—as no one will deny—I believe better than any other State in the Union, to the production of sugarcane, a crop which is not produced in sufficient quantity upon our domestic territory. Yet that State is permitted to grow a quantity far less than it should be permitted to grow, taking into consideration its area and population as compared with the other sugar-producing States of the Nation.

When is that wrong to be corrected? We raised the same point here in 1937, because the senior Senator from Florida [Mr. ANDREWS] and I were both Members of the Senate at the time when the 1937 sugar law was passed. There was an additional quota allocated to the mainland area, but allocated in the proportion in which we and Louisiana, for example, had been producing sugar in the past.

I am not opposed to the principle of sugar legislation with a quota as a part of the system. Once we accept the principle of benefit payments, we have to have a quota system, or no government will pay benefit payments. So I realize that the first step is the benefit payment, and I am not opposed to that. I want to see the beet States add their productive power to the capacity of this Nation to produce sugar. I want to see the farmers—and most of them are small farmers, and I commend them most heartily—continue to grow sugar to meet the needs of this great and growing Nation. I want sugar to be one of the staple crops of our agriculture, and I want the farmers encouraged, instead of discouraged. But if we accept the premise of the benefit payment, and the corollary of the quota system, that in turn has made it necessary to adopt the quota system founded upon the historical base. The viciousness of the thing is not in the benefit payment principle and not in the quota system, but the overemphasis on the historic base, and that is the point about which we complain.

My position is today not one of complaining against the passage of the bill. I want to see it passed. I am not complaining against benefit payments. I want to see them continued, in order to benefit the whole economy of America. But the system as it is now fixed has simply frozen the productive power of the State of Florida into a cavity which is less than our deserts, and that is what I am complaining about.

If we came in and said, "We are not interested in the other States, we do not care whether they get any quota or not, we are thinking only of Florida," and anyone was able to point out that Florida had been already generously dealt with, that according to area and population and ability to produce sugar we had our fair share, I would not have the countenance to come here and ask the Senate to grant any such request as I am making; but I do not believe there is a Senator on this floor who would assert, if this matter were being handled de novo, and we were basing the allocation of quotas upon ability to produce, and area and population, and any other standard that is fair in the determination of such quotas, that Florida was not entitled to a larger quota than 70,000 tons for the year 1939, with its population of 1,800,000 and its land mileage area of over 55,000 miles.

I presume that the House would readily concur in such an amendment, because I have seen evidences myself that the House Members were friendly to Florida's situation. I believe, therefore, that fairness and justice, and the desire to adopt a fair principle would move the House to concur in such an amendment as this. If that is done, the representatives of Florida would not come here every time a sugar bill was mentioned, under the embarrassment of having to assert just Florida's claim. We want to come in with our sister State of Louisiana, and our neighboring States to the west, and say, "Let us get a larger quota for the domestic area of the United States, and let us consider this as a national problem, and not a local problem."

Someone says, "Let us wait until next year and we will do that." We did not do it in 1937 and it has not been done since, and 3 years have passed. And now they ask us to let another year pass, and say that they will take it up next year. We are in this situation: There are but two of us, the senior Senator from Florida [Mr. ANDREWS] and I, and we have but two humble votes. There are some 12 or 15 States which are engaged in the production of beet sugar, and we have one fine neighbor State engaged in the production of cane sugar. So we have no power to coerce our colleagues into giving us fair consideration. We have nothing but the claim of justice and fairness upon which we may rely.

We do not come in making a demand upon anyone, and we are not going to try to delay the passage of the measure before us. We are not going to try to obstruct this proposal, or embarrass it by encumbering it. We are just asking that for the period of 1 year only; we may have something like parity.

If my amendment were adopted, we would have only about 120,000 tons, and that would be exceeded by Michigan, Montana, Wyoming, over doubled by Colorado, nearly equaled by Utah, four times exceeded by California, one and three-quarters times exceeded by the other very small States which are engaged in only a small way in the production of sugar.

Mr. President, that is how we stand. I believe that if we could once establish any such fair parity as we propose, it would thereafter be recognized that there was something like a fair ratio between what we were permitted to produce and what the other States were permitted to produce.

I have another amendment on a purely local matter, but without detaining the Senate further, and without adding anything more than these simple facts, addressed to the sense of fairness of the Senate, I sincerely hope that the amendment for this 1-year period will be agreed to.

NICHOLAS MURRAY BUTLER AND INVOLVEMENT OF THE UNITED STATES IN WAR

Mr. CLARK of Missouri. Mr. President, I do not desire to detain the Senate on another matter while it is considering

the sugar bill, but a thing happened yesterday which seems to me of such importance, as setting a widespread precedent in connection with the educational system of the United States, that I do not think a day should be allowed to pass without its being called to the attention of the Senate and of the country.

Yesterday, according to the New York Herald Tribune of today, which I have before me, that famous reactionary, both in education and politics, Dr. Nicholas Murray Butler, president of Columbia University, called together what is described even in the New York Herald Tribune as an absolutely unprecedented general assembly of the university faculties, and there attempted, possibly with success, probably with success, but I hope without success, to coerce the members of the faculties of the great Columbia University into being willing to inculcate in the minds of the students his own ideas in favor of participation by the United States in the present war.

The Herald Tribune says:

Dr. Nicholas Murray Butler, president of Columbia University, speaking yesterday before an unprecedented general assembly of the university faculties said that there could be no doubt where the university stood in "the war between beasts and human beings," and warned that those whose convictions were in open conflict with the university's doctrines should, "in ordinary self-respect," resign their faculty positions.

Mr. President, I believe that never before in the long history of the struggle in the United States for academic freedom has so blatant, so outrageous, so arrogant a proposition ever been put to the faculty of any American college or university.

I ask that the whole article appearing in the Herald Tribune today to be printed in the RECORD at the conclusion of my remarks, as I wish to quote from it from time to time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARK of Missouri. This is a naked proposition by the president of the university asserting in effect that, "In a war between foreign powers, on questions involving the foreign policy of the United States, it is I—I, Nicholas Murray Butler"—God save the mark!—"representing the donees, representing the contributors to the foundation of this university, who says to you that if you do not agree with me that the United States ought to get into this war, if you do not agree with me, representing the university, that the United States should become involved in this conflict, then I say to you that you ought to resign, because you will be fired anyway."

Mr. HOLT. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. HOLT. I want the Senator to know that he did not say that we would get into it. He said, "We are involved, and have been from the beginning." That is the direct quote from his remarks. In other words, he said, "We are in the war, and Columbia University has enlisted for the duration of the war."

Mr. CLARK of Missouri. I thank the Senator for that suggestion.

The proposal now is, Mr. President, that if any of the instructors, or any of the associate professors, or any of the assistant professors, or any of the professors in this great institution, possibly the largest educational institution in the United States, are unwilling to follow Dr. Butler in his assumption that we are already in the war, and that we ought to get farther in, that in all decency and self-respect, as he says, they ought to resign.

Mr. President, that is an entirely new departure in American education. We have seen instances before of attempts being made to coerce the instructors or faculty members which have usually been denied by those who are accused of being guilty, but this is the first time in the history of American education, so far as I am advised, that the head of a great educational institution stands up and says, in effect, to his instructors, a multitude of instructors in that great institution, "Unless you try to create propaganda in the minds of your students for getting us into the war, or getting us further into the war, you will lose your jobs."

Mr. President, there has been a great struggle in this country over questions of much less importance than this by the Association for the Advancement of Academic Freedom, or whatever the correct name of the association is. They never had a question like this presented to them, and I suggest that this more nearly concerns the welfare of American education, more nearly concerns the violations of civil liberty which have been investigated by the committee under the very able chairmanship of the senior Senator from Wisconsin [Mr. LA FOLLETTE], than any question that has been presented in the lifetime of any of us. No such brazen, no such outrageous proposition has never been advanced to the faculty of any educational institution, great or small, as that which was advanced yesterday by this old, senile, reactionary president of Columbia University, who for many years disgraced that institution by mixing up the activities of the president of a great institution with the activities of a pot-house Republican politician.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. HOLT. I want the Senator to know that it is not unexpected to have President Butler do that. I hold here in my hand the proceedings of the annual meeting of members of the Pilgrims at the Bankers Club of America, held in New York, at which the following occurred:

President BUTLER: Gentlemen, I offer the loyal toast of the Pilgrims to the President of the United States. * * * Toast to the President of the United States. * * *

President BUTLER: To his Majesty, the King. * * * Toast to the King of England. * * *

That was offered by President Butler at the Pilgrims' Club. I simply wish the Senator to know what he has just stated as having come from Dr. Butler is not unexpected, when he and other United States citizens, meeting in New York, sit down annually—at a banquet—and offer a toast to the King of England.

Mr. President, they have forgotten that we had a revolution in this country. I wanted the Senator to know that President Butler was an official of the Pilgrims' Club when the United States entered the war, and that club wired the Pilgrims' Club of London saying "At last the Union Jack and the Stars and Stripes are nailed to the same staff" and then "The Pilgrims' dream of 15 years at length has come to pass." President Butler did not sign that message, but he was an official of the club which sent the cablegram at that time.

I simply wanted the Senator to know that President Butler is the arch British propagandist in the school system of America, and has been awarded a number of honorary degrees from English schools. I just happened to make note of a few of them, if the Senator does not mind my setting them forth, with some other data.

Mr. CLARK of Missouri. I yield to the Senator for that purpose.

Mr. HOLT. He has been trustee of the Carnegie Foundation since 1905; trustee of the Carnegie Endowment for International Peace, 1910, president since 1925; trustee Carnegie Corporation since 1925, chairman 1937; honorary doctor of literature, Oxford, 1905; honorary doctor of laws, Cambridge, St. Andrews, Manchester, and Glasgow. I also note these references: Vice president Pilgrims 1913–28, president since 1928; honorary member of the Worshipful Co. of Stationers and Newspaper Makers, London, 1934.

I do not know what that means—honorary member of the Worshipful Co. of Stationers and Newspaper Makers, London. I do not know what society that is. However, he is an honorary member of that society.

He is also a member of the British Institute of Philosophy, 1935.

I simply wanted the Senator to know something of Dr. Butler's background.

Mr. President, if the Senator from Missouri does not object, I should like to place certain exhibits in the RECORD at the conclusion of the speech of the Senator from Missouri to

show what this pro-British propagandist has done. I ask unanimous consent to place the matter to which I referred in the RECORD at the conclusion of the Senator's speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLT. Mr. President, I wish to ask the Senator, while we are speaking of propaganda, where his resolution to investigate propaganda is?

Mr. CLARK of Missouri. It is still in statu quo. I do not know whether the Senator from West Virginia understands what statu quo means.

Mr. HOLT. No; I should like to have the Senator tell me.

Mr. CLARK of Missouri. The old story was that during the Russo-Japanese War many years ago the newspapers came out with the statement that General Kuropatkin was in statu quo. A number of old fellows were sitting around in the village store reading the newspapers and they saw this reference to the general being in statu quo. They asked the village wise man—and there is always a wise man in every little town, as Senators know—"What does that mean?" Of course, he himself did not know, but he did not want the boys to know that he did not know, so he said, "Boys, statu quo means in a hell of a fix." [Laughter.]

So my resolution is in statu quo.

Mr. President, with reference to what the Senator from West Virginia said, let me say that I do not care three whoops from what English or Scottish universities Dr. Butler has received honorary degrees. I do not care whether he is an honorary member of the Stationers' and Newspaper Makers' Association, or whatever it is in England. Everyone has known Dr. Butler for many years as a professional propagandist in this country. Everyone has known him on the other side, as I said a moment ago, as a pot-house Republican politician, because he has combined both activities, and those activities are not new.

They are not of any importance to the American people. But I say, Mr. President, that when the president of possibly the largest American university gets up and makes a speech to the faculty assembled in unprecedented extraordinary session, and tells them to put into execution his ideas for American participation in a foreign war on peril of losing their jobs, and commands them to put out that sort of propaganda to the students entrusted in their care, it is a matter of very grave concern to the American people, because that means that we are polluting the American Nation at its very source. When university professors, university instructors, no matter what they may believe, are required to teach their students that we are already in a war, and that we should get further in, that means that the Americans Nation is being polluted at its very source. I say better men than Dr. Butler have been tried for treason and hung for treason.

Mr. HOLT. Mr. President, does not the Senator feel that this is just one of the early signs of war hysteria, which means the destruction of freedom and liberty in this country?

Mr. CLARK of Missouri. I would not say it was a very early sign. I would say it was a comparatively late sign, if the Senator will permit me. Such a speech as Dr. Butler made yesterday, in absolute contravention of the Bill of Rights of the United States, is getting pretty far along toward destruction of freedom and liberty in this country.

Mr. HOLT. Will the Senator let me read what Sir Gilbert Parker said?

The PRESIDING OFFICER. The Senator from West Virginia should address the Chair.

Mr. HOLT. Mr. President, will the Senator from Missouri yield for me to read what Sir Gilbert Parker said?

Mr. CLARK or Missouri. I shall be very glad to yield for that purpose.

Mr. HOLT. Sir Gilbert Parker said:

> We established association by personal correspondence with influential and eminent people of every profession in the United States, beginning with university and college presidents, professors, and scientific men and running through all ranges of population.

That was what Sir Gilbert Parker said was done preceding the World War; and that is what the William Allen White Committee is doing in the present instance, to involve us in this war.

Mr. CLARK of Missouri. I can say to the Senator from West Virginia that the disclosures after we had entered the war—what I might call the confessions—of Sir Gilbert Parker, who was the head of the propaganda agencies of the British Empire, as to what was done before we got into the last war, were the basis of the resolution to which the Senator referred a moment ago, for investigating all propaganda. As I say, the resolution was unanimously favorably reported from the Committee on Foreign Relations, and has now been stifled in the committee on Audit and Control for 5 or 6 months.

Mr. HOLT. Does the Senator's information check with mine, that Nicholas Murray Butler was the man who made an appointment for Sir George Paish to see the President of the United States?

Mr. CLARK of Missouri. I have no information about that.

Mr. HOLT. I think the record will so show.

Mr. CLARK of Missouri. I am not in the confidence of either Sir George or Dr. Butler.

Mr. President, I renew my request that the entire Herald Tribune article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. BUTLER TELLS COLUMBIA STAFF TO ACCEPT WAR POLICY OR RESIGN—PRESIDENT WARNS UNPRECEDENTED CONVOCATION: "LET THERE BE NO DOUBT WHERE UNIVERSITY STANDS IN WAR BETWEEN BEASTS AND HUMAN BEINGS"

Dr. Nicholas Murray Butler, president of Columbia University, speaking yesterday before an unprecedented general assembly of the university faculties, said that there could be no doubt where the university stood in "the war between beasts and human beings," and warned that those whose convictions were in open conflict with the university's doctrines should, "in ordinary self-respect," resign their faculty positions.

Declaring that academic freedom could apply only to "accomplished scholars," Dr. Butler said it was the duty of these scholars to guide public opinion "into paths of reason, of reflection, and of understanding."

He warned that the Nation was confronted by emotional outbursts "which are quite hysterical in character and which lead to acts of utmost cruelty and violence."

"It is the very essence of our national defense," he said, "that our people as a whole shall understand what it is which they are defending, and that they have this presented to them with calmness, good judgment, and full knowledge. In this regard the responsibility of each one of us is very great. We must not ourselves be misled by phrases and formulas, and we must do our best to keep others from being so misled."

The present war, he continued, was not merely a conflict of political and economic doctrines.

"Underneath and behind the war of lust for gain and for domination over one's fellow men there lies the war between beasts and human beings, brutal force and kindly helpfulness, between the spirit of gain at any cost and the spirit of service built upon common sense and moral principle. Let there be no doubt where Columbia University stands in this war."

Dr. Butler's discussion of academic freedom was outlined in the identical words of his 1935 report to the trustees. To this he added his warning to members of the faculty whose ideas might conflict with the university's:

"Those whose convictions are of such a character as to bring their conduct in open conflict with the university's freedom to go its way toward its lofty aim should, in ordinary self-respect, withdraw of their own accord from university membership in order that their conduct may be freed from the limitations which university membership naturally and necessarily puts upon it," he said.

"No reasonable person would insist upon remaining a member of a church, for instance, who spent his time in publicly denouncing its principles and doctrines."

The reaction to the speech was one of caution. Professors long identified as defenders of academic freedom said they wanted more time to study Dr. Butler's remarks.

Some were "disturbed" by Dr. Butler's assertion that academic freedom, which he defined as freedom of thought and inquiry and of teaching, could apply only to accomplished scholars. They wondered just what "accomplished scholar" meant.

QUESTION "UNIVERSITY FREEDOM"

Another point that jarred some of the faculty was Dr. Butler's insistence that "university freedom is as important as academic freedom." They insisted that the freedom of the individual student and teacher was a good deal more important than university prestige.

Particularly significant, in the opinion of faculty members, were these paragraphs which Dr. Butler drew from his 1935 report:

"Of course, academic freedom has never meant and could not possibly mean in any land the privilege—much less the right—to use prestige, the authority, and the influence of a university

relationship to undermine or tear down the foundations of principle and of practice upon which alone that university itself can rest.

"Before and above academic freedom of any kind or sort comes this university freedom which is the right and obligation of the university itself to pursue its high ideals unhampered and unembarrassed by conduct on the part of any of its members which tends to damage its reputation, to lessen its influence or to lower its authority as a center of sound learning and of moral teaching."

DEANS PRAISE STAND

The deans praised Dr. Butler's speech.

Dr. Virginia C. Gildersleeve, dean of Barnard College, thought that the president's remarks were "safe, sound, true, and interesting."

Dr. Herbert E. Hawkes, dean of Columbia College, said "I think the talk was very appropriate in informing the faculty of Columbia's relation to national defense plans."

Dr. George B. Pegram, dean of the Graduate Faculties, said he "had no misgivings" over the application of Dr. Butler's views.

The assembly was the first of its kind ever held at Columbia at which attendance was restricted to members of the faculties.

Dr. Butler prefaced his views on academic freedom with a review of Columbia's cooperation in national defense activities. His purpose in calling the assembly was to suggest ways to further this cooperation, he said.

Recalling the creation last July of a university committee on national defense, Dr. Butler reported that this committee had already submitted its first report.

It was fortunate, he said, that the Government planned the least possible disturbance of the teaching and research work of the colleges and universities in pushing its defense program.

For those called into full military service the trustees and faculties are prepared to be generous and abundant in understanding in regard to their individual problems, Dr. Butler said.

It will be the policy of the university to grant leave of absence without salary to university officers who are called, he revealed.

Dr. Butler said he would recommend to the trustees that in order to protect the retiring allowances of officers called to service the university should meet the 5 percent contributions called for in their contracts with the Teachers Insurance and Annuity Association.

Students conscripted under the draft law will be granted a leave of absence and will incur no loss of tuition fees, Dr. Butler said.

He announced again an academic holiday on Wednesday, October 16, so that the 3,000 to 4,000 students of draft age would have an opportunity to register for selective service.

REVIEWS DEFENSE COURSES

Dr. Butler reviewed the special courses arranged at Columbia by the committee on national defense. These courses include a unit for the training of air pilots under the Civil Aeronautics Board and a course in military engineering.

In addition, Dr. Butler said he hoped that a Marine Corps Reserve training unit would soon be organized, involving one night a week during the academic year and training at Camp Columbia, Lake Bantam, Conn., for two periods of 6 weeks each after the sophomore and junior years. It was also likely that Naval Reserve courses would be created at Columbia by the Navy Department, he added.

Dr. Butler urged the faculty members to maintain their faith in a program of world reconstruction.

"It will not do," he said, "to sit helplessly by and content ourselves with saying that no reconstruction is possible, that civilization is on its way to death and that the world as we and our ancestors have known it can never be restored.

"The temptation to that point of view and that attitude is certainly very great, but it is a temptation to which we simply must not yield. It would not be characteristic of us as American scholars to lose our faith, our hope, and our confidence in the ability of mankind to bring ultimate victory to moral principle and the spirit of service over the mad and cruel lust for gain and for power; for that is the essential struggle underneath and behind the economic war."

NINETEEN HUNDRED AND SEVENTEEN REPORT RECALLED

Dr. Butler's remarks on academic freedom recalled his annual report of December 1917 in which he warned against the menace of "academic Bolsheviki." At that time he said:

"When a teacher accepts an invitation to become a member of an academic society he thereupon loses some of the freedom that he formerly possessed. He remains, as before, subject to the restrictions and punishments of the law; but in addition he has voluntarily accepted the restrictions put upon him by the traditions, the organization, and the purposes of the institution with which he has been associated."

The campus had seethed with controversy 2 months earlier when two professors, James McKeen Cattel and Henry Wadsworth Longfellow Dana were dismissed from the faculty because their attitude toward war plans was doing "grave injustice" to the institution.

A week after the dismissal action, Dr. Charles A. Beard, dean of America's historians, resigned from the Columbia faculty, calling the university trustees "reactionary and visionless in politics" and "narrow and medieval in religion." In his letter of resignation to Dr. Butler he wrote of professors who held their positions "literally by the day" and who were liable to dismissal "without a hearing, without the judgment of their colleagues who are their real peers."

Mr. CLARK of Missouri subsequently said: Mr. President, inasmuch as I included in the RECORD at the conclusion of my remarks a short time ago a newspaper account of President Butler's remarks, I now ask unanimous consent to include also at the same place in the RECORD the verbatim account of President Butler's remarks as printed in the New York Times of today, so that there may be no dispute as to what President Butler said.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the New York Times of October 4, 1940]

DR. BUTLER'S ADDRESS TO THE COLUMBIA FACULTIES

Following is the text of the address by Dr. Nicholas Murray Butler, president of Columbia University, on Columbia University in This World Crisis, given yesterday before an assembly of the Columbia faculties:

"At the opening of this new academic year it is of high importance that we examine and reflect upon the problems which face Columbia University in view of the world crisis which is shaking our historic civilization to its foundations. Our university, founded nearly 200 years ago as a simple American college, has become with the passing years a powerful public servant in the field of liberty. It has responded to the opportunities and ideals of historic university development, and its place in the intellectual life of the world and in the shaping of public policies, national and international, is now well established.

"Because of the present World War, primarily economic but now violently and brutally military as well, this institution at work in the field of liberty is called upon to cooperate with government. The purpose of this cooperation is to strengthen the defenses of our American system of economic, social, and political liberty, and to defend them and the republican form of government built upon them from attack having its origin either without or within our own country.

"This cooperation with government is a service which Columbia has always been willing and quick to offer. The greatest names on its roll became famous through leadership and service in this field of action. Today, as Columbia approaches the end of its second century of corporate life, it will not be found wanting in this endeavor.

"WE ARE INVOLVED

"The appalling war which has now in its grasp practically the whole of Europe and a great part of Asia and of Africa as well has brought the United States of America face to face with an emergency such as it has never hitherto known. We hope and pray that it may not be our lot to have to take part in the military struggle which is going on, but we are involved and have been from the beginning, in the economic aspects of that struggle and in the war of ideas and ideals which it represents and reflects.

"At such a time it is a direct responsibility of the Federal Government, under the leadership of the President of the United States, to plan quickly and thoroughly for the defense of the Nation. Already the President and the Congress have taken far-reaching action on behalf of all of us in order to enable the American people and their Government to protect and to defend themselves.

"At such a time every citizen and every institution of public service built in the field of liberty have a direct responsibility to bear. My purpose in inviting this general assembly of all the faculties of the university was briefly to indicate to them in what way the activities of our university can be used in cooperation with the Government to strengthen the Nation's defense.

"One who reads carefully the history of Europe during the past half century will recognize that military preparedness, highly important though it be, is but one part of national defense. It is of still higher importance that the people as a whole and their representative institutions understand what it is which they are called upon to defend, and to plan with thoroughness and skill for their part in that defense.

"DEFENSE COMMITTEE NAMED

"In order that careful and systematic study might be made of this problem, I appointed on July 5 last a university committee on national defense composed of the following members of the university in addition to the president of the university; Carl W. Ackerman, dean of the faculty of journalism; Charles W. Ballard, dean of the College of Pharmacy; Joseph W. Barker, dean of the faculty of engineering; Frederick Coykendall, chairman of the trustees; Condict W. Cutler, Jr., trustee of the university; Leslie C. Dunn, professor of zoology; Frank D. Fackenthal, provost of the university; Virginia C. Gildersleeve, dean of Barnard College; Robert M. Haig, McVickar professor of political economy; Herbert E. Hawkes, dean of Columbia College; George B. Pegram, dean of the graduate faculties; Edmund A. Prentis, trustee of the university; Willard C. Rappleye, dean of the College of Physicians and Surgeons; Lindsay Rogers, Burgess professor of public law; William F. Russell, dean of Teachers College; J. Enrique Zanetti, director of chemical laboratories.

"This representative committee has been at work for 3 months upon its problem and has already submitted the first of a series of helpful reports.

"UNIVERSITY FUNCTION SET FORTH

"It is fortunate that we shall have no difficulty and no difference of opinion among us in recognizing the true function of a university in this cooperation with government. The aim of a university, of course, is the conservation and extension of knowledge. Therefore, that conservation and extension of knowledge must be undertaken with redoubled vigor in respect to the analysis and understanding of the economic, social, and political problems which are involved in this World War and which are creating for the United States the problem which confronts it.

"It is fortunate, also, that the Government of the United States in its plans for national defense appreciates this university function. The Government plans the least possible disturbance of the teaching and research work of colleges and universities, and the least possible disturbance of university scholars and students. Indeed, the President of the United States in a public statement has called upon students of all kinds to return to their studies. The acts recently passed by the Congress recognize this attitude and this policy in very considerable degree.

"Inasmuch as we are confronted in this country and in every other country by emotional outbursts which are quite hysterical in their character and which lead to acts of the utmost cruelty and violence, we must make sure that the scholar uses his opportunity, which is as unique as it is tremendous, to guide public opinion into paths of reason, of reflection, and of understanding. It is of the very essence of our national defense that our people as a whole shall understand what it is that they are defending, and that they have this presented to them with calmness, good judgment, and full knowledge.

"In this regard the responsibility of each one of us is very great. We must not ourselves be misled by phrases or by formulas, and we must do our best to keep others from being so misled.

"ACADEMIC FREEDOM DEFINED

"We shall no doubt hear much throughout the country in the immediate future in respect to academic freedom. That subject is one which has been discussed many times in my annual reports as president of the university, and I need not repeat here what I have recorded so emphatically in these reports, particularly in those for the years 1918 and 1935. The policy of Columbia University in this respect has long been well and thoroughly established.

"As I pointed out in my report for 1935, for those who are in statu pupillari the phrase 'academic freedom' has no meaning whatsoever. That phrase relates solely to freedom of thought and inquiry and to freedom of teaching on the part of accomplished scholars.

"We all know the history of academic freedom from the time of its first establishment some two centuries ago at Halle and Goettingen. The purpose of academic freedom is to make sure that scholarship and scientific inquiry may advance without being hampered by particular and specific religious or political tenets. Of course, academic freedom has never meant and could not possibly mean in any land the privilege—much less the right—to use the prestige, the authority, and the influence of a university relationship to undermine or to tear down the foundations of principle and of practice upon which alone that university itself can rest.

"University freedom, as I have often pointed out, is as important as academic freedom. Indeed, before and above academic freedom of any kind or sort comes this university freedom which is the right and obligation of the university itself to pursue its high ideals unhampered and unembarrassed by conduct on the part of any of its members which tends to damage its reputation, to lessen its influence, or to lower its authority as a center of sound learning and of moral teaching.

"Those whose convictions are of such a character as to bring their conduct in open conflict with the university's freedom to go its way toward its lofty aim should, in ordinary self-respect, withdraw of their own accord from university membership in order that their conduct may be freed from the limitations which university membership naturally and necessarily puts upon it. No reasonable person would insist upon remaining a member of a church, for instance, who spent his time in publicly denying and denouncing its principles and doctrines.

"PREPARATIONS FOR DRAFT

"It may be taken for granted that the trustees and the faculties are prepared to be generous and abundant in understanding in regard to the problems of individual members of the staff or of the student body who are called into full military service.

"It will be the policy of the university to grant leave of absence without salary to university officers who are called, and I shall recommend to the trustees that in order to protect the ultimate retiring allowances of such officers the university itself should assume in the case of those who have already undertaken teachers insurance and annuity association contracts, to meet both of the 5 percent contributions called for by those contracts during the period of military service.

"Students called to the colors will likewise be given leave of absence and no student in good standing will incur loss of tuition fees through entrance into full-time military service during the academic year. The proper officers of the university will make an equitable arrangement of credit to such students.

"Wednesday, October 16, will be an academic holiday in order that both officers and students affected by the provisions of the Selective Training and Service Act of 1940 may have ample opportunity to register. Their number is estimated at between 3,000 and 4,000.

"MILITARY COURSES ORGANIZED

"Already the university committee on national defense has organized activities of military usefulness for the voluntary participation of students and has still others in prospect for the academic year 1941–42. That committee will welcome suggestions from any member of the university, whether teacher or student, in relation to matters which fall under its jurisdiction. The special courses and programs which have already been arranged include:

"1. A unit for the training of air pilots under the Civil Aeronautics Administration.

"2. An orientation course under the direction of the department of civil engineering, making use of the facilities both at Morningside Heights and at Camp Columbia. This course in military engineering will be given academic credit in Columbia College and in the school of engineering.

"3. In addition, it is hoped that there will shortly be organized a Marine Corps Reserve Training unit which, if established, will lead to a commission as second lieutenant in the Marine Corps Reserves and will involve 1 night a week during the academic year, and training at Camp Columbia for two periods of 6 weeks each, following the sophomore and junior years.

"Attention of students is also to be called to the opportunity quite likely to be offered in the immediate future by the Navy Department for training through courses of Naval Reserve Midshipmen leading to commission as ensign in the volunteer Naval Reserve.

"Undoubtedly still other opportunities will be arranged in the not distant future.

"RESUMPTION OF PEACE EFFORTS

"It is of the highest importance that we all bear in mind the need which will be most pressing when armed hostilities come to an end, to undertake once more the task of laying the foundation for a system of international organization and cooperation for the protection of the world's prosperity and the world's peace. We must not be disheartened because of the failure of the attempts toward this high end which had already been made. We must resume those attempts with undiminished vigor and armed with the new knowledge which the experience of the last quarter century has brought us.

"Fortunately, we have a statement of ideals and of the program by which those ideals may be best achieved in the noteworthy plan agreed upon by the members of the conference held at Chatham House, London, in March 1935. At that conference 62 of the most distinguished statesmen and men of affairs in the world, coming from 10 countries, including Germany and Italy, agreed unanimously upon a series of recommendations which were subsequently endorsed by the unanimous vote of the International Chamber of Commerce.

"These recommendations constitute a convincing program for world reconstruction. It is upon this world reconstruction that our eyes must be fixed. It will not do to sit helplessly by and content ourselves with saying that no reconstruction is possible, that civilization is on its way to death and that the world as we and our ancestors have known it can never be restored. The temptation to that point of view and that attitude is certainly very great, but it is a temptation to which we simply must not yield.

"It would not be characteristic of us as American scholars to lose our faith, our hope, and our confidence in the ability of mankind to bring ultimate victory to moral principle and the spirit of service over the mad and cruel lust for gain and for power; for that is the essential struggle underneath and behind the economic and the military war.

"Behind the war of conflicting political doctrines, underneath and behind the war of lust for gain and for domination over one's fellowmen, there lies the war between beasts and human beings, between brutal force and kindly helpfulness, between the spirit of gain at any cost and the spirit of service built upon common sense and moral principle. Let there be no doubt where Columbia University stands in that war.

"I thank you for your presence and your kindly attention."

Mr. HOLT. Mr. President, if the Senator from Missouri does not object, I should like to place certain exhibits in the RECORD. I ask unanimous consent to place the matter to which I referred in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

DR. NICHOLAS MURRAY BUTLER

Dr. Nicholas Murray Butler's speech, in which he tells the professors of Columbia University to get behind his policy or resign, is in sharp contrast with a speech he made in January 1933. We must realize that the 1933 speech was delivered long before the war hysteria had developed and long before the propaganda to get in war had become so intense. Dr. Butler's statement, as quoted in the New York Times, follows:

"A DEFINITION OF LIBERTY

"Liberty is the assurance that every man may do what he believes is his duty in spite of majorities or customs and opinions. Liberty involves the right to be wrong. Liberty is attested always and

everywhere by the treatment of minorities. The reason that minorities are such a problem in half a dozen lands is that it is liberty struggling to find expression against the dominant forces of compulsion.

"If we are to protect liberty, if we are to give a satisfactory accounting of our stewardship of liberty, we must see that we so use it as to answer its critics and its enemies."

Compare that with the 1940 edict, which said:

"Those members of the faculty whose convictions were in open conflict with the university's doctrine (determined by Dr. Butler) should 'in ordinary self-respect' resign their faculty positions."

AND SO TO WAR

Dr. Hubert Herring, in his excellent book, And So to War, has a special section dealing with Nicholas Murray Butler's activities in the promotion of English interest in this country. Dr. Herring comments, as follows:

"Mr. Butler, in his personal activities and in the spending of Andrew Carnegie's millions, lends himself to the cause of Anglo-American solidarity. In fact, no task is more sympathetic to him than moving swiftly across the North Atlantic, to breakfast with the Prime Minister, lunch with the archbishop, tea with the King, and dine with the Cabinet. He accepts the honors which universities at home and abroad thrust upon him (the list now numbers more than 30 assorted doctorates) with the humility becoming a man who is one of the living symbols of the unity of the English-speaking peoples. And if he confuses the issues of peace with the necessity for preserving the British Empire, it is a confusion which is part and parcel of his own character."

In a report of the investigation of pro-British history textbooks in use in the public schools of New York City, we find this statement:

"The present reception to President Butler, of Columbia University, throughout England, where he is being feasted, toasted, and exalted for his pro-British propaganda is a striking confirmation."

Speaking before the Pilgrims of the United States in 1936, the Times quotes Dr. Butler as follows:

"We are met in the shadow of a great sorrow. Tens of millions living on every continent and under every clime who owe allegiance to the British Commonwealth are stricken with sadness and a sense of loss at the death of their sovereign."

He also refers to the monarch as "the fortunate symbol." He also says of the King and Kipling, "They represent that great and splendid tradition which is ours."

Throughout his writings and speeches, one finds his worship of England, its systems, and its rulers.

REPETITION OF 1917

In 1917, Nicholas Murray Butler issued the edict of support for war or get out of the faculty. He was also an ardent advocate of the work of the National Security League, the exposed agency against which a committee of the House of Representatives recommended criminal action for their activities in 1916, 1917, and 1918. His definition of liberty then was as it is in 1940—agree with me and speak; disagree and lose your job.

CARNEGIE FOUNDATION

In my remarks I referred to Dr. Butler's position with the Carnegie Foundation. Horace Coon, in his book Money to Burn, discusses the foundation in these words:

"AN ENDOWMENT FOR WAR

"Of course, Dr. Butler was enthusiastic about President Roosevelt's Chicago speech calling for a 'quarantine' on aggressor nations. 'Isolation,' declared the head of the endowment, 'is a folly only exceeded by its immorality.' He seems determined that the United States shall go to the aid of France and Britain should either need our help. Through the International Relations Clubs this sort of propaganda is encouraged. The endowment tells Americans about international problems and urges us to do something about them. It appeals to the idealism and high-mindedness of youth and advocates a foreign policy which would mean that the American Navy would be used as an international police force. It encourages British and French propaganda. The Carnegie endowment might be considered an expensive luxury which we, as a rich nation, can afford, since it supports a number of people doing work of possible academic value, but it becomes a menace to our peace and to the peace of the world when it agitates for international agreements demanding that we go to war for the sake of the peace of the world. If the nations of Europe should start a holy war against fascism or communism, it is easy to imagine the Carnegie endowment crying for another crusade to make the world safe for democracy. Just as the endowment helped in building sentiment favorable to France and England from 1914 to 1917, so it is building up the same sentiment today. Of course, the endowment believes that international questions should be solved by judicial discussion. But if a nation refuses that means, then, according to Dr. Butler, we are immoral if we remain neutral.

"No one can read the endowment reports or yearbooks without a disheartening sense of complete futility and utter ineffectuality. It has done nothing toward taking the profits out of war; it has never attacked the bases of economic imperialism; it has made no attempt to show the populations of warlike countries today how their leaders are driving them into war. It might investigate the world-wide struggle for oil and its connection with foreign policies. It might look into the influence of international bankers on diplomacy. It might investigate the international ramifications of the steel industry, the scrap-iron industry, the shipping industry, and the part these play in making inevitable another war. It might inquire into the role of newspapers and newspaper proprietors, or into the active foreign propaganda in this country. It has done none of these things, for it believes in war under certain circumstances, under the very circumstances in which it is most likely to come. It diverts the energies of those anxious for peace into futile and ineffective channels; it encourages earnest people to imagine that by joining clubs and reading pamphlets they are preventing the next war. It dares make no effort to combat the psychological build-up created by statesmen and journalists. Indeed, it actively contributes to it. The most richly endowed institution dedicated to the promotion of peace is thus turned into an aggressive agent for the promotion of war."

Mr. Coon also discusses the activities of Dr. Butler and the foundation preceding and during the World War of 1914–18:

"Dr. Butler was president of a university several of whose trustees were munitions makers. It is not to be wondered, therefore, that the sentiments of these men, at first perhaps confused, soon clarified into a conviction that peace could be achieved only by a victory of the Allies.

"So, as the war fever mounted in this country, the endowment strove to be on the side of prevailing public opinion. Within a few years of its establishment the association for international peace met the first crisis in its career by crying for a relentless prosecution of the war as loudly as any jingoist. No sooner had the United States entered the conflict than the trustees resolved, April 18, 1917, that 'the most effective means of promoting durable international peace is to prosecute the war against the Imperial German Government to the final victory of democracy.' Leading the stampede, noisiest in his demand, most arbitrary in his insistence on the regimentation of minds in his own university, was Nicholas Murray Butler, director of the department of intercourse and education, and later chosen president of the endowment. The income from $10,000,000, which to some people might seem to encourage independence of opinion, had the very opposite effect. The pacifists in charge of the association could not resist the frenzy of the mass mind. Indeed, they contributed to it. Apparently they did not seriously believe in their own propaganda. Whether they realized it or not they had been paving the way to war. Associated, as they were, with big business identified with allied success, their investments made them less rather than more independent than those less richly endowed. No more than the average man in the street, who was soon to be drafted, could they resist the pressure of the very propaganda they professed to oppose.

"The enthusiasm of the trustees for war was so great, in fact, that they repeated their resolution at their meeting of November 1, 1917. The division of international law, which has been collecting data on all known examples of international arbitration under the supervision of Dr. John Bassett Moore, was turned over to the State Department and its staff, paid by the endowment, prepared large number of volumes to be shipped to France for the enlightenment of the peace conference. Dr. James Brown Scott accompanied this material as official technical advisor, but like the other experts, he was ignored. Meanwhile, Dr. Butler was beating the drums and shouting for universal military service."

The book also states:

"Unwilling to expose the profits of the munitions makers, those in charge of the endowment imagine that what they are doing has some relevance to the modern world. Its activities and methods have been so innocuous that radicals have raised the question of its sincerity."

BUTLER AND CLARK EICHELBERGER

The book then discusses Dr. Butler and Clark Eichelberger, the director of the William Allen White committee. It will be noted that Eichelberger and Butler were prime movers in the White "war" committee. The book reads as follows:

"More closely associated with the endowment is the very active League of Nations Association directed by Clark M. Eichelberger, one of the endowment's busiest lecturers in the field. It stands frankly for 'a universal League of Nations functioning effectively to promote international cooperation and to achieve international peace and security.' Through its offices in Geneva, Washington, and New York it tries to influence the foreign policy of the United States and, by means of publications, lectures, and radio broadcasts, to arouse the American people to demand a foreign policy which will promote 'the development of the world community centered in Geneva.' The endowment contributes substantial amounts annually to this organization. Dr. Butler said of Mr. Eichelberger in his 1936 report: 'He has been the outstanding speaker upon whom the field workers counted for assistance in addressing a great variety of audiences. The director is happy to record his appreciation of this able cooperation in the work of the endowment.'"

A STATEMENT OF CARNEGIE

A statement of Andrew Carnegie is quite interesting when it is considered with the above notations. It is:

"Time may dispel many pleasing illusions and destroy many noble dreams, but it shall never shake my belief that the wound caused by the wholly unlooked for and undesired separation of the mother from her child is not to bleed forever. Let men say what they will, therefore I say that as surely as the sun in the heavens once shone upon Britain and America united, so surely is it one morning to rise, shine upon, and greet the reunited state—the British-American union."

CARLETON BEALS' COMMENT

Carleton Beals, in his book Glass Houses, also has some interesting information on the endowment. In his book we find these words:

"It is a very equivocal organization, careful never to air any of the root causes of war in any way to endanger vested interests or profit making, and is always pro-British. Every so often it sends a good-will representative through Latin America. It also gives assistance to the Pan American Society, for years little more than a closed corporation of powerful American interests having investments in Latin America. As might be expected, the good-will envoys selected have been utterly incapable of promoting good will, have actually been persons who have definitely promoted American aggression toward Latin America. * * * In 1938 it sent David P. Barrows, of the political-science department of the University of California, my own alma mater. Barrows has always been a big-stick imperialist. It just so happened I was in Central America when Barrows went through there. As I was just one jump ahead of Barrows, I gave the reporters his complete record. In this I was also helped by a clipping my mother had sent me by chance, in which Barrows made the statement that the United States was privileged to intervene militarily anywhere, any time, in Latin America. The reporters all quoted this gleefully when Barrows went through. * * * Time and again he had come out in support of the grossest aggressive measures toward Latin America. Such was the first Carnegie Peace Foundation good-will emissary. * * * More recently the foundation has chosen Dana Munro * * * a consistent apologist * * * for the old-style armed intervention policy, for everything of the worst imperialistic odor in our relations with that part of the world."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5053) for the relief of Verdie Barker and Fred Walter.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MANSFIELD, Mr. GAVAGAN, Mr. PARSONS, Mr. CARTER, and Mr. DONDERO were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10539) making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes, and that the House receded from its disagreement to the amendments of the Senate numbered 11, 23, 24, 34, 37, 43, 48, and 59 to the bill, and concurred therein.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9980) to revise and codify the nationality laws of the United States into a comprehensive nationality code.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 162. An act to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes;

S. 3778. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930;

S. 4316. An act to repeal sections 4588 and 4591 of the Revised Statutes of the United States;

S. 4341. An act to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any one day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes; and

S. J. Res. 295. Joint resolution authorizing the participation of the United States in the celebration of a Pan American Aviation Day, to be observed on December 17, of each year, the anniversary of the first successful flight of a heavier-than-air machine.

RIVER AND HARBOR DEFENSE IMPROVEMENTS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BAILEY, Mr. SHEPPARD, and Mr. JOHNSON of California conferees on the part of the Senate.

EXTENSION OF SUGAR ACT OF 1937

The Senate resumed the consideration of the bill (H. R. 9654) to extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar.

Mr. HARRISON. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The amendment offered by the Senator from Florida [Mr. PEPPER].

Mr. HARRISON. If there be no further speeches, may we have a vote on the amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER].

The amendment was rejected.

Mr. KING. Mr. President, it is not my purpose to detain the Senate but for a few minutes. The so-called sugar bill has been the subject of serious consideration by persons in all parts of the United States, who are engaged in the production of sugar. It has received serious attention by the sugar-beet growers as well as by those who grow cane in Florida and Louisiana. For a number of months in both branches of Congress the so-called sugar question has been under consideration. Many suggestions have been made as to the form of the measure which should be enacted into law, and many objections have been urged to a continuation of the present law. However, as the time approached under which the present so-called Sugar Act would expire, there has been a growing feeling that perhaps the wisest course to pursue was to continue the present act. Though various suggestions have been made to amend the act, they have, upon analysis, been rejected. By that I do not mean to say that all Representatives and Senators have been satisfied with the present act, or have been persuaded that efforts should not be made to modify and materially change the existing law. However, as indicated, the conclusion was finally reached by Members of the House to continue the present act, and the Senate, after hearing a number of witnesses, interested in the production of sugar, concluded that the action of the House should be approved.

Undoubtedly the fact that Congress will soon adjourn and that the present act will expire by limitation within a few weeks, has influenced the course pursued by the House and by the Finance Committee of the Senate.

May I say that I am not entirely satisfied with the existing law. I have upon many occasions insisted that there should be a larger production of sugar in continental United States; that the beet-sugar growers should have a larger quota, and that the States of Florida and Louisiana should have a greater quota. Sugar is an important agricultural product; it is an essential food product and in my opinion the best interests of the American people require a greater production in continental United States and its Territorial possessions, of this important food product.

Accordingly, I have as indicated frequently urged that there should be an increase in the production of sugar in continental United States and in Hawaii and Puerto Rico. We must not

forget that Hawaii and Puerto Rico are a part of the United States; they are not stepchildren, and Congress must take cognizance of their situation and their relation to continental United States and to our industrial and economic life.

As Senators know, Hawaii but a few years ago was an independent nation. It had its own government and its own economic and industrial policies. It voluntarily became a part of the United States. I had the honor to introduce in 1897 the first resolution for the annexation of Hawaii, and since it has become a part of the United States it has, in every way, discharged every responsibility resting upon it and upon its citizens. The residents of Hawaii have made important contributions to the growth and development of our country and they have, as indicated, loyally and patriotically, met every requirement. They are entitled to all the rights and privileges of American citizens, and in national legislation there should be no discrimination against the Territory of Hawaii. As a matter of fact I have stated upon several occasions that the Territory was entitled to statehood.

It is obvious that Hawaii is a most important part of this Republic. It is an outpost in the Pacific—a faithful and important guardian of the mainland.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. KING. I yield.

Mr. ELLENDER. Does the Senator know that Hawaii, with a population of only 368,336, has an allotment under the bill of 943,967 tons, whereas the continental producers, representing a population of 20,072,653, have an allotment of only 1,982,000 tons?

Mr. KING. I am familiar with the figures to which the Senator refers, and if time permitted and the occasion warranted, would submit figures showing the important financial contributions which have been made by Hawaii and her residents to our country. Only a short time ago, as the Senator may recall, a special joint committee was appointed to study the situation in Hawaii and to report as to the future position of the Territory. That report indicates that the resources of the Territory and the progress which it has made culturally, educationally, financially, and otherwise, give it high rank among the political units of the Republic; and as many believe, and I am among that number, entitle the Territory in the immediate future to be admitted into the Union as a sovereign State.

As I stated, Hawaii merged her identity with this Republic; she sacrificed her independence to become a part of the United States. We must, therefore, in enacting legislation which affects the industries of Hawaii, consider that the Territory is a part of this Republic, and that residents of the Territory are American citizens entitled to all the rights of other American citizens.

I was about to invite attention to the fact that in my opinion there was a provision in the bill which discriminates against the Territory. The sugar bill contains a discriminatory provision, not only against Hawaii but also against Puerto Rico. The discrimination to which I am now referring is found in the provisions of the bill which deny to Puerto Rico and to Hawaii the right to refine sugar produced in their respective territories. I have never been able to perceive the reason why the sugar producers of these territories should not be permitted to refine the raw sugar produced in their respective areas. The reason for the discrimination grows out of the fact that there is a powerful sugar organization or trust in continental United States, which is opposed and still opposes the producers of sugar in the territories referred to, refining their own sugar. The organization referred to has insisted that the raw sugar produced in Hawaii be transported to the mainland, there to be refined; and that the raw sugar produced in Puerto Rico be shipped to the Atlantic seaboard, there to be refined by the large sugar-refining units.

I believe this to be unfair; the people of Puerto Rico are encountering many economic and industrial difficulties; there are hundreds of thousands of people without employment, and the National Government is required to make important contributions to aid the unemployment situation. Several thousand persons could find employment in Puerto Rico if the producers of sugar were permitted to have their product refined in Puerto Rico. The people of Puerto Rico are under the flag; they are entitled to the rights of American citizens, and it is, in my opinion, a grave injustice to deny them the right to refine the sugar produced in their own home territory.

Our country in its dealings with its island possessions must be just and fair. It must not discriminate against these Territories or those residing therein. The people of Puerto Rico have not been entirely satisfied with the treatment accorded them by the parent government. They expect, and have a right to expect, just treatment and a due regard for the Territory and for its inhabitants.

As I have indicated, there is a large population in Puerto Rico, perhaps 1,800,000. Their resources are limited and the production of sugar is a most important industry in the island. It has been claimed that the needlework industry, which furnished employment to many hundreds of persons and a revenue of approximately $22,000,000 annually to the people of the island, has been crippled and materially injured by congressional legislation. I make no comment upon that legislation at the present time. I am alluding to it only for the purpose of indicating that the economic condition of Puerto Rico is not satisfactory; that there are obstacles to the economic and industrial growth of the island. Certainly Congress should, in all legislation dealing with Puerto Rico and its people, pursue a course that will be fair and just and command the confidence and indeed the affection of the people of Puerto Rico for the mainland. We must not be indifferent to Puerto Rico or Hawaii. There must be no discriminatory legislation; no measures enacted and no policies pursued which do not square with the principles of justice and equity and, I was about to add, righteousness.

Mr. President, I had hoped that the bill under consideration would carry a provision which would permit the refining of sugar in both Hawaii and Puerto Rico. When it was apparent that such an amendment to the bill would not prevail I urged that the report of the Committee on Finance would contain a statement substantially as follows:

> In recommending the passage of the bill without amendment, the committee does not wish to be understood as endorsing for permanent legislation the principle underlying sections 4 and 5. On the contrary, we regret that it has been found necessary to reimpose, even for a limited time, the discrimination against the refining in Hawaii and Puerto Rico of sugar for the continental American market, which discrimination, under the terms of the Sugar Act, had expired at the end of February of this year. Since it is clearly in the general public interest to provide as soon as possible for the extension of the sugar law for another year, we feel that it is necessary to avoid controversy over particular provisions of the bill which might prevent its enactment at this session.

I regret that my suggestion was not approved.

The PRESIDING OFFICER. The bill is still before the Senate and open to further amendment.

Mr. PEPPER. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Florida will be stated.

The CHIEF CLERK. At the end of subsection (c) of section 302 it is proposed to insert the following:

> The proportionate share with respect to any farm or farms owned, operated, or controlled, directly or indirectly, by any individual partnership, association, or corporation in any one State of the mainland sugarcane area shall not be in excess of 50 percent of the total proportionate shares for that State, except and to the extent that the Secretary finds that there is no other person in that State who is qualified to receive the proportionate share with respect to any farm, or any part thereof, which may result from the foregoing restriction. In the distribution of any acreage which may be allocable on account of the above restriction, the Secretary shall give preference to the new producer.

Mr. PEPPER. Mr. President, I should like to call the attention of the Senate first to the very clear language of this amendment, limiting its application to "a State in the main-

land sugarcane area," so that in practical operation it could not affect any State outside the cane area. Only two States, Louisiana and Florida, are in the cane area, and the Senators from Louisiana will know from the facts whether or not any State other than Florida will be affected.

Senators will recall that subparagraph (b) of section 302 of the 1937 Sugar Act reads as follows:

> In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, adherent planters, or sharecroppers.

I am sure the able Senator from Mississippi [Mr. HARRISON], who is chairman of the Senate Finance Committee, will recall, and the Record will attest, that when hearings were being held before that committee in 1937 I went before the committee and made a certain declaration, which was that I did not favor monopoly in my State any more than in any other State. I advocated and urged the inclusion in the 1937 law of language which would protect the new producers of the State, so that the acreage that was allotted to any one State might be enjoyed by a large number of people in that State, and not principally by one big corporation.

I had no hesitancy, at that hearing, in advocating that principle and expressing my belief in it. Notwithstanding that act, the language of which clearly indicated the intent of the act that new producers should be given chief consideration, the act has been administered in my State so that in the year 1938 the United States Sugar Corporation had 22,555 acres; in 1939 it had 16,917 acres; and in 1940 it will have 20,469 acres under the allocation which has been made.

Another sugar producer in Florida, the Fellsmere Company, in 1938 had 3,509 acres; in 1939 it had 2,632 acres; and in 1940 it will have 3,184 acres.

Twenty-three independent growers in the State—that means everybody else in Florida engaged in growing sugarcane—had 1,552 acres in 1938, 1,539 acres in 1939, and 1,032 acres in 1940 allocated to them as a quota.

That meant that the total acreage for the State of Florida for 1940 is 24,686 acres. To that is to be added about 4,000 acres under the Ellender amendment, nearly all of which will go to the United States Sugar Corporation; but out of an allocated acreage of 24,000, one corporation has 20,000 acres, another corporation 3,000 acres, and 23 independent growers 1,000 acres.

Mr. President, I stood on this floor in 1937, and at different times since, and contended for a larger quota for my State, saying that I thought the State was entitled to a larger quota from the hands of the other States of the Union. I want to be consistent. I believe in the principle of fair distribution, not only outside my State but inside my State. To attest it, I have offered this amendment, which simply says that no one person, firm, or corporation in any one State may have more than 50 percent, one-half, of the total acreage in that State awarded to it.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HARRISON. Of course we are all familiar with the Senator's position, and how consistent and persistent he has been respecting this matter. He has fought for Florida on the question he now presents.

As has been explained here, if the committee had had time to go into the details of the matter which is now presented, it could have done so; but it is impossible under the present circumstances. Next year, when the matter will come up, as it must do—because this is an extension of the act for only a year—I assure the Senator that his views will be considered by the committee, and I am sure sympathetically considered.

The Senator will remember that another member of the committee, the Senator from Virginia [Mr. BYRD], has been very persistent with reference to these subsidy payments. Unfortunately, he is not here today. His wife is not well and he could not be here. He intended to make a speech on this question; but I assure the Senator from Florida that his view as expressed in this amendment will receive consideration next year, when the question comes up of a further extension of this act, or a further study of the whole question.

Mr. PEPPER. Mr. President, I very much appreciate the statement of my friend the able chairman of the committee. I know it is late in the session, and that certain parliamentary difficulties come to the minds of Senators who want to see this sugar law continued in effect which make them afraid that if we should adopt any amendment here we should not be able to secure at this session the passage of the resolution continuing the sugar law for 1 year.

As I said awhile ago, I am not trying to prevent the enactment of the continuing resolution for 1 year. I am merely trying to get justice, as I see it in my humble way, for my State, and not only for my State but for the people of the State, because as long as I am here I shall try to represent the State as a whole. I do not want to have it thrown in my teeth, every time I talk about sugar, that all I am doing is representing a big corporation which receives several hundred thousand dollars of benefit payments, and that I am its spokesman here, trying to get for it a larger part of a public franchise to produce an agricultural commodity. I am glad to see the big company grow, but I want to see the sugar business distributed all over my State wherever it is possible for the people of the State to grow sugar. I want the actual farmers who live in Florida, who make their homes there and rear their children there, to grow sugarcane as an adjunct to an agricultural crop, which is their chief business; and that cannot be done so long as the present system continues as it is imbedded in this law. If we should receive any additional quota, this one corporation would get the greater part of it. I want to cut down its proportion first at least to not more than 50 percent of the State's quota and then let whatever quota is left be distributed as widely as possible among the farmers.

So I submit the amendment. I felt that it was my duty to the Senate to be as consistent in my argument and in the assertion of principles with regard to Florida as I was with regard to other States.

I submit the amendment to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER].

The amendment was rejected.

Mr. WAGNER. Mr. President, before the bill is voted upon I desire simply to express my view in favor of the legislation.

The sugar-refining industry in New York State is the largest in the Union, and the port of New York is the largest refining center in the world. This legislation provided in this bill is absolutely necessary for the preservation of that industry and the employment of its workers. It is a very efficient industry, it pays high wages, and its destruction would be a serious matter to the people of New York. The employees affected have presented the problem to me earnestly and persuasively, and I have been most anxious that nothing be done to impair their livelihood or the prosperity of the industry. I am, therefore, delighted to see that the necessary legislation will be enacted to protect the industry and its workers and to promote the welfare of the Nation as a whole.

As part of my remarks, I ask unanimous consent to have printed in the RECORD an editorial from the Brooklyn Eagle and a number of letters, beginning with letters from the Honorable Herbert H. Lehman, Governor of our State, and from the borough president of Brooklyn, the Honorable John Cashmore, in favor of the legislation in its present form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial and letters are as follows:

[From the Brooklyn Eagle of August 12, 1940]

FIGHT TO SAVE SUGAR INDUSTRY MUST BE PRESSED IN SENATE

Brooklyn business and civic organizations should not in any way relax their efforts on behalf of a new sugar act, so framed as to insure the preservation of the industry in Brooklyn.

It is true that the measure has been passed by the House in the form for which the united interests of this community, headed by Borough President Cashmore, were fighting all spring. But now it is in the Senate, and it is feared that the same fight will be reenacted in the Upper Chamber on behalf of the Puerto Rican and Hawaiian refiners.

Over the years the sugar industry here has received many blows from Washington, but today all that is sought is to maintain the status quo—continue the existing quotas on imports of the offshore refined sugar.

Because of the low wages paid on these islands—as little as 70 cents a day—it is obvious that the sugar refined here under American standards would be under a fatal handicap if the bars were let down, and a flood of cheap tropical sugar be permitted to glut the market.

It is well to remember what the sugar industry means to Brooklyn. Over 2,500 men and women are employed in it, and they share an annual pay roll of approximately $4,500,000. The industry pays local taxes and water fees amounting roughly to $500,000 and buys supplies from local merchants running into hundreds of thousands of dollars.

In the light of these facts it is easy to understand why Brooklyn has fought so unitedly for a sugar bill which would at least assure the continuance of present conditions.

Borough President Cashmore and many of the groups interested in the campaign have already urged upon Senators MEAD and WAGNER the importance of adopting the bill in the form in which it passed the House.

But the matter should not rest there. Brooklyn's sugar industry and its friends should be represented at committee hearings and should get their story personally before as many Senators as possible.

The measure means too much to Brooklyn for its advocates to fail to take every step possible to bring about its passage without crippling amendments.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, August 12, 1940.

Hon. ROBERT F. WAGNER,
The Senate, Washington, D. C.

MY DEAR SENATOR: I am in receipt of a letter from Charles Milbauer, vice chairman of the Employees' Committee to Maintain Brooklyn's Cane Sugar Refining Industry.

Since this letter very clearly and forcefully presents the interests of the refining industry in our State, I am sending you a copy.

In my opinion the Congress should not pass legislation which will reduce the quota of the home refining industry. As you will see from Mr. Milbauer's letter, New York has already lost a substantial portion of its sugar-refining industry, and many hundreds have been thrown out of employment.

May I ask your assistance and cooperation in protecting the interests of New York State in this very vital matter.

Very sincerely yours,

HERBERT H. LEHMAN.

EMPLOYEES' COMMITTEES TO MAINTAIN
BROOKLYN'S CANE SUGAR REFINING INDUSTRY,
49 South Second Street, Brooklyn, N. Y.

Hon. HERBERT H. LEHMAN,
State House, Albany, N. Y.

SIR: The members of the Employees' Committee to Maintain Brooklyn's Cane Sugar Refining Industry, of which I am vice chairman, wish to present to you the facts regarding the difficulties which confront the New York cane-sugar refining industry.

New York is the largest cane-sugar refining State in the Union and refining has taken place here for over 250 years. In the port of New York the industry normally gives employment to some 5,000 men but in recent years this figure has decreased considerably. The men and women now working in the New York refineries work only 3 or 4 days a week and it is impossible for them to give their families a decent American standard of living under these conditions.

Labor conditions in the New York refineries are excellent. Unionization is 100 percent, and all of the great unions—the A. F. of L., the C. I. O., the I. L. A., and the Brotherhood of Railroad Trainmen—are represented. Hour wage rates are higher than those found in other industries and vacations with pay and long established pension systems are in operation.

Since 1925, New York has lost approximately 40 percent of its sugar-refining industry. This decrease in business has not only cut employment in the refineries but it has also meant that jobs have been lost at the water front in the unloading of raw sugar from ocean vessels. In short, this drastic reduction in refining has affected sailors, stevedores, lightermen, weighers, checkers, refinery workers, etc., in the great port of New York, and this has happened in overseas sugar which is the second most important commodity in the port of New York, both as measured by weight and value.

New York's cane-sugar-refining industry has declined for two reasons: First, because after 1925 refining by cheap labor on the sugar plantations in the Tropics began in Cuba, Hawaii, Puerto Rico, and the Philippines; secondly, in recent years the beet-sugar industry has grown rapidly in the making of refined sugar to displace our product.

As you know, the refineries in the Tropics have been a recent development and they employ low-paid unorganized labor. For example, in Puerto Rico the Governor reports that the wages prevailing there are generally around 10 to 12 cents an hour. Tropical refiners are sugar producers, and as raw-sugar producers they have received substantial subsidies from the consumers in this country and the United States Treasury.

The beet-sugar industry only exists in the United States because it is highly subsidized. In fact, it would wholly disappear if the present subsidies were reduced.

In 1934 Congress wrote a Sugar Act, which was rewritten in 1936 and 1937. That act divided the American market among the offshore tropical refiners, the beet industry, and the home refiners in accordance with a certain quota formula. The quota assigned to the refiners in New York and other States is not sufficient to give adequate employment to those in the industry. But regardless of this fact, the tropical refiners and the beet-sugar factories have been making a wide attempt to decrease still further the quotas of the home refining industry.

On June 20 of this year the House of Representatives decided to extend the Sugar Act for 1 year and by an overwhelming vote (134 to 20) decided that there should be no increase in the quotas assigned to the tropical refiners. It also decided that there should be no increase in quotas for beet-sugar refiners. It is in the interest of the New York cane-sugar-refining industry and the workers in it that there be no expansion of the quotas for the tropical refiners or the beet-sugar industry.

We employees do not advocate a quota system for sugar, but if there is to be a quota system we request that we be given a "break" in it.

New York consumers pay $26,000,000 a year more for their sugar than is necessary in order to give protection to the sugar producers in continental United States, Hawaii, and Puerto Rico. Not one penny of this subsidy goes to benefit New York's sugar industry or its employees.

Since 1925 New York has been unaware of the dangers to employment in the sugar problems; and men and women in public life, until recently, have had no understanding of the problem whatsoever. New York cannot afford to lose more industry whether it be in sugar refining or in any other business. This year the people of New York have become informed regarding this issue and they have taken a very active part in our campaign to save our industry.

First, look at labor: The New York bodies of the Congress of Industrial Organizations, the American Federation of Labor, the International Longshoremen's Association and the Brotherhood of Railroad Trainmen are on record as 100 percent opposed to any further decrease in New York's sugar-refining industry.

Secondly, look at the maritime interests of New York: We find the Port of New York Authority, the Maritime Association of the Port of New York, the Harbor Carriers of the Port of New York are on record in our favor.

The chambers of commerce, including those from Brooklyn, Queens, and Yonkers are on our side.

Business organizations such as the New York Board of Trade, the Merchants Association of New York, have also joined with us.

Women, as citizens and consumers, have an interest in this problem. We find such well known organizations as the New York City Federation of Women's Clubs, the Long Island Federation of Women's Clubs, and the civic groups, the community councils of the city of New York behind us.

There are a considerable number of colored workers in our plants and many colored organizations in New York who have taken a deep interest in this problem.

Finally, I wish to point out to you that the New York Legislature, on March 30, 1940, passed a formal resolution to defend our industry, as did the New York City Council on April 18.

The Senate is now considering the sugar problem and when the bill, H. R. 9654, recently passed by the House does come before the Senate, we are certain that there will be demands to reduce our quotas and to increase the quotas for beet sugar and tropical refined sugar. We sincerely hope that you will support us.

The Governors of Massachusetts, New Jersey, and of the other great refining States, have made statements in support of the home refining industry. The State of New York, being the leading refining State, should not be caught off guard.

With great respect, we are,

Sincerely yours,

CHARLES MILBAUER,
Vice Chairman.

PRESIDENT OF THE BOROUGH OF BROOKLYN,
New York, June 29, 1940.

Hon. ROBERT F. WAGNER,
United States Senator, Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I can well appreciate that your time and attention are devoted in these critical days to the formulation of an adequate defense for our country. Under the depressing circumstances now existing in the world, this concentration on defense is inevitable. But it is clear to me that a strong national defense requires a strong national economic structure. More than ever we need to encourage business and employment at home.

It is with these facts in mind that I call to your attention that the people of Brooklyn, and New York generally, are vitally concerned over the future of one of our most important industries—the receipt and refining of raw cane sugar. The fate of this New York industry will be determined, in a large measure, by the action taken by the Senate in the near future upon the Cummings sugar bill which was passed by the House last week.

May I summarize for you the interests of Brooklyn in this legislation? In 1934 Congress enacted comprehensive sugar legislation known as the quota system. By direct and indirect taxes placed upon sugar consumers, a guaranteed protection was given to the beet and cane growers of continental United States and to the plantation owners of Hawaii, Puerto Rico, and the Philippines. Another feature of the Sugar Act was that it provided a protection for the continental cane-sugar-refining industry by means of quotas limiting the amount of refined sugar which could enter the United States each year from the tropical refineries in Cuba, Puerto Rico, the Philippines, and Hawaii. Quota limitations were also placed upon the beet-sugar industry.

The general quota plan, as I have described in brief above, was extended for 1 year by Congress in 1936. Congress again extended the plan without substantial modification in the Sugar Act of 1937 which expires at the end of 1940. Early this spring Congressman WILLIAM BARRY, of Queens, introduced a bill which would have extended for 1 year the Sugar Act of 1937 in its original form. The Barry bill would have extended the quotas on raw sugar for the protection of sugar growers and the quotas on tropical refined sugar for the protection of refinery workmen. Surprisingly enough, however, a concerted attempt was made by the spokesmen for the highly subsidized Hawaiian and Puerto Rican sugar industries to defeat the Barry bill because it would continue limitations upon their refining. On May 7, 1940, the House Committee on Agriculture shelved the Barry bill and reported out the Cummings bill, H. R. 9654, which would extend the Sugar Act for 1 year, but which would not continue the limitations upon the refining of sugar in Hawaii and Puerto Rico.

Last week the Cummings bill came to the floor of the House for debate, and practically every Representative of the refining States opposed the measure because it would not restore the previous limitations upon tropical refining. After 6 hours of debate, valiantly led by Representatives of Brooklyn, Queens, and Manhattan, the House restored the previously existing limitations upon Hawaiian and Puerto Rican refining by the overwhelming vote of 135 to 20. After the Cummings bill was so amended, it was passed by the House and went to the Senate.

It is reported that the spokesmen for the American Tropics will make a concerted attempt to have the Cummings bill amended in the Senate to permit unlimited refining down on the plantations in the Tropics. Under the quotas established by law, if tropical refining expands, it means an immediate reduction of refining operations in New York and other refining States. The workers and consumers of the Borough of Brooklyn and the other refining cities of New York rightfully support the proposition that no sugar legislation should be enacted in 1940 or at any time which would create unemployment in refineries at home.

In behalf of thousands of New York sugar-refinery workmen, I urge you to support sugar legislation which will protect Brooklyn jobs by limiting refining in the Tropics. This means that the Cummings sugar bill should only be enacted if it continues to provide limitations on refining in Puerto Rico and Hawaii.

Any amendment to the sugar bill in the Senate which would provide for a further expansion of the quotas of the subsidized beet-sugar industry should be opposed because, other things being equal, an increase in the quota for beet sugar will bring a decrease in refining in Brooklyn, just as would an increase in the quotas for tropical-refined sugar.

New York is the largest cane-sugar-refining State in the Union—the port of New York is the largest refining center in the world, and Brooklyn is the heart of that local industry. Your support on the sugar legislation will, therefore, be in the interests not only of the people of this borough but also of the 17,000,000 people who live in and around the great port of New York.

Very truly yours,

JOHN CASHMORE.

NEW YORK, *September 25, 1940.*

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR MR. WAGNER: This association has been much interested in the sugar industry of this area and is anxious that the community continue to receive the benefits resulting from this industry. As you know, the value of cane-sugar products refined in New York City totals about $86,000,000 annually, which represents approximately 20 percent of the total refined-sugar production of the United States, and provides a correspondingly large amount of employment.

The relationships between employers and employees of this industry have been excellent in the New York area for many years. The association, therefore, urges that you give favorable consideration to the Cummings bill, H. R. 9654, and that you support this bill when it comes up for consideration. We are convinced that this bill will greatly help to maintain the substantial sugar business and employment in the industry for the city of New York.

The board of directors of the association has adopted the following resolution, namely, "that the Merchants' Association of New York urge that the Congress enact no sugar legislation in 1940 which would tend to decrease further the volume of cane sugar which is received and refined in the port of New York."

The association believes the Sugar Act of 1937, which terminates this year, and which undoubtedly will be replaced by similar legislation, has served an excellent purpose, and has been of much benefit to the community. The present volume, based on existing quotas, has been satisfactory for a number of years. The industry, as well as other related businesses, would experience much difficulty and confusion if a change in existing quotas were attempted at the present time. We believe that the Cummings bill, H. R. 9654, would avoid these difficulties and we urge, therefore, that it be adopted.

Yours very sincerely,

THE MERCHANTS ASSOCIATION
OF NEW YORK,
By S. C. MEAD, *Secretary.*

EMPLOYEES' COMMITTEE TO MAINTAIN BROOKLYN'S
CANE SUGAR REFINING INDUSTRY,
Brooklyn, N. Y., July 15, 1940.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

Honorable SIR: The Senate will shortly have before it for consideration the sugar bill of 1940 (H. R. 9654). As this bill affords a large measure of protection against loss of jobs to over 2,000 men and women employees of Brooklyn's cane-sugar refining industry, their committee, of which I am chairman, respectfully urges you to vote for and work for the passage of this bill, without amendments or other changes. This bill continues the Sugar Act of 1937 for 1 year, or until December 31, 1941.

The House, on June 20 of this year, by the overpowering vote of 134 to 20, adopted the McCormack amendment to the Cummings bill. This amendment reenacts quotas on refined sugar made by cheap plantation labor in the Tropics. This action by the House was the same as it took in 1934, 1936, and 1937, and each time the Senate, in its consideration of sugar legislation, came to the same conclusion as the House.

It is of tremendous importance to us, American men and women workers in Brooklyn refineries, that there be no changes in the sugar quotas as passed by the House as any increase in the quotas for beet sugar or tropical refined sugar would most assuredly increase unemployment in Brooklyn refineries.

The undersigned has been employed in a Brooklyn sugar refinery for 29½ years, and among his 1,000 associate workers in this one plant are 650 persons with from 5 to 25 years of service, and 110 with from 25 to 50 years' service. Most of us have grown up in the sugar industry, and although skilled in our present jobs, are now past the desirable age for employment in other industries.

Our hope is legislation like H. R. 9654, which will continue our jobs and at the same time does not take anything away from the various other sugar groups. It is our earnest belief that you will help us, and we trust that you will justify this sincere and unfailing faith.

Very respectfully yours,

WILLIAM P. COSTER.

BROTHERHOOD OF RAILROAD TRAINMEN,
EAST RIVER LODGE NO. 829,
The Bronx, N. Y., August 6, 1940.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR: The enclosed copy of our letter today, addressed to Mr. Whitney, president of our organization, which is self-explanatory, explains the interest of the men employed by this terminal in H. R. 9654, which is now before the Senate.

We earnestly hope that you will do everything possible toward having this bill passed by the Senate.

Yours very truly,

JOHN MCDONOUGH,
Chairman, Jay Street Terminal General Committee.

BROTHERHOOD OF RAILROAD TRAINMEN, LODGE NO. 829,
August 6, 1940.

Mr. A. F. WHITNEY,
President, Brotherhood of Railroad Trainmen,
820 Superior Avenue West, Cleveland, Ohio.

DEAR SIR AND BROTHER: The accompanying memorandum pertaining to H. R. 9654, which is self-explanatory, has reference to your letter February 14, reference 829–A. F. W.–H. B.–H.

For the reasons expressed in our letter February 11, our membership is most desirous of having this bill passed by the Senate, preferably in its present form.

At present the cane-sugar refinery served by the rails of this railroad is closed down and there appears to be little prospect of its resuming operations, unless legislation favorable to cane-sugar refiners in the United States is passed. To give you an idea of the importance of sugar tonnage in our carryings, we cite the following comparison: during the month of March 1937, when the refinery was operating and when sugar shipments were moving freely, 576 cars were shipped against 57 cars in March 1940, a decrease of 519 cars. The volume of business at present being handled by this terminal is very low. It seems impossible to secure additional business to even partially offset the loss of sugar tonnage, hence the concern of our membership about the situation particularly the distinct possibility of a reduction in forces.

May we ask that you again take up the matter vigorously with the view to rendering whatever aid may be possible toward the passage of this bill by the Senate? Please reply.

Fraternally yours,

JOHN MCDONOUGH,
Chairman, Jay Street Terminal General Committee.

THE SENATE SHOULD FINISH THE JOB AND PRESERVE EMPLOYMENT IN THE SUGAR-REFINING INDUSTRY IN THE STATE OF NEW YORK

The United States Senate in the near future will vote upon the sugar bill of 1940, H. R. 9654, which was passed by the House of Representatives on June 20. It is of vital importance to New York, the largest sugar-refining State in the Union, that the Senate maintain the quota limitations upon the imports of tropical refined sugar which are now provided for in the bill.

On three separate occasions in the last 6 years the Senate has decided with the House that the sugar-quota law should protect American workmen in the home cane sugar refining industry as well as American beet and cane growers in continental United States and in the American Tropics. The House decided on June 20 that the maintenance of this principle of equal protection for all branches of the sugar industry was just as important today as it was in 1934, 1936, and 1937.

The Sugar Act of 1937, which by quotas divided the total American sugar market among the home cane-sugar refiners, the beet-sugar factories, and the tropical refiners, expires at the end of 1940. While it was agreed in the House this spring to extend the act for 1 year, it was suggested that the law be changed to give a larger share of the American sugar market to the beet-sugar factories. After considerable debate, the House Agriculture Committee decided that an increase in the beet-sugar quota, or share, was not in order. A concerted attempt was also made by the plantation refiners in Puerto Rico and Hawaii to obtain an unlimited quota. But the House on June 20, by an overwhelming vote of 134 to 20, decided to continue the previous quotas on refined sugar from these tropical islands. After this vote, the House passed the sugar bill which would continue the Sugar Act for 1 year.

New York consumers pay about $26,000,000 a year in direct sugar taxes and indirect subsidies which go to benefit sugar producers, including those in Hawaii and Puerto Rico. Refiners in those islands, as sugar producers, receive handsome cash benefits from American consumers. No subsidies of any kind accrue to the New York refining industry. If consumers are to be called upon to pay sugar subsidies, the sugar bill at least should safeguard the jobs of thousands of persons working in the New York refining industry.

It is highly probable that amendments will be offered in the Senate to permit increased refining in the Tropics. Any increase in tropical refining, under a quota system, will bring about a loss of jobs for well-organized American sugar-refinery workmen in New York and other sugar-refining States. The Senate should pass the sugar bill with limitations upon Hawaiian and Puerto Rican refined sugar, or it should not pass the bill at all.

EMPLOYEES' COMMITTEE TO MAINTAIN BROOKLYN'S
CANE SUGAR REFINING INDUSTRY,
Brooklyn, N. Y., August 7, 1940.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

HONORABLE SIR: On June 20 the House of Representatives passed by an overwhelming vote of 134 to 20 the sugar bill H. R. 9654, 1940. This bill provides that quota limitations upon imports of tropical refined sugar will be maintained. As New York is the largest refining State in the country it is of utmost importance to labor and industry that this bill be passed by the United States Senate. Over a period of 6 years the United States Senate on three different occasions has decided with the House that the sugar-quota law should protect the home cane-sugar industries, American beet and cane growers in continental United States and in the American Tropics.

This bill of 1940 is a reaffirmation of the principle of equal protection for all branches of the sugar industry, which is just as important today as it was in the years from 1934 to 1937. In the sugar quota bill of 1937, which expires at the end of 1940, the total American sugar market quota was divided among the cane-sugar refineries, the beet-sugar factories, and the tropical refineries. The House agreed this past spring to extend this quota 1 year. The beet sugar people attempted to increase their quota and the plantation refineries in Puerto Rico and Hawaii tried to obtain unlimited quotas. It was the House Agriculture Committee that decided that an increase in the beet quota or share was not in order. The House then decided by a large majority to continue the previous quotas on refined sugar from the tropical islands.

The consumer of New York State pays huge sugar taxes and indirect sugar subsidies which are only beneficial to the sugar producers in Hawaii and Puerto Rico. If the consumer is made to pay all these taxes without any subsidy to the New York refining industry the sugar bill should at least help keep the jobs of thousands working in the New York refineries. The refinery workmen of New York are well organized and receive the best wages the industry offers in the world. The refining industry of the Tropics does not practice our well-known collective bargaining. Therefore, any increase in the tropical refined sugar under a quota system will bring a loss of jobs over here and a probable migration of industry out of New York State. Unless the Senate passes the bill with limitations upon Hawaii and Puerto Rico it should not be passed at all.

Very respectfully yours,

THADDEUS KAMIENOWSKI.

WESTCHESTER COMMITTEE TO DEFEND THE HOME
CANE SUGAR REFINING INDUSTRY,
Yonkers, N. Y., August 5, 1940.

Hon. ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

DEAR SENATOR: The Finance Committee of the United States Senate has under consideration H. R. 9654, a bill to extend the life of the Sugar Act of 1937 for an additional year. This bill was passed by the House of Representatives on June 20, 1940, after being amended to reinstate the quotas on refined sugar from Hawaii and Puerto Rico.

It is the contention of this committee, composed of employees of the New York metropolitan area cane-sugar industry, that this bill should be concurred in by the Senate and enacted into law at the earliest opportunity. No alterations in the quotas for tropical refined sugar or beet sugar should be permitted. This contention has found widespread endorsement by industrial, commercial, and civil groups in New York and a large number of other States.

Aware of the keen interest you have always taken in the development and preservation of industry in New York, we have no doubt that you will do everything in your power to expedite the enactment of H. R. 9654 in its present form. The sugar-refining industry in this State has played an important part for over 250 years in the economic life of the State. Its expenditures through pay rolls, purchase of supplies, and for transportation have helped to make New York what it is today—one of the great industrial States in the Union.

The tropical refineries and the beet producers are highly subsidized by the United States Government while the continental cane refineries receive not one cent of this money nor do they ask for it. We feel that the tropical and beet-sugar refineries, which have gained a large share of the market through the aid of the subsidies, should not be allowed to increase their markets further to the detriment of the continental cane-refinery worker and, therefore, should be kept within the quotas set forth in H. R. 9654.

We respectfully request that you will give the views contained in this letter your most careful consideration.

Very truly yours,

O. V. BURLINGAME,
Secretary.

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS' EXPRESS AND STATION EMPLOYEES, LODGE NO. 773,
Brooklyn, N. Y., August 9, 1940.

The Honorable ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The freight terminal by which the members of this lodge are employed has in the past derived a large proportion of its revenues from the cane-sugar refining industry, its rails directly serving a large cane-sugar refinery, operations at which are, at the present time, unfortunately suspended.

Our membership is, therefore, vitally interested in the passage of the Sugar Act of 1940 (H. R. 9654), as legislation favorable to the continental cane-sugar refineries is obviously the only means of obtaining a resumption of operations.

The quota limitations imposed by this bill on the tropical sugar refineries, and on the beet-sugar industry, should be maintained irrespective of any amendments which may be proposed when this bill comes before the Senate for their consideration.

We trust, therefore, sir, that you will vigorously use your influence to further the passage of this bill.

I am, sir,

Yours respectfully,

JOHN B. MULLIN,
President.

KINGS COUNTY CHAPTER OF THE
TAXPAYERS' FEDERATION, INC.,
Brooklyn, N. Y., August 12, 1940.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR MR. WAGNER: The wage and hour legislation should be maintained. At the same time, private industry must not be crucified by the uncontrolled importation of products from other shores which are manufactured under standards of employment which are lower than those enforced against our own industry.

I refer particularly to the sugar industry of Brooklyn, and on behalf of 73 taxpayer organizations in Kings County I urge that you not only vote in favor of the restrictive quotas pertaining to "off-shore sugar" but also take a most prominent and aggressive action to see that present legislation now before your honorable body is forthwith enacted. This legislation has now been before your body for several months after successful passage in the House of Representatives. Turn the dark cloud of worry for the 2,500 Brooklynites employed in the local sugar industry into a silver lining by immediate action on this legislation which is so important to these thousands of loyal citizens.

Yours very truly,

SUMNER A. SIRTL, *Chairman.*

LONG ISLAND FEDERATION OF WOMEN'S CLUBS, INC.,
Garden City, N. Y., August 7, 1940.

MY DEAR MR. WAGNER: Enclosed please find copy of resolution on the Federal Sugar Act, which was passed by this federation at their last convention.

Yours very truly,

MABEL E. PERSELL,
Corresponding Secretary.

[Enclosure]

LONG ISLAND FEDERATION OF WOMEN'S CLUBS, INC.

Resolution

Whereas Brooklyn is a large cane-sugar refining center giving work to over 1,800 men and women; and

Whereas this industry and these jobs are threatened by the possibility of an unlimited inflow of tropical refined sugar from Cuba, and from the American islands of Puerto Rico, Hawaii, and the Philippines, since the Federal Sugar Act, which now limits this inflow, expires this year; and

Whereas under the Sugar Act these tropical producer-refiners receive price benefits and cash subsidies from the Treasury, paid for by the American consumer, in part through a sugar sales tax, whereas our home refining industry receives no subsidies of any kind; and

Whereas the home refinery workers cannot compete with the tropical refiners who base their operations on cheap tropical labor; and

Whereas proper protection for the home refining industry does not result in higher prices to the consumer, nor does the consumer make any saving on the tropical refined sugar: Therefore be it

Resolved, That when Congress formulates new sugar legislation this year it carry over into the new Sugar Act the present limitation on the importation of tropical refined sugar (sec. 207, H. R. 7667), or that it provide for a similar limitation in the new act in order that our home refining industry have some protection against subsidized competition; and be it

Resolved, That the Long Island Federation of Women's Clubs, in passing this resolution, endorses this method of maintaining home industry and home employment; and be it further

Resolved, That copies of this resolution be sent to the Congressional Representatives from Brooklyn, to the two Senators from New York State, and to the Secretaries of Agriculture, Interior, State, and Commerce, respectively, in Washington, D. C.

Proposed by Brooklyn Woman's Club.

MRS. OLIVER G. CARTER, *President.*

MARCH 20, 1940.

JOSEPH A. WYNN POST, No. 260,
VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Brooklyn, N. Y., August 4, 1940.

Hon. ROBERT F. WAGNER,
Washington, D. C.

DEAR SIR: The members of this post urge you to vote in favor of the sugar bill of 1940—H. R. 9654.

As you know this bill would mean a lot to the citizens of Brooklyn who have positions at these sugar plants. We will be most grateful to you by your help and cooperation by voting in favor of this bill.

Respectfully yours,

JAMES A. BURNS, *Adjutant.*

DINING CAR EMPLOYEES UNION, LOCAL NO. 370,
New York City, August 6, 1940.

Hon. ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

DEAR SIR: Your attention is called to the sugar bill of 1940—H. R. 9654—which would extend the Sugar Act of 1937 for 1 year. This bill, as you know, was recently passed by the House of Representatives. The membership of our organization is appealing to you to support that bill without any amendments that would increase the tonnage of refined sugar.

At the present time, the employees in this industry are on a 3- or 4-day weekly basis. This being so, their incomes are insufficient to maintain decent conditions for their families. If an increase in tonnage of refined sugar is permitted, many of those employees will be unemployed and further curtailment of time will be the result to those who are still able to work.

Our American standard of living is far and above the islands of Cuba, Hawaii, Puerto Rico, and the Philippines, and those who are in control of the industry have and will attempt to bring into our country sugar already refined at a cost not comparable with our cost of production. Since employees in this industry are also the consumers of that product, they should not be deprived of their means of livelihood.

May we urge you to vote to maintain the existing quota limit of tropically refined sugar so as to keep Americans at work.

Respectfully yours,

CLAUDE H. MASON,
Financial Secretary-Treasurer.

EMPLOYEES' COMMITTEE TO MAINTAIN
BROOKLYN'S CANE SUGAR REFINING INDUSTRY,
Brooklyn, N. Y., July 31, 1940.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

HONORABLE SIR: The United States Senate will soon vote upon the sugar bill of 1940—H. R. 9654—which was passed by the House of Representatives on June 20. New York being the largest sugar-refining State in the Union, is vitally concerned that the Senate maintain the quota limiting the imports of the tropical refined sugar which is now provided in the bill.

On several occasions in the past year the Senate and the House agreed that the sugar quota should protect Americans in the home cane sugar refining industry and also the American beet and cane growers in continental United States and in the American Tropics. The House recognized the importance of equal protection for all branches of the sugar industry today, just as it did in 1934, 1936, and 1937.

The Sugar Act of 1937, which divided the total American sugar market among the home cane-sugar factories, the beet factories, and the tropical refiners expires at the end of 1940. The House agreed to extend this act for 1 year, which it was suggested that the law be changed to give a larger share of the American sugar market to the beet-sugar factories. After considerable debate the House Agricultural Committee decided that an increase in the beet-sugar quota was not in order. A concerted attempt was also made by the plantation owners in Puerto Rico and Hawaii to obtain an unlimited quota. This was met with the House by an overwhelming vote of 134 to 20 to continue the previous quotas on refined sugar from the tropical islands.

New York consumers pay about $26,000,000 annually in direct sugar taxes and indirect sugar subsidies which benefit sugar growers, including those in Puerto Rico and Hawaii. Refiners and sugar producers in those islands receive cash benefits from American consumers. Since the New York refiners receive no subsidies, the sugar bill, at least, should safeguard the jobs of thousands of persons working in the New York refining industry.

It is highly probable that amendments will be offered in the Senate permitting increased refining in the Tropics. An increase in the tropical refining, under the quota system, will bring about a loss of jobs for organized American sugar-refinery workers in New York and in other refining States.

Respectfully yours,

HAMP RUTH.

LOCAL NO. 186,
AMALGAMATED CLOTHING WORKERS OF AMERICA,
Kingston, N. Y., August 6, 1940.

Senator ROBERT WAGNER,
Washington, D. C.

HONORABLE SIR: On behalf of the thousands of American workers in the sugar-refining industry, we ask that you vote in the affirmative when the bill, House bill 9654, comes to a vote in the Senate.

This bill, which would regulate the importation of refined sugar, will preserve the jobs of those thousands of workers and should be passed.

Very truly yours,

JAMES GEARY,
President, Local No. 186, A. C. W. A.

EMPLOYEES' COMMITTEE TO MAINTAIN
BROOKLYN'S CANE SUGAR REFINING INDUSTRY,
Brooklyn, N. Y., August 9, 1940.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

HONORABLE SIR: I respectfully urge you to do all possible for the enactment of H. R. 9654, the 1940 sugar bill. This bill at present is before the Senate Finance Committee and it is most important to me and my associates that it be favorably reported without amendments.

The writer is shop steward for Auto Truck Chauffeurs' Local 282 of I. U. C. T. & H. of the A. F. of L. As the continuation of ours and the jobs of thousands of others in Brooklyn sugar refineries depends on this sugar legislation I again urge you to work and vote for its enactment.

Respectfully yours,

FRANK HAYES.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H. R. 9654) was ordered to a third reading, read the third time, and passed.

Mr. HARRISON. I move that the vote by which the bill was passed be reconsidered.

Mr. O'MAHONEY. I move to lay that motion on the table.

The motion to lay on the table Mr. HARRISON's motion to reconsider was agreed to.

Mr. ELLENDER. Mr. President, it was my intention to make a few remarks during the debate on the sugar bill in

order to give to the Senate some data which might be of interest. In order not to delay the passage of the bill I awaited asking the Chair for recognition until this moment. I dislike discussing the sugar bill now that it has passed the Senate, but I find it incumbent upon me to say a few words on the subject. It is not my purpose to detain the Senate very long.

Mr. President, like some of my colleagues, I am not entirely satisfied with a mere extension of the Sugar Act. I believe that the Senate Finance Committee should investigate the sugar problem from all angles. Because of lack of time, that could not be done at this session of Congress, but we have been assured that the question will receive the close scrutiny of the committee in the early part of next year.

I did all in my power, in and out of the Senate Finance Committee, to have an amendment adopted providing for a larger quota for Louisiana and Florida. I felt confident that unless such an amendment would obtain the blessing of the committee and of the Sugar Division of the United States Department of Agriculture, my efforts on the floor of the Senate would be futile. That proposition was thoroughly demonstrated this afternoon by the scant vote received by the distinguished Senators from Florida [Messrs. ANDREWS and PEPPER] with respect to the amendments proposed by them, one of which had as its object an increased quota along the lines suggested by me to members of the Finance Committee. On the other hand, since an increased quota would not help the growers of cane sugar for next year, because sugarcane must be planted in the fall for harvest the following year, and quotas for 1941 have already been established by those in authority, it was pointed out to me that every effort would be made early next year to increase our quotas in time for planting the 1942 crop. I felt that it would be more beneficial to my constituents who grow cane to extend the act now, rather than delay the bill's passage in a futile attempt to amend it so as to obtain a larger quota, especially in view of the fact that the time for planting is already upon us and a determination of the acreage for planting for next year must be made without further delay. Furthermore, as I pointed out to the Senate earlier in the day, unless the Sugar Act is extended, vast stores of offshore sugars will be dumped in this country, and sugar prices would be much depressed. In this connection, let me say that figures from the Department of Commerce show that the normal sugar exports on the part of the Latin American countries, including Cuba, amount to approximately 4,700,000 tons annually. This includes 2,000,000 tons which Cuba ships into the United States under its quota agreement. Of the balance, amounting to 2,700,000 tons, about 2,250,000 tons are exported to countries outside of the Western Hemisphere. Should the war now raging in Europe spread, this enormous amount of sugar would probably be left in the Western Hemisphere, presenting a distinct threat to the United States sugar producers. Besides that amount of sugar, the figures show surpluses in Puerto Rico and Hawaii of about 250,000 tons. It can readily be seen that continental sugar producers would be placed at a decided disadvantage if the quota system should not be in effect next year. Prices would be so low that it would no doubt bankrupt an already crippled industry.

Mr. President, with such serious conditions threatening our industry, I had no alternative but to support the resolution adopted a few minutes ago.

I have confidence in the members of the Finance Committee of the Senate, and I feel certain that they will give us relief early next year.

Why should we not increase the quotas of continental producers? There is no logical argument that can be advanced against it. I firmly believe that continental growers should be permitted to produce at least 40 percent of our sugar requirements, and I will not stop until that goal is reached.

Does it seem fair and just to permit Hawaii, with a population of only 368,336, to be allotted a quota of 943,967 short tons of sugar when only 1,982,518 short tons are allotted to beet- and cane-sugar producers in 330 sugar-producing counties in the United States, whose population is 20,072,653? I ask the same question with respect to Puerto Rico, with an allotment of 803,026 tons and a population of 1,543,913; and Cuba, with an allotment of 1,923,680 tons and a population of 3,763,376. That does not seem fair and just.

Listen to these interesting figures, Senators:

	Year	Sugar counties	Total United States	Percent of United States
Population	1920	15,242,798	105,710,620	14.22
Do	1930	20,072,653	122,775,046	16.35
Number of employees	1935	3,459,551	17,603,219	19.65
Wages paid	1935	$4,319,040,000	$20,424,969,000	21.15
Retail sales	1932	$9,996,770,000	$49,482,880,000	20.20
Do	1933	$4,777,700,000	$20,576,623,000	23.22
Do	1938	$6,096,460,000	$33,161,280,000	19.71
Residential phones	1929	2,417,118	11,288,880	21.41
Do	1930	2,759,878	13,177,885	20.94
Do	1935	2,235,808	10,718,626	20.86
Automobiles	1930	4,560,096	19,780,000	23.05
Do	1936	4,923,006	22,295,072	22.08

I have no comparative figures for other producing areas under the quota system. I present some with respect to Cuba, and I ask your attention to the following:

In 1937 and 1938 the Louisiana sugar interests purchased $7,060,000 of sugar-mill machinery in this country, and the beet area for the same period purchased $17,800,000, or a total of $24,860,000, as against Cuba for the same period, $719,000. Mr. President, that seems incredible and yet it is true.

Now, if the people of Cuba would be directly benefited by virtue of such a large quota, in comparison to ours, it might be passable, but listen to these figures from a table showing the actual production of sugar in Cuba for 1937–38, 1938–39 and the production allotments for 1940:

Country of owners	1937–38 production	Percent of production	1938–39 production	Percent of production	1940 production allotments	Percent of production
	Pounds		*Pounds*		*Pounds*	
United States	3,715,811,125	55.75	3,320,971,875	56.81	3,902,471,595	57.77
Cuban	1,479,616,775	22.20	1,239,636,125	21.20	1,554,915,695	23.02
Spanish	981,249,425	14.72	828,500,975	14.17	1,029,369,205	15.24
Other foreign [1]	488,994,025	7.33	441,778,025	7.82	268,010,520	3.97
Total	6,665,671,350	100.00	5,830,887,000	100.00	6,754,767,015	100.00

[1] Includes 10 Canadian mills, 4 English mills, 3 French mills, and 2 Dutch mills.

Think of it, Senators. Of the entire sugar production in Cuba, over 55 percent of it is owned and controlled by United States investors. I am informed that this 55 percent is owned by a few banks and bankers in New York. That is absolutely and positively unfair to mainland producers. That system must be corrected.

The sad part of it all is that labor in Cuba is supposed to benefit because of the existing law, that the wages are fixed by law at 80 cents per day, but only 50 cents per day is actually paid.

Another thing, it is said that wheat producers of the Middle West benefit greatly because Cuba buys all of its flour requirements from us. Listen to this, Senators: For the years 1932 to 1938, both inclusive, the total exports of flour to Cuba were 6,564,561 barrels. Of that amount, 4,447,574 barrels were produced from Canadian wheat, which was imported in this country for grinding in bond. The remainder of flour, or a paltry 2,116,987 barrels, was made from American wheat and exported to Cuba.

Mr. President, that is the picture, and I am confident that when the truth is known very little benefit comes to Americans in comparison to the enormous benefits which flow to Cuba.

Of the 42 sugar factories in the Philippines, only 12, with a production of 811,000,000 pounds of sugar annually, belong to Filipinos, and the remaining 30, with an annual production of 1,013,000,000 pounds of sugar, belong to Spanish, American, and British interests.

Mr. President, I have more facts that I would like to present, but I do not desire further to detain the Senate. If the sugar problem is thoroughly explored from every angle, it will become apparent that continental producers are being treated like stepchildren, and the Senate should take steps early next year to remedy this unjust and unfair condition.

I desire to take this opportunity of thanking the senior Senator from Mississippi [Mr. HARRISON], chairman of the Finance Committee, for his many courtesies. He is thoroughly conversant with our situation, and I look forward to much help from him when we again take up legislation to settle this vexing sugar problem.

Mr. O'MAHONEY obtained the floor.

Mr. ADAMS. Mr. President, will the Senator from Wyoming yield to me to submit a conference report on the supplemental appropriation bill?

Mr. O'MAHONEY. I shall be glad to yield to the Senator. Before doing so let me say that I desire to make an acknowledgment to the chairman of the Committee on Finance and to others who have cooperated in the passage of the measure which has just been passed. I say that because I want the Senator from Mississippi [Mr. HARRISON] to know that I shall open the few remarks I intend to make with that acknowledgment, because he might be called from the floor.

I shall be glad now to yield to the Senator from Colorado.

SUPPLEMENTAL CIVIL APPROPRIATIONS, 1941—CONFERENCE REPORT

Mr. ADAMS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10539) making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes, having met, after full and free conference, have agreed to recommend and and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 22, 33, 40, 44, 45, 46, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 10, 12, 14, 15, 16, 17, 19, 20, 21, 26, 27, 28, 29, 31, 32, 36, 38, 39, 42, 54, 55, 56, 57, 58, 60, 61, 62, 64, 65, 66, 67, 68, 69, and 70; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For an amount required to increase the compensation of the clerk of the Finance Committee of the Senate at the rate of $1,000 per annum so long as the position is held by the present incumbent, $750."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert: "$1,400"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In the first line of the matter inserted by said amendment strike out the following: "(a)"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "$83,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further,* That nothing herein shall be construed to prohibit the National Labor Relations Board from obligating any part of such appropriation for carrying on any of the functions or duties specifically conferred upon it by the National Labor Relations Act or to repeal any provision of such Act"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment to read as follows:

"Development of landing areas: For the construction, improvement, and repair of not to exceed two hundred and fifty public airports and other public landing areas in the United States and its territories and possessions, determined by the Administrator, with the approval of a Board composed of the Secretary of War, Secretary of the Navy and Secretary of Commerce, to be necessary for national defense, including areas essential for safe approaches and including the acquisition of land, $40,000,000, of which $2,000,000 shall be available for general administrative expenses, including the objects specified in section 204 of the Civil Aeronautics Act of 1938 and including engineering services and supervision of construction: *Provided,* That this appropriation shall not be construed as precluding the use of other appropriations available for any of the purposes for which this appropriation is made."

And the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Construction and repair: For an additional amount for the construction, repair, or rehabilitation of school, agency, hospital, or other buildings and utilities, including the purchase of furniture, furnishings, and equipment as follows:"

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: Strike out line 1 of the matter inserted by said amendment and insert in lieu thereof the following: "FISH AND WILDLIFE SERVICE"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,250"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$22,500"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$197,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: After the sum of $412.50" in line 10 of the matter inserted by said amendment insert the following: ", together with such additional sum as may be necessary to pay costs and interest as specified in such judgment"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 11, 23, 24, 34, 37, 43, 48, and 59.

ALVA B. ADAMS,
CARTER GLASS,
KENNETH MCKELLAR,
CARL HAYDEN,
JAMES F. BYRNES,
FREDERICK HALE,
JOHN G. TOWNSEND, JR.,
Managers on the part of the Senate.

EDWARD T. TAYLOR,
C. A. WOODRUM,
CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
GEO. W. JOHNSON,
JOHN TABER,
W. P. LAMBERTSON,
Managers on the part of the House.

Mr. ADAMS. Mr. President, I move that the report be agreed to. In connection with one of the items in the bill over which there was so much discussion, the matter of the airport allocations, I wish to insert a letter which was sent to the Chairman of the Committee on Appropriations by the Honorable Jesse Jones, Secretary of Commerce, and which in part led to the ultimate result arrived at.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, October 4, 1940.

Hon. CARTER GLASS,
Chairman, Appropriations Committee, United States Senate.

DEAR SENATOR GLASS: With reference to our talk last night about the appropriation for the construction, improvement, and repair of airports, I am advised that the President has never seen the prospectus showing an ultimate of 4,000 landing fields and am sure that he does not expect Congress to approve that plan even in principle.

I am convinced, and I believe the President will be, that sufficient landing areas can be constructed with the $80,000,000 allocation and such additional W. P. A. help as may be available. This should provide between two and three hundred landing areas, and this number is undoubtedly needed, or will be as soon as the delivery of planes and training of pilots get under way.

Sincerely,

JESSE H. JONES.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

EXTENSION OF SUGAR ACT OF 1937

Mr. O'MAHONEY. Mr. President, this is the third time the able and distinguished senior Senator from Mississippi [Mr. HARRISON] has presided over the deliberations of the Committee on Finance while it has had under consideration the very complicated and technical problems connected with sugar legislation. Three times he has brought a sugar bill into this Chamber, and three times his leadership has been acknowledged by the Senate in the passage of the measure which he presented.

I feel that I would be amiss if I did not take this opportunity, as one of those who represent the beet-sugar area, to express my appreciation of the very efficient and able and tactful manner in which the Senator from Mississippi has conducted these proceedings ever since 1934. I make this statement particularly because so much has been said today in criticism of certain supposed defects in the legislation, that one who reads the RECORD might readily overlook the great benefits of the Sugar Act. The truth of the matter is that those of us who represent the sugar-growing States in continental United States, whether our product is the sugar beet or sugarcane, with the possible exception of those who represent the State of Florida, have been hoping and working for its enactment, because sugar producers everywhere have made it clear to us that they want this law.

Throughout this session those who have been interested in the sugar industry have been urging the enactment of this legislation. The Senators representing every beet-growing State from California as far east as Ohio have heard from their constituents that the Sugar Act of 1937 should be continued. Of course, we have all wanted amendments. We are all able to point out possible improvements, but without exception we all wanted the law and it would have been a great disappointment to all of us if the bill had not been enacted.

There has been no partisan division in the effort to secure enactment. Democrats and Republicans alike have joined in the effort which has culminated here today, and the sugar industry as a whole will rejoice that the measure is on its way to the White House, because everyone interested in growing or processing sugar knows that this law is the salvation of the sugar industry.

We have just passed the measure as it came to us from the House of Representatives. That very fact is eloquent testimony to the practical unanimity of opinion which supports the measure. It was the desire of most, if not all, of the Senators who represent sugar-producing States that there should be no amendment, so that the necessity for a conference between the two Houses might be avoided.

I think it is appropriate to recall that the quota system, has not been imposed upon the industry but rather that it was suggested by the industry. A stabilization agreement was worked out in 1933 by the leaders of the industry and its approval by the Department of Agriculture was sought. That stabilization agreement, the work largely of the sugar processors, was presented to the Secretary of Agriculture, but was disapproved because the then Secretary of Agriculture, Mr. Henry Wallace, did not believe that it sufficiently protected the interests of the farmer.

In February 1934, Secretary Wallace appeared before the Finance Committee in support of the original Jones-Costigan Act, because that measure was designed to benefit the growers of sugar beets and sugarcane, by giving them the benefit payments provided in the law. The purpose of these payments was to give the farmer a larger share of the proceeds of the sugar business.

It is appropriate to remark that the reason sugar legislation is before Congress perennially is that the world production is so great, and the market for sugar in continental United States is so rich, that all of the producers of sugar throughout the world would like to sell their products in our market.

Efforts were made over a long period of years to build up the domestic industry, to stimulate the growing of sugar beets, to stimulate the growing of sugarcane in the United States, by increasing the tariff on imports. Although the tariff was raised again and again and again, it was not possible to raise it high enough to prevent sugar from offshore areas flooding our market, with the result that the price dwindled, and producers could not operate at a profit.

No tariff could keep out sugar from Hawaii, Puerto Rico, or the Philippine Islands, because they were not foreign countries. They were under the flag. The higher the tariff was placed the more it stimulated the growing of sugarcane in the Philippine Islands, so that the output of that area increased from 485,000 tons in 1925 to 1,248,500 tons in 1933. During the latter year Philippine sugar constituted 19.58 percent of the sugar consumed in continental United States.

Even the Cuban contribution was not materially affected by the tariff. In 1929 Cuba sent in 3,613,000 tons, or 51.88 percent of the continental supply. In 1931, under a higher tariff, it still supplied 2,534,000 tons. Under the Sugar Act, the extension of which we have been considering, the Cuban proportion has been reduced to 27.4 percent of the total. The 1940 Cuban contribution is placed at 1,750,000 tons, as compared with more than 2,500,000 in 1931.

While we have been cutting down the share which Cuba has sent into the United States, we have been building up the share which is produced on the domestic cane area and on the domestic beet area.

In 1929 domestic cane amounted to only 2.71 percent of sugar consumption in the United States. Today it amounts to 6.49 percent, three times as much as before the sugar law was adopted.

With respect to the beet-sugar area, in 1929 we produced only 14.74 percent of the amount of sugar consumed in the United States. Today we produce 23.95 percent.

In other words, the underlying fact in connection with this legislation has been that it has increased the share which domestic producers of sugarcane and of sugar beets have had in the domestic market.

The quota system, by limiting the amount which can be brought in from other countries, by specific figures and specific percentages, is the only successful device yet developed to protect our beet farmers and those farmers who grow sugarcane.

Mr. President, in order to indicate that this legislation has been beneficial to the producers of beet sugar, I desire to call attention to the fact that during the 3 years from 1931 to 1933 about 869,000 acres on the average were planted to sugar beets in continental United States; that under the Sugar Act of 1937, which we have now extended, the average acreage for the period 1937–39 was increased to 932,000, and that the average production of sugar has been increased from 1,385,000 tons to 1,538,000 tons.

Mr. President, I have several tables here which demonstrate the success with which this law has operated, and I ask unanimous consent that I may insert them in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the tables were ordered to be printed in the RECORD.

Mr. O'MAHONEY. The first of these tables shows sugar-beet acreage production and growers' returns for the years 1931 to 1939. This table indicates that the growers' return of $5.94 per ton of beets in 1931 fell off to $5.26 in 1932 and that in 1934 with a Government-benefit payment of $1.75 the growers' return was $6.91 per ton. In 1936, because of the suspension of the benefit payments because the Agricultural Adjustment Act had been held unconstitutional, the growers' return fell to $6.05. With the resumption of benefit payments under the Sugar Act of 1937, the growers' total return was again increased. The table follows:

United States sugar-beet acreage, production, and growers' returns, crops 1931–39, with simple averages of 3-crop periods

Crop	Planted acreage	Tons sugar beets produced	Growers' returns per ton of beets		
			Processor payments	Government payments [1]	Total
	(1)	(2)	(3)	(4)	(5)
1931	760,000	7,903,000	$5.94		$5.94
1932	812,000	9,070,000	5.26		5.26
1933	1,036,000	11,030,000	5.13	$0.23	5.36
1934	945,000	7,519,000	5.16	1.75	6.91
1935	809,000	7,908,000	5.76	1.13	6.89
1936	855,000	9,028,000	6.05		6.05
1937	816,000	8,784,000	5.27	1.88	7.15
1938	990,000	11,615,000	4.65	1.87	6.52
1939 [2]	990,000	10,773,000	4.76	1.94	6.70
Simple averages (3-crop periods):					
1931–33	869,000	9,334,000	5.44	.08	5.52
1934–36	870,000	8,152,000	5.66	.96	6.62
1937–39	932,000	10,391,000	[2] 4.89	1.90	[2] 6.79

[1] Payments for sugar excluding those for acreage abandonment and production deficiency; does not include Soil Conservation payments of about 40 cents in 1936 and 1937.
[2] Preliminary.

Source: Columns (1), (2), and (3) from Agricultural Statistics and Crops and Markets. Columns (4) and (5) from Sugar Division records.

Let me now append a table showing the same facts for the State of Wyoming.

State of Wyoming—Sugar-beet acreage, production, and growers' return—Crops 1931–39, with simple averages of 3-crop periods

Crop	Planted acreage	Tons sugar beets produced	Growers' returns per ton of beets		
			Processor payments	Government payments [1]	Total
	(1)	(2)	(3)	(4)	(5)
1931	52,000	552,000	$5.71		$5.71
1932	42,000	506,000	4.97		4.97
1933	55,000	593,000	5.26	$0.19	5.45
1934	52,000	434,000	4.99	1.75	6.74
1935	42,000	525,000	6.18	1.13	7.31
1936	53,000	486,000	5.98		5.98
1937	49,000	612,000	4.91	1.86	6.77
1938	56,000	684,000	4.35	1.89	6.24
1939 [2]	55,000	539,000	4.60	2.04	6.64
Simple averages (3-crop periods):					
1931–33	50,000	550,000	5.32	.06	5.38
1934–36	49,000	482,000	5.72	.96	6.68
1937–39	53,000	612,000	[2] 4.62	1.93	[2] 6.55

[1] Payments for sugar excluding those for acreage abandonment and production deficiency; does not include Soil Conservation payments of about 40 cents in 1936 and 1937.
[2] Preliminary.

Source: Columns (1), (2), and (3) from Agricultural Statistics and Crops and Markets. Columns (4) and (5) from Sugar Division records.

Mr. President, I think it would be only proper, in the interest of fairness, in view of some of the remarks which have been made here today, to call the attention of the Senate and the country to a statement which was made by Hon. Henry A. Wallace, formerly Secretary of Agriculture, when he first came before the Senate Committee on Finance, in 1934, to urge the passage of this legislation.

It has been repeatedly stated that Mr. Wallace has been opposed to the beet-sugar industry. The fact is that he urged the Sugar Act to protect beet growers. Testifying before the Finance Committee in February 1934 Mr. Wallace said this:

I was going to say from the standpoint of the immediate social situation we have an industry which has become a backbone of the Mountain States; that is, of certain of the Mountain States. I have forgotten just how many farmers—we will say 60,000 farmers, are dependent upon this industry. The industry does represent a very vital part of the Mountain States economy. That is a fact which you have to recognize.

It was in recognition of this fact and of his desire to defend the grower of sugar beets that the Secretary of Agriculture at that time threw his support behind this legislation, legislation which while it has not been as effective as many of us would like to have had it, nevertheless, has prevented severe disaster to producers of sugar beets and of sugarcane.

Although Secretary Wallace has not always seen eye to eye with me, although he has not supported all of my requests, nevertheless I cannot forget that when the Sugar Act of 1937 faced a veto Mr. Wallace came to the defense of the industry and persuaded the President to sign the bill.

The anxiety of Members of the Senate to have this bill passed and enacted at this session was clearly demonstrated by what transpired in this Chamber only 2 or 3 days ago when the distinguished and able Senator from Louisiana [Mr. ELLENDER], sponsoring as he did a resolution for the relief of planters in Louisiana who might have been penalized by reason of overplanting, cooperated with the rest of us and secured agreement to that resolution without attaching it as an amendment to this bill in order that we might avoid a conference.

There was also attached to that measure an amendment which I offered myself, one which was designed to correct an ambiguity in the present law whereby the Secretary has been prevented from giving proper recognition to excess carry-overs. I am happy to say that that bill carrying those amendments has now passed both Houses and is on its way to the White House for signature.

Mr. President, in connection with that last amendment to the bill which passed 2 or 3 days ago, I ask unanimous consent that there may be printed in the RECORD at this point a letter which I wrote to the Secretary of Agriculture last week, explaining the amendment which I offered at that time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 28, 1940.

MY DEAR MR. SECRETARY: I am transmitting herewith a copy of an amendment of section 201 of the Sugar Act of 1937 which, if it were adopted, I am confident would be received with a large measure of satisfaction by every sector of the sugar industry because it would remove an ambiguity in the present law which, in the opinion of the industry, has had the effect of causing excessively high estimates of consumption.

The language of this amendment would not change any purpose Congress and the Department had in mind when drafting the Sugar Act of 1937 but would merely clarify the intent of Congress and permit the Department to administer the law in accordance with that intent. It would also afford complete protection to consumers of sugar from any danger of unnecessarily low quotas. Section 201 is the key provision of the act by which the supply and quotas and therefore the price of sugar are determined. As you know, the act makes it the duty of the Secretary to determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States. But, his discretion is controlled by a specific statistical formula which is set out in the law. To guard against unduly low estimates of consumption which might have the effect of penalizing consumers, Congress then provided that the Secretary "may make such additional allowances as he may deem necessary * * * so that the supply of sugar made available under this act shall not result in average prices to consumers in excess of those necessary to maintain the domestic sugar industry as a whole." To this provision is attached another clause which declares that "the amounts of such additional allowances shall be such that in no event will the amount of the total supply be less than the quantity of sugar required to give consumers of sugar * * * a per capita consumption equal to that of the average of the 2-year period 1935–36."

This latter clause has been interpreted to prevent the Secretary from taking into consideration any excess carry-over of sugar stocks in making an additional allowance when the section is called into operation. It has the effect therefore of requiring the Secretary to make his allowances without regard to the actual existence of such an excess carry-over.

The question of interpretation of section 201 first arose in March 1938 when it became apparent that the estimate of consumption made in the previous December, namely, 6,861,761 tons, was too high and would have to be revised downward. On June 9, 1938, it was cut to 6,780,566 tons, which was the actual per capita average of the 2-year period 1935–36. This was a reduction of 81,195 tons, but there was an actual excess carry-over of 141,000 tons, so that "to maintain the domestic sugar industry as a whole" the total reduction should have been 222,195 tons.

This reduction could have been made without injury to the consumer. The failure to make it, however, had a depressing effect upon the price of sugar and was, therefore, injurious to every branch of the sugar industry. If the law, as interpreted, had permitted the Secretary to take into account the excess carry-over the reduction would have been made and the adverse effect upon price would have been avoided.

The amendment which I propose would correct this defect. First, by making it possible to take the excess carry-over into consideration, and, second, by basing the per capita consumption standard upon the 2-year period 1937–38 rather than the 2-year period 1935–36. The average of 1935–36 was 104.23 and of 1937–38, 102.63.

The provision of section 201, the amendment of which I suggest, is not called into play unless the average prices to consumers are in excess of those necessary to maintain the domestic industry as a whole. In the present chaotic condition of the world market there is no possibility of any such excess prices but if the Department should see fit to approve and recommend the amendment here offered, it would have, when taken into consideration with the recent action of your predecessor in revising downward the current estimate, a stabilizing effect upon the domestic market. It would not be in the slightest degree injurious to consumers but would give much encouragement to all of the producers of sugar beets and sugarcane who supply the continental market.

Very sincerely yours,

JOSEPH C. O'MAHONEY.

HON. CLAUDE R. WICKARD,
Secretary of Agriculture, Washington, D. C.

Proposed amendment to section 201 of the Sugar Act of 1937: "and in order that the regulation of commerce provided by this Act shall not result in excessive prices to consumers, the Secretary shall make such additional allowances as he may deem necessary in the amount of sugar determined to be needed to meet the requirements of consumers, so that the supply of sugar made available to consumers shall not result in average prices to consumers in excess of those necessary to maintain the domestic sugar industry as a whole. The amount of such additional allowances shall not be less than the amount required, after allowance for normal carry-over, to give consumers in the continental United States a per capita consumption equal to the average of the 2-year period 1937–38."

Mr. President, it ought to be added that the Sugar Act protects consumers. The provisions of section 201 even as amended by the language which Congress has approved contains a guaranty that the consumer shall not be exploited by fixing a level below which the estimate of consumption may not go. Producers of sugar beets and sugarcane do not seek to exploit the consumer. They ask only a fair price, and consequently they have agreed to this provision. They have supported, however, and will be very happy to have executive approval to, the modification I have proposed because it provides for a realistic computation of the amount of sugar on hand.

In addition to this, it should be pointed out that the Sugar Act supports itself. It is true that benefit payments are made to the growers of cane and of sugar beets, but it is also true that the processing tax which is collected and which is paid by producers, as well as by processors, more than covers the total amount of benefit payments.

There is written into the law a special provision by which larger payments are scaled down and, under this provision, the outlay under the Sugar Act of 1937 has been approximately $5,000,000 less than would have been paid out had large growers received the basic rate.

That the sugar industry and not the consumer bears the tax is demonstrated by the fact that the retail price of sugar is now almost at an all-time low.

AMENDMENT OF FEDERAL RESERVE ACT

Mr. BARKLEY. Mr. President, there are two or three little matters that are necessary to be passed.

Mr. WAGNER. Mr. President, I should like to make a motion.

Mr. BARKLEY. I yield.

Mr. WAGNER. I move that the Senate proceed to the consideration of Calendar No. 2045, House bill 10127. If the motion is agreed to, I propose to ask that further action upon the bill go over until Monday morning.

The PRESIDING OFFICER. The title of the bill will be stated for the information of the Senate.

The CHIEF CLERK. House bill 10127, to amend the Federal Reserve Act, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 10127) to amend the Federal Reserve Act, and for other purposes.

USE OF REFRIGERATOR CARS IN INTERSTATE COMMERCE

Mr. BARKLEY. Last Monday when the calendar was called, at the request of the Senator from New Jersey [Mr. SMATHERS] I objected to the consideration of Calendar No. 1719, Senate bill 2753. The Senator from New Jersey has advised me that he has no further objection to that bill. The Senator from Minnesota [Mr. SHIPSTEAD] is interested in it. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 2753) to amend part I of the Interstate Commerce Act, as amended, with respect to the use of refrigerator cars, which had been reported from the Committee on Interstate Commerce, with an amendment to strike out all after the enacting clause, and to insert the following:

That paragraph (11) of section 1 of part I of the Interstate Commerce Act, as amended, is amended by inserting before the period at the end thereof a colon and the following: "*Provided*, That in the case of inability or refusal of any carrier by railroad to supply safe, adequate, and proper refrigerator cars to any shipper in interstate commerce of perishable food products or commodities, and which are suitable to protect the marketability of such shipments, such shipper shall have the right to supply to such carrier such refrigerator cars as the Commission approves as being safe, adequate, and proper for the transportation of such products and commodities: *Provided further*, That if any carrier by railroad is unable to, or refuses to, supply safe, adequate, and proper cars to a shipper in interstate commerce of perishable food products or commodities, and which are suitable to protect the marketability of such shipments, and (1) refuses to accept any refrigerator car so approved by the Commission and tendered to such carrier by such shipper for the transportation in interstate commerce of any such products or commodities, or (2) unjustly discriminates either between private-car companies supplying refrigerator cars to such shipper or between shippers owning refrigerator cars who have the right to supply cars to such carriers as herein provided, such refusal, or unjust discrimination, as the case may be, shall be deemed to be an unjust and unreasonable practice with respect to car service."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS WHETSTONE DIVERSION CHANNEL, MINNESOTA

Mr. SHIPSTEAD. Mr. President, on page 11 of the calendar, will be found Calendar No. 2312, House bill 10518. An identical Senate bill is on the calendar, Calendar No. 2311, Senate bill 4363. I ask unanimous consent that the House bill be considered at this point.

The PRESIDING OFFICER. Is there objection?

Mr. ADAMS. Mr. President, I simply want to inquire of the majority leader if it is now proposed to have an informal call of the calendar.

Mr. BARKLEY. No; it is not. The bill which was just passed is one that was called on the calendar on the last call, and I objected to it at the request of the Senator from New Jersey [Mr. SMATHERS]. I thought we might dispose of that bill. There are one or two little bills, such as the bridge bill now in question, which seem to be matters of some emergency. I did not suppose anyone would object to them.

Mr. ADAMS. I would not object to that, but I would object to taking up really legislative matters at this late hour.

Mr. BARKLEY. When we take up legislative matters which are general I may aid the Senator in objecting.

Mr. SHIPSTEAD. This is a bill which provides for building a bridge which must be started before cold weather sets in. In Minnesota we have an early winter, and the work must be begun before winter sets in. Otherwise I would not impose upon the Senate and ask for the present passage of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 10518) granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn., was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, the identical Senate bill (S. 4363) will be indefinitely postponed.

WIDOWS OF THE LATE GEORGE A. MEFFAN AND JOHN GLENN

Mr. CLARK of Idaho. Mr. President, I ask unanimous consent for the present consideration of Senate bill 4249, Calendar No. 2313.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 4249) for the relief of the widows of the late George A. Meffan and John Glenn, which had been reported from the Committee on Claims, with an amendment, on page 1, line 8, after the words "sum of", to strike out "$10,000 each, in full satisfaction of their claims against the United States", and to insert "$5,000 each", and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the widow of George A. Meffan, late a United States marshal for the State of Idaho, and to the widow of John Glenn, late a United States deputy marshal for the State of Idaho, the sum of $5,000 each, on account of the death of their husbands who were killed on July 31, 1940, in the State of Idaho, while in the performance of their duty: *Provided*, That no part of the amount appropriated in this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURVEY OF CARTER AND ADJOINING COUNTIES, TENN.

Mr. STEWART. Mr. President, I ask unanimous consent for the present consideration of Senate Resolution No. 302, which appears on page 16 of the calendar under the head of "Subjects on the table." The resolution simply requests the Secretary of War to make a survey of Carter and adjoining counties in Tennessee which were damaged by the flood there of August 13, 1940. It does not call for an appropriation or anything of that sort.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. AUSTIN. Mr. President, I wish to ask the Senator from Kentucky, the majority leader [Mr. BARKLEY], if we are to proceed with the calendar in this manner? It does not seem to me to be fair to the Senate, because we are almost at the end of our rope today.

Mr. BARKLEY. Mr. President, there are two or three little matters of this sort which seem to be emergent, to which I thought there would be no objection, especially as we are soon to take a recess and are not to have a session tomorrow. Of course, if any Senator wishes to object, he may do so. There is only one other such matter, and that is one which the Senator from Louisiana wishes to bring up.

Mr. AUSTIN. Mr. President, I do not think we ought to go on in this manner. I have no doubt that every one of these measures is meritorious, but it is now 5:30, and probably if a call for a quorum should be had it would be difficult to obtain a quorum. I do not want to suggest the absence of a quorum. I should not want to carry on without a quorum.

Mr. STEWART. Will the Senator withhold his objection for a moment, until I can make a statement about the resolution?

Mr. AUSTIN. Certainly.

Mr. STEWART. The resolution does not call for an appropriation, and even later an appropriation may not be called for. The Senator may remember, from reading the newspapers and from information from other sources, that in August of this year, in northeastern Tennessee, southern Virginia, and western Carolina there was a very severe flood due to a cloudburst. Tremendous damage was done in Carter County and in other counties in Tennessee, when bridges and highways were washed away. This resolution was introduced following that time. It merely asks the War Department to make a survey. Perhaps I am guilty of some dereliction of duty in not having called it to the attention of the Senate sooner.

Mr. AUSTIN. Mr. President, I have no special objection to this measure or to any other. I am merely speaking of the parliamentary procedure. I had the impression that we were merely accommodating one particular item on the calendar because of the special circumstances to which the leader called attention. It now appears that we pass from one item to another. Where will it end? Is that the proper way to legislate? I do not think it is.

Mr. BARKLEY. Mr. President, I have no desire to violate the compunctions of Senators who seem to object to this procedure. There is nothing unusual about it. These measures are not of any great importance; but if some Senator raises a question about the procedure, we shall have to let the matter go over until Monday.

SHIPMENT AND DISCHARGE OF SEAMEN

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. I should like to call the attention of the Senator from Vermont to the observation I am about to make.

There is on the calendar a very important bill, No. 2281, House bill 9982. It passed the House, and an amendment was made by the Committee on Commerce. The bill provides for the Federal Government keeping track of seamen who have not been employed or discharged before a shipping commissioner. It is considered by the Department of Commerce to be a very important bill.

When the bill was reached on the call of the calendar the Senator from Indiana [Mr. MINTON] offered an amendment which was not germane to the bill, but was in the nature of a rider. The Senator from Montana [Mr. WHEELER] objected to the amendment offered by the Senator from Indiana, and on that objection the bill went over.

The Senator from Indiana states that he is perfectly willing to withdraw his amendment; and the Senator from Montana, who is not present in the Chamber, has assured me that he has no objection to the enactment of the bill. The bill will have to go back to the House, and the House will have to concur in the amendment. I should like to dispose of the bill this afternoon.

Mr. AUSTIN. Mr. President, I very much regret to disappoint the Senator from Louisiana if it is up to me to disappoint him.

Mr. OVERTON. The Senator is not disappointing me. He is disappointing the Department of Commerce.

Mr. AUSTIN. I am willing to come here tomorrow and serve as a Senator in the United States Senate, and attend to the call of the calendar, and give every Senator an equal opportunity to have both unimportant and important bills considered; but I think when we come to the hour of 5:35, after we have transacted the business we have done today, and many Senators have left the Chamber on the theory that we would not do what is now proposed, we ought not to proceed in this manner. It is not because I have any objection to a particular measure; but I must object to the procedure.

Mr. BARKLEY. I merely wish to say that we shall not have a session tomorrow. I do not know under what theory Senators leave before the Senate adjourns. They certainly were not given any assurance that as soon as the sugar bill was out of the way other matters might not be taken up. It is the custom, along about 5 o'clock, whether we have finished or not, for Senators to drift out. If any Senator wants to take up something to which some other Senator wishes to object, the threat is made that a quorum call will ensue, and therefore it is thought advisable not to take it up.

Mr. AUSTIN. I thank the Senator.

REGISTRATION OF CERTAIN ORGANIZATIONS—CONFERENCE REPORT

Mr. BARKLEY. Mr. President, I have a conference report which I wish to have disposed of on behalf of the Senator from Texas [Mr. CONNALLY]. If I can have it disposed of, I think perhaps we will have an executive session, and then cease and desist for the day.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DANAHER. Is the conference report to which the Senator refers one which deals with House bill 10094, to

require the registration of certain organizations such as the Bund, Communist organizations, and the like?

Mr. BARKLEY. Yes; it deals with that subject.

Mr. DANAHER. I thank the Senator.

Mr. BARKLEY. For the Senator from Texas [Mr. CONNALLY] I submit the conference report on House bill 10094.

The PRESIDING OFFICER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 9, 10, 11, 12, 13, 15 and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 14, and 16, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

Strike out ", and a copy of the minutes or journal of every such meeting" as proposed by the Senate amendment, and strike out the word "such" on page 5, line 21; and the Senate agree to the same.

TOM CONNALLY,
EDWARD R. BURKE,
JOHN A. DANAHER,
Managers on the part of the Senate.
HATTON W. SUMNERS,
U. S. GUYER,
SAM HOBBS,
C. E. HANCOCK,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the conference report.

The report was agreed to.

DISBURSEMENTS BY UNITED STATES GOVERNMENT FOR NATIONAL DEFENSE

Mr. PEPPER. Mr. President, comment has been made by Mr. Willkie with reference to the disbursements of the United States Government for matters of national defense. I have a compilation which gives the figures from 1929 down to 1940, in terms of dollars, percentage of total Government expenditures, and percentage of the national income, relating to expenditures for national defense. I ask unanimous consent that the statement may be printed in the RECORD following my present remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Expenditures on national defense

	Millions of dollars	Percent of total Government expenditures	Percent of national income
Fiscal years—			
1929	680	20.6	0.8
1930	703	20.4	.9
1931	699	19.1	1.2
1932	708	15.6	1.5
1933	668	17.3	1.7
1934	540	9.0	1.1
1935	710	10.1	1.4
1936	912	[1]13.0 / [2]10.5	1.5
1937	935	11.4	1.3
1938	1,028	14.2	1.6
1939	1,163	13.4	1.8
1940	1,559	17.3	2.1

[1] Excluding bonus. [2] Including bonus.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, before we go into executive session, I wish to make a statement.

We must be in session Monday, and possibly Tuesday, in order to wind up some odds and ends of legislation, conference reports, and amendments to House and Senate bills. A number of Senators have made arrangements to leave the city. I hope that early in the week we may be able to arrive at an arrangement by which we may suspend business until some time in November, under one sort of arrangement or another which I cannot at the moment predict. Therefore, I hope Senators who are not required to leave the city will not do so until we shall have determined definitely what sort of arrangement we can make, because it may be necessary to have a quorum during the remainder of the session, until we can enter into some kind of an arrangement. Therefore, unless Senators are compelled to absent themselves from Washington, I hope they may remain here for 3 or 4 days longer.

I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Thomas E. Truelove to be postmaster at Inglewood, Calif., in place of C. A. Acton.

Mr. BURKE, from the Committee on the Judiciary, reported favorably the nomination of Harvey M. Johnsen, of Nebraska, to be judge of the Circuit Court of Appeals for the Eighth Circuit, to fill an existing vacancy.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Ingram M. Stainback to be United States District Judge for the District of Hawaii.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. McKELLAR. I ask unanimous consent that the President be notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, the President will be notified.

POSTMASTERS

The legislative clerk read the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr., which had been heretofore passed over.

Mr. McKELLAR. I ask that this nomination be passed over until Monday.

The PRESIDING OFFICER. Without objection, that will be done.

The legislative clerk proceeded to read sundry other nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of the other postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the remaining nominations of postmasters are confirmed en bloc.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate took a recess until Monday, October 7, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 4 (legislative day of September 18), 1940

DIPLOMATIC AND FOREIGN SERVICE

William E. Flournoy, Jr., of Virginia, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO FINANCE DEPARTMENT

Maj. Aloysius Joseph Tagliabue, Infantry, with rank from July 1, 1940.

TO COAST ARTILLERY CORPS

Second Lt. William Parham Kevan, Jr., Infantry, with rank from June 11, 1940.

TO INFANTRY

Second Lt. William Lyon Porte, Coast Artillery Corps, with rank from June 11, 1940.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS WITH RANK FROM OCTOBER 1, 1940

Lt. Col. Henry Lawrence Cullen Jones, Field Artillery.
Lt. Col. Edwin O'Connor, Cavalry.
Lt. Col. Eugene Alexander Lohman, Air Corps (temporary colonel, Air Corps).
Lt. Col. Kenneth Prince Lord, Field Artillery.
Lt. Col. Eugene Warren Fales, Infantry.
Lt. Col. John Taylor Rhett, Infantry.
Lt. Col. Livingston Watrous, Adjutant General's Department.
Lt. Col. Herbert Alonzo Wadsworth, Infantry.

TO BE LIEUTENANT COLONELS WITH RANK FROM NOVEMBER 29, 1940

Maj. Neal Creighton, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Alonzo Maning Drake, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Victor Herbert Strahm, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Ira Robert Koenig, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Raynor Garey, Field Artillery.
Maj. Harrie Dean Whitcomb Riley, Corps of Engineers.
Maj. Philip Schneeberger, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Leon Henry Richmond, Signal Corps.
Maj. Victor Guminski Schmidt, Coast Artillery Corps.
Maj. Fred Bidwell Lyle, Field Artillery.
Maj. Karl Shaffner Axtater, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. William Joseph Flood, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Charles Merrill Savage, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Francis Dundas Ross, Jr., Infantry, subject to examination required by law.
Maj. George Churchill Kenney, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Bertram John Sherry, Signal Corps.
Maj. George Merrill Palmer, Air Corps (temporary lieutenant colonel, Air Corps), subject to examination required by law.
Maj. Charles Rawlings Chase, Cavalry.
Maj. Loren Francis Parmley, Judge Advocate General's Department.
Maj. Erle Fletcher Cress, Cavalry.
Maj. Ray Harrison Green, Quartermaster Corps, subject to examination required by law.
Maj. John Parr Temple, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Hugh Williamson Rowan, Chemical Warfare Service, subject to examination required by law.
Maj. Byron Turner Burt, Jr., Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Earle Gene Harper, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Philip Gilstrap Bruton, Corps of Engineers.
Maj. Eugene Joseph Fitz Gerald, Infantry.
Maj. Edward Frederick French, Signal Corps.
Maj. Lotha August Smith, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Horace Leland Porter, Corps of Engineers.
Maj. Arthur Leo Lavery, Coast Artillery Corps.
Maj. Frank Marion Barrell, Quartermaster Corps.
Maj. Paul Sutphin Edwards, Signal Corps.
Maj. Franz Joseph Jonitz, Quartermaster Corps.
Maj. William Valery Andrews, Air Corps (temporary lieutenant colonel, Air Corps), subject to examination required by law.
Maj. Stanton Higgins, Cavalry.
Maj. Redding Francis Perry, Cavalry.
Maj. Walter Arthur Metts, Jr., Field Artillery.
Maj. Frank Camm, Field Artillery.
Maj. Richard Oscar Bassett, Jr., Infantry.
Maj. Percy Stuart Lowe, Coast Artillery Corps.
Maj. Lewis Alonzo Murray, Corps of Engineers.
Maj. John Alfred Gilman, Quartermaster Corps.
Maj. John Edward Langley, Corps of Engineers.
Maj. Lorenzo Dow Macy, Infantry.
Maj. Curtis DeWitt Alway, Infantry, subject to examination required by law.
Maj. Louis James Lampke, Infantry.
Maj. Clay Anderson, Corps of Engineers.
Maj. Vernon Calhoun DeVotie, Infantry.
Maj. Willis Arthur Platts, Quartermaster Corps.
Maj. Rene Edward deRussy, Quartermaster Corps.
Maj. Irvin Boston Warner, Field Artillery.
Maj. Edward Marion George, Quartermaster Corps.
Maj. Horace Joseph Brooks, Infantry.
Maj. George Howard Rarey, Infantry.
Maj. Jacob Edward Uhrig, Infantry.
Maj. Samuel Rivington Goodwin, Cavalry.
Maj. George Walcott Ames, Coast Artillery Corps.
Maj. Arthur Wellington Brock, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. John Joseph Murphy, Infantry.
Maj. Edgar Ambrose Jarman, Judge Advocate General's Department.
Maj. Marshall Joseph Noyes, Corps of Engineers.
Maj. Charles Manly Walton, Infantry.
Maj. Versalious Lafayette Knadler, Field Artillery.
Maj. Thomas Cleveland Lull, Infantry.
Maj. Leonard Sherod Arnold, Field Artillery.
Maj. Harry Nelson Burkhalter, Infantry.
Maj. Lewis Morrell Van Gieson, Ordnance Department.
Maj. Arthur Edwin King, Field Artillery, subject to examination required by law.
Maj. Aubrey Jefferson Bassett, Infantry.
Maj. Frank Amedee Derouin, Infantry.
Maj. Gottfried Wells Spoerry, Infantry.
Maj. Harry Donnell Ayres, Infantry.
Maj. Edwin Uriah Owings Waters, Infantry.
Maj. William Ward Wise, Chemical Warfare Service.
Maj. Frederick Harold Gaston, Field Artillery.
Maj. Rodney Campbell Jones, Coast Artillery Corps.
Maj. George Milroy Mayer, Quartermaster Corps.
Maj. Mortimer Buell Birdseye, Quartermaster Corps.
Maj. Howard Foster Clark, Corps of Engineers.
Maj. Howard Clay Brenizer, Field Artillery.
Maj. Morris Handley Forbes, Finance Department.
Maj. Dorsey Jay Rutherford, Coast Artillery Corps.
Maj. Reynold Ferdinand Melin, Ordnance Department.
Maj. Arthur Richardson Baird, Ordnance Department.
Maj. John Virgil Lowe, Chemical Warfare Service.
Maj. Robert Grier St. James, Infantry.
Maj. William Reuben Hazelrigg, Infantry.
Maj. Francis Irwin Maslin, Quartermaster Corps.
Maj. Merrick Gay Estabrook, Jr., Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Arthur James Russell, Infantry.
Maj. Wilbur Joseph Fox, Infantry.
Maj. Charles William Burlin, Corps of Engineers.
Maj. William Vincent Witcher, Infantry.
Maj. Oscar Ripley Rand, Judge Advocate General's Department.
Maj. Lester Joslyn Harris, Signal Corps.
Maj. Hubert Wiley Keith, Quartermaster Corps.
Maj. Joseph Francis Stiley, Coast Artillery Corps.
Maj. Richard Harrington Darrell, Cavalry.
Maj. Edward Henry Dignowity, Corps of Engineers.

Maj. Earl Gordon Welsh, Infantry.
Maj. John Robert Tighe, Quartermaster Corps.
Maj. John Carl Green, Signal Corps.
Maj. Carl Franklin Greene, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Eugene Ferry Smith, Judge Advocate General's Department.
Maj. Philip Doddridge, Infantry.
Maj. Robert Francis Gill, Corps of Engineers.
Maj. Henry Thomas Kent, Infantry.
Maj. James Arthur Boyers, Infantry.
Maj. Evan Kirkpatrick Meredith, Infantry, subject to examination required by law.
Maj. Howard John Liston, Infantry, subject to examination required by law.
Maj. Frank Richards, Finance Department.
Maj. Ralph Harry Woolsey, Quartermaster Corps.
Maj. Richard Francis Lussier, Infantry, subject to examination required by law.
Maj. Charles Marion Thirlkeld, Field Artillery.
Maj. Jack Roy Gage, Infantry.
Maj. Henry Wyatt Isbell, Infantry.
Maj. William Robert Carlson, Coast Artillery Corps.
Maj. Harland Clayton Griswold, Infantry.
Maj. Perry Wainer, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Krauth Whitson Thom, Quartermaster Corps.
Maj. Guy Malcolm Kinman, Judge Advocate General's Department.
Maj. William Seymour Gravely, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Harlan Ware Holden, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. John Francis Somers, Infantry.
Maj. Melville Stratton Creusere, Field Artillery.
Maj. Harry Ruhl Lebkicher, Chemical Warfare Service.
Maj. Clarence Flagg Murray, Field Artillery, subject to examination required by law.
Maj. Perry Cole Ragan, Infantry.
Maj. Ernest Stratton Barker, Infantry.
Maj. Joseph Leonard Stromme, Air Corps (temporary lieutenant colonel, Air Corps), subject to examination required by law.
Maj. Robal Alphonzo Johnson, Infantry.
Maj. James Palmer Blakeney, Infantry.
Maj. Glen Ray Townsend, Infantry.
Maj. James Cave Crockett, Infantry.
Maj. Woodbern Edwin Remington, Infantry.
Maj. Maxwell Gordon Oliver, Infantry.
Maj. John Edward Nolan, Quartermaster Corps.
Maj. Frederick Harrison Koerbel, Quartermaster Corps.
Maj. Linton Yates Hartman, Coast Artillery Corps.
Maj. Charles Carroll Knight, Jr., Field Artillery.
Maj. Joseph Vincent Thebaud, Infantry.
Maj. Russell Conwell Akins, Infantry, subject to examination required by law.
Maj. Henry Hapgood Fay, Quartermaster Corps.
Maj. Rudolph William Propst, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Peter LeToney, Infantry.
Maj. Robert Louis Renth, Infantry.
Maj. Clyde Henry Plank, Infantry.
Maj. Joel DeWitt Pomerene, Infantry.
Maj. Daniel Bern Floyd, Field Artillery.
Maj. John Orn Roady, Quartermaster Corps.
Maj. Abraham Lincoln Bullard, Coast Artillery Corps.
Maj. William Lincoln Hamilton, Cavalry.
Maj. Walter Leui Kluss, Field Artillery, subject to examination required by law.
Maj. Ralph Brittin Watkins, Infantry.
Maj. George Willis Morris, Signal Corps.
Maj. Eugene Lawrence Brine, Infantry, subject to examination required by law.
Maj. John Edward Adamson, Quartermaster Corps.
Maj. Dennis Patrick Murphy, Infantry.
Maj. Chauncey Alfred Gillette, Coast Artillery Corps.
Maj. Frank Denis Hackett, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Melvin Ray Finney, Infantry.
Maj. Alfred Percy Kitson, Field Artillery.
Maj. Preston Ballard Waterbury, Infantry.
Maj. Verne Clair Snell, Coast Artillery Corps.
Maj. Ira Augustus Hunt, Infantry.
Maj. Waine Archer, Infantry.
Maj. Aaron Edward Jones, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Paul Parker Logan, Quartermaster Corps.
Maj. William Harris Irvine, Infantry.
Maj. William Harold Roberts, Infantry.
Maj. Jesse James France, Field Artillery.
Maj. George Sesco Pierce, Infantry.
Maj. Robin Alexander Day, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Walter Emery Smith, Infantry.
Maj. William Branch Leitch, Field Artillery.
Maj. Paul Gerhardt Balcar, Judge Advocate General's Department.
Maj. Charles William Moffett, Judge Advocate General's Department.
Maj. John Henry Corridon, Judge Advocate General's Department.
Maj. Roy William Grower, Corps of Engineers.
Maj. Harold Alfred Willis, Ordnance Department.
Maj. Thomas Florence McCarthy, Infantry.
Maj. Rexford Shores, Infantry.
Maj. George Samuel Beatty, Infantry.
Maj. Milo Clair Calhoun, Quartermaster Corps.

TO BE LIEUTENANT COLONELS WITH RANK FROM DECEMBER 4, 1940

Maj. William Melton Tow, Infantry.
Maj. Armand Sherman Miller, Field Artillery, subject to examination required by law.
Maj. Grover Elmer Hutchinson, Infantry.
Maj. Rufus Arthur Parsons, Infantry.
Maj. Miguel Montesinos, Infantry.
Maj. Thomas Henry, Infantry.
Maj. John Y. York, Jr., Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Walter Hey Reid, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. John Bellinger Patrick, Air Corps (temporary lieutenant colonel, Air Corps).

TO BE LIEUTENANT COLONELS WITH RANK FROM DECEMBER 13, 1940

Maj. Edward Joseph Curren, Jr., Infantry.
Maj. LeRoy Edmund McGraw, Infantry, subject to examination required by law.

TO BE LIEUTENANT COLONEL WITH RANK FROM DECEMBER 15, 1940

Maj. Earl Hamlin DeFord, Air Corps (temporary lieutenant colonel, Air Corps).

TO BE LIEUTENANT COLONEL WITH RANK FROM DECEMBER 21, 1940

Maj. Byron Adrian Falk, Signal Corps.

TO BE MAJOR WITH RANK FROM DECEMBER 19, 1940

Capt. Martin Hamlin Burckes, Field Artillery.

POSTMASTERS

ALABAMA

James F. Wilson to be postmaster at Wedowee, Ala., in place of J. H. Kerr, removed.

CALIFORNIA

Margaret J. S. Gilman to be postmaster at Gilman Hot Springs, Calif. Office became Presidential July 1, 1940.
Charles E. Timmons to be postmaster at Kernville, Calif. Office became Presidential July 1, 1940.
William H. Stuart to be postmaster at Point Arena, Calif., in place of W. H. Smith, retired.
Roberta L. Sweet to be postmaster at Yermo, Calif., in place of Knox Lofland, deceased.

CONNECTICUT

Joseph A. Douda to be postmaster at Eagleville, Conn., in place of Edward Champlion, deceased.

Roy A. Parmelee to be postmaster at Weatogue, Conn. Office became Presidential July 1, 1940.

FLORIDA

Burton H. Rawls to be postmaster at High Springs, Fla., in place of B. H. Rawls. Incumbent's commission expired April 24, 1940.

ILLINOIS

Lloyd A. Cooper to be postmaster at Cordova, Ill. Office became Presidential July 1, 1940.

William B. Martin to be postmaster at Eldred, Ill. Office became Presidential July 1, 1940.

Charles E. Kelley to be postmaster at Franklin Grove, Ill., in place of G. H. Fruit, removed.

Henry B. Gramann to be postmaster at Marine, Ill. Office became Presidential July 1, 1940.

INDIANA

Mabel A. Price to be postmaster at Griffin, Ind. Office became Presidential July 1, 1940.

IOWA

Clarence B. Brooker to be postmaster at Ames, Iowa, in place of A. K. Shane. Incumbent's commission expired June 25, 1940.

John H. Gribben to be postmaster at Newton, Iowa, in place of J. H. Gribben. Incumbent's commission expired June 1, 1940.

Joseph F. Courtney to be postmaster at Thornton, Iowa, in place of H. W. Alexander. Incumbent's commission expired May 10, 1940.

KANSAS

Ella M. McGinity to be postmaster at Humboldt, Kans., in place of W. A. Hess, deceased.

Seth J. Abbott to be postmaster at Jetmore, Kans., in place of O. M. Koontz. Incumbent's commission expired April 24, 1940.

KENTUCKY

Ella E. Thompson to be postmaster at Ewing, Ky., in place of Minnie Heflin, removed.

Bertha Stanley to be postmaster at Mortons Gap, Ky. Office became Presidential July 1, 1940.

Wilmer H. Meredith to be postmaster at Smiths Grove, Ky., in place of J. R. Garman, removed.

LOUISIANA

Claud Jones to be postmaster at Longleaf, La. Office became Presidential July 1, 1940.

Amelie P. Woods to be postmaster at Lutcher, La., in place of M. P. Prescott, retired.

Helen C. Campbell to be postmaster at Morganza, La. Office became Presidential July 1, 1940.

Clyde A. Crawford to be postmaster at Pearl River, La. Office became Presidential July 1, 1940.

MAINE

Bessie Hazel Garnache to be postmaster at Biddeford Pool, Maine, in place of C. D. Garnache, deceased.

MARYLAND

Walter G. Mann to be postmaster at Sharptown, Md. Office became Presidential July 1, 1940.

MASSACHUSETTS

Helen E. Bateman to be postmaster at Dudley, Mass. Office became Presidential July 1, 1940.

MICHIGAN

Alfred H. Pfau to be postmaster at Howell, Mich., in place of A. H. Pfau. Incumbent's commission expired April 29, 1940.

MINNESOTA

Grace P. Holecek to be postmaster at Jackson, Minn., in place of F. M. Holecek, resigned.

Oscar A. Olson to be postmaster at Keewatin, Minn., in place of O. A. Olson. Incumbent's commission expired February 5, 1940.

Marguerite Mealey to be postmaster at Monticello, Minn., in place of Marguerite Mealey. Incumbent's commission expired June 25, 1940.

Donald W. McNeil to be postmaster at Park Rapids, Minn., in place of S. D. Wilcox, removed.

Herman I. Nelson to be postmaster at Spicer, Minn., in place of H. I. Nelson. Incumbent's commission expired June 25, 1940.

Simon E. Drury to be postmaster at Wabasha, Minn., in place of J. H. McCaffrey, deceased.

Arthur G. Erickson to be postmaster at Willmar, Minn., in place of E. C. Wellin, removed.

MISSOURI

Fred Hulston to be postmaster at Ash Grove, Mo., in place of O. W. Anglum, resigned.

Joe Melvin Hux to be postmaster at Essex, Mo., in place of Roy Clodfelter, removed.

NEVADA

Hilda W. Reeves to be postmaster at McDermitt, Nev. Office became Presidential July 1, 1940.

NEW HAMPSHIRE

Addie F. Danforth to be postmaster at Danbury, N. H. Office became Presidential July 1, 1940.

NEW MEXICO

Ruby G. Holt to be postmaster at Oil Center, N. Mex. Office became Presidential July 1, 1940.

Howard K. Shaw to be postmaster at Quemado, N. Mex. Office became Presidential July 1, 1940.

NEW YORK

Samuel J. Hand to be postmaster at Genoa, N. Y. Office became Presidential July 1, 1940.

NORTH CAROLINA

Robert C. Warlick to be postmaster at Jacksonville, N. C., in place of A. G. Walton. Incumbent's commission expired June 25, 1940.

Harold W. Webb to be postmaster at Morehead City, N. C., in place of H. O. Phillips. Incumbent's commission expired June 17, 1940.

PENNSYLVANIA

Mary F. Woods to be postmaster at Blain, Pa., in place of S. M. Woods, deceased.

Stanley A. DeWitt to be postmaster at Tunkhannock, Pa., in place of G. L. Titman. Incumbent's commission expired June 25, 1940.

SOUTH CAROLINA

Richard T. Hallum, Jr., to be postmaster at Pickens, S. C., in place of E. B. Hiott. Incumbent's commission expired January 20, 1940.

J. Charles Vassy to be postmaster at Timmonsville, S. C., in place of A. H. Askins, removed.

SOUTH DAKOTA

John C. Heinricks to be postmaster at Artesian, S. Dak., in place of Harold Hollingsworth, removed.

Lucy I. Wright to be postmaster at Hoven, S. Dak., in place of L. I. Wright. Incumbent's commission expired June 16, 1940.

TENNESSEE

Mary S. Franklin to be postmaster at Madisonville, Tenn., in place of R. T. Lee, removed.

TEXAS

Robert P. Taylor to be postmaster at Bivins, Tex., in place of Jack Jones, transferred.

UTAH

Rudolph Nielsen to be postmaster at Milford, Utah, in place of J. C. Root, resigned.

WISCONSIN

William H. Meyer to be postmaster at Cecil, Wis., in place of L. K. Herning. Incumbent's commission expired January 18, 1939.

Alex W. Quade to be postmaster at Jackson, Wis., in place of M. G. Gumm, removed.

Charles J. McAfee to be postmaster at Montello, Wis., in place of C. J. McAfee. Incumbent's commission expired July 30, 1939.

Byron A. Delaney to be postmaster at Reedsville, Wis., in place of F. J. Kugle, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 4 (legislative day of September 18), 1940

UNITED STATES DISTRICT JUDGE

Ingram M. Stainback to be United States district judge for the district of Hawaii.

POSTMASTERS

ILLINOIS

Edna A. Bauser, Bunker Hill.
Winifred J. Ranger, North Aurora.

PENNSYLVANIA

H. Leon Breidenbach, Boyertown.

HOUSE OF REPRESENTATIVES

FRIDAY, OCTOBER 4, 1940

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Lord, we thank Thee for life. Its highest reach is very simple and very grand. It declares the practice of a greatly gracious soul, seeking to be good and to do good, in magnificent daring for the sake of others. We pray Thee to endow us richly with the immortal graces of love and gratitude. Give wisdom that we may know how to use authority and discretion that the use of power may be restrained. Impress us that problems and difficulties should always yield to one solution and that is, a high sense of right. Almighty God, we love our country. What thoughts can exhaust our wonder, what words can express our gratitude for the countless numbers who have died for us. We break our alabasters of thanksgiving upon the memories of those who have made possible our Christian institutions. We pray that we may ever firmly resolve that we would rather die than to live in a world ground down by falsehood and brutality. Let the divine voice call out from the breast of humanity, pursuing all tyrannies to their lowest depths until they reach the margin of the world. In the name of our ever-living Saviour—the Man of Nazareth. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10412. An act to expedite the provision of housing in connection with national defense, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960) entitled "An act extending the classified executive civil service of the United States."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10094) entitled "An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CONNALLY, Mr. BURKE, and Mr. DANAHER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 4341. An act to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate No. 5 to the bill (H. R. 10464) entitled "An act to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contract."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 4107) entitled "An act to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdictions of the War Department and the Department of the Interior, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHEPPARD, Mr. REYNOLDS, Mr. THOMAS of Utah, Mr. MINTON, Mr. AUSTIN, and Mr. GURNEY to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2103) entitled "An act to exempt certain Indians and Indian tribes from the provisions of the act of June 18, 1934 (48 Stat. 984), as amended," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Oklahoma, Mr. WHEELER, and Mr. FRAZIER to be the conferees on the part of the Senate.

LETTER FROM THE CLERK OF THE HOUSE TRANSMITTING MESSAGE FROM THE SENATE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives, which was read:

OCTOBER 4, 1940.

The SPEAKER,
House of Representatives, Washington, D. C.

SIR: Pursuant to the special order agreed to on October 3, 1940, the Clerk of the House received on that day the following message from the Senate:

That the Senate had passed, with amendments in which the concurrence of the House is requested, the bill (H. R. 10539) entitled "An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes."

The message also announced that the Senate insists upon its amendments to the afore-mentioned bill; requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon; and appoints Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate.

Respectfully yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.
By H. NEWLIN MEGILL.

FOREIGN SHIPMENTS BY THE DU PONTS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

There was no objection.

Mr. SABATH. Mr. Speaker, on September 24, I placed in the RECORD an article by Mr. Guy Richards, New York correspondent of the Chicago Tribune press service, and made some comments thereon.

The article charged that foreign agents in the Du Pont Powder Co. offices "guide war goods to Axis" to the extent of $10,000,000 monthly, and reads in part as follows:

AGENTS IN DU PONT OFFICES GUIDE WAR GOODS TO AXIS—UNITED STATES TRADE WITH GERMANY, ITALY PUT AT $10,000,000 MONTHLY

(By Guy Richards)

NEW YORK, September 23.—Despite the British blockade, American industrialists have found corkscrew routes for pouring into

Germany and Italy about $10,000,000 worth of vital war materials every month.

Vast stores of oil, copper, machinery, and cotton are finding their way to Axis territory through Arctic Ocean ports, Spain, Portugal, Cuba, Mexico, and Russia.

BACKED BY BIG BUSINESS

At least five nations are lending their services to American businessmen who have found gold-lined routes for shipping blockade-barred goods into Germany.

These scattered suppliers, dealing through their New York headquarters, have established contacts with agents all over the world. The agents are sponsored in this country by amazingly influential business interests.

It was learned, for example, that the American representative of Juan March, financial backer of General Franco, Spanish dictator, has his desk in the offices of Francis I. du Pont Co., at 1 Wall Street. He receives a regular salary from the firm, which is engaged in the commodity and brokerage business.

BRANCH IN WILMINGTON

Three members of the famous Wilmington (Del.) clan that controls E. I. du Pont de Nemours are partners in this Wall Street firm, which also has a branch in Wilmington. The interest of its senior member, Francis I. du Pont, is secured with 2,000 shares of Hercules Powder common stock—an investment which was forced out of direct Du Pont control by a Sherman antitrust suit of 1912.

Another desk in the Francis I. du Pont office is occupied by Avelino Montes, Jr., the man whom German firms here know as the expert on how to get shipments through Mexico.

The two men—Jose M. Mayorga, Spanish emissary of Franco's Juan March, and Mexico's Avelino Montes—sit side by side in a comfortable suite in the Du Pont offices, on the ninth floor of the building. They are intimate friends and former classmates at the Harvard Business School. By manufacturers anxious to obtain deliveries in Germany they are known as exactly the right people to see.

Yesterday I received a telegram from W. S. Carpenter, Jr., president of E. I. du Pont de Nemours & Co., taking exceptions to the article and my reference thereto which might indicate that the Du Ponts are being taken advantage of. Regardless of how much I may disagree with a person or an organization, my policy has always been to try to be fair. Therefore, I feel honor bound to give the Du Pont viewpoint the same publicity in the RECORD that I accorded to the article of the Chicago Tribune correspondent. I ask unanimous consent to present it.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

Mr. RICH. Mr. Speaker, reserving the right to object, I may say that it was given out last year that less than 3 percent of the volume of the Du Pont's business comprised war munitions, so that the people have the wrong idea with reference to the Du Ponts manufacturing and exportation of materials of war.

Mr. SABATH. I do not represent them; nevertheless, in justice to them, I feel they are entitled to have this telegram in the RECORD.

Mr. RICH. That is the reason I make the statement. It is in justice to the Du Ponts. I do not own any Du Pont stock. I wish I did.

Mr. SABATH. Neither do I.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

There was no objection.

Mr. SABATH. The telegram reads as follows:

WILMINGTON, DEL., *October 2, 1940.*

Hon. ADOLPH J. SABATH,
House of Representatives:

My attention was called only today to address you made in House of Representatives September 24 and news article on which you premised your statement. As president of E. I. du Pont de Nemours & Co., I deny categorically all allegations with reference to this company. Reports to which you give credence that "the Du Ponts and their affiliates are monthly exporting $10,000,000 worth of war munitions that finally reach aggressor nations" are wholly untrue. Factually this company has made no munitions shipments whatsoever to any Axis Power directly or indirectly. Because of your interest permit me to advise you regarding our export sales of military powers. From 1933 through 1938 total gross export sales by this company amounted to $895,912. For same period Remington Arms, only affiliate of this company making military products, had gross sales from export of $2,044,634. In 1939 our gross sales from export totaled $475,964 and for Remington for same year $123,068, a combined monthly average of $49,919. For first 8 months of current year our gross sales from export amounted to $1,179,205, with bulk of these sales to Great Britain, China, Finland, and France. Remington sales for same 8 months, $1,341,856, mostly to Great Britain and France. Monthly average for both companies in this period is only $315,133. Not one pound of munitions has been sold by this company or Remington to Germany, Italy, or Japan. Nor do we have any reason to suspect that one pound eventually reaches the Axis Powers. How preposterous the charge we are exporting $10,000,000 worth munitions monthly that finally reach aggressor nations. We cannot but feel keenly when we read such unfounded allegations at a time when we are placing our facilities, our understanding in manufacture, our perseverance and determination to do everything that may be expected of us in serving this Nation and true democracy. I have every confidence foregoing will convince you grave injustice has been done Du Pont and American industry, and that in the interest of truth and accuracy you will want to read this telegram to the House and place it in the CONGRESSIONAL RECORD.

W. S. CARPENTER, Jr.,
President, E. I. du Pont de Nemours & Co.

Mr. SABATH. It will be noted that Mr. Carpenter does not answer many of the specific statements made by Mr. Richards, whose article appeared in various newspapers. It may be that the good intentions of the Du Pont firm have unsuspectingly been taken advantage of.

In any event, I have placed Mr. Carpenter's telegram in the RECORD, as he requested, and no doubt Mr. Richards, of the Chicago Tribune Press Service, will want to express his further views on the subject.

SIDNEY HILLMAN

Mr. ROUTZOHN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. ROUTZOHN]?

There was no objection.

Mr. ROUTZOHN. Mr. Speaker, a few days ago Mr. Sidney Hillman, labor member of the National Defense Advisory Commission, asked the Attorney General of the United States for an opinion or a ruling that companies adjudged by the Labor Board to be in violation of the National Labor Relations Act should be barred from Government contracts.

In one of his justly famous messages the Attorney General has given the ruling required of him.

Even this pliable Attorney General could find no basis in law for this contribution to confusion. In fact, Congress refused to pass such a law last year and the year before. The Attorney General's informal opinion cited no law, no statute, no court decisions.

His message is a masterpiece of the kind of short-cut reasoning with which the National Socialists have confused logical and sensible people in giving to their lawless acts the disguise of legality.

Thus, without sanction of law, does he seek to turn our national-defense production over to the whims of this intriguing, Communist-infested agency of the administration, an agency that the record shows has gone out of its way to sabotage industry and create national disunity.

Now, I ask, What does this mean? What is really behind it? Is it just a slick political trick on the eve of election to make it appear that the workers and the management are quarreling, to throw them into apparent opposition upon a question manufactured for the purpose, in irresponsible disregard of the effect upon national defense and national unity? Or is it another of those overclever flank moves of the left-wingers toward national socialism and the political ownership of property?

Is it, in fact, the first move toward the confiscation of property under the cloak of national defense, using the argument that the unlawful acts of the management, as found by the Labor Board and the "yes, sir" Attorney General, make it necessary for the political tools to take over the plant?

Let us get this out in the open right now.

If we are going to do this thing, if we are going to bar the Government from contracting with producers who fall into disfavor with a Government agency, then let us do it honestly by law and not by a curbstone opinion of a pliable dispenser of easy short cuts around the law.

And let us not confine this to the Labor Board. Let us be consistent and say that any person who is in conflict with or who has been found in violation of any ruling by any

Government agency shall be barred from Government contracts and participation in the national defense.

Why single out the Labor Board, which the record shows to be the most unreliable of all the Government agencies? If it is a sound principle in law, let us make it apply to all agencies of the Government. [Applause.]

My friend Judge Cox, of Georgia, hands me a list of companies who would be barred from participation in national defense, because they have pending appeals from National Labor Relations Board orders:

General Motors Corporation.
Swift & Co.
Phelps Dodge Corporation.
Wilson & Co.
John A. Roebling Sons Co.
Colorado Fuel & Iron Corporation.
Dow Chemical Co.
H. A. Heintz Co.
Westinghouse Electric & Manufacturing Co.
Automotive Maintenance & Machinery Co.
Bethlehem Steel Co.
Vincennes Steel Co.
Alloy Cast Steel Co.
John Deere Tractor Co., Inc.
Owens-Illinois Glass Co.
E. I. du Pont de Nemours Co.
Ford Motor Co.
National Cash Register Co.
Combustion Engineering Co.
Montgomery Ward & Co., Inc.
United States Pipe & Foundry Co.
Goodyear Tire & Rubber Co.
Standard Oil of Indiana.
The Texas Co.
The Nevada Consolidated Copper Corporation.
Phillips Petroleum Co.
P. Lorillard Co.
Valley Steel Products Co.
Maltrup Steel Products Co.
Florence Pipe Foundry & Machine Co.
Lincoln Engineering Co.
Solvay Process Co.
Illinois Tool Works.
McQuay-Norris Manufacturing Co.
Mathieson Alkali Works.
International Shoe Co.
Kirkham Engineering & Manufacturing Co.
Marlin-Rockwell Corporation.
Todd Shipyards Corporation.
Robins Drydock & Repair Corporation.
Acme Air Appliance Co., Inc.
Radburn Motors Co.
Chicago Apparatus Co.
Stornar Manufacturing Co.
Dain Manufacturing Co.
Arma Engineering Co.
Washougha Woolen Mills.
Windsor Manufacturing Co.
Bloomfield Manufacturing Co.

This shows how the National Labor Relations Board is being used to sabotage our national defenses and scuttle private industry.

POINT OF ORDER

Mr. KELLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. KELLER. Mr. Speaker, I withdraw the point of order.

HOUSING IN CONNECTION WITH NATIONAL DEFENSE

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. LANHAM]?

There was no objection, and the Speaker appointed the following conferees on the part of the House: Mr. LANHAM, Mr. CROWE, and Mr. HOLMES.

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter addressed to the editor of the New York Times on September 15.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BRADLEY of Michigan and Mr. CUMMINGS asked and were given permission to extend their own remarks in the RECORD.

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address I delivered last night.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. KEAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KEAN. Mr. Speaker, I see that the gentleman from New Jersey [Mr. HART] is on the floor, and I rise to ask him one question. Last winter there was a question of a fifth Federal judgeship in the State of New Jersey. I objected to it and said I did not think it was necessary. Up to now this fifth Federal judge has not been appointed. I wonder how come, if it was so necessary.

Mr. HART. I may say in reply to the gentleman from New Jersey that he will have to seek the information in some other quarter.

[Here the gavel fell.]

Mr. ANGELL. Mr. Speaker, I ask unanimous consent that on next Monday, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PEACE

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that today at the conclusion of the legislative program I may be permitted to address the House for 15 minutes on the subject of peace.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER. Does the gentleman from Minnesota desire to proceed at this time?

Mr. ALEXANDER. I will, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, peace is still the desire of an overwhelming majority of the American people; but while billions of dollars have been appropriated out of necessity to prepare for war, should it be forced upon us, no special funds have been appropriated to prepare for peace.

From a realistic viewpoint we know that we get what we prepare for. Is it not true?

If there is no adequate study and preparation for a just and lasting peace, we will never, never find such a peace, whether we go into or stay out of this war, whether we arm to the teeth or slide along. Peace, like anything else, must be prepared, must be purchased at a price.

That price is very low and very reasonable as compared to the costs of war. I have just asked the House Appropriations Committee what we have authorized and appropriated this year for war. The answer: Approximately $17,000,000,000.

I have today introduced a resolution asking for a very small appropriation, comparatively speaking, to be used to "prepare for peace." I am asking that we set aside only $50,000,000, and I hope speedy and favorable action will be taken on this very fundamental request.

My resolution is as follows:

PREPARE FOR PEACE

Whereas the Seventy-sixth Congress has appropriated or authorized about $17,000,000,000 for military preparedness; and

Whereas an important national election is now impending, when all peace-loving citizens will justly challenge on their record their former representatives: Now, therefore, be it

Resolved, That this Congress promptly prove that we are not limiting preparation for defense to military means only, but are also attempting to prepare for defense and security by nonmilitary means, such as bona fide efforts for peace; and to this end be it further

Resolved, That the President be, and he hereby is, instructed to take immediate joint action with all possible like-minded governments of nations not at war in offering their services openly and publicly to the belligerents in the cause of peace; and be it further

Resolved, That in order to satisfy the longing for peace of all the peoples of the world a cessation of all hostilities under joint neutral supervision should be openly demanded, and at the same time the actual extension of the system of federation into a world union of nations should be offered and pledged to the belligerents by the joint neutrals as the only practical means of readjusting the status of newly conquered nations or long-held colonies and dominions, of under-privileged or over-privileged states, and permitting mankind to build a new and better civilization in safety, without fear of war and organized destruction: Therefore be it

Resolved, That in order to finance the above-described program of joint neutral efforts for the present and future of the world, the House of Representatives (the Senate concurring) hereby appropriates $50,000,000 as our safest and least costly defense.

This is made especially desirable and needful by reason of the recent alliance agreement of the axis powers, which makes Japan, Italy, and Germany into a powerful military alliance.

PACIFIC PROBLEMS

The outcome of the axis struggle for power is a very important matter because it presents to us a two-ocean peril. Manifestly it would be folly for the United States not to prepare in every way for the possible eventuality of a German-Italian victory, sudden or gradual.

I wonder if it is generally recognized that the peril in which we would then be placed extends to two oceans? Japan's position would be greatly enhanced by the inevitable weakening of British as well as the collapse of the French power and prestige in the Orient—exactly as I pointed out in my address in the House on February 22, 1939, entitled "Is Democracy in Guam?"

DIVISION OF AMERICAN SEA POWER

This would be accompanied in the United States by an immediate logical demand that a large part of the American Navy be transferred from the Pacific to the Atlantic. American naval forces would then be extended along two vast ocean fronts—responsible for the protection of two continents on both the east and the west. They would be faced by a combined sea power greater than their own, backed by superior shipbuilding facilities.

The Atlantic, inadequately defended except along our own coast line and in the Caribbean, might then be circumvented as was the Maginot line. In the Pacific the withdrawal of a large part of the American Navy would promptly remove the chief remaining obstacle to Japanese expansion, by stages, over Shanghai, Hong Kong, Indochina, the Dutch East Indies, Singapore, Australia, New Zealand, and eventually the Philippines. Successive steps in such a program, clearly contemplated by Japanese leaders, would reinvigorate Japan's morale, strengthen her position against China, provide needed sources of vital supplies, and make untenable the position of Burma and India. Thus, Asia, with one-half of the world's population, would come, like Europe, under the domination of an aggressive dictatorship.

Germany, to be sure, would probably seek to keep Japan within bounds in order to obtain as large a share in the expansion—especially at Singapore and the Dutch East Indies—as possible, and to maintain for herself a position of dominance in German-Japanese relations. This may account for current reports of friction between the two countries. But Hitler has shown his capacity, in dealing with Russia, to make sweeping, if temporary, compromises in order to concentrate his energies elsewhere. Japan's continued expansion, moreover, would offer a means toward checking further resistance from outlying parts of the British Empire; it would, at the same time, strengthen a potential ally against the United States. So long as the United States remained the chief obstacle to the revolutionary ambitions of both nations, it is as dangerous to assume that their realistic negotiators would be unable to get together as it was for the British to rely upon irreconcilable friction between Germany and Russia.

The United States, with its vast commitments in this hemisphere, would then be exposed to a gigantic squeeze play, with Germany and Italy dominating Europe and Africa on the one side and Japan largely dominating eastern Asia and the southern Pacific on the other. Under such circumstances the positions of Russia and the United States would be increasingly critical.

The question is thus whether we should not move, if we can do so swiftly and effectively, to prevent such a world-wide alinement of militant dictatorships against us. For clearly we are not prepared for an emergency of such magnitude, and it seems to me that the best way out is a move for a peace organization such as is suggested in the above resolution.

HIGH COST OF WAR

It cost about 75 cents to kill a man in Caesar's time. The price rose to about $3,000 per man during the Napoleonic wars, to $5,000 in our Civil War, and then to $21,000 per man in the World War. But estimates for the present war indicate that it may cost the warring nations not less than $50,000 for each man killed. In other words, shall we appropriate what it costs to kill 1,000 men and thus save millions of men, women, and children? At the price set in my resolution of $50,000,000 for a program to promote peace, if it were used for war, it would kill only 1,000 at present rates, but it might save millions, if spent for peace. [Applause.]

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, the gentleman who just preceded me gave a very interesting talk and one that it seems to me should receive more consideration from the House of Representatives. And I shall extemporaneously comment on things pertaining to the subject of war, and so forth.

This country at this time, in my judgment, is in a very precarious condition. We as a Congress are going ahead with these great appropriations and preparation for war and if we continue as we have been doing for the last 30 days, I venture the assertion that within 6 months we will actually be in war, and nothing more detrimental could happen to the American Nation, American life, or American property, or American independence and freedom. As was stated by the gentleman, it is costing $50,000 to kill a man in warfare. Why, gracious goodness, we ought to be thinking of what we can do to save life instead of trying to destroy it, and that was the main point in what the gentleman from Minnesota brought out. He wants to save life and wants to protect American boys and not let anything that may happen in this country lead us into the war at such great cost of life, cost of happiness, cost in sorrow, and cost in misery.

You know the thing that impressed me this morning when we had the prayer by our beloved Chaplain, and it is something that impresses me every morning when the Chaplain gets up here and asks for divine guidance for the House of Representatives, for the Senate, and for the President, when there are not over 25 or 30 Members present at our prayer service—the thought was in my mind when the gentleman from Illinois, awhile ago, wanted to ask for a quorum, why can we not ask for a quorum just before the Chaplain of the House of Representatives leads us in prayer? If we could do that and the Members of the House would listen to the prayers that are being offered by the Chaplain of the House, it would probably be the best lesson and the best speech we could put before this House each day. It would help all and would not injure one person. If the membership would heed what is stated in asking for divine guidance, it might be the cause of turning the hearts of the Members of the Congress of the United States to the point where they would try in some manner, to a greater degree, to keep this country out of war. I believe that nothing better could be done than to invite the membership of the House to be

present before the Chaplain offers his prayer. Let us hope our attendance at the opening exercise will be greater in number.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. Does the gentleman feel that a majority of the American people are in favor of our keeping out of this war?

Mr. RICH. Well, I would have said 6 months ago there was not a man in the United States who wanted war, but when we see the propaganda that is going on today, it is certainly amazing what a change is taking place in the minds of our people. I was at the Translux Theater last night and if there was ever any propaganda for getting this country into war offered, it was brought out there. You can go to any theater or almost any public place now or read almost any of the papers and you will see that they are creating the sentiment that we ought to get into this war. I hope and pray that the Congress will not be so foolish and that the membership of this House will say that we are not going to vote for war.

I wrote a letter this morning to a person who wanted to know whether I was in favor of sending our boys abroad. I have said time after time that I do not believe that anything can happen, I do not believe that any act they might commit in Europe or in Asia could be bad enough to cause me to vote to send one boy over to Europe to be slaughtered, because I believe that is none of our business and we should not ever think of sending a man across the water again to fight to make the world safe for democracy; we tried it once and it failed, it failed terribly; just look at Europe today; and as far as I am concerned, I do not believe they will ever get me to vote to send a boy across either ocean; in fact, I am sure I will not do so; and if we will tell the President of the United States and Secretary Hull to do a little more toward minding their own business and staying over here and looking after America and the American people, I do not believe we will get into war.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Oregon.

Mr. PIERCE. I take it from what the gentleman says that nothing would induce him to vote for a declaration of war, the driving off of the seas of our ships or anything else.

Mr. RICH. If anybody comes over here and attacks us I will be the first one to protect this country, but I am talking about a war of aggression and I believe, honestly, Governor, that we are building up this great war machine and doing everything we can with the idea that we will ultimately get into this war. I honestly believe that. If a man came up to you and knocked your hat off, you would not shoot him. You would either have him arrested or try to convince him he was doing what he should not do, and by kindness win his affection.

Mr. PIERCE. Does the gentleman think that Great Britain is in this war voluntarily?

Mr. RICH. No; but it is not our business to kill American boys and girls to protect Great Britain, if you want to know my answer to that. [Applause.]

Mr. ARNOLD. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Illinois.

Mr. ARNOLD. Does the gentleman know of one Member of the House who wants to join the war over there?

Mr. RICH. No; I do not know a Member of the House——

[Here the gavel fell.]

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 5 more minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KELLER. Give him 5 more minutes.

Mr. RICH. If you will give me 5 minutes, I will say this: If you give Great Britain and the people who are putting forth the policy of urging us to sell overage ships, to sell overage tanks, which they are doing right now, and to sell overage guns, and call our Navy overage and call anything else overage, I believe within a short time they would get 150 Members to say that we would enter that war.

Mr. KELLER. Do what?

Mr. RICH. Get us into this war.

Mr. KELLER. Is the gentleman one of them?

Mr. RICH. No; I am telling you that I am not. But let Mr. Roosevelt tell you that he wants to go to war, and I would like to know what your answer would be.

Mr. KELLER. You know very well what it would be without my telling you.

Mr. RICH. You bet your life I think I know. I think you would vote right with him, because you have voted that way for the last 8 years.

Mr. KELLER. Now I want to answer that.

Mr. RICH. You have voted that way most every time for the last 8 years. I do not care who the man is who has followed this New Deal and voted for New Deal policies for the last 8 years, he is only trying to set up in this country a dictatorship. I do not care what man in the House tries to challenge me on what I say, because I am not trying to hurt anybody, but I am telling you that if we want to keep America safe, if we want to follow our Constitution, if we want freedom of the press, freedom of religion, and freedom of speech, you cannot do what we have done in the last 7 years, can you?

Miss SUMNER of Illinois. Is the gentleman addressing me?

Mr. RICH. Certainly. You are about as sensible-looking person as I have ever seen. [Laughter.]

Miss SUMNER of Illinois. Thank you. You know, when a man cannot say that a woman is good looking, the next best thing is to call her sensible. [Laughter and applause.] I think the gentleman is right and I think the gentleman from Minnesota [Mr. ALEXANDER] is right. I have every reason to think, from friends in Great Britain who are here for the duration, that not only the people of Great Britain but the people of Germany would like peace if they could have a just peace, but I think it is today as it was in 1917—neither nation wants to lose face. If either one could have a just peace, I am sure they would be glad to have it and take it without exhausting themselves. I think there is only one nation powerful enough today to offer such a peace; that is the United States; but I very much fear that we have placed ourselves in a position where they do not trust us. They fear we are going to try to be straight shooters instead of square shooters. [Laughter and applause.]

Mr. RICH. That is right. I thank the lady for that very intelligent statement. I agree with her 100 percent. I want to say that Great Britain does not want to fight. The people of Germany do not want to fight. The people of Spain are so sick that they do not want to get in it. I do not believe the Italian people want to fight. I think if we were in a position where we could have a man who could say to those nations, "Why don't you put these things aside, stop wrecking your cities, and stop killing your people," it would be the finest thing in the world. But where have we gotten ourselves? What is the position of our country now in being an arbitrator?

Miss SUMNER of Illinois. It seems to me that anything of that sort we might do before election would be apt to bear the imputation of having political motives, but that after election the Congress could very suitably pass some such resolution.

Mr. RICH. If we do that, I will say that you cannot have anyone who has said, "Mr. Mussolini stuck us in the back," and expect him to be an arbitrator. You know you could not have a man like that, so you have to find somebody else. The only logical man to find is a new President, a new man, who can take a position whereby the people of this world will have confidence in him and have faith in him. That is the kind of a man we will have. [Applause.]

Miss SUMNER of Illinois. Will the gentleman yield?

Mr. RICH. Yes; I will yield to you forever if you will get up here and take my place and condemn war and all its horrors.

Miss SUMNER of Illinois. I want to warn the gentleman that it is very dangerous to say "peace" nowadays, because you run the risk of being called an "appeaser."

Mr. RICH. If anybody says that I am a "fifth columnist" just because I want to talk peace, and I want to keep this Nation out of war, they had better look out and stay far enough away from me, because I am not going to take it. [Laughter.] I think the time is here when we have got to talk plain. I think the time is here, if we want to have a united America that will try to solve the problems of Europe and Asia and stop the war between China and Japan and stop the war in Germany and Italy and England and all of the other countries, we must have a man in America that the Americans have faith in; we must have a man in America that the foreign countries have faith in, or we are going to lose the very position that you would like to have us in—the position of respect we desire among all nations of the world.

Miss SUMNER of Illinois. Well, I do not trust any man too far, as you know [laughter and applause], but I think that after election the Congress chosen by the people of the United States might form a nonpartisan board for that purpose, appointed by whomever shall be President.

Mr. RICH. Well, I think that is a good suggestion. Whoever is elected in November, as much as I think about some people that might be elected, I will say that it is our duty to bite our lips, get together, both Democrats and Republicans, and say that we are Americans first, and do anything we can to protect our Constitution, our country, and our people.

However, we are coming to the time when there will be an election, and I say right here that I am not for one certain man for President.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. PIERCE. I want to know if the gentleman really knows what is going on in the world. I want to know if the gentleman has read Mein Kampf, Hitler's own book. Has he read what Hitler is doing; what Hitler is attempting to do; what he says he is going to do? Does the gentleman know anything about it? He does not talk as if he did.

Mr. RICH. I may say to the gentleman from Oregon that Mr. Hitler never took me into his confidence; he never told me what he was going to do, and I do not think he will ever do all he says he will do in his book. I do not think he can do it, if you mean he is coming over next to bottle us here in America.

Mr. PIERCE. The gentleman speaks as if he did not know what was going on in the world, or what Hitler has said.

Mr. RICH. I would not put any faith in that. I have no faith in any statement he makes. But I can tell the gentleman very positively I am never going to salute "heil Hitler," nor am I going to salute "heil Roosevelt." I will be shot first. [Applause.]

Mr. PIERCE. The gentleman just does not know what is going on in the world.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The SPEAKER pro tempore [Mr. McCORMACK]. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. MICHENER. I may say to the gentleman from Pennsylvania that over the radio this morning I heard a program of questions to Mr. Willkie and what Mr. Willkie had to say in answer concerning his attitude toward the war. That program went out over a national hook-up. Later in the day I shall ask unanimous consent to extend my remarks by including that statement, and may I ask the House——

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Not just now; may I ask the membership, if they did not hear that broadcast, to read the statement which I shall insert in the RECORD if permitted to do so?

Mr. RICH. I know Mr. Willkie is going to keep us out of war if he is elected President of the United States. I know he, if elected President of the United States, will use his every effort to bring about peace between nations. He will help all classes in this country, he will help the farmer, the laboring man, everybody in America, and spread abroad through this land the spirit of living under, abiding by, and living up to the Constitution of the United States. Mr. Willkie is going to be the man who will insure the continuance of freedom of speech, freedom of the press, and freedom of religion. And after the election we are all going to get together and help Mr. Willkie cement us together in the bonds of brotherly love so that we shall not only be able to help America but because of the position Mr. Willkie will have attained by that time he will be able to settle the differences of countries all over the world. Peace will come again to the nations on earth, happiness will abound everywhere, and the God of Heaven will reign eternally. [Applause.]

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. Mr. Speaker, of all the optimists of whom I have ever heard, the distinguished gentleman from Pennsylvania [Mr. RICH] is entitled to the blue ribbon when he stands here on this floor and tells you that Wendell L. Willkie, if, when, and provided this country should ever experience the calamity of having him for President, would inspire confidence, spread prosperity, and promote the peace of mankind. [Applause.]

The gentleman from Michigan [Mr. MICHENER] said he would place in the RECORD later a statement his candidate made as to what he proposed to do—if elected. If he heard Mr. Willkie say anything about what he intended to do, I advise him to put it in the RECORD now, before Mr. Willkie changes his mind or reads another speech written by somebody else. [Applause.]

I have heard with amazement, and read with confusion, the speeches delivered by Mr. Willkie on his western swing. I do not believe I have read anything or heard anything to compare with it since Don Quixote, with his wooden sword and paper crown, marched across the plains of western Europe to fight the windmills and the funeral processions with which he came in contact. There has not been such a spectacle in a national campaign since Andrew Gump made his famous bid for the Presidency a few years ago. [Laughter.]

Like Andrew Gump, Mr. Willkie seems to be all things to all men. He went out West and told the farmers he was going to lower the taxes on their lands. If he was serious when he made, or read that speech, which must have been written in New York, because anybody outside of Wall Street would have known that the President of the United States could not have anything to do with the taxes on the farmers' lands. [Applause.] If he was serious when he made, or read, that statement, he showed his ignorance of the farmers' problems. If he was not serious, he showed contempt for the farmers' intelligence.

He talks about democracy, after having been connected with one of the greatest monopolies in the country—one that has been engaged in breaking down our democracy for the last 20 years.

He talks about freedom of the press, after the utility of which he was the head went down to Chattanooga, Tenn., and used the money wrung from the helpless users of electricity to destroy a local newspaper because it was appealing for justice for the power consumers in the Tennessee Valley area.

Freedom of the press. He is evidently for freedom of the utility-controlled press only.

He stood before the farmers of Indiana and waved a receipt for his electric light and power bill and said his bill was too high, that the Rural Electrification Administration was overcharging him. He was at that moment advertising to the people of Indiana the fact that they never would have had electricity on the farms of that State if it had not been for the Rural Electrification Administration created by the Roosevelt administration. [Applause.]

He tells you he is for rural electrification. When did he get that way? I am one man in this House who can give you some evidence of his activities with reference to rural electrification. In my opinion, he is rural electrification's public enemy No. 1. The Commonwealth & Southern, of which he was the head, owns the Mississippi Power Co. That company built one short rural power line in the county in which I live—Lee County, Miss.—and they charged the farmers $3.25 a month "line charge," whether they used any electricity at all or not, and then charged 5 cents a kilowatt-hour for the electricity used. That made 25 kilowatt-hours of electricity a month cost a farmer on that line $4.50.

Our cooperative power association bought that line and is now charging $1.00 for 25 kilowatt-hours a month, and 25 cents of that $1.00 goes to help pay for the line, making 25 kilowatt-hours of electricity a month cost him 75 cents instead of $4.50, the amount charged by the Willkie utility when these farmers had no way of protecting themselves.

Remember it is the same line, the same farmer, and the same power. At that time the Commonwealth & Southern was buying this power wholesale from the Government at Muscle Shoals at 2 mills a kilowatt-hour, under a contract made with the Republican administration, but when a farmer on this line got 25 kilowatt-hours of it he paid Mr. Willkie's company $4.50.

Now the cooperative power association is buying this same Muscle Shoals power wholesale from the T. V. A. at 5.5 mills a kilowatt-hour, and the same farmer on the same line gets 25 kilowatt-hours a month for 75 cents instead of $4.50—or just exactly one-sixth of what he paid the Willkie company for it.

And I might add that his companies tried to kill off rural electrification by building spite lines as interferences until the farmers in some sections took their shotguns and ran the men who were building those spite lines off their lands.

Mr. Willkie stood on the banks of the Columbia River a few days ago and tried to lead the people of Oregon and Washington to believe that he was in favor of public power, after trying all these years to destroy the T. V. A., the greatest weapon the American people have ever had for their protection against the extortionate overcharges the private power companies have been exacting for electric energy.

Mr. Willkie pretends that he reduced light and power rates in the T. V. A. area, when as a matter of fact his companies never reduced rates in that section until the competition of the T. V. A. compelled them to do so; and they never reduced them elsewhere until the publication of the T. V. A. yardstick rates showed the people what electricity was worth, and an aroused public opinion forced them to lower their rates to keep down competition.

Mr. Willkie talks about common honesty in his attacks on the Roosevelt administration. In his speech at Seattle, Wash., he said:

> Nowadays it is about as hard to start a new business as it is to rob a bank, and the risks of going to jail are about as great in both cases.

The only new business organized in recent years with which Mr. Willkie has been connected that I know anything about, was the superholding company known as the Commonwealth & Southern. Every man connected with the gigantic fraud that was committed when that company was organized probably ought to have gone to jail.

According to the report of the Federal Trade Commission, it was one of the most brazen acts of its kind every committed. Was Mr. Willkie one of the guilty parties? We will let the record speak.

The record of the Federal Trade Commission shows that in February 1930 the Commonwealth & Southern was formed by the merger of four small companies, the Allied Power & Light Corporation, the Penn-Ohio Edison Co., the Commonwealth Power Corporation, and the Southeastern Power & Light Co.

The day those corporations were merged into the new Commonwealth & Southern the ledger value of their securities amounted to $340,896,260.27. They were placed on the books of the new Commonwealth & Southern Corporation, that same day, at $872,101,832.19, or a write-up of $531,205,571.92.

What did that extra $531,205,571.92 represent? It represented wind, water, and Power Trust rascality!

Do not take my word concerning this diabolical transaction, but let the record speak. I quote from the report of the Federal Trade Commission, which investigated this proposition:

> A table showing the ledger value of securities owned by each of the merged companies at the date of merger, and ledger values of the same securities as shown by the records of the Commonwealth & Southern Corporation on the same date, is presented below:

	Ledger value of securities owned as shown by books of—		Appreciation
	Merged companies	Commonwealth & Southern Corporation	
1	2	3	4
Allied Power & Light Corporation	$3,573,997.65	$21,583,038.35	$18,009,040.70
Penn-Ohio Edison Co	47,301,400.22	107,341,619.23	60,040,219.01
Commonwealth Power Corporation	89,742,899.05	372,234,258.32	282,491,359.27
Southeastern Power & Light Co	200,277,963.35	370,942,916.29	170,664,952.94
Total	340,896,260.27	872,101,832.19	531,205,571.92

> The total difference shown in column 4 of the table, in the amount of $531,205,571.92, represents the appreciation in ledger values of the securities formerly owned by the four merged or consolidated companies as valued on the books of the Commonwealth & Southern Corporation immediately after the merger.

With one stroke of the pen they inflated those values $531,205,571.92, and then proceeded to sell securities against those inflated valuations. That is what they call thievery within the law.

While Mr. Willkie and his cohorts are clamoring for law enforcement, why not enforce the law against using the mails to defraud? Every time an official, an attorney, an agent, or a representative of the Commonwealth & Southern wrote a letter, a circular, or a postal card to induce people to buy stock in the Commonwealth & Southern, or to invest in its securities in any way, with this $531,000,000 of water in its capital structure, and sent it through the mail, they violated the laws against using the mails to defraud.

The Attorney General of the United States should investigate this proposition thoroughly, and enforce the law just as rigorously against these utility racketeers as he would enforce it against the misguided individual who uses the mails to swindle his neighbor out of a few dollars.

Shall we continue the prosecution of Hopson for using the mails to defraud in connection with the misconduct of the Associated Gas & Electric Co. and at the same time permit the ones who perpetrated this gigantic steal to escape?

Our Government is being destroyed from within by these vast monopolies that disregard human rights, disregard the laws of the land in the perpetration of such misconduct, as well as by their wholesale robbery of the unprotected public.

Now let us look back of this Commonwealth & Southern and see what we find. As I said, the formation of the Commonwealth & Southern resulted from the consolidation of the four holding companies listed in the Federal Trade Commission's report. The Penn-Ohio Edison was a holding company incorporated in 1923 under the laws of Delaware. This holding company owned all the common stock of six operating companies and 99 percent of the common stock of the Northern Ohio Power & Light Co.

These operating companies then supplied power to 800,000 people in northeastern Ohio and western Pennsylvania, and included service to such principal cities as Akron, Youngstown, Salem, Ohio, and Sharon in Pennsylvania. The operation of these companies was contracted and placed under the supervision of the Allied Power & Light Corporation.

The Commonwealth Power Co. was also a holding company incorporated under the Maine laws in 1922. Its operating subsidiaries then served 621 communities, with an estimated

population exceeding 2,360,000 located in Michigan, Illinois, Indiana, Ohio, Tennessee, and Georgia. The Michigan operations were conducted by two major operating companies, namely, the Consumers Power Co. and the Southern Michigan Light & Power, and covered about 345 cities and towns with a population exceeding 1,525,000.

The Illinois properties then consisted of three operating companies, namely, the Central Illinois Light, Illinois Power, and the Illinois Electric Power Co. The first two companies served 48 cities, with a population exceeding 250,000, and included such large cities as Peoria and Springfield. In Springfield, Mr. Willkie's company operates in competition with Springfield's municipal plant and has had to meet the competition of the public-plant rates. The Illinois Electric Power Co. was a generating company wholesaling to the Illinois properties and to foreign private companies. The Indiana operations of the Commonwealth were carried on by the Southern Indiana Operating Co., centering around Evansville and reaching a territory with population in excess of 125,000.

The Ohio operations of the Commonwealth Co. were conducted by the Ohio Edison Co., which served 45 communities with population exceeding 105,000, in and around Springfield.

The Commonwealth Power Co. in 1925 acquired the Tennessee Electric Power Co. Tennessee Electric Power Co. then served 139 communities in Tennessee and 5 in northern Georgia and wholesaled to other private companies servicing over 100 communities in eastern Tennessee. The population of the communities directly served by Tennessee Electric Power Co. exceeded 375,000. This original Commonwealth Co. formed the backbone of the property later sold to the T. V. A. In addition to these holding and operating companies, Commonwealth operated through the Utilities Coal Corporation coal mines in Illinois and Kentucky.

The Southeastern Power & Light was also a holding company formed in 1924 to acquire the Alabama Power Co., Southeastern Fuel Co., Georgia Power Co., South Carolina Power Co., Mississippi Power Co., the Gulf Power Co., and the Gulf Electric Co. These subsidiaries at the time of the merger served 868 communities and a population of approximately 5,000,000. The object of this organization was to get control of the power to be generated at Muscle Shoals.

The Allied Power & Light was a combined holding, engineering, construction, and supervising company. It was formed in 1928 by acquiring the business and contracts of Hodenpyl, Hardy & Co., and Stevens & Wood, and handled all the engineering, construction, and supervision for all the original Commonwealth properties and the Penn-Ohio Edison.

WILLKIE'S BACKGROUND

I trust that you have followed closely the dates of the above mergers so that we can compare Mr. Willkie's own statement of experience, as given in Who's Who. After a short tenure with the Firestone Rubber Co., in a subordinate legal position in 1919, Mr. Willkie joined the Akron law firm of Mather & Nesbit in 1919, which connection he continued until 1929. This firm were the attorneys for the Ohio Edison. In those early holding-company days, the principal work of the local attorneys was lobbying before legislatures and regulatory bodies, franchise renewals, and rate fixing.

In 1927 and 1928 Mr. Willkie was lobbying at the National Capital against the Walsh investigation resolution, and assisting Weadock, who represented the National Electric Light Association in opposing that resolution. One of the briefs filed before the Senate committee in opposition to the Walsh resolution was prepared by Mather, Nesbit & Willkie, attorneys for the Ohio utility. Remember this was the resolution under which the Federal Trade Commission was operating when it uncovered the rascality perpetrated in the organization of the Commonwealth & Southern in which more than $531,000,000 of water was poured into the capital structure.

In 1929 Mr. Willkie moved to New York to become associated with his old N. E. L. A. associate, Mr. Weadock, in the firm of Weadock and Willkie, general counsel of the Commonwealth & Southern. The records indicate that this firm's only client was Commonwealth & Southern. Mr. Willkie's New York firm continued in this capacity until Mr. Willkie was elected president of the Commonwealth & Southern in 1933.

The Commonwealth & Southern was a Morgan-Bonbright creation. The New York Times of May 24, 1933, shows that George H. Howard, one of the Commonwealth & Southern directors was a ground-floor participant in the stock-market cuts of J. P. Morgan & Co. It will be remembered that friends of J. P. Morgan were given blocks of stock below the market price. Anyone interested in this phase of manipulation can brush up by reading the long record of the 1933 Senate banking investigation.

Anyone with realistic information on corporate practice knows that all political, public policy, financial, and franchise matters are handled by a corporation's legal counsel. The corporation counsel in one of these useless holding companies is the assistant chief of staff, who is supposed to guide the financial big shots so that thievery within the law can be accomplished without interference.

From 1919 up to the Republican convention of 1940, Mr. Willkie's entire experience (except a short initial interval with Firestone) was with the legal staff of Commonwealth & Southern and predecessor companies. He was a part of this legal staff when all these mergers and manipulations took place. At no time was he connected directly with the actual operations, or the task of making the wheels go around. The actual operation of the properties with which Mr. Willkie was associated, were handled by Hodenpyl & Hardy, Stevens and Wood, and the Allied Power, and since the dissolution of the engineering adjuncts, this phase of Commonwealth & Southern business has been handled by the operating men in these two organizations and those who came over with the Commonwealth merger.

Mr. Willkie's entire utility background—and that is the sum total of his business experience—has been in the field of legal legerdemain. He was in the set-up as an assistant chief of staff and chief of staff, during all the manipulations of the Commonwealth & Southern and its predecessors for the last 20 years. In spite of General Johnson's assertion, Mr. Willkie was in the picture when Penn-Ohio Edison was formed in 1923, and when Penn-Ohio Edison was a component in the assembly of the Commonwealth & Southern in 1929.

WATERED SECURITIES

As I have pointed out, at the time the Commonwealth & Southern was formed, the ledger value—book property account—of the companies forming the combine was $340,896,260.19. This value, according to the Federal Trade Commission, had been previously written up in the 1922–23 and succeeding combinations. Prior write ups were found by the Federal Trade Commission, but the total prior write ups can only be reached by estimate. The "per customer ledger value" of the four holding companies going in the Commonwealth & Southern combination indicates a write up of around $38 per customer. The first full year's report of the Commonwealth & Southern shows 1,053,759 electric consumers. Therefore, by such an estimate the prior write up was at least $40,000,000. This is a conservative estimate as it neglects the gas, ice, transportation, and water properties.

In addition to these prior write ups an actual audit of the books of the Commonwealth & Southern by the Federal Trade Commission discloses another write up, as I said, of $531,205,572 in the formation of the giant holding company known as the Commonwealth & Southern, which serves, or is served by, a population of nearly 10,000,000. Against these write ups new securities were issued and sold. The 1930 report of the Commonwealth & Southern sets out the plant account as $1,032,252,068, and securities outstanding, plus current debt, as $1.005 per $1 of ledger value—the ledger securities outstanding and the plant value for balance-sheet purposes were practically the same.

Exclusive of the funded and current debt and preferred stock of the subsidiaries, the balance sheet shows the holding company issuing and selling $150,000,000 of $6 no par

preferred stock, $51,900,000 of Commonwealth & Southern debt obligations, 33,673,328 shares of common stock and 17,588,956 common-stock option warrants.

As is known by those familiar with holding-company manipulations, the control of the common stock of the subsidiaries is the key step in the formation of a superholding company. Accordingly in the first half of 1929, with the panic in sight, the insiders of Morgan & Co. and Bonbright started the Commonwealth & Southern vehicle upon which the public was to take an inglorious ride. The gas which started this vehicle was $15,000,000 of Bonbright cash and $13,000,000 of Morgan cash, borrowed from two Morgan utilities. This and something like $15,000,000 other cash was used to buy up substantial amounts of the common stock of the three major underlying holding companies. This initial control stock was purchased by the insiders at $19 per share.

With the common stocks in their possession, the inside manipulators then commenced negotiations to trade the remaining common shares of the underlying holding companies for Commonwealth & Southern shares at a price which ranged from $24 to $24.40 per share. The next month Commonwealth & Southern shares were placed on the New York curb market and daily transactions ran into hundreds of thousands. Nine days after listing, trading in Commonwealth & Southern shares exceeded the million mark. The ride was on and the reluctant share owners of the subsidiaries rushed in to trade the remaining subsidiary shares for proposed Commonwealth & Southern common. This is how Commonwealth & Southern was formed and the public was coaxed for a ride. In 22 days the vehicle had been created, the insiders had a $15,000,000 profit on the original shares and the investing public had climbed aboard. By October 1929, Commonwealth & Southern common reached nearly $25 per share.

As bait, over 17,000,000 shares of option shares were issued at $30 per share. The traders advised that the shares would reach $50 by the end of the year. The shameful fraud of this stock-jobbing manipulation can be shown by a few simple figures.

The 33,673,328 common shares at, say, $25 a share represent $840,000,000. At $50 a share, anticipated, this common would represent $1,680,000,000. The 17,588,956 options at the issuing price represent $527,000,000. On top of these huge amounts were $916,000,000 of Commonwealth & Southern and subsidiary bonds, preferred stocks, and other obligations, such as customers' deposits, and so forth. Think of the fantasy of a paper value of $2,283,000,000 to $3,123,000,000 for a legitimate ledger value of only about $301,000,000—actual ledger value—of subsidiaries of the Commonwealth & Southern, less prior write ups, or $340,896,260.27 at the time the company was formed. I would like to ask Mr. Willkie what the rates would have to be to support such a capital structure which his inside friends and employers erected in 1929.

Did they use the mails to defraud in selling their watered stocks against these inflated values?

Today the options are worthless.

Mr. Willkie in his last balance sheet placed the common at $168,366,640, or $5 per share. The market value of the common share is now around $1.25, or $42,000,000. The paper stock and option write down amounted to one and three tenths billion dollars. The investors became victims. Weadock and Willkie were assistant chiefs of staff during the time of the transactions.

Even with the write down on 33,000,000 shares of common to $5, the electric book value per customer of the Commonwealth & Southern is $672 per customer. When Mr. Willkie took over the presidency of Commonwealth & Southern, the company had the second highest per-customer valuation in the country. The per-customer reduction from $833 in 1930 to $672 in 1938 arose not from any substantial lowering of capitalization but from taking on more customers.

Compare these figures with $303 for Insull's Commonwealth Edison, and $264 for all the public municipal plants in America. If Mr. Willkie's company had been efficiently operated financially, as the average public plant in America, it would have $550,000,000 less securities outstanding. Tacoma, Washington, has an outstanding debt of $123.50 per customer. The average American municipal plant has, through amortization, an outstanding debt of only $94 per customer. Mr. Willkie's company in spite of stock write downs, still has securities outstanding in excess of $670 per customer.

All the magazine talk of Mr. Willkie's rate-reducing policies is pure "hokum." The only way that he can reduce his company's rates to the T. V. A. yardstick level is by putting the Commonwealth & Southern through the wringer and squeezing the water out of its capital structure. Any intelligent person knows that it is impossible for Mr. Willkie's company to reach Tacoma rate levels with $670 per customer of securities outstanding, compared with $123.50 for Tacoma. To argue otherwise is willful deceit. But it can be done by squeezing the water out of the capital structure and eliminating the waste, graft, and extravagance.

WILLKIE'S OVERCHARGE

In the year 1938, before the T. V. A. sale, Willkie's companies overcharged their electric consumers $60,510,000 per year based on Tacoma rates. The details of these overcharges are given in the following table:

Overcharges of subsidiaries of Commonwealth & Southern for different classes of service, calendar year 1938, based on Tacoma's filed tariffs

Operating company	State	Residential overcharges	Commercial and industrial overcharges	Highway and street lights, etc.	Other utilities and railroads	Total
Alabama Power Co	Alabama	$2,190,000	$4,865,000	$218,000	[1] $243,000	$7,030,000
Georgia Power Co	Georgia	3,310,000	7,231,200	455,000	[1] 706,000	10,290,200
Tennessee Electric Power Co	Tennessee	2,325,000	3,810,100	159,000	368,000	6,662,100
Consumers Power Co	Michigan	5,635,000	8,763,500	561,000	220,100	15,179,600
Ohio Edison Co	Ohio	3,312,000	4,515,600	356,000	754,000	8,937,600
South Carolina Power Co	South Carolina	578,000	987,300	70,900	[1] 34,900	1,601,300
Central Illinois Light Co	Illinois	1,044,000	1,812,100	293,500	168,000	3,317,600
Gulf Power Co	Florida	379,000	498,200	35,050		912,250
Pennsylvania Power Co	Pennsylvania	854,000	1,171,800	120,800	74,200	2,220,800
Mississippi Power Co	Mississippi	650,000	1,900,000	316,500	91,400	2,957,900
Southern Indiana Gas & Electric	Indiana	589,000	768,000	69,800	[1] 26,150	1,400,650
Total		20,866,000	36,322,800	2,655,550	665,650	60,510,000

[1] Below Tacoma average rate +.

In spite of these rate overcharges, Mr. Willkie operated his companies from 1933 to date by reducing guaranteed dividends on preferred stocks. Up to the date of the Republican convention, Mr. Willkie's company was in arrears to his Commonwealth & Southern preferred stockholders $16.50 per share, or $24,800,000 on 1,500,000 shares. He was only able to keep his head above water by taking $24,800,000 from his preferred stockholders and writing down the common stock from the original sale price of $24 a share to less than $5 a share, or $19 a share on 33,673,328 shares, which represents a loss to them of $640,000, and it has now dropped to $1.25 a share, as the daily market reports show.

With this record of Mr. Willkie's, and the record of the forces with which he trains before us, I find it impossible to follow the optimistic gentleman from Pennsylvania [Mr. RICH] when he tells us that Mr. Willkie is the man to elect

President of the United States if we want to inspire confidence, spread prosperity, and restore the peace and happiness of mankind. [Applause.]

TRANSFERRING OF JURISDICTION OF ARLINGTON FARM TO WAR DEPARTMENT AND DEPARTMENT OF THE INTERIOR

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4107, to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdiction of the War Department and the Department of the Interior, and for other purposes, with House amendments, insist on the House amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. JONES]?

Mr. RICH. Mr. Speaker, reserving the right to object, what property does this bill transfer?

Mr. JONES of Texas. This involves the Arlington Farm over across the river.

Mr. RICH. You are transferring it where?

Mr. JONES of Texas. To the War Department.

Mr. RICH. Is that for the duration of the war?

Mr. JONES of Texas. No. They are using part of it now.

Mr. RICH. Is that where they are building the camp on this side of Arlington Cemetery?

Mr. JONES of Texas. I understand they have stationed some soldiers there.

Mr. RICH. We are taking that land which was formerly a farm experimental station and now building an Army camp on it?

Mr. JONES of Texas. They are going to use it for that purpose and for protection purposes for the bridge and for the city.

Mr. RICH. Is it going to cost the Federal Government anything to make that transfer?

Mr. JONES of Texas. It is going to cost the Federal Government nothing to make the transfer. There will be a provision and has been provision in a bill for the purchase of other areas for the work of the farm that is now being done there and for some adjacent land that will be purchased.

Mr. RICH. I understand we have between here and Baltimore great areas of land which are now used by these experimental stations. Why is it necessary to have additional land for that purpose? Especially near the District of Columbia line, where land is so expensive.

Mr. JONES of Texas. This particular organization tests the new plants and seeds that have been brought in here to see that no pests and no diseases are transmitted to various parts of the country. They do a very fine work in protecting the country against the importation of diseases that might affect plants. They have done a great deal of exceptionally good work. There is some work that has been done in various sections of the country that I might question the benefit of, but not the work of this organization.

Mr. RICH. I think the particular thing they are trying to do is fine, but I question very much, with the acreage that the Agriculture Department has in close proximity to Washington, whether we ought to go out now and buy additional land.

Mr. JONES of Texas. They claim they have no available land nearby, and this must be nearby for the particular purpose they use it. As a matter of fact, may I say to the gentleman, that the Department of Agriculture is not anxious to have this done. They prefer to keep it, but the Army thinks this is a desirable place to have men stationed for the protection of the bridge and for the protection of the city.

Mr. RICH. I am not interested in embarrassing the Army or the Department of Agriculture, but I think the Federal Government is going out and buying entirely too much land. It owns too much ground now. It is getting into business of all kinds. After a while there will not be an opportunity for the individuals of this country. We are just socializing the country, making it a communistic nation.

Mr. JONES of Texas. The greater part of this is not for the buying of the land, but for the moving of the equipment and the establishment of the necessary buildings and stations to do the work.

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. I yield to the gentleman from Michigan.

Mr. ENGEL. Are they using this land to test the seed that is sent here by different States?

Mr. JONES of Texas. Plants and seeds brought in from different countries. Occasionally we must bring in seeds and plants from other countries, and they are brought in under the right to bring them in. They require them to be sent here and be tested so that diseases of plants will not scatter throughout the country. They also make tests to determine the suitability of plants for different sections of the country.

Mr. ENGEL. How many acres of land are they buying for this testing purpose?

Mr. JONES of Texas. I do not know.

Mr. ENGEL. How much an acre are they paying?

Mr. JONES of Texas. I do not believe they have actually located the land yet. This is just to make the fund available to duplicate their work and activities. I assume they will buy just such amount as will be necessary. I understand they have options on some land between Washington and Baltimore.

Mr. ENGEL. I imagine this land across the river here is worth $1,000 an acre.

Mr. JONES of Texas. Yes. They will not pay anything like the price that land would bring for the new land, so they assure me.

Mr. ENGEL. Why should they not go out a distance where they could get land more reasonably?

Mr. JONES of Texas. They are going to be some distance farther away, but it is necessary to have it near the city as a matter of saving expense of operation.

Mr. ENGEL. Could the gentleman obtain the information for the RECORD as to the number of acres and how much they are paying per acre for this land they expect to buy?

Mr. JONES of Texas. I understand they have an option on a 700-acre tract a few miles out of Washington—about 700 acres—at an average price of approximately $300 per acre. That is the substance of the information that I have been furnished. That is the land that will probably be procured.

Mr. ENGEL. How many acres did they say they wanted to buy?

Mr. JONES of Texas. I do not know that they have actually determined that. I believe they said they needed between 400 and 700 acres of land. Perhaps it would be necessary to purchase a small amount more in order to secure the proper type.

Mr. ENGEL. How much of an appropriation are they authorized to have for this purpose?

Mr. JONES of Texas. The total appropriation for the moving, the construction of the buildings, the purchase of the land, and the furnishing of the essential equipment is $3,000,000.

Mr. ENGEL. How much of that did they say in the hearings—there were hearings, I assume—was for the purchase of this 600 acres of land?

Mr. JONES of Texas. They did not give the exact figures, although it is my understanding that much less than a third of it will be used for the purchase of land. I am not qualified to give the gentleman any specific assurance on it except that they said the land was not by any means the chief element of cost.

Mr. ENGEL. Does the gentleman mean to say that a third of $3,000,000 is going to be used to buy 600 acres?

Mr. JONES of Texas. No. I do not have the information and I do not believe they have, because they do not know just what land they will ultimately secure. However, I think they will probably obtain the land on which they now have an option.

Mr. ENGEL. The reason I am asking is that one of the departments came before our committee with a proposal to spend $1,200 an acre for cemetery land. We turned it down, and they paid $800 an acre for it. I am afraid we are having the same proposition here.

Mr. JONES of Texas. That particular thing is not going to be done by this organization.

Mr. ENGEL. It will have to come before the Appropriations Committee for the money, and justify the appropriation?

Mr. JONES of Texas. Certainly, they will have to get the appropriation.

Mr. KEAN. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. I yield to the gentleman from New Jersey.

Mr. KEAN. This is a bill that was on the Consent Calendar last week?

Mr. JONES of Texas. Yes; it was passed last week.

Mr. KEAN. Was there not a larger authorization than $3,000,000? It seems to me there were two authorizations, for $8,000,000, I believe.

Mr. JONES of Texas. The gentleman was asking only about the appropriation for the purchases of new properties and equipment, the new properties for the experiment farm and station. There is an additional authorization for the purchase of the adjacent properties over there which the War Department will need, including the old Washington-Hoover Airport, and which are also needed to prevent the erection of buildings which would interfere with the landing field at the new airport.

Mr. KEAN. So the total authorizations are about $8,000,000?

Mr. JONES of Texas. The total authorization for the purchase of land is $5,000,000 for the War Department.

Mr. KEAN. Can the gentleman tell me whether the Senate changed these figures?

Mr. JONES of Texas. No; the Senate left the figures as they are. They simply disagreed to the House amendments. The gentleman recalls that we took out the provision for the National Parks Service and put in the bill a provision that if enough of the land was not needed to enable the Department of Agriculture to continue there they should continue without purchasing the new land. It does not direct the purchase of the new land, but conditions it upon the need of the War Department for the present site. In other words, the House safeguarded the provision of the authorization by providing that they should use it only in the event the Army found it necessary to use so much of the land that it could not be continued for experimental purposes.

Mr. ENGEL. Mr. Speaker, will the gentleman yield further?

Mr. JONES of Texas. I yield to the gentleman from Michigan.

Mr. ENGEL. Does the Department have authority either in this bill or in general law to take land through condemnation proceedings in case the owners ask more for the land than the land is worth?

Mr. JONES of Texas. I understand they can do that for any public purpose. They have general authority on that.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. I yield to the gentleman from Pennsylvania.

Mr. RICH. I wish to say here that there is no one in the House of whom I think more of than the gentleman from Texas, who has charge of agricultural legislation, but I want to ask the gentleman this question. If we are going to do this experimental work, why do we have to have a farm so close to the District of Columbia? Just 10 to 15 miles from here the Department of Agriculture has thousands of acres of land. Why could not that land be used?

Mr. JONES of Texas. Where do they have those thousands of acres near here?

Mr. RICH. Between here and Baltimore, about 10 or 15 miles out on the road to Baltimore.

Mr. JONES of Texas. I understand that the land they own anywhere near Washington is already being used. As I stated to the gentleman, I do not undertake to defend every particular type of experimentation that may be carried on throughout the country, but this particular work is national work and it is for the protection of the entire Nation.

Mr. RICH. We want the work to go on, but I say this now, let us get down to brass tacks. If the gentleman will use his influence to get the Department of Agriculture to put this experimental station on this land within 10 miles of the District line, we can save spending $2,500 an acre for ground over here that they may buy, and perhaps it will cost $5,000 an acre. This country cannot afford to buy land at that price as a farm and nobody knows it better than the gentleman from Texas.

[Here the gavel fell.]

Mr. JONES of Texas. I will state to the gentleman that we went over this very thoroughly and questioned them very closely about the necessity of acquiring the land and also urged upon them the necessity of going a little farther out and buying land on a much cheaper basis, and I want to assure the gentleman that I am in thorough accord with that sentiment. I do not want them to pay $1 more than is essential, but I do want this particular work, which protects the entire country, to be continued.

Mr. RICH. If the gentleman will try his best with the Department of Agriculture I am sure he will see that within a year they will be using its experimental station on the Baltimore Pike, within 10 to 15 miles of the District, for this particular purpose, and we will not buy this ground at $2,500 an acre.

Mr. JONES of Texas. If they can use that land or a part of it I shall certainly be anxious for them to do it and I shall urge them to do it.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. STEFAN. Has the gentleman fully determined that this land is going to cost $2,500 an acre?

Mr. JONES of Texas. Oh, no; I do not believe the land they will purchase will cost anything like that amount. It is the extra land over here that the War Department wants that may cost a considerable sum, but that is for military purposes and for protection of the city of Washington and, certainly, in the light of modern warfare we do need some protection here.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none and appoints the following conferees: Mr. JONES of Texas, Mr. FULMER, and Mr. HOPE.

TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON

The SPEAKER. Pursuant to the provisions of Public Resolution 100, Seventy-sixth Congress, the Chair appoints as members of the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson the following Members of the House: Mr. SMITH of Virginia, Mr. BLOOM of New York, Mr. COX of Georgia, and Mr. CULKIN of New York.

EXTENSION OF REMARKS

Mr. COOPER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief article from the Commercial Appeal, of Memphis, Tenn., which gives a very clear and concise statement with respect to the excess-profits-tax bill recently passed; and allow me to suggest that Members desiring a clear, concise, and brief statement on that measure will be interested in reading this article.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THE UNITED STATES AND THE EUROPEAN WAR

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Speaker, a remarkable interview with the new Japanese foreign minister, obtained by Larry Smith, International News Service correspondent, is carried in the Washington Times-Herald and other newspapers today.

In this interview the foreign minister, Matsuoka, asserts that Japan is ready to fight if the United States insists on

the status quo in Asia, or if the United States enters the European war.

Many of us in this House have repeatedly warned that the "meddling" policies of President Roosevelt and Secretary of State Hull gravely endanger the peace of this Nation. The statements of the Japanese foreign minister are simply added evidence of the possible disastrous consequences of the war policy of the Roosevelt administration—a policy which has been marked by undiplomatic utterances, denunciation of powers with whom we are at peace, inviting war while we are totally unprepared.

I do not know that there is anything Congress can do about this unfortunate situation. Certainly in its present frame of mind it will never vote for a declaration of war; but, in common with many of my colleagues on both sides of the aisle, I am apprehensive that the President and his Secretary of State will, by hook or crook, bring about an incident that will make America's entrance into the war inevitable.

I am as firmly convinced as I can possibly be of anything that if Mr. Roosevelt is reelected President of the United States we will assuredly go into this war as we went into the first World War following the election of Woodrow Wilson. Indeed, I am not so sure that this administration is not prepared to plunge the country into war before election if that becomes necessary for the success of the third term.

Politicians may prate about being opposed to war, but what credence can we place in any such pledges when they emanate from individuals who have repeatedly broken their solemn pledges? It is most disagreeable to have to make a statement like this concerning the Chief Executive of our country, but I am afraid that we are going to war, maybe before election. I am satisfied that we are going to get into it immediately following the election.

[Here the gavel fell.]

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. Does not the gentleman think by reason of his long experience here in Congress, and the gentleman has served here as long and as honorably as any Member of Congress, that the sentiment in the country is overwhelmingly in favor of Congress remaining close to the Capitol?

Mr. KNUTSON. Oh, absolutely.

Mr. JENKINS of Ohio. Does not the gentleman believe that the reason for that is that the people believe what the gentleman has said, that the President is certainly determined to carry the country into war?

Mr. KNUTSON. I think that sentiment is entertained by Democrats as well as by Republicans. Certainly, with the overwhelming Democratic majority in Congress, they could vote an adjournment any day they wanted to, but they do not want to do so, because they do not want to see the situation get out of hand.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, when a Member of Congress—and I respect the gentleman profoundly—makes a serious charge that has just been made by the gentleman from Minnesota [Mr. KNUTSON], that charge cannot go by unchallenged and unanswered. The gentleman has a right to his own opinion but when he makes the charge that any President, no matter who that President may be, and in the present case President Roosevelt, "would plunge the United States into war for the purpose of reelection," I label that as a statement which is unworthy of anyone who is possessed of a mind which entertains respect for any man who is President of the United States. [Applause.]

I am not going to characterize the statements made by my friend, because I do not want to enter into intolerant debate. These are serious days. These times are too serious for men who are Americans, whether they be Republicans or Democrats, as far as party politics are concerned, to make statements that will tend to unnecessarily and incorrectly alarm the American people.

The gentleman from Minnesota [Mr. KNUTSON] has made a speech, and in that speech he has made statements which have as their objective or as their result the unnecessary alarming of the American people. What are we going to do in America? Are we going to sit idly by and permit the dictator nations of the world to gang up on us? Are we going to run away, from fear, as other nations did, as the leaders of other democracies in the world did, until they could not run any farther, or are we going to look at it from a realistic angle and make those preparations which in our own hearts and in our own minds we know are necessary, not only for defense but for peace?

In these trying days, I submit, we are not confronted with normal considerations. We cannot think in normal terms. We must think in terms of reaction—what other nations intend to do, and we must act in terms of reaction. With the knowledge we have that decency among nations and justice among nations is ignored by powerful nations, with the knowledge of other independent people unprepared being destroyed, with that knowledge, as the greatest democracy in the world, what is our duty? Is it our duty to run, from fear, or is it our duty to prepare a defense which will, of necessity, instill fear into the minds of the aggressor nations of the world?

I resent as vigorously as I can the charge made by any Member of this Congress, or any person, that any President of the United States would deliberately plunge this country into war for the purpose of reelection, and that statement of mine applies to a Republican President as well as to a Democratic President. [Applause.]

[Here the gavel fell.]

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendment of the House to the bill (S. 4270) entitled "An act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHEPPARD, Mr. THOMAS of Utah, Mr. OVERTON, Mr. AUSTIN, and Mr. GURNEY to be the conferees on the part of the Senate.

PERMISSION TO ADDRESS THE HOUSE

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

[Mr. VAN ZANDT addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein an editorial appearing in the Washington Star of last night by David Lawrence, having reference to a very unfortunate incident that occurred in my congressional district of Michigan this week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of Illinois. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a brief newspaper article dated Cleveland, October 3, by Mr. John T. Flynn.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short radio questionnaire broadcast this morning over a national hook-up, wherein Mr. Willkie states his position on war.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Mr. Speaker, I also ask unanimous consent that I may have further time to extend the remarks I made on the conscription bill on September 4, the remarks to appear the same as if this extension had not been necessary.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks by printing a short statement made by Bishop Leonard before the subcommittee of the Senate Judiciary Committee on Monday, September 30, 1940.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

NEW DEAL GOVERNMENT

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include therein a short letter from a constituent.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JOHNS. Mr. Speaker, I am not going to take the time of the House to read this letter I have here through a newspaper in my district, but I call it to your attention, and I want both Democrats and Republicans to look into this and help me prepare an answer for this man who has been a Democrat all his life.

This letter directed to me is reported in the Kewaunee Enterprise, a Democratic paper of 65 years' standing. It was published on Friday, September 27, 1940. The reason it is so important is because practically everybody in the United States is asking similar questions to the one this Democrat is asking of a Republican to answer for him. I appeal to all Members of the House, Democrats and Republicans, to help me answer this question.

The article referred to follows:

JUST LOOKING AROUND

(By John Read Karel)

DEAR CONGRESSMAN: We don't like to bother you, because we know you are busy with the defense program, the National Budget, and other important matters, but we're in a quandary and you told us to write to you when we had a very special quandary we were in.

Some time ago we talked to Mr. Lendved, the manager of our local telephone exchange, about a new telephone number for our office. He said he thought it could be arranged, which it was, and he has informed us that the new number will be in the fall telephone directory out next Tuesday.

This all seems simple so far, your honor, but here is where the quandary we are in comes in. Dast we change our telephone number, just like that, or is there a law? We have been reading the war and football news so much lately that we haven't paid much attention to what the New Deal is doing, and we certainly don't want to run afoul of any changes in the Constitution or Bill of Rights pertaining to changing a phone number.

We wouldn't bother you, Congressman, at a crucial time like this, but you're a businessman, too, and you know how it is. We might go right ahead and change our phone number, like folks have done for years and years. Then some day, just when we are getting used to it, we'll get a letter from a third assistant to the second assistant secretary of the S. E. C. or the N. B. R. P., Bureau of Fisheries, asking by what authority did we change our phone number and did we file Form 3–A under section 84 of the Revised Statutes.

Of course, we can write back politely and tell him we didn't know a person had to file Form 3–A to change a phone number. That won't work, your honor, and pretty soon six young college graduates with spectacles and hook noses will be prowling through our income-tax statements and our coal bills, on the theory that anybody who will change a phone number without permission will betray his country and rob the Treasury. Then there will be a letter from Madam Perkins, a public hearing, a Supreme Court decision, and—well, you know how it is, and maybe we were foolish to change our phone number in the first place.

Being right there at Washington, you might think we have got ourselves into this quandary without cause. But we remember that Kenosa shoemaker who almost went to jail because he was insulted by a Government clerk, and once a West Kewaunee farmer had six investigators with brief cases on his premises because he moved two fence posts without permission on Form 6–B under the A. A. A. Soil Conservation Act.

So we wish you would look into this right away, Congressman, because we would like to have our new phone number next Tuesday if it can be done without violating any laws or disturbing the Government right at this time when it has so many other important things to worry about.

We have other things to worry about too, your honor, and we would sure like to get out of this quandary because, the way things are going, there will be other quandaries after election and we don't want to keep on wondering whether our phone number is legal.

Your constituent,

J. R. K.

SOLDIERS AND SAILORS CIVIL RIGHTS' BILL OF 1940

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4207) to protect and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, with Senate amendments, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. THOMASON, COSTELLO, ARENDS, and HARNESS.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein a plan submitted by me to the General Staff of the Army suggesting the establishment of a mountain military training center for the intensive training of a small highly specialized force of the United States Army in the technique of operations in high altitude or in heavy snow or in both. I think this extension will probably somewhat exceed the usual limit. I have not an exact estimate on the cost, but it will probably exceed somewhat the limit. I ask unanimous consent that notwithstanding this I may be permitted to insert it in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HARTER of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Buffalo Evening News.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RECESS

The SPEAKER. Without objection, the House will stand in recess subject to the call of the Chair with the understanding that the bells will be rung 15 minutes previous to the reassembling of the House.

There was no objection.

Accordingly (at 1 o'clock and 27 minutes p. m.) the House stood in recess subject to the call of the Chair.

The recess having expired, the House was called to order by the Speaker at 2:12 o'clock.

VERDIE BARKER

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5053) for the relief of Verdie Barker and Fred Walter, with Senate amendments thereto, and to concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "$5,000" and insert "$2,000".
Page 1, line 8, strike out "$500" and insert "$200".

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. KENNEDY]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, as I understand it, the Senate reduced the amount allowed by the House?

Mr. KENNEDY of Maryland. That is correct.

Mr. MICHENER. And is the reduction satisfactory to the Member who introduced the bill in the House?

Mr. KENNEDY of Maryland. It is. I am making this request at the suggestion of the gentleman from Ohio [Mr. LEWIS].

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. KENNEDY]?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9980) entitled "An act to revise and codify the nationality laws of the United States into a comprehensive nationality code."

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title: H. R. 9972, an act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes.

SUPPLEMENTAL APPROPRIATIONS FOR SUPPORT OF GOVERNMENT, 1941

Mr. WOODRUM of Virginia submitted the following conference report on the bill, H. R. 10539, making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10539) "making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 22, 33, 40, 44, 45, 46, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 10, 12, 14, 15, 16, 17, 19, 20, 21, 26, 27, 28, 29, 31, 32, 36, 38, 39, 42, 54, 55, 56, 58, 60, 61, 62, 64, 65, 66, 67, 68, 69, and 70; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For an amount required to increase the compensation of the clerk of the Finance Committee of the Senate at the rate of $1,000 per annum so long as the position is held by the present incumbent, $750."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,400"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In the first line of the matter inserted by said amendment strike out the following: "(a)"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$83,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That nothing herein shall be construed to prohibit the National Labor Relations Board from obligating any part of such appropriation for carrying on any of the functions or duties specifically conferred upon it by the National Labor Relations Act or to repeal any provision of such Act."; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment to read as follows:

"Development of landing areas: For the construction, improvement, and repair of not to exceed two hundred and fifty public airports and other public landing areas in the United States and its territories and possessions, determined by the Administrator, with the approval of a Board composed of the Secretary of War, Secretary of the Navy and Secretary of Commerce, to be necessary for national defense, including areas essential for safe approaches and including the acquisition of land, $40,000,000, of which $2,000,000 shall be available for general administrative expenses, including the objects specified in section 204 of the Civil Aeronautics Act of 1938 and including engineering services and supervision of construction: *Provided*, That this appropriation shall not be construed as precluding the use of other appropriations available for any of the purposes for which this appropriation is made."

And the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Construction and repair: For an additional amount for the construction, repair, or rehabilitation of school, agency, hospital, or other buildings and utilities, including the purchase of furniture, furnishings, and equipment as follows:"

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: Strike out line 1 of the matter inserted by said amendment and insert in lieu thereof the following: "Fish and Wildlife Service"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,250"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$22,500"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$197,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: After the sum of "$412.50" in line 10 of the matter inserted by said amendment insert the following: ", together with such additional sum as may be necessary to pay costs and interest as specified in such judgment"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 11, 23, 24, 34, 37, 43, 48, and 59.

EDWARD T. TAYLOR,
C. A. WOODRUM,
CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
GEO. W. JOHNSON,
JOHN TABER,
W. P. LAMBERTSON,
Managers on the part of the House.

ALVA B. ADAMS,
CARTER GLASS,
KENNETH MCKELLAR,
CARL HAYDEN,
JAMES F. BYRNES,
FREDERICK HALE,
JOHN G. TOWNSEND, Jr.,
Managers on the part of the Senate.

Mr. WOODRUM of Virginia. Mr. Speaker, under the unanimous-consent request granted yesterday, I call up the conference report and ask recognition.

The SPEAKER. The gentleman from Virginia [Mr. WOODRUM] is recognized for 1 hour.

Mr. WOODRUM of Virginia. Mr. Speaker, the conference report which comes up now under unanimous consent is the last deficiency bill. This bill as it left the House carried $207,475,727.02 in cash and carried contract authorizations of $60,258,001. As it comes to the House in this conference report it is $228,132,013.35 cash, an increase of approximately $21,000,000 of direct appropriations, and $10,258,001 in contract authorizations, a decrease of $50,000,000 in contract authorizations under the House amount.

The money increase in the bill as contained in the conference report is accounted for by the fact that between the time the bill passed the House and the time it was acted on in the Senate, additional Budget estimates were transmitted in connection with the defense program which were not

considered in the House, but which were considered by the Senate committee. The additional items are supported by the regular Budget estimate. Those estimates were in many instances curtailed by the Senate. The gross amount of the bill would be considerably more had there not been those curtailments and some eliminations.

Mr. Speaker, there are 70 Senate amendments to this bill, very few of them of any purport or of any particular interest. I might mention two or three of them perhaps that I believe the membership would be interested in; then I shall respond to questions if there are any.

There was an amendment respecting the National Labor Relations Board wherein the House sought to carry out the previous action of the House in directing discontinuance of the functions of one of the divisions of that Board. The House language in this bill was changed by the Senate amendment. It is understood by the conferees that the revised Senate language, as now contained in the conference report, will discontinue the personnel and the functions of that division with the exception of two or three people who are necessary to work on reports to be sent to the Congress. Have I stated that correctly?

Mr. TABER. I think the amount left for them to make that report is $3,200, as I remember it, or something like that.

Mr. WOODRUM of Virginia. It is the understanding that the functions of that division and its personnel are to be discontinued?

Mr. TABER. That is right.

Mr. WOODRUM of Virginia. It appears on page 19:

Provided, That not to exceed $3,200 may be expended in performing those functions necessary to keep records and to make a report to Congress and to the President thereon as required by section 3 (c) of the National Labor Relations Act.

There is also added to the Senate language the provision that the action taken by the House in this appropriation bill and in this conference report is not intended to repeal any of the provisions of the organic act.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Was there any discussion with reference to the employment of Mr. Saposs?

Mr. WOODRUM of Virginia. There were no personalities involved in this, so far as the House was concerned. The history, as shown by the record, was that the subcommittee handling this original appropriation deducted a certain amount of money upon the theory that the functions of this particular division would be discontinued.

Mr. ENGEL. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Michigan.

Mr. ENGEL. For the information of the gentleman from South Dakota, may I say that Dr. Saposs' name was not mentioned in the subcommittee, according to my recollection, when it discussed this particular question.

Mr. WOODRUM of Virginia. It was not mentioned in the deficiency subcommittee, I may say to the gentleman.

Mr. CASE of South Dakota. It was during the action by the House though.

Mr. WOODRUM of Virginia. It may have been during the action by the House.

Another matter in which the House will be interested is the provision of $30,000,000 and $50,000,000 in contract authorizations for the civil airport program.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. That amount was taken out by the Senate and is not in the bill as it is now; is that right?

Mr. WOODRUM of Virginia. I was just going to explain that, I may say to the gentleman. The provision remains in the bill with this change. We struck out of the language the $50,000,000 for contract authorizations and increased the amount of cash to $40,000,000. This reduces the program from an $80,000,000 program to a $40,000,000 program. We provide a limitation of not to exceed 250 projects. This answers the question of embarking upon this program of some 4,000 projects that has been the subject of much discussion on the floor and in the press. We provide that the projects must be public airports or public landing fields. We provide that they must be passed upon by a board composed of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce, who must certify that they are necessary for defense purposes.

Mr. LEWIS of Colorado. What page is that?

Mr. WOODRUM of Virginia. That is on page 24 of the bill, but the gentleman will not find the changes I am going over now because it was just an hour or two ago that we decided upon them.

Mr. PAGE. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Georgia.

Mr. PACE. Many of us will have to answer messages during the afternoon on this subject. Would the gentleman mind reading the exact language agreed on by the conferees so that we may have it in our minds as we go to our offices?

Mr. WOODRUM of Virginia. The exact language agreed upon by the conferees is this:

For the construction, improvement, and repair of not to exceed 250 public airports and other public landing areas in the United States and its Territories and possessions, determined by the Administrator with the approval of a board composed of the Secretary of War, Secretary of the Navy, and Secretary of Commerce to be necessary for national defense, including areas essential for safe approaches and including the acquisition of land, $40,000,000, of which $2,000,000 shall be available for general administrative expenses, including the objects specified in section 204 of the Civil Aeronautics Act of 1938, and including engineering services and supervision of construction: *Provided*, That this appropriation shall not be construed as precluding the use of other appropriations available for any of the purposes for which this appropriation is made.

This last provision is made necessary by the fact that under the W. P. A. program W. P. A. funds may be used for airport improvement. Without such a provision in the bill there might have been discontinued such airport development and improvement as is being carried on with W. P. A. funds.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield further?

Mr. WOODRUM of Virginia. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Is it contemplated by the Appropriations Committees of the two Houses that this is only the beginning of this thing, and that probably the program in order to be fully developed will require further study and there will probably be subsequent appropriations to carry out the airport program?

Mr. WOODRUM of Virginia. I would not be able to say to the gentleman that the Appropriations Committees had any idea that there would be a further program. However, I think that matter would have to stand on its merits. I believe this speaks for itself. If the facts demonstrate that in connection with the airplane program and the defense program an enlargement or an expansion of this is necessary, the way would be wide open to consider it.

Mr. NICHOLS. A recent survey showed that throughout the country there is an inadequate supply of airports for the number of airplanes we are talking about, and airports are a very vital part of the program.

Mr. WOODRUM of Virginia. I quite agree with the gentleman. It was the unanimous opinion of the conferees that such a program would be sufficient to embark upon for the present. Let the future take care of itself.

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Michigan.

Mr. ENGEL. In the list of airports which would be eligible for participation in this program, filed with the committee, there were 3,981 airports, I believe. They were classified as defense projects and nondefense projects, to show those necessary for national defense. Did I correctly understand the gentleman to say that only those airports which had the

approval of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce as being necessary for national defense could participate in this program?

Mr. WOODRUM of Virginia. That is correct. They have to have the O. K. of that board.

Mr. ENGEL. They must be necessary for defense?

Mr. WOODRUM of Virginia. That is correct.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from California.

Mr. HINSHAW. I could not quite understand the language the gentleman read, but do I correctly understand that this $40,000,000 is to be spent by contracting with contracting firms to build these airports, or is it to be used for the W. P. A.?

Mr. WOODRUM of Virginia. It is not to be used for the W. P. A. However, there would be no objection to the use of W. P. A. labor on these projects. W. P. A. labor might be used, but there is nothing to require it.

Mr. HINSHAW. Is it the idea that this $40,000,000 is to be used through contracts negotiated with contractors to build or improve these airports?

Mr. WOODRUM of Virginia. That is mainly correct.

Mr. HINSHAW. I thank the gentleman very much.

Mr. HAWKS. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Wisconsin.

Mr. HAWKS. What is the gentleman's understanding of the term "public airport"?

Mr. WOODRUM of Virginia. Just what the term implies; that it is operated by some public agency such as the Federal Government, a State, city, or some political subdivision or agency thereof.

Mr. HAWKS. That would mean county airports and city airports?

Mr. WOODRUM of Virginia. Yes.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield further?

Mr. WOODRUM of Virginia. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. I presume this program is broad enough that it contemplates the construction of airports to be used, for instance, for C. A. A. student training and airports to be used for the program of Army training of civilian student pilots?

Mr. WOODRUM of Virginia. That portion of it was stricken out.

Mr. NICHOLS. This, then, is strictly military, and this appropriation will be used only for the Army and the Navy?

Mr. WOODRUM of Virginia. I would not say they could not be used by other people. These funds could not be used to improve them, but I think the airport might be used; for instance, you might have a publicly operated airport in a community that the Army wished to develop as an emergency landing field for Army planes. If this board certified that that was necessary for national-defense purposes, funds could be used to develop that and it would not in any way interfere with whatever civil functions were being carried on there in the way of a training program, but they could not improve the field for the primary purpose of carrying on a training program.

Mr. NICHOLS. Neither for C. A. A. nor the Army?

Mr. WOODRUM of Virginia. Certainly not for the C. A. A.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Illinois.

Mr. CHURCH. As I understand it, before the House Appropriation Subcommittee is this list of the Civil Aeronautics Authority of something like 4,000 locations for projects for airport improvements, and so forth, and under the justification heading there is found in many cases the letter "N," which means national defense as distinguished from air-school training and such.

Mr. WOODRUM of Virginia. That is right.

Mr. CHURCH. That complete list amounts to something like $700,000,000. However, the designations "N" for national defense, of course, are much less in number. Now, the gentleman says that in the conference report there is authorized not to exceed 250 projects. Would the gentleman say that he is able to point to that list before his committee where the projects are labeled "N," meaning national defense under the heading "Justification," and that these 250 projects are taken from that list or would the gentleman say that those projects labeled "For National Defense," and maybe other locations as well, will still have to be submitted to this Board, consisting of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for its approval?

Mr. WOODRUM of Virginia. I would not say either one.

Mr. CHURCH. In other words, where do you find any one of those projects that make up a list not to exceed 250?

Mr. WOODRUM of Virginia. If I may have the attention of the gentleman from New York [Mr. TABER], I would like to see whether the gentleman concurs in the construction I am going to give the gentleman from Illinois of this list that has been filed.

Mr. CHURCH. Where do we go to find the location of any of these 250 projects?

Mr. WOODRUM of Virginia. So far as I know, I could not name a single airport that would be in the so-called 250 category. Here is the way it was arrived at. In the first place, the list filed with the Appropriations Committee was a survey made by the Civil Aeronautics Authority, a prospective list, just looking over the country as a whole to see what might be done if, when, and as Congress wished to embark upon such a program. Now, so far as this bill is concerned, that list is laid aside. We had a letter before the conferees from Mr. Jesse Jones, the Secretary of Commerce, urging the appropriation of these funds for airport development, and he said that in his opinion, with this $80,000,000 program, 200 to 300 needed projects could be carried on. He did not say what projects, and there was no list of locations. So the conferees, in order to get away from the idea that this was embarking upon a 4,000-airport project, adopted the suggestion of the Secretary of Commerce, that a limited number of airports would be considered for development or improvement when they had the sanction and the recommendation of this Board that is set up in the bill, but not over 250.

Mr. CHURCH. So it would be a fair statement to say that under the terms of the conference report projects not to exceed 250 would be selected by the Board, the Board to stay within the $40,000,000 appropriation, and also that this Board, composed of the Secretary of War, Secretary of the Navy, and Secretary of Commerce, can even ignore the 4,000-project list that is before your committee, which totals around $700,000,000.

Mr. WOODRUM of Virginia. There may be none of the 250 in that list or there may be one or many. It was my understanding that each one would stand on its own merits and each one would have to have the sanction of this Board.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Do I understand that the selections are made by the Administrator or the C. A. A.?

Mr. WOODRUM of Virginia. By the Administrator, with the approval of this Board, composed of the Secretary of Commerce, the Secretary of War, and the Secretary of the Navy.

Mr. NICHOLS. When the gentleman says "with the approval," I presume that any of them might suggest, and then all of them would have to agree. The selection does not have to be made by the Administrator of the C. A. A. or by the Secretary of War or by the Secretary of the Navy.

Mr. WOODRUM of Virginia. That is correct.

Mr. NICHOLS. Any of them may do that?

Mr. WOODRUM of Virginia. That is correct.

Mr. TABER. If the gentleman will yield, all three of them have to agree on it before it can be done.

Mr. WOODRUM of Virginia. All of them have to concur before it is an approved project.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman.

Mr. RICH. In reference to vocational education, as I understand, the money that was requested by the National Youth Administration for vocational education is to be spent by the Office of Education and not by the Youth Administration.

Mr. WOODRUM of Virginia. The part of it that is for the training program is to be under the Office of Education. That part that is for the work projects is to be carried on by the National Youth Administration.

Mr. RICH. How do you define the difference?

Mr. WOODRUM of Virginia. The amounts are divided in the bill.

Mr. PACE. That was not changed?

Mr. WOODRUM of Virginia. There is some slight change made in the language.

Mr. CONNERY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Massachusetts.

Mr. CONNERY. I have in my mind an airport in my district which is being improved under a W. P. A. project, municipally sponsored. Should that particular airport be selected as one vital to national defense by this Board and approved, can the gentleman tell us what arrangement will be made in such instance?

Mr. WOODRUM of Virginia. The Board would have the right to approve that for such additional improvements as it felt necessary.

Mr. CONNERY. But the project would continue on as municipally sponsored?

Mr. WOODRUM of Virginia. That is correct.

Mr. FERGUSON. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. FERGUSON. This $40,000,000 will probably be used in much the same manner that the $25,000,000 that has already been granted to increase the Federal participation now in W. P. A.?

Mr. WOODRUM of Virginia. The $40,000,000 does not in any way interfere with the W. P. A. program. They can go along together.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. CHURCH. With reference to the W. P. A. amount, as I understand it, the W. P. A. amounts are available in addition to the $40,000,000 in this conference report. Are the W. P. A. amounts for airports placed by this conference report to be under this same Board?

Mr. WOODRUM of Virginia. No, it does not interfere with the W. P. A. program at all. That is the reason we put the proviso in there. But where a community has a W. P. A. project in progress it does not interfere with that at all. However, if this Board determined that that airport should have further improvement in order to permit the landing of large bombing planes, they might take some of this $40,000,000 to provide additional runways.

Mr. CONNERY. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. CONNERY. But is not a penalty placed upon that municipality, inasmuch as the municipality is making a contribution under the W. P. A. project?

Mr. WOODRUM of Virginia. I do not think so. Many municipalities have had W. P. A. projects.

Mr. FERGUSON. Will the gentleman have time to read the language put in by the Senate?

Mr. WOODRUM of Virginia. I just read it into the RECORD. Would the gentleman please take the conference report and look at it?

Now, Mr. Speaker, just one additional word before I reserve the balance of my time.

With the adoption of this conference report the work of the Appropriations Committee at this session of Congress, so far as I know, will be concluded. [Applause.] At least, I hope it will be.

In my 18 years of service in the House and 10 years of service on the Appropriations Commitee I have never encountered the amount of detailed work that has been laid on the doorstep of the Appropriations Committee. We have been in session almost continuously since right after Thanksgiving. Many times when the House was in recess and in vacation period, the Appropriations Committee and subcommittees were at work. My colleagues in the majority on the committee have had the primary responsibility for this work and have labored together in harmony and diligence and each Member deserves the thanks of the House and of the ccuntry for this painstaking and patriotic service. The clerks have worked with no vacations—day and night and Sundays and holidays.

I want also to pay my respects and express my appreciation to the gentleman from New York [Mr. TABER] and other minority members of the Appropriations Committee, the whole committee as well as this subcommittee.

In a large amount of work of this kind naturally there have been many places where there has been very marked differences of opinion about procedure and about the wisdom of this or that, but I can say that all of it has been handled in a spirit of good sportsmanship and with a desire, so far as I could tell, of trying to do the best thing for the country, trying to do the best thing for this defense program which has been so close to the hearts of all of us. We could not have carried through this defense program as expeditiously as we have carried it through had it not been for the splendid cooperation of the minority members of the Appropriations Committee. [Applause.] There have been many times and many places where there might have been dilatory tactics resorted to and technicalities and technical objections made that would have tied us up into knots, but almost without exception as far as the work of the Appropriations Committee is concerned, we have had the patriotic cooperation of the minority members.

I think it is only just and right that such a statement should be made upon the floor of this House, and I am very glad to make it. [Applause.]

Mrs. ROGERS of Massachusetts. Will the gentleman yield for a question?

Mr. WOODRUM of Virginia. I yield.

Mrs. ROGERS of Massachusetts. I am very much interested, as are all Members from Massachusetts and New England in the appropriation for the drydock at Boston. Is that in the bill today? The appropriation should be made for the drydock to go ahead with it at once. It is strategically located, and there is an exceptionally skilled and large group of labor available.

Mr. WOODRUM of Virginia. That appropriation has not been made.

Mrs. ROGERS of Massachusetts. I thank the gentleman very much for his information, but I regret deeply that no money has been appropriated. It is discrimination against Massachusetts.

Mr. WOODRUM of Virginia. Mr. Speaker, I reserve the remainder of my time, and I yield 10 minutes now to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this bill represents about $228,000,000 in direct appropriations and about $10,250,000 of contract authorizations, in addition to funds that have been previously appropriated.

I am not going to dwell on the question of the Civil Aeronautics Authority money for airports. I never had any idea that the Civil Aeronautics expected in any way to build most of the 3,900 or 4,000 airports that were contained in the list that was made public. My understanding is that this study was made public by inadvertence in the C. A. A. offices and that that is what the C. A. A. first reported to Members of Congress, although now they state that the publication of it was the work of the Appropriations Committee. But that is a minor matter.

There could have been no excuse for funds of this size and magnitude unless the money was for national defense at this time. The limitation of that money to that particular pur-

pose is undoubtedly proper and the determination of where it should be spent upon that basis is proper.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. REED of New York. Is the use of these moneys limited to national defense?

Mr. TABER. It must be determined by the Secretary of the Navy, the Secretary of War, and the Secretary of Commerce that the airport is necessary for national defense in order for it to qualify for expenditure. On the list there were a large number of airports designated as qualifying for the purpose by the Civil Aeronautics Authority, probably two or three, and maybe four in each State. Those were the airports on which the Civil Aeronautics Authority Board had recommended large expenditures running anywhere from $300,000 to $700,000.

Mr. REED of New York. I am interested because when that report went out it stirred many of my communities and cities into action believing they were going to get an airport, hearing that their names were on the list; and I just wanted to know the facts. I assume from what the gentleman states that in order to get those airports it will be necessary for them to show that they are essential to national defense.

Mr. TABER. That is the understanding. I think I stated on the floor when the bill was up that very few of these places that were named in the list would receive airports out of this appropriation. I did not attempt to say it would be entirely limited to national defense, but that is the program the Secretary of Commerce recommended, and that the conferees adopted.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. DONDERO. I have received similar requests from people in my district. Is that list available to the membership of the House?

Mr. TABER. Yes; it is available any time the gentleman wants to see it. I have a copy, and the gentleman can see a copy in the Appropriations Committee room.

Miss SUMNER of Illinois. Why not put it in the RECORD?

Mr. TABER. It is too big a document to put in the RECORD.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. SCHAFER of Wisconsin. I am interested in these huge expenditures which we are told are for airports for national defense. Only a few weeks ago I spent half a day talking to a personal friend of mine, a pilot who had just returned from Europe where he had flown as an active pilot for about 5 years. He stated that insofar as national defense is concerned an airport which does not have some underground camouflaged and hidden hangars and runways is about as worthless in time of war as old Civil War muzzle-loading guns would be to men going over the top to take a modern machine-gun nest. I call attention to these facts in the interest of national defense. The Congress should realize that the expansive and expensive Gravelly Point airport adjacent to the Nation's Capital and all other airports in the country do not have a single underground, hidden, or camouflaged runway or hangar although more than $14,000,000 of public funds have already been expended for the Gravelly Point airport.

I ask the gentleman if it is contemplated in the construction and improvement of airports with funds provided for in this large appropriation whether they will be built for national defense or whether they will only be political pork-barrel airports? Will they have hidden, underground, or camouflaged runways and hangars?

Mr. TABER. We can only hope that the airports will not be political footballs. The second matter has not been gone into by our committee. The question was not raised until after the bill was reported out.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. JENKINS of Ohio. The gentleman may have answered this question, but as I understand it there is practically nothing to that list of all these airports that were to be established that created such a stir several weeks ago.

Mr. TABER. No, not in legislation pending at the present time.

Mr. JENKINS of Ohio. Now let me ask the gentleman this question, and I assure him I do not expect to hold him to any definite facts, but can he tell us about what amount of money this Congress has appropriated for airports, definitely appropriated for airports?

Mr. TABER. We have not provided for any airports except the Army and Navy airports. I cannot give the figure. The only other airport money that would be available would be what would result from the bill now before us.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. VAN ZANDT. I may say that in conversation this afternoon with a gentleman who speaks for the Civil Aeronautics Authority it is my understanding that the interdepartmental committee that will be appointed after this bill becomes a law will make a survey of all proposed and existing airports. This survey will be conducted from the standpoint of national defense. Where the need for national defense exists this money will apply, but at no other place.

Mr. TABER. I think that is correct.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. THOMASON. Is there any airport that is now officially approved that comes under the provisions of this appropriation?

Mr. TABER. I do not know. I do not quite understand what the gentleman means by approved. There is no airport specifically named for which these funds are available. If by "approved" the gentleman means of an approved type, I think there are some airports of that character, but I would not undertake myself to supply the answer, because I lack the information.

Mr. THOMASON. I am sure certain types have been approved, and that specifications have been drawn for different types. But let me ask with reference to this list which has created so much confusion, there is not a single one of those airports that has been officially approved and the money specifically appropriated for it, is there?

Mr. TABER. Absolutely there is no allocation of any amount whatever, not a dollar of this $40,000,000 that is carried here in this conference report.

Mr. THOMASON. Then are we not safe in assuring our constituents who have become excited about that situation that none will be officially approved and the money specifically appropriated until the joint interdepartmental board has investigated and specifically given its approval. Is that right?

Mr. TABER. We might say that until and unless this joint committee that is going to be appointed picks out an airport as needed for national defense none of this $40,000,000 will be available for that airport.

Mr. THOMASON. Not to deceive the people in these communities mentioned in this list, we could tell them that they cannot rely upon that report because that money has not yet been appropriated for that purpose.

Mr. TABER. This money will have been appropriated as soon as the conference report is agreed to and the bill signed by the President, but none of it will be available for the construction or improvement of any airport or landing field until these three departments certify that the airport or landing field is necessary for national defense.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. MICHENER. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. MICHENER. As a practical matter, can we not answer our constituents in this way: That this money is appropriated for national defense to be used in such places for airport development as the experts who are responsible for our national defense tell us it should be used, and that we as Members of Congress have no business, and we have no right to insist on the location of any airport in our respective districts, simply because we want to get something from the Government for nothing? The publication of that list of prospective airports was most unfortunate.

Mr. TABER. That is correct.

Mr. McGREGOR. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Ohio.

Mr. McGREGOR. Will this interdepartmental committee have power to determine the location and the type of these airports or is it simply a matter of making a recommendation?

Mr. TABER. Absolutely. It must have their approval or it cannot be done.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. As I understand, this bill provides for either the construction or improvement of 250 airports?

Mr. TABER. Not to exceed 250.

Mr. VORYS of Ohio. Was not the $25,000,000 in the W. P. A. bill for the improvement of airports?

Mr. TABER. I cannot remember exactly, but I think that is correct.

Mr. VORYS of Ohio. That is a total of $65,000,000 for not to exceed 250 airports?

Mr. TABER. The $25,000,000 is not limited to those 250 airports.

Mr. VORYS of Ohio. Your committee must have reviewed this matter pretty carefully. How many airports and how much money is involved in a national defense that has quadrupled our airplanes, not cutting down on the use of our commercial planes, and that will therefore give us need for about four times the number of airports we have now? What is the provision, before we leave here, for airports for national defense?

Mr. TABER. There is no provision that I know of except the regular appropriations in the Army and Navy bills for airports for national defense, with the exception of what is carried here and whatever might be used of the $25,000,000 carried in the W. P. A. bill. There are large appropriations for airplanes, and I may say there will be in the Army and Navy at least 10,000 training planes that will be flying around one place or another before the end of the present fiscal year, because those planes are easily and quickly built, and can be built by some of the smaller factories quite rapidly and made available for training purposes.

Mr. CRAWFORD. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I wish to inquire about two other items in this bill. I refer to page 14, the National Youth Administration. Do I understand from this language now that the $30,500,000 provided there will be placed in the hands of the State office of education and that this training program will be taken out of the hands of the Federal Government?

Mr. TABER. The technical training will be in the hands of the educational authorities in the different States, although the so-called incidental employment that may be given to the National Youth beneficiaries will be under the National Youth Administration, but their training and schooling will be under the regular school authorities.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. CRAWFORD. On page 28, there is an item of $18,250 for some kind of improvement in the living quarters of the High Commissioner to the Philippines. Are these additions that we have made to the new palace we recently built over there?

Mr. TABER. I expect it is. I do not know. I do not like that item myself.

Mr. MAHON. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Texas.

Mr. MAHON. I want the record to show that the $25,000,000 in the relief bill allotted to national-defense projects is not necessarily to be allotted to airport development. It may be used for other national-defense purposes.

Mr. TABER. Yes.

Mr. MAHON. And it should not be assumed it is all for aviation.

Mr. TABER. That is right.

Mr. COLE of Maryland. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Maryland.

Mr. COLE of Maryland. On page 42, under the heading "Coast Guard" the House appropriation was increased to the extent of $812,000 by the Senate, which item is for the building of ship ways at the Curtis Bay depot. This was in accordance with the Budget recommendation and I expressed at the time the bill was being considered by the House my disappointment in the fact the committee did not see fit to include it in its recommendations. I am glad now to be advised by the distinguished chairman of the subcommittee, the gentleman from Virginia [Mr. WOODRUM], that the conferees have agreed with the Senate amendment. The ship ways will therefore be built.

Mr. TABER. We are hoping it will work out all right.

Mr. VAN ZANDT. Will the gentleman yield for a brief question?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. Is the provision still in the bill concerning the Bituminous Coal Commission, and I refer to the deficiency appropriation?

Mr. TABER. I do not think there is any Senate amendment with reference to that.

Mr. Speaker, with this bill we have appropriated in direct appropriations, including permanent appropriations, a total for this session of Congress of $20,107,000,000. The following table shows the appropriations and funds otherwise made available for expenditure at this session of congress, viz:

Direct appropriations	$15,768,339,250.12
Reappropriations	81,099,718.00
Permanent appropriations	3,965,049,289.00
Appropriations out of R. F. C. funds	277,000,000.00
Special funds	15,869,750.00
Total cash appropriations	20,107,358,007.12
Contract authorizations	3,596,699,511.00
R. F. C. loans:	
To war industry	1,000,000,000.00
To South America	500,000,000.00
Total available in all ways	25,204,057,518.12

Of which about $13,800,000,000 is for alleged national defense.

On Monday I am going to give a break-down of all these items for each department of the Government so that everybody may see just what the money has been provided for.

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. TABOR. I yield to the gentleman from Michigan.

Mr. ENGEL. Will the gentleman also put in the RECORD at that time the Treasury figures, if he has them, on the total estimated income of the Government during this fiscal year and the amount necessary to be borrowed, together with the estimated national debt after this amount has been spent?

Mr. TABER. I shall do that, and be glad to do it.

Mr. Speaker, there have been large appropriations for national defense. One thing happened yesterday that rather disturbed me. The Attorney General rendered an opinion which declares it illegal for contracts to be let, and makes invalid, I understand, all the contracts that have been let for national defense to a very large number of industries, any industries which have an order of any kind against them by the National Labor Relations Board, even if it is under appeal, under the provisions of the National Labor Relations Act. This will stop the contracts that are outstanding by probably 30 percent. In my opinion, this ruling of the

Attorney General is not good law. To satisfy people that it is not good law, it is hardly necessary to do much more than cite the fact that an attempt was made to confine contracts to those who had had no ruling made against them. They would not have tried that if the law now provided for it. The Attorney General has sabotaged the defense program. If a Republican had obstructed the national defense program the way this Attorney General has, he would be called a "fifth columnist" by the present occupant of the White House.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 3 additional minutes to the gentleman from New York.

Mr. TABER. Mr. Speaker, I have been through in hearings and in time on the floor practically the whole of the last 12 months on appropriation bills. We have probably had to handle more work and more money than any other committee since 1918. I have not always agreed with the majority of the committee. Sometimes I have opposed them quite vigorously. Sometimes we have had debate here on the floor. But I have come to admire and respect the members of the majority on the Deficiency Committee, Messrs. ED TAYLOR, CLIFF WOODRUM, CLARENCE CANNON, GEORGE JOHNSON, LOUIS LUDLOW, BUELL SNYDER, and EVERETT O'NEIL, more and more as I have had more contact with them, and have come to appreciate more and more the hard, sincere, and patriotic work they have been doing. [Applause.]

I wish to extend at this time my thanks and appreciation to the Members on my own side of the aisle on that committee, Messrs. DICK WIGGLESWORTH, BILL LAMBERTSON, and BILL DITTER. They have been faithful and loyal to the interests of the country as they see them. [Applause.]

It has been a hard and a trying session. It has been one where tremendous responsibilities have been placed on us. Sometimes we have had to bring in here appropriations for things which were needed and for which we could not have the usual printed hearings. In my opinion, we should not get into those things where it is necessary that national defense be protected.

In my judgment, the Deficiency Committee and the whole Appropriations Committee have discharged their duties toward this defense problem in a highly sincere and patriotic manner, and I wish at this time to pay my respects to them. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, being a member of the Appropriations Committee, I, too, feel that the members of that committee, both those on the Deficiency Committee and the other members of the committee, are just as fine men as we have in the House of Representatives, but I certainly have not agreed with the work we have done as far as appropriations are concerned. Probably I may lay it to the laws the House of Representatives has passed, which create a great demand for spending.

A few minutes ago the gentleman from New York [Mr. TABER] brought out the fact that we have appropriated at this session of Congress $24,700,000,000. If you take into consideration the fact that the amount of revenues you will receive will be about $7,500,000,000, including the two tax bills we have passed, we are going to be about $15,000,000,000, $16,000,000,000, or $17,000,000,000 in the red. If the Appropriations Committee did a good job, then somebody is lax in the House of Representatives, maybe the Committee on Ways and Means, for permitting us to appropriate that enormous sum more than we are going to receive. In view of the fact that for the last 10 years we have been in the red every year from $1,500,000,000 to $4,000,000,000 something is going to happen. We cannot continue to go on in that way.

I want to call your attention to some of the appropriations in this bill which I contend never should have been made. The Deficiency Committee should have called in the men who had charge of certain appropriations so that we would not have permitted these appropriations to be made.

I believe one of the greatest recommendations to the Appropriations Committee was made by the gentleman from Virginia [Mr. WOODRUM], that each subdivision of the Appropriations Committee should have a man, to be paid $10,000 a year, to keep the Appropriations Committee informed of just what was going on. If we should have such a man for each of the 10 subcommittees, and if these men were efficient and desirous of trying to keep this country within its limit of spending, it would be the cheapest money the Appropriations Committee could spend and it would be along the lines of good business.

Let me call your attention to some of these appropriations. Here is the High Commissioner of the Philippine Islands. We gave him $750,000 to build a home in Manila and then we gave him money enough to build a home out in the suburbs. Now he comes in here and asks us to give him $18,250 for the improvement of that house and for additional operating expenses. That money should never be appropriated and should not be included in this bill. Why they have granted that money I do not understand.

Then here is the Bonneville Power Administration. We set up a yardstick down in the T. V. A., and now we have appropriated in the War Department bill, and almost every bill this year, something for Bonneville and Grand Coulee, and we give them here $3,850,000. We give the Bituminous Coal Commission $137,000, the most extravagant and wasteful commission we have ever had. That money should not have been added to this bill, or at least the other members of the Appropriations Committee should have been called in and should have been considered in the appropriation of that money. Then we have the Bureau of Reclamation and a lot of other items, including the Pine River project in Colorado, involving $400,000, and the Colorado River project involving $2,500,000. These items could have been deferred another year. Then we have an appropriation of $10,000 to the Jamestown Museum. This money should not be appropriated now, and I could have stricken out a lot of other items, and it would have been a mighty fine thing if they were stricken out.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I have asked for these few minutes so that I may, in my own humble, simple, and inadequate way, pay my tribute to a Member of this House whom I consider one of the most remarkable men who ever sat in the Congress during the century and a half of history of this Nation. I refer to Congressman EDWARD T. TAYLOR, of Colorado, chairman of the Appropriations Committee of the House of Representatives.

My colleague the gentleman from New York [Mr. JOHN TABER] the ranking Republican of this great committee, of which I have the privilege of being a member, told us a few moments ago that the total appropriations and authorizations for all purposes at this session of Congress amounted to $25,000,000,000. Two years ago I compiled the figures giving the total assessed valuation of the United States as that valuation was determined by the local assessing officers of the several States. The total assessed valuation of the 48 States was approximately $134,000,000,000. The total appropriations and authorizations made at this session of Congress, according to the gentleman from New York, amount to almost 20 percent of that assessed valuation. I am not saying this for the purpose of criticizing, but rather to point out the tremendous task this great committee has had during the past 9 months. It is indeed remarkable that the man who has been chairman of this committee which has held hearings and passed upon this tremendous sum of money is now in his eighty-third year.

ED TAYLOR is one of the finest and most lovable characters in American history. He was graduated from the University of Michigan in 1884, and was president of his class. He

studied and worked with the famous Judge Cooley, and while working for Judge Cooley proofread that monumental legal landmark, Cooley's last edition of Blackstone. He served his State and Nation in various capacities for nearly a half a century, and is now serving his sixteenth successive term in the House of Representatives.

We of Michigan are proud that he is an alumnus of the University of Michigan, of which I have the honor of being an honorary alumnus. He brings to the House and to the committee that tremendous experience and judgment which comes with lifelong service. God has been very kind to him and showered him with many blessings and in blessing him has blessed his State and his Nation. God has permitted him to enjoy, at the age of nearly 83, the health, mental vigor, and vitality of a man of 50. The Nation has been fortunate in having in Congress and at the head of this committee a man with 83 years of life and all the experience that 83 years of clean living brings with it. It has been a rare privilege to serve with him and under him. I have learned to love him and everything that he is and has been; for his patience, his kindness, and his help. My prayer is that the Almighty God may give him many more years of life, health, and happiness. God bless you, ED TAYLOR. [Applause.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield such time as he may desire to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, from the remarks made by the gentleman from New York [Mr. TABER], we are to understand that an opinion rendered by the Attorney General of yesterday has invalidated practically 30 percent of the contracts that had been let for the national-defense projects. It is my opinion if that is the situation the Congress should certainly not adjourn until it has been corrected. As I understand it, the opinion has invalidated contracts where an order has been issued against firms by the National Labor Relations Board. This certainly is a problem that is of the utmost importance to national defense and the Congress will be held guilty by the country if we adjourn before that situation is corrected. [Applause.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield to the gentleman from Oregon [Mr. ANGELL] such time as he may require.

Mr. ANGELL. Mr. Speaker, will the gentleman from Virginia yield for a question?

Mr. WOODRUM of Virginia. Yes.

Mr. ANGELL. Does this conference report include an item of $4,000,000 for the completion of the turbines in the Bonneville project?

Mr. WOODRUM of Virginia. Yes; it does.

BONNEVILLE PROJECT AND NATIONAL DEFENSE

Mr. ANGELL. Mr. Speaker, with reference to the conference report on the deficiency bill now before us for consideration, H. R. 10539, it may be recalled that when the bill was before the House recently I discussed the matter of the appropriation carried therein providing $3,850,000 for the Department of the Interior, Bonneville Power Administration, for construction, operation, and maintenance of the Bonneville power-transmission system.

There is an additional item now included in the conference report on this bill of $4,000,000. This appropriation was added in the Senate and is a pure precautionary defense item. It was approved by the Bureau of the Budget and sent up to the Senate by the War Department.

Does this conference report include an item of $4,000,000 for the completion of the foundations of the remaining turbines in the Bonneville project?

Last August the Bonneville Administrator, through the Secretary of the Interior, advised the Secretary of War that it was necessary to schedule the completion of Bonneville units 7 to 10, inclusive, to meet estimated load resulting from defense and normal regional load increased. The War Department then sent the Administrator's schedule to the Portland engineer's office for information and estimate, and did not receive a return in time to have the matter presented to the House committee.

Bonneville has now 107,000 kilowatts under contract, including the 65,000 kilowatts now going to the Aluminum Co. A nationally famous industry, one of the most vital cogs in our defense program, has asked the Bonneville Administrator for 97,000 kilowatts. This load will materialize, as our airplane construction program requires this power. Seven other defense industries have asked for power reservation totaling between 200,000 and 250,000 kilowatts. If only 40 percent of these latter applications result in firm contracts, Bonneville will be short of power.

For some time I have stressed the great national weakness of our defense program, and have pointed out ways and means to correct the situation. This appropriation item is one step in such a remedial program, but we greatly need to go further. I do not believe that Congress or the American people fully realize our dependence on imported metal stock piles. Definite defense bottlenecks exist in the critical metals like nickel, manganese, chrome, and antimony. In this connection I can extend the remarks I made last May on the nickel situation. Armor plate is a nickel-steel alloy, and our entire naval program rests on the supply of nickel from one Canadian smelter. If anything happens to this one plant, armor-plate production will be retarded.

Fortunately large deposits of natural nickel-steel ore are located in Alaska, adjacent to tidewater, and can be boated at a low cost to the Bonneville area for electro-thermal reduction. Our administrative officers should immediately take steps to protect the armor-plate supply, and ample low-cost power should be available for this eventuality.

Modern metal-reduction processes depend on the electric furnace and the electric cell. The Northwest has ample supplies of basic ores and large blocks of potential hydro power. These should by all means be hitched together. For some time I have developed the basic facts in this all-important subject. Anyone who is familiar with the strategic and critical material situation will urge the development of our available supply of low-cost power. For this reason I have urged the adoption of the $4,000,000 item, which is 100 percent recoverable under the act of August 20, 1937.

Mr. Speaker, I believe these additional appropriations to carry on toward completion the transmission facilities of the Bonneville project and complete the additional power units is a wise procedure. As I have said, the dam itself has long since been constructed, and the Federal Government has a large investment therein and we may be called on on short notice to provide increased loads of electrical energy to proceed with our defense program. We have recently appropriated $65,000,000 for additional facilities for that purpose at the T. V. A. This additional power made available at Bonneville under these increased facilities will add materially to our power capacity, and I append as a part of my remarks certain tables which will make clear power capacity and dates available of the Bonneville project loads under the programs now authorized by the Congress.

The tables referred to are as follows:

TABLE 1.—*Bonneville project installation schedule and capacity Bonneville units*

Date	Units	Installed capacity (kilowatts)			
		With suggested appropriation unit capacity	Cumulative capacity	Without suggested appropriation unit capacity	Cumulative capacity
At present	1 and 2	43,200	86,400	43,200	86,400
Jan. 1, 1941	4	54,000	140,400	54,000	140,400
Jan. 15, 1941	3	54,000	194,400	54,000	194,000
Jan. 1, 1942	5 and 6	54,000	302,400	54,000	302,400
July 1, 1943	7 and 8	54,000	410,400	(1)	(1)
Jan. 1, 1944	9	54,000	464,400	(1)	(1)
July 1, 1944	10	54,000	518,400	(1)	(1)

[1] Completion dates for units 7, 8, 9, and 10 without suggested appropriation will depend on future appropriations, but will most probably be 1 year later than with suggested appropriation, because of time difference (Oct. 15, 1940 and July 1, 1941) and shop delays of machine manufacturers.

No allowance made in above for holding 1 unit in reserve.

Based on normal unaccelerated schedule for units 7 to 10, inclusive, and continuing appropriations for these units.

Derived from table p. 180, House hearings, first supplemental appropriation bill for 1941, corrected for change in schedule submitted by Chief of Engineers for unit 9.

TABLE 2.—*Bonneville project estimated load schedule*

Date	Item	Load or increase rate	Cumulative load
		Kilowatts	*Kilowatts*
Present	Executed prime contracts	106,850	106,850
Do	Contracts submitted but not executed	10,800	117,650
Do	Dump power [1]	60,000	177,650
Do	X company defense load [2]	100,000	277,650
Do	Total in sight load		277,650
July 1, 1942	Estimated industrial [3]	100,000	377,650
Jan. 1, 1943	Regional increase [4]	82,000	459,650
July 1, 1943	do.[5]	24,000	483,650
Jan. 1, 1944	do.[5]	24,000	507,650
July 1, 1944	do.[5]	24,000	531,650
Jan. 1, 1945	do.[5]	24,000	555,650

CONCLUSIONS FROM TABLES 1 AND 2

July 1, 1941—Installed capacity of 194,400 kilowatts. Will not take care of total in sight load. 60,000 kilowatts of dump power will have to be dropped or handled by interchange to take care of 76 percent of defense load.[2] No Bonneville power will be available for load.[3] Will have to draw on interchanges.

July 1, 1942—Bonneville will be short of capacity about 75,000 kilowatts.

Jan. 1, 1943—And succeeding years, with normal schedule of completion under suggested deficiency appropriation.

[1] Dump power sold to private utilities, which are short of capacity to handle their own load. For dump load see p. 183 of House hearings, less prime utility contracts listed p. 184.

[2] Defense load request from 1 of the principal American metal companies now supplying the bulk of metal to airplane industry—97,000-kilowatt plant load plus line loss.

[3] Bonneville Administrator has preliminary reservation requests from 7 metal and chemical companies, totaling about 250,000 kilowatts. To be conservative only 40 percent of these requests was taken to represent firm contracts. This represents 100,000 kilowatts, the same as load from X company. Bonneville will not have capacity to meet any further defense load.

[4] Yearly increase derived from table, p. 194, House hearings, and excluding load areas tributary to Grand Coulee.

[5] Same as footnote 4 above, except calculated on 6-month basis.

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, I want to compliment the House conferees on the fact that they insisted on the $40,000,000 remaining in this bill of the $80,000,000 that was originally in it for the construction of airports.

I also want to state to the membership that you had just as well get ready to appropriate a great deal more than $40,000,000 in the session to come for the construction of airports. We have a program in this country aimed at 50,000 airplanes. You would be surprised if you would make a survey of the landing facilities throughout the United States, to know that we did not have enough airports even to take care of the airplanes that we have at this time. Fifty thousand airplanes is a lot of airplanes, and it will take a whole lot more airports than we now have to accommodate them.

If I may point out one or two things to you, you know that we have only four class 4 airports in the United States for commercial purposes. A class 4 airport is simply this: It is an airport with runways of at least 5,000 feet, adequate hangar space with illumination—I mean lighting—and radio beams; only four such in the United States. When Gravelly Point is completed it will be the fifth one.

You have surprisingly few airports in the United States which will accommodate a squadron of airplanes. This program has to go on. We have not invented sky hooks yet. We must have places to land and house these airplanes.

Beyond that, we have a great training program going on. There are fields in the country today where on a single field you will have these three operations, a training program for student pilots under the C. A. A. program; you will also have the operation of a squadron of Army planes, at least. At the same airport you have from 18 to 50 scheduled commercial airplane landings there, and you might even have a training school there for the Army under one of these factory training schools—all of them working on one field and under most trying conditions; conditions that are not safe for the training of students; conditions that are not safe for the training of Army or Navy students, and certainly not safe for the landing of commercial travelers.

This thing is happening all over the country today where commercial aviation and cities have at their own expense developed great airports in about the third class. The Army, in order to find a place to train our Army flyers comes along and literally pushes them off of the field and takes away that airport from the city in order to train our Army and Navy flyers.

So this country has to spend a lot more than $40,000,000. This is a good start. I think it is probably as strong as we should have gone now, but in January you can just get ready to appropriate hundreds of millions of dollars for the construction of airports throughout this country, because, not having airports and having 50,000 airplanes is just the same as having a big navy and no place to dock it.

Congressman EDMISTON and myself recently obtained through the War Department an Army bomber and flew to the west coast. We then zigzagged back and forth to Washington, looking over airport facilities, or probably I should say a lack of airport facilities. On this trip we paid our own expenses so that we could return and give you first-hand information as to the inadequacy of landing and training facilities throughout the United States. We only scratched the surface but saw enough to convince us that the construction of airports throughout the United States is as much a vital part of the national-defense program as is the expansion of the Army and the Navy.

C. A. A. students should not be training on fields where there are large Army, Navy, or commercial activities. Neither should Army students, working under a factory school, such as the Spartan School in Tulsa and Muskogee, Okla., be trained where there are Army, Navy, or commercial activities.

We saw fields in California where it was so hazardous for our pilots to attempt to land our airplane, because of student flyers who did not have radio connection with a control tower, that it was necessary for us to fly to another field to land.

The largest airplane in the world is being constructed at the Douglas factory in Santa Monica, Calif., and will be known as a B–19 bomber, with a wing spread of 210 feet, a length from tip to tail of 165 feet, a gasoline capacity of 11,500 gallons. They will have to take this airplane off of the ground of an airport which has runways of only 2,500 feet.

Commercial aviation, through its development, has developed both airplanes and airports to the point that we now lead the world in this field, and it is not right that this operation should be forced off of the airports which they and local communities have developed in order to train Army, Navy, and civilian flying personnel. This system of airports must so be arranged across the United States that when this emergency is over and the Army and Navy, because of reducing their activity, no longer needs them, all of them will be ready and accessible for use in the commercial and private flying fields, which is bound to follow after this emergency has passed.

I am here, of course, only hitting the high spots in making these remarks, for the purpose of serving notice on those of you who have not stayed abreast of the rapid evolution that has taken place in aviation, that you have got to get ready to spend enormous sums of money to provide housing, landing, and training facilities for the vast number of airplanes that we have in this Congress appropriated money to build.

My conservative brethren had just as well get ready to loosen up, because if you are to remain conservative, you can only do that by providing these facilities. They are as vital as are roads to automobiles; road beds to railroads; docks and deepened channels to the steamship.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. WOODRUM of Virginia. Mr. Speaker, there are eight amendments in disagreement. I ask unanimous consent that

amendments numbered 11, 23, 24, 37, 43, 48, and 59 be considered en bloc. There is nothing controversial about them.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amendment No. 11: Page 4, line 21, insert:

"GOVERNMENT PRINTING OFFICE

"The Superintendent of Documents is hereby authorized to deliver to the Librarian of Congress, from the sales stock in the Government Printing Office, 250 sets of The Writings of George Washington, as published by the Bicentennial Commission, for distribution through international exchange and for such other distribution for the use of foreign governments as may be deemed appropriate."

Amendment No. 23: Page 17, after line 14 insert:

"Navy Department Building, Washington, D. C.: For the construction of an additional wing on the Navy Department Building and an additional story on wing No. 1 thereof under the provisions of the Public Buildings Act approved May 25, 1926, as amended, including administrative expenses in connection therewith, $590,000: *Provided*, That the contract or contracts for such project may be entered into without advertising."

Amendment No. 24: Page 18, after line 14, insert:

"GEORGE WASHINGTON BICENTENNIAL COMMISSION

"For payment to Katherine H. Clagett and to the estate of Dr. John C. Fitzpatrick $2,700 and $6,666.66, respectively, for services rendered the George Washington Bicentennial Commission in connection with the compilation of the definitive writings of George Washington, $9,366.66: *Provided*, That the payment to the said Katherine H. Claggett shall be in full, complete, and final compensation of any and all claims arising out of services rendered to the George Washington Bicentennial Commission prior to June 30, 1940."

Amendment No. 37: Page 28, after line 2, insert:

"Appropriations available to the Department of the Interior for the fiscal year 1941 for soil and moisture conservation operations shall be available for packing, crating, and transportation, including drayage, of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior."

Amendment No. 43: Page 30, after line 23, insert:

"Eastern Cherokees: For the relief of the Eastern Cherokees, as authorized by the bill (S. 4232) entitled 'An act for the relief of the Eastern Cherokees,' Seventy-sixth Congress, fiscal year 1941, $1,997.84, without interest and to be in full settlement of all claims of such tribe of Indians against the Government as found to be due by the Supreme Court of the United States in 1906 (202 U. S. 101)."

Amendment No. 48: Page 34, after line 18, insert:

"Legislative expenses, Territory of Alaska, 1939: The limitations in appropriations for legislative expenses, Territory of Alaska, as contained in the Interior Department Appropriation Act, 1939, and the Third Deficiency Appropriation Act, fiscal year 1939, are hereby amended to read as follows:

" 'For salaries of members, $21,585; mileage of members, $9,448.40; salaries of employees, $5,160; printing, indexing, comparing proofs, and binding laws, printing, indexing and binding journals, stationery, supplies, printing of bills, reports, etc., $14,458.81; in all $50,652.21.' "

Amendment No. 59: Page 43, at the bottom of the page, insert:

"Removal and reestablishment of Arlington Farm, Va.: For the removal and reestablishment of the functions and activities at Arlington Farm, including the acquisition of lands by purchase or by condemnation, the construction and installation of buildings, equipment, and utilities and appurtenances thereto, including the employment of persons and means in the city of Washington and elsewhere, $3,200,000, to remain available until expended: *Provided*, That this appropriation shall be transferred to the credit of the Secretary of Agriculture for expenditure by him: *Provided further*, That upon the transfer of the activities of the Department of Agriculture from Arlington Farm, so much of the land thereof as may be required by the War Department shall be transferred to the control and jurisdiction of the latter Department."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the above amendments.

The motion was agreed to.

The SPEAKER. The Clerk will report the other amendment in disagreement.

The Clerk read as follows:

Amendment No. 34: Page 24, after line 19, insert:

"For all necessary expenses incident to the care, operation, maintenance, and protection of the Washington National Airport in accordance with the act of June 29, 1940, including personal services in the District of Columbia, purchase, operation, and maintenance of one motor-propelled ambulance, one fire-and-crash truck, and one rescue fire-and-crash motorboat; purchase (including exchange), operation, and maintenance of two passenger-carrying motor vehicles; purchase of equipment, materials, and supplies, including $700 for the purchase, cleaning, and repair of uniforms for the guards, $152,200, and, in addition, the sum of $103,450 is transferred to this appropriation from the appropriation 'Maintenance and operation of air-navigation facilities,' contained in the Independent Offices Appropriation Act, 1941: *Provided*, That $15,000 of this appropriation shall be available for personal services in the District of Columbia, employed in connection with the completion of the construction of said airport, without regard to the Civil Service Act and regulations."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment.

I now yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this amendment calls for $255,650 for the maintenance of the Gravelly Point Airport. If your town or my town has an airport we pay for the land, we pay generally for a very considerable part of the construction of the airport, and we pay for the maintenance of the airport.

The Washington Airport cost $14,000,000 under the direction of the Civil Aeronautics Authority, the W. P. A., and the P. W. A.—three times what the investigating committee of the Committee on the District of Columbia thought should be spent for the airport at this particular site 2 years ago. Every dollar of it has come out of the Federal Government, and now it is proposed that $255,000 be provided for the maintenance and operation of this airport for the rest of this fiscal year. I am not going to try to get a roll call on this but I am serving notice that in my opinion the District of Columbia ought to have an opportunity to pay part of the expense of operating this airport, and I believe that as we get to the proposition in future years we should provide that the District pay a good part of the operating cost of this airport.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. NICHOLS. Does the gentleman know that there is a bill now pending fixing the boundary between the District of Columbia and Virginia which proposes to encompass all of the National Capital Airport in, make it a part of, and cede it to the State of Virginia?

Mr. TABER. No; I did not know that.

Mr. NICHOLS. That bill is now pending before the Committee on the District of Columbia. As the airport stands at the present time it is half in the District and half in Virginia. The boundary line runs through the middle of it. That portion which was reclaimed from the river is in the District of Columbia, the other portion is in the State of Virginia. The Natonal Capital Parks and Planning Commission introduced a bill to place it all in Virginia. I have offered an amendment to this bill to put it all in the District of Columbia where it belongs.

Mr. TABER. Certainly.

Mr. NICHOLS. And in that case I agree with the gentleman that the District should provide the money for its upkeep.

Mr. TABER. Undoubtedly it should contribute a large part. I hope the gentleman's bill passes.

Mr. NICHOLS. The other bill would give it all to Virginia.

Mr. TABER. Then Virginia should pay the cost of its operation.

Mr. NICHOLS. No; Virginia wants to collect the taxes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mrs. ROGERS of Massachusetts. I am very much shocked that there is no appropriation for the drydock at Boston. I feel that Boston is being severely discriminated against in not being given money for this drydock. Was it because the Budget did not submit an estimate? I know the Budget is the President so far as appropriations are concerned, but did they not submit an estimate? I cannot understand why we failed to get this appropriation.

Mr. TABER. I do not remember that there was a Budget estimate. My understanding is there was not. I will, however, check on this before my remarks are printed. My understanding is there was no Budget estimate for it. I know none was cut.

Mrs. ROGERS of Massachusetts. It is a discrimination which ought not to be, for unless we take care of our drydock facilities we will find ourselves in the position of having ships but no docks for them. If we had the drydocks at

Boston, some of the mistakes that have been made elsewhere by the Navy Department in the ships such as building ships that will not stay upright and sending out of ships with inadequate equipment would not be made.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. CASE of South Dakota. Referring again to the National Capital Airport and the matter of jurisdiction, one important question to be considered in this connection is that of gasoline taxes.

Mr. TABER. It would be important; yes.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. I yield to the gentleman from Nebraska to ask a question.

Mr. McLAUGHLIN. Mr. Speaker, I appreciate very much the courtesy of the distinguished gentleman from Virginia in yielding to me. I should like to ask him just one question concerning the conference report item of $40,000,000 for airports to be allocated upon the authority of the interdepartmental board to be set up acting in conjunction with the Civil Aeronautics Authority for the improvement of existing airport facilities in cities throughout the country. The inquiry which I should like to make is whether this money is available to the cities for the purchase of land, or whether it is limited to other purposes?

Mr. WOODRUM of Virginia. It is not available to the cities, but these funds may be used by this joint board wherever they determine it is necessary for a defense project. I would say to the gentleman from Nebraska that those instances would be very rare and would be where there was no community or city nearby which could purchase and furnish the land for their airport. It would not be considered that this board would use this fund to buy land in cities for the purpose of building airports.

Mr. McLAUGHLIN. One further question, if the gentleman will bear with me. The city of Omaha, my home city in my district, at the present time is planning to hold an election to vote a substantial bond issue for the purpose of securing by purchase additional land to be added to the present airport. Does the gentleman believe that the money involved in this bill, the $40,000,000 or any part of it, would be available to the city of Omaha for the purchase of land as an addition to existing airport facilities?

Mr. WOODRUM of Virginia. I should think in the case of a city like Omaha that it would not be. Were it a case where this board should find that the local community could not buy its own land it might, but in the case of a splendid city like Omaha it would be expected that the city would furnish the land.

Mr. LUDLOW. If the gentleman will permit, it is all predicated upon national defense.

Mr. WOODRUM of Virginia. Yes; it is all predicated upon the question of national defense.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. MURDOCK of Arizona. Perhaps the gentleman has just answered one question I had in mind when I rose. Is the determination of the location of these airports, or their need of improvement, made solely on the basis of national defense, or does it take into consideration also the facilitation of commerce?

Mr. WOODRUM of Virginia. It is confined to national defense.

Mr. MONRONEY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. MONRONEY. Is it not a fact that this $40,000,000 can be used as sponsorship funds under a W. P. A. project, and if so used would it not provide upward of $150,000,000 or $200,000,000 worth of airport work?

Mr. WOODRUM of Virginia. They can work together with the W. P. A., the C. C. C., or any of those other agencies.

Mr. MONRONEY. This $40,000,000 will be used as sponsorship money?

Mr. WOODRUM of Virginia. I would not like to term it "sponsorship" money. They will have to work out their cooperation with the W. P. A., C. C. C., and other public agencies, Federal and non-Federal.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recede and concur.

The motion was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. TABER. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made here today and to insert a table that I referred to when I had the floor.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

IMPROVEMENT OF CERTAIN RIVERS AND HARBORS IN THE INTEREST OF NATIONAL DEFENSE

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. MANSFIELD]?

Mr. CURTIS. Mr. Speaker, reserving the right to object, I wonder if it would be possible for the gentleman to have the House take this bill up at this time? If it goes to conference it will be delayed, and this bill should be passed now.

It contains an amendment introduced in the Senate by Senator NORRIS for an authorization for the Harlan County Dam, also known as the Republican City Dam, on the Republican River in Nebraska, according to House Document 842, Seventy-sixth Congress. This proposal is very meritorious. It would authorize an appropriation to be made for an on-river dam near the town of Republican City. This dam has been approved by the district engineer, the division engineer, and the Chief of Engineers.

Last spring the Flood Control Committee, of which I am a member, held exhaustive hearings on this proposal. The committee favored it and reported it out to this House. This dam should be built now.

I wish that I could impress upon the House the great need out in that part of Nebraska. They have been waiting for some flood-control work on this river for a long time. Many lives have been lost and millions of dollars' worth of property destroyed. On previous occasions I have told the House of the needs of this valley.

This dam will provide for water storage for irrigation in four Nebraska counties and some in Kansas. It is right in the drought area and the Dust Bowl. Those people have not raised a crop for 7 long years.

If our experience in the last World War in regard to the production of food is any criterion, the construction of this dam would play a great part in our national-defense program.

This dam will also give great protection to Kansas City, Kans., and Kansas City, Mo. These great cities, with their railroads, public utilities, airports, and national-defense industries, are a most important part of the national-defense works of this country. The Norris amendment should go through.

Mr. MANSFIELD. I do not think this bill can go through without going to the conference committee.

Mr. STEFAN. Mr. Speaker, reserving the right to object, I understand an amendment has been placed in this bill by the Senate which has to do with the authorization of a dam in the State of Nebraska, in the district of my colleague the gentleman from Nebraska [Mr. CURTIS]. I feel that the gentleman from Nebraska [Mr. CURTIS], who has worked so diligently on this particular project, should have an opportunity to say something about the matter at this particular time. I shall not object to the request, however.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. MANSFIELD]?

There was no objection; and the Speaker appointed the following conferees on the part of the House: Mr. MANSFIELD, Mr. GAVAGAN, Mr. PARSON, Mr. CARTER, and Mr. DONDERO.

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent that the conference report may be considered and acted upon without delay upon being filed.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. MANSFIELD]?

There was no objection.

NATIONALITY ACT OF 1940

Mr. LESINSKI filed the following conference report and statement on the bill H. R. 9980, to revise and codify the nationality laws of the United States into a comprehensive nationality code:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9980) to revise and codify the nationality laws of the United States into a comprehensive nationality code, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 6, 7, 8, 9, 10, and 11, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of inserting the matter proposed to be inserted by the Senate amendment insert on page 92 of the House bill, between lines 10 and 11, the following:

"SEC. 503. If any person who claims a right or privilege as a national of the United States is denied such right or privilege by any Department or agency, or executive official thereof, upon the ground that he is not a national of the United States, such person, regardless of whether he is within the United States or abroad, may institute an action against the head of such Department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which such person claims a permanent residence for a judgment declaring him to be a national of the United States. If such person is outside the United States and shall have instituted such an action in court, he may, upon submission of a sworn application showing that the claim of nationality presented in such action is made in good faith and has a substantial basis, obtain from a diplomatic or consular officer of the United States in the foreign country in which he is residing a certificate of identity stating that his nationality status is pending before the court, and may be admitted to the United States with such certificate upon the condition that he shall be subject to deportation in case it shall be decided by the court that he is not a national of the United States. Such certificates of identity shall not be denied solely on the ground that such person has lost a status previously had or acquired as a national of the United States; and from any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing the reasons for his decision. The Secretary of State, with approval of the Attorney General, shall prescribe rules and regulations for the issuance of certificates of identity as above provided."

And on page 92 of the House bill, line 11, strike out "Sec. 503" and insert "Sec. 504"; and on page 98 of the House bill, line 5, strike out "Sec. 504" and in lieu thereof insert "Sec. 505"; and the Senate agree to the same.

JOHN LESINSKI,
CHARLES KRAMER,
EDWARD H. REES,
JAMES E. VAN ZANDT,
Managers on the part of the House.

L. B. SCHWELLENBACH,
WARREN R. AUSTIN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9980) to revise and codify the nationality laws of the United States into a comprehensive nationality code, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment no. 1: The purpose of this amendment was to make it clear that the term "national of the United States" does not include an alien. The House recedes.

Amendment no. 2: This amendment amended the second paragraph of section 205, relating to the acquisition by illegitimate children of the nationality held by their mothers at the time of their birth, to make it clear that the provisions of the paragraph are applicable with respect to children born before as well as after the effetcive date of the act. The House recedes.

Amendment no. 3: This amendment related to the eligibility for naturalization of Filipinos, and provided that Filipinos with full civil-service ranking who had been in the service for at least three years might be eligible for naturalization. The Senate recedes.

Amendment no. 4: This amendment provided that citizens of the United States who have lost their citizenship by reason of service in the armed forces of a foreign state might regain their American citizenship by naturalization, and that in the naturalization of such persons compliance with some of the provisions of the naturalization laws will be waived. The House recedes.

Amendment no. 5: This amendment provided that persons claiming the rights or privileges of nationals of the United States might petition the district courts of the United States for judgments declaring them to be such nationals. It provided further that any such person who is beyond the jurisdiction of the United States and has filed such petition might obtain from the appropriate consular officer a certificate of identity entitling him to entry into the United States. The House recedes with amendments which make a number of clarifying changes in the text of the Senate amendment and provide for the issuance of the certificates of identity only upon an application showing that the claim of nationality is made in good faith and has a substantial basis. The conference agreement also provides for appeals to the Secretary of State from denials of application for such certificates of identity. The conference agreement transposes the text of this amendment to a more appropriate place in the bill and also makes the necessary corrections in section numbers.

Amendment no. 6: This amendment provided that in registering aliens arriving in the United States, the fingerprints of such aliens shall be required in addition to the other information which is required under the bill. The House recedes.

Amendment no. 7: The House bill provided that a national of the United States should lose his nationality by entering, or serving in, the armed forces of a foreign state unless expressly authorized by the laws of the United States. The Senate amendment provided that he should lose his United States nationality in such a case only if he has or acquires the nationality of the foreign state. The House recedes.

Amedment no. 8: This amendment provides that, in addition to the other reasons specified in the bill, a national of the United States shall lose his nationality by committing any act of treason against, or attempting by force to overthrow or bearing arms against the United States, provided he is convicted thereof by a court martial or by a court of competent jurisdiction. The House recedes.

Amendment no. 9: This is a change in cross references made necessary by amendment no. 8. The House recedes.

Amendment no. 10: The House bill provided that a person who has become a national by naturalization and who would otherwise lose his nationality by residing in a foreign state for a period of years shall not lose his nationality if he resides abroad to represent an American commercial or financial organization. The Senate amendment added "business organization". The House recedes.

Amendment no. 11: This amendment makes clarifying changes in the provision of the House bill which provides that the wife, husband, or child of an American citizen, who is residing abroad for the purpose of being with such American citizen, shall not lose his citizenship in those cases where the American citizen spouse or parent may reside abroad without losing his nationality. The House recedes.

JOHN LESINSKI,
CHARLES KRAMER,
EDWARD H. REES,
JAMES E. VAN ZANDT,
Managers on the part of the House.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill H. R. 9980 just filed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. LESINSKI]?

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, will the gentleman give us a little time to discuss this?

Mr. LESINSKI. We will have an hour.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. LESINSKI]?

There was no objection.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the whole report.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. LESINSKI]?

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, does the gentleman expect to give us a little time on this?

The SPEAKER. The gentleman from Michigan [Mr. LESINSKI] will control an hour.

Mr. JENKINS of Ohio. That is what I thought. If he was going to be arbitrary and not give us any time, we would object now. I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. LESINSKI]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

EXTENSION OF REMARKS

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an exceptionally fine address presented to the Accounting Section Convention at Green Lake, Wis., by Mr. C. E. Kohlhepp, vice president of the Wisconsin Public Service Corporation, Milwaukee, Wis.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a recommendation for a loyalty crusade through music for 1940–41 by Mrs. Helen Harrison Mills, of Peoria, Ill., chairman of the International Music Relations Committee of the National Federation of Music Clubs.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short article by Westbrook Pegler.

The SPEAKER. Is there objecticn to the request of the gentleman from Illinois?

There was no objection.

NATIONALITY ACT OF 1940

Mr. LESINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. MURDOCK].

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent to include in my remarks an article from the Radio and Electrical Union News.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MURDOCK of Utah. Mr. Speaker, for about 5 minutes I ask that the House indulge me while I discuss the frailties of the human memory; the vagaries of a mind which forgets; the necessitous urge which leads a political leader suddenly to change from an enemy of organized labor to pose as its solicitous friend.

Mr. Willkie, the Republican standard bearer, cooed his friendship for labor in his speech at Pittsburgh last night. I desire to give another side to that picture—and the time is almost coincident with the date on which Mr. Wendell Willkie, president of the Commonwealth & Southern, was chosen as the Republican standard bearer.

I shall read from the Radio and Electrical Union News—published by the International Brotherhood of Electrical Workers, an affiliate of the American Federation of Labor in the second half of July, the following dispatch, dated Tallassee, Ala.:

[From the Radio and Electrical Union News of July 1940]

ALABAMA POWER WORKERS REAFFIRM DETERMINATION—COMPANY UNION BATTERIES AND PLUG-UGLY BOSSES FAIL TO SHAKE COURAGE OF LOCAL UNION 904—LAW FLOUTED BY WILLKIE UTILITY

TALLASSEE, ALA.—Still one of the blackest spots on the utility map, the Alabama Power Co. continues its incessant war on organized labor. The company is a unit of the vast Commonwealth & Southern, a huge holding corporation, of which, until his very recent resignation, Wendell L. Willkie, former Democrat and now Republican nominee for Presidency of the United States, was chairman of the board of directors.

Whether Willkie is at fault or not is beside the question. Undoubtedly, if he is interested in labor at all, he might very easily rectify the deplorable situation now existing on this power system.

SIX YEARS CONTINUOUS

The battle for labor recognition on this property has been raging for about 6 years, has run the gantlet of every device conceived in the minds of labor-hating bosses to destroy all semblance of democracy, company unionism has run rampant, the Labor Relations Act has been flouted and laughed at, Labor Board orders have been ignored or corrupted by the tycoons, and plug-uglies have incited riotous conditions to discredit union affiliation.

"Even in this year 1940," states an observer, "men are forced to face the same brutal conditions on this company's property that were thought to be wiped out decades ago.

"Just a few instances will serve to show the deplorable treatment meted out to those who dare to exercise their right to join a union of their own choosing.

UNION MEMBER SLUGGED

"A steam-plant superintendent, notorious for his slave driving and labor baiting, slugged a union member who dared to resent being falsely labeled a thief. A hydro plant foreman threatened to knock another union member on the head when the member offered some constructive criticism of the foreman's faulty work. The known presence of company spies keeps everyone on nerve's edge, and the widespread enmity of bosses for union members has reduced efficiency to a low ebb.

"In addition to all of this, the company is still resisting an order to refund dues deducted from the pay roll for the support of a company union, condemned as illegal under provisions of the Labor Act. The amount due is in excess of $10,000.

"This battle, provoked and continued by the company since 1934, is probably the most outrageous antiunion campaign in recent history. But I. B. E. W. Local Union 904 continues to hold the fort for organized labor. We shall win."

Mr. Speaker, I do not think I need point the moral. [Applause.]

[Here the gavel fell.]

Mr. LESINSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. SHANNON].

Mr. SHANNON. Mr. Speaker, I listened to the debate this morning. I am afraid the readers of the RECORD will get the impression from the critical articles read into the RECORD concerning the candidates, and the expressions on the other side, that a mantle of sacrosanctity has been put about the candidates for President. I believe it ill becomes this House to indulge in that kind of claptrap, going to extremes either on one side or the other.

I want to go back to show you that that never was the rule in this country. Let me take first that great statesman, America's supreme statesman, Thomas Jefferson. The John Jay treaty was up, and he said of the President at that time, George Washington, words to this effect, "Damn his good intentions if he is going to destroy this Republic." His exact words were: "Curses on his virtues; they have undone his country." That sort of criticism, now as then, is good Americanism. It came from the greatest statesman this or any other country has ever produced. I know there is no man of Jefferson's size in this House today.

Now I come a little closer home. I followed the speakers this morning, and I could not help but think of a beautiful thing said by a President who was born in Kentucky. Jefferson Davis and this man were born almost alongside of each other. This President, in a speech delivered as a Representative in this House, a great indictment of James K. Polk, then President of the United States, said:

Mr. President, you have not fired a shot on American soil. They were all fired on foreign soil.

Further in that speech he said this:

Military glory, the attractive rainbow that rises in showers of blood, that serpent's eye that charms to destroy.

That speech was made on January 12, 1848, by Abraham Lincoln. He criticized a President. I say that we have not only a right to criticize a President but we have a duty to criticize Presidents or candidates.

I can take one of the candidates and I believe I can show that the House of Morgan is back of him. You have heard of the House of Rothschild that profited so terrifically in the Napoleonic wars. I know who put you into the other war, the first World War. It was the House of Morgan. The astounding thing in America today is that both candidates are just as one on the question of so-called selective service. Four newspapers are published in this city. Jefferson said of newspapers:

The first aid to promoting war, the newspaper.

The four newspapers in this city urged upon you, the Members of Congress, adoption of the selective service,

so-called, and every one of them today is calling it a conscription act. One of them a day or so ago went so far as to say editorially:

Don't fool the people longer, this is a war act.

I say, let us give heed, if giving heed is a protection to the American citizen who has to go out and face this thing. If we have to speak lightly about the House of Morgan and the candidates, then there is surely a degeneracy on the part of this, the people's body, because if the American youth does not have representation here, he does not have it any place. [Applause.]

[Here the gavel fell.]

Mr. LESINSKI. Mr. Speaker, I yield one-half minute to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, yesterday I asked unanimous consent to extend my remarks in the RECORD, and on looking them over I find there are two very brief quotations that I would like to include. I therefore ask unanimous consent to put them in my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LESINSKI. Mr. Speaker, I yield one-half minute to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an editorial from the Los Angeles Times of Sunday, September 29.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LESINSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, all of us who have been following this legislation appreciate that it is a very complicated matter. The Immigration Committee of the House for years has been struggling with the proposition of recodifying the nationality laws, and I believe that under the direction of my colleague, the gentleman from Kansas [Mr. REES], and the other members of that committee, they have done a very fine job. We passed the bill here in the House after a good deal of discussion and it went to the Senate and they have added some very important amendments. The conferees have accepted some of the amendments and rejected others. I want to compliment the House conferees on their stand in refusing to concur in some of these proposed amendments, but there are two amendments in which they have concurred that I do not quite understand and I would like to take the time to secure a little explanation of them.

I have before me Senate amendment No. 4 and it would be of no use for me to read it to the House because it is so complicated that no one could understand it by reading it once or even reading it 10 times, and to give you a sample I will read a part of it:

A person who shall have been a citizen of the United States and also a national of a foreign state, and who shall have lost his citizenship of the United States under the provisions of section 401 (c) of this act, shall be entitled to the benefits of the provisions of subsection (a) of this section, except that contained in subdivision (2) thereof. Such person, if abroad, may enter the United States as a nonquota immigrant, for the purpose of recovering his citizenship, upon compliance with the provisions of the Immigration Acts of 1917 and 1924.

Of course, the language of the proposed amendment, no doubt, has been well prepared, but it is meaningless in itself and I would like to ask someone to explain to me just what that amendment does.

Mr. LESINSKI. Mr. Speaker, I yield to the gentleman from Kansas [Mr. REES] as he was chairman of the subcommittee that worked on these amendments.

Mr. REES of Kansas. Mr. Speaker, I appreciate the statement of the gentleman from Ohio. Reading the amendment by itself, it is not exactly meaningless, but it is certainly quite difficult to explain. Any amendment read separately from a bill is difficult to understand. Of course, the gentleman has read the bill and the amendments to it and I will be pleased to explain this particular amendment to the gentleman from Ohio, who has always given these problems his careful and earnest study. He is well informed on problems of immigration and naturalization.

Mr. JENKINS of Ohio. I will be glad if the gentleman will do that.

Mr. REES of Kansas. Under the original House bill it was provided that anyone who joined a foreign army would lose his citizenship whether he took an oath of allegiance to the country of that army or not. You know until recently it was generally understood that if you joined a foreign army you took an oath of allegiance to the country of the army that you joined, but in recent years there have been a good many cases, and I believe right now more of it is being done, where men join foreign armies and do not take the oath of allegiance. The provision in the bill that was passed by the House said, in substance, that anyone who joined a foreign army would lose his citizenship. We found it to be true, however, that an American citizen would join the army, we will say, of Great Britain, and thereby lost his citizenship he might become stateless unless he could become a citizen of Great Britain. Furthermore, we just do not want that sort of thing to happen and therefore the bill has been amended in the Senate to say, in substance, that anyone who is a citizen or national of the United States and joins the army of a country in which he has dual citizenship, that person will lose his citizenship in the United States.

I might go back and explain a little further that the reason for this particular amendment comes about largely because it is said that there are persons from certain countries who have gone to the United States or its possessions and have children born here or in our possessions that returned to the country of their parents and acquired dual citizenship of such country. They join the army of that country without taking the oath. They have returned to this country and we are never able to tell whether they have been in those armies or not. We would like to find out the facts if we can. So we are cutting their citizenship off except under certain circumstances and conditions.

Now, all in the world we are saying here is, in substance, that if a person has a dual citizenship in a country where he joined the army he loses his citizenship but if he is an American citizen without dual citizenship and has joined a foreign army without taking the oath, he does not lose his citizenship. Then to go one step further, if he joins the army of a country where he has dual citizenship he may return to this country and file application for the recovery of his citizenship, practically in the same manner as veterans have done under the laws that were passed in 1917.

Mr. JENKINS of Ohio. Let us take the case of a boy who goes to some foreign country and joins its army. When the war is over or any time he wants to come back, this amendment provides that he may come back as a nonquota immigrant. He works his way back to citizenship according to law.

Mr. REES of Kansas. If he has not taken the oath of the country whose army he joined.

Mr. JENKINS of Ohio. Oh, yes; of course, if he has expatriated himself, has held up his hand and said, in effect, "I am not a citizen of the United States any more," and accepted the citizenship of some other country, then, of course, he is not any longer entitled to our compassion.

Mr. REES of Kansas. That is correct.

Mr. JENKINS of Ohio. But if he is a boy who has run away and joined the army just out of the lure of what the army offers, and so on, we do not want to punish him by keeping him out, and that is a very laudable provision in the bill. But in section 2 it says "except that contained in subdivision (2) thereof." What is subsection 2 and what has subsection 2 got to do with it? If it is a boy such as I have described, there is no impediment to his return.

Mr. REES of Kansas. That is correct.

Mr. JENKINS of Ohio. But what is this subsection 2? What kind of a predicament can he get himself into that would keep him out except renouncing allegiance to the

United States and assuming allegiance to some other country? What is in this section? I have it before me, but I cannot tell what it means.

Mr. REES of Kansas. Subsection 2 says that a person who has acquired nationality through his parents—that is to say, if he acquires that nationality because of his parents, not of his own volition——

Mr. JENKINS of Ohio. Well, let me ask you this in a broad sense: For instance, here is a man who has been in this country. He is of foreign extraction. He, of course, would not be a citizen until he becomes a citizen, but he has been in the country and he has been a law-abiding citizen, but he goes back and joins the army in his own country. He has already indicated his willingness to become a citizen. I presume section 2 means that if he goes back to his native country and becomes married, and so on, and becomes entangled in some domestic connection he will not be able to get back as freely as the boy that I first described?

Mr. REES of Kansas. He certainly would not.

Mr. JENKINS of Ohio. I presume that is what section 2 means.

Mr. REES of Kansas. He never was able to.

Mr. JENKINS of Ohio. I think that is what No. 2 in this fourth amendment means. It means that if a boy wants to come back, then we are going to let him come back, but if he has mixed himself up in something else that disqualifies him, he has to prove himself clear and fight himself back as best he can. I do not profess to understand this fully. My only interest is to feel that you have not let something slip into this law that will cause us trouble.

Now, let me go to amendment No. 5. That is a very long amendment and is very complicated. I have read it with a great deal of care. I must confess I do not understand it exactly. Let me ask if this is what it means: The gentleman appreciates this fact, that we have always maintained in the United States—and, by the way, our country was the first country to lay down real, sensible immigration laws.

In other words, we laid down the foundation. They have all followed us. Some have gone a great deal further than we have, but we have had a principle of law that we have not lost sight of, and that is that an alien who has not yet arrived in our country has no rights under our law; not a single right does he possess. When he comes here he has practically all the civil rights that a citizen has. He has a right to park his car within the white lines. If he has children he has the right to send them to our schools. When he comes here he has the same rights, but until he comes here he has none. I hope this section does not invade this time-honored principle that we have defended so nobly in this country.

Mr. LESINSKI. That amendment is for this purpose: Where our manufacturers send agents through the country and they may have to remain 5, 10, or 15 years in a foreign country, we have to give them certain rights to come back.

Mr. JENKINS of Ohio. But I would like to address myself to this one theme that I have laid down: Does this invade that time-honored position that we have taken in this country and always defended successfully?

Mr. REES of Kansas. It does not have a thing to do with it. I think the gentleman is talking about the amendment that has to do with the question of what we regard a right to a day in court."

Mr. JENKINS of Ohio. That is what I mean exactly.

Mr. REES of Kansas. I think the gentleman recalls that when this measure was explained before the House we have amended the code to tighten the situation a great deal with reference to individuals who have what we call dual citizenship. There are thousands of persons abroad who have what is known as dual citizenship. Let me give you an example. For instance, take a man who is born abroad of American citizen parents. That particular person born abroad, born in Italy or Germany or France or whatever it may be, if his parents are American citizens he is an American citizen because he is the child of American citizens.

Then he acquires citizenship of the country where he is born. We have provided among other things in this code that that particular group of persons will lose their citizenship under certain circumstances and conditions.

This particular provision applies now only to persons who are nationals or citizens. We have discussed the question of what we mean by "nationals."

Mr. JENKINS of Ohio. What do you mean by "nationals"?

Mr. REES of Kansas. They are persons who owe allegiance to the Government of the United States. We say that if those persons attempt to come back, if they are turned down by the diplomatic representatives of our country abroad, if they still are able to give a substantial reason why they should be admitted as citizens of the United States, and if the Department of State believes there is a substantial reason for doing so, that person may come to this country for the purpose of bringing an action in court and being heard in this court and having his case appealed if he wants to. At the same time it is with the understanding that if he is turned down he shall be deported from this country.

We have a rather new situation here, and that is we are cutting off the claim to citizenship of these thousands of persons under this provision in the bill who do not comply with its terms and therefore it was deemed advisable that some chance be given them to have what might be called their day in court. We have safeguarded the situation extremely carefully and feel that so far as possible we have prevented any abuse of it. It was my contention when this measure was up for consideration in the committee that such people did have the right to go into court either on a declaratory judgment or under a writ of habeas corpus, but there was a feeling on the part of others that they may not have that right.

We are giving this right not to aliens, if you please, but to American citizens. There being perhaps some foundation for that contention, we have allowed it but have safeguarded it just as carefully as we could. Have I made myself clear to the gentleman from Ohio?

Mr. JENKINS of Ohio. I think this proposition is pretty well laid down. It is unfortunate that the amendment that is going to be written into the bill is not the amendment the gentleman gave me and the one I am reading from.

Mr. LESINSKI. The gentleman will find that in amendment No. 1, the word "alien" was put in. In other words, an alien cannot take an appeal.

Mr. JENKINS of Ohio. I think that was a very salutary change and protection, but I want to develop this somewhat further. I remember a case that came to the attention of Congress, the case of a man attempting to avoid the principle I talked about a while ago. He had married a woman who lived in Germany, and before he married her he had been informed that she could not be admitted into this country. He tried to bring a suit, in fact did bring a mandamus action against the Secretary of State to compel the admission of this woman into the United States. The case went to the Supreme Court and the Supreme Court held just as I said a while ago that an alien outside of the United States not a citizen of the United States, one who has not started to become naturalized, would have no right in our courts.

I think the provision in the amendments defining the word "national" is a very salutary one.

I know there are a lot of fine people who need the protection of this provision that I am discussing. There is no question about that, but what I am concerned about, and this is the next question, is that when we come close to a fundamental principle of law which we have agreed upon for years we must be exceedingly cautious. What you are saying here is that a man who has never been in the United States at all——

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. Let me proceed for a minute, please. What you are saying in this amendment is that a man who has never been in the United States at all but who claims he is a national either because his parents were, or on some other ground but is not, in fact, a national, can make application in

our courts to have tested the question of whether he is a national. Or suppose he wants to be admitted into this country to do something not for the best interests of the country, he can claim his day in court.

Certainly we should not protect him as we would the boy who became a soldier. What is there in the bill to prevent the abuse of this privilege by a man who puts up a plausible claim to being what he in fact is not? The gentleman from Kansas has done a splendid job on this bill and I compliment him; he deserves to be complimented. Likewise the gentleman from Michigan, he has done a splendid job and I compliment him; but I do not want to see us give imposters a right to carry on their perfidy while we are trying to do something worth while for some deserving people.

Mr. LESINSKI. I return the compliment to the gentleman from Kansas.

Mr. JENKINS of Ohio. But I want to know what safeguards have been erected against the abuse of this privilege.

Mr. REES of Kansas. I think I can answer the gentleman briefly. Let me call his attention to the fact that he seems to be discussing aliens. We are not talking about aliens.

Mr. JENKINS of Ohio. I am afraid the gentleman is wrong about that. I am talking about the case of a man who is not a national but who claims to be a national and who makes a showing of establishing that he is a national of this country. What have you in the bill to put up the bars against such a fellow?

Mr. REES of Kansas. The gentleman from Ohio being familiar with these nationality laws knows that anyone who is a citizen who goes abroad can come back into the United States any time he wants to no matter what he has done while abroad just so he has not done one thing, lose his citizenship.

He may even have committed a crime, just so he has not in some way expatriated himself as a citizen of this country. That is the present law. He does not have to bother about this process. He can come back to the United States and claim the protection of the laws here or the protection of our Government while abroad. Under this code we have provided certain restrictions in that situation and one of the most important is that the man who claims dual citizenship and who does not make the claim within a 2-year and 90-day period after this bill becomes law, that person has the burden of proof. Heretofore there was no burden at all. Now he loses his citizenship if he does not come into the United States within 2 years after this bill passes and maintain that citizenship. He is out otherwise. Except also he has 2 years after he reaches the age of 21.

Mr. JENKINS of Ohio. We are not very far apart on this. Let us get back to this hypothetical case of the man in Germany. He has never been over here, he has never had the benefit of the teachings of Americanism. Let us assume he is a Nazi. He does not espouse our theories at all. But he has a pretty good claim that he is an American national. He can make out a pretty good claim that he is a national. Now all he has to do is step up to a consul and say, "I am an American national and I want you to give me a certificate," and the consul has to give it to him. If you interpret this law liberally he may have to give him that certificate. Then he can go over all Germany and say, "I am a German" when he wants to be a German and "I am an American" when he wants to be an American. And if he refuses to give him that certificate, that man may institute an action in our courts to have court take the time to hear his case.

This law goes too far in that respect. This fellow has the right to file a petition in the United States courts. We used to say that these fellows who are away from here have no right in our courts. But here is a man who has never been here and he has the right to file a petition in the United States court demanding a certificate that he is an American national, and he may use it.

Of course, you have one very fine provision in here and I compliment you for that. If the consul over there is on to his job he can make that fellow prove all these things before he gives him a certificate, but if he is inclined to be loose he may say, "We will let him go through. He claims he is a national, and we will give him a certificate." Then that fellow will parade himself as an American citizen. I know you have tried to shut the door. Now, I ask you this question in the spirit of an American, like all of us here are: Can I go out of this room after this is adopted and tell the people who are going to ask about this law that we have shut the door against that fellow? Do you make him establish the fact he is a national and that he is what he claims to be before he can masquerade all over Europe with a certificate from an American consul saying that he is something which he is not? What I want you to know is that if you have failed to do this you have overlooked an important matter. We should make our immigration laws fair toward the man or woman who is deserving, but we cannot be too strict toward the imposters and those who would undermine our Government and its institutions. Mr. Speaker, I have no desire to prolong this discussion further.

Mr. REES of Kansas. Under the present law the individual the gentleman from Ohio is talking about does not have to go through any process at all. If he is still a citizen of the United States, even though born abroad, he does not have to go through any process at all. In this act we put the burden of proof upon that individual to show that he is a citizen or a national of the United States. Along with that, we have guarded the thing further. After placing the power and authority in the hands of the State Department, we give him, as I tried to explain a few minutes ago, a day in court. The other way he can come back into the United States, regardless of what we may say about it, because he is still a citizen and entitled to our protection, no matter how long he may have been abroad.

Mr. HINSHAW. I would like to ask a question about a person born in the United States of foreign parentage—that is, of noncitizen parentage—and who has this status of dual nationality. Suppose he is called back to join the army of the country of his parents, which he does. I understand that after his service he can apply for reentry to the United States under this act.

Mr. REES of Kansas. If he goes back to that army and joins without taking the oath, then he can come back to this country and petition for citizenship and have a hearing. If he has taken the oath of the foreign country he loses his citizenship and becomes an alien.

Mr. LESINSKI. There is an additional explanation. The law provides that any man who reaches the age of 21 must make his declaration within 2 years after his twenty-first birthday or he loses all his rights to American citizenship.

Mr. HINSHAW. Does this law provide that he cannot hold dual citizenship?

Mr. LESINSKI. This law provides he must make his declaration within 2 years and 9 months after his twenty-first birthday.

Mr. HINSHAW. There is one country in the Orient which says that if the parent of a child registers its nationality and citizenship with that foreign country before the child reaches 16 months of age, the citizenship is permanent.

Mr. LESINSKI. What foreign country?

Mr. HINSHAW. That does not make any difference.

Mr. LESINSKI. Suppose American-born children went back to Europe and settled there with their parents. Those are what we call dual citizens, or they hold dual citizenship. Now when those persons reach the age of 21 they must make a declaration upon attaining the age of 21 years and if they do not they lose all rights to American citizenship.

Mr. HINSHAW. Let us get down to cases and speak of the Japanese child born in the United States of Japanese parentage and who is registered with Japan as a citizen of Japan before he reaches the age of 16 months.

Mr. LESINSKI. Of course, our law is very plain on that. Everybody born here is an American citizen.

Mr. HINSHAW. I understand, but they are registered in their home country as Japanese citizens.

Mr. LESINSKI. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. KRAMER].

Mr. KRAMER. Mr. Speaker, one of the amendments that was written into this bill by the Senate was to give the right of citizenship to Filipinos who are in the Government service. The House conferees voted against that amendment, likewise did two of the Senate conferees, so the Senate receded from that amendment and it was stricken out. We felt that it was giving special privilege to one race, whereas there were many other people coming from other countries, such as Ireland, Sweden, and Poland, who were likewise in the civil service, and why should we give a special privilege to the Filipinos on the Pacific coast or elsewhere and not to the others. If they were losing their jobs by this legislation it is through the fault of no one but themselves because they were all the time holding themselves out as being American citizens.

Mr. LESINSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Speaker, I have asked for this time to put a few questions to the gentleman in charge of the bill, and particularly to the chairman of the subcommittee, who I feel sure is an eminent lawyer and constitutional authority. I was very much interested in the questions raised by the gentleman from Ohio which had to do with some of these complicated matters. In these days when we have so much discussion about and so much thought in the public mind concerning dangerous aliens and subversive influences, I am wondering what rights resident aliens have under the Constitution of the United States. I have heard it said that they have no rights guaranteed by the Constitution. Would the gentleman from Kansas comment on that question a bit? For instance, does the right to have a writ of habeas corpus, the right of judicial trial, the protection of due process of law, and other such rights apply with equal force to resident aliens as to citizens of the United States?

Mr. REES of Kansas. I appreciate the gentleman's compliment about my being a constitutional lawyer, but I am afraid if I went into too broad a discussion of the question he might discover that I am not as well qualified as a constitutional lawyer as he suggests. Nevertheless, I believe I can answer his question rather definitely and say that if this country sees fit to admit an alien to this country he is entitled to all the protection that is provided our own citizens under the law. I am speaking about the protection afforded under our Constitution. Of course, he does not have the right to vote or the right to hold office. Under our present laws we provide that aliens may not be employed by the various departments of the Government. However, the gentleman is talking about the Constitution.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Arizona. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I believe that what the gentleman means is that, as we all know, an alien who is in this country has all the rights of personal liberty that a citizen has.

Mr. REES of Kansas. That is right. I appreciate the statement of the distinguished floor leader.

Mr. MURDOCK of Arizona. The Bill of Rights applies to that resident alien the same as to an American citizen?

Mr. REES of Kansas. That is right.

Mr. MURDOCK of Arizona. I thank the gentleman for the information and it confirms my thought on the matter.

As one who is a long way removed from his ancestors who came from Europe to American shores, I may be exhibiting that common American characteristic of the older inhabitants by wishing to tighten our immigration laws and deal more firmly with the aliens who have come among us. Yet I do appreciate the splendid human contribution which America has continually received from abroad. I am confident that love of America burns as fiercely or even more fiercely in the breasts of many newcomers than it burns in the breasts of some natural-born Americans or those who have descended from natural-born Americans. While all that is true, we must recognize that there are dangerous aliens among us. Even discounting some of the fears and the exaggerations of alarmists about "fifth columnists," prudence dictates that we reshape our laws concerning immigrants and concerning the taking out of American citizenship and concerning the treatment of resident aliens in this country.

Now that the Old World is on fire, and there will be effort made by many nationals of warring countries to escape Old World troubles and get to America, there is especial need of vigilance on our part to be more selective and to debar the dangerous and undesirable variety and deport that variety who are already here. American citizenship must mean something. It does mean very much, and it must not be too freely bestowed upon the unworthy. Those of us who have read sacred history remember how a great but despised early Christian frequently avoided persecution and escaped imprisonment merely by pronouncing the magic words, "I am a Roman citizen." Would to God every worthy person within the confines of our country might put greater meaning into similar words by proudly affirming, "I am an American citizen." Such would afford him all the rights, benefits, privileges, and blessings of our Bill of Rights and of the entire Constitution of the United States.

I have no patience with aliens who come to our shores, or who have years ago come to our shores, for selfish reasons, have lived here for years without attempting to become naturalized citizens. I have no plea nor excuse for them, and have never asked any special consideration of them. Of course, I am very well aware that there are many resident aliens in this country who have not become citizens, and who would like very much to become citizens, being prevented by some explainable matter from doing so. I have pity rather than censure for such aliens residing among us if their loyalty and attitude in other respects may be approved.

During recent weeks a sort of war-time hysteria has swept this country, and some professed patriotic leaders have demanded deportation of all alien troublemakers—as if we were not all anxious to do just that. They have been impatient of delay and careless about method. These would-be political figures sometimes assert that aliens residing in this country have no rights at all under the Constitution, and that they should be deported merely on the ground that they are charged with being hurtful.

It is my understanding that the entrance of a foreigner into this country is not a right of his but a privilege which our Government may grant or withhold, but when an alien has entered this country legally—or at least not illegally—and has resided here, that his status ripens into a right to the protection of our Constitution exactly as the Constitution and Bill of Rights protect American citizens. I further understand that the Supreme Court of the United States has declared that the writ of habeas corpus applies to an alien in this country exactly as to an American citizen, and that the right of judicial trial according to due process of law is guaranteed by the Constitution itself to aliens and nationals of other countries living in this country. Of course, some of these benefits to resident aliens may be further strengthened by treaty provisions between our Government and the governments of which they are subjects. Naturally such treaty provisions, according to the Constitution, become a part of the Constitution itself.

There certainly has been need, in recent months, for new legislation concerning immigrants and aliens, and Congress has passed quite a body of laws besides this measure before us today dealing with the subject. This legislative process has been going on for more than a year. On the 28th of June last, a comprehensive measure finally became law providing for the registration of aliens and also providing for deportation of certain classes of dangerous and undesirable aliens. I recall that the House bills which constituted the initial form of this recent legislation passed the House in May 1939, and I recall that the conference report on some of this legislation came before the House on June 22 this year. Apparently it takes considerable time to affect final enactment of these much needed measures. However, I do believe that this Congress, with new legislation and with codification of old legislation, has dealt energetically, and I hope effectively and fairly, with the problem of the aliens who live among us or who wish to come to live among us. I trust that this will

emphasize the value of American citizenship in all minds and will duly safeguard the precious thing called the American way of life.

Such legislation is a complicated matter, and although I have not been able to look through this bill very carefully, I want to compliment the committee on what they have done. I hope it will clear up many of the questions which are puzzling us. Acting within the framework of constitutional principles and with patriotic loyalty, we need to draw the line sharply so as to deal justly with the three and one-half million or more aliens who are among us, and at the same time protect the great American heritage for our own children as well as for those who have come as our guests from other lands, later to become citizens. [Applause.]

[Here the gavel fell.]

Mr. LESINSKI. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Speaker, I want to go on with the question I was asking a moment ago about the child with dual citizenship who grows up here and is called back to serve in the Army of the country of his other citizenship, and then applies for reentry to the United States. The gentleman from Kansas said that at the age of 21 years plus 2 years and 90 days, I believe it was, he had to make a declaration of his determination of citizenship, but suppose the foreign country which has his other citizenship refuses to release him from that nationality. He might serve in that army and he might serve in a war against the United States. Is he still eligible to return to the United States? I mean, he might serve in the foreign army without taking the oath of allegiance, because of the feeling that he is already a citizen.

Mr. REES of Kansas. The gentleman now is talking about this man's becoming an enemy of this country.

Mr. HINSHAW. He might have served in a foreign army, and that army might have operated against the United States.

Mr. REES of Kansas. Let us divide the question. If an individual is born in the United States and joins the army without taking an oath of allegiance of the country of his dual citizenship, that is, he is born here of foreign parentage and as a child is taken by his parents to the country from which his parents came, and becomes a citizen of that country because of the parentage of his father and mother or his father or mother, as the case may be—that person would lose his citizenship.

Mr. HINSHAW. I brought up a moment ago the case where the child was registered with the consul before the age of 16 months, and consequently they claim him as a citizen.

Mr. REES of Kansas. I am not sure that we would pay any particular attention to his registry. We would follow the law of our own country.

Mr. HINSHAW. Yes; but they claim him as a citizen because his parents, before the age of 16 months, registered him as a citizen of that foreign country.

Mr. REES of Kansas. The gentleman is suggesting a matter, I believe, that would have to be ironed out by the State Department. Let us get back to the simple question of an individual born here who acquires dual citizenship. We would follow the laws of our country and not the laws of any other country. If the parents go back to their home country and acquire citizenship in that country also, then that individual if he fights in the army of that particular country can only reacquire his citizenship by filing a petition in the courts of this country.

[Here the gavel fell.]

Mr. LESINSKI. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. COOPER. Mr. Speaker, the gentleman from Oklahoma [Mr. NICHOLS] was temporarily called from the Chamber, and asked me to request unanimous consent that he be given permission to revise and extend his own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. REES of Kansas asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that on the first legislative day of next week I may be permitted to extend my remarks in the RECORD, and to insert an article regarding the commercial and industrial depression in the Northwest and in other sections of the Nation, and the bearing which our transportation facilities have on the same, and also to include an article by William A. Marin, of Minnesota, an expert on rate problems. The matter, Mr. Speaker, is over the limit allowed, but I have taken it up with the Committee on Printing and have also obtained an estimate from the Public Printer.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman tell us what he knows about the program for next week, because that will save a lot of questions if it is in the RECORD.

Mr. McCORMACK. On Monday, of course, we have the Consent Calendar and the conference report on the rivers and harbors bill and there may be one or two suspensions.

Mr. MICHENER. The Ramspeck bill will not be taken up?

Mr. McCORMACK. Yes; I understand the Ramspeck bill will be called up, and I am glad the gentleman has called that to my attention.

Mrs. ROGERS of Massachusetts. Is that coming up definitely?

Mr. McCORMACK. That is my understanding; yes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 162. An act to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes;

S. 3437. An act for the relief of the France-American Construction Co.;

S. 3778. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930;

S. 3920. An act to amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes;

S. 4316. An act to repeal sections 4588 and 4591 of the Revised Statutes of the United States;

S. 4341. An act to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any one day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes; and

S. J. Res. 295. Joint resolution authorizing the participation of the United States in the celebration of a Pan American Aviation Day, to be observed on December 17 of each year, the anniversary of the first successful flight of a heavier-than-air machine.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 3, 1940:

H. R. 1999. An act to confer jurisdiction upon certain United States commissioners to try petty offenses committed on Federal reservations;

H. R. 2728. An act to add certain lands to the Cleveland National Forest in Orange County, Calif.;

H. R. 3009. An act for the relief of June Thompson, a minor;

H. R. 3481. An act for the relief of C. Z. Bush and W. D. Kennedy;

H. R. 4066. An act for the relief of Josefina Alvarado;

H. R. 4126. An act for the relief of Warren Zimmerman;

H. R. 4615. An act for the relief of Sallie Barr;

H. R. 4656. An act to record the lawful admission to the United States for permanent residence of Esther Klein;

H. R. 4724. An act for the relief of Charles F. Martin, a minor;

H. R. 4815. An act for the relief of Henry J. Wise;

H. R. 5040. An act for the relief of Arthur Joseph Reiber, a minor;

H. R. 5314. An act for the relief of Paul J. Kokanik;

H. R. 5814. An act for the relief of David J. Williams, Jr., a minor;

H. R. 6215. An act for the relief of John E. Avery;

H. R. 6512. An act for the relief of F. W. Heaton;

H. R. 6687. An act to permit the States to extend their sales, use, and income taxes to persons residing or carrying on business, or to transactions occurring in Federal areas, and for other purposes;

H. R. 6820. An act for the relief of Mrs. Hama Torii Emerson;

H. R. 6888. An act for the relief of Esther Jacobs;

H. R. 7139. An act for the relief of Joe L. McQueen;

H. R. 7276. An act for the relief of Walter B. McDougall and Herbert Maier;

H. R. 7302. An act for the relief of Lillian Brown and Silas Young;

H. R. 7357. An act to amend section 4472 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 465) to provide for the safe carriage of explosives or other dangerous or semi-dangerous articles or substances on board vessels; to make more effective the provisions of the International Convention for Safety of Life at Sea, 1929, relating to the carriage of dangerous goods, and for other purposes;

H. R. 7731. An act to provide for the burial and funeral expenses of deceased veterans of the Regular Establishment who were discharged for disability incurred in the service in line of duty, or in receipt of pension for service-connected disability;

H. R. 7815. An act for the relief of Boston & Maine Railroad;

H. R. 7910. An act for the relief of Betty Jane Bear Robe;

H. R. 8069. An act to re-form the lease for the Sellwood station of the Portland (Oreg.) post office;

H. R. 8150. An act providing for the barring of claims against the United States;

H. R. 8163. An act for the relief of Antonio Sabatini;

H. R. 8301. An act for the relief of Allen B. Boyer;

H. R. 8369. An act authorizing a per capita payment of $10 each to the members of the Red Lake Band of Chippewa Indians from any funds on deposit in the Treasury of the United States to their credit;

H. R. 8744. An act for the relief of Ernst Lyle Greenwood and Phyllis Joy Greenwood;

H. R. 8868. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Bolinross Co., Inc.;

H. R. 9073. An act to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe* at Norfolk, Va., on October 27, 1939;

H. R. 9284. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. A. L. Ridings;

H. R. 9561. An act granting the consent of Congress to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Sauk Rapids, Minn.;

H. R. 9656. An act to authorize the acceptance of donations of property for the Vicksburg National Military Park, in the State of Mississippi, and for other purposes;

H. R. 9670. An act to provide an 8-hour workday and payment for overtime for dispatchers and mechanics-in-charge in the motor-vehicle service of the Postal Service;

H. R. 9722. An act to provide for the regulation of the business of fire, marine, and casualty insurance, and for other purposes;

H. R. 9734. An act authorizing allocation of funds for the construction of Saco Divide unit, Milk River project, and for other purposes;

H. R. 9736. An act to amend section 355 of the Revised Statutes, as amended, to authorize the Attorney General to approve the title to low-value lands and interests in lands acquired by or on behalf of the United States subject to infirmities, and for other purposes;

H. R. 9840. An act for the relief of Bela Karlovitz;

H. R. 9921. An act to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project;

H. R. 9942. An act authorizing the Secretary of the Interior to issue to Henry W. Shurlds and W. H. White a patent to certain lands in the State of Mississippi;

H. R. 9943. An act authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi;

H. R. 9952. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Ind.;

H. R. 9989. An act authorizing the Administrator of Veterans' Affairs to grant an easement in certain land to the city of Memphis, Tenn., for street-widening purposes;

H. R. 9991. An act to amend section 4021 of the Revised Statutes and to repeal section 4023 of the Revised Statutes relating to establishment of postal agencies;

H. R. 10061. An act to consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code;

H. R. 10155. An act for the relief of William M. Irvine;

H. R. 10246. An act to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission;

H. R. 10267. An act to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes;

H. R. 10337. An act to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes;

H. R. 10406. An act to authorize the appointment of graduates of the Naval Reserve Officers' Training Corps to the line of the Regular Navy, and for other purposes;

H. R. 10413. An act to provide revenue, and for other purposes;

H. J. Res. 467. Joint resolution to exempt from the tax on admissions amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941; and

H. J. Res. 603. Joint resolution to authorize the United State Maritime Commission to furnish to the State of

Pennsylvania a vessel suitable for the use of the Pennsylvania State Nautical School, and for other purposes.

On October 4, 1940:

H. R. 4088. An act to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts;

H. R. 8846. An act to provide for the retirement of certain members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the members of the Fire Department of the District of Columbia;

H. R. 9581. An act to amend the Merchant Marine Act, as amended; and

H. R. 10339. An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned, in accordance with its previous order, until Monday, October 7, 1940, at 12 o'clock noon.

EXECUTIVVE COMMUNICATIONS, ETC.

1982. Under clause 2 of rule XXIV, a letter from the Acting Secretary of the Interior, transmitting a complete set of laws passed by the municipal councils and the legislative assembly of the Virgin Islands during the fiscal year 1940 (H. Doc. No. 963); to the Committee on Insular Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WOODRUM of Virginia: Committee of conference on the disagreeing votes of the two Houses. H. R. 10539. A bill making supplemental appropriations for the support of the Government for fiscal year ending June 30, 1941, and for other purposes (Rept. No. 3016). Referred to the Committee of the Whole House on the state of the Union.

Mr. LESINSKI: Committee of conference on the disagreeing votes of the two Houses. H. R. 9980. A bill to revise and codify the nationality laws of the United States (Rept. No. 3019). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCHAFER of Wisconsin: Committee on Indian Affairs. S. 3133. An act for the relief of the Cherokee Indian Nation or Tribe, and for other purposes; without amendment (Rept. No. 3020). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCHAFER of Wisconsin: Committee on Indian Affairs. S. 1432. An act authorizing the Snake or Piute Indians of the former Malheur Indian Reservation of Oregon to sue in the Court of Claims, and for other purposes; with amendment (Rept. No. 3022). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee on Agriculture. H. R. 7813. A bill to safeguard the homing pigeon; without amendment (Rept. No. 3023). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. VAN ZANDT: Committee on Immigration and Naturalization. H. R. 10063. A bill to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina; without amendment (Rept. No. 3017). Referred to the Committee of the Whole House.

Mr. AUSTIN: Committee on Immigration and Naturalization. H. R. 10282. A bill for the relief of Karel Lederer; without amendment (Rept. No. 3018). Referred to the Committee of the Whole House.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 4212. An act for the relief of certain Navajo Indians, and for other purposes; without amendment (Rept. No. 3021). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HILL:

H. R. 10611. A bill to provide for the completion of alterations to bridge over the Columbia River at Hood River, Oreg., and White Salmon, Wash., resulting from the construction of Bonneville Dam; to the Committee on Appropriations.

By Mr. HOOK:

H. R. 10612. A bill to authorize a preliminary examination and survey of the Sturgeon River and its tributaries in the State of Michigan for flood control, for run-off and waterflow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. KING:

H. R. 10613. A bill to authorize procurement of certain products made by the blind in Alaska, Hawaii, or Puerto Rico; to the Committee on Expenditures in the Executive Departments.

By Mr. SCHAFER of Wisconsin:

H. R. 10614. A bill to permit disclosure of information to claimants of the Veterans' Administration; to the Committee on World War Veterans' Legislation.

By Mr. HARTER of Ohio:

H. R. 10615. A bill to provide for reimbursing Portage County, Ohio, for loss of certain taxes by reason of acquisition of land by the United States for the shell-loading plant near Ravenna, Ohio; to the Committee on Military Affairs.

By Mr. ALEXANDER:

H. J. Res. 610. Joint resolution: Prepare for Peace; to the Committee on Foreign Affairs.

By Mr. HENDRICKS:

H. J. Res. 611. Joint resolution to provide for the cooperation of the United States of America in the plans of the St. Augustine historical program for the establishment of a permanent inter-American cultural center in St. Augustine, Fla.; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KNUTSON:

H. R. 10616. A bill for the relief of William H. Evens; to the Committee on Claims.

By Mr. MACIEJEWSKI:

H. R. 10617. A bill for the relief of Jan Jindrich Reiner; to the Committee on Immigration and Naturalization.

H. R. 10618. A bill for the relief of Antomin Stepan Reiner; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9342. By Mr. CARTER: Resolution of the Board of Supervisors of the County of Alameda, State of California, protesting against action on House bill 10384 and Senate bill 4269, amending the Social Security Act by reducing period of residence in States from 5 years to 1 year to receive old-age-security payments; to the Committee on Ways and Means.

9343. By Mr. HART: Petition of the Board of Education of the City of Jersey City, N. J., urging the continuance and expansion of Federal reimbursement to public vocational schools; to the Committee on Appropriations.

9344. By Mr. LYNCH: Petition of the Educational Council of the National Public Housing Conference, New York, N. Y., urging enactment of Senate bill 591, for additional slum clearance and low-rent housing; to the Committee on Banking and Currency.

SENATE

MONDAY, OCTOBER 7, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, whose power is infinite and whose mercies stand more certain than the rising sun: Illuminate our hearts and minds with Thine indwelling Spirit, that we may see the tasks committed to our charge and steadfastly perform them to Thy glory; that so, throughout the countless changes and chances of our mortal life, we may be Thy faithful stewards, and diligent to do Thy will, wherein is our abiding peace. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, October 4, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On September 21, 1940:

S. 2991. An act to authorize the Secretary of the Navy to accept on behalf of the United States certain lands in the city of National City, Calif.

On September 25, 1940:

S. 1379. An act granting the consent of Congress to the State of Michigan to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan.

On September 27, 1940:

S. 3929. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Memphis, Tenn.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Holt	Schwartz
Andrews	Danaher	Johnson, Calif.	Schwellenbach
Ashurst	Davis	Johnson, Colo.	Sheppard
Austin	Ellender	King	Shipstead
Bailey	Frazier	McKellar	Stewart
Barkley	George	Maloney	Thomas, Idaho
Bone	Gerry	Minton	Thomas, Okla.
Bulow	Gibson	Murray	Thomas, Utah
Burke	Gillette	Norris	Townsend
Byrd	Glass	O'Mahoney	Tydings
Byrnes	Green	Overton	Van Nuys
Capper	Guffey	Pepper	Wagner
Caraway	Gurney	Pittman	Walsh
Chavez	Harrison	Radcliffe	Wheeler
Clark, Idaho	Hayden	Reed	White
Clark, Mo.	Herring	Russell	Wiley

Mr. MINTON. Mr. President, I announce that the Senator from Kentucky [Mr. CHANDLER] is absent because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from New Mexico [Mr. HATCH], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from New York [Mr. MEAD], the Senator from Arkansas [Mr. MILLER], the Senator from West Virginia [Mr. NEELY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. MCNARY], the Senator from Michigan [Mr. VANDENBERG], the Senator from New Hampshire [Mr. TOBEY], the Senator from North Dakota [Mr. NYE], the Senator from Ohio [Mr. TAFT], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. HOLMAN], and the Senator from New Jersey [Mr. BARBOUR] are necessarily absent.

The VICE PRESIDENT. Sixty-four Senators have answered to their names. A quorum is present.

AWARDS OF CERTAIN NAVAL QUANTITY CONTRACTS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Navy, reporting, pursuant to the act of March 5, 1940, relative to awards of quantity contracts for aircraft, aircraft parts, and accessories entered into with more than one bidder under authority of such act, which was referred to the Committee on Naval Affairs.

REGULATION OF EXPLOSIVES

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the act entitled "An act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes," approved October 6, 1917 (40 Stat. 385), which, with the accompanying papers, was referred to the Committee on Mines and Mining.

PETITION

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Public Lands and Surveys:

Assembly Joint Resolution No. 1.—Relative to memorializing Congress to pass legislation for the control of predators

Whereas due to existing Federal legislation the killing of predators that prey upon our fish and game is prohibited in national parks; and

Whereas such predators daily take a deadly toll of fish and game in and out of national parks; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, that the Legislature of the State of California does hereby memorialize the President and Congress of the United States to consider and enact legislation permitting the control of predators in national parks in the State of California by the California Fish and Game Commission and its duly authorized officers and agents; and be it further

Resolved, That the chief clerk of the Assembly of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California to the Congress of the United States, and that such Senators and Members from California are respectfully urged to support such legislation.

OFFER OF SERVICE TO THE UNITED STATES—RESOLUTION OF RUTLAND (VT.) LIONS CLUB

Mr. GIBSON presented a letter embodying a resolution adopted by the Lions Club of Rutland County, Vt., which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

LIONS CLUB,
Rutland, Vt., September 11, 1940.

The Honorable ERNEST W. GIBSON,
United States Senator for Vermont,
The Senate, Washington, D. C.

DEAR SIR: We submit the following resolution, adopted September 3, 1940, for your consideration and possible action:

"Whereas the United States of America is now facing the gravest crisis in its existence; and

"Whereas there are, in the United States of America, many subversive factors tending to undermine the Constitution and abrogate the Bill of Rights on which our country was founded; and

"Whereas there is a decided need for sober, impartial, forbearing and constant vigilance on the part of true Americans; and

"Whereas the fundamental principle on which Lionism is based is our country's security; and

"Whereas we believe that by the proper application of the word L(iberty) I(ntelligence) O(ur) N(ation's) S(afety) we, as Lions, can do much to assist our country in an hour of need: Therefore be it

"*Resolved,* That the Rutland Lions Club of Rutland County, Vt., offer our collective and individual service to the proper authority

in the United States of America, pledging ourselves to use diligence in the exercise of our rights and the rights of others under our Constitution and Bill of Rights, to the end that subversive elements and influences be eradicated; and be it further

"*Resolved*, To be mindful of the fact that a hasty act may work injury to others and to be sure of our ground before acting; and be it further

"*Resolved*, That we will abide by, after careful consideration, any instructions which may be given us by the properly constituted authority; and be it further

"*Resolved*, That we unequivocally and without reservation offer our service to our country for whatever action they may assign to us; and be it further

"*Resolved*, That a copy of this resolution be sent to each one of our Senators and Congressmen representing the State of Vermont at Washington, D. C."

Signed by the president of the Rutland Lions Club, of Rutland County, Vt., attested by the secretary, this 3d day of September 1940.

ELROY M. CHASE, *President.*

Attest:

KENNETH M. ALEXANDER,
Secretary.

REPORTS OF COMMITTEES

Mr. KING, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10322) to amend further the District of Columbia Unemployment Compensation Act, reported it without amendment and submitted a report (No. 2209) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 10495) to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes, reported it with an amendment and submitted a report (No. 2210) thereon.

PRINTING OF MESSAGE OF PRESIDENT JAMES MONROE EMBODYING THE MONROE DOCTRINE

Mr. HAYDEN. From the Committee on Printing I report back, without amendment, Senate Resolution 321, and ask unanimous consent for its immediate consideration.

There being no objection, the resolution (S. Res. 321), submitted by Mr. O'MAHONEY September 26, 1940, was considered by unanimous consent and agreed to, as follows:

Resolved, That the annual message of President James Monroe transmitted on December 2, 1823, to the first session of the Eighteenth Congress, embodying the Monroe Doctrine, be printed as a Senate document, with certain portions of the original message in facsimile as illustrations.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolutions:

On October 3, 1940:

S. 253. An act to authorize the leasing of certain Indian lands subject to the approval of the Secretary of the Interior;

S. 1160. An act for the relief of Roland Hanson, a minor, and Dr. E. A. Julien;

S. 3550. An act to make unlawful the transportation of convict-made goods in interstate commerce, and for other purposes;

S. 3636. An act to amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes;

S. 3868. An act for the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration;

S. 4258. An act to remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, New York;

S. 4353. An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories and possessions, and for other purposes; and

S. J. Res. 267. Joint resolution providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts.

On October 5, 1940:

S. 162. An act to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes;

S. 3437. An act for the relief of the Franco-American Construction Co.;

S. 3778. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930;

S. 3920. An act to amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes;

S. 4316. An act to repeal sections 4588 and 4591 of the Revised Statutes of the United States;

S. 4341. An act to expedite national defense by suspending, during the national emergency, provisions of laws that prohibit more than 8 hours' labor in any one day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes; and

S. J. Res. 295. Joint resolution authorizing the participation of the United States in the celebration of a Pan American Aviation Day, to be observed on December 17 of each year, the anniversary of the first successful flight of a heavier-than-air machine.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAVEZ:

S. 4401. A bill to amend the act of June 7, 1939, providing for the acquisition of stocks of strategic and critical materials essential to the needs of industry and the national defense; to the Committee on Military Affairs.

By Mr. GUFFEY:

S. 4402. A bill to amend the Selective Training and Service Act of 1940; to the Committee on Military Affairs.

CHANGE OF REFERENCE

Mr. DANAHER. Mr. President, Senate Joint Resolution 284 providing a method for the payment of amounts due to persons in the United States from foreign nationals in respect of the use in a certain foreign country of American patents, was referred to the Committee on Patents. That committee held some hearings, and various persons appeared and testified in connection with the bill. It became apparent, to the Committee on Patents, however, that the measure was such that it properly should be referred to the Committee on Banking and Currency.

Because the chairman of the Committee on Patents, the Senator from Washington [Mr. BONE], has been temporarily incapacitated from appearance here, he has asked that I move, in behalf of the Committee on Patents, that the committee be discharged from further consideration of Senate Joint Resolution 284, and that it be referred to the Committee on Banking and Currency for its consideration; and I so move.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut.

The motion was agreed to.

ADMINISTRATIVE PROVISIONS OF VETERANS' LAWS—AMENDMENT

Mr. ELLENDER (for himself and Mr. MEAD) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 8930) to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes, which was ordered to lie on the table and to be printed.

WIRE TAPPING AND INSTALLATION OF LISTENING OR RECORDING DEVICES—AMENDMENT OF RESOLUTION

Mr. GREEN submitted a resolution (S. Res. 323), which was ordered to lie on the table, as follows:

Resolved, That Senate Resolution No. 224, Seventy-sixth Congress (authorizing and directing an investigation of alleged wire tapping and installation of listening or recording devices), agreed to March 20, 1940, is hereby amended as follows:

(1) By striking out "to or from officials and employees of the Federal, State, and local Governments"; and

(2) By striking out "participated in by such officials and employees."

METHODS OF APPORTIONMENT IN CONGRESS (S. DOC. 304)

Mr. WALSH. Mr. President, at the next session the Congress will consider the question of reapportionment for the redistricting of seats among the States in the House of Representatives. Prof. Edward V. Huntington, of Harvard University, has given years of study to this problem and has prepared an excellent exposition of the mathematical formula involved in the question of reapportionment of the seats in the House of Representatives. This manuscript will be an excellent source of material for the Members of the Congress who will be studying it and engaged in formulating a reapportionment bill, and for this reason I ask that Professor Huntington's manuscript may be published as a Senate document. It is entitled "A Survey of Methods of Apportionment in Congress."

Brookings Institution has examined the manuscript and state there is nothing in the field quite like it that adequately presents, in any single document, the data herein contained.

The VICE PRESIDENT. Without objection, the manuscript will be printed as a Senate document.

NATIONAL DEFENSE HOUSING—APPOINTMENT OF CONFEREE

Mr. CONNALLY. Mr. President, the junior Senator from Missouri [Mr. TRUMAN] was appointed one of the conferees on the part of the Senate on the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, which is now in conference. The Senator from Missouri is temporarily absent from the Senate. I ask that the Chair appoint another conferee in his stead.

The VICE PRESIDENT. Without objection, the Chair appoints the Senator from Rhode Island [Mr. GREEN] a conferee in place of the Senator from Missouri [Mr. TRUMAN].

POSITION OF SENATOR CAPPER ON SENDING AMERICAN SOLDIERS ABROAD

Mr. CAPPER. Mr. President, I have received from Andree W. Olson, national organizer of the National Legion of Mothers of America, an organization "dedicated to peace, national defense, and Americanism," a letter asking what my stand would be should the Congress be called upon "to vote on the question of sending American men to fight on the battlefields of Europe." The letter is as follows:

To all Members of the Congress of the United States:

Honorable SIRS: Conforming to the mandates of the national board of the National Legion of Mothers of America, our national President, Mrs. Kathleen Norris, has instructed me to submit to each Member of the United States Senate and the House of Representatives the following question:

"What will be your stand should you be called upon to vote on the question of sending American men to fight on the battlefields of Europe?"

I respectfully submit this question to you and trust that I may have your answer at your earliest convenience.

Yours, in the interest of the American youth.

ANDREE W. OLSON,
National Organizer, National Legion of Mothers of America.

Mr. President, I think the Senate will be interested in my reply to this letter, as follows:

DEAR MRS. OLSON: In answer to your question:

"What will be your stand should you be called upon to vote on the question of sending American men to fight on the battlefields of Europe?" my answer is:

I will never vote to send American boys overseas to fight other nations' wars.

I do not believe it is the mission of the United States to police the rest of the world.

I do not believe it is our job to settle the boundary lines of Europe, nor to sacrifice the lives of American men and boys to decide the conflict of Old World power politics.

Europe has been fighting over boundaries and power for thousands of years; as far as I can see, it will continue to do so. We went over there in 1917, to save democracy, to wage a war to end war. We did not save democracy in Europe; the resulting peace that was not peace only bred more wars and now has spawned the biggest war of all. I do not believe in repeating that experience.

I believe in the Monroe Doctrine, and in making it effective. But coupled with the original statement of that doctrine, to the effect we would not allow any further interference by Europe in the Western Hemisphere, was the corollary that we would not intervene in European affairs.

I believe we should follow that policy, both parts of it. In that way only can we remain an independent nation. To insist that European nations keep out of the Western Hemisphere, and at the same time insist upon our right to intervene in Europe's conflicts, is not only illogical; it also is an unsound foreign policy. It would mean, in effect, that every generation or so we send an American expeditionary force to Europe, to fight the wars of European nations. I am opposed to that. I am unalterably opposed to war unless the United States is attacked.

I believe in adequate national defense, both military and economic; defense against attack from without, defense against collapse from structural weaknesses within. I am giving the national-defense program my best support.

The United States, in the world as it is today, must have a well-equipped and well-trained army; a powerful navy; a large air force, which, incidentally, I think should be an air army of itself, not just auxiliary to the land and naval forces.

But I want this adequate national defense as an insurance against war—not an assurance to some European power that we are going to intervene in Europe's conflicts.

Sincerely yours,

ARTHUR CAPPER.

MRS. GEORGE C. HAMILTON AND NANETTE ANDERSON—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4561) for the relief of Mrs. George C. Hamilton and Nanette Anderson, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

ALLEN J. ELLENDER,
JOHN G. TOWNSEND, JR.,
PRENTISS M. BROWN,
Managers on the part of the Senate.

AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
Managers on the part of the House.

The report was agreed to.

ADDRESS BY THE PRESIDENT AT DEDICATION OF FRANKLIN D. ROOSEVELT SCHOOL, EAST PARK, N. Y.

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by the President of the United States, at East Park, N. Y., on October 5, 1940, in connection with the dedication of the Franklin D. Roosevelt School, and two other schools, which appears in the Appendix.]

TRIBUTE TO SENATOR M'NARY BY SENATOR CAPPER

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address delivered by him on October 6, 1940, relative to the Presidential campaign and paying tribute to Senator MCNARY, the Republican nominee for Vice President, which appears in the Appendix.]

THE LATE SENATOR LUNDEEN

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article by Maj. Al Williams entitled, "Senator Lundeen," and an article by Boake Carter regarding Senator Lundeen, which appear in the Appendix.]

ADDRESS BY RAYMOND MOLEY ON INDISPENSABLE PRINCIPLES

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address on the subject of indispensable principles, delivered by Raymond Moley on September 17, 1940, which appears in the Appendix.]

RECIPROCAL-TRADE PROGRAM AND AMERICAN AGRICULTURE

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD a letter written by him to Mr. A. W. Ricker, editor of the Farmers Union Herald, St. Paul, Minn., relative to the reciprocal trade program and American agriculture, which appears in the Appendix.]

ADDRESS BY SENATOR THOMAS OF UTAH ON AMERICAN-JAPANESE RELATIONS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address on American-Japanese relations, delivered by Senator THOMAS of Utah on Sunday, October 6, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR JOHNSON OF COLORADO ON AMERICAN-JAPANESE RELATIONS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address on American-Japanese relations,

delivered by Senator JOHNSON of Colorado on Sunday, October 6, 1940, which appears in the Appendix.]

ARTICLE BY GEORGE SANFORD HOLMES ON WENDELL WILLKIE

[Mr. NORRIS asked and obtained leave to have printed in the RECORD an article by George Sanford Holmes, published in the Bridgeport (Conn.) Sunday Herald of October 6, 1940, entitled "Willkie's Free Press Principles Backfire," which appears in the Appendix.]

STATEMENT OF FORMER REPRESENTATIVE JOHN O'CONNOR ON THIRD PRESIDENTIAL TERM

[Mr. BURKE asked and obtained leave to have printed in the RECORD a statement on the subject of a third Presidential term, made by John O'Connor of New York, former chairman of the Rules Committee of the House of Representatives, before the subcommittee of the Senate Committee on the Judiciary; which appears in the Appendix.]

ELECTION PROSPECTS—EDITORIAL FROM WASHINGTON TIMES-HERALD

[Mr. MINTON asked and obtained leave to have printed in the RECORD an editorial published on the 5th instant in the Times-Herald, of Washington, D. C., under the heading "It looks like Roosevelt," which appears in the Appendix.]

AMENDMENT OF FEDERAL RESERVE ACT

The VICE PRESIDENT. When the Senate took a recess last Friday, House bill 10127 was the pending business. The Chair is advised that the Senator from Nebraska [Mr. NORRIS] desires to address the Senate. The Senator from Nebraska is recognized.

FRANK S. PERKINS

Mr. BURKE. Mr. President, will the Senator from Nebraska yield in order that I may ask the majority leader a question?

Mr. NORRIS. I yield.

Mr. BURKE. Mr. President, there has been pending for several days on the Executive Calendar the nomination of a postmaster at Fremont, Nebr. I indicated that I desire to speak for 10 or 15 minutes on that subject, merely to lay the facts before the Senate, and that I desire to do it, if possible, when there are more than half a dozen Senators present, as is apt to be the case at the close of the day when we consider nominations on the Executive Calendar. I wonder if it would be agreeable, after my colleague shall have concluded his remarks, that the Senate take up that matter. It will not take long. We shall be apt to have more Senators here then than later in the day.

Mr. BARKLEY. I have no objection. I will say to the Senator from Nebraska that we are likely to wind up the legislative business today a little earlier than usual, because there is nothing to be considered except some odds and ends and a conference report or two. I do not think the bill which is now under consideration will take long. We may conclude the business before us by the middle of the afternoon; but if I see that we cannot do so then we shall be able to take up the matter referred to by the Senator from Nebraska.

Mr. BURKE. I thank the Senator very much.

KINGSLEY DAM, NEBR., AND TENNESSEE VALLEY AUTHORITY

Mr. NORRIS. Mr. President, in one of his periodical visits to the United States Senate, the Senator from New Hampshire [Mr. BRIDGES] a few days ago appeared and made a speech. He immediately left and has not yet returned. I suppose he will not return until he has another speech ready, and then he will make another short visit to the Senate.

What I am about to say I wanted to say while the Senator was present; and I should have liked to say it immediately after he made his remarks the other day, in which he criticized some remarks I had made, and incidentally which some other persons and periodicals had made, against Mr. Willkie.

Upon a fair and candid consideration of the remarks I made, I think no one will conclude that they are in any degree affected by what the Senator from New Hampshire said in reply to them. In fact, what I considered some of the most serious criticisms I had made he did not refer to; and in the instances in which he did refer to my criticisms he did not refer to the most material part of them. I should not undertake to reply if it were not for the fact that I think, without exception, the Senator from New Hampshire used language which I think was discourteous, and some of it seemed to me to be malicious, against every person who had criticized Mr. Willkie and whom he was trying to answer. It struck me that the Senator from New Hampshire was going on the theory that when you are trying a lawsuit, and have not a good case, the thing to do is to abuse the other lawyer. Most of the charges he made against other persons had no reference whatever to what had been said in regard to Mr. Willkie and were absolutely immaterial so far as Mr. Willkie was concerned.

I shall speak first of a reference which the Senator from New Hampshire made to me in relation to some projects in my own State. I feel almost like apologizing to the Senate for taking up its time in referring to some things which have happened there which he talked about, which, as a matter of fact, have no direct relationship to Mr. Willkie. Because I had made some charges against Mr. Willkie, some criticisms which, in my judgment, were legitimate, Mr. Willkie being a candidate for President of the United States, the Senator from New Hampshire referred to some projects in my own State. He particularly said there is a desert in Nebraska which has been named after me, and he clearly left the impression that I was to blame for the existence of that desert. He stated that the Platte River was dry—I think he said—222 days in 1 year, and left the impression that the river became dry because I had advocated the building of a large dam known as Kingsley Dam on the Platte River.

The truth is, Mr. President—and I do not hesitate to say it emphatically—that the building of the Kingsley Dam on the Platte River had nothing whatever to do with the fact that the Platte River went dry. That is a common habit of the Platte River. It has a national reputation for being a mile wide and an inch deep; and the only difference in the dry seasons which have occurred during the past 6 or 7 years in that part of the country is that the river has not been an inch deep. Yet volumes of water have gone down the Platte River, damaging property farther down in the stream, in the Missouri River and in the Mississippi River. But when the critical time for irrigation comes in Nebraska in July and August the Platte River is dry. I do not know about its being dry as long as 222 days in 1 year, but probably the Senator spoke the truth. For argument's sake, at least, I am going to admit it.

The Kingsley Dam is an on-river dam in western Nebraska, on the Platte. It makes a reservoir which will hold 2,000,000 acre-feet of water. The Platte Valley, one of the most beautiful in the country, with a soil that is as fertile as that of the Nile Valley, easy of cultivation, a valley which ought to be a farmers' paradise, usually finds itself in July and August absolutely dry. As I said, the building of that dam had nothing whatever to do with the Platte River's going dry. The dam is not yet finished; and I say to you, Mr. President, that not a single gallon of water has ever been held back by that dam up to this very hour.

The idea was that many of the irrigation ditches on the Platte were not able to get water when the critical time for irrigating crops was at hand. That has been true for the last 6 or 7 years to a degree which would bring tears to the eyes of anyone who believes in his fellow man and who likes to see a return come from his toil and labor.

The dam will be completed this year, in a couple of months, and if water is then coming down the Platte, an effort will be made to store it for next year's use. When the floods come and when the winter months come, it is expected that the reservoir will be filled, but probably not in one year. Sometimes, according to the records, it could be filled in one year, sometimes it would take 2 years to completely fill the reservoir, and occasionally longer than that. For the last 6 or 7 years the experience in the Platte Valley has been that the farmers, through their irrigation ditches, have been able to irrigate their land so long as there was water flowing in the Platte, and when the Platte went dry the irrigation ditches went dry.

Mr. President, for 6 or 7 years in succession, now, we have seen the Platte dried up, the irrigation ditches without water,

and land with growing crops on it absolutely ruined, so far as those crops were concerned. We have seen the crops wither and decay; we have seen the hot wind killing the corn and other vegetation, and we have seen the toil of the farmers along the Platte Valley all gone for nought. The farmers had put in crops and raised them partially until the hot winds and the dry weather came.

It was the dream of those who were behind the building of that great dam that waters which went down the Platte, when they could not be used in the valley, could be stored in this reservoir and that, when the Platte went dry, the flow could be made continuous by letting the water out of that great reservoir, and that, instead of drying up and blowing away, the crops there would be luxurious and the yield would be abundant.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the Chair). Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. NORRIS. I yield.

Mr. REED. May I ask the distinguished Senator from Nebraska the exact location of the dam about which he is speaking? It is near North Platte, is it not?

Mr. NORRIS. No; it is quite a distance west of North Platte. It is about 6 miles north of Ogallala. Ogallala is on the south fork of the Platte River. This dam is on the north fork of the Platte River, and at that place they are about 6 miles apart.

Mr. REED. I do not wish to disturb the train of thought of the Senator from Nebraska, but on the North Platte River in the western part of Nebraska and extending over into Wyoming, as I recall, there is a substantial amount of irrigation, and crops are raised by irrigation. Take, for instance, the Scotts Bluff district——

Mr. NORRIS. That is on the same river.

Mr. REED. How far below this dam has any attempt been made to raise crops by irrigation?

Mr. NORRIS. I could not give the Senator the definite distance, but all the way down the Platte, especially from North Platte east, there has been a series of irrigation ditches put in. Some of the ditches have been there for many years. In ordinary years large crops have been raised under those ditches. But the farmers had to do their irrigating before the Platte went dry. If they did not get their soil sufficiently soaked with water so that the crops could survive the dry weather, which everyone knew would come in July and August, they would have a failure.

Mr. REED. I was mentally comparing the situation on the Platte with the situation on the Arkansas River, in Kansas, the soil on both sides of which is quite sandy and porous. There is a so-called underflow which moves very slowly through that sandy and porous soil.

Mr. NORRIS. Yes.

Mr. REED. But on the Arkansas, in Kansas, to the best of my knowledge and belief, the farmers do not undertake to depend on irrigation, or use water for irrigation, much farther east than Garden City. West of Garden City, all the way up the Arkansas Valley to Pueblo, and even beyond Pueblo, to Canyon City, water is extensively used for irrigation purposes. My recollection, which I very freely admit may be faulty, is that, so far as the Platte River is concerned, there is no substantial irrigation east of North Platte.

Mr. NORRIS. Oh, yes; there is a great deal of irrigation east of North Platte.

Mr. REED. I admit to the Senator from Nebraska that I may be mistaken, and I appreciate the force of what the Senator might say as to when that so-called underflow of water, which seeps slowly down that sandy, porous soil, disappears. Of course, the alfalfa crop, which, as I recall, is one of the principal crops around Ogallala, needs that underflow, and the Platte River, as the Senator has said, being figuratively a mile wide and an inch deep, the valley on both sides, which is not a very precipitous valley at any place, is wide and level——

Mr. NORRIS. It runs back 25 miles on each side in some places.

Mr. REED. The underflow is important to the farmer. But I had been under the impression, which, of course, may be erroneous, and I accept the statement of the Senator from Nebraska, that there was no substantial irrigation east of North Platte.

Mr. NORRIS. Mr. President, I should like to say to the Senator from Kansas that at Garden City, which he has mentioned, Nature has made a natural reservoir, which could be used if a dam were built across the Arkansas River there, and which would hold, let us say 2,000,000 acre-feet of water, so that when the Arkansas went dry, there would be irrigation below Garden City. The stream could be made a continuous stream, if water were stored at Garden City in sufficient quantity so that it could be let out when the stream was dry, to supply irrigation east of Garden City. That is what this dam is to do. It is designed to irrigate over 300,000 acres of land, and I believe, and the engineers believe, that it is the key to the situation. Even before the recently exceptional dry years came, we would have dry years in that section of the country intermittently. Sometimes there would be an abundant crop, and the farmers would not need any irrigation, but very seldom has there been a year, even if they had rain, when irrigation would not have vastly improved the productivity of the valley.

Mr. REED. Mr. President, if the Senator will permit, he was speaking of a possible natural dam site, if I correctly understood him, at Garden City. I wonder whether the Senator was not confused with the natural dam site at Caddoa, Colo.

Mr. NORRIS. No, Mr. President, I was not confused. I was not claiming that there was a dam site at Garden City. I was merely assuming that there was an opportunity at Garden City for a reservoir site, and saying that by building a dam it would be possible to store 2,000,000 acre-feet of water, and the water could be let out to irrigate land east of Garden City.

Mr. REED. Perhaps the very distinguished Senator from Nebraska may be familiar with the fact that the States of Kansas and Colorado have had litigation proceeding for many years over the division of water from the Arkansas River, which rises in Colorado. Since the time I was Governor of Kansas possibly those differences may have been reconciled, but we always complained that we were entitled, by priority of locating irrigation ditches, to a certain amount of water from the Arkansas River, whereas the State of Colorado disputed that claim, and they having possession of the water, and, as I understand, possession in law being practically considered about 9 points out of 10, we in Kansas have carried on litigation and discussion and negotiation with Colorado over the division of waters of the Arkansas River. Possibly the State of Nebraska may have had the same experience with the State of Colorado on a similar question.

Mr. NORRIS. Mr. President, all that has been said by the Senator from Kansas is exceedingly interesting, but in my judgment it does not apply to what I want to say with respect to the remarks made by the Senator from New Hampshire. One can draw no other impression, not only from what the Senator from New Hampshire said here the other day, but from what has been said by representatives of the private power and utility leaders during all the time we have had this matter under discussion, that the district in question is a desert and, as he said, it is to be called the Norris desert. A deliberate attempt has been made to create that impression.

Mr. President, I may not be here when the work is completed; I probably will not be here; but I wish Senators who are here—and who I hope will remain here for many years—will remember what I now say. I give it as my judgment that that "desert," upon the storage of water behind this great dam will become a garden. I should like to live to see it. It will take several years of work before everything is in operation. It will take several years before the water stored behind that great dam will result in the raising of crops 200 miles east of the dam, but that it is coming is as plain as the rising sun to any honest student of the subject. The only thing left to be done to make this valley and similar valleys into productive agricultural districts is to store the floodwaters in reservoirs

so that they can be let out in the streams and utilized at critical times in the growing season. That is the object of the dam in question.

Mr. President, I do not think I had as much to do with it as I am given credit for, but I am willing to take it all on my shoulders. Pile it up if you want to. I should not want anything better in the future years than to know that something had been done in that great valley, in that great State, to utilize the soil to produce the crops which can be produced under irrigation.

There is no use trying to irrigate from a stream which is dry when water is needed, and which may have an abundance of water at other times. The Platte River is full from bank to bank for months in the year, doing no one on earth one penny's worth of good, but causing damage farther on down along the Missouri and the Mississippi. We are called upon in the Congress to save that section of the country from damage which results from water traveling from the Rocky Mountains down the streams through the Missouri, into the Mississippi, and then into the Gulf.

Mr. President, the dam in question would have been completed 2 years ago if it had not been for private power companies and men who were doing their bidding. Had the dam been completed, we would not have had a flat crop failure in the Platte Valley this year. Instead of the desert the Senator speaks of there would have been a garden. The Senator from New Hampshire was instrumental, so far as he could be, in preventing that great tri-county project, as it is called—the tri-county irrigation power project—from becoming a reality.

About a year or two ago those sponsoring this project, together with those sponsoring another project, entered into negotiations to buy the Iowa-Nebraska Power Co., the second largest power concern in my State. After long negotiations an agreement was reached. The amount was agreed upon. All the details were drawn up. All the papers were signed, and all were approved by the Federal Power Commission and the P. W. A. It was necessary to secure money. That arrangement had also been made. In New York arrangements had already been made with representatives of insurance companies to take the bonds it was necessary to issue to buy the power company. Approximately $20,000,000 was involved. The State and local officials came to Washington. After they had obtained Federal approval, which was necessary, and after they had obtained the approval and the promise of the insurance companies to put up the money, they went to New York to sign the final contract.

Just before that happened, the Senator from New Hampshire offered in the Senate a resolution which is still slumbering in a pigeonhole in the Commerce Committee, demanding an investigation of the whole matter. Propaganda had been circulated over almost the whole country. The power representatives had agents in Nebraska who had been elected to the legislature. They were in league with the Senator from New Hampshire. What happened? After 2 years of study and negotiation, when everything had been agreed upon, when the price had been agreed to by everyone, men like the Senator from New Hampshire, who offered a resolution in the Senate, assisted by the power companies in Nebraska, scared the financial backers. When the State and local officials went to New York the men representing the insurance companies said, "We will probably have to face an investigation." A power man in the Nebraska Legislature had sent them information that as soon as the legislature met he was going to introduce legislation which would change the law on the subject. They further said, "We are faced with an investigation by the Senate of the United States. We do not feel we can afford to put up the money under these circumstances." They refused to put it up, and all the preceding negotiations and studies went for naught. More than a year's work and an enormous amount of money spent in the preliminary negotiations went for nothing.

The tri-county plan was met with injunctions from the time it came out of the cradle until about a year or so ago. One injunction suit was filed by the power companies in the District of Columbia court. The injunctions all failed. Everyone knew they would. But delay was what was wanted. The expense incurred in defending that litigation probably amounted to $1,000,000. Delay has occurred, so that at least one or probably two crops, which would have been abundant, have been absolute failures. Nothing has been produced.

The Senator from New Hampshire has never crowded his resolution. Probably he has forgotten it now, but it helped to do damage. It helped to withhold income from some of my constituents. It helped to withhold income from honest farmers and others which this irrigation would have produced.

Mr. President, the Senator from New Hampshire referred to the district as my—meaning the Senator from Nebraska's—desert, and he let the impression go out that in some manner I had made that desert. It was and it is to a great extent a desert when dry years come. It is true that the Platte is frequently dry. But the dam, as I said awhile ago, has never yet stored a gallon of water. It cannot commence to store water until it is completed and the floods come in the winter and spring months, and it will not be completed for a couple of months.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. I am very much interested in what the Senator has to say about the Platte River, and it reminds me of what I have read in our own history, that about a hundred years ago, when there were some improvements offered for the great region between the Mississippi River on the east and Crawley's Ridge on the west in what is now largely the State of Arkansas, and from the Missouri line down to the Louisiana line, a distinguished Senator from New England, who had never been there, said that he would oppose any appropriation of any kind, nature, or description in connection with the proposal, because the district in question was an impenetrable morass; that it was impossible for people ever to live in it or on it; that it was fit only for wild buffaloes, snakes, lizards, and alligators, and over which the suzerainty of man would never be established.

Today that valley, thus designated by a then New England Senator, is one of the garden spots of the world. I think more cotton and grain are raised there than in any other like territory in the world. Mankind has complete control over it. I have no doubt that when the Senator's dam is built and the water is furnished at proper times during the growing of the crops the territory he has described will become a great territory for the benefit of mankind.

Mr. NORRIS. I thank the Senator.

I now yield to the Senator from Wyoming.

Mr. SCHWARTZ. Mr. President, I merely wish to confirm out of experience one or two things the Senator has said in reference to the impounding of water.

In the first place, from 40 to 60 percent of the water which is put on the land percolates back into the stream. On all the irrigation acreage above the great dam about which the Senator speaks—and that acreage extends through the State of Wyoming and into Colorado—the water will percolate back and finally come down into the stream, to be impounded and held for use.

With reference to the length of time required to fill a dam, of course we have had some dry years. Everybody is familiar with the great drought all over the United States. I call attention to the fact that when the great Pathfinder Dam was built the engineers for the Government and others predicted that 4 years would be required to fill it. However, the year the dam was completed it filled up, and water began to run over the top. We hired farmers from the surrounding country with their teams to bring in sand and load sandbags and put them on top of the dam in order to protect it. Dams can be filled quickly when we have a favorable year.

Mr. NORRIS. I thank the Senator from Wyoming.

The Senator from New Hampshire said that a recent refunding of the bonds which these three projects owe to the Federal Government had taken place, and that the interest had been reduced from 4 percent to less than 1 percent. Technically, that is true. As a practical matter, there has

been no diminution of the interest. The bonds were refunded by an organization of the three districts by which they could operate as one, and the time for payment was extended. The interest on the first payment was cut down. It gradually increases, so that in the end the Government will receive the same amount of money it would have received if there had been no refunding. The interest goes up as high as 5 percent. That plan was agreed to in order to leave no doubt that these great projects would be a success. The time was extended over 60 years, so that the payments could be made gradually.

I ask unanimous consent to have printed in the RECORD at this point in my remarks two editorials written by J. E. Lawrence, editor of the Lincoln Star, in Lincoln, Nebr. One is entitled "That Nebraska Rat Hole," and the other "Senator BRIDGES Views Norris Desert."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Lincoln (Nebr.) Star of October 3, 1940]

THAT NEBRASKA RAT HOLE

By strange coincidence—or was it coincidence?—at approximately the same hour Senator H. STYLES BRIDGES, of New Hampshire, was pointing the accusing finger at what he described as Nebraska's rat-hole project, 250 farmers, businessmen, and University of Nebraska agricultural experts were inspecting a 35-acre field of tri-county irrigated corn on the T. A. Gustafson farm near Funk.

Three acres of the forage crop, 14 feet in height, will yield 66 tons of ensilage. The remaining 32 acres, the extension agronomist of the University of Nebraska, Prof. D. L. Gross, said would make 77 bushels an acre, dry measure. In all of that area except where irrigation was had as in the instance of the Gustafson farm, corn was a complete failure due to drought. And the big storage dam at Keystone, still under construction, still waiting the first storage of water for the irrigation of hundreds of thousands of acres of land, is not yet finished. When finished Nebraska's future, the future of that region within the tricounty area, will be infinitely brighter.

That tricounty irrigation near Funk—there are several thousand acres in that vicinity receiving direct stream flow from the Platte, with all apologies to Senator BRIDGES—furnishes convincing evidence of what is feasible in the years ahead. Yet BRIDGES, one of the Republican high command, one of the stalwarts behind Willkie, one of the speakers carrying on in this Presidential campaign, as a part of that campaign contemptuously refers to the efforts of Nebraskans to rebuild soil fertility, to store waste flood waters, as the Nebraska rat hole. That also is homely and rugged language, a thousand miles from home, and a thousand miles from presentation of the facts.

[From the Lincoln (Nebr.) Star of October 3, 1940]

SENATOR BRIDGES VIEWS NORRIS DESERT

As a stranger to Nebraska, unfamiliar with its problems New Hampshire's Senator BRIDGES perhaps should be forgiven for his speech on the floor of the United States Senate Wednesday. That would be the charitable thing to do. But the speech smelled to high heaven. It reeked with misstatements of fact. Calling for an explanation, according to press dispatches, "why 11 counties in west central Nebraska have the local name of the 'Norris desert,'" Senator BRIDGES went on to say:

"It is a man-made desert, made by the New Deal at the insistence of the distinguished gentleman from Nebraska. There are three hydroelectric projects. Two of them are on a stream that in very recent times has been dry for more than 100 miles and for as much as 222 days in a single year. Now, as everybody knows, water for irrigation is needed to be stored for use during the growing season. And electricity, to be valuable, must be deliverable 365 days out of the year. These dams were used for power so that little was left for irrigation."

Senator BRIDGES said that disregarding engineering reports, $60,000,000 had been poured down the Nebraska "rat hole."

Senator BRIDGES visits to Nebraska have been limited, necessarily. The few days that he was here on flying trips were supposed to have been devoted to inspecting the projects he undertook to discuss upon the floor of the Senate.

These are the facts:

1. The Tri-County Dam is under construction, and no attempt has been made to store water behind it either for irrigation or the development of electrical current. No storage can be undertaken until the work is complete.

2. The Sutherland project has been producing limited amounts of electricity and providing limited amounts of water, supplemental water for irrigation, for 2 years. The Sutherland project embraces storage in the Sutherland Reservoir, and the only dam in connection with this is a structure built solely for diversion purposes.

That is as near as Senator BRIDGES came to telling the facts. The Platte River has been dry. The central sections of Nebraska have been afflicted with a drought. The most severe drought in those same counties took place in 1934 before so much as a spade of dirt on either project had been turned. Those same counties have experienced year after year of drought although not a pint of water has been diverted to the production of electricity by the Tri-County. And that is not the worst of Senator BRIDGES reckless handling of the facts. His own words reveal an astounding contradiction. He said the river had been dry for as much as 100 miles and for as long as 222 days in a single year, and he charged that water stored behind the dam had been used for power so that little was left for irrigation. This water used for power, when it is used for that purpose, and when the Tri-County's construction is completed—where does Senator BRIDGES expect it to go after it passes through the generating systems?

Cruising off by itself in new channels on a strange and lonely expedition?

It will go only one place, and that is back into the channel of the Platte, to be used 365 days in the year by the people living along the Platte in those same 11 central Nebraska counties. Necessarily if electricity is generated out of water in the Platte throughout every day of the 365 days of the year, it will return to the channel of the stream. It isn't consumed by the power plants' manufacture of electricity. They do not drink it up or eat it. The water only passes through and out again. Its volume is not diminished. The best insurance that the Platte never would be dry, even a single day, would be the storage of such flood and waste waters in such quantities that each day 1,500 second-feet flow could be passed through the plants producing electricity and permit it to continue on downstream every day, a flowing river every day in the year, instead of the dry, sandy bed of these recent years.

This matter is of some importance to the people of Nebraska. It is their hope for the future. This State must have irrigation. This State must store water for irrigation. Every drop of water that is stored adds so much to the security of its agriculture against heat and drouth and ruined crops. Putting that stored water to use in the production of electricity does not in any way interfere with its use for irrigation, and if the production of electricity is successful 365 days in the year, a dry stream must become a stream carrying whatever amounts of water daily are utilized for the manufacture of electricity. The profits of the sale of electricity offset the cost of irrigation to the farmer.

This matter is of some consequence to the people of Nebraska. These projects are not Federal projects but projects developed and built or under construction by the people of Nebraska.

As a member of the Willkie brigade, Senator BRIDGES statement merits the closest attention.

Mr. NORRIS. Mr. President, I also ask to have printed in the RECORD at this point an article appearing in the World-Herald, of Omaha, Nebr., on August 18, 1940, entitled "Joint Operations, Pooled Revenue Mark Hydros' New Finance Scheme."

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, the article may be printed in the RECORD.

The article is as follows:

[From the Omaha (Nebr.) World-Herald of August 18, 1940]

JOINT OPERATIONS, POOLED REVENUE MARK HYDROS' NEW FINANCING SCHEME

Last Thursday Nebraska's three major public power and irrigation districts—the "hydros"—embarked upon a new phase of their development which to observers of their troubled career offered the best hope yet for self-sufficiency and effective action.

On Thursday the $37,000,000 debt which the three districts owe to P. W. A. was refinanced by issuance of new bonds which do not mature for 60 years. And on Thursday the districts began operating under a joint operating agreement which in effect fuses the power and irrigation activities of all three into one unity.

Those two developments together were designed to bring about these consequences:

1. Gradual and orderly retirement of the entire debt without hampering growth in the early years;

2. Maximum beneficial use of Platte and Loup river waters;

3. Replacement and repair of equipment, together with potential expansion, from the hydros' own resources;

4. Rapid assurance of at least 306,000 acres under irrigation and generation of at least 480,000,000 kilowatt-hours of electricity a year.

If those hopes are realized, the date of August 15, 1940, will mark a big day in the history of the hydros.

Two of the three are now in operation—Platte Valley and Loup. They have had a hard row to hoe. Platte Valley's reservoir has failed to hold its full capacity of water. Both districts have been unable to meet interest payments. Both have been hampered by lack of a market.

But now the market is assured, through contracts with private utilities. And next winter the biggest project of the three, Tricounty, will be ready for action. The new phase of the hydros' history will depend upon how well Tricounty lives up to engineers' expectations. The solvency and effectiveness of all three now depend on it.

AUTHOR

Chief architect of the change, though not the only one, is K. Sewell Wingfield, the mild-spoken Virginia-born chief project engineer for P. W. A. who has been the nurse, coordinator, peacemaker, and director of the hydros during the latter years of the construction period.

Trained as an engineer, apprenticed as vice president of a Wall Street investment house, Wingfield joined P. W. A. soon after its organization in 1933. His first work was in the financial division, passing on bonds, certifying the fiscal soundness of hundreds of

projects submitted for P. W. A. loans and grants. From there he went into the power division, becoming assistant chief of all P. W. A. electric enterprises.

Wingfield was sent to Nebraska in 1937 to take over direction of P. W. A. activities. His job, to put it in the worst terms, has been to pull the hydros out of the fire—to make them work, make them pay back the Government's investment.

Now, after months of laborious study and negotiation, Wingfield is preparing to leave again for Washington, to become P. W. A. power chief. He goes with the knowledge that everything has been done that could be done to bring about the solvency and self-sufficiency of the hydros; that the Government has been persuaded to accept a delay in repayment of its loans; that the districts, without giving up their identities, have been persuaded to adopt unified operations; that a mighty instrument of potential benefit to Nebraska has been created.

WHY?

Why is refinancing necessary? Why have the hydros failed to work out on the original basis?

Says Wingfield: "The reason is that conditions have changed, the projects themselves have changed, the manner in which they will be operated has changed. The projects as constructed are entirely different from those originally proposed.

"To meet these changes and to provide a type of financing which realistically allowed for actual conditions, refinancing was necessary."

Changes from the original plans fall into three brackets:

1. Costs are higher than first planned. Why? Partly, says Wingfield, because of delays in construction, some of which he says were caused by power-company injunctions; some by starting construction hastily, in the interest of creating jobs, before all studies and plans have been made. Other costs were raised by changes in design, others by rising prices of materials and labor. Much of the increase was due to the addition of the hydros' own transmission system, not included in original plans.

2. Tricounty, with its big Kingsley Dam on the Platte River, has been added to a picture which included originally only Loup and Platte Valley, neither able to guarantee alone a large supply of firm power. Tricounty makes unification possible.

3. Development of revenues as originally planned has been delayed, first by court and legislative battles between the districts and private power companies, second by the hydros' effort to purchase private utilities in their quest for a market. When the latter effort failed the hydros signed up contracts to supply the existing market, largely controlled by private interests.

AGREEMENT

Key to the new plans is the operating agreement which went into effect Thursday.

In arriving at this agreement, Wingfield and the districts projected operations against a background of water records from 1930 to 1938. A study by Douglas G. Wright, P. W. A. engineer, furnished the foundation.

Wright's assignment was to find out how the hydros would have operated during those 9 years had they been in existence. They were dry years, years of low water supply. It is reasonable assumption says P. W. A. that water supply in the forties will be at least as large.

What Wright found out was that the hydros, operating as a unit during those 9 years, would have:

1. Supplied water on the Platte to satisfy all prior rights.

2. Furnished 100,000 acre-feet for irrigation from ditches under the Platte Valley project (about 25,000 acre-feet were actually supplied this year by Platte Valley, operating alone).

3. Furnished complete irrigation for 206,000 new acres under the tricounty project.

4. Generated at least 480,000,000 kilowatt-hours of firm power every year, with production averaging 491,000,000 and peak seasonal output hitting 511,000,000.

To achieve these results, the Loup district must use all water available to it for power generation, carrying peak loads at times; Platte Valley virtually abandons its Sutherland reservoir, where seepage is so bad that the basin can be only partially filled; Tricounty stores water for both its own project and Platte Valley behind Kingsley Dam, and Kingsley stabilizes power production for all three districts, running enough water through its hydro plants to guarantee a minimum output for the system as a whole.

Though the water study shows a minimum power output of 480,000,000 kilowatt-hours a year, Wright recommended that during the first 3 years the districts should limit their firm power contracts to 325,000,000, revising after that according to experience.

POOL REVENUES

Beginning August 15, all revenues go into a joint fund. First payments from this go to meet operating costs of each district. The balance is shared according to the proportion each district's debt bears to the total debt. Roughly, this will mean a split of 52 percent to Tricounty, 25 Percent to Loup, 23 percent to Platte Valley.

This division of revenues Wingfield says, expresses, as well as the debt ratio, the approximate contribution of each district to the system. Loup contributes about 34 percent of the power; Platte Valley, 25 percent of the power, plus irrigation; Tricounty, 41 percent of the power, plus irrigation, plus storage.

Operations are under a board of managers, composed of the manager of each district. Later, probably not before the first of the year, they may choose an executive officer to carry out their orders. Expenses of the joint system are met by the districts, each paying according to the debt ratio.

FINANCING TO FIT

On this agreement rest the refinancing plans. Unlike many enterprises, in this case the financing was made to fit the operations, not operations to fit the financing. What Wingfield did was to estimate probable revenues for the next 60 years, basing his estimates on the water supply shown to be available and on existing contracts for sale of power and water.

Contracts with Nebraska Power of Omaha and Iowa-Nebraska of Lincoln call for purchase of a certain amount of firm power which increases by steps until it reaches a maximum, plus purchases of secondary power as needed.

Other contracts with private companies call for purchase of secondary power only.

Still other contracts (with some municipalities, R. E. A. districts and one power company, Southern Nebraska) call for purchase of all their requirements from the hydros. In these cases Wingfield has assumed a gradual increase in requirements; but to be safe he has assumed in most instances that load growth in the future will be less than it has been in the past.

Adding up the amount of power which could be sold under these contracts, Wingfield figures that for the year ending April 30, 1942, the system's revenues will total $1,120,710. This year they are running at the rate of about $700,000 a year, which is more than Wingfield estimated. They are expected to increase as Tricounty comes into the picture, providing a greater supply of firm power, which commands a better price than secondary.

By 1945 revenues are expected to reach $1,695,580; by 1950, $2,435,560; by 1965, $3,336,970.

Wingfield considers his estimates more than conservative. Although the water study showed 480,000,000 kilowatt-hours of firm power could be delivered each year, he counted only on sales of a top of 360,000,000, which would not be reached until 1954.

NEW BONDS

Given the revenues, the problem was to devise a bond issue which could be paid off by them, which would give the Government all its money back, and which would not penalize the hydros. To turn the trick required months of patient figuring.

The old bonds were in these amounts:

Loup, $9,268,000.

Tricounty, $19,793,000.

Platte Valley, $8,776,000.

They were serial bonds, bearing 4-percent interest, scheduled to be retired steadily over a period of 30 years.

The new bonds are in the same amount. They are term, not serial, bonds, all maturing in the year 2044. But the trust indenture requires that certain amounts of them be retired steadily, beginning in 1946, just as if they were serial bonds. Retirement will be by selecting certain bonds by lot for redemption, at a premium amounting to 4½ percent.

The interest rate, instead of being fixed, is variable. The problem was to keep bond payments low in the early years; to secure repayment of the Government's loan in full; to pay off the bonds in a reasonable period; to keep the top interest rate as low as possible; to prevent the call premium from becoming excessive.

A final balancing of all these factors resulted in establishing interest rates beginning this year at only one-fourth of 1 percent, rising gradually to 3 percent in 1945, to 4 percent in 1951, and a top of 5 percent in 1956.

Over the whole 60 years, the total of interest paid plus call premium paid will almost exactly equal the amount which would be paid if a flat 4-percent-interest rate were in effect throughout.

In figuring what the districts can afford to devote to debt retirement, the plan sets up total operating costs of $750,000.

After paying operating costs, each district must place a certain sum in the interest and sinking fund; next, build up a renewal fund; next, an extension fund; and the balance will go into surplus.

The renewal fund is designed to take care of repairs and replacement of equipment. The indenture requires that each district build up this fund to a certain minimum, and then keep it at that level. For Loup and Platte Valley, a $150,000 fund is required; for Tricounty, $300,000.

The extension fund is quite separate, and is meant to give the hydros a "kitty" with which they can extend their systems, electric or irrigation, in years to come. Each district is required to build up this fund until, in 1950, it reaches $1,000,000 for Tricounty, and about $500,000 each for Platte Valley and Loup. After that, continuance of the fund is optional with the districts.

BACK INTEREST

In addition to the bonded debt, two of the districts owe defaulted interest. Platte Valley paid no interest in 1937, its first year, a very small part in 1938 and 1939, and none in 1940. Its total back interest is $1,137,513. Loup paid only part in 1938, 1939, and 1940, has unpaid a total of $761,520.

This will not be funded with the new bonds. Instead, P. W. A. agrees to accept installment payments without charging interest on them. A separate agreement calls for Loup and Platte Valley to pay off this interest separately, over the same period as the bonds. P. W. A. accepts a junior lien to the bonds.

UP TO KINGSLEY

Clearly enough, the whole set-up depends upon operation of Tricounty's big Kingsley dam on the Platte River. For that dam must, by storing large amounts of water, guarantee a firm supply of marketable power from the grid while at the same time conserving water for irrigation.

Can it be done? Wright's water study is P. W. A.'s answer. If Kingsley Dam had been completed in 1929, instead of 1940, it would have been half full (1,000,000 acre-feet) by the end of the first year; three-fourths full in the second and third years, nearly full in the fourth year, full and overflowing in the fifth year, over half full in the sixth and seventh years, and somewhat less than half full in the eighth and ninth years.

Always it would have been full enough to guarantee irrigation for 306,000 acres and generation of 480,000,000 kilowatt-hours of firm power.

Will water supply in the next 10 years be as high as in the past 10? Wright says the chances are all in favor of the belief that it will. Asked if additional storage of Platte River water by the Casper-Accova project in Wyoming is likely to diminish the supply, he answers:

"If you have 8 buckets to catch water in Wyoming, and you can fill only 6 of them, it won't make any difference to Nebraska if you increase the number of buckets to 10. That's what's been happening.

"There hasn't been enough water to fill the Wyoming reservoirs during the past 10 years, and still the Platte has had enough water in it at Kingsley to do these things. Further storage can't hurt us. The great bulk of Platte River water at Kingsley, apart from direct flow, comes into Nebraska not in the river but in irrigation canals, and gets back into the river bed by return flow."

Mr. NORRIS. In that article the engineer who has done probably more than any other one man to bring about this organization explains in detail just what has happened. There is no secret. Nobody is trying to cover up anything. There is no intention to rob anybody. Here is a great scope of country. If it is all irrigated as is contemplated, a virtual empire can be brought into production by the building of this dam. Irrigation is the real object of it. But, Mr. President, at least under present agricultural conditions, the farmers who buy the water and must pay for it would not be able to build that great dam merely as an irrigation project. In two of these projects there are power facilities which will produce a large amount of hydroelectric energy, but the dam is required to give a constant flow.

The Senator from New Hampshire laughs and makes fun of the idea of getting power from a river which is dry for 200 days in 1 particular year. He has not yet comprehended what the plan is. He does not know what the building of the dam and the storage of 2,000,000 acre-feet of water mean. The engineers have gone over every feature connected with the project carefully and in detail.

The Senator from New Hampshire said in his speech that four Government engineers had condemned this great scheme. That is not true, Mr. President. The Senator is mistaken. He has been misinformed. As I remember the facts—and I think I remember them—only one Government engineer made an adverse report, and that was only as to power. The engineer who went with him gave a glowing report and said that in his opinion the building of the dam was one of the geratest things he had ever heard of or known about. If we had eliminated power, the cost of the project as an irrigation project would have been prohibitive. If we had taken irrigation out of it, the cost to produce power would have been prohibitive. By combining the two we cheapen both and put the project on a fair financial basis.

The Senator was probably milder in the language he applied to me than in the language he applied to anyone else to whom he referred. For instance, he referred to the New Republic in language which is not creditable to a United States Senator in reference to any honorable publication or honorable man. The New Republic had criticized Mr. Willkie, and it thus becomes the subject of the Senator's denunciation. No one can read his language without coming to the conclusion that he was perfectly unjustified in the language he used. The New Republic criticized Mr. Willkie and the Senator from New Hampshire practically ignored the criticism and laid violent hands on the New Republic.

We all know the New Republic. Some of us agree with it most of the time, some of us all the time. I have not always agreed with it, but we know its high standing as a journal in the United States. We know that it is not a partisan publication. We know that it has been a liberal organ. Whether or not we agree with the policies it advocates, it seems to me there is no question of its high standing everywhere it is known.

After the Senator had spoken the other night I received a telegram from the New Republic referring to his statements. I wish to read it. It is dated October 3 and is addressed to me:

Senator STYLES BRIDGES quoted in today's New York Herald Tribune accusing New Republic "plain and fancy lying."

That is the language he used. Anyone who dares to criticize Mr. Willkie is guilty of "plain and fancy lying." He is a liar. That is the sentiment in the speech of the Senator from New Hampshire, running not only to one but to everybody who has made any criticism.

SENATOR STYLES BRIDGES QUOTED IN TODAY'S NEW YORK HERALD TRIBUNE ACCUSING NEW REPUBLIC

"Plain and fancy lying" in its special statement about Willkie. Should appreciate it if you could bring following facts to attention Senate and insert CONGRESSIONAL RECORD.

All specific charges of error this supplement have been dealt with in our pages and, though we are not infallible, no substantial mistake has been discovered. If any error can be found we shall immediately publish correction and apology.

Senator BRIDGES asserts New Republic refused print rebuttal of our supplement by Russell Davenport. Davenport's rebuttal appears on page 449 of our issue date September 30. We have received no other statement by Davenport and have refused to print none. We have sent Senator BRIDGES a telegram containing substantially all the foregoing statements.

NEW REPUBLIC.
By BRUCE BLIVEN.

That only illustrates what the Senator from New Hampshire always does; it only illustrates the thing to which I am trying to call the attention of the Senate. "Fancy lying" he calls the New Republic article. I have on my desk a copy of Mr. Davenport's article, and I have also a copy of the New Republic containing an article entitled "Willkie and the Record," in which the facts are again reviewed. It appears in the September 30, 1940, issue of the New Republic, and I ask unanimous consent, Mr. President, at this point in my address to print the article in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

[From the New Republic of September 30, 1940]

WILLKIE AND THE RECORD

On page 449 of this issue of the New Republic a letter from Mr. Russell W. Davenport, Mr. Willkie's personal representative, attempts to discredit our entire supplement, This Man Willkie, on the basis of a few instances of what he terms fiction. It is pertinent first of all to consider these instances:

1. "There is the statement on page 327 that Commonwealth & Southern's subsidiaries have in force only 2 labor contracts with the A. F. L. The most elementary care in investigation would have revealed the fact that these companies have no less than 21 existing contracts with the A. F. L. and 1 with the C. I. O."

What we said was, "The A. F. L. reports two contracts with Commonwealth subsidiaries." This was in accordance with the latest official A. F. L. statement. Mr. Davenport apparently obtained his information from a list issued by the Associated Willkie Clubs of America. All but 4 of the contracts there listed are with street-railway or bus employees; transportation properties have been segregated from the 10 recognized Commonwealth & Southern subsidiaries and put under a separate corporation, the Transportation Securities Co. These contracts represented collective-bargaining relationships established years ago, prior to the formation of Commonwealth & Southern and Mr. Willkie's connection with it.

There are four companies with contracts covering power utilities proper. Of these, South Carolina dates from 1912 and Georgia Power from 1919—17 and 10 years, respectively, before Commonwealth & Southern was formed. That may be the reason for the A. F. L. understatement. Of the other two contracts, Gulf Power (1939) is the smallest of all the subsidiaries, and Central Illinois Light (1940) was signed a month before the Republican convention. The list, significantly, does not include the three important subsidiaries cited by the New Republic as guilty of specific unfair labor practices—Alabama Power, Consumers Power, and Ohio Edison.

Mr. Davenport makes no mention whatever of the overwhelming evidence of unfair labor practices cited in great detail by the New Republic: (a) That the National Labor Relations Board found three Willkie subsidiaries guilty of interfering with the self-organization of employees by the promotion of company unions; (b) that these company unions had been fostered to fight both the A. F. L. and the C. I. O.; (c) that the Board found Consumers Power guilty of flagrant intimidation and coercion of active union members; (d) that Consumers Power violated its agreements with

the C. I. O. The first agreement with that company, made in 1937 following a strike, was signed by Mr. Willkie himself, but the management almost immediately proceeded to violate it by promoting its company union, spying on C. I. O. meetings, and discriminating against C. I. O. members.

On the basis of the record it may be fair to say that where Mr. Willkie found labor contracts existing he left them undisturbed, but where labor sought recognition his companies successfully resisted collective bargaining except in three cases—the least important subsidiary (Gulf Power), a subsidiary where the issue became acute 1 month before the nominating convention (Central Illinois Light), and the subsidiary where, as we have stated, he reportedly attempted to make an alliance with labor to fight the T. V. A. (Georgia Power).

2. "The writer suggests * * * that Mr. Willkie is responsible for such criticisms as may be made of the organization of Commonwealth & Southern and its common-stock exchange offers." But, according to Mr. Davenport, this suggestion, and the entire thesis of our section, Mr. Willkie in Business, falls to the ground because Commonwealth & Southern was incorporated May 1, 1929, and offered its exchanges of stock on June 12, whereas Mr. Willkie did not become counsel for the corporation until October 1, 1929.

What the article set out to prove was not that Mr. Willkie was personally responsible for these matters, but that he was not entirely candid when he said, according to James C. Hagerty in the New York Times of July 16, 1940: "I am very proud that I had nothing to do with that phase of American economic life. * * * I found myself in complete accord with Speaker Bankhead in his condemnation of speculative orgies of the 1920's." What the article charged was: "So in the spring and summer of 1929 Mr. Willkie, giving the lie to the noble defiance of evil speculation expressed by Candidate Willkie in 1940, saw nothing wrong with what the bankers were doing with Commonwealth & Southern. When the chance came to become an insider himself, he acted as though Commonwealth & Southern were the best fraternity in the campus." Note that these sentences say explicitly that the bankers did the job, that Mr. Willkie saw nothing wrong with it, and that soon afterward he joined the organization.

Of course, Mr. Davenport might argue that Mr. Willkie, with childish innocence, did not know what the bankers had been doing—although many prominent men were attacking holding-company abuses and predicting calamity. But the periodical of which Mr. Davenport was managing editor before the campaign—Fortune—wrote about Wendell Willkie in May 1937: "He learned so much about the business that when Commonwealth & Southern was formed he was invited to join John C. Weadock as the corporation's counsel in New York." It may be added that the Akron Co. which Mr. Willkie represented before his move to New York was merged with a Youngstown company to make Allied Power & Light. This company was originally valued at $3,600,000 and was written up to $18,000,000 in the big merger, as a subsidiary of Commonwealth & Southern. Did Mr. Willkie also not know that this was going on?

3. Mr. Davenport repeats Mr. Willkie's sweeping denial that any Commonwealth & Southern Co. ever employed labor spies, but includes no evidence in support of the denial. He offers again the explanation that the detectives were hired only to check up on streetcar fares. Since no new defense is here presented, we can only refer our readers to the full reply to this denial in our issue of September 16, "Mr. Willkie pleads guilty." We might add that several of the Commonwealth & Southern Cos. shown by the La Follette committee to have hired labor detectives have no transit lines.

4. Without evidence or argument Mr. Davenport denies several other statements. On these we must rest until we are presented with some good reason to revise them. We trust that Mr. Willkie, as promised in the last sentence of the letter, will write a full answer to the supplement. When he does so we shall be delighted to publish it and to acknowledge any errors we may have made. The New Republic has no pretense to infallibility. But if the replies so far received are a sample, we do not believe any material corrections will have to be made.

So far the replies have either answered charges we did not make, or offered corrections in immaterial details. The point of the labor section, for instance, was not the number of union contracts under Commonwealth & Southern—the statement concerning them was made incidentally near the end of the article. The chief point, of which no refutation has been attempted, was that in important instances subsidiaries fought unions and defied the Labor Relations Act.

Mr. NORRIS. Now we come to another matter to which the Senator referred. It is the case of Chattanooga, and, incidentally, Mr. President, the principal statements of record which I put in my address the other day which the Senator from New Hampshire undertook to answer stand now, after his speech, uncontradicted in any manner. He does not deny them; he cannot deny them, because I included in full in my address which the Senator from New Hampshire was criticizing a letter written to Willkie. The letter is in the RECORD of September 27, 1940, and refers to the Chattanooga case. The letter was directed to Mr. Willkie himself by the president of the bogus organization that was fighting in behalf of Mr. Willkie to defeat the bond issue. On the investigation he was put on the stand; that letter was produced, and I read it to the Senate. In the letter the writer calls Mr. Willkie's attention to the fact that they had been unsuccessful in their fight—he does not say so, but, as a matter of fact, they were defeated two to one in the election—and says that they have a large deficit; a few hundred dollars over $10,000, and he asks Mr. Willkie to contribute. The Commonwealth & Southern, Mr. Willkie's corporation, had already contributed $10,000 in that fight. In answer to that letter there came a communication with the memorandum in it enclosing a check of the Commonwealth & Southern for $10,000 to make up the deficit. That stands undisputed; nobody has denied it; there is not any question of its truth.

Mr. Willkie's friends spent something over—I think the letter stated—$23,000 or $24,000 in that fight alone, that one little municipal fight. Those on the other side spent slightly more than $1,500 in the same fight.

Mr. President, that is another example. Everyone who refers to the Chattanooga fight in which Willkie's company participated and which it financed almost entirely, everyone who is trying to call attention to those facts is charged with trying to smear Willkie.

In connection with the case of the Chattanooga News, which was one of the oldest newspapers in the South, it suspended publication, it was sold, and went out of existence. Mr. Willkie was not entirely to blame for that; I never claimed that he was. The newspaper had financial difficulties, but it ceased publication because the Willkie crowd and those who held the indebtedness combined their forces. Willkie took away its advertising entirely; the newspaper was unable to meet its financial obligations, which were not extended 1 hour of time, although money was raised by the employees of the newspaper, amounting, I think, to $5,000 to liquidate a particular claim. The creditors refused to accept it because they had already taken possession; they said they would not give it up; and so the newspaper went down.

That is not the only instance of private power companies killing a newspaper. Mr. President, that is a common practice; it has been going on for 25 years. It was a disgraceful episode, it seems to me, and, despite claims of belief in the freedom of the press, one can go back over the history of the Power Trust and find all along its pathway the ruins of newspapers which it has killed in this way or that way—newspapers which they could not buy.

The Chattanooga News gave up its life; it had to, because it stood for what it believed was a wise policy. It won the fight in the election but lost its life in doing so.

It seems to me, Mr. President, that I should not miss the opportunity now of going a little further into Chattanooga affairs because of a matter which happened to come to my desk Saturday. The claim is always made—I referred to the claim when I made my speech the other day about Mr. Willkie—that public-power companies do not pay taxes, and I was trying to show—and I think did show—that the T. V. A. wanted to pay the same taxes that would be paid from all electric operations as though they were privately owned instead of publicly owned. There came to me, as I said just a few days ago, a demonstration of what is going on in Chattanooga on that score. Here, Mr. President and Senators is a lithographed copy of a check [exhibiting] drawn by the public-power facilities of Chattanooga for taxes amounting to $131,220.66 city taxes, paid by the electric power board.

The electric-power board issued a little statement as follows:

> The treasurer of the city of Chattanooga yesterday received a check for $131,220.66 in settlement of current city taxes on the local electric distribution system taken over by the electric power board on August 15, 1939. This is at the rate formerly paid on its properties by the Tennessee Electric Power Co.

That is a subsidiary of Mr. Willkie's corporation which owned it when the property was sold to the T. V. A. and to various municipalities.

> The electric power board pays out approximately 8 percent of its total income directly for taxes and, in its payments to T. V. A. for wholesale current, an additional 5 percent of the board's income is made available for replacement of taxes by T. V. A.

These taxes are not the only taxes paid by the T. V. A. The T. V. A. pays taxes upon all their transmission lines, their generating systems, everything they own attributable to power. This $131,000 is merely the taxes on the local distribution system.

The electric power board goes on:

Thus 13 percent of the board's income goes for taxes, which is comparable to the national average of 14.3 percent paid in taxes in 1938 by the privately owned utilities of the United States.

While saving the consumers of electricity $1,700,000 a year, the electric power board is replacing the taxes formerly paid by the privately owned utility, equalizing wages of its workers at a cost of $25,000 a year, maintaining its bond expenses—and still is accumulating a surplus for expansion and upkeep of its distribution system.

ELECTRIC POWER BOARD OF CHATTANOOGA.

Mr. President, a newspaper there, in giving an account of this matter, had quite a statement to make. This payment for taxes was not for an entire year; it was for only 10½ months of operation; that is all. In that statement, which I shall ask to have printed in full at this point in my remarks, the newspaper gives some very fine illustrations of what is being done. It says:

Public power is paying off early to get 1 percent cash discount, just like private power did.

From the record that has been made by public power, it would seem that it is a good time for a number of important people and institutions in Chattanooga, including a couple of good newspapers, to start publicly apologizing to the people for the bad advice handed out prior to and during the power referendum. But these same fellows, particularly the editors, are so busily engaged right now in handing out equally bad advice about whom to vote for President that they doubtless have no time for retractions.

All of which is by way of poking a little fun at the fellows who thought that we were crazy for advocating public power. Seriously, the present cooperation of many of those who once opposed the private-power program is responsible for much of the success of that program.

I ask unanimous consent to have printed in the RECORD at this point in my remarks the entire article from which I have just read an excerpt.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

CITY RECEIVES $131,546 TAXES FROM THE C. E. P. B.—PAYMENT IS SAME AMOUNT AS T. E. P. CO.'S, WILHOITE SAYS—CHECK TO AID CITY

A check for $131,546.12 was paid into the city's coffers by the Chattanooga Electric Power board yesterday, representing taxes due on properties and assets of the board for the year 1940.

This is the same amount of taxes as paid by the Tennessee Electric Power Co. before its properties in Chattanooga were assumed by the board on August 15, 1939.

The $131,546.12 check was turned over to City Treasurer Alvin Shipp by L. J. Wilhoite, chairman of the board. Superintendent S. R. Finley, Secretary Noble Simmons, and F. K. Rosamond, city auditor, were present.

The city treasurer stated that the payment of the power board taxes one day before due was "indeed welcome," as the city has due the first week of October, which is the first week of the city's fiscal year, a school pay roll of $97,000 and an interest payment of $90,000.

Commenting on the tax payment afterward, Mr. Wilhoite said that it was being made primarily to bring to the attention of the people of Chattanooga the fact that those who "so loudly proclaimed" that public power would mean tax losses to the city and increased taxes on real estate "didn't know what they were talking about."

By acquiring their own power-distribution system, people of Chattanooga have obtained for themselves an annual saving of more than $1,500,000 on their power bills and at the same time paid all the costs of owning and operating the power system, paid taxes to themselves in the same amount that the private company was paying and didn't have their taxes on real estate or anything increased a penny, Mr. Wilhoite pointed out.

"It will be recalled that Willkie told the Military Affairs Committee of the House that he would like to see us let alone to 'stew in our own tax juice.' Stewing in their own tax juice is costing the people of Chattanooga about $2,000,000 less than stewing in Mr. Willkie's private power juice," Mr. Wilhoite stated.

A JAB AT OPPONENTS

Taking a good-natured poke at people, institutions, and a couple of good newspapers, he declared that now is the time for them to "start publicly apologizing to the people for the bad advice handed out prior to and during the power referendum."

"These same fellows, particularly the editors, are so busily engaged right now in handing out equally bad advice about whom to vote for President that doubtless they have no time for retractions," Wilhoite said.

His statement follows:

"The power board is paying into the city general fund today $131,546.12, this sum being equivalent to the taxes which the city lost on account of the acquisition of the properties of the Tennessee Electric Power Co. by the board.

"This tax-equivalent payment is being made today primarily for the purpose of bringing to the attention of the people of Chattanooga the fact that those who so loudly proclaimed that public power would mean tax losses to the city and increased taxes on real estate didn't know what they were talking about, but were simply the victims of private-power propaganda.

"By having sense enough not to allow this tax bugaboo to scarecrow them into continuing the private power, people in power in Chattanooga, the citizens have presented themselves with an annual saving of more than $1,500,000 on their power bills, and, while they were making this $1,500,000 presentation to themselves, they paid all the costs of owning and operating the power system, paid taxes to themselves in the same amount that the private company had been paying and didn't have their taxes on real estate or anything else increased 'one single red penny.'

"On the contrary, they have during the initial fiscal period of their public power operation actually gotten their real-estate taxes reduced 40 cents on each $1,000 valuation.

"It will be recalled that Mr. Willkie told the Military Affairs Committee of the House that he would like to see us let alone to 'stew in our own tax juice.' Stewing in their own tax juice is costing the people of Chattanooga about $2,000,000 a year less than stewing in Mr. Willkie's private-power juice. Stewing in public power tax juice is like sitting on an iceberg, compared with stewing in private power electric rates.

"Of course, we could say that this tax-equivalent payment is being made early in order to give the city the advantage of early tax receipts in meeting its current obligations. That is what the private power company always said. It will be recalled that on one occasion the private power company actually kept the schools from being closed, according to newspaper ballyhoo. So, you newspaper fellows can say that public power is keeping open the schools and is patriotically coming to the aid of the city in an hour of need by putting the tax-equivalent on the barrelhead early—all of which would be pure 'bunk' just like it was when you wrote that kind of tripe about private power a year ago.

"Public power is paying off early to get 1 percent cash discount just like private power did.

"From the record that has been made by public power, it would seem that it is a good time for a number of important people and institutions in Chattanooga, including a couple of good newspapers, to start publicly apologizing to the people for the bad advice handed out prior to and during the power referendum. But these same fellows, particularly the editors, are so busily engaged right now in handing out equally bad advice about whom to vote for President that they doubtless have no time for retractions.

"All of which is by way of poking a little fun at the fellows who thought that we were crazy for advocating public power. Seriously, the present cooperation of many of those who once opposed the private power program is responsible for much of the success of that program."

Mr. NORRIS. I received at the same time, from the electric power board, a report for that period of 10½ months. I desire to read some of it. I wish every Senator could read this report. It is practically the same in other cases. I read from page 3:

ELECTRIC POWER BOARD OF CHATTANOOGA,
Chattanooga, Tenn., August 24, 1940.

To the Board of Mayor and Commissioners, City of Chattanooga, Chattanooga, Tenn.

GENTLEMEN: In accordance with the requirements of chapter 455, section 12, Private Acts 1935, amending the charter of the city of Chattanooga, the Electric Power Board of Chattanooga is submitting herewith a financial statement showing the financial operations and financial condition of the electric distribution system for fiscal year ending June 30, 1940.

The balance sheet shows total assets of $15,633,999.57, including current cash assets of $677,846.07. The sinking and other funds contained cash of $290,041.27. Liabilities consist principally of a $13,200,000 issue of electric power revenue bonds and a $100,000 issue of general obligation bonds.

The statement of net revenues and appropriations thereof shows a gross electric operating revenue from August 16, 1939, through June 30, 1940 (10½ months), of $3,166,578.38. Operating expenses, including purchase of total power requirements from the Tennessee Valley Authority, maintenance, provision for depreciation and taxes, totaled $2,405,362.75. Purchased power expense was $1,284,417.06; other operation expenses, $489,525.25; maintenance expenses, $99,639.52; provision for depreciation, $287,814.42; and taxes, $243,963.50. The net operating revenue after these expenses—

Listen to this—

was $761,215.63. To this is added income from interest on certificates of deposit of $773.39, making a net earned revenue of $761,989.02.

From this net earned revenue of $761,989.02 have been made deductions for interest charges on long-term debt amortization of debt premium and expenses (net) and other interest charges, totaling $280,765.41. This leaves a net revenue to the board for the 10½

months' period of $481,223.61 available for appropriations. Of this amount the sum of $225,000 has been appropriated to the legal reserve for bond retirement and $105,000 for additions and extensions to the electric system. The board thus finishes the fiscal year with an unappropriated net income of $151,223.61. From this unappropriated net revenue a deduction for loss on operations prior to August 15, 1939—

That is before they took it over—

of $17,554.56 has been made, leaving a balance of unappropriated net revenues of $133,669.05.

Basic T. V. A. rates, without surcharge, have been extended to all customers, thereby saving them during the first 10 months of public operation approximately $1,417,367. It is interesting to note, since the figure is a tangible measure of the value of the public power system to the people of the Chattanooga area, that the savings to customers plus the unappropriated earned surplus for the entire 10½-month period of public operation amounts to almost $1,600,000—$1,551,036.05.

Yours very truly,

ELECTRIC POWER BOARD OF CHATTANOOGA,
L. J. WILHOITE *Chairman.*

Mr. President, that has not anything to do with the criticism Mr. Willkie made; I admit that; but it seems to me to be so pat to show what has been going on in 10½ months in Chattanooga that I thought the Senate would be interested in it.

Mr. GIBSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Vermont?

Mr. NORRIS. I yield to the Senator from Vermont.

Mr. GIBSON. I am quite interested in that matter. Can the Senator tell me the base rates of the T. V. A. for the ordinary house?

Mr. NORRIS. Yes. I may be mistaken on the details. I am not mistaken as to the rate, but I may be as to the number of kilowatt-hours that must be consumed. I think the rate for the first 40 kilowatt-hours is 3 cents a kilowatt-hour. I do not know what the limit is. The next is 2 cents a kilowatt-hour, and the larger amount, I think 200 kilowatt-hours, or something of that kind, at 1 cent, and after that I think the rate is 7 mills.

Mr. GIBSON. Do they have a minimum charge?

Mr. NORRIS. Yes. I think it varies with the different localities, but usually is 75 cents or a dollar.

Mr. GIBSON. They have no such thing as a room rate, or anything of that nature?

Mr. NORRIS. No.

Mr. GIBSON. It is merely a flat rate, depending on how much current consumers use?

Mr. NORRIS. Yes.

Mr. GIBSON. And the Senator thinks it starts at 3 cents?

Mr. NORRIS. I know it starts at 3 cents. That is the highest point of the schedule, 3 cents a kilowatt-hour, and a comparatively small amount of electricity is furnished at that rate, before it drops to 2 cents.

Mr. GIBSON. Then they are reducing their bonded indebtedness?

Mr. NORRIS. Oh, yes.

Mr. GIBSON. At a faster rate than was anticipated?

Mr. NORRIS. Yes; I think in every case. One of the cooperative institutions, which has been operating since the beginning or near the beginning of T. V. A., has paid off its entire indebtedness. Then it cut down the rate. Instead of 3 cents they made the top rate 2½ cents. It is only a question of a few years before the top rate will be 2 cents, or probably less. So that the average rate at this time is probably less than a cent a kilowatt hour, or not much more than a cent.

Mr. GIBSON. Does not the Senator think that perhaps some of the private power companies, if they had to pay off their bonds and not refund them, or retire their preferred stock, would work down to the point where they would have to charge as low rates?

Mr. NORRIS. Practically so. The only thing preventing their coming clear down to the low rates of T. V. A. would probably be the dividend question. Of course, the T. V. A. pays no dividends to anyone. No one owns any stock in it.

Mr. GIBSON. But if the bonds were retired, and the preferred stock were retired, there would remain only the simple proposition of a reasonable return on invested capital.

Mr. NORRIS. That is all. Mr. President, with respect to my criticism of the way in which Mr. Willkie was nominated, I have received a large number of communications. Practically every one of them has given me facts and incidents. I shall not burden the Senate with them, but I wish to read at this point an editorial from the Cleveland News which I understand is a supporter of Mr. Willkie. At least it says:

THE NEWS STANDS FOR—

ROBERT A. TAFT for President.
Better administration at less cost.
Equalization of the national labor law.
Improved city transportation and more bus lines.
More recognition for Cleveland's cultural life.
An up-to-date metropolitan zoo.

This is the editorial to which I refer, published June 26, 1940:

THE HIGH-PRESSURE GAME

Regardless of the virtues and defects of their candidate, the high-pressuring tactics being used by New Yorkers in Wall Street and other high places on behalf of Wendell Willkie for the Republican nomination are approaching a scandal.

Ohio delegates to the convention are being called by businessmen of their home cities and told "be for Willkie or else." These Ohio businessmen are in turn being called by business leaders in the Wall Street sector and advised to contact their delegates.

The names of millionaire New York bankers, brokers, and utility chiefs are mentioned at Philadelphia as doing actual lobbying on the scene or by phone from "the street." Party Treasurer E. T. Weir is advising Willkie's nomination if the party wishes to raise money for the campaign.

These people were for Landon to a man in 1936, but Landon was overwhelmed in the election. It is not the businessman's vote which the party needs in November. The party will not get the other votes if these crude pressure tactics continue. Are they necessary, if Willkie is the spontaneous messiah his advocates claim?

That was "before taking," I suppose. The party is probably taking a different kind of medicine now.

Mr. President, I wish to put into the RECORD at this point a letter from Charles J. Thielen, an attorney at law, of Humphrey, Nebr., on this very subject—the Philadelphia convention, and how it was manipulated. I ask unanimous consent to have it printed in the RECORD at this point in my address.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the Record, as follows:

CHAS. J. THIELEN,
ATTORNEY AT LAW,
Humphrey, Nebr., September 28, 1940.

Hon. GEO. W. NORRIS,
Washington, D. C.

DEAR SENATOR: I am extremely happy to think you are actively engaging in the campaign against Willkie. I am particularly pleased that you have exposed the flood of telegrams sent to delegates on convention date. I presume it is not unknown to you that broadcasting stations at short intervals would announce and urge sending of telegrams to delegates to vote for Willkie. I listened to WOW, Omaha, and WJAG, Norfolk, and I venture to say that these announcements were repeated no less than 10 times over each station during the course of the balloting. What I should like to know is, Who paid for these announcements. If this was repeated over all the stations in the United States, and I cannot see why the two above-mentioned stations should be singled out, you can imagine that it cost someone a pretty penny. Who was that someone? Why not have an investigation to find out who that someone was. It smelled rotten to me the night of the convention and it seems to me the stench is getting worse as the campaign progresses.

Sincerely yours,

CHAS J. THIELEN.

Mr. NORRIS. Mr. President, criticism of the Philadelphia Record was made by the Senator from New Hampshire [Mr. BRIDGES] in his address. I do not know that he used the name of the newspaper, but he referred to it—I will not quote his language now—in very disrespectful terms. In other words, this newspaper was put in the class with me, and with the New Republic, which he said was a lying sheet because it asked Willkie a number of questions. But he did not tell what the questions were, and so I shall read them into the RECORD:

Mr. Willkie, we ask you who killed the Chattanooga News, for two reasons:

First, because at Cheyenne, Wyo., on July 23, you declared that "a free and untrammelled press is one of the guaranties of democracy."

Second, because the Tennessee Utilities Commission found your power company—Tennessee Electric—guilty on 917 counts of "using unlawful devices" to destroy the Chattanooga News by illegally helping its competitor which was "friendly" to your interests. Tennessee Electric was a subsidiary of your Commonwealth & Southern.

What is the truth, Mr. Willkie?

Do you believe in freedom of the press for all of the press?

Or only for those newspapers which do not stand in your way or in the way of your corporations?

The public is entitled to a clear answer.

You naturally know all the facts in this case, because the killing of the Chattanooga News took place while you were president of Commonwealth & Southern.

Milton's paper first supported T. V. A., then favored a publicly owned power plant for Chattanooga. What followed? We refer you to the records of the Tennessee Utilities Commission, which show—

(a) That your company withdrew its advertising from the Chattanooga News after a competitor, the Free Press, had been set up in business by a group of men whose chief stockholder was Silas Williams, an attorney for your Tennessee Electric Power Co.

(b) That your company was found guilty of turning over to this Silas Williams the sum of $10,000 "under the guise of counsel fees, * * * all of which the said Williams shortly turned over to the Free Press in ostensible consideration for the issue to him of certain shares of stock."

(c) That your power company bought $19,303 worth of advertising in the paper set up to fight the Chattanooga News, and paid an advertising rate "far in excess of the regular rates"—about 25 percent higher—the only conclusion being that your company paid more than it had to as a subsidy.

(d) That your company granted a 5-percent discount on the power bills of the Free Press, even after they had become delinquent, and when, according to your company's advertisements, they were not subject to discount.

(e) That your company further gave indirect financial help to the publisher who was fighting the Chattanooga News by giving him 5-percent discount on the bills of some forty-odd grocery stores in which he was interested.

(f) That when the congressional committee investigating T. V. A. came across this whole episode, its counsel, Francis Biddle, declared: "Tennessee Electric has been subsidizing the Chattanooga Free Press."

There were 909 other counts on which your company was found guilty—of trying to destroy a newspaper whose policies it didn't like.

As directing head of the corporation in control of this situation, we'd like to hear your explanation, Mr. Willkie.

What finally happened to the Chattanooga News?

Surely you recall, Mr. Willkie, that it was sold by the sheriff to the Free Press, the same paper the Tennessee Utilities Commission said had been subsidized by your power companies.

The News was sold even though, in its last days, it was breaking about even while the company which bought it was then supposed to be losing money.

The News was sold even though its own employees raised $15,000 at the last minute, by mortgaging their homes and cashing their savings, in an effort to preserve their jobs.

The News was sold—and a lot of people are still wondering where its competitor got the money to buy it.

Sold, Mr. Willkie—and then killed. That was the fate of the Chattanooga News, the newspaper which stood in your way in Tennessee.

What could other American newspapers expect, Mr. Willkie, if you were to become President—and they were to oppose your policies?

Would they share the same fate?

You've been reading the papers of Mr. Justice Holmes lately. Maybe you observed his famous phrase: "Freedom of speech means freedom for the thought we hate as well as for the thought we love."

Freedom of the press, Mr. Willkie, means fredom to applaud you or to criticize you, freedom to support you or to oppose you.

From the time your company first turned on the heat of its financial power down to the very last kilowatt-hour, the Chattanooga News was no longer free.

It was electrocuted.

Maybe you'd like to tell us why.

That is from the Philadelphia Record. The reason "why," if there be any reason, was told by the Senator from New Hampshire a few days ago, when he referred in a disgraceful and reprehensible manner to that newspaper for asking those questions.

Talk about the freedom of the press, Mr. President. It is unknown in some quarters.

The Senator from New Hampshire is particularly malicious about the T. V. A. That was referred to in the letter of Francis Biddle, which was placed in the RECORD by the Senator from New York [Mr. MEAD] the other day. Read the speech of the Senator from New Hampshire. Note the language he uses in reference to Mr. Biddle. Is Mr. Biddle a cut-throat? Is he a thief? Is he a robber or a murderer? Have his youth and the remainder of his life been a disgrace and a dishonor? We all know Francis Biddle. We may agree with him or not, but if we are honest we must say that he is a scholar of the highest repute, that he is an honorable man, that he is an able man, that he is a courageous man. He was the attorney selected by the Senator from Ohio [Mr. DONAHEY], who is not now present in the Senate chamber, who was chairman of the Joint Committee Investigating T. V. A. activities. Ask the Senator from Ohio what he thinks of the T. V. A. Enormous burdens fell upon the shoulders of Francis Biddle during that long tedious investigation. Throughout the whole of the investigation he conducted himself with honor, with ability, with fairness and with unmistakable courage.

The Senator from Ohio has often said to me that the committee was most fortunate in securing as its attorney a man of the courage and ability of Francis Biddle. How did the Senator from New Hampshire refer to Mr. Biddle? He referred to him in language which I shall not repeat, language which is entirely out of place, language which can impute to Mr. Biddle no honor, no ability, no purpose, but in which he is described as a slave without any degree of honor. The language used by the Senator is, I think, disreputable.

Senators all heard read the letter which came from Francis Biddle in reply. In that letter he referred to what the Senator from New Hampshire had said on the Senate floor many months ago in speaking of the activities of the T. V. A. The Senator then spoke of the purchase of a jackass. I have before me the language used by the Senator, but I shall not repeat it now, because I do not think it is proper to be used in a respectable assembly.

Mr. Biddle in his letter referred to the statement by the Senator from New Hampshire in which he charged that the T. V. A. bought a jackass. That charge was true. The Senator from New Hampshire on the 9th day of March, 1939, stated in the CONGRESSIONAL RECORD, page 3107:

> The T. V. A. purchased a jackass for $2,500, plus $2,080 traveling expenses, total $4,580, and sold him for $300.

Why did the Senator make that statement? It is true that in connection with experimental farm operations the T. V. A. bought a jackass and paid $300 for it. It is also true that the T. V. A., after using it for a season, sold it for $350, and that is all there is to it. But the T. V. A. had bought such things as a mechanical jack. What did the Senator from New Hampshire wish to convey to the Senate when he stood in his place on the 9th day of March? Again he wanted to injure the character of the men in the T. V. A. He wanted to convey the idea that they were dishonest and disreputable, and he made his statement out of whole cloth. What was his object? Did he wish to deceive the country or the Senate? On the spur of the moment no one could deny the statement he made. While no Senator believed the statement, Senators were not in a position to deny it, because they realized there was a possibility of such a thing having occurred.

Mr. President, it seems to me the Senator showed his malice, and showed it without any reason or cause, against men who could not be here to speak for themselves. He charged that the T. V. A. bought a jackass for $2,500, and the traveling expenses in connection with the purchase, he said, were $2,080. He said the jackass cost a total of $4,580, and that the T. V. A. sold it later for $300. We all know that is not true. When the statement was made everyone knew it was not true. However, we passed it by and said nothing about it, because the Senator from New Hampshire has a reputation for making statements of that kind. The Senate knows that when the Senator from New Hampshire gives figures they probably are not entitled to very much consideration unless they are corroborated in some way. A statement of fact made by the Senator from New Hampshire, without corroborative evidence, is not even prima facie evidence that the statement is true.

Mr. President, what could have been the object of the Senator from New Hampshire? It seems to me that only one of two conclusions could be reached; either that the Senator

from New Hampshire was trying to deceive the Senate and the country as to the facts or he was controlled by such a superignorance that he did not know the difference between a jackass and an ordinary mechanical jack used in building operations. I have many quotations made by the Senator similar to that. It would seem that everyone who does not agree with him is disreputable, dishonest, or there is something else wrong with him.

Mr. President, I wish to recur now to the Senator's reference to my own State. I ask unanimous consent to have printed in the RECORD an article by V. T. Boughton, managing editor of the Engineering News-Record of New York.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Engineering News-Record of April 27 and May 25, 1939]

WATER POWER IN NEBRASKA

(V. T. Boughton, managing editor, Engineering News-Record)

Five years ago Nebraska began the public development of the State's water-power resources with money from the Public Works Administration in the form of loans and grants. To date the Federal Government has made commitments totaling about $60,000,000 to three public power and irrigation districts having water-power development as a major part of their programs. These are the Platte Valley public power and irrigation district, the Central Nebraska public power and irrigation district, and the Loup River public power district. Local people have contributed about $200,000 for promotional work in these districts.

Widely characterized as Nebraska's "little T. V. A.," these public-power and irrigation projects have been the subject of much adverse comment by those who are opposed to their construction. Total costs have been declared to be so high as to put the unit cost of power and irrigation water beyond reason; question has been raised as to whether any considerable amount of firm power can be produced because of the uncertainty of the water supply; power markets have been declared to be lacking, and the operating difficulties of the two completed projects have been held up as evidence of the impracticability of the undertakings. As a consequence, unbiased information concerning the undertaking is hard to obtain.

Opposition to the projects is both local and national. Locally the opposition is due chiefly to factors peculiar to the region in which the projects are being built. In the first place, water in Nebraska is a valuable commodity, which is jealously guarded by those who need it to irrigate their lands. People on existing irrigation projects who have seen the Platte River go dry and their crops burn up are violently opposed to further drafts for any new combined power and irrigation project. Quite naturally the privately owned power companies are opposed to the projects, but it is rather surprising to find the power companies supported by town officials in communities having municipally owned power plants. The reason for this is found in the fact that the relatively high rates charged by these plants bring in a tidy income, which carries a large part of the municipal expenses, and the town officials see in the public-power districts a move to confine surpluses to a general reduction in domestic rates.

But for engineers the Nebraska undertakings hold out much wider interest than those that lie in the controversial subject of public versus private power development. First, there are completed or under construction three hydroelectric power undertakings that are unique both as to design and as to cost of construction; and, second, there are questions of water conservation and use which are important for all concerned with development of the water resources of the arid regions of the West. To date, three diversion dams and two reservoirs have been built, 88 miles of power canals have been dug, and three power plants of moderate size have been put into operation. Now under construction is the Nation's second largest earthfill dam, a fourth diversion dam, 67 miles of power supply canals, three more power plants, 102 miles of main irrigation canals, and 540 miles of small laterals.

POWER AIDS IRRIGATION

Nebraska's climate ranges from subhumid along the eastern edge to semiarid in the west, with a wide central area where there is insufficient rainfall for crop production. Dry farming has been practiced extensively in this area, a large section of it having been put under cultivation in the war days when wheat prices were high, but there is evidence everywhere that the record has been one of frequent crop failure especially in the recent dry years.

Irrigation of land in the wide, flat valley of the Platte River was begun in a small way as far back as 1866 and has gradually expanded to include about 200,000 acres now under irrigation canals. But the flow of the Platte River is so uncertain in the central part of the State that these bottom lands have not always been able to obtain from direct flow as much water as they needed, and stored water has not been available. Lands at higher elevations never have been reached, and yet they need little water in normal years to make them suitable for a wide variety of crops. Rainfall in Phelps, Kearney, and Adams Counties, where the lands now being irrigated lie, averages 24 inches per year, while 36 inches is needed to carry crops to maturity. Hence the irrigation system is designed to supply 12 inches per acre, or about 200,000 acre-feet for the work now in hand, which combines storage with use of any available direct flow.

Schemes for providing irrigation water for the fertile lands lying south of the Platte River in the central part of the State have been actively promoted for many years, but as the low flow of the North Platte River—the principal source of water for the south-central area—is overappropriated, these schemes were largely based on storage and use of floodwaters which come down both the North and South Platte in large quantities every spring. Storage, however, was difficult to obtain. Because the river bottoms are wide and the underlying material porous, the construction of on-river reservoirs long appeared too costly. On the other hand, the off-river storage sites were neither large nor numerous, and the amount that can be diverted into them during the short flood season is limited by the amount that can be carried through long supply canals. Some of these studies of off-river sites indicated that power could be developed in bringing water down into the valley from storage reservoirs in the hills, but in all cases costs appeared prohibitive.

This was the situation when, in 1933, the National Recovery Act was passed, and it soon became evident that liberal Federal aid would be available to foster construction of projects that could not be financed if required to repay their full cost out of earnings. The same year the Nebraska Legislature passed an act providing for the establishment of public power and irrigation districts and authorizing the district to borrow money from the Public Works Administration on loans secured by the potential earnings of the district.

POWER DISTRICTS FORMED

Among the first power districts to be organized was the Platte Valley Power and Irrigation District to build what is commonly known as the Sutherland project. It was followed by the formation of the Loup River Public Power District for construction of the Columbus project, a power project without irrigation features on the Loup River, and subsequently by the formation of the Central Nebraska Public Power and Irrigation District to build what is commonly known as the Tricounty project, a project that then was expected would be able to supply irrigation water to about 500,000 acres and would develop a large amount of power. Also organized were two smaller irrigation projects on the North and Middle Loup Rivers. Neither of these latter included the development of power as part of its undertaking but both were authorized to buy or generate and distribute power.

The basic scheme around which the three major projects were designed is the same. The valleys of all the rivers in central Nebraska are wide and flat and are flanked with low hills of loess or fine sandy material. The valley slopes are gentle and the only way in which heads for power development can be obtained is through the use of long canals leading water out of the bottom-lands into the hills and then carrying it downstream many miles to some point where the river swings close enough to the hills to permit the water to be returned to the river channel through a power plant. This results in long canals through loess and sandy material—too many miles to make lining feasible—and calls for many structures to take care of cross drainage. Storage reservoirs must be formed in shallow basins by the use of long and fairly high earth dikes. The general drop of the rivers is about 7 feet per mile; that of the canals, 2 to 3 inches.

Construction of the Sutherland project was begun in August 1934 and it was put into service in December 1935 but trouble with ice developed almost immediately and the project did not begin to produce power commercially until February of this year. Details of its design and of its troubles with canals and structures will be given in a subsequent article. Its power plant develops an average head of 204 feet and contains 2 units of 18,000-horsepower capacity having an output of 13,000 kilowatts at 90 percent power factor and using 900 second-feet of water.

The water used by the Sutherland project belongs to irrigators below the tailrace of its power plant. Floodwaters stored in Sutherland reservoir are to be sold to those irrigators to help pay for the project.

Construction of the Columbus project was begun late in 1934. The Loup River on which it is built has a much more uniform flow than the Platte, hence water supply was not a major question, but a most difficult problem was presented by the fact that the river carries a large quantity of silt. The silt problem will be taken up in the subsequent article.

The Columbus project has two power stations designed to use a uniform draft up to 3,000 second-feet supplemented by pondage for peak loads. The Monroe station contains three 3,200-horsepower units developing a head of 32 feet, and the Columbus station has three 18,000-horsepower units developing a normal head of 112 feet. The system has been in operation since September 1938.

Work on the Tricounty project of the Central Nebraska Power and Irrigation District was begun in the spring of 1936 but active construction was held up for many months by legal questions. The project differs from the other two in that it includes construction of a reservoir of 2,000,000 acre-feet capacity near Keystone above the intake of the Sutherland project for the storage of floodwaters of the North Platte. The district has rights only to floodwaters. Water released at the dam is to be picked up below the tailrace of the Sutherland power plant and run through the three power stations of the district before it is delivered to irrigators down in Phelps, Kearney, and Adam counties.

Work on the Tricounty project is now well along; it is scheduled for completion in 1940. Its three power stations are designed for a flow of 1,800 second-feet supplemented by pondage and some off-river storage. They will have an installed capacity of 54,000 kilowatts.

WATER SUPPLY

Water supply was a major problem of the Sutherland project and still is for the Tricounty project. Now that the Tricounty district is building its big storage reservoir just above the intake of the Sutherland project a water supply is assured for the irrigators whose water the district uses for power development because they have first claim to enough water to meet their authorized appropriations. And while there is no question but that the storage of 2,000,000 acre-feet behind Kingsley Dam (formerly called Keystone) would meet both the needs of these and other power appropriations and would still leave ample to irrigate the lands under the canals of the Tricounty project, there is question as to whether there are enough floodwaters in the North Platte River to fill such a reservoir and keep it replenished annually. Studies of records for the past 20 years indicate that such a reservoir would have been filled to overflowing in all but 4 years. Current studies show that from October 1 of last year to March 1 of this year 584,700 acre-feet passed the gaging station at Overton, Nebr. Of this amount 150,000 acre-feet would have been released to meet the needs of the water-power plant at Kearney, leaving 434,000 acre-feet that could have been stored in 5 months, with the period of melting snow yet to come.

A major cause for uncertainty arises from the fact that the United States Reclamation Bureau is now beginning to store water behind Seminoe Dam for the irrigation of 66,000 acres in the Kendricks project near Casper, Wyo. The Seminoe Reservoir has a capacity of 1,070,000 acre-feet. What effect this storage will have on the flow of the North Platte is unknown, as the flow in central Nebraska will depend in some part upon the return flow from the irrigated land in the Kendricks project. Officials of the Tricounty projects hold that their rights to the waters of the North Platte are superior to those of the Kendricks project.

On the other hand, a favorable factor in the water-supply situation will be the start of the diversion of water from the headwaters of the Colorado into the headwaters of the South Platte River as planned for the Colorado-Big Thompson project now under construction in Colorado. This diversion should add to the low flow of the South Platte River, aiding the irrigators below the confluence of the South and North Platte and so making possible the storage of more water in the Kingsley Reservoir.

Another factor favorable to the success of the present undertaking is a finding by the Nebraska Supreme Court to the effect that the central Nebraska district may not take water out of the Platte River Valley for the irrigation of lands lying over in the Republican River watershed, as was proposed when the district was organized. This reduces the land under the tricounty irrigation canals from 500,000 acres to 220,000 and materially reduces the amount of water that will have to be drawn from the Keystone Reservoir. Thus the carry-over will help to offset any shortage in dry years.

SUTHERLAND POWER

The Sutherland project began commercial sale of power in February of this year, and since March 1 the average daily output has been 115,000 kilowatt-hours, the peak being about 70 percent of the capacity of one of the two generators in the power station. Power goes to local private power companies, to municipalities, and to other public power districts. This load is about 40 percent of the designed capacity. Within a few weeks the contractors at Kingsley Dam will begin hydraulic fill operation, which, when the dredges are up to capacity, will require about 240,000 kilowatt-hours per day. That work will continue until September 1940, and by 1941 the district officials believe that they will have built up a sufficient market to take over that power.

The total amount advanced by the P. W. A. in the form of loans and grants is $11,226,000, of which a considerable sum is still available for working capital during the load-building period. About $700,000 annually is required to pay interest, amortize the loan, and operate the plant. Of this, $100,000 will come from water users as soon as water can be stored in Sutherland Reservoir. The power output of the system should be about 100,000,000 kilowatt-hours annually. Deducting line losses, this power can be sold for about 7½ mills per kilowatt-hour and yet produce enough income to provide the remaining $600,000.

LOUP RIVER POWER

Last year the two power stations of the Columbus project produced 46,000,000 kilowatt-hours as against 188,000,000 kilowatt-hours estimated as the average annual output of the project. It is expected that the output will be up to about 90,000,000 kilowatt-hours by the end of this year.

The district has $9,000,000 in bonds outstanding. Interest, amortization and operating cost amount to about $870,000 per year, which means that the average income from the power should be 4½ or 5 mills. The district has had an offer of 5 mills from private power companies for all the power it can produce, but its officers believe that one of their functions is to build up the local use of power, especially in the rural areas. Consequently the district is doing all it can to help the local districts of the Rural Electrification Administration, of which there are now 28 in the State. At the present time 2,500,000 kilowatt-hours of the Columbus output is going to the R. E. A. districts throughout the State, power being sold to the various districts at 1 cent per kilowatt-hour average. The Loup district has 378 miles of rural line built and contracts let for 170 miles more. Lines are built where an average of 2.2 customers per mile can be obtained. Of the 830 customers already signed up, 305 are connected to the system. Average sales were 66.3 kilowatt-hours to purely rural customers in January.

TRICOUNTY POWER

A study of the flow of the Platte River between 1895 and 1909 shows that there was sufficient water, supplemented by storage in the Kingsley Reservoir, to have operated the three power plants of the district at 100-percent capacity factor for the whole period. From 1910 to 1916 an average of about 90 percent could have been maintained; from 1917 to 1931, 100-percent capacity factor would have been possible; and from 1931 to the end of 1937 a reduction to about 50-percent capacity factor would have been necessary due to the long drought. The average annual generation of the district over the 43½-year period studied would have been 353,368,000 kilowatt-hours. These figures are based on assumed evaporation losses from the reservoir 25 percent higher than available data would indicate will occur, and on the assumption that the reservoirs and canals are full at all times. Losses from the canals which were being seasoned last year were somewhat less than one-tenth of 1 percent per mile, which is lower than the loss figure used in this study.

Under normal conditions there is a considerable increase in the flow of the river between the site of Kingsley Dam and the diversion dam just below North Platte. This pick-up amounts to 1,500 second-feet during the nonirrigation months and to 2,500 second-feet during the irrigation months, but these figures were reduced by 50 percent in making the flow studies. Due to the conformation of the river valley, seepage losses from the Kingsley Reservoir are expected to reappear downstream.

With the bonded indebtedness of the district being $19,793,000, 40 percent of which is charged to irrigation and 60 percent to power, and with annual power operating costs estimated at $196,000, the district expects to be able to sell its power at 7 mills per kilowatt-hour.

POWER INTERCHANGE

Negotiations are now nearing completion for an interchange of power between the Platte Valley project, the Loup project, and the tricounty project by which it is hoped to be able to make the most advantageous use of the water resources of the three districts. Upon completion of Kingsley Dam it will be possible to about double the firm power of the Sutherland system by diverting water for the tricounty project through its canals and power station. But without this added water the Sutherland project is expected to be up to its designed capacity by 1942. Officers of the Loup River Public Power District estimate that upon completion of the pending agreement for the interchange of power with the other two power districts they will be able to build up their load to a paying basis by 1943.

If a projected plan for setting up a State-wide public-power system through the purchase of existing privately owned power companies by the public-power districts is consummated, the Loup district should be on a paying basis by 1942. Late last year it looked as though the State-wide scheme would soon be an accomplished fact, but uncertainty as to what the State legislature will do has postponed further action until it adjourns.

ECONOMIC JUSTIFICATION

From the economic angle, it would probably be easy to show that for the total investment—including both P. W. A. grants and loans—these projects never can pay on a purely bookkeeping basis. But it must be recognized that they were undertaken as part of the Nation's great program of creating employment through the construction of useful projects, and that as such they have created a large amount of continuous employment for a great many people. And having been carried out by normal methods as undertakings of the public-power districts, the work being let out by contract under the supervision of regular engineering forces rather than as relief operations, the employment created has been altogether normal in character. And one cannot traverse the area in which this work has been carried out without seeing on every hand the evidence of intangible benefits which cannot be easily evaluated on a dollars-and-cents basis.

Charging off the P. W. A. grants against the intangibles, there is substantial evidence that income from the power developments and from the sale of irrigation water will repay the loans from the Federal Government. And it should be noted that the Government subsidies do not bring the power costs down to the point where the public power districts can take business away from the private companies by undercutting their rates; the success of the public power-development schemes appear to rest on the ability of the districts to build new business.

Looking upon these Nebraska projects as pioneering attempts to promote and coordinate the development of natural resources as public undertakings, little can be found to criticize and much will be found to commend. Though fostered by Federal aid, their major virtue lies in the fact that they are essentially local in character, unmistakable evidence of the willingness on the part of local people to risk something in the development of the region in which they live.

Seepage, bank slumping, and ice were the chief sources of early trouble in Nebraska's water-power developments that were described in the issue of April 27, page 546. They still are major sources of trouble, but the engineers are confident that their worst troubles are behind them and that such as remain can be eliminated. Silt was expected to be a big source of trouble on the

Columbus project, but, due to the success of the silt-handling facilities put in when that project was built, silt disposal has become largely a matter of routine.

SUTHERLAND PROJECT

The Sutherland project of the Platte Valley public power and irrigation district was the first to be built. Its supply canal (fig. 2) takes water from behind a diversion weir across the North Platte near Keystone, carries the water through a winding canal of 1,750 second-feet capacity along the south side of the valley, then through a cut 140 feet deep to a 7,400-foot concrete siphon 14 feet in diameter which crosses under the South Platte at Paxton. The siphon discharges into an open canal in the hills to the south of the river which carries the water east again to Sutherland Reservoir, a total distance of 32.3 miles. The reservoir is a basin of 175,000 acre-feet capacity formed by rolled fill dikes. It was designed for a draw-down of 55 feet, that depth being used to store floodwaters to supplement the limited supply of irrigators taking water from the river below the confluence of the North and South Platte.

From the reservoir a canal of 1,400 second-feet capacity, 19.2 miles long, leads to a smaller regulating reservoir from which water is drawn for the Platte Valley power plant, where an average head of 204 feet is developed by two hydroelectric units of 13,000 kilowatt capacity. Below the power plant a 2½-mile tailrace returns the water to the river below the town of North Platte. Thus the water taken out at the diversion dam travels about 55 miles through canals and reservoirs before it is returned to the river.

One of the obvious difficulties of this long canal system is the light and porous nature of the soil through which the canals were to be built. The canals were too long to be lined throughout, hence seepage losses were expected to be large during the early period of operation, and slumping of banks at some points was anticipated. In sections where physical conditions called for a slope steeper than 1 on 1½, the canal was lined; in the other sections it was hoped that deposits of the fine silt carried by the river would reduce seepage losses to a negligible quantity within a few years after putting the project into service.

TROUBLES DEVELOP

The project went into service in December 1935, in a limited way to season the canals and reservoirs, but it soon had to be closed down due to partial failure of the drop structure in which water from the supply canals goes down into the Sutherland reservoir. During the three following years the project was out of operation most of the time due to numerous troubles, including two breaks in the siphon under the South Platte River, difficulties with ice in the canal and at the control structures, and seepage from the canal in regions where it is built above ground.

Ice troubles in the supply canal were due chiefly to the rapid changes that occur in the rate of flow of the North Platte River in winter when practically the whole volume of the river is diverted into the canal. Thus it often happens that a flow of 1,500 second-feet drops to 200 second-feet in 2 or 3 hours, and increases occur just as rapidly. Without control of the water level in the canal, ice that formed on the surface would drop to the bottom of the canal. The ice in falling pulled loose much of the 2-inch shotcrete lining in the lined sections. With an increase in flow it was picked up and carried downstream to form ice jams.

CAUSED PAXTON FAILURE

It was such a jam that was responsible for the failure of the Paxton siphon on February 3, 1937. Ice, piling up behind a control structure, caused a surge that overtopped the banks at the south end of the siphon scouring out the bank, undermining the siphon and causing the collapse of its southern end. This break was repaired and the system put into operation again on March 3, only to have the southern end of the siphon collapse again on March 30. The cause of the second collapse never was definitely fixed, there having been no ice in the canal and no abnormal hydraulic conditions. One theory put forward is that a large quantity of ice from the initial break fell into the hole scoured under the outlet end of the siphon, was buried there by the wash from the siphon, and was not discovered when the hole was refilled. Melting of this ice with the warmer weather resulted in settlement and collapse of the siphon.

The original control structures consisted of a series of openings about 6 feet wide in which operators could place stoplogs to keep the water surface nearly constant. As the piers between these openings checked the movement of ice they have been removed and levels now are maintained by the use of hand-operated steel gates placed in the wider openings.

In places where the canal banks have slumped badly the slope has been reduced from 1 on 1½ to 1 on 2, curves have been protected against erosion by a gravel blanket and where bad seepage developed clay blankets have been placed. Silt deposits are slowly reducing the minor seepage losses.

The damaged 2-inch shotcrete lining has been replaced with thicker slabs of concrete poured in place on the canal slopes.

SEEPAGE FROM RESERVOIR

The high embankments forming Sutherland Reservoir were built of carefully controlled rolled fill and were lined with concrete, but seepage developed when filling of the reservoir began. It was of such magnitude as to interfere with cultivation of land below the reservoir, hence the reservoir never has been filled to within 30 feet of its top.

Silting of the reservoir bottom is slowly checking the seepage. When visited this spring, the flow from under the main embankment amounted to about 2 second-feet.

Seepage may yet add materially to the cost of these projects, as the State supreme court recently upheld an award of $7,100 damage to a farmer whose land was put out of use by seepage from the Sutherland Reservoir.

Diversion of water into Sutherland Reservoir was resumed in November 1938, and the power plant was put into operation in December of that year. Production of commercial power was begun in February of this year and has been uninterrupted since then, despite partial failure of the lining of the stilling basin at the outlet of Sutherland Reservoir late in March. The lining has been repaired temporarily.

LOUP RIVER SILT

Silt has long been recognized as a major obstacle to the development of power on the Loup River because the stream carries from 0.05 to 2.0 percent of silt and it is planned to use almost the entire flow during periods of low water.

The Columbus project of the Loup River public-power district consists of a low-diversion dam and skimming weir about 5½ miles above the town of Genoa, a desilting basin 200 feet wide, 10,000 feet long, and 16 feet deep, and a second skimming weir at its lower end from which a canal 11½ miles long and having a capacity of 3,000 second-feet extends to a power station just north of the town of Monroe. This station contains three hydroelectric units of 3,200 horsepower each, developing a head of 32 feet. From this plant the low-line canal extends 13 miles to a regulating reservoir 3 miles north of Columbus, having a total capacity of 11,000 acre-feet, of which 6,000 acre-feet is usable for power generation. A supply canal 1½ miles long and having a capacity of 4,800 second-feet extends from the reservoir to the Columbus power station, which contains three hydroelectric units of 18,000 horsepower capacity each. Below this station a tailrace 5½ miles long carries the water to the Platte River just below the confluence of the Platte and the Loup.

Water is drawn into the Loup River over a long skimming weir along the north bank of the river. This provides the first step in the desilting operation. Sluice gates in the main river weir at the lower end of the skimming weir make it possible to flush silt from in front of the skimmer. The second and final stage of desilting is in the long stilling basin, which, according to the first plans approved by the P. W. A., was to be equipped with a dredge mounted on a gantry spanning the basin and capable of traveling its full length. This dredge was to pump silt from any point in the basin to a concrete and steel flume on the river side of the basin which would discharge it along the river bank below the dam at points where it would be carried away during high water. As now operated, a 28-inch floating dredge of the dust-pan type has been substituted for the gantry dredge of the dustpan type has been substituted for the gantry flume, but at the present time it is being discharged over the bank to fill low land along the river.

Present practice is to operate the dredge from March to December on one 8-hour shift per day. This is with a diversion of about 600 second-feet, or about one-quarter of the proposed rate of 2,400 second-feet when the power plant is up to capacity. Pumping 65 cubic feet per second, the dredge removes about 1,200 cubic yards per hour. As power is used during off-peak periods, the cost, based on a plant output of 200,000,000 kilowatt-hours, is about $0.00054 per kilowatt-hour.

To date the much-discussed silt problem of this project has given the operators little trouble. Samples taken from the canal below the desilting basin have a silt content of one-tenth of 1 percent.

Ice piled up in front of the intake last November and for a time reduced the amount of water that could be taken in. However, it did not cause a complete shut-down of the plant. An ice boom was installed in December, and no further ice trouble developed.

Little trouble has been experienced with the canals of the Columbus project. Learning from the difficulties of the Sutherland project, the engineers made the canal slopes flatter and avoided sharp changes which would disturb the ice cover. The results so far have been very satisfactory.

SEEPAGE LOSSES

A major problem in the operation of the Columbus project is seepage in areas below the regulating reservoir back of Columbus, and at some points below the supply canal. Parts of the canal system have been in service now for 3 years. In these sections the seepage has reduced materially each year and little further trouble is anticipated. Borrowpits that were full of water at first are now dry and some meadows that were too wet for crops the first year were used for crops last year. Water has been in the reservoir for 2 years but has been maintained at a low level to minimize seepage losses. About 1,000 acres of land in areas lying to the north and south of the reservoir have been affected by seepage, but here also the blanketing of the reservoir bottom with fine silt is materially reducing the seepage loss. Much of the area affected had little natural drainage. A drainage ditch, cut by the district, has materially helped the situation, and little trouble is anticipated during the growing season this year. Farmers whose lands are put out of production are paid on the basis of what the land would have produced in good years, which has been a very satisfactory arrangement for the farmers in the past two dry seasons.

LESSONS PUT TO USE

Lessons learned on the Sutherland and Columbus projects are being put to use on the tricounty project, now under construction. Most notable is the location of the canals far enough back into the hills to get the flow line below natural ground level,

thus avoiding the long wet embankments of the Sutherland project that resulted from efforts to do the work at the lowest possible cost.

By carrying the canal back into the hills it has been found possible to use natural valleys for considerable lengths of the canal, closing off the lower end of valleys with a dam, taking the local drainage into the canal, and cutting through to an adjoining valley at the upper end. Flumes and siphons have been avoided wherever possible, as they are sure to cause rise or fall in the water surface of such long canals as are required for that project. Control structures have been designed to present the least possible resistance to the movement of ice that may be freed in the canal. The natural stilling basins where valleys are used for the canal are expected to be useful in controlling ice.

ENGINEERING

In the previous article the economic aspects of these power and irrigation projects were discussed. The projects are also interesting from an engineering angle as demonstrating what can be done in developing power on rivers having as flat slopes as the Platte and the Loup, and as showing the pitfalls to be avoided. Much has been said about the engineering mistake and failure of structures during the early stage of this work. Even those most directly concerned are frank to admit that mistakes were made, but they were due almost entirely to the speed that was demanded by the P. W. A. in order to get the work under way and to the consequent lack of adequate knowledge of underground conditions, soil behavior, and the like. Preliminary designs had to be hastily made and yet could not be extravagant on the side of conservatism because it was known from the start that costs would be high.

Taken as a whole, the engineering work has been skillfully done and there are many ingenious examples of doing what engineers are supposed to do, make a dollar go farther than it would in the hands of untrained men. Skillful planning of the grading and earth handling operation has resulted in remarkably low bids for the vast amount of earth moving involved in the Tricounty project.

One fact that impresses the outsider visiting the project is the extent to which the engineering work now is being directed by local men. In the past, Nebraska had few engineering projects, hence it was to be expected that outside engineering talent would be brought in on these large projects when they were first begun. Thus the firm of Parsons, Klapp, Brinckerhoff & Douglas, of New York, was engaged for the Sutherland project and the Harza Engineering Co., of Chicago, was engaged to handle the engineering work of the Columbus project. But now the engineering is largely in the hands of native Nebraskans. Hence the engineering set-up also serves to emphasize the local character of the undertaking, as contrasted with the T. V. A. where all the money and most of the engineering talent has been and still is imported.

On the two projects that have passed from the construction to the operating stage, I. B. Jones, long associated with irrigation work in the arid West, is now in charge of civil-engineering work of the Sutherland project and Fred C. Albert, a native Nebraskan, is in charge at Columbus. D. J. DeBoer is chief engineer.

On the tricounty project the engineering has been chiefly local since its start, but the district staff has had the advice of the Fargo Engineering Co., of Jackson, Mich., and numerous consulting engineers in special fields. George E. Johnson, former State engineer of Nebraska, is chief engineer and general manager, and R. O. Green is assistant chief engineer in charge of the field work. George N. Carter is resident engineer at Kingsley Dam, D. A. Buzzell was hydraulic engineer until a few weeks ago, W. J. Turnbull is soils engineer, and I. W. Barber is materials engineer. On the electrical side, E. E. Chilberg is electrical engineer, and Andrew McCall is resident engineer in charge of powerhouse construction. Johnson, Green, Turnbull, Carter, and Buzzell all are men who gained some or all of their engineering training in Nebraska.

Mr. NORRIS. So far as I know, this engineer is not a friend of public power. I do not know the man personally, but I have read his article. He does not agree with me all the way through. He does not throw many bouquets at the Nebraska project; but evidently he was out there and made an examination, and he wrote this article, printed in the Engineering News Record. From his viewpoint I presume it was perfectly fair. Disagreeing with him in some respects as I do, I still believe that it was an honest effort on his part to tell the truth about it.

Mr. President, I have probably not referred to all the things to which the Senator from New Hampshire referred in his address. As I said at the beginning, I do not consider any of it worthy of a reply. Considering the charges he made against everybody who does not like Mr. Willkie, I do not believe it is an address which has any place in the United States Senate. Mr. Willkie is a candidate for President. His record ought to be an open book. Men honestly disagree as to the qualifications he possesses to be President. I have no personal ill will against him. Many men do not like President Roosevelt. They have a right to dislike him. Never once have I raised my voice against any man who wanted to criticize him, even though I thought the criticism was unjust and unfair. But because one is supporting Mr. Willkie or fighting him, or supporting or opposing Mr. Roosevelt, is no reason why Members of this body, which ought to be above reproach, should point to him with scorn and derision. It seems to me that is what has been done by the Senator from New Hampshire. I protest it. I denounce it. It has no place in this Chamber.

Men are often driven away from expressing their ideas by the attitude of those who take the position which the Senator from New Hampshire takes. Intelligent, honest, patriotic, but modest men do not like to be called thieves or rascals, or ridiculed because they have expressed their opinions about a man running for public office. I can see no excuse for that kind of conduct, except to scare men away from expressing their opinions.

It is not pleasant or agreeable to have to be held up before the people of the country as almost a criminal, as one who lacks wisdom or patriotism, or, as in the case of the references to myself, as one who is injuring his own people at home, trying to rob them, deceive them, and have them engage in projects which are said to be doomed to failure. All that may be true. I do not know what nature has in store; but judging the future by the past, I wish to take my attitude as having respect for those who do not agree with me, but no respect for those who denounce me as a bad man because they do not agree with me. I have no respect for the man who carries that kind of allegations into politics.

After all, is it any defense for Mr. Willkie if I have robbed my people in Nebraska? Is it any defense for Mr. Willkie if Francis Biddle is not an honest man? Is it any defense for Mr. Willkie that he has killed one of the oldest newspapers in the South? Is it any defense for him that he is engaged, as the power interests have been engaged for 25 years, in destroying everybody and everything which stands in his way? If we call attention to it, if we cite the record, if we quote his own words, we are denounced as numskulls, idiots, and worse.

That is what I wished to answer in the address of the Senator from New Hampshire. I have no objection to him because he wants to do everything he can to help Mr. Willkie. That is his privilege. But it is not honest or fair to denounce as a rogue or a rascal everybody who disagrees with him.

Mr. President, on September 15, 1940, at 7 p. m., there was a joint debate in the American Forum of the Air. The Senator from New Hampshire was one of the speakers, as was Secretary Ickes. Secretary Ickes quoted a great many assertions which had been made by the Senator from New Hampshire with reference to President Roosevelt. They were just as far away from the truth as were some of the other statements to which I have been referring with reference to the men I have been talking about today. I listened to that address. I listened to the charge made against the Senator from New Hampshire by the Secretary of the Interior, in which he quoted what the Senator had said and then told him what the truth was and what the record showed. I expected, when the Senator from New Hampshire got his chance to speak at that forum—which I knew he would have following Secretary Ickes—that he would give some explanation of the statements he had made, and either support them or give some reason why he had made such misstatements about the President of the United States. He never referred to them in his reply. He made nothing except a cursory reference to the charges against him. They did not amount to anything. They did not score with him. It made no difference to him that he had made a misstatement about a public official. He went right on with other charges.

I ask unanimous consent to have printed in the RECORD at this point in my remarks the address of Secretary Ickes on the occasion to which I refer.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Is there objection to the request of the Senator from Nebraska?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMERICAN FORUM OF THE AIR

Subject: The New Deal and National Defense. The National Press Club, Washington, D. C., Sunday, September 15, 7 p. m.

REMARKS OF SECRETARY OF THE INTERIOR, HAROLD L. ICKES, IN DISCUSSION WITH SENATOR STYLES BRIDGES AND OTHERS

THE NEW DEAL AND NATIONAL DEFENSE

Mr. Chairman, I am delighted to assist in bringing, at long last, the distinguished senior Senator from New Hampshire, the official spokesman for Wendell Willkie and the Republican National Committee, before the microphone tonight. Recently I made a radio speech and Mr. Willkie announced in advance that the Senator had been detailed to reply forthwith. But when I had spoken, Mr. Willkie instructed the Senator not to reply and to cancel his radio time.

Now, this was a very hard thing for the Senator to do, because I understand that no radio time had been contracted for that he could cancel. It was just another bit of Mr. Willkie's showmanship. However, it was widely proclaimed by the partisan press that the nonexistent time of the Senator had been abandoned. Thus, Mr. Willkie truly left his "Bridges" burning behind him.

The subject that we have agreed to discuss is the New Deal and National Defense. On this subject there is much misinformation abroad in the land. The Republican platform—do you remember it?—viewed with alarm the New Deal record on defense, and Candidate Willkie, the refugee from Wall Street, did likewise in his speech back on the farm at Elwood. Senator BRIDGES, or the Republican National Committee for him, promptly issued a supporting statement—if a declaration that is barren of truth can be said to be supporting. I quote directly:

"Roosevelt slept as Germany armed. With $18,000,000,000 of blank checks, which he could spend wholely at his own discretion, he built with these funds not one battleship, not a plane, not an anti-aircraft gun, not a single tank."

You will note that the Senator's criticism is directed at the 7 years prior to 1940. It has nothing to do with the present defense program, on which you are all so well informed that I could add little.

Fortunately, I can help the Senator tonight to clear away whatever confusion and misapprehension he may have caused. I am sure that he will welcome my efforts in this behalf. I can do this readily because, as Federal Public Works Administrator for 6 years, I am personally familiar with the record.

First, let us take the statement that the President did not build a plane with these funds. I am sure, Senator, that, as a patriotic American citizen, you will be glad to be told that this is a total error, as you might have ascertained from detailed reports made to Congress and to the public. Nor are these planes on paper, as your Mr. Willkie says; they are in commission right now.

You said, "Not a plane," Senator. As a matter of fact, fleets of planes for both the Army and the Navy were built with Public Works Administration emergency funds allotted by the President. With just 1 allotment, more than 100 planes, not to mention spare engines, parts, radio equipment, and bombing and armament appliances, were provided for the Army. With the same allotment, 130 planes, ranging from bullet-swift fighters to giant flying-boat patrols and bombers were provided for the Navy. This allotment was made by the President from P. W. A. funds in November 1933, at a time when Mr. Willkie, the great utilitarian, considered it his most patriotic duty to devote himself to the preservation of public utilities, privately owned. Incidentally, Mr. Willkie's utilities are protected tonight by these very planes, while utilities in other lands, however owned, are being bombed.

Is it possible, Senator, that your chief, Mr. Willkie, who offers himself as an informed leader in these critical times, does not know this? Or is it possible that the statements attributed to yourself and to Mr. Willkie were made for political purposes with intent to mislead the country?

I might tell you also that President Roosevelt used emergency funds to build more than 50 military airports throughout this Nation. These funds were also used to construct naval aircraft carriers, to build hangars and production facilities all over the country, and to provide the vital instrumentalities of aeronautical research now serving so well at Langley Field, Va., and in other laboratories that have put American aviation out in front.

Let us continue, Senator. I remember one single P. W. A. allotment of $10,000,000 to begin the motorization and mechanization of our Army, including armored vehicles, thus actually laying the foundations for the motorized army that we are building today.

This $10,000,000 allotment was made in December 1933, years before German panzer divisions showed the world the tremendous striking power of such equipment. I might also tell you that the same emergency funds helped to provide the Army with a network of 74,000 miles of strategic highways, vital to industrial and military mobilization, and indispensable to a mechanized army, together with useful bridges, grade crossings, viaducts, and similar facilities.

In addition to airplanes for the Army and Navy, one single allotment of approximately $9,000,000 from P. W. A. emergency funds was provided by President Roosevelt in July 1933 for the manufacture and modernization of ordnance, the improvement of arsenals, and the renovation and preservation of ammunition. The President also made possible the reconditioning and modernization of our 75-mm. guns.

Don't they tell you these things, Senator? They report them in the papers. But we must be getting along.

You said, Senator, that the President had "$18,000,000,000 dollars of blank checks, which he could spend wholely at his own discretion." That, Senator, is probably the most barefaced distortion of them all—and one which, as a Senator, you should have known better than to make. You know full well that, with few exceptions, the Congress dictated the purposes for which emergency funds might be spent.

As to the first P. W. A. appropriation in 1933 under the N. I. R. A. Act, the President relied upon a permissive sentence and allotted funds for defense purposes. This action was met by a storm of criticism, much of it by the same newspapers and politicians who are now, as hindsighters, assailing the President for doing all that he could of what they now say he should have done more of.

As a result of this violent criticism, when another P. W. A. appropriation bill was before the Senate in 1935, an amendment, originally offered by Senator Borah, took away any possible discretion on the part of the President to make military or naval allotments. This is the distinguished body of which you are an energetic member, Senator.

The defense allotments that I am referring to were all made more than 5 years ago. Didn't you know that, Senator? Of course, it happened before you got here, but the proceedings of the Senate are not a closed book to you, and you owe it to yourself to investigate the record to avoid making a misstatement of fact. In relation to total armament needs, of course a billion dollars may not now seem like a large amount for defense. But when it is considered that the President allocated this total amount out of funds originally intended principally for public works and work-relief projects, it is an outstanding accomplishment. So much so that the Senate saw fit to prevent similar expenditures from 1935 on.

As a matter of fact, Senator BRIDGES, if you had been a stickler for the truth, instead of saying that the President had $18,000,000,000 in blank checks which he could have spent for any purpose, you would have made it clear that, from 1935 on, Congress, by stipulation, amendment, and specific legislation, made it illegal for him to use some $18,000,000,000 of emergency funds for military purposes.

Five years ago your Mr. Willkie may have been so busy fighting the Government development of electrical power that now serves defense needs that he did not know what the President was doing in the way of building up the Army and the Navy, but you, as a Senator, could have told him the facts. You know because you have voted on some of these matters. In fact, Senator, the CONGRESSIONAL RECORD discloses that you and your partisan associates, who are now supporting Mr. Willkie, voted regularly for laws and amendments to prevent, or reduce, or curtail, or restrict these emergency-funds appropriations. Inasmuch as you have fought against providing such funds in any form for the President, one is bewildered that you should now complain that more money was not spent.

But let us proceed, Senator. As I have shown, long before the world found itself in its present plight, President Roosevelt's foresight provided funds for military airports such as Mitchel and Randolph Fields; for engine tooling; for arsenal tools, which today are being worked at top speed; for civil aviation, which is a vital corollary of military aviation; for naval shore works, such as bases, shops, water-front developments, piers, dikes, bulkheads, boilers, machine shops, cranes, storehouses, shipyards, and docks; for Army posts, National Guard armories and camps; for military and naval hospitals, for rifle ranges and proving grounds, and other defense purposes.

Senator, the fact is that, during the last 7 years, while President Roosevelt has expended over $1,000,000,000 of emergency funds in projects directly related to national defense, large additional sums were expended for facilities pertaining to defense, such as veterans' hospitals, railroads, drydocks, dams, and ocean terminals. And this is why, with no thanks to Mr. Willkie or his current party, tonight we have a stronger Nation, more capable of quick and efficient mobilization than if your personal theories of defense had prevailed.

But let us proceed, Senator. You said that the President, with these funds, had built not one battleship, nor could you find any other naval construction financed from emergency funds. Yet, tonight on the high seas and at American naval bases are a whole fleet of vessels constructed with emergency funds. These naval vessels guard our shores in a world gone mad. They protect your and my democratic right to debate here tonight. They also make it possible for Mr. Willkie to stage his "Me, too, but—" campaign.

Let us name a few of the vessels that were built as part of this P. W. A. fleet. Included are the *Yorktown* and the *Enterprise*, laid down in 1934 and launched in 1936. Each is a 34-knot, long-range ship capable of carrying 100 aircraft. Each has 120,000-horsepower turbines, driving quadruple screws, and each is manned by 1,788 men of the United States Navy, ready to go anywhere at any time. In this P. W. A. fleet there are also 4 cruisers—the *Vincennes*, the *Philadelphia*, the *Savannah*, and the *Nashville*, in full commission; 4 heavy destroyers—the *Porter*, *Selfridge*, *MacDougal*, and *Winslow*; 16 fully armed, 1,500-ton destroyers; 4 submarines; 2 gunboats; and 18 cruising cutters and patrol boats.

In fact, Senator, this P. W. A. fleet was the largest single peacetime addition ever made to the United States Navy. From Harding to Hoover, Republican administrations sent American men of war scut-

tling to Davey Jones' locker. Today, thanks to the New Deal, we have the biggest and finest peacetime fleet in our history.

Despite this official record, Senator, you have charged that "Roosevelt slept as Germany armed."

Apparently, Senator, neither Mr. Willkie nor yourself has ever heard that the first emergency funds made available to Franklin D. Roosevelt after he became President were those in the original National Industrial Recovery Act, which became law on June 16, 1933. And on that very day—in fact, simultaneously with the signing of this New Deal legislation—the President issued an Executive order allotting $238,000,000 for the construction of the naval vessels that I have referred to. Here, Senator, for your information, is a photostat of that order.

Senator, I have stuck to the text. Mr. Willkie and yourself, and all of your king's horses at Republican national headquarters, couldn't find that a penny of emergency funds had been spent during the past 7 years for defense. I have shown you that a billion dollars were spent directly on defense while the Wendell Willkies of the United States were fighting against all emergency expenditures.

Senator, you have not merely missed the boat; you have missed the whole fleet.

Mr. NORRIS. Mr. President, I ask to have printed in the RECORD as part of my remarks a portion of an article published in PM, of Monday, July 8, 1940. The article refers to a Republican delegate to the Philadelphia convention, whom I spoke of, for which I received some criticism. I wish to call attention to the fact that the same man whom I previously mentioned, on the same day that I saw him, gave an interview to a representative of PM, the New York daily.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SOUR TASTE

One important, though little-mentioned, subject Willkie may spend some time on today is the preconvention campaign that catapulted him over Dewey and TAFT. The high-pressure tactics of some of his followers have left a sour taste in the mouths of some of the hardiest and most loyal delegates, including a member of the committee appointed to notify him of his nomination.

Gould Dietz, of Omaha, a member of the Republican Notification Committee, talked frankly and critically during a week-end stop-over in the Capital, about what he described as the high-pressure campaign at the convention. He said friends had telephoned, telegraphed, and written in an effort to get him to vote for Mr. Willkie. Some of them even tried to influence him through his wife, he said.

Mr. Dietz, a retired businessman, said that although he was for Mr. Willkie now that he was the Republican nominee, he was not sure the support shown for the public-utilities executive in telegrams and letters to delegates represented the views of the average voter.

BLAMES SUPPORTERS

Blaming Mr. Willkie's supporters, rather than the nominee himself, Mr. Dietz was indignant at some of the tactics used. He said one petition with about 40 signatures, sent on paper with the letterhead torn off, was obviously from employees of the Omaha Power Co. The Omaha delegate was particularly incensed at this one, which said, "We demand that you vote for Willkie."

"I don't like to be told how to vote," Mr. Dietz commented bitterly. "I want to make up my own mind."

Another appeal for a Willkie vote, Mr. Dietz said, came to him from an American in Mexico, an official of the Standard Oil Co. He said most of the pressure came from similar sources.

Few men have served at more Republican conventions than Mr. Dietz. He has been on every notification committee since the nomination of Charles Evans Hughes in 1916. Mr. Willkie will be the seventh nominee he has helped to notify. He can hardly be classified as an upstart in the Republican ranks.

Mr. McKELLAR obtained the floor.

RIVER AND HARBOR DEFENSE IMPROVEMENTS—CONFERENCE REPORT

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BAILEY. I submit the conference report on House bill 9972, being the river and harbor defense improvement bill, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, and 6; and agree to the same.

JOSIAH W. BAILEY,
MORRIS SHEPPARD,
HIRAM W. JOHNSON,
Managers on the part of the Senate.

J. J. MANSFIELD,
CLAUDE V. PARSONS,
ALBERT E. CARTER,
GEO. A. DONDERO,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

Mr. AUSTIN. Mr. President, I have been requested to suggest the absence of a quorum at the conclusion of the remarks of the Senator from Nebraska.

Mr. McKELLAR. Mr. President, I do not yield for that purpose.

Mr. AUSTIN. Then the Senator withdraws his yielding for the purpose of considering the conference report?

Mr. McKELLAR. I have already yielded for that purpose.

Mr. AUSTIN. I object, unless a quorum is present.

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I have already yielded to the Senator from North Carolina.

Mr. MALONEY. I thought perhaps I might help to clear up this difficult situation. I am wondering if it might have been as the result of a request I made that the Senator from Vermont is about to suggest the absence of a quorum at this time. I was temporarily called out of the Chamber.

Mr. AUSTIN. It may be; but I can clear up the question immediately. It was said that the Senator from Connecticut had requested a quorum call. I interpreted that statement as meaning the junior Senator from Connecticut [Mr. DANAHER], who is now present.

Mr. McKELLAR. I hope the Senator will not suggest the absence of a qorum at this time.

Mr. NORRIS. Mr. President, I wonder if the Senator from North Carolina will wait until later to bring up the conference report. He can submit it at this time, and ask for its consideration a little later. I shall not object to the conference report, but I wish to make a few remarks in regard to it.

Mr. BAILEY. Mr. President, all I wish to do is to get this legislation through the Senate today, and, if possible, through the House today. I understand the chairman of the committee on the House side wishes to go home and will probably leave today. It is important that we undertake to secure final action. However, I am not in the humor to insist too much upon anything. If the proposed legislation should go over for the session, it would not very greatly disturb me, but I should like to have action upon it.

Mr. AUSTIN. Mr. President, if the Senator will further yield, in view of the presence in the Chamber of the Senator who wished to have me suggest the absence of a quorum, I should like to withdraw my objection. I leave it to the Senator from Connecticut. If he is entirely willing to go ahead without a quorum, I certainly am.

Mr. BAILEY. Mr. President, if the Senator will permit me, I will explain that the House receded on all the Senate amendments except two. Those two were the amendments concerning projects, one for Connecticut and the other for Nebraska. The conferees on the part of the Senate were greatly disappointed that they could not persuade the conferees on the part of the House to accept those amendments, but the House conferees frankly informed us that if we should insist on the amendments and they should go to a vote on the House side, they would be overwhelmingly defeated, and possibly the whole bill would be put in jeopardy. It was only in view of that situation that the Senate conferees brought back the report as it is. We could not induce acceptance of those amendments, although we made the effort in the best of faith.

I regret to disappoint the Senator from Nebraska and the Senator from Connecticut, but I wish to assure them both that the House position is that these two projects are essentially flood-control projects and should be referred to the Committee on Flood Control in the other House. The Flood Control Committee of the House also takes a similar position. I have assurance from the chairman of the Flood Control Committee of the House that each of these projects will be taken care of early in the next session, so I do not think any great amount of time will be lost. That is all I have to say. I understand that the Senator from Connecticut will speak very briefly, and also that the Senator from Nebraska will speak briefly.

Mr. NORRIS. Mr. President, will the Senator yield? I should like to say just a few words.

Mr. BAILEY. I have finished.

Mr. NORRIS. Mr. President, I appreciate very fully the position in which the Senate conferees found themselves. So far as the project covered by my amendment is concerned, it was not a new project; it was one already approved. As I said at the time, it was only to avoid any technical difficulty which might arise hereafter that I thought it was necessary even to present the amendment. As a matter of fact, if I should be asked whether the adoption of the amendment would increase the appropriation or authorization, I would say it would decrease it. The only thing the amendment would do would be to give approval to what probably does not need approval, namely, changing, in accordance with the report of the Army engineers, the location of a dam from one site to another. As a matter of fact, a dam at the new location would cost less than the other one, so I am informed. That does not go to the principle of it, of course.

The statement that the proposal should come from a different committee is a technical objection that I do not think at all applies to the amendment offered by me; but I have to submit to the inevitable; I realize that; and I appreciate that the Senator from North Carolina has done all he could; that he could not have done more. Because I cannot have made the change of location for which my amendment provided I would not, under any circumstances, be put in the attitude of defeating the entire bill.

I do not think the technical objection of the Member of the House that the proposal should come from a different committee is tenable; in fact, so far as the amendment is concerned, it did not come from any committee. The objection is technical, Mr. President, and, to my mind, in the first place it has no merit whatever; and, in the next place, it is likely to do a grave injustice to a people whose existence is already greatly jeopardized.

I know I am helpless about it, and so is the Senator from North Carolina. I am not finding any fault in any way. I think he has done the best he could; nobody could have done better, and I simply have to acquiesce and submit.

Mr. MALONEY. Mr. President, I should like to say that I am deeply in sympathy with the plight of the constituents of the Senator from Nebraska, and I am very much disappointed that the project provided for by his amendment did not remain in the bill. I am not only familiar with the project itself but I have seen at first hand the handicaps confronting the people of Nebraska as a result of unusual and unfortunate conditions.

All I want to say for my own amendment is that I feel about it as the Senator from Nebraska does about his amendment, and, under ordinary circumstances, would make an effort to have the Senate send the bill back to conference. I know, however, that the Senate conferees, and especially the able chairman of the Committee on Commerce, tried very hard. I also know the feeling in the House, and because I fear that we may be about to discontinue, for a short time, consideration of major legislation, I will not take any step that will jeopardize the other very important items contained in the bill. For that reason, I shall not now raise objection.

I find a little hope in the fact that my amendment is included in a separate bill now before a House committee, and I have done something that I have not heretofore done as a Member of this body; I have discussed the situation with Members of the House, and pointed out to them that the project covered by my amendment is vital to the national defense, and reminded them that it involved one of the principal national-defense plants in the country, a plant where 18,000 people are employed, and that the proposal passed the Senate unanimously. I know that the interest of Mr. Knudsen of the National Defense Council has been excited, that he asked for an investigation, and I have heard from Mr. Carmody, of the Federal Works Administration, that he feels that another flood there might prove very harmful to our national defense.

I wanted to make this statement a part of the RECORD to show that the National Defense Council, the head of the Federal Works Agency, and the administration are vitally concerned with this amendment particularly, almost, indeed, entirely, because of its national defense importance. I hope the chairman of the commiteee is right in suggesting that if the amendment or the bill which I have sponsored is not acted upon within the next day or two—and I am very hopeful that it will be—early in the next session of Congress we can secure action upon this matter, for, should another serious flood come to Connecticut, a very important and vital part of our national-defense program might be seriously jeopardized.

If I may reiterate, I should like to say that it is only because I think the bill is otherwise very important that I am making no further objection, and I share the hope and desire of the committee that the conference report will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MR. WILLKIE'S POLITICAL ATTITUDE

Mr. McKELLAR. Mr. President, I note that the Republican candidate for President is to spend a large portion of the present week in New York and in New England, and at this time I desire to quote from a speech he made as a public address in Birmingham, Ala., November 7, 1934, just a few years ago. I quote from that speech for the purpose of showing how greatly interested the Republican candidate is in the industries of New York and New England. The candidate then said:

> The Alabama Power Co. can remove industries from the North because it is a business concern, but the T. V. A. cannot remove them because it is a part of our Government, and therefore has to think of the political effect on the community from which the industry is removed. * * *
>
> I can tell you why we maintain an office in New York. It is solely because of two reasons: first, to have a convenient and advantageous point from which we can work with the Alabama Power Co. and other companies to secure the removal of northern industries to this area. How successfully we have done this, perhaps you can judge by the fact that in the past decade the new industries division of the Alabama Power Co. aided directly or indirectly in the location of 245 industries in 129 different communities in your State.

So far as I am concerned, it is all right if Mr. Willkie has been engaged in removing northern and New England industries to the State of Alabama, for I was born in the State of Alabama, and certainly I do not object to his removing to that State industries from any other section. But I am wondering how the people of New York and New England, where Mr. Willkie is going to preach some sort of a political doctrine this week, feel about removing their industries down to Mr. Willkie's bailiwick in Alabama. They may be interested in it, or it may be that they do not mind that activity at all; but I thought this was a very appropriate time to call the attention of the Senate and the country to the fact that this is a part of the Republican nominee's program.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield to the Senator from New York.

Mr. WAGNER. I suppose the Senator has observed the type of speeches made by Mr. Willkie in his campaign through the country, and has observed that in each community he was for the particular thing that community wanted or was in favor of. So I make the prediction that now that Mr. Willkie is about to address the people of New York, he will promise them to bring back these industries from the South.

Mr. McKELLAR. That may be true; and I leave the matter right there for the people in New York and the people in New England to consider.

Mr. President, I also desire to call attention to an article written by the distinguished Republican candidate. It appeared in the Atlantic Monthly of August 1937, just 3 years ago. I call this matter to the especial attention of the postal employees of our country.

Mr. President, for nearly 24 years I have been a member of the Post Office Committee of the Senate. I take a great deal of interest in the postal establishment of the country. I think it is the best governmental organization in the world today. I do not think it has a superior, or even an equal, in any other country. It is a wonderfully well-managed governmental institution, with marvelously efficient employees, all over the country. I call the attention of the postal employees, however, to the fact that Mr. Willkie does not think very much of their organization. I do not know what he would do with them if, by some miracle, he should be elected President. It would take a miracle, it seems to me now, for him to be elected; but if by some miracle he should be elected, I am wondering how the postal employees would fare. I quote from his article, published in the Atlantic Monthly:

> If a corporation similar to the American Telephone & Telegraph Co. should take over the administration of the post office, it is my belief that we should have an even more efficient mail service, at present rates, without any deficit at all. It is more than likely that the rates could be reduced. That, of course, is merely a personal opinion which cannot be proved. But the illustration gives rise to this very important question: Would we consider it to be efficient operation if the Government were to run the light and power industry as it runs the post office?

I think it would be a godsend to the users of electricity in this country if the Government should conduct the power industry as it conducts the Post Office of the United States, which, as I said before, is one of the most efficiently run governmental organizations ever created.

Mr. BONE. Mr. President, will the Senator yield?

Mr. McKELLAR. In just a minute. Let me finish the quotation from Mr. Willkie's article, and then I will yield to the Senator from Washington:

> Let us remember that the Postal System is still the chief source of political patronage and that postal officers have long been appointed on the basis of their party affiliations—despite the fact that every President within my memory has advocated that the merit system should be adopted. Aside from that, however, a business which operates at a loss—a loss which in the end must be paid by the taxpayer—is not a business that is efficiently and economically run. We may well ask ourselves the question, in considering public ownership, whether the power industry should be run in a business-like fashion or whether it should definitely be a Federal charity.

That is Mr. Willkie's idea of the Post Office. I ask that the entire article be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

[From the Atlantic Monthly of August 1937]

In countries at all comparable to the United States the record of public ownership is not impressive. Of course, Sweden is frequently cited as an example of what public ownership can do in the light and power industry, but the comparison is of little value because the objects compared are so dissimilar. Sweden is a small, compact, homogeneous country, simple in political, social, and industrial structure. In size it would fit along this country's Atlantic seaboard.

There are no large countries in which government ownership has finally demonstrated its efficiency on a large scale. Within the United States, Government operation of the railroads during the World War was obviously a fiasco from which the railroads have recovered only after years of effort. That may not be a fair illustration, however, since it took place in a war period and had to be handled as an emergency matter. We have at hand a more apt exhibit in the Postal System, a Government enterprise which is usually regarded with approval by public-ownership advocates.

As these last frequently point out, the mail in this country is delivered with reasonable promptness and reliability. Unfortunately for this record, however, the Post Office has been operated at a very considerable deficit ever since it was organized. Complete figures on the costs of the Post Office would have to be tracked down through a maze of Government reports of all kinds both legislative and executive; such figures are not given in the reports of the Post Office Department. But the 1936 report of the Department states that the operating deficit of the United States Post Office in the past 100 years amounts to $1,501,569,000.

That is simply the operating deficit. It does not include the enormous amounts of money spent on the capital investment in post offices, namely the money spent for the purchase of land and for the construction of post-office buildings. These were all taken out of other appropriations and were, therefore, not charged against the Post Office Department—which is one of the ways whereby a Government department achieves an apparent cost reduction. There were 13,730 post offices and 1,501 classified stations and branches on June 30, 1936. There are no figures for the capital expenditures herein represented, but the total must be enormous and the fixed charges thereon would have to be added to the operating deficit mentioned above.

If a corporation similar to the American Telephone & Telegraph Co. should take over the administration of the Post Office, it is my belief that we should have an even more efficient mail service, at present rates, without any deficit at all. It is more than likely that the rates could be reduced. That, of course, is merely a personal opinion which cannot be proved. But the illustration gives rise to this very important question: Would we consider it to be efficient operation if the Government were to run the light and power industry as it runs the Post Office?

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Mr. McKELLAR. I now yield to the Senator from Washington.

Mr. BONE. Mr. President, I merely wish to suggest that it requires illimitable gall for any human being connected with the private power companies of America to talk about ineptitude or lack of efficiency in business; for if there is any outfit in this country which in and out of season has spent money belonging to the consumers in political activities of the most shady character it is the private power organizations of this country, including that run by the esteemed Mr. Willkie; and I take it that they are no better and no worse than the power gang out in my part of the country.

For 25 years out in the Northwest most of the corruption in public life could be attributed directly to the private ownership of government, exemplified by the control of the private power companies in that section of the country, for they ran the government out there for a long time. A man could not even be a candidate for office out there without going up to an office in some big building in the city and finding out whether the private power companies would graciously permit him to be a candidate; and if he met their qualifications, they were very generous in the matter of campaign funds.

What I am saying now has been charged a thousand times on platforms in the State. There is not a well-informed politician in my neck of the woods who did not know that the State of Washington, like other Northwestern States, was owned in a political sense by the private power companies; and it is an astounding thing, and certainly a reflection on Mr. Willkie's intelligence, for him not to know and understand that. He has been right in the inner holy of holies of that game, and I understand, from manipulations in the neighborhood from which the Senator from Tennessee comes, that the power companies have not been above dipping their fingers into politics down there.

Mr. McKELLAR. That is true.

Mr. BONE. So, in the light of the revelations of the Federal Trade Commission as to the sheer crookedness of private power companies, it certainly is an odd thing to have a man running for President to assert that there is any purity or efficiency in private ownership of power.

Mr. McKELLAR. I think possibly the Senator from Washington does Mr. Willkie a little injustice.

Mr. BONE. That would be impossible. [Laughter.]

Mr. McKELLAR. The Senator says he thinks Mr. Willkie ought to have knowledge of certain things from his experience in the power business. Mr. Willkie is not much interested in the power business, as the Senator will remember if he recall the facts of Mr. Willkie's career. He is interested in the holding companies, which means the watered-stock manipulation of the power companies—not the generation

of power so much as the manipulation of watered stock in the several companies, to the great detriment of the Republic.

Mr. WAGNER. He has never been a businessman.

Mr. McKELLAR. As the Senator from New York has just stated, Mr. Willkie has never really been what is called a businessman. He has been a holding-company, power-utility, watered-stock manipulator.

I want to say one thing to the postal employees. I hope the postal employees will read this discussion in the CONGRESSIONAL RECORD tomorrow, because I do not want the present postal system interfered with. I do not think a private concern, such as the one Mr. Willkie wants to turn them over to, should have charge of the mail system of the country; and if the postal employees think as I do about the matter, they will certainly see to it that Mr. Willkie is not given a place which will enable him to turn over the great Post Office Department to a private concern like the American Telephone & Telegraph Co.

Mr. President, much has been said in the newspapers lately about Mr. Willkie and the farm issue. I have in my hand an article written for the Nashville Tennessean by a very delightful, vigorous, and active newspaperman in my State by the name of Joe Hatcher, concerning Mr. Willkie and his farming operations, even giving the deeds, showing that he bought at foreclosure sales in Indiana a number of farms. In this connection it is a remarkable thing that Mr. Willkie never bought any farms until after Mr. Roosevelt became President in 1933. Mr. Willkie began his farming operations in 1935, and the story is that he has been drawing farm benefits from the Government ever since he has been in the farm business. I do not know how that is, but that is the story.

I ask unanimous consent that the newspaper article may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). Without objection, it is so ordered.

The article is as follows:

POLITICS—INDIANA EDITOR RAISES "FARMER" WILLKIE ISSUE

(By Joe Hatcher)

Not all Indiana is for Wendell Willkie, despite the fact he's the first native Indianan ever to be nominated for the Presidency.

In fact, it might be rather difficult to get a sizable bet that Willkie will carry Indiana, or even his home town of Elwood.

And Willkie's "hayseed farmer" propaganda is beginning to get about as big a laugh in Indiana as it has been getting on Wall Street, according to reports from that State.

Editor and Publisher Toney E. Flack, of the Marion County (Ind.) Messenger and the West Side Messenger, in Indianapolis, is authority for the challenges of Willkie in the farmer role.

Editor Flack has gone to the records to determine just how real are the Willkie farmer claims.

And, right off, he finds that Willkie didn't become a farmer until after President Franklin D. Roosevelt and Secretary of Agriculture Henry A. Wallace had established the A. A. A., Farm Credit Administration, and other farm-benefit provisions, and while he was fighting T. V. A. and Rural Electrification as president of Commonwealth & Southern.

EDITOR COMMENTS

Editor-Columist Flack says of the Willkie farm propaganda:

"Wendell Willkie, upon his arrival in Rushville after his nomination for Republican President, said, 'I am not a farmer and I never expect to be one.' However, his Republican advisers have him attempting to play the role of dirt farmer, while in reality Willkie is an absentee farmer, doing his dirt farming on Wall Street, where he plowed under the suckers he took in holding-company stock transactions.

"Many Hoosiers wonder why he did not buy farms in Madison County and conduct his campaign from his home town of Elwood."

And here's the record of Willkie farming operations as compiled from the deed transfers, starting with Farmer Willkie's entry in the farm business on March 13, 1935. And the Willkie start was a farm lost under a mortgage from the last Republican administration before President Roosevelt got farm relief started.

The record shows, according to Flack's report:

March 13, 1935, the Metropolitan Life Insurance Co., conveyed 352 acres in Walker Township, Rush County, Ind., to Edith Willkie, for $25,000. This was the Thomas K. Mull land lost under mortgage to the insurance company.

July 5, 1935, Chester Cross, administrator of the estates of John F. Cross, deceased, conveyed 386.86 acres in Jackson Township, Rush County, Ind., to Edith Willkie; consideration, $28,000.

December 26, 1936, Maud Bohannon conveyed to Edith Willkie 294.41 acres in Posey Township, Ruth County, Ind. The deed recites $1 and other considerations, and a $10,000 mortgage was assumed. The deed had $19 in Federal tax stamps affixed, which would indicate actual consideration of approximately $29,000.

November 16, 1938, Thomas H. Lee and Ruth M. Lee conveyed to Wendell L. Willkie 140 acres in Posey Township, Rush County, Ind.; consideration, $14,000.

April 29, 1939, Mary E. Williams et al. (2 deeds) conveying 189.79 acres in Posey Township, Rush County, Ind., to Wendell L. Willkie. The deed recites $1 and other considerations, and Federal tax stamps were attached in the amount of $1 on one deed and $14 on the other, which indicates that the total consideration did not exceed $17,000.

Anyhow the utility business was not so bad through this gap and Willkie must have had a lot of confidence in President's Roosevelt's and Secretary Wallace's farm program, so the records indicate.

Mr. McKELLAR. Mr. President, let me refer to another matter.

As everybody knows, the present Secretary of the Navy, Colonel Knox, is a Republican and is one of the owners of a great newspaper in Chicago called the Chicago Daily News.

Everyone knows that the News is supporting the Republican candidate for President. There are times when the scales may fall from the eyes of the Chicago Daily News.

I now quote from the Washington Evening Star, one of the representative and splendid papers of this city, in its issue of Saturday last, on page 10. It shows a manifest awakening to just what the Republican candidate is preaching in this country. I shall take the liberty of reading the article, it is so important. I voted for the confirmation of Colonel Knox. I think he is making an excellent Secretary of the Navy. I have no criticism of him whatsoever, or of his paper. I am merely reciting the facts. I read from the article in the Star:

[From the Washington Evening Star]

COLONEL KNOX'S PAPER ASSAILS WILLKIE'S CLEVELAND SPEECH—ATTACK ON ROOSEVELT'S FOREIGN POLICY CRITICIZED IN EDITORIAL

CHICAGO, October 5.—The Chicago Daily News, owned by Secretary of War Knox, said in an editorial yesterday that Wendell Willkie's "peace" speech at Cleveland last Wednesday night was "an insult to the people's intelligence."

The newspaper, the direction of which was turned over to a board of three staff members when Mr. Knox entered the Cabinet, criticized the Republican Presidential nominee for some of his charges against President Roosevelt. Mr. Knox was Republican Vice Presidential candidate in 1936.

The Daily News editorial said in part:

"In the grave crisis confronting this Nation, in the grave decision that the people must make next November 5, we have supported, and we shall probably continue to support, the candidacy of Wendell Willkie. But we did not like the "peace" speech he made at Cleveland last Wednesday night. In fact, we think it was an insult to the people's intelligence. Either Mr. Willkie actually believed what he said, or he said it for political reasons without believing it, or he listened to some very bad advice, and we don't know which is worse.

"Mr. Willkie is on record, again and again, as favoring aid to Britain and China, and a strong national defense. Only a few hours before making the Cleveland speech he took credit—deservedly—for his efforts 'to give unity to certain important aspects of our foreign policy,' and 'to avoid any risk or any suspicion in foreign minds of a disagreement in this country on our fundamental attitude toward aggression.' Yet, at Cleveland, he strongly attacked the defense and foreign policies of the present administration, thereby deliberately undoing whatever good he may have done by his earlier statement.

Mr. President, I hope the Daily News of Chicago will continue to keep abreast of what is being said by Mr. Willkie as he goes over the country, and I hope that on maturer reflection they will not think it advisable to continue supporting a man about whose statement they say, "In fact, we think it was an insult to the people's intelligence."

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. McKELLAR. Certainly.

Mr. KING. I am not quite clear what the attitude of the News is or was in the editorial referred to, whether they were criticizing Mr. Willkie because he favored, as they said he did, giving aid to Great Britain in this terrible conflict, or because of some other views which he entertained. I do not know what his views are with respect to the matter, but if he favored the position taken by a large number of Americans—and I am among the number—that we should give some aid to Great Britain in a contest which involves not only the life of Great Britain and other democratic nations, but which will have repercussions, if Great Britain shall be destroyed, to the disadvantage of the United States, I praise him for it. Personally, I applauded the President when he obtained bases in the

Western Hemisphere from Great Britain. I applauded the President when he approved the plan to dispose of 50 of our ships to Great Britain, and I should be very glad if the American people would take some steps to aid Great Britain, not only morally, but in a material way, in the present contest, in which she is not only defending Great Britain, but is defending democratic nations throughout the world.

Mr. McKELLAR. Mr. President, I thank the Senator, and for his information I will hand him a copy of the speech referred to, and he can easily see why the Chicago Daily News criticized Mr. Willkie.

Mr. KING. Mr. President, I did not intend to make any comment upon the views which the paper entertains. I was just wondering whether it was condemning him for various of his policies, or merely because he expressed approval of the President's giving some aid to Great Britain.

Mr. McKELLAR. It had nothing whatever to say about the ships, as I recall.

Mr. President, when historians come to review the politics of this period there will undoubtedly be a chapter on the strange case of Wendell Willkie.

Our history has had cases of a somewhat similar kind before. Everyone remembers that the Whigs in 1840 nominated William Henry Harrison, a Whig, for President, and John Tyler, a Democrat, for Vice President. Harrison died within 30 days and John Tyler's administration became a Democratic administration.

Andrew Johnson, though a Democrat, was elected as a Republican Vice President in 1864, and upon Lincoln's death it was not a great while before he again became a Democrat, to the great disappointment of the Republicans.

However, there was never such an unusual mistake made by any political party as when the Republicans nominated Wendell Willkie in Philadelphia. Mr. Willkie, it seems, was born a Democrat. He had lived a Democrat all his life. He had voted for President Roosevelt twice for President. He had never foresworn his party allegiance until some time in 1939 or 1940. I have heard it was May, although the exact time I do not know. No one seems to know exactly when it was. For a while he had been a member of Tammany Hall and held some official position with the Democratic Party in New York. Certain it is that he had never affiliated in any way with the Republican Party until a few months ago. He had never supported any Republicans. He had never been a Republican officeholder. He had never voted the Republican ticket. He had never worked for Republican candidates. He had never worked for Republican policies. Insofar as is known, he had never contributed money to Republican causes. He had never done the slightest thing for the Republican Party.

When, on May 23, 1940, he announced that he was a candidate for the Republican nomination for President at the Philadelphia convention he had not sought the support of any delegates. He had not undertaken to have any delegates elected to support him when the convention came on. However, he got very busy accumulating delegates who had been pledged to other Republican candidates for the Presidency or obtaining the votes of such as were not pledged.

Dewey was the leading candidate, with about 300 pledged votes. The Senator from Ohio, Mr. TAFT, was the next in order, with nearly 200 votes. The Senator from Michigan, Mr. VANDENBERG, had a large number of votes, and various other lifelong Republicans had votes instructed for them.

These Republican candidates were men who were born Republicans. Their fathers before them were Republicans. Nearly all of them had distinguished Republican records. The leading candidate, Mr. Dewey, had built up a fine record as a public prosecutor in New York. He had long served his party and was apparently in a commanding position in his party.

The Senator from Ohio, ROBERT TAFT, as we all know, is a son of a Republican ex-President and an ex-Chief Justice of the United States. He himself had done the party valiant service for many years. He was a regular Republican Senator of high standing and popularity.

The Senator from Michigan, Mr. VANDENBERG, was a newspaperman of the highest standing and ability. He had fought the battles of the party faithfully all his life. He is a distinguished Republican Senator, and in every way qualified for the high office to which he aspired.

The Senator from Kansas, Mr. CAPPER, was a candidate at that convention, a life-long Republican, a noted Senator, and a strong supporter of his party.

The Senator from New Hampshire, Mr. BRIDGES, is a young Republican Senator from the State of New Hampshire, where all his life he has supported the Republican cause. He was an active, ambitious, and vigorous candidate.

As I recall, the various other candidates were men of high standing, long identified with the fortunes of the Republican Party, and all workers in the Republican cause. All had been faithful to their party. All had been true to its principles. All had been workers in the Republican vineyard. All had reason to expect that they might be called upon to lead the Republican cause. The delegates had all been selected, and for quite a while the idea of a candidate being nominated who was not a Republican, who had always been a Democrat, who had never done a thing for the Republican Party in his life, was about as farfetched an idea as any person, Democrat or Republican, ever entertained.

But when the convention met, mirabile dictu—wonderful to relate—Mr. Willkie turned up at the beginning with about 100 votes. Even then there were few who took his candidacy seriously. However, the galleries were packed with his supporters. Each ballot he gained more and more Republican votes, and after a short fight he literally ran away with the nomination. The old-line Republicans were shunted aside. The faithful followers of the party were utterly disregarded. The workers in the Republican vineyard were laid off from their work, and the representative of watered utility stock, the president of a utility holding company, a life-long Democrat, a supporter of Franklin Roosevelt for two terms, a representative of big business, a man who had never been in the Government service, who had been fighting the Government for several years in the interest of his utility holding companies, a man who had never held political office, was then victor in this National Republican Convention.

The rank and file of the Republican Party had been outwitted. The old-line Republicans had been double-crossed. The faithful followers in the party had been disregarded. What was the answer to this marvelous situation? Of course there could be but one answer: Big business wanted its own man as President. It mattered not a particle whether he was a Democrat or a Republican. And big business nominated its man.

The stock and bond gamblers of New York had been out of the picture for the last 8 years. They had not been allowed to control and run the Government of the United States. They wanted to get back into a position of control. They tried to get back with Landon in 1936 and failed, so this time their edict came to nominate Willkie, a Democrat, but he was their Democrat, and they had him nominated. At first their joy was unconfined. Their newspapers spread the glad tidings to the world. Their radios worked overtime. Then something happened. This bright, attractive young man whom they picked to do their bidding as President for the next 4 years apparently lost his head. He was a talker. He had seen his name in the headlines during the convention and immediately afterward, and he wanted to continue to see it there. He tried to get in every morning, and every time he opened his mouth he put his foot in it. Every time he talked he made a mistake. When he came to write his speech of acceptance, he accepted substantially all the Roosevelt policies. He committed himself to everything that the old-line Republicans were against. He endorsed all the Roosevelt policies, and pitched his campaign on the two proposals that he was an abler and better administrator of Mr. Roosevelt's policies than was Mr. Roosevelt himself, and besides, Mr. Roosevelt had been President for two terms and he ought not to be allowed a third term.

Then things began to happen. France caved in and turned herself over to Hitler. Almost immediately Hitler announced that he was going to take over Great Britain, and things looked serious for America. Mr. Roosevelt announced a gigantic preparedness program. Mr. Willkie, not daring to oppose it, approved it in a left-handed way, intimating that he could have prevented the fall of France and Great Britain if he had been President. Mr. Roosevelt announced the selling to Great Britain of 50 old destroyers, the pay being eight splendid air and sea bases. Again Mr. Willkie approved this trade in his left-handed way, and intimated he could have made a better one.

About that time the Congress took up the consideration of defense measures. Two of the most important of these measures were the drafting of men to fight and the drafting of industries when needed. Mr. Willkie was strong for the drafting of men, but he balked on the drafting of industry. He denounced it. He even went so far as to say that those who voted for it in the Senate were sovietized Communists, or words to that effect. He even applied this epithet to a majority of the members of his own party in the Senate, and when I say his own party, I mean the Republicans in the Senate. Ten Republican Senators, two of them his competitors for the Republican nomination, had voted for the Russell amendment, drafting industry under certain conditions. Ten Republican Senators voted outright for it, and three were paired for it, while only eight voted against it. These 13 Republican Senators were denounced by their candidate for President as men who had voted to sovietize America.

Ah, my Republican colleagues, I sympathize with you. Your new Democratic leader did not treat you right. It was only shortly after this denunciation of these 13 Republican Senators that the newspapers stated that 22 party leaders met Mr. Willkie in Indiana and urged him to modify his position on the drafting of wealth, and he attempted to do so, but, as I recall his modification, it only made matters worse and, of course, every informed man in America knows that this minion of the power companies in America was not in favor, and is not in favor, of drafting any industry in time of war or any other time. We all know that he thinks more of industry than of anything else under the sun except only holding companies.

Then Mr. Willkie made his speeches in Chicago. After his visit there the papers quoted him as saying, "To Hell with Chicago." What a statement from the candidate for the high office of President of the United States. He was angry, of course. It would be better to say he was mad, for no one but a mad man would thus express himself about the people of a whole city, and surely no one would want a President to feel that way toward a city of more than 3,000,000 people. But our Republican friends must get used to this kind of language from Mr. Willkie. It is just what he had been giving us Democrats down in Tennessee for a long time. During the early part of this year, when asked if he favored a bill for the Tennessee Valley Authority to repay the taxes which the State, counties, and cities had lost by the T. V. A. sale, and said "No," he was not in favor of the bill. On the contrary he wanted the State, counties, and cities to stew in their own juices, and that it would teach them a valuable lesson, meaning it would teach them not to get into a fight with the power monopolies that he represents. He said he thought that bankruptcy—bankruptcy—was the best thing for those counties which had opposed him in Tennessee. Think of a Presidential candidate wanting counties to become bankrupt. We people of Tennessee want to congratulate Chicago that she has been put under the Willkie ban. It is true he did not say where our cities and counties were to stew, but we imagine it was in the locality of the place to which he verbally sent Chicago.

Daily he is accusing Mr. Roosevelt of all kinds of high crimes and misdemeanors. He accused him of having brought about the Munich Conference. He accused him of being responsible for the downfall of democracy in Europe. He accused him of being a dictator. He accused him of not representing the American people. He accused him of inability to govern America properly. He accused him of being unable to protect American institutions, and he has even gone so far as to say that while he endorses all the President's foreign policies, that the President has made a failure of administering the foreign affairs of our Government, and he tells all the people in every speech how much better he could do the job than Mr. Roosevelt can in the next 4 years. The truth of the business is that in his own estimation Mr. Willkie is about the biggest man there is in this country.

Mr. President, Mr. Willkie's peculiar attitude of mind, which makes him believe he would better administer the Presidency than Mr. Roosevelt, reminds me of an old, old story which fits his case very well, indeed. An English cotton buyer visited the plantation of a South Carolina cotton farmer near Charleston. It was a delightful southern home, and the Englishman was cordially welcomed. The family had a butler who had served them for a long time. The first night at the table the colored butler heard the boasting of the Englishman. They had been out hunting that afternoon, and he said that while South Carolina quail were pretty fair, they were nothing like the quail in England. They were not half so large or half so sweet or half so good.

The next day the host took the Englishman out shooting pheasants. They killed a goodly number, but the Englishman said they were only fairly good and that the English pheasants were so far superior that the American pheasants were hardly comparable.

The host then took the Englishman out duck hunting, and again he was disappointed in the American ducks, as the British ducks were so much more palatable, and their meat was of a much higher order.

With respect to everything that came upon the table, the Englishman benevolently stated that it was very good, but that in England they had much better. All this time the colored butler was thinking very actively, so he made up his mind to bring the matter to an issue with the English visitor. That night he went out and got a snapping turtle that weighed two or three pounds, and very carefully laid the turtle between the sheets of the Englishman's bed, and awaited developments. The Englishman went to bed about 11 o'clock. As was the custom in those days, he wore a long nightshirt. About 12:30 the turtle began to investigate his bedfellow, and clamped down on the Englishman's back, waking him up and terrifying him. He tried to pull the turtle off, but the turtle was the kind that would not turn loose. The Englishman began to yell and scream, and woke everybody up. He came bounding down the stairs, his nightshirt flying, and the turtle hanging on to him.

Uncle Mose was at the door. The Englishman said, "My God, take this animal off me!" Uncle Mose stopped him and separated the Englishman from the turtle. When this was done the Englishman turned around and said, "My God! What sort of animal or thing is that?" Uncle Mose said, "That is a South Carolina bedbug. Have you any bigger bedbugs than that in England?" [Laughter.]

I think the Republican Party may have a South Carolina bedbug hanging on to it, in the person of Mr. Willkie.

AMENDMENT OF FEDERAL RESERVE ACT

The Senate resumed the consideration of the bill (H. R. 10127) to amend the Federal Reserve Act, and for other purposes.

Mr. WAGNER. Mr. President, I should like to return to the consideration of the unfinished business.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. DANAHER. I had suggested to several of my colleagues on this side of the aisle that when the unfinished business was to be dealt with I should suggest the absence of a quorum. I ask the Senator to yield for that purpose.

Mr. WAGNER. I yield.

Mr. DANAHER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Holt	Schwartz
Andrews	Danaher	Johnson, Calif.	Schwellenbach
Ashurst	Davis	Johnson, Colo.	Sheppard
Austin	Ellender	King	Shipstead
Bailey	Frazier	McKellar	Stewart
Barkley	George	Maloney	Thomas, Idaho
Bone	Gerry	Minton	Thomas, Okla.
Bulow	Gibson	Murray	Thomas, Utah
Burke	Gillette	Norris	Townsend
Byrd	Glass	O'Mahoney	Tydings
Byrnes	Green	Overton	Van Nuys
Capper	Guffey	Pepper	Wagner
Caraway	Gurney	Pittman	Walsh
Chavez	Harrison	Radcliffe	Wheeler
Clark, Idaho	Hayden	Reed	White
Clark, Mo.	Herring	Russell	Wiley

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present.

AMENDMENT OF FEDERAL RESERVE ACT

The Senate resumed the consideration of the bill (H. R. 10127) to amend the Federal Reserve Act, and for other purposes.

Mr. WAGNER. Mr. President, this bill was discussed some 4 weeks ago and was then laid aside. The junior Senator from Michigan [Mr. BROWN] was then in charge of the bill, but he is unable to be present today, and that is why I am undertaking to press the bill for passage.

The PRESIDING OFFICER. The Chair will state that the question is on the amendment of the Senator from Michigan [Mr. BROWN] proposed as a substitute for the House bill.

Mr. WAGNER. Yes. As I understand, the House bill was considered and the Senator from Michigan offered an amendment to strike out all after the enacting clause of the House bill and to substitute in lieu thereof the Senate bill reported by the Senate Committee on Banking and Currency. As I understand, that is the amendment now pending, and that amendment, of course, is subject to further amendment.

The PRESIDING OFFICER. That is correct.

Mr. DANAHER. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. WAGNER. Certainly.

Mr. DANAHER. Is the question before the Senate pending in that form?

The PRESIDING OFFICER. The question is pending in that form.

Mr. DANAHER. Just as stated by the Senator from New York, so that we are now proceeding actually to consider Calendar No. 2043, Senate bill 4174?

The PRESIDING OFFICER. The Senate is proceeding to consider Calendar No. 2045, House bill 10127, and the particular amendment before the Senate is the amendment in the nature of a substitute offered by the Senator from Michigan [Mr. BROWN]. The amendment has been printed and is on the desks of Senators.

Mr. DANAHER. I thank the Chair.

Mr. ADAMS. Mr. President, in view of the parliamentary situation, let me say to the Senator from New York that I have, as he knows, an amendment in the nature of a substitute for the Brown amendment. Perhaps I should submit it at this time and have it pending.

Mr. WAGNER. I did not understand that the Senator's proposal was a substitute for the Brown amendment.

Mr. ADAMS. It includes the Brown amendment and other features. It is a substitute for the Brown amendment.

Mr. WAGNER. I did not so understand.

Mr. ADAMS. It is a complete restatement of the bill embracing the Brown amendment and certain other provisions.

Mr. WAGNER. The amendment which I saw I understood was to include banks which are not now included in this proposed legislation, and was an amendment to the Senate bill. Perhaps if I may examine it, it would expedite matters.

Mr. ADAMS. If I may interrupt the Senator to make an explanation, in its original form the amendment I submit simply would have modified the bill so as to include private, insured banks; but the General Counsel of the Federal Reserve System visited me and said the Federal Reserve Board would prefer to have the amendment redrafted in a form which would include the Brown amendment. The amendent I am offering was drawn by Mr. Wyatt, and, in view of the parliamentary situation, I shall offer it as a substitute for the Brown amendment, which is a substitute for the entire bill.

Mr. WAGNER. I wonder if it also includes another amendment which I have in mind?

The PRESIDING OFFICER. The Chair should like to be advised whether the Senator from Colorado is now proposing his amendment as a substitute for the amendment of the Senator from Michigan?

Mr. ADAMS. I was asking the Senator from New York whether or not the amendment was in a form which would suit him.

Mr. WAGNER. Before expressing an opinion I should prefer to examine the amendment. I wish to be sure, Mr. President, that it also includes an amendment I was going to offer to the pending amendment, making very clear that nothing in the proposed act in any way limits the powers conferred under the Trading with the Enemy Act, prohibiting the transfer of any credits or properties without a license. I wanted to make very sure of that, and I should like to examine the amendment to be offered by the Senator from Colorado to see whether that is included. [Examining.] I understand now the amendment includes everything which was desired.

Mr. President, the amendment offered by the Senator from Michigan has already been explained by him, but I should like briefly to go over some of the salient features of the bill.

The Federal Reserve System now holds assets belonging to foreign governments or to central banks which are the fiscal agents of foreign governments. Those assets are in the shape of gold; that is, earmarked gold amounting to some $1,780,000,000. We must not confuse that with gold which is purchased by our Government and deposited; but it is earmarked gold belonging to foreign governments which has been deposited with Federal Reserve banks. Foreign governments also hold deposits in our Federal Reserve banks to the extent of $820,000,000. So, we are considering a measure involving a very large amount of gold and deposits belonging to foreign governments, principally to governments which have been invaded, such as Holland, Belgium, Norway, Denmark, and France.

The pending bill is merely intended to protect the Federal Reserve banks from liability in case of rival claims to these assets. Many of the countries for which the Federal Reserve System holds assets have been invaded; in some cases the governments are in flight, and in other cases, of course, where there is complete invasion, they are under the control of the invaders.

Take the case of Holland: The Central Bank of Holland is still situated, as I understand, in Holland, but the Government itself has been transferred to London and is operating there through its legislative and executive departments. The head of the government, the Queen, is living now in England. Because of that situation, there may be asserted conflicting claims to the funds credited to the Bank of Holland.

The Federal Reserve banks might be presented with an embarrassing choice between a claimant to funds and the existing government. If I may give a supposititious case, assume that a government has been invaded; its central bank which was the fiscal agent which made the deposit of gold or cash, remains within the country invaded and under the control of the invader, while the government itself has moved to some other place. A decree might be enacted by the government, though not functioning within the invaded territory, as to the disposition of the moneys or gold belonging to the government; for it must be remembered that while in some cases the bank has been, perhaps, induced, if I may use a mild term, to make a claim for those funds, nevertheless, we all know that the central banks are mere agents of the government, and whatever

they do they do simply in behalf of the government. We have had several cases of the government issuing decrees transferring the money from the bank to the government itself; that is, to the actual owner of the gold or the money.

As we all know, our courts generally recognize the extraterritorial effect of decrees of foreign governments as they affect rights of foreign nationals in our own country, unless such recognition would interfere with our domestic policy.

What we are doing in this legislation, because our public policy may require the payment and transfer of the money or the gold at once, is to provide that when the Federal Reserve bank pays or transfers this money or gold to one who is the accredited representative of a government which is recognized by our country, such payment shall be conclusive against any adverse claimant; and in enacting that policy into law we are simply carrying out what is the law of the land as it has been decided time and time again by the United States Supreme Court.

That, in effect, is the purpose of this particular enactment, because, as I say, we generally, as a matter of comity, recognize these foreign laws; that is, they have extraterritorial effect, and we carry them out unless it is against our public policy to do so.

That is a simple statement of the effect of this legislation.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. WAGNER. Certainly.

Mr. DANAHER. The Senator does not wish to be understood as saying that this bill applies only to the central banks of countries which have been invaded, does he?

Mr. WAGNER. No. What I meant to say—and I think it is very obvious to anybody—is that this question rarely arises, and has rarely arisen in the past, except when there are situations such as we have at the present time, in which, while these governments exist as governments, and we recognize them as governments, we know the influence under which many of them are now compelled to conduct their affairs.

Mr. DANAHER. Mr. President, will the Senator further yield?

Mr. WAGNER. Certainly.

Mr. DANAHER. The fact of the matter is that if we pass this bill, unlike present law, we shall be including every foreign state within the powers thus extended; shall we not?

Mr. WAGNER. Yes; but that is the present law. I am sure the Senator from Connecticut is familiar with the cases. The present law is that our Government usually carries out the laws of recognized foreign governments when such laws affect the rights of the foreigners in this country, as long as such laws are not contrary to our own public policy. Authority under a foreign law for the delivery of foreign assets would be a complete defense to any action which might be brought regarding these foreign assets.

The only reason for enacting this legislation now is this: I suppose I am not at liberty to state exactly some of the situations which may arise, though I know something about them; but suppose a foreign government needs its money, it ought to have it. Why should we deprive a foreign government of its moneys or its gold deposited in our banks if they belong to that government, and if, by carrying out simply the edicts or the laws of that land, we can transfer that money? It may be a great injustice to withhold the use of that money for some months or even some years, which may result if we permit injunction suits and other kinds of litigation to be instituted simply to embarrass those governments, because in the end the decision will have to be that the government which we recognize is the government which is entitled to the funds.

Mr. KING. Both the de jure and the de facto government.

Mr. WAGNER. Both; and, as the Senator well knows, I am sure, the test is, Is the particular individual the accredited representative of the government we have recognized? That is the entire test; and that is about all that this bill does. It relieves an embarrassing situation which may arise, and it may be to the interest of our public policy that the payment be made at once. That is all that this legislation proposes.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. WAGNER. Certainly.

Mr. DANAHER. Of course, there is one important thing which the bill does, and which differs from existing law. I read:

> No court shall have jurisdiction to restrain or enjoin a Federal Reserve bank from making any payment, transfer, delivery, or other disposal of property in accordance with the provisions of this paragraph.

In other words, we deny to our courts jurisdiction to determine the conflicting claims; do we not?

Mr. WAGNER. We do; yes.

Mr. DANAHER. That is new; is it not?

Mr. WAGNER. We do that for the very reason I stated a moment ago, because we want to do away with the embarrassments which may be created as a result of a world situation for which these governments are not at all responsible; and we may be doing them a great injustice in these critical times if we should withhold these funds from them for their use because of some adverse claimant who in the end, of course, would have no standing at all in court; but unless this bill should be passed, a determination of his claim would require the prosecution of litigation. It is simply that situation which we are avoiding; but I am sure the Senator must agree that we are enacting into law what has been held by the Supreme Court to be the law of the land with reference to the extraterritorial effect of the laws of foreign countries.

Mr. DANAHER. Will the Senator yield, or has he concluded?

Mr. WAGNER. I have concluded.

Mr. DANAHER. Mr. President, there are a few particulars in which the case for this bill, as presented to the Banking and Currency Committee, left some of us, it seems to me—at least, left me—completely unconvinced.

When the Senator from New York [Mr. WAGNER] says there might be embarrassments—and I quote him, using his own terms—when he says some question of public policy of the United States might be involved unless we should enact this bill into law, he is stating precisely the only reason why the bill is brought here. Before we look into the matter of enacting into law any bill, it seems to me the first inquiry should be, "What is the need for the bill proposed?"

If, as the Senator says, the existing law, as decided by our Supreme Court time and time again, already does everything that this bill would do, then why pass it? Why should we have it? Why should we clutter up our lawbooks and pass one more statute giving one new phase of an extension of the powers of the Federal Reserve System, if there be no other need, and if the law today be adequate for all the purposes sought by the bill?

Mr. President, I am willing to say that the fact may be, and I have not any question it is, that under the law as it now stands the State Department, as a political question, has before it time and time again the duty of deciding what government is de jure or what government is de factor in a foreign country. I have no question that the courts of this country will honor the government which is recognized by the State Department, because that is a political function, and the duty of the State Department. But, Mr. President, if we are to pass this particular bill, and if we are to deny access to the courts to conflicting claimants with reference to investments, or the avails thereof, or the evidence thereof, or gold in this country, we shall not be making decisions as to who owns this money on the basis of the justice of the claim, but we shall be enacting this legislation so that our Government may play foreign politics with the money. That is where the difficulty arises with reference to it.

To take a patent instance, consider the situation which arose only a few weeks ago in Europe when the DeGaulle government was recognized by certain countries, including Great Britain, following the downfall of France. Until the DeGaulle

government was recognized, of course, the official Government of France was that which had been described as the ally of Great Britain; and then there was the DeGaulle government. But, Mr. President, in just a very few days there was a third government in the field, that which is commonly described today as the Petain or Vichy government.

If the DeGaulle government had been recognized under this measure, and some billion and a half dollars of French gold had been turned over to somebody who was certified as the representative of the DeGaulle government and hence of the Government of France, in what position would that have left the United States? Suppose General DeGaulle had in fact gotten the avails of this fund, and utilized it to organize the Dakar expedition, and then it had developed that General DeGaulle did not represent a recognized government of France. If we undertake to give domestic effect to this bill, if it shall be enacted into law, we can give to it no extraterritorial effect. There is no reason why any foreign country should recognize it, and I predict that the day will come when the United States of America will be called to account for having disposed of assets in this country which had been sent here by foreign banks.

There are certain things involved, it seems to me, in maintaining the honor and the integrity of the country. Among them is the security and fidelity of its own banking system. There are central banks abroad which have sent their funds to this country, believing that this is the safest place in the world in which to deposit funds, and we accepted them as trustee. Under the terms of the pending bill we take the funds of those entrusters and turn them over to someone without even requiring that the Secretary of State shall certify to the Federal system that the individual who is to get the money is entitled to it.

We do not even ask him to do it. What we do in the bill is to ask the Secretary of State merely to recognize the authority of the person who is to get the money. That is what he is to do. He is to accredit the representative of the country. He recognizes him and accepts his credentials—as it is put in international law—and the President in due course, on the representations of the Secretary of State, will recognize a given individual as the formal representative of a given country, yes; but does he certify that fact to the Federal Reserve System under the bill? An examination will disclose that the bill does not provide for any such thing. The bill provides that the authority of the person to act is accepted and recognized by the Secretary of State. It does not provide that the Federal Reserve System shall even get any such certificate. Quite the contrary from the Federal Reserve System acting on a certificate from the Secretary of State which would give political effect to the person recognized, and thereupon, under the theory of the bill, the Federal Reserve bank thereafter would stand discharged of all claims if it paid that person, it does not provide that. There is no "shall" in it, there is no "may" in it. The fact of the matter is that, by the very terms of the bill, if we enact it into law, the Department of State, through one person, the Secretary of State, is to say what government he recognizes, what representative he accredits, and he holds over such representative constantly the wand of transformation into acquiescence or compliance by his willingness to certify or his refusal to certify whether the representative will or will not get funds in this country belonging to the central bank of the country which sent him here. Let me say, furthermore, that it does not even mean that the ambassador of a country must be picked. It can be any legal representative.

Above all, we would deny to conflicting claimants the jurisdiction of our courts to determine their claims as a matter of justice and of right. That is the way the bill is drawn. It is for such reasons, looking into the future, and realizing what may happen, that it seems to me attention should be called to this point, to the end that the Senate, if it passes the proposed legislation, shall do so with its eyes wide open.

It is all very well for us to say that the Federal Reserve Bank will not be liable in any court of the United States, but that does not absolve the United States of America as a corporate entity, as a sovereign nation, from having recognized what is in effect its central bank, the Federal Reserve System, and having authorized payment to a political entity which may be repudiated by its own country in time to come. Thereupon there arises a demand against the United States for payment to such a country of the millions of dollars whose payment we may have authorized under the bill.

Mr. KING. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. KING. Perhaps the suggestions I am about to make are an ad hominem argument rather than a legal argument; but, in order that I may have my mind cleared a little with regard to the facts, let me invite attention to two or three countries. Take Norway, for example.

Mr. DANAHER. Yes.

Mr. KING. The Nazi government invaded Norway and, by force, took charge of the Government. They put a man named Quisling in control. The executive and legislative departments were banished from the country. The King took refuge in Great Britain, and some of the members of the royal family are now in the United States. Quisling is a mere protegé, a mere figurehead, doing exactly what Hitler tells him to do. Quisling undoubtedly will demand, if Norwegian funds are found in the United States, that such funds be turned over to him. Suppose the able Senator were in charge of our Government, or of the State Department, or of our central bank, and demand were made by Quisling upon him for those funds; would he feel, morally or legally, that he should then turn them over to Quisling?

Mr. DANAHER. Let me answer the question in the words of the hearings, at which State Department representatives were present, and Federal Reserve officials, including Chairman Eccles, and counsel for all the departments affected were present. They must have anticipated the question of the Senator from Utah, for they told us, as appears on page 5 of the hearings, just what they did. I read:

> When Norway was invaded, the Norwegian Government passed some legislation or decrees whereby the right of the officers of their central bank to operate this fund and to withdraw funds from the balance in the Federal Reserve banks here was vested in the Norwegian Minister to this country. That decree was passed to the State Department by the Norwegian Minister, who certified that, under the laws of his country, he is the one who is now authorized to operate that account. The Secretary of State accepted that authority, and upon that the Federal Reserve banks are to honor the orders of the Norwegian Minister rather than those of the officers of the Central Bank, who apparently are still in Norway. In the case of the Norwegian bank that was done.

So answering the Senator's question specifically, they have operated to the complete protection of the Norwegian Minister, and the rejection of the Quislings, and they did not need this bill to do it.

Mr. KING. Take the case of Holland, or take the case of Belgium.

Mr. DANAHER. Let us take one at a time, and see if I cannot find the answer in the record.

Mr. KING. They have funds in the United States.

Mr. DANAHER. Which country?

Mr. KING. Let us take Belgium, whose King is now imprisoned in some fortress, who is under the control of the Nazis, and whose movements, of course, are not voluntary, but are involuntary. He has not been recognized, I am advised, by those who might have some authority in his country. Suppose his country should have funds in the United States, and assume that the Nazi government claims to be the de facto if not the de jure government of Belgium, and the de facto government set up by Mr. Hitler should demand, of our banks here which have the funds, possession of them. Does the Senator say that we should deliver them?

Mr. DANAHER. Let me say to the Senator from Utah that we anticipated that question, too.

Mr. KING. I am glad there was so much anticipation. I hope there will be some genuine realization of the justice of things, rather than anticipation of the supposed legality of an injustice.

Mr. DANAHER. Before I answer the Senator specifically in the terms of the record, let me say that the lack of a

decision based upon justice is the very point upon which the bill breaks its back. It is the very point, I think, on which the bill loses the force and the character and the integrity legislation of this character should have. There is no reason in the world why we should deny claimants the right to come into our courts and establish their respective claims, and thereupon rely upon the record as established by the Secretary of State as to naming a particular political person entitled to recognition.

Let me answer the Senator from Utah by recalling to him specifically that we had before us a few months ago a measure which was passed by the Senate, and which was signed by the President on May 7, 1940, providing as follows:

> During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by or to banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, and any transfer, withdrawal or exportation of, or dealing in, any evidences of indebtedness or evidences of ownership of property in which any foreign state or a national or political subdivision thereof, as defined by the President, has any interest, by any person within the United States or any place subject to the jurisdiction thereof.

I read so much of Public Resolution 69, adopted in the Seventy-sixth Congress. Let me point out that under it, since the President has the power to prohibit, and also to regulate these transactions, he may extend or withhold, under a license, as much or as little permission as he chooses, to whatever bank he chooses. He may make it as narrow as he wishes to make it, even, let me say to the Senator from Utah, to the point of remitting an annuity to a resident of Brussels today, to the end that the State Department shall ascertain who is the right payee of American funds; and if and when it is established, and the Secretary of State so certifies, then the license is issued.

Mr. President, the control is so complete that, regardless of the extension of this particular proposal into fields not hitherto encompassed within legislation as to countries not necessarily the victims of invasion—quite the contrary—it operates as to every foreign power and as to every central bank.

If the Senator did not know it, I respectfully invite his attention to what section 1 of the bill provides. He will find that we would amend existing law by striking from it the relationship under which an agency was created so that counterclaims could be considered. We make it possible, under this bill, from now on, actually to impugn the integrity of American banking institutions in the eyes of bankers throughout the world.

If that is the position the United States is to take in order to execute a degree of control of foreign policy—and that is the purpose of it—then I say that the justification for the bill absolutely vanishes into thin air, and that we should definitely reject it.

Mr. KING. Mr. President, I assume from the very able and forceful explanation just made by the Senator from Connecticut [Mr. DANAHER] that his views and mine, so far as the objectives sought are concerned, are not very far apart. I assume from the last part of his statement that we have a statute now which is broad enough to protect the governments which are now under the iron heel of a despotic Hitler, to protect the de facto governments, to protect the inhabitants of those countries from any injustice or from being robbed by some autocratic dictator who has usurped power and authority.

Mr. DANAHER. That is correct.

Mr. KING. If we assume we have authority by which we can deal with that situation and we can interdict Hitler or any of his satellites from coming into our courts and under color of right or authority, de facto or de jure, set up a claim to that which had been deposited here by a legitimate and de jure government before the advent of Hitler; if we assume we have sufficient statutes to protect our Government, that is one thing; but if Mr. Hitler, or any of his satellites, or any of those who have usurped authority and put legitimate governments under the iron heel, can come into our courts, can assert a right to these funds which can be enforced anywhere under heaven, then I would favor a law which would prevent them from asserting it, even if it necessitated the repeal of existing law.

Hitler is now stealing funds from France. He is sending his emissaries into homes and stealing the people's property. He is taking everything he can get his hands upon that is portable, taking it to Germany and disposing of it to the advantage of his country. If he may do that, or if Mussolini may do that, or the Bolshevik Government may do that, or the Government of Japan may do that, and yet may come into our courts and assert a right, I am in favor of passing a measure which will deny them the right to enter our courts for the purpose of asserting any claim they may make to the legitimate earnings of individuals or property of governments which may temporarily be in the United States.

Mr. DANAHER. I thank the Senator for the expression of his views, but let me add to anything and everything he has said, in the first place, that the bill deals with money in deposit accounts in the Federal Reserve System of the United States, and does not at all deal with avails of the spoliation abroad.

Mr. President, there was one point upon which the Senator from Utah could have dwelt, it seems to me, with great force, and I now wish to invite his attention specifically to one phase of my attitude on this matter which I have not yet discussed. Sooner or later—I do not know when but it cannot be too soon to be right and just and moral—there will be a peace. There will be an end to the bloodshed and the loss of millions of lives. There will be some economic readjustment. There will be participation by the United States, and there should be. At that time, when our diplomats sit down at the table, and there are in our possession millions and hundred of millions of dollars, yes, billions of dollars, of the funds of other countries, we enter that international poker game, let me call it for a minute, with a stake in the game. We enter it with, as they say in that particular game, some kitty with which to play. We enter it, in other words, with the funds in our hands, and in control of that much of the situation. It seems to me the very least we can do to protect against the very dire evil, which has been so thoroughly outlined by the Senator from Utah, is to sequester these accounts, to forbid the disposition of these funds under the Presidential license power, and to hold them to abide the event of an economic conference to follow, or to be a part of a peace. That, Mr. President, it seems to me, would enormously implement our diplomacy in any such meeting, to the end that there shall not again be a scuttling of the economic conference, such as happened in 1933, to the end that in the future we may assist in laying the foundation of a worthy and worthwhile economic situation throughout the world. But where will we be if, looking forward to that day, we say, "You cannot take your money out of our banks. You will not get your money out of our banks. You will not be able to come into our court to assert a claim to them. We will recognize the man downtown, whom we acknowledge to be the legitimate representative of your government, and we will turn over millions of dollars to that payee, and there will be no liability in the courts of the United States."

Where will we be if, as a matter of policy, we take a position of that sort? Yet that is precisely what we are doing under this bill.

Mr. President, Marriner Eccles testified further as to yet one previously unmentioned phase of this matter. There are foreign governments which owe our manufacturers large sums of money, who have, through their central banks, sent funds here which are on deposit to pay American manufacturers. Mr. Eccles testified:

> These funds that are here are naturally the funds that are being used to purchase not only war materials but also many essential commodities and other materials in this country. Contracts have been made not only for war materials but, no doubt,

for many other necessities, including relief necessities, so if it is found that even though the Treasury does not freeze the funds and there is still the legal question as to who should be recognized as having the right to use the funds, the whole thing may be tied up, and our own people in this country would be unable to receive payment, for an indefinite period possibly, on contracts involving many millions of dollars.

That quotation is found on page 26 of the Senate hearings.

Mr. President, in other words, if we sequester the fund, and under license we permit to be paid out only such sums as necessarily ought to be paid to American creditors, and if we sequester the balance of the fund to abide the event in due course, it seems to me we will have been doing everything that is right and proper for the protection of the claimants. Particularly should we not deny access to our courts to ascertain the justice of the claim, for even there the court will take judicial notice of the political entity recognized and accredited by the Secretary of State, which, of course, is the function of the executive department.

Mr. President, I submit these considerations to the Senate. I feel that we should not leave this matter solely on the basis as outlined by the chairman of the committee, for whom I have great respect as a distinguished lawyer and an able colleague, but I feel there are phases of this particular matter which we ought to consider very carefully before we go to the length of taking this position.

If we can do this now, it is only a short step before we can convert private debts into public debts, before we can undertake to take public debts in our country owing to other countries, and set them off against American claims. That is an unheard-of principle, Mr. President, and yet inevitable if we adopt this line of action.

I submit that this particular matter ought to be handled as the law now provides it shall be handled, as the able chairman of our committee told us the law has been decided by the Supreme Court of the United States, and as the proponents of the bill appearing before the committee told us it would be handled in the case of war.

Mr. President, this matter came up in June, I understand, at a time when it was said there was an emergency, and here it is October, and I submit whether or not the emergent conditions have been such as to require this action hitherto. It is perfectly obvious on its face that here is a brand new extension of power, with brand new remedies, brand new principles involved in our dealings with foreign countries, and I submit that the bill is neither necessary nor desirable, and I hope it will be rejected.

Mr. WAGNER. Mr. President, to begin with, we should have asserted previously that the State Department, the Secretary of the Treasury, and the Federal Reserve Board all not only favor this legislation, but urge its enactment.

The Senator referred to an amendment which we passed to the Trading With the Enemy Act, in which our Government was given the right, under certain circumstances, to refuse to grant a license for the transfer to the nationals of foreign governments of credits or properties which they may have in this country. As I recall, when that matter was under consideration the Senator from Connecticut opposed the legislation. We enacted it for a very simple reason.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. DANAHER. The Senator will recall that an amendment was offered to include the words "certificate of indebtedness and certificate of ownership of stock or securities." Does the Senator recall that?

Mr. WAGNER. Yes.

Mr. DANAHER. The Senator from Connecticut opposed that amendment.

Mr. WAGNER. That was opposition to the legislation. Why did we enact that legislation? I shall be very brief. It was simply because we wanted to take care of nationals of the countries which were invaded by the Nazis who had deposits in this country. We feared that in some instances they might be compelled by duress to make a request upon the bank in this country to transfer their properties to the invader. In order that we might inquire into the facts and ascertain whether or not duress were involved, or whether the transfer were voluntary, we provided for the license system. That has nothing to do with this situation.

The Senator says that the bill controls the transfer of funds. It does; but after the licenses are granted in the cases involved in this particular bill, payment by the Federal Reserve bank is required. Because the sums are so large the Federal Reserve bank would not pay if there should be any dispute as to who should receive the money. Under like circumstances, a bank in an invaded country, as a result of duress, might make claim upon the funds, and ask for a transfer to some person, which transfer would be against our public policy. So the argument of the Senator is not applicable to the present situation.

There is only one other statement which I wish to correct. The Senator says that the bill does not provide that the accredited representative shall be the only one authorized to receive the funds. If the Senator will read the bill carefully, he will find that it covers every possible point. In the first place, the government must be one which is recognized by us. Secondly, the representative, whether he be a minister or an ambassador, must be accredited from that particular country. The Senator complains because the word "ambassador" is not used. The term "representative" includes ministers, ambassadors, and other representatives sent to this country by a foreign government.

First, the government must be recognized by us. Second, the representative must be accredited from that particular country. Third, the particular individual who is to receive the money must be certified by the Secretary of State as having been certified by the government and by the accredited representative.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. DANAHER. Let us see. I am certain the Senator has missed the point. Let me point out to him that on page 2, line 8, of the bill the provision is that we are to deal with the agent whom the representative of the foreign government "has certified to the Secretary of State." The language does not provide that the Secretary of State shall certify anything.

Let us come down to line 12, on page 2. If the Senator wishes to be wholly correct—and I am sure he does—after the word "State" we should insert "and so certified by him to the Federal Reserve bank." The language would then read:

(3) The authority of such person to act with respect to such property is accepted and recognized by the Secretary of State and so certified by him to the Federal Reserve bank.

As it stands, it does not say anything about the Secretary of State certifying to the Federal Reserve bank, so after "State", we should insert "and so certified by him to the Federal Reserve bank." Does the Senator oppose that amendment?

Mr. WAGNER. I have no objection to that particular amendment. That is very clear.

Mr. DANAHER. Will the Senator yield while I offer it?

Mr. WAGNER. The certification is of the person who is to receive the money. When he goes to the Federal Reserve bank and asks for the funds on behalf of his government, of course the Federal Reserve bank will ascertain whether, as the result of a certificate from the Secretary of State, he is the accredited person. That is very plain. I think the Senator is now playing with words.

The point I wish to make is that this enumeration is exactly what the law of the land provides. All we want to do by this legislation is to avoid the same injustice that we intended to avoid when we provided for the license system. We wanted to be sure that the accredited person would receive the funds, and that they would not be tied up or diverted contrary to the public policy of our country. If we should pursue any other policy, it might involve a delay of 6 months, or a year, as the Senator from Utah said. It may be that one of the countries might want to utilize some of the funds. A country which we recognize may have been invaded. Nevertheless, we still recognize the government; and it may be very necessary for the public welfare of that

country that some of the money be utilized. Anyway it belongs to that country or its nationals; and so long as we pay it in accordance with the law of the land, nobody can have any objection. All we are doing is avoiding a delay of 6 months or a year, because in the end we must pay it. The Senator knows what the law of the land is. In the end the person who would receive the money would be the person certified by the Secretary of State. That is the law of the land, and it has been so held by the courts time and time again.

Mr. DANAHER. Mr. President, will the Senator further yield?

Mr. WAGNER. I yield.

Mr. DANAHER. If we were saying that the Secretary of State shall certify the person who is to receive the money, whereupon the Federal Reserve bank shall pay the money over to such person so certified, we should have a situation which would be covered by the Senator's closing argument. As the Senator puts it, some country might need its money. It might need its money, but it could not obtain it under the terms of the bill. The bill does not provide for compulsory payment.

Mr. WAGNER. I think it clearly does.

Mr. DANAHER. Show me where.

Mr. WAGNER. I do not wish to be technical about matters of this kind. What are the words which the Senator wishes to insert?

Mr. DANAHER. On page 2, line 12, after the word "State", insert "and so certified by the Secretary of State to the Federal Reserve bank." I send that amendment to the desk in order that it may be stated.

Mr. WAGNER. Let us see how it would read:

(3) The authority of such person to act with respect to such property is accepted and recognized by the Secretary of State——

Mr. DANAHER. Yes.

Mr. WAGNER. What is next?

Mr. DANAHER. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

The LEGISLATIVE CLERK. On page 2, line 12, after the word "State", it is proposed to insert "and so certified by the Secretary of State to the Federal Reserve bank."

Mr. WAGNER. What does the Senator propose to do with the words "the payment, transfer, delivery," and so forth?

Mr. DANAHER. Those are the subjects of the verb in line 15—"shall be conclusively presumed to be lawful," and so forth. In other words, clause (3) should read:

(3) The authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, and so certified by the Secretary of State to the Federal Reserve bank—

Mr. WAGNER. I wish to look at the Senator's amendment. He does not make it very clear to me. Does the Senator intend to omit any words?

Mr. DANAHER. No.

Mr. WAGNER. I should like to see how the language would read:

(3) The authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, and so certified by the Secretary of State to the Federal Reserve bank—

Mr. DANAHER. Then follows a comma.

Mr. WAGNER. Then follows a comma.

Mr. DANAHER. And the language continues——

Mr. WAGNER. The language continues:

the payment, transfer, delivery, or other disposal of such property—

And so forth.

Mr. WAGNER. I see no objection to that.

Mr. DANAHER. I thank the Senator. I offer the amendment and ask that it be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. ADAMS. Mr. President, the purpose of the bill as originally introduced was to protect the Federal Reserve banks in the event of a controversy between factions or groups within a discordant nation. The plan was to provide that the official determination by the Secretary of State shall be the authority upon which the Federal Reserve bank may rely in making payment. If two agents should come to the Federal Reserve bank, each demanding payment of a deposit made by the central bank of a foreign country, and each claiming to be the duly authorized representative, the country being in discord because of factions and divisions, the Secretary of State, as the head of the agency having more information and better access to foreign records, foreign policies, and foreign facts than any other agency, would make a finding as to who represents the central bank or the central government. Then the Federal Reserve bank would be protected in making payment.

That being accepted, as I accept the measure as prepared, it occurred to me that it was even more essential that the private, insured banks of the United States should have the same protection. In other words, if, for instance, a large deposit has been made by a foreign government in the First National Bank of Casper two agents may appear demanding of the First National Bank of Casper the money. If they should go to the Federal Reserve bank under this proposed act the bank would be protected. If the bill is correct in its fundamental purpose of making the Secretary of State the official to determine who is the accredited representative for payment by the Federal Reserve bank, the same protection should be afforded to a privately owned bank in the United States. The privately owned bank is less able to get the information, less able to protect itself than is the Federal Reserve bank.

So I am offering an amendment which will afford such protection to the private banks as well as the Federal Reserve banks.

This exception is made: The original measure exempts the Federal Reserve banks from suit; the amendment does not exempt State banks from suit; but it does make such demands Federal questions so that the claimants may go into a Federal court and have it determined, and it gives to the privately owned bank the protection of the certificate of the State Department.

Therefore, I offer the amendment, which, I may say, in this form has been drawn by the general counsel of the Federal Reserve System, is acceptable to them, and, I understand, to the senior Senator from New York.

Mr. WAGNER. Yes.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado [Mr. ADAMS] in the nature of substitute for the amendment of the Senator from Michigan [Mr. BROWN] will be stated.

The CHIEF CLERK. In lieu of the amendment of Mr. BROWN, it is proposed to insert the following:

That subsection (e) of section 14 of the Federal Reserve Act, as amended, is amended by inserting before the period at the end of the first sentence thereof the following: ", or for foreign banks or bankers, or for foreign States as defined in section 25 (b) of this act."

SEC. 2. Section 25 (b) of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following new paragraphs:

"Whenever (1) any Federal Reserve bank has received any property from or for the account of a foreign state which is recognized by the Government of the United States, or from or for the account of a central bank of any such state, and holds such property in the name of such foreign state or such central bank; (2) a representative of such foreign state who is recognized by the Secretary of State as being the accredited representative of such foreign state to the Government of the United States has certified to the Secretary of State the name of a person as having authority to receive, control, or dispose of such property; and (3) the authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, the payment, transfer, delivery, or other disposal of such property by such Federal Reserve bank to or upon the order of such person shall be conclusively presumed to be lawful and shall constitute a complete discharge and release of any liability of the Federal Reserve bank for or with respect to such property. No Federal Reserve bank shall be subject to any suit or other proceeding in any court, in its own name or in the name of any of its officers, directors, agents, or employees, as a consequence of any action taken by such bank, or with respect to any property disposed of, in accordance with the provisions of this paragraph. No court shall have jurisdiction to restrain or enjoin a Federal Reserve bank from making any pay-

ment, transfer, delivery, or other disposal of property in accordance with the provisions of this paragraph.

"Whenever (1) any insured bank has received any property from or for the account of a foreign state which is recognized by the Government of the United States, or from or for the account of any national of any such state, and holds such property in the name of such foreign state or such national; (2) a representative of such foreign state who is recognized by the Secretary of State as being the accredited representative of such foreign state to the Government of the United States has certified to the Secretary of State the name of a person as having authority to receive, control, or dispose of such property; and (3) the authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, the payment, transfer, delivery, or other disposal of such property by such bank to or upon the order of such person shall be conclusively presumed to be lawful and shall constitute a complete discharge and release of any liability of such bank for or with respect to such property. Any suit or other legal proceeding against any insured bank or any officer, director or employee thereof, arising out of the receipt, possession, or disposition of any such property shall be deemed to arise under the laws of the United States and the district courts of the United States shall have exclusive jurisdiction thereof, regardless of the amount involved; and any such bank or any officer, director, or employee thereof which is a defendant in any such suit may, at any time before trial thereof, remove such suit from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law.

"Nothing in this section shall be deemed to repeal or to modify in any manner any of the provisions of the Gold Reserve Act of 1934 (ch. 6, 48 Stat. 337), as amended, the Silver Purchase Act of 1934 (ch. 674, 48 Stat. 1178), as amended, or subdivision (b) of section 5 of the act of October 6, 1917 (40 Stat. 411), as amended, or any actions, regulations, rules, orders, or proclamations taken, promulgated, made, or issued pursuant to any of such statutes. In any case in which a license to act with respect to any property referred to in this section is required under any of said statutes, regulations, rules, orders, or proclamations, notification to the Secretary of State by the proper Government officer or agency of the issuance of an appropriate license or that appropriate licenses will be issued on application shall be a prerequisite to any action by the Secretary of State pursuant to this section, and the action of the Secretary of State shall relate only to such property as is included in such notification. Each such notification shall include the terms and conditions of such license or licenses and a description of the property to which they relate.

"For the purposes of this section, (1) the term 'property' includes gold, silver, currency, credits, deposits, securities, choses in action, and any other form of property, the proceeds thereof, and any right, title, or interest therein; (2) the term 'foreign state' includes any foreign government or any department, district, province, county, possession, or other similar governmental organization or subdivision of a foreign government, and any agency or instrumentality of any such foreign government or of any such organization or subdivision; (3) the term 'central bank' includes any foreign bank or banker authorized to perform any one or more of the functions of a central bank; (4) the term 'person' includes any individual, or any corporation, partnership, association, or other similar organization; (5) the term 'national' includes any person who is a citizen or subject of a foreign state or a resident of the territory of a foreign state and any corporation, partnership, association, or other similar organization organized under the laws of, or having its principal place of business in the territory of, a foreign state; and (6) the term 'insured bank' shall have the meaning given to it in section 12B of this act."

Mr. WAGNER. I think there ought to be, if it is not now in the proposal of the Senator from Colorado, the amendment which was proposed by the Senator from Connecticut [Mr. DANAHER]. The pending amendment is a substitute for the Brown amendment we have been considering, and the Senator from Connecticut had better see whether his amendment is in the amendment now proposed.

The PRESIDING OFFICER. Does the Senator from Connecticut desire to offer an amendment to the amendment of the Senator from Colorado?

Mr. DANAHER. Mr. President, I wish to know, first, if we are now considering the amendment proposed by the Senator from Michigan [Mr. BROWN]?

Mr. WAGNER. The pending amendment is in the nature of a substitute for the amendment of the Senator from Michigan. It strikes out everything after the enacting clause and incorporates the proposal of the Senator from Colorado. The Senator from Colorado incorporates the provisions which were contained in the amendment offered by the Senator from Michigan, but it is a complete restatement of the bill.

Mr. DANAHER. Where do the provisions of the amendment of the Senator from Colorado appear in the proposed substitute?

Mr. WAGNER. The amendment of the Senator from Colorado is a complete substitute. Has the Senator the amendment prepared?

Mr. DANAHER. I am writing it now.

Mr. KING. Mr. President, while the Senator from Connecticut is preparing his amendment, I desire to amplify very briefly the observations I made a moment ago.

I think that any legislation we enact dealing with deposits or credits in the United States, owned by foreign nations or by groups or organizations or individuals in foreign nations——

The PRESIDING OFFICER. The Senator from New York [Mr. WAGNER] has the floor. Does he yield?

Mr. WAGNER. I thought the Senator from Colorado had the floor.

Mr. ADAMS. No.

Mr. KING. I assumed that the Senator from Connecticut had the floor and was preparing an amendment. While he was preparing it, I took the liberty of proceeding for a few moments, and, if I am recognized by the Chair, I shall continue. If not, I shall suspend.

The PRESIDING OFFICER. The Chair will recognize the Senator from Utah while the Senator from Connecticut is endeavoring to perfect his amendment.

Mr. KING. In other words, I have a conditional recognition and my observations will be conditional with respect to approving this bill.

I was about to observe, Mr. President, that, in view of confused conditions throughout the world, and the rape of so many democratic governments by Hitler and his collaborators, when we are dealing with credits and funds which such governments or their nationals have in the United States, we ought to adopt every possible means for the protection of those governments and their subdivisions and their nationals against the greed and the ruthless exactions and demands of the governments that have conquered and are conquering them.

I have in mind that a short time ago Austria was an independent government. The Nazis took over the Austrian Government, took possession of its chief of state, and imprisoned him. Whether he has been killed up to this moment we do not know; but, undoubtedly, the Nazi government took possession, according to the information we have, of Austria's bank, of her credits, the property of the state, and made such disposition of it as tyrants usually make of the properties and individual liberties of those whom they have conquered.

Denmark was conquered; Norway was conquered. As I stated a few moments ago, the King of Norway was driven from his throne and his family driven from their country; the Government was destroyed and turned over to a mere puppet, who voices only the words of Mr. Hitler.

France is not an independent government now; the Vichy government is merely a tool in the hands of Hitler. We hear from time to time, statements to the effect that more of France will be incorporated within the Reich, and, indeed, before the mad ambitions of Hitler have been fully satiated, he may have the entire territory of France, the Vichy government will be wiped out, and whatever funds France had—and she had considerable money in the United States—will of course be demanded by Mr. Hitler and he will demand the funds of private persons of French nationality who have funds in the United States.

I have had instances brought to my attention of persons who have relatives residing in Germany and who have properties here in their own name or in the names of their relatives being coerced to make disposition of such properties and to turn over the funds received therefrom to Mr. Hitler.

So France having funds here, and other nations and other countries which have been conquered having funds here, their political subdivisions having funds here, their nationals having funds here, I feel that we should use every possible means to protect those funds, so that even if Hitler shall dominate and his government shall finally become the de jure government or the de facto government, his demand for those funds

shall not be respected, the moral and equitable demands of the owners of the property shall have precedence, and our courts may be invoked, if necessary, for their protection against the demands of Mr. Hitler or those governments which are destroying democracies and superimposing their will upon formerly independent peoples.

If this bill fully protects against those robberies and thieveries and thuggeries of the Nazi government, and those collaborating with it, I shall be satisfied; otherwise I shall feel disposed to vote against it. But, knowing the care with which the able Senator from New York addresses himself to these questions, I am inclined to accept his view and to believe that this bill affords ample protection for those who are the victims of the aggression of tyrannous governments.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado in the nature of a substitute for the amendment of the Senator from Michigan [Mr. BROWN].

Mr. DANAHER. I offer to the pending amendment the amendment which I previously offered and which was then adopted.

The amendment is in the first paragraph of section 2, after the words "accepted and recognized by the Secretary of State", to insert a comma and "and so certified by the Secretary of State to the Federal Reserve bank."

Mr. ADAMS. I accept the amendment of the Senator from Connecticut.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado [Mr. ADAMS], as modified, in the nature of a substitute for the amendment of the Senator from Michigan.

The amendment, as modified, to the amendment, was agreed to.

The amendment as amended was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act relating to foreign accounts in Federal Reserve banks and insured banks."

The PRESIDING OFFICER. Without objection, Senate bill 4174 will be indefinitely postponed.

NATIONAL DEFENSE HOUSING—CONFERENCE REPORT

Mr. CONNALLY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 11, 12, and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 9, 14, 15, 16, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "and that such housing would not be provided by private capital when needed"; and the Senate agree to the same.

TOM CONNALLY,
THEODORE FRANCIS GREEN,
Managers on the part of the Senate.
FRITZ G. LANHAM,
EUGENE B. CROWE,
PEHR G. HOLMES,
Managers on the part of the House.

Mr. CONNALLY. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

Mr. WAGNER. Is the Senator going to speak on the report?

Mr. CONNALLY. Not if it can be agreed to without discussion.

Mr. WAGNER. I should like to ask a question about the report.

Mr. CONNALLY. Very well.

Mr. WAGNER. The Senate broadened the powers of the administrator to enable him to use any of several agencies for the purpose of constructing the housing under the bill.

Mr. CONNALLY. Those provisions were retained.

Mr. WAGNER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

PROGRAM FOR THE CONSTRUCTION OF PUBLIC, UNDERGROUND, BOMB-PROOF SHELTERS

Mr. THOMAS of Oklahoma. Mr. President, there is on the table Senate Resolution 316. The resolution calls for no appropriation. Being a Senate resolution, it could not do so. I ask that the resolution be laid before the Senate.

The PRESIDING OFFICER. Without objection, the resolution will be read.

The legislative clerk read Senate Resolution 316, submitted by Mr. THOMAS of Oklahoma on September 19, 1940, as follows:

Whereas the United States is taking steps to increase and strengthen our several miltary defense units; and

Whereas in the prosecution of this program it is deemed advisable to give major consideration to defenses against airplanes and airplane warfare; and

Whereas the European war discloses that the major part of the military activities are conducted in the air and take the form of airplane attacks against cities, railways, water supplies, and such military establishments as airplane factories and factories engaged in the production of ammunition and military supplies; and

Whereas in the present attack upon England planes of a bomber type are used to transport bombs to be released over vital points; and

Whereas in this kind of warfare it is necessary to protect the civilian population against bomb attacks by the construction of bomb retreats consisting of underground rooms and spaces; and

Whereas in order to perfect our military-defense program it is deemed advisable to give consideration to the construction of rooms and spaces underground, so that in case of an air attack the civilian population may find places of comparative safety against such attacks: Therefore be it

Resolved, That it is the sense of the United States Senate that our military authorities and those in charge of developing our defense program should give consideration to the location and construction of adequate public retreats and shelters to accommodate the people; be it further

Resolved, That our military authorities and those in charge of our military defense program be requested to consult and confer with the constituted legal authorities of the States and cities located along the border of the United States to the end that they may be advised and induced to take proper steps in cooperation with the Government in the establishment of such retreats and shelters; be it further

Resolved, That in the event legislation and funds are found to be necessary in carrying out this program, the said War Department and those in charge of our defense program be and are hereby requested to prepare and submit to the Congress appropriate recommendations on this subject.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. THOMAS of Oklahoma. Mr. President, after introducing the resolution I sent messages to a number of Governors of States and mayors of cities along the seaboard and along the border of the United States seeking to secure information as to whether or not any provision has been made anywhere for building such shelters. I am not anticipating that the United States is to be attacked, that New York is to be attacked, or that Washington is to be attacked; but since we are spending a vast sum of money in building up a defense program, it occurs to me that the question at least of building shelters for people in cities where they may be attacked is worthy of consideration. The resolution only asks that the War Department and the National Defense Council take this matter under consideration.

At this point I ask unanimous consent to have printed in the RECORD a number of very brief telegrams and letters received from mayors and from Governors. With the single exception of New York State and New York City, I think no State and no city has taken any steps whatever along this line, or even

investigated the matter. The State of Maryland has and is doing something along the line of making surveys for airplane raid shelters.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegrams and letters are as follows:

OFFICE OF THE MAYOR,
CITY OF RICHMOND, VA.,
September 26, 1940.

Senator ELMER THOMAS,
Washington, D. C.

DEAR SENATOR THOMAS: In reply to your telegram addressed to Governor Price, of Virginia, concerning the construction of air-raid shelters, I will say that no steps have been taken in this city for such shelters, but we wish to keep abreast of the necessities of the occasion and of what other American cities are doing.

I trust that this answers your inquiry.

Respectfully yours,

GORDON B. AMBLER, *Mayor.*

JACKSONVILLE, FLA., *September 20, 1940.*

Hon. ELMER THOMAS:

Jacksonville has taken no action relative to providing air-raid shelters for public. If Army or Navy authorities request, we shall, of course, cooperate in every possible manner.

GEORGE C. BLUME, *Mayor.*

MONTGOMERY, ALA., *September 23, 1940.*

ELMER THOMAS,
United States Senator from Oklahoma:

In Governors' absence, I am replying to your wire 19th. Nothing being done in this State in regard to construction of air-raid shelters.

ROLAND MUSHAT,
Secretary to the Governor.

NEW ORLEANS, LA., *September 20, 1940.*

United States Senator ELMER THOMAS:

All matters in connection with military defense are being handled in cooperation with Federal military authorities.

ROBERT S. MAESTRI, *Mayor.*

SANTA FE, N. MEX., *September 20, 1940.*

Hon. ELMER THOMAS,
United States Senator:

No provisions have been made for any air-raid shelters New Mexico.

JOHN E. MILES, *Governor.*

CLEVELAND, OHIO, *September 20, 1940.*

ELMER THOMAS,
United States Senator from Oklahoma:

In absence of Mayor Harold H. Burton acknowledge receipt your telegram September 20 and in reply advise that no specific steps have been taken in Cleveland thus far for construction of air-raid shelters.

FRANK E. BUBNA,
Executive Assistant in Charge of Federal Relations.

PHOENIX, ARIZ., *September 20, 1940.*

ELMER THOMAS:

No steps looking toward the construction of air-raid shelters for the public have been taken in Phoenix, nor are such contemplated at the present time.

R. T. JONES,
Governor of Arizona.

ATLANTA, GA., *September 20, 1940.*

Hon. ELMER THOMAS,
United States Senate, Washington, D. C.:

There has been no development on defense matters mentioned in wire. However, appreciate your suggestion and think it well that you pass it on to the President and the Defense Council.

E. D. RIVERS, *Governor.*

RALEIGH, N. C., *September 20, 1940.*

Senator ELMER THOMAS:

We have no air-raid shelters for the public in North Carolina, and no steps are being taken to construct any shelters anywhere in this State.

CLYDE R. HOEY, *Governor.*

COLUMBIA, S. C., *September 20, 1940.*

Senator ELMER THOMAS,
United States Senate:

Your telegram has been received. There are no air-raid shelters in South Carolina. It is my opinion that the first constructed should be in Charleston and Florence. However, the Army knows better than I do. I concur in the administration developing these military-defense units as soon as possible.

BURNET R. MAYBANK,
Governor of South Carolina.

JACKSON, MISS., *September 20, 1940.*

Hon. ELMER THOMAS,
United States Senate, Washington, D. C.:

No steps have been taken to provide air-raid shelters in the State. This matter is being turned over to Maj. Gen. Tom Grayson for consideration.

PAUL B. JOHNSON,
Governor of Mississippi.

STATE OF MAINE,
EXECUTIVE DEPARTMENT,
Augusta, September 20, 1940.

Hon. ELMER THOMAS,
Senate Office Building, Washington, D. C.

DEAR SENATOR THOMAS: Replying to your wire dated the 20th, I am not aware of any plans being made in this State at the present time relative to the provision of air-raid shelters for use of the public.

Very truly yours,

LEWIS O. BARROWS, *Governor.*

MARYLAND COUNCIL OF DEFENSE AND RESOURCES,
Baltimore, Md., September 21, 1940.

Mr. ELMER THOMAS,
United States Senator, Oklahoma, Washington, D. C.

DEAR SIR: Your telegram to the Governor of Maryland has been referred to me for answer.

This matter had been brought to the attention of the Maryland council some time ago and was referred to our committee on housing works and transportation, which intends to develop a plan for cities of sizeable population so that construction should be accomplished with a minimum of delay if needed.

Very sincerely,

ISAAC C. GEORGE,
Executive Director.

STATE OF FLORIDA,
EXECUTIVE DEPARTMENT,
Tallahassee, September 21, 1940.

Hon. ELMER THOMAS,
United States Senator,
Washington, D. C.

DEAR SENATOR THOMAS: Your telegram of September 20 received in regard to developing and strengthening our military defense units. So far as I know nothing has been done toward providing air-raid shelters for the public in Florida.

The State of Florida is unable financially to take care of a building program of this nature at this time, so it would seem that it will have to be done by the local communities.

I am today writing our Representatives in Congress requesting information as to what the Federal Government intends doing in regard to this situation.

Very truly yours,

FRED P. CONE, *Governor.*

STATE OF WISCONSIN,
EXECUTIVE OFFICE,
Madison, September 20, 1940.

Hon. ELMER THOMAS,
Senate Office Building, Washington, D. C.

DEAR SENATOR THOMAS: In reply to your telegram, you are advised that as yet no steps have been taken toward the construction of air-raid shelters in Wisconsin.

Your telegram will be brought to the attention of the defense committee.

Yours very truly,

MAURICE P. COAKLEY,
Secretary to the Governor.

STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS,
EXECUTIVE CHAMBER,
Providence, September 23, 1940.

Hon. ELMER THOMAS,
Senate Chamber, Washington, D. C.

DEAR SENATOR: In reply to your wire of the 20th, I wish to advise you that the construction of shelters is not contemplated here at the present time.

With best wishes, I am,

Very sincerely,

WILLIAM H. VANDERBILT,

SEATTLE, WASH., *September 24, 1940.*

ELMER THOMAS,
United States Senator, Oklahoma,
Washington, D. C.:

No steps being taken to provide air-raid shelters in this city.

MAYOR ARTHUR B. LANGLIE.

CITY OF BUFFALO,
OFFICE OF THE MAYOR,
September 24, 1940.

Hon. ELMER THOMAS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: No steps have been taken in Buffalo for the construction of air-raid shelters.

Mayor Holling, however, will be very glad to receive any ideas you may have on this subject.

Very truly yours,

HARRY S. MULLANY,
Secretary to the Mayor.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, September 24, 1940.

Hon. ELMER THOMAS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR THOMAS: Your recent telegram concerning the subject of air-raid shelters has been received.

Our State planning board has made some preliminary surveys so far as the State is concerned, and I am forwarding your telegram to the mayor of the city for further attention.

Sincerely yours,

JAMES H. PRICE, *Governor.*

ADJUTANT GENERAL'S DEPARTMENT,
Austin, Tex., September 30, 1940.
Dictated September 28.

Hon. ELMER THOMAS,
United States Senator, Oklahoma,
Washington, D. C.

DEAR SENATOR THOMAS: Only yesterday I returned to my desk here in Austin from Washington. I find your telegram of September 20 addressed to Governor O'Daniel, together with a copy of the reply thereto by the Governor's secretary, Mr. Lawson.

I have no knowledge of any steps being taken in this city toward the consideration of air-raid shelters for the public, nor do I know of any contemplated action being taken along that line at the moment.

If any definite action is being taken by any other cities with respect to this matter I shall be very glad to know of it, although the construction of such shelters would not, in all probability, come under the supervision of my department.

Yours very truly,

J. WATT PAGE,
Brigadier General, The Adjutant General of Texas.

Mr. THOMAS of Oklahoma. The Governor of the State of New York states that the matter is having some consideration. I ask that the message from the Governor of New York be read.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The legislative clerk read the telegram, as follows:

ALBANY, N. Y.

Hon. ELMER THOMAS,
United States Senate, Washington, D. C.:

Referring your telegram of 19th beg to advise you that neither the State administration nor the State council for national defense has taken any steps to provide air-raid shelters. We are devoting ourselves among many other things to increasing industrial production throughout the State, strengthening our military and police protection, and in giving vocational training to thousands of additional workers.

HERBERT H. LEHMAN,
Governor of New York.

Mr. THOMAS of Oklahoma. Mr. President, following the message from the Governor of New York, I ask permission to have printed in the RECORD a letter received from the mayor of New York City. I do not ask that the letter be read but request that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
September 26, 1940.

Hon. ELMER THOMAS,
United States Senator, Washington, D. C.

MY DEAR SENATOR: I was glad to get your telegram. We have spent about a year in a survey and study of proper air-raid shelters. We have not commenced constructing shelters, although we have given that subject study. We believe we must await Federal action for shelter construction. I say I was glad to get your telegram because you will recall that I was called to task and severely criticized by my good friend VANDENBERG for taking early precaution.

I can send you our preliminary report, if you will treat it confidentially. I think it will be well for you to see it in order to glean an idea of how much preliminary work must be done. I would greatly appreciate it if you would reply on the floor of the Senate to brother VANDENBERG'S remark.

Let me know if you care to look over the preliminary report.

Sincerely,

F. LAGUARDIA, *Mayor.*

Mr. THOMAS of Oklahoma. Then I submit for the RECORD a number of news items which appeared in the current press. I ask that the portions marked be printed at this point in connection with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matters referred to are as follows:

AIR RAID SHELTER SURVEY IN MARYLAND

BALTIMORE, September 19.—Maryland's Defense Resources Council yesterday announced the State would be surveyed immediately for air raid shelters.

"There is not even a subway available and probably very few subterranean chambers susceptible of use," explained C. W. Galloway, a committee chairman of the council.

Mr. Galloway said his committee would "immediately undertake to lay the groundwork of a comprehensive plan" for air-raid shelters in the State's largest cities because of "the importance of planning for every eventuality."

The survey will determine "whether any potential shelters already exist" and be "supplemented by plans for construction wherever needed."

SHELTERS ARE POOR BUT LONDON'S COCKNEYS MAKE BEST OF THEM—REPORTER FINDS THEM EVIL SMELLING AND DIRTY, BUT REFUGEE SAYS: "WHO CARES—IT'S LIFE WE ARE SEEKING TO KEEP"

In cold, clammy, dingy hovels thousands of London's East Enders huddle on single blankets on bumpy paving bricks and try to keep out of the drafty gusts until daylight chases away the German air invaders.

People are admitted only after 5 p. m. for the night, but during the day admittance is allowed for the duration of raids. There is a scurry to be the first out, just as there is to be in line when the raids are coming.

MANY HAVE "SHELTER THROATS"

"Shelter throats" were prevalent. Coughing was almost continuous while I was there.

Expectoration was frequent, and it seemed a perfect breeding place for disease.

A litter of dirt had been swept out of the way into nooks and corners to accommodate every description of deck chairs, stools, and seats.

DEEP SHELTERS URGED FOR LONDON'S MORALE—LLOYD GEORGE SEES MENTAL PERIL IN PERSISTENT BOMBING

(By David Lloyd George)

The prize gained from these bombardments from the air is not so much in the actual casualties obtained as in the nervous strain created by the noises and constant apprehension from which a bombarded city is never free. This makes unbroken sleep almost impossible in bombed areas, and the human system is worn out if the experience is long continued without periods of relaxation.

Troops were never kept in the line more than a few days' time. They were then withdrawn to areas where they enjoyed comparative repose. That cannot be done in a vast city with a population of 7,000,000. There ought therefore to be measures taken by the Government to eliminate this incessant sense of fear, fright, and strain in the hearts of people who are now subjected to these harrowing experiences.

As I pointed out in my last article, this can be done by providing deep shelters within reach of everyone—well underground where noise will not descend or interrupt sleep. Once everyone knows that safety is at hand the dread and horror will disappear altogether and these raids will cease to undermine the morale of the nation.

WOULD END REIGN OF TERROR

The Government ought to see, before winter is upon us—and it is not far off—that every man, woman, and child will have a safe refuge at hand at which they know they will be secure from these murderous raids. As soon as that is accomplished the reign of terror will be at an end. In these impenetrable fortresses the occupants can afford to laugh at the efforts of their baffled assailants.

I am glad to know that the war Cabinet at last has been roused to an understanding of the importance of this too long neglected duty. It is an undertaking which, if it is to achieve its purpose, must not merely be half done. Ample provision must be made for the security, comfort, and health of the whole population, and not merely a portion of it, however considerable that part may be. They must be certain that even if the Germans intensify fivefold their bombardment, and turned on the whole of their bombing resources, our towns and inhabitants would be reposing in safe emplacements dug deep in the soils their sons were so valiantly defending in the skies above.

ARMY SENDS DEFENSE PLANTS PLANS FOR AIR-RAID PROTECTION

Air raid precaution suggestions—four pages of them—went out from the War Department today to firms expanding their plants for defense orders.

The suggestions dealt with the proper location of factories, their protection and concealment against bombing attacks, and included an offer of plans for air-raid shelters.

At the same time, the Department disclosed that it was contemplating proposals for underground airplane hangars and storage dumps for ammunition and vital supplies, such as aviation gasoline.

Taking account of the wholesale destruction of industry in Spain, Poland, Finland, Holland, and now England the Department sent American manufacturers a memorandum outlining minimum passive-defense protection.

Complete protection against direct bomb hits was not judged to be economically or militarily justifiable at this time, but measures for reasonable protection were outlined.

Manufacturers building plants with the aid of Government orders, loans, or grants will not be required to make protective installations, but Secretary Stimson told his press conference yesterday, "We are making every effort beforehand by warning them of what the dangers may be."

Assistant Secretary Patterson added that "no extensive changes in existing plants are contemplated," since the Department does not wish to impede important production.

Introducing a grim new note into American industrial planning, the Army memorandum recommended that—

1. Plants be located to take advantage of protective terrain.
2. Buildings be dispersed.
3. Black-out provisions be made.
4. Protection be provided against bomb splinters, fire, and damage to power, telephone, light, and gas lines, and
5. That buildings be concealed as much as possible.

Secretary Stimson said those precautions, as a result of the threat of modern long-range bombing, had been added to previous strategic principles dictating the location of munitions plants in the interior, behind mountain ranges.

Meanwhile the United States Housing Authority disclosed that air-raid shelters, with which it is experimenting, may be added for the convenience of tenants in future low-rent housing projects.

Experts are now studying two types, somewhat on the idea of "pill boxes." One is oblong with a parabolic cross-section tapering toward the top. The other is dome-shaped and should give more protection from gunfire and flying fragments, the experts say, adding that "no 'pill box' yet devised provides much protection from a direct bomb hit."

Mr. THOMAS of Oklahoma. Mr. President, inasmuch as the resolution is simply a Senate resolution, and only asks for information, I ask that a vote be taken at this time.

Mr. BARKLEY. Mr. President, I hope the Senator from Oklahoma will not urge action on the resolution at this time. It is a matter which probably ought to go to the Committee on Military Affairs.

Mr. THOMAS of Oklahoma. It asks only for information.

Mr. BARKLEY. The resolution declares it to be the sense of the Senate that these air retreats ought to be provided; and it is a matter which it seems to me ought to be given the consideration of the committee. I am willing to let the matter lie over on the table for the day.

Mr. THOMAS of Oklahoma. Let me say to the Senator from Kentucky that it has been on the table now for almost a month.

Mr. BARKLEY. This is the first time I have had my attention called to it.

Mr. THOMAS of Oklahoma. I have no objection to its going over until tomorrow.

Mr. BARKLEY. Let it go over until tomorrow, and let me look into it, if the Senator please.

Mr. THOMAS of Oklahoma. Very well.

The PRESIDING OFFICER. Without objection, the resolution will go over until tomorrow.

INVESTIGATION OF CONDITIONS IN COMMERCE AFFECTING NATIONAL DEFENSE

Mr. WHEELER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 309. I do not think it will call for any debate. Its consideration was objected to by the Senator from Vermont [Mr. AUSTIN] the other day when bills on the calendar were being considered by unanimous consent. I have spoken to the Senator from Vermont about the resolution. As proposed to be amended, it does not call for the expenditure of any money by the Government in any way, shape, or form.

The PRESIDING OFFICER. The resolution will be read.

The legislative clerk read Senate Resolution 309, submitted by Mr. Wheeler on September 9, 1940, as follows:

Whereas authentic reports indicate that German and other foreign corporations enjoy a measure of control over some of our most important defense industries; and

Whereas an American corporation which supplies glass for instruments and weapons for the Army and Navy has been shown to have close relations with a German concern involving disclosure of secret processes; and

Whereas one of the most important metals, invaluable in the manufacture of airplanes, is controlled by a corporation half of whose stock is reliably reported to be owned by the German Chemical Trust; and

Whereas information has come to hand that some large concerns important to national defense have deferred national interests to monetary considerations by giving preference to foreign munitions orders; and

Whereas national defense, with which the American people are vitally concerned, demands the elimination of any such abuses and foreign controls which are contrary to our national interests: and

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make, and to report to the Senate the results of a thorough and complete investigation of acts, practices, methods, and omissions to act, by persons, partnerships, associations, corporations, other entities, and foreign governments, in interstate or foreign commerce, and of conditions of interstate or foreign commerce, which may or do delay, interfere with, or obstruct the national defense, including, among other things:

(1) Part or entire ownership by stock or otherwise of influence in, control of, and power over, domestic business and production related to national defense, by any foreign person, partnership, association, corporation, foreign government, or agents or instrumentalities thereof, or other entity.

(2) Pooling arrangements or other contracts or agreements between any one or more of the foregoing, and any American person, partnership, association, corporation, or other entity, for interchange of business or trade secrets or other information, for interchange of patents or processes or patent rights, for allocation of sales or places of doing business or production, for restriction of production, or for fixing of prices.

(3) Sale, directly or indirectly, in or for foreign commerce, of materials or products, whether raw, semifinished or finished, used or usable in war industries or war activities or preparations by any foreign person, partnership, association, corporation, or other entity.

(4) Financial arrangements and demands therefor with respect to profits, taxes, or other matters, affecting national defense.

(5) Restraints of trade by foreign or domestic persons, partnerships, associations, corporations, or other entities, whether through monopolies or otherwise, affecting national defense.

The Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to obtain such facts as other Government agencies may have, and to secure the assistance of other Government agencies in the investigation hereby authorized.

For the purposes of this resolution the committee or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate in the Seventy-sixth and subsequent Congresses, to employ such experts, and clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the committee, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. AUSTIN. Mr. President——

Mr. KING. I should like to ask the Senator the purpose of the resolution.

Mr. WHEELER. I have the floor. I yield to the Senator from Vermont.

Mr. AUSTIN. Mr. President, reserving the right to object, I have tried to find out enough about the purpose of the resolution to indicate the necessity for immediate action, if there be such. The result of my inquiries is that there may be a useful purpose for such a committee at a time when we are not engaged in a fight for political success on one side of the aisle or the other, and at a time and under circumstances when such an investigation could be conducted with calmness and fairness, and with nothing in view but the public interest. By that I do not mean that the Senator from Montana has any other interest in view. My own opinion is, however, that this is a bad time to adopt this resolution, and, that being so, I feel bound to object to its consideration at this time.

Mr. WHEELER. Let me say to the Senator from Vermont that I have not any desire at all to hold hearings under the resolution, or anything of that kind, until we come back here after the 1st of January. I am only asking for the

adoption of the resolution in order to cooperate with the Department of Justice, and not with the idea of taking it up during this period, when political discussions are on, in any way, shape, or form. The adoption of the resolution is desired by those who are interested in defense, for the purpose of helping the defense measures.

Mr. AUSTIN. I have not the slightest doubt of the good faith of the Senator from Montana. It is just a question of difference between him and me about the expediency of taking up the resolution. If he should move to proceed to its consideration, probably he would overwhelm us.

Mr. WHEELER. I will say to the Senator that I shall have to move to proceed to the consideration of the resolution if the Senator objects to its consideration.

Mr. AUSTIN. Holding the views that I do, I cannot take any other position on this floor than to object to the immediate consideration of the resolution. I do not want to reflect on the Department of Justice or any other department of the Government; but the Department of Justice has a certain objective and a certain duty to perform and we have another one. I do not think we ought to be led off from our own diagnosis of the case. We ought to treat the case according to our own diagnosis.

I realize what the Department of Justice is trying to do, and I am not trying to interfere with that or to make it more difficult in any way at all. On the other hand, I do not want to see Congress at this particular juncture undertake to furnish the Department of Justice with material to club industrial enterprises over the head, at a time when we want harmony in the country and want complete cooperation in building up the national defense.

Mr. WHEELER. If the Senator from Vermont thinks for one moment that this resolution is to be used for the purpose of clubbing industry over the head, he is entirely mistaken. Some industries find themselves in a very peculiar position with reference to contracts which have been entered into with some German concerns and with other concerns throughout the country. The matter ought to be studied with a view to passing legislation so that we shall not again find ourselves in the position in which we now are. I am told on very good authority that Great Britain found herself in the same position, and that she passed some laws to obviate their recurrence in time of war or in time of an emergency such as exists today.

Mr. BARKLEY. Mr. President, will the Senator yield for a statement?

Mr. WHEELER. I yield to the Senator from Kentucky.

Mr. BARKLEY. I appreciate the force of what the Senator from Vermont says. Nobody desires to use any resolution or any law or any act of Congress to club business over the head. Being a member of the Committee on Interstate Commerce, I am familiar with the facts connected with this resolution and the statements which were made before the committee resulting in its report.

I can state to the Senator from Vermont that there is no politics in the resolution. It is not a political matter at all, except in the sense that everything the Government does is broadly political, because it has to do with the Government.

Mr. AUSTIN. Mr. President, will the Senator yield for a question at that point?

Mr. WHEELER. Yes.

Mr. AUSTIN. Does it not occur to the Senator from Kentucky that without any intention on the part of the Senate in passing the resolution, nevertheless politics might get into this matter?

Mr. BARKLEY. I do not think the kind of politics the Senator has in his mind would get into it. It is not contemplated that there shall be any hearings under the resolution at present. Certain facts connected with certain contracts heretofore entered into, before anybody got into any war, may very seriously handicap our own industries in the matter of national defense. The facts may be developed in a quiet way. There will probably be no publicity about the matter. As the Senator from Montana says, in January, when the facts have been gathered through the activities of the committee—it has no money; it cannot hold hearings or summon witnesses without any funds—it is hoped that the committee, or any subcommittee that might be appointed, cooperating with the Department of Justice and other Departments, might gather facts upon which, if necessary, later on there might be legislation, or, if necessary, hearings; but it is not at all certain that it ever would be necessary to hold any public hearings on the subject. There is, however, a situation of such a nature that the matter ought to be gone into, and we ought to be in a position, when the time comes, if it does come, when legislation is needed, to legislate in view of the facts developed.

The resolution has not remotely any political connotation; and I do not think there is a remote chance that any partisan politics will be injected into it. Even if anyone attempted that, it would be difficult to prophesy to whose advantage it would work.

Mr. WHEELER. There will not be any politics after January anyway. Politics will be over at that time, will be adjourned, we hope, for 4 years.

Mr. AUSTIN. All the learned Senators say supports my opinion that we would do well to put this off until after the first of January.

Mr. WHEELER. What we want to do is to gather the information between now and January.

Mr. AUSTIN. In that view of the matter, I feel bound to object to proceeding.

Mr. WHEELER. I move that the Senate proceed to the consideration of Calendar No. 2286, Senate Resolution 309.

Mr. GEORGE. Mr. President, the Senate may proceed to take a vote on that motion, but I wish to ask unanimous consent to take up another matter about which I do not think there will be any controversy.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. WHEELER].

The motion was agreed to.

Mr. GEORGE. I ask unanimous consent——

Mr. AUSTIN. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The parliamentary situation is that Senate Resolution 309 is before the Senate. The Senator from Montana has the floor, and he temporarily yields to the Senator from Georgia, who desires to present a matter.

Mr. AUSTIN. I thank the Chair.

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK

Mr. GEORGE. Mr. President, I was about to ask unanimous consent that, without displacing the pending matter of business, the Senate proceed to the consideration of House bill 8512, Calendar No. 2328, in order that the Senate may have an opportunity to agree to an amendment recommended by the Committee on Public Lands and Surveys.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate proceeded to consider the bill (H. R. 8512) to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes, which had been reported from the Committee on Public Lands and Surveys with an amendment.

Mr. GEORGE. Mr. President, the Senate Committee on Public Lands and Surveys has amended the bill by providing that the total amount which may be authorized for the acquisition of the additional lands desired in this military park adjacent to Fort Oglethorpe shall not exceed $125,000. That is the amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The amendment was, on page 2, line 9, after the word "appropriated", to insert "a sum not to exceed $125,000", and in line 10, after the word "act", to strike out "such sums as the Congress may from time to time determine", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to acquire on behalf of the United States, by purchase

when purchasable at prices deemed by him reasonable, or by condemnation under the provisions of the act of August 1, 1888, the following tracts of land or any part thereof for addition to Chickamauga and Chattanooga National Military Park: All of lots of land Nos. 86, 87, 88, 95, 123, 165, in the ninth district and fourth section, Catoosa County, Ga., and such parts of lots of land 89, 90, 91, 92, 93, 124, 125, 128, 129, 160, 161, 164, 196, and 197, in said district and section as lie west of Chickamauga Creek. When title to any such lands shall have vested in the United States they shall be added to and become a part of said park and shall be subject to all laws and regulations applicable thereto.

SEC. 2. There is hereby authorized to be appropriated a sum not to exceed $125,000 to carry out the purpose of this act.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INVESTIGATION OF CONDITIONS IN COMMERCE AFFECTING NATIONAL DEFENSE

The Senate resumed consideration of Senate Resolution 309, which had been reported from the Committee on Interstate Commerce with amendments.

Mr. BARKLEY. Mr. President, let me ask the Senator from Montana whether he desires that we proceed with the consideration of the resolution today. I have been promising the Senator from Nebraska [Mr. BURKE] an executive session for some days in order that we may dispose of a Nebraska postmastership, which will take probably 20 or 30 minutes.

Mr. WHEELER. I do not think the consideration of the resolution will take much time. If there is indication that it will take considerable time and that there will be discussion, I shall not object to it going over. I think we have had all the discussion that is necessary about the resolution.

Mr. BARKLEY. I am willing to have a vote on the resolution now.

Mr. WHEELER. So am I.

Mr. KING. Mr. President, I understand that the resolution asks for some investigation to be made by the Committee on Interstate Commerce with reference to certain contracts which have been entered into largely, or, in part, at least, with German companies.

I recall that a number of years ago the Committee on Finance conducted some investigations which demonstrated that a number of German corporations, vast German organizations dealing with all sorts of chemical compounds and chemical preparations, had very large holdings in the United States, and controlled, in part at least, if not entirely, some of the German companies in the United States.

I assume that perhaps the situation throughout the world today, under the dominance of Mr. Hitler and the Nazi regime, in the absolute control which Mr. Hitler exercises over all forms of German industry, makes it advisable that we make some inquiry to ascertain to what extent Mr. Hitler may control or seek to control some chemical or other corporations in the United States, and if that is the purpose of the resolution, I am in entire sympathy with it.

Mr. WHEELER. That is the purpose of it.

The PRESIDING OFFICER. The clerk will state the amendments of the Committee on Interstate Commerce.

The amendments of the committee were, on page 2, line 16, after the word "arrangements", to insert "affecting national defense"; on page 3, line 7, after the word "entity", to insert the words "affecting national defense"; and on page 4, line 8, to strike out "The expenses of the committee, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman", so as to make the resolution read:

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make, and to report to the Senate the results of, a thorough and complete investigation of acts, practices, methods, and omissions to act, by persons, partnerships, associations, corporations, other entities, and foreign governments, in interstate or foreign commerce, and of conditions of interstate or foreign commerce, which may or do delay, interfere with, or obstruct the national defense, including among other things—

(1) Part or entire ownership by stock or otherwise of, influence in, control of, and power over, domestic business and production related to national defense, by any foreign person, partnership, association, corporation, foreign government, or agents or instrumentalities thereof, or other entity;

(2) Pooling arrangements affecting national defense or other contracts or agreements between any one or more of the foregoing, and any American person, partnership, association, corporation, or other entity, for interchange of business or trade secrets or other information, for interchange of patents or processes of patent rights, for allocation of sales or places of doing business or production, for restriction of production, or for fixing of prices;

(3) Sale, directly or indirectly, in or for foreign commerce, of materials or products, whether raw, semifinished, or finished, used or usable in war industries or war activities or preparations by any foreign person, partnership, association, corporation, or other entity affecting national defense;

(4) Financial arrangements and demands therefor with respect to profits, taxes, or other matters, affecting national defense;

(5) Restraints of trade by foreign or domestic persons, partnerships, associations, corporations, or other entities, whether through monopolies or otherwise, affecting national defense.

The Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to obtain such facts as other Government agencies may have, and to secure the assistance of other Government agencies in the investigation hereby authorized.

For the purposes of this resolution the committee or any duly authorized subcommittee thereof is authorized to hold such hearings, to sit and act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate in the Seventy-sixth and subsequent Congresses, to employ such experts, and clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

The amendments were agreed to.

Mr. AUSTIN. Mr. President, are we considering the resolution itself?

The PRESIDING OFFICER. Yes.

Mr. AUSTIN. I thought I learned on inquiry that the motion to proceed to the consideration of the resolution was pending. I must have misunderstood the Chair.

The PRESIDING OFFICER. The motion was put and agreed to that the Senate proceed to the consideration of the resolution.

Mr. AUSTIN. The motion was declared agreed to, was it?

The PRESIDING OFFICER. It was. The question now is on agreeing to the resolution as amended. (Putting the question.) The "ayes" seem to have it.

Mr. AUSTIN. I ask for a division.

On a division the resolution was agreed to.

The preamble was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the bill (S. 3266) to provide pensions, compensation, retirement pay, and hospital benefits for certain Air Corps Reserve officers who were disabled while on active duty with the Regular Army.

The message also announced that the House insisted upon its amendments to the bill (S. 2103) to exempt certain Indians and Indian tribes from the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROGERS of Oklahoma, Mr. HILL, and Mr. SCHAFER of Wisconsin were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7738) to amend the act entitled "An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public airport use, and for other purposes"; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROGERS of Oklahoma, Mr. CARTWRIGHT, and Mr. BURDICK were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 844. An act to simplify the accounts of the Treasurer of the United States, and for other purposes;

S. 3990. An act to transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all acts inconsistent therewith to the extent of such inconsistency, and for other purposes;

H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.;

H. R. 8621. An act to amend the Civil Service Retirement Act and other retirement acts;

H. R. 9654. An act to extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar;

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska;

H. R. 9980. An act to revise and codify the nationality laws of the United States into a comprehensive nationality code;

H. R. 10122. An act to amend an act entitled, "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled, "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869);

H. R. 10464. An act to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts;

H. R. 10518. An act granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.;

H. R. 10539. An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes;

H. R. 10572. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes; and

S. J. Res. 225. Joint resolution relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

SURVEY OF CARTER COUNTY, TENN., AND OTHER COUNTIES

Mr. BARKLEY obtained the floor.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. STEWART. I wish to call up a matter on the calendar.

Mr. BARKLEY. I may say to the Senators that I hope that we may have a call of the calendar tomorrow for bills which have been reported since the call of the calendar on September 30, so that bills on the calendar may be disposed of. I do not know whether that would include the Senator's matter or not.

Mr. STEWART. Mr. President, I am referring to Senate Resolution 302, found on page 16 of the calendar, under the heading, "Subjects on the table." I merely desire to call the resolution from the table and have it agreed to.

The PRESIDING OFFICER. The resolution will be read by title.

The LEGISLATIVE CLERK. The resolution (S. Res. 302) submitted by Mr. STEWART on August 24, 1940, requesting the Secretary of War to make a survey of Carter and adjoining counties in Tennessee which were damaged by flood on August 13, 1940.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which was read, as follows:

Whereas Carter County, Tenn., was subjected on August 13, 1940, to a disastrous flood, which caused extensive damage to roads and bridges in such county, and to the streets and the sewerage system of the city of Elizabethton in such county; and

Whereas Carter County and the city of Elizabethton are so burdened with indebtedness as to be unable to raise the necessary funds to repair such roads, bridges, streets, and sewerage system, and to take such action as may be necessary to prevent similar damage in the future; and

Whereas it is essential to the maintenance of the health and safety of the people of such county and city that such roads, bridges, streets, and sewerage system be repaired, and that action be taken to protect such county and city from floods: Therefore be it

Resolved, That the Secretary of War is requested to immediately make a survey of that part or portion of Carter County and adjoining counties in Tennessee which were subjected to a flood on August 13, 1940, with a view to and for the purpose of determining the extent of the damage to public and other property caused by the flood and the cost of repair, and to report to the Senate thereon at the earliest practicable date.

Mr. KING. Mr. President, I inquire whether the information desired has not been obtained, and is not now available.

Mr. STEWART. It is not.

Mr. KING. Is the Secretary of War the proper person to make the survey?

Mr. STEWART. I think so.

Mr. KING. Has not the State or its political subdivisions made any survey?

Mr. STEWART. They had not at the time this resolution was offered, at least.

Mr. KING. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I feel that in good faith I must now move for an executive session, because I asked the Senator from Nebraska [Mr. BURKE] earlier in the day to postpone the matter in order that we might dispose of the bill the Senator from New York had in charge. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of William E. Flournoy, Jr., of Virginia, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for promotion, or appointment, by transfer, in the Regular Army.

Mr. VAN NUYS, from the Committee on the Judiciary, reported favorably the following nominations:

William J. Campbell, of Illinois, to be district judge for the northern district of Illinois, to fill a new position; and

J. Albert Woll, of Illinois, to be attorney for the northern district of Illinois, vice William J. Campbell (appointed district judge).

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the same committee, reported adversely the nomination of Eva L. Herndon, to be postmaster at Warrensburg, Mo., in place of A. T. King, removed.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Harvey M. Johnsen to be judge of the United States Circuit Court of Appeals for the Eighth Circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTER—FRANK S. PERKINS

The legislative clerk read the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr., which had been passed over.

Mr. BURKE. Mr. President——

POSTMASTER—THOMAS E. TRULOVE

Mr. McKELLAR. Mr. President, may not the other nomination be confirmed?

The PRESIDING OFFICER. Without objection, the clerk will state the other post-office nomination.

The legislative clerk read the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of California subsequently said: Mr. President, I have received many protests concerning the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif.

Mr. McKELLAR. Mr. President, does the Senator desire that the vote by which that nomination was confirmed be reconsidered, and to leave the nomination on the calendar until the Senator has had an opportunity to look into the matter?

Mr. JOHNSON of California. Yes.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the vote by which the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif., was confirmed, be reconsidered, and that the nomination be returned to the Executive Calendar. Or does the Senator from California wish to have the nomination returned to the committee?

Mr. JOHNSON of California. No; I should like to have it placed on the calendar.

The PRESIDING OFFICER. Without objection, the vote by which the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif., was confirmed, is reconsidered, and the nomination will be returned to the calendar.

WILLIAM J. CAMPBELL

Mr. BARKLEY. Mr. President, if the Senator from Nebraska will yield to me a moment, today the Committee on the Judiciary reported favorably a nomination for United States district attorney and for district judge in Illinois. I ask unanimous consent that the nominations may be considered before the Senate proceeds with the other matter.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the first nomination.

The legislative clerk read the nomination of William J. Campbell to be United States district judge for the northern district of Illinois.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

J. ALBERT WOLL

The legislative clerk read the nomination of J. Albert Woll to be United States attorney for the northern district of Illinois.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask unanimous consent that the President be immediately notified of the confirmation of these two nominations.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

FRANK S. PERKINS, POSTMASTER—NOMINATION PASSED OVER

Mr. BURKE. Mr. President, the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr., has been passed over several times at my request, because I desire to make a brief statement as to the situation. I have no objection to Mr. Perkins on grounds that he is personally obnoxious at all; in fact he is a friend of mine, and I have a great deal of respect for him; but there are certain circumstances and conditions in reference to the situation at Fremont which seem to me to make it necessary that I should make a brief statement, so that no member of the Senate may say that he voted not only to confirm this nominee but replace the postmaster who is there, without knowing the facts. For that reason I ask the Senate's indulgence for a very few moments.

Fremont is a thriving city. I see before me a Senator who, I think, is interested in Fremont, the Senator from Maine [Mr. WHITE]. If I remember correctly, Mrs. White was born and brought up in Fremont. In any event, Fremont is a thriving city some 35 miles from Omaha, with a population of between fifteen and twenty thousand, a prosperous, forward-looking city, with many things of which it is proud, and nothing of which it has been more proud than the fact that for many years the operation of its post office has been outstandingly successful. I shall in a moment offer some evidence to show the condition is as I have stated it to be. The reason why it has been so will also be made evident.

The present postmaster, Frank W. Fuhlrodt, who would be replaced if the Senate should act favorably upon the nomination of Mr. Perkins, has had a very interesting career as the postmaster of Fremont. In September of 1903 he was appointed clerk in that post office as a very young man. He worked his way up through all the departments, to be city distributor, mailing clerk, registry clerk, and 10 years later, in July 1913, he was promoted to be superintendent of mails in the Fremont postoffice. In June 1915 he was appointed assistant postmaster. In March 1919 there was a vacancy in the office—the postmaster died, I believe—and Mr. Fuhlrodt, the assistant postmaster, was appointed as acting postmaster.

I may say in passing that the Fremont district was then represented by a Democratic Representative, the Honorable Dan B. Stephens, who served for a number of years in the other House and is known to many Members of this body.

In due course of time examinations were held, and when the Civil Service Commission submitted the eligible list of three names, Mr. Fuhlrodt stood at the top of the list, and on May 11, 1920, he was appointed postmaster by President Woodrow Wilson. In 1924 he was reappointed. In 1928 he was reappointed. In 1932 he was reappointed. I may say that I had never met Mr. Fuhlrodt, in fact knew nothing about him, but in the early part of 1936 I was notified by the Post Office Department that the term would expire, and my recommendation was asked; so I investigated the matter then; ascertained these facts and, of course, promptly recommended the reappointment of Mr. Fuhlrodt.

At that time there was some objection raised—not objection to the competency of Mr. Fuhlrodt, but objection by some local Democrats, who said that this was an office which ought to be thrown open to examination, because they said Mr. Fuhlrodt had been registered through all the years as a Republican, and I assumed that that was the fact, although no one has ever made the contention that he has taken any part in politics at all. He has attended strictly to the duties of his office. I insisted upon my recommendation, and I may say that the Honorable Dan Stephens, who had long since retired from Congress, and was the leading citizen of Fremont, was very anxious that Mr. Fuhlrodt should be reappointed, and as those matters go, the executive committee of the county central committee of Dodge County listened to the leading Democrat of the county, Dan Stephens, and joined in the endorsement, and the appointment was made.

Four years having passed, and Mr. Fuhlrodt having continued to give his outstanding service as postmaster, in January of this year I was again notified that the term was about to expire. Mr. Stephens meanwhile had passed away, but the chairman of the executive committee of the Democratic county central committee, who had been a very intimate friend of Mr. Stephens, and who himself felt that the post office was being handled in the right way, urged that Mr. Fuhlrodt be reappointed, and I urged his reappointment.

However, by that time the political situation in Nebraska had become somewhat complicated, and the demand was made from other sources that a competitive examination be held, instead of giving Mr. Fuhlrodt the noncompetitive examination, which is clearly called for if we live up to the spirit of the new post-office law which was passed a few years ago. I freely grant that it is not absolutely obligatory on the Department to provide for a noncompetitive examination. Instead of doing that, the Department called for a competitive examination, and the Civil Service Commission gave out the results of it in May. Mr. Fuhlrodt, under the law, was entitled to take the examination, and did so, and stood head and shoulders above the other two who qualified out of a large list of those who took the examination. Mr. Fuhlrodt's grading by the Civil Service Commission was well up in the nineties, and Mr. Perkins, a very estimable gentleman, a man against whom I say not a single word, was second on the list, in the very low eighties. After holding the matter for a couple of months longer, the Post Office Department finally sent up the name of Mr. Perkins.

Mr. President, at this time, as bearing out what I have said about Mr. Fuhlrodt's standing, and the way he has handled that office, I should like to read a copy of a letter written by Mr. W. M. Coble, who for quite a number of years served as chief postal inspector for the district in which Fremont is located, and I believe for all Nebraska and probably the surrounding territory. Mr. Coble on June 27 of this year wrote to Hon. J. M. Donaldson, deputy first assistant to the Postmaster General, Washington, D. C., as follows:

DEAR MR. DONALDSON: It appears that an unfair fight is in progress at Fremont, Nebr., over the selection of someone to succeed Mr. Frank Fuhlrodt, who has been the postmaster since about 1916. Mr. Fuhlrodt was selected at that time for the reason that he was believed to be the most competent applicant. During his long tenure the Fremont post office has been considered a model of efficiency, and there seems to be legitimate reason for his retention simply on merit. I am told that about a score of persons have made application, regardless of ability or knowledge of the service. It seems to me that to select a successor without the consideration of the efficiency of Mr. Fuhlrodt would constitute return to the old spoils system, regardless of the welfare of the service, and I am addressing this letter to you in his interest because I believe in recognition of loyalty and competency. I know that any aid you may see fit to render in this instance will be greatly appreciated.

To that letter Mr. Donaldson sent this answer to Mr. Coble, addressing him as "Dear Bill":

With reference to the postmastership at Fremont, there is nothing the Department can do at this time, as the Civil Service Commission has announced, and will conduct, an open competitive examination. When the papers have been graded the Commission will certify the names of the three highest eligibles, and under the law we are required to select for appointment one of these three eligibles.

It is very likely that Mr. Fuhlrodt will make a grade sufficient to place his name among the first three—

He certainly did, as I have already stated, running far ahead of any competitors—

and then consideration can be given to his appointment. However, the Department will consult Hon. James C. Quigley, of Valentine, Nebr., who is our adviser in this particular case.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. PEPPER. I wonder if, perhaps, the Senator may attribute the change in personnel to the laudable principle of rotation in office?

Mr. BURKE. I will say that for those who are unable to draw a distinction between the necessity for rotation in office of a postmaster and for President of the United States that would be a very valid argument with which to go before the country, but I think it would not win very many converts.

Mr. KING. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. KING. Who is the Mr. Quigley who was to be the arbiter and dictator in the appointment?

Mr. BURKE. He is the Democratic national committeeman from Nebraska, and until this spring was also Democratic State chairman; but he has given up the office of State chairman, and is now simply Democratic national committeeman.

So far as Mr. Quigley is concerned, I do not want to be considered as saying anything against him. He managed my campaign in 1934, when I was elected to the Senate; and we have been good friends, and are good friends, although we have had some very serious differences in recent years. In general, I had no objection to the Department taking the recommendations of Mr. Quigley; but we have had no trouble about other post offices in districts represented by Republicans. We have had a few little difficulties in districts represented by Republicans and have ironed them out.

However, in this particular case, because of the fact that a postmaster was appointed by a great Democratic President, and was once reappointed by the present President—and I will please my friends by going so far as to say the present great Democratic President—and in view of the fact that we recently passed a law the spirit of which was to place the Post Office Department of the country strictly under civil service, it seems to me that I should be utterly unfair to the Members of this body if I should permit this matter to go through without comment, and if Senators should vote to oust a postmaster of Mr. Fuhlrodt's standing without knowing the facts.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BARKLEY. I do not wish to interject myself into this Nebraska matter, except to say that I have a letter from Judge Quigley, which I have shown to the Senator from Nebraska.

Mr. BURKE. I shall be glad to have it read into the RECORD.

Mr. BARKLEY. He cites an instance in Nebraska in which the Senator himself asked for an open, competitive examination after we passed the civil-service law applying to postmasters. He states that the competitive examination was held, and that the Senator himself recommended eligible No. 3.

Mr. BURKE. That is a fact.

Mr. BARKLEY. The Senator recommended eligible No. 3 over eligible No. 1, who was the postmaster seeking reappointment. I wonder to what extent the Senator from Nebraska has observed the rule which he now invokes, of giving preference to the encumbent postmaster over an eligible who qualifies under the rules which apply to an open competitive examination.

Mr. BURKE. I shall be very glad to address myself to that point. Two questions are involved.

First, as to the distinction between eligible No. 1 and the other eligibles, I have always felt that there was much merit in the Executive order issued by President Wilson, which I believe was in force for a short time during this administration, that, unless there was some strong reason to the contrary, eligible No. 1 should receive the appointment. But that has not been the practice; and while in many cases that has afforded a proper ground upon which to stand, instances have come to my knowledge in which I have been asked to make recommendations when all parties were agreed that there ought to be a change, and I have made such recommendations. In the instance cited by Mr. Quigley, that of South Sioux City, Nebr., I believe, 4 years ago an examination was held, and there was a great row about it. I recommended Mr. Heffner, the man who has been serving as postmaster. He was inducted into the post office. He was not brought up in the post office, as was Mr. Fuhlrodt, which makes quite a little difference, I should say.

In the second place, a very considerable amount of evidence was submitted to me, in the form of letters and otherwise, indicating that the patrons of the office thought conditions

would be improved by a change. So when the matter came before me this spring, upon the recommendation of all the local parties, who said they wanted an examination, I asked for it at their request. There was no dissent except from the postmaster himself.

In the case of the Fremont situation, I recently saw an editorial which appeared in the Lincoln Star, written by one of our very great editorial writers, Mr. James E. Lawrence, in which he referred to the fact that it appeared from an examination conducted by his own newspaper or some other newspaper in Fremont that nine-tenths of the patrons of the post office in Fremont wanted Mr. Fuhlrodt reappointed. So I think that while the point made is correct, that I have not always recommended number one on the list, or the incumbent for reappointment, such departures have been under circumstances so greatly different from those which prevail at Fremont that I do not think any serious charge of inconsistency could be urged against me; and, even if it were, I should still feel it my duty to present these facts to the Senate.

I was talking about the qualifications of Mr. Fuhlrodt, and I read a letter from a man who probably knows more about his qualifications than does anyone else, a man who has been chief postal inspector for all that area for many years. He says the Fremont post office under Mr. Fuhlrodt has been held up as a model of efficiency.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. CONNALLY. The Senator from Kentucky cited a prior case in which the recommendation of the Senator from Nebraska had been followed, and the third man on the list had been appointed. Why was not the recommendation of the Senator from Nebraska followed in this case, in a district represented by Republicans?

Mr. BURKE. I think I am safe in leaving that to the imagination of the Senator from Texas; but conditions have somewhat changed. I have no grievance arising from the fact that my recommendation has not been accepted. Being a citizen of the State, and familiar with the facts, I recognize much merit in the position that my recommendation should not be asked, although it having been asked in January, and I having recommended the appointment of Mr. Fuhlrodt, I should not be willing to go so far as to say that the fact that I recommended Mr. Fuhlrodt ought to be sufficient ground for rejecting him and putting in a new and untried man after Mr. Fuhlrodt's many years of service.

Mr. CONNALLY. In other words, the Senator believes that Mr. Fuhlrodt is the same Mr. Fuhlrodt, and would be just as capable, whether or not the Senator had recommended him.

Mr. BURKE. He is the same Mr. Fuhlrodt.

Mr. CONNALLY. As I understand the patronage practice, when I was in the House, under President Wilson's Executive order the high man got the job, whether he was a Republican or a Democrat, white or black. He got the job, no matter what his political affiliation was.

Mr. BURKE. That was true as long as that Executive order remained in force.

Mr. CONNALLY. I was in the House, and I recommended the appointment of only one postmaster prior to the Executive order. After the Executive order I was out the window. I thought the practice was, however, that when there was a Democratic Senator from a State, his recommendations were followed in the districts represented by Republicans.

Mr. BURKE. That has been true.

Mr. CONNALLY. I thought that a Senator, who votes upon a confirmation under the constitutional provision for advice and consent, was of rather more consequence than a national committeeman, who has no vote in the Senate, and whose chief duty is to rake up a little finances during the campaign.

Mr. BURKE. The Senator is entirely correct. That has been the practice in Nebraska until very recent times. There are now three districts represented by Republicans. In those districts, until a very few months ago, the Department has always asked my recommendation, and followed it in every case; but conditions have somewhat changed.

Mr. CONNALLY. However, Mr. Fuhlrodt is the same Mr. Fuhlrodt.

Mr. BURKE. He is the same Mr. Fuhlrodt, the same efficient postmaster.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. McKELLAR. I was in Congress at the time President Wilson adopted his practice of appointing the highest man. If we are to have an honest civil service, of course that is the only way to do. We all recognize that. President Wilson appointed the highest eligible on the list, regardless of politics. In my State the highest-ranking eligible was appointed. I think there was not a single, solitary exception to that rule. If we are to have an honest civil service that is the only way to do, and it ought to be the rule. That is my judgment about it.

Mr. BURKE. I thank the Senator very much for that comment. It seems to me he is so clearly absolutely correct that we at least ought to strive for that in every instance.

Mr. McKELLAR. It has not been done in the past, and under the present rule it need not be done. Any one of the three may be appointed; and when the Department sends in the name of one, if he is a man of good character and standing, there is nothing for us to do but to confirm him.

Mr. MINTON. Mr. President——

Mr. BURKE. I yield to the Senator from Indiana.

Mr. MINTON. Apropos of what the Senator from Texas [Mr. CONNALLY] has inquired about, of course we know that when we have a Democratic Congressman from the district he always looks to the Democratic Senators to aid him in picking out a man for postmaster. We all know that the senior Senator from Nebraska [Mr. NORRIS] takes no interest at all in post offices or patronage of any kind; and, of course, we have recently lost our Democratic Senator from Nebraska. He went over to Mr. Willkie; so we have not any Democratic Senator from Nebraska to advise us. Therefore, we are in the predicament of having to look elsewhere for advice about the post office at Fremont. Is not that true?

Mr. BURKE. I accept the statement, with one slight correction. The Senator referred to my colleague [Mr. NORRIS], whose word would certainly carry weight if he chose to exercise it, but he does not do so in post-office matters. Leaving my colleague out of consideration, there is not now a New Deal Senator from Nebraska. It is my contention that there is still a Democratic Senator from Nebraska, and I myself claim to be that individual; but I freely admit that there is no New Deal Senator masquerading under the cloak of a Democrat in Nebraska.

Mr. MINTON. But there is one masquerading out there as a Willkie Democrat. Is that it?

Mr. BURKE. The Senator may put on the matter any interpretation he desires. I am supporting Mr. Willkie for President, and if time permitted I should like to read to the Senator a very able brief on the question which I have before me, but it would take a little too long to do that.

Mr. MINTON. I should like to read the Senator an article from Look of June 4, 1940, in which Mr. Willkie said that President Roosevelt should run for a third term.

Mr. CONNALLY. Mr. President, would it be agreeable to the Senator from Nebraska to postpone action on this matter until after January?

Mr. BURKE. I should not be particularly interested in doing that; no.

I think we should come back to the serious matter before us, and it is a serious matter. I have read from the letter of the chief post-office inspector for that area referring to the qualifications of Mr. Fuhlrodt; and in order that there may be no question about the matter I present the result of the latest inspection of the post office at Fremont, Nebr., by the

Post Office Department. This is under date of June 11, 1940. That is the latest they were able to supply me. The two inspectors, Mr. Cordts and Mr. Barnum, who made that inspection, rated Mr. Frank W. Fuhlrodt 97.6 percent, which I understand is about as near perfection as they go in rating any postmaster. At the same time, he also being the custodian of the Federal building and property, and since they rate separately on that, on June 11, 1940, Mr. Fuhlrodt was rated 98 percent on the excellence of his custodial service.

While we are on that subject, let me read to you from a pamphlet issued in December 1939 by the United States Civil Service Commission, containing information regarding postmaster positions filled through nomination by the President for confirmation by the Senate. I turn to page 5, and find this under the heading "Politics and religion":

> In all cases selection for appointment shall be made with sole reference to merit and fitness and without regard to political or religious considerations.

In the light of the facts I have given, and which, so far as the statements I have made in reference to this post office are concerned cannot in the slightest particular be refuted, how can any Member of this body—Democrat, New Dealer, Republican, Independent, or whatever he may be—say that it would be proper practice in this country for any individual or any party to claim that we were operating the Post Office under civil service, to sanction putting out printed matter stating that appointments of postmasters shall be made with sole reference to merit and fitness, and, in the face of that, vote to oust this man appointed by President Woodrow Wilson, reappointed by all succeeding Presidents, and by President Roosevelt himself, and now clearly being ousted not because his efficiency is failing—he is at the very peak of his efficiency right now—but merely because the one who recommended him has fallen somewhat from grace?

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BURKE. Yes; I yield.

Mr. McKELLAR. The reply is perfectly simple. We passed a law providing for it. We are to blame for it, if anybody is to blame. I think we are to blame, because I think the rule that the highest man on the civil-service list ought to get the place is a good rule; but that is not the rule which the Senate itself adopted. That is not the rule which the Congress adopted. That is not the law today. Any one of the three highest may be selected, and that ends the matter.

Mr. BURKE. Yes, my dear friend from Tennessee, but we have never passed any law, and there is no such law on the statute books now, which requires any Member of the Senate to vote to confirm the nomination of a man, no matter how good, the effect of which confirmation will be to oust a postmaster with the qualifications and experience so clearly attributable to the present postmaster at Fremont.

Mr. KING. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. KING. May I ask a question of the Senator from Tennessee [Mr. McKELLAR], for whom I entertain a very high regard?

Suppose three persons took the examination; one received a rating of 99, one a rating of 85, and one a rating of only 45 or 50. Suppose the man having the rating of 45 or 50 were appointed. Does the Senator from Tennessee say it would be our duty to confirm that man's nomination?

Mr. McKELLAR. Oh, no; that could not happen, but I will change the question and put it as it should be put by the Senator from Utah, namely:

Here are three men, one with a rating of 99, one with a rating of 98, and one with a rating of 97. Under the law, the Department sends in the name of the man with the rating of 97. As I look at the matter, under the law as it is today—not that I approve the law, but it is the law—if there is nothing the matter with the character and fitness of the applicant whose name is sent in, if he is an honest man, as I understand the Senator from Nebraska says this appointee is an honest man, that there is nothing the matter with his fitness, I do not think we are called upon under the law to select a man for the place. The Department may select one of the three highest. It has sent in his name, and I think it is our duty to confirm his nomination unless there is something the matter with his character or fitness.

Mr. KING. I differ with the Senator.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BURKE. Yes; I yield.

Mr. CONNALLY. I have a very high esteem for the Senator from Tennessee, but I must take issue with him, not on behalf of myself, but on behalf of the prerogatives of the Senate. There is no law requiring the Senate to confirm the nomination of anybody.

Mr. McKELLAR. Oh, no; of course not.

Mr. CONNALLY. There is no law requiring us to select anybody. The Constitution gives the Senate the right to reject or confirm without regard to any matter except the individual consciences of the Senators voting. The Civil Service Act cannot control the Senate in the matter of confirmation.

Mr. McKELLAR. The Senator is entirely correct about that.

Mr. CONNALLY. What the Senator meant was that under the practice heretofore——

Mr. McKELLAR. Under the practice and under the law.

Mr. CONNALLY. We have had a practice here that when a nomination comes in, if the nominee can get by, and has not committed any wrongs, and is a good man, and the Senators from the State do not object, we automatically confirm him, but I should not want the RECORD to stand with the statement of the Senator from Tennessee, because the Senator from Texas individually proposes to stand by the prerogatives and the power of the Senate. We have given away, by practices such as these, a great deal of our prestige and authority. In many cases in the Senate in passing on nominations, I have voted with the Senator from the State when probably, if I had not been conscious of that sort of obligation to respect the Senate, I might have voted otherwise.

Mr. McKELLAR. When the Department has selected one of the three highest eligibles under the law as we have passed it, and there is no objection to the appointee on account of character or fitness, I see no reason why we should attempt to select another man.

Mr. KING. I do not agree with the Senator at all.

Mr. BURKE. On that very point I should like to read, if I may be pardoned for doing so, from a copy of a letter written by a distinguished Member of this body, who has always been very much interested in the civil service, on the particular point as to the effect of this last law:

> When, at the last session of Congress we passed the law, the effect of which was to remove the post offices of the country from partisan political control, at least to a very great extent, by making the tenure one of good behavior instead of a term of 4 years, there was a great deal of discussion with reference to the postmasters who were in office. It was argued on the one hand that it would be unfair to legislate those postmasters into holding office for a permanent term, and it was finally agreed that the postmasters then in office could be reappointed, after taking a noncompetitive examination, and that such reappointment should be without term, and, in effect, should place them on a permanent roll. However, the Post Office Department was given a leeway in such cases. In addition to the method of reappointment without a competitive examination, the Department was allowed to make the appointment by promotion with the service, as provided by the civil-service law, or to throw the matter open for public examination, the same as though the law had not been passed.
>
> It has always seemed to me——

The writer of this letter says:

> It has always seemed to me the real intent of the law was to provide for a permanency of tenure for postmasters, provided they passed a noncompetitive examination, which was, in reality, for the purpose of ascertaining whether or not they possessed the qualifications necessary to hold the office.
>
> Whether or not the law should be applied in this way was left to the Department, and it in turn, as a matter of practice, has been almost universally controlled by the wishes of the Senator or Representative who has political control of the post office in question.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. SCHWELLENBACH. Was this matter presented to the committee?

Mr. BURKE. A nomination comes in regular order, of course, to the committee, and then, as the Senator knows, under the direction of the chairman of the committee, the cards are sent to the two Senators from the State. When I received my card containing this nomination I wrote upon it, and I think I can quote the exact language, this statement:

I have no personal objection of any kind against the nominee, Mr. Perkins. I consider him an able and efficient person. But I have contended from the beginning that the incumbent should be reappointed; and if the matter comes before the Senate for confirmation, I expect to avail myself of the opportunity to present the reasons for that opinion.

I was not asked to come before the committee and to state my reasons. After all, it is a matter on which the Senate should pass.

Mr. McKELLAR. Mr. President, while the Senator takes that position now, I think he stated a while ago that there had been cases in which he had asked that the second or third man be appointed, instead of the man who was holding the office.

Mr. BURKE. I agree fully with the position taken by the Senator from Tennessee a little while ago that it would be much better, and the only way to have real civil service in the Post Office Department, to appoint the man the Civil Service Commission gives as No. 1 on the list. I think that should be the practice followed. But, as the Senator also stated, that practice has not been followed, and we have followed the practice of taking any one of the first three.

I have endeavored, so far as possible, as previously stated, to give my approval always to the No. 1 man on the list, but for various reasons I have not always followed that rule. But I do say, and repeat, that in no one of the cases which might be found in which I had recommended the ousting of an incumbent postmaster and the appointment of another man, however good, were there circumstances bearing the remotest resemblance to those in this case, in which we have a man tried and experienced, tested by a quarter of a century of actual service in his community, who, the Post Office Department itself, through its chief postal inspector, says, is a man of commanding experience, a model of efficiency in the position.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. CONNALLY. The Senator referred a little while ago to some of the cases where local considerations, the popularity of the candidate, and the choice of the people were considered by him. Did I understand him to say that in this case the reports were that the people of Fremont by a very large majority preferred the retention of the incumbent postmaster?

Mr. BURKE. I quoted an editorial from the leading Democratic paper, one of the very few Democratic daily papers in Nebraska, the Lincoln Star, whose editor is Mr. James E. Lawrence. I do not recall whether he stated there was an investigation made by the Lincoln Star itself or made on behalf of some other newspaper in Fremont, but he stated this conclusion—that the investigation showed that nine out of every ten people served by the Fremont office wanted Mr. Fuhlrodt reappointed.

Mr. CONNALLY. Is that report substantially confirmed by the Senator's own knowledge and investigation? I am willing to accept the Senator's statement about it.

Mr. BURKE. I would not attempt to give any figures, but I would say that the only people served by the Fremont post office who have ever communicated any contrary opinion to me could be numbered on the fingers of both my hands, and they were all either Democrats who wanted to take the examination and get the place themselves or were particularly interested in city politics in Fremont. I say that out of a population of 20,000 I do not believe 10 have indicated any other desire than the wish to have Mr. Fuhlrodt reappointed.

Mr. CONNALLY. I beg the Senator's pardon, but I wish to make a short observation.

Mr. BURKE. Very well.

Mr. CONNALLY. It seems to me to be highly important in post-office matters that the people who are to be served, the people of the community, should have, at least indirectly, some choice and some opportunity of being served by a person satisfactory to them.

The Federal Government is a vast piece of machinery, but the post office is a contact which every citizen has with the Federal Government, and frequently the attitude of people toward the Government is more or less affected by the conduct of some Federal official, such as a postmaster or other local authority of the Federal establishment.

It seems to me that that being true this incumbent being efficient and being number one, and having served there for years, since the people of Fremont really want him as postmaster, it is as important to satisfy the people of Fremont as to satisfy some national committeeman who lives on the other side of the State, and who will not buy a postage stamp or mail a postal card at that office.

Mr. McKELLAR. Mr. President——

Mr. BURKE. It is 400 miles from Fremont to the place of residence of the man who makes the recommendation.

I yield to the Senator from Tennessee.

Mr. McKELLAR. The trouble is in ascertaining the sentiments of the people.

Mr. CONNALLY. I am willing to trust the Senator from the State himself. He is here with us, and I would rather trust the Senator's judgment as to that than that of some fellow away off yonder over the mountain range.

Mr. McKELLAR. I believe the Senator voted with me when we opposed very vigorously putting first-, second-, and third-class postmasters under civil service. It should never have been done, but the Senate and the House did it.

Mr. CONNALLY. If the Senator will yield, that is merely advisory to the Senate. It has no binding effect upon the Senate. We are merely calling on the Civil Service Commission to give us this information, and when it comes here we are just as free to exercise our judgment as we were before.

Mr. McKELLAR. That is true, but at the same time, since we passed the law—and I am sorry we passed it, I have never believed in it—if we are to have civil service, we should have an honest-to-God civil service.

Mr. CONNALLY. We have not got it.

Mr. McKELLAR. We should not have any civil service in connection with first-, second-, and third-class postmasters, but the Senate and the House voted that as the will of Congress, and we must take it as it is.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BURKE. I yield to the Senator from Kentucky.

Mr. BARKLEY. If I understand the Senator from Nebraska he stated at the outset that the nominee is a qualified man; that there is nothing against his reputation, his character, or his efficiency.

Mr. BURKE. He has no experience in post-office matters. He has been in the publishing business, and is a very good friend of mine. I have nothing but the kindest words to say for him, and I have no doubt that he can start at the very beginning now, where Mr. Fuhlrodt started 25 years ago, and in time probably be able to render somewhere near the same measure of efficient service that Mr. Fuhlrodt has now qualified himself to render.

Mr. BARKLEY. Of course, no one has any experience in a post office until he is appointed.

Mr. BURKE. Of course, if I may interrupt there, in the case of Mr. Fuhlrodt he started as a clerk in 1903, and made that his life work, and by the time he was appointed postmaster in 1920 he had had 17 years experience in every department of the Fremont post office.

Mr. BARKLEY. I, of course, know nothing about that.

Mr. BURKE. Those are the facts.

Mr. BARKLEY. I am sure the Senator is telling the truth about it. But the point is that, even though we reject the

nominee, that does not mean that the present postmaster will be retained. The Commission either will hold or can hold another competitive examination, and from a list of three from which to make the appointment, the second man may be chosen. So that to deny confirmation to the man who has been appointed by the President, does not guarantee that Mr. Fuhlrodt will be retained as postmaster. We do not gain anything by defeating the nominee except to let the present postmaster hold on a few more months until another nomination can be sent in. I do not know whether Mr. Fuhlrodt would be reappointed if we rejected the present nominee. I have no information about that.

Mr. BURKE. Let us examine that suggestion a moment. Assume that upon the statement of facts made, which will not be disputed, the Senate rejects Mr. Perkins. It being clear that the rejection was not because of any deficiency of Mr. Perkins himself, but that the Senate of the United States, as would be clearly evident from the RECORD, had rejected Mr. Perkins because it did not want Mr. Fuhlrodt ousted from office, the post office at Fremont tomorrow, and every other day until the Post Office Department took some other action, would continue to be run by Mr. Fuhlrodt. Does the Senator from Kentucky, our majority leader, mean to say that, in the face of decisive action that might be taken by the Senate, saying that we, as the confirming body, do not approve the ousting of this efficient postmaster, that we are striking this blow for the maintenance of civil service—does the Senator from Kentucky mean that the nominating branch would say, "We care not what the Senate thinks about this matter. There are political considerations involved which make it necessary for us to go against the wishes of the people of Fremont, against all our own declarations with respect to the merit system in the Post Office, against the action of the Senate itself, and we will oust this man at the first opportunity"? I do not think they would say that at all.

Mr. BARKLEY. Mr. President, the Senator knows I made no such statement. I was simply stating the practical effect of rejecting the nominee, against whom the Senator himself has no personal objection; that the rejection of the nomination sent here by the President on the recommendation of the Postmaster General would not guarantee that the present postmaster would continue in office. I do not mean by that, and the Senator knew that I did not mean by that, that the appointing power would disregard the will of the Senate.

Mr. BURKE. What else could the Senator mean?

Mr. BARKLEY. I meant exactly what I said, that the rejection of the nominee sent here by the President does not mean that the present postmaster would hold automatically. I do not know whether he would or not. I have no information upon that subject, but I imagine that the same reasons for objection to him on the part of the Post Office Department would apply again if a new appointment had to be made. I do not know about that. I have not talked to the Post Office Department, I have not talked to the President, or to anyone in Nebraska, or anyone else about it. I have a letter from Judge Quigley, who managed the Senator's campaign at the time when I flew out there to help him. I am glad I did, but sorry that the circumstances are not such that I can do it again. The only information I have is a letter from Judge Quigley which I shall read later.

Mr. BURKE. Without attempting to imitate the Senator's voice——

Mr. BARKLEY. I was attempting to imitate the Senator from Nebraska, and if I succeeded I am greatly complimented.

Mr. BURKE. Without going into the merits of the matter, of course, the rejection of Mr. Perkins as nominee would not mean that the spirit of the civil-service rules at least would automatically be complied with. It certainly would mean exactly what I said, that unless the nominating department wanted to ignore all that has been said, Mr. Fuhlrodt would be continued in office. We know that this matter certainly has never been called to the President's attention. There has been a change in the Postmaster General's office, and I do not know what other considerations have operated in that department; but when all these things are before them, and it is known why the Senate acted in rejecting this nomination, it could mean only what I stated, that Mr. Fuhlrodt would continue in office, and in due course his name would be sent to the Senate.

I was reading a letter written by a distinguished Member of this body to the postmaster at Fremont. This is what he said:

If the real intent, as I understand it, of the law had been carried out, you—

Mr. Fuhlrodt—

would have been required to pass a noncompetitive examination, and would, as a matter of fact, have been reappointed during good behavior. In my opinion, this course should have been followed.

Certainly that course should have been followed. If we are to carry out the spirit of the law we have passed, which applies in actual fact to all appointments, we certainly should apply it to the first appointment that comes under it.

In connection with that I read from a copy of a letter which on April 30 I addressed to Mr. Donaldson, Deputy First Assistant Postmaster General:

MY DEAR MR. DONALDSON: On the 3d day of January 1940 I recommended the reappointment of Frank W. Fuhlrodt as postmaster at Fremont, Nebr. I called attention to the fact that Mr. Fuhlrodt had been holding that office for more than 20 years with entire satisfaction to the patrons thereof. On at least two other occasions I had renewed my endorsement of Mr. Fuhlrodt.

I understand the reason for the delay in submitting his name has been caused by the fact that from other sources there was submitted a request that the matter be thrown open for examination. To that I have and am opposed.

I, therefore, urge that Mr. Fuhlrodt's name be submitted to the Senate at once—

Of course, as the result of a noncompetitive examination—

in order that action may be had before this session of Congress adjourns. I feel so deeply on this subject that I have been considering the necessity of making a statement on the floor of the Senate concerning the application of the merit system to the Post Office Department in the event there is any disposition not to act favorably upon my recommendation.

I have read that primarily to indicate that as long as 6 months ago I had notified the Department that this was not one of the matters that could be put through without having the facts stated. I am not taking them by surprise at all in now insisting that they made a mistake in not giving Mr. Fuhlrodt a noncompetitive examination, and if he passed it with flying colors, as he certainly would, reappointing him to that position.

I said a few moments ago that I could not see how any Member of this body—the chairman of the Committee on Post Offices and Post Roads, or the majority leader, or any other Senator—could vote under these circumstances to oust this capable, efficient postmaster after his long years of service, for purely political reasons in the inception, and then go forth and make any claim about being an adherent of the merit system.

I call attention to the fact that a week ago today at Cleveland, Ohio, there was held a meeting of the civil-service assembly, and to that assembly President Roosevelt sent a message, from which I quote:

"It is becoming increasingly clear," the President wrote, "that the major objectives which we have set for ourselves can best be realized if governments are administered with the aid of personnel groups that are squarely based on the merit principle.

* * * * * * *

Mr. Roosevelt recalled that he had extended the provisions of the Civil Service Act to an increasing number of positions in the Federal service during the last several years and wrote:

"Virtually all positions have now been included within the framework of the Federal competitive civil service excepting"—

And he lists a very few exceptions.

I ask at this point that the entire newspaper article be printed in the RECORD as part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ROOSEVELT AND WILLKIE PRAISE MERIT SYSTEM—BOTH SEND MESSAGES TO SECTION OF CIVIL SERVICE ASSEMBLY

CLEVELAND, September 30.—President Roosevelt and Republican Presidential nominee Wendell L. Willkie emphasized today the importance of the merit system in the present crisis for democracy

in messages to the thirty-second annual meeting of the Civil Service Assembly of the United States and Canada.

"It is becoming increasingly clear," the President wrote, "that the major objectives which we have set for ourselves can best be realized if governments are administered with the aid of personnel groups that are squarely based on the merit principle."

Mr. Willkie said that "this Nation will surmount the crisis which it faces, but if it is to do so we must bring the methods of government to such a level that it can do immediately and effectively those things which the American people decide to have it do," adding:

"No fact is more important in the achievement of this objective than the extension of the merit system to cover the administrative service of every level of government."

Mr. Roosevelt recalled that he had extended the provisions of the Civil Service Act to an increasing number of positions in the Federal service during the last several years, and wrote:

"Virtually all positions have now been included within the framework of the Federal competitive civil service excepting: (1) Policy-determining positions; (2) certain other positions which special circumstances require should be exempt; (3) positions now being surveyed and considered by the special committee (which he appointed to survey the system); and (4) positions which the Congress has specifically exempted in this fourth category."

The President added that he hoped a bill passed by both Houses of Congress, and now in conference, extending civil service to "thousands of positions which the Congress has heretofore exempted" would be given final passage at this session.

Mr. President, so long as we have gone into the political aspect of this matter, let me say that in whatever political activity I may engage between now and the 5th of November I expect to confine myself strictly and exclusively to the effort to maintain the anti-third-term tradition; but I can well imagine that anyone who wanted to attack the party in power on other grounds could very well strip from this administration every pretense of faithfulness to the civil service if the Senate should now take action which would mean the ouster of a postmaster whose qualifications I have described.

Mr. President, I have talked much longer than I intended, and I shall conclude by reading a copy of a letter which I wrote to Mr. Perkins in August, before his name had been submitted, but when it appeared very likely that it would be submitted. I read:

AUGUST 26, 1940.

Mr. FRANK S. PERKINS,
Care of Perkins Printing & Stationery Co., Fremont, Nebr.

MY DEAR MR. PERKINS: You have a great many friends over the State of Nebraska. During the past few weeks I have had letters from a large number of men in various parts of Nebraska in whose judgment I have very great confidence. All of them speak in highest terms of your qualification to serve as postmaster at Fremont. They know you well and like you and respect you. I accept their judgment as being a correct appraisal of you.

I have no doubt that you understand my position in reference to the appointment of a postmaster in your home city. I have a very slight acquaintance with Mr. Fuhlrodt and no interest whatever in his reappointment unless under all the circumstances he is entitled to it. Four years ago when his term expired, Dan Stephens and other Fremont citizens made a strong plea to me for his reappointment. They set out the facts that he was appointed originally by President Wilson and reappointed each term thereafter; that he had attended strictly to the duties of his office, and had taken no part in political affairs; that his handling of the important position assigned to him had met with general approval of the citizens of Fremont, and that he was highly rated by the Post Office authorities in Washington. Personal investigation convinced me of the truth of the statements made. Mr. Fuhlrodt's reappointment followed.

This year the same situation arose again. Over my protest the Department conducted a competitive examination. Mr. Fuhlrodt stood well at the top of the eligible list. If the merit system means anything, Mr. Fuhlrodt is entitled to reappointment. If those charged with the responsibility of conducting this great business institution, which we know as the Post Office Department, have been merely speaking pleasant words when they talk about the merit system, I think it is time the country knew it. If an issue is made of this matter while I am a Member of the Senate I shall feel it my duty to set forth the facts.

I assure you that I have no personal objection to your appointment. In fact, except for the circumstances above set forth, I would heartily endorse you and urge your appointment. I have no doubt that you would fill the place with credit to you and the community. If you are inducted into office, you will have my best wishes for continued success. But until the postal authorities announce publicly that the merit system no longer applies in the selection of postmaster, I shall continue to urge the reappointment of Mr. Fuhlrodt.

Sincerely yours,

EDWARD R. BURKE,
United States Senator.

Mr. President, that is all I care to say on this subject. It seems to me a clear case in which all the elements of decency, fair dealing, and living up to our protestations, require us to reject this nomination. I trust the Senate may take that action. I am very sure that if it should be taken it would result in the perpetuation in office of a most efficient postmaster.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 258) to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2627) to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960) extending the classified executive civil service of the United States; insisted upon its disagreement to the amendments of the Senate to the bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RAMSPECK, Mr. RANDOLPH, Mr. FRIES, Mrs. ROGERS of Massachusetts, and Mr. REES of Kansas were appointed managers at the further conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7283) for the relief of Frank Hall.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills of the House:

H. R. 9972. An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes; and

H. R. 10094. An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes.

FRANK S. PERKINS

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr.?

Mr. NORRIS. Mr. President, I have not been consulted about the appointment of a postmaster at Fremont, Nebr. I was not expecting to be consulted. I did not want to be consulted. However, I think I ought to say something in regard to this question, because I have had a great amount of correspondence from Fremont in regard to it.

I was very much interested in the law which we passed at the last session to take postmasterships out of politics. I have always believed in it, and I think I have been consistent since I have taken that attitude. It seems to me I ought to state frankly how I feel about the matter.

I think it can fairly be stated—so far as I know, there is no denial of the statement—that both these men, together with the man who stood third on the list, are amply qualified. They are competent, able, honest, respectable citizens of Fremont. I think I can say the same thing about the Democratic national committeeman at Valentine, who, until he resigned one of the positions a year or so ago, was both Democratic national committeeman from the State and

chairman of the State democratic committee. He had held those offices for some time. He is a very fine gentleman. I think he is perfectly conscientious. In my judgment he is trying to do the best he can, particularly for his party.

I have received a great many letter from persons whom I know in Fremont. Some are Republicans, some are Democrats, and with respect to others I do not know their political affiliations. Many persons have written me, and many of them have seen me in my office, in regard to this appointment.

I think I was somewhat interested in the matter because originally Mr. Fuhlrodt was appointed to office, and reappointed afterward, at the suggestion of a Member of the House from that district for whom I had an extremely high regard, although we were not of the same political party. I knew him and his family well. I was well acquainted with his wife. The man to whom I refer is now dead. I received a letter from his wife asking that Mr. Fuhlrodt be reappointed.

I have received so many letters in regard to the matter from persons of influence and standing that I felt it was my duty to write to the Post Office Department and tell the Department how I felt, not particularly about this post-office matter, but about any post-office matter. I think Mr. Farley, the head of the Post Office Department, knew my attitude. I told him that I was a warm supporter of the law which we enacted at the last session of Congress providing for eventually getting post-office positions out of politics, and that I had done everything I could to obtain favorable consideration of the measure by the committee and to bring about its passage; that while I was not satisfied with the results of it I thought it was a wonderful step in the right direction, and that in time it would put the Post Office Department practically on a merit basis. That time would come when all the then postmasters should have served out their terms of office, and appointments should have been made under the new law. That law provided for the appointment of postmasters for an unnamed term, practically an appointment for life, after civil-service examination and as to post offices in which the positions were already filled at the time of the enactment of the law, it was provided that when the terms of the incumbents expired the Post Office Department might do one of two things. First, it might give the postmaster holding office a noncompetitive examination, and then, if he passed the examination, appoint him under the new law without term. If the Department did not want to follow that practice, the law gave it the right to hold competitive examinations, as had been done before, and provided that an appointment then should be made of one of the three highest persons on the list.

I should have liked the law better if the latter part of it had been stricken out; but it brought about eventually, in 4 years' time, a complete reorganization of the Post Office Department, and took it out of politics, as I understood; and I wrote to the Postmaster General to that effect. I had written the same thing, in substance, in other cases which had been brought to my attention in such a way that it seemed to me I had to do something in regard to them.

I think, although I do not know this—but the result came out that way—that Mr. Farley followed the advice of the Democratic National Committeeman of Nebraska. He wrote me about the matter, and when he was in the city he came to see me about it. He was very strongly in favor of the appointment of the man whose name has been sent in. While I told him in substance what I have now told the Senate, and wrote in substance to a great many persons who had written me about the matter that I thought the Department ought to take the course of holding noncompetitive examinations, that that was the real spirit of the law as I construed it, I said the law specifically gave the Department the right to pursue the course they pursued in this instance.

Since the appointment was made I received letters from the same persons who were friendly to Mr. Fuhlrodt, and I then said I would not have done what Mr. Farley has done. I would not have taken that course, and I frankly said so. I still think so. I think the right way to carry out the spirit of the law would be to hold noncompetitive examinations. I have always believed in it; and there are no exceptions, as far as I know, in my case. Whenever it has seemed proper for me to express that opinion I have expressed it in one way or another, as best I could. I said, however, "The Post Office Department has done what the laws of Congress specifically provide it may do. It may take a course that will not result in holding a noncompetitive examination, and hold the old kind of an examination, and then select one from the three highest persons on the list."

That is what the Post Office Department did. If I had been conducting the Post Office Department, I would not have done that, but I concede that they had a right to do what they did; and they made this selection. They have appointed a good man. So far as I know, he is perfectly qualified for the place. If the rejection of this nomination would automatically bring about the appointment of the other man, I should feel more like voting to reject the nomination; but if we should do that it would not put Mr. Fuhlrodt into office. Every time we create a feeling, here or elsewhere, that we have taken certain action because the Departments have not followed the suggestion of some Senator, it gives rise to friction; and it is doubtful in my mind whether the Department would reappoint Mr. Fuhlrodt if we should reject this nomination. I have no knowledge whatever on that subject; but the more excited and worked up about it we get, the more apt the Department would be to drift away from him.

As a Senator, when an appointment is made, I have felt that it is not a sufficient reason for me to vote against the confirmation of the appointment, because I would have appointed somebody else instead of the man who has been named. If the appointee fills the bill, if the law has been complied with in making the appointment, and he is efficient, I consider it my duty as a Senator to vote for his confirmation, without regard to either one of the great political parties and without regard to all this falderal that you Democrats and the Republicans also, when they were in power, always had about politics. You do not recommend the top man on the list if he is not your friend. The Senators on this side of the Chamber did not do it. I would not have done it if I had had an opportunity. It is human nature to put in office somebody who will help you when you need help; and this idea of having three persons on the list was just a method by which you let politics get into the appointment of postmasters.

I understand that for a time, at least, under Woodrow Wilson, the top man was appointed. That rule, I think, was set aside by President Harding.

Mr. McKELLAR. It was.

Mr. NORRIS. He said, "Appoint from the three highest." What does that mean? Every Senator knows what it means. We all know what it means. We all know what you Democrats right here, listening to me, have done under that rule. My colleague [Mr. BURKE] did the same thing. I do not find fault with him for it. That is your business—not mine. You have not followed the rule of appointing the top man. You followed the rule, as a general thing—I do not say that it is always done; I do not mean to say that you disregard qualifications, or anything else—but, everybody being qualified, you pick the fellow who is the best friend to you. That is human nature. That is natural. It always has been true, and if you make that kind of a rule it always will be true.

We in the Senate cannot appoint anybody. We cannot name a postmaster. What some Senators want, it seems to me, if they are consistent, is to change the Constitution of the United States and turn over the appointment of postmasters to Senators. That might be an improvement. I do not think it would be, but when I hear the argument made as it always is made every time this question comes up, I know there are many persons who think it would be an improvement to take the power of appointment away from the President, and let Representatives or Senators have the obligation and the duty of appointing postmasters. If you ever did, you would not stay here more than one or two terms, anyway, because in my judgment the patronage that you have and which you love so well has defeated more good men for office, more Members of the House and more Senators,

than any other one thing connected with the Government service.

I do not mean to be harsh. I think I am telling the truth. I think it will be admitted that I am.

I am responsible only for my own vote, but I feel that when an appointment is made, whether I like it or not, if the appointee possesses the qualifications for the office, I am honor bound to vote for his confirmation, especially in view of the theory that if I vote against confirmation I will get someone else who, I think, should have been appointed put into the office. I think that is illogical. It seems to me to be wrong. As I see it, it is not the duty of a Senator or Member of the House of Representatives to take that kind of a position, because the Constitution of the United States places the power of appointment somewhere else, and the man in whom it is placed we all know cannot give consideration to individual cases.

I do not know that the President of the United States now knows that there is a vacancy in the office of postmaster at Fremont. Perhaps he knows all about it, but I am inclined to think he does not know anything about it. Mr. Farley was handling the matter and I suppose he followed the advice of a man for whom I have a very high regard, the Democratic national committeeman at Valentine, Nebr., and he made this recommendation.

I told this national committee just exactly how I felt about a matter that I did not think the right course was taken by the Post Office Department, but I admitted they had a right to take it, and they have taken it, and, so far as I am concerned, I deem it my duty to vote for the confirmation of this appointee, not because I would have appointed him—because I would not have done so if I had had the power—but because it is admitted that he is qualified and competent, and because if I should succeed in having him rejected I would not get the man I think they should have originally appointed.

Mr. BARKLEY. Mr. President, I do not wish to detain the Senate at this late hour in discussing this postmastership. I have not talked to anyone in the Post Office Department about it, I have not talked to the President about it. I do not know anything about what the President's views are in the matter, or whether he has any with regard to it, or whether he knows anything about it. Postmasters usually are appointed by the President, and a mimeographed list of those who have been picked by the Department is sent to the Senate.

Mr. BURKE. I think we could go even further than the statement which has been made in absolving the President. I would be willing to say that not only does he not know that there is any controversy at Fremont between Mr. Fuhlrodt and Mr. Perkins, but I should be willing to say that, except for the fact that the President is a great biographer, I would even doubt that he knows there is a town of Fremont, Nebr. Certainly nothing I have said would indicate that I thought the President knows anything about this controversy at all, and I am sure he does not.

Mr. BARKLEY. I assume that to be true. I would not even mention the matter except that it has been brought to my attention by a man in Nebraska upon whose recommendation I suppose the appointment was made—Judge Quigley.

Mr. NORRIS. I suppose that is true.

Mr. BARKLEY. I presume that is the case. He is the national committeeman, and has been for a long time, and was for years chairman of the State Democratic Committee. I know him very well, and I have a very high regard for him. I recall that 6 years ago I was campaigning in Nebraska, and I was happy to do it for what little service I could render the junior Senator from Nebraska, who was then a candidate. Judge Quigley was very active in the campaign on behalf of the Senator from Nebraska. I presume in the recent campaign the Senator from Nebraska and the national committeeman differed. Judge Quigley—he was a judge out there for a good many years—is a very high-class man. No one doubts that. He is a very loyal administration Democrat. I do not think anyone can dispute that.

When this matter arose I presume—and I get this only by inference—that the Department, it may have been Mr. Farley, it may have been Mr. Howes, or someone else, asked Judge Quigley for his recommendation. I am merely assuming that; I do not know it to be so.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BURKE. On January 3, 1940, when I returned to Washington, one of the first matters that required my attention was the notification by the Post Office Department that the term of the Fremont postmaster would expire some 60 days after that, and suggesting in the regular form that if I desired to have the incumbent reappointed, that could be done by a noncompetitive examination, but that if an examination was to be held, a request be made for it. I at once wrote to the Department, recommending that Mr. Fuhlrodt be reappointed.

The primary in Nebraska came on the 7th of April, and sometime between January and the 7th of April it had been decided that the recommendations I made were not to be considered. I not only assumed Mr. Quigley made the recommendation, but I had a letter from Mr. Donaldson stating that Mr. Quigley was the man to whom they were looking in these matters.

Mr. BARKLEY. Reference has already been made to a former Representative, Dan V. Stephens, who lived in Fremont. I served in the House of Representatives with Representative Stephens, we were on the same committee, and I think he and I enjoyed an intimate friendship that was as close as the friendship enjoyed between me and any other Member of the House of Representatives. He finally retired, I think voluntarily, and until his death a year or so ago he and I kept up more or less frequent correspondence, so that I had great respect for anything that Dan Stephens did or recommended, because he was a very high class man.

I speak of the situation only because it has been brought to my attention. I have a letter here addressed jointly to the Senator from Tennessee [Mr. McKELLAR], chairman of the Committee on Post Offices and Post Roads, and to me, in which Judge Quigley points out the situation in this case. It seems to me that, as the senior Senator from Nebraska [Mr. NORRIS] has emphasized, and as I have intimated in an inquiry of mine a little earlier, the only point before us really is whether this appointee is a man of character and intelligence and is qualified for the office.

I have no information about what would happen, as to who would be appointed, if we should reject this appointee, but I suppose that if the Department was not willing to reappoint the present postmaster in the first instance, we would not have any particular right to assume that it would be more anxious to do so later.

There is nothing in this letter that is offensive to the Senator from Nebraska, and in order that Senators may have the picture just as Judge Quigley sees it, if the Senator from Nebraska has no objection, I think the letter should be read.

Mr. BURKE. The Senator was kind enough to let me see the letter, I have read it, and while I may comment upon it, I have no objection to it being read.

Mr. BARKLEY. I ask that the clerk read the letter at the desk in order that the man who made the recommendation, and upon whom reliance is had by the Department as their adviser, may state the situation as he sees it, for the benefit of the Senate.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

DEMOCRATIC NATIONAL COMMITTEE,
Valentine, Nebr., September 26, 1940.

Hon. ALBEN W. BARKLEY,
United States Senate, Washington, D. C.

Hon. KENNETH MCKELLAR,
Chairman, Post Office Committee, United States Senate, Washington, D. C.

Re: Fremont, Nebr., post office.

MY DEAR AND ESTEEMED FRIENDS: The Nebraska press reports that Senator BURKE intends to demand a separate vote on the nomination of the Presidential nominee, Frank S. Perkins, as postmaster at Fremont, Nebr. The press reports and quotes Senator BURKE as saying that he intends to make an issue of this nomination, that is,

that he will not personally object to confirmation but he is going to speak upon the violation of the intent of the present law appointing postmasters.

Obviously, his intent to attack the party leaders of Nebraska on that score is to furnish campaign ammunition for his present bedmates. Since his repudiation by the democracy of Nebraska last spring, he has become more bitter than ever toward the President, the Democratic policies, and the Democratic leadership of this State. All that he now wants to do in the few remaining months of his public career is to use his high office to hurt his former party and those of us who made it possible for him to be in the United States Senate. It is a regrettable situation. With great ability and much courage, if Ed could have seen the light or restrained his bitterness, voted as he pleased without hatred, he might have been a Senator for many years. I have only personal sorrow, since in a humble and small way I was somewhat responsible for his political career.

If he makes the speech that the press says he is going to make, there should be an answer. I wish to give you some facts that can easily be corroborated by inquiry at the Post Office Department. If it is now wrong to recommend a No. 2 eligible or if it has always been wrong to ask for open, competitive examinations, then Mr. BURKE is just as guilty as I am, save in this Fremont post-office matter. For several years we worked in harmony. My files and records disclose, and they are provable at the Post Office Department, that we often joined in recommending open competitive examinations, and that we often recommended another than the No. 1 eligible. The instances are too numerous to recount or mention, but the most recent case might be of some value now if a reply is made to his speech based upon his new convictions.

SOUTH SIOUX CITY, NEBR., POST OFFICE

In July 1939 the Senator requested an open competitive examination. The result was announced in May 1940. The No. 3 eligible was Ralph P. Kilzer. The No. 1 eligible was Ransler M. Hefner, the postmaster. The Senator recommended Kilzer. His nomination was submitted to the Senate in August 1940 and some time during the last week of August 1940 it was confirmed.

While the Kilzer nomination was awaiting confirmation, or perhaps on the very day of confirmation, on August 26 the Senator wrote a letter to Mr. Perkins at Fremont stating that he was qualified to be postmaster, that he had much personal affection for him, but that he was making it a rule and guide to stand by and recommend a No. 1 eligible. This letter was given to the press of Nebraska during the very week that he was promoting the confirmation of Mr. Kilzer.

Do you suppose that this recent conversion of the Senator to this new point of view and the fact that he has announced to the Nebraska people that he is going to speak upon the subject is influenced by his advocacy of the Republican ticket? It might be so construed. All men should be consistent, even Senators of the United States. I cannot help but view with suspicion this sudden change of attitude on the part of Mr. BURKE. The intent of any law is as expressed therein. The law has been carefully and properly followed. In all things, those who give should be able to take.

Assuring you of my continued esteem, and with all good wishes, I am,

Most sincerely yours,

JAMES C. QUIGLEY,
National Committeeman.

Mr. BURKE. Mr. President——

Mr. BARKLEY. Mr. President, before the Senator speaks I wish to make a statement with respect to another phase of the matter, namely, the operation of the civil-service law in the appointment of postmasters. I realize the force of what the Senator from Nebraska [Mr. NORRIS], the Senator from Tennessee [Mr. MCKELLAR], and others have said in support of the theory that the No. 1 man on the list should always be appointed without exception, but that rule has not applied in the appointment of any other civil-service employees of the Government of the United States. It is true that President Wilson during his Presidency issued an Executive order requiring examination and that the No. 1 eligible be appointed. It is entirely likely that under that order Mr. Fuhlrodt was appointed by President Wilson during his Presidency, though I am not certain about that; but as we know, the order was changed later to require that the examination should be held, but that any one of the three on the eligible list might be appointed. That is the rule which applies in connection with all Government employees in the civil service. If there is a vacancy of a clerkship or a stenographic position in a department, the Civil Service Commission certifies three eligibles, and any one of those three may be appointed.

It was natural that Congress in framing the law governing the appointment of postmasters should do the same thing, that is, provide for the appointment of any one of the three on the list. I suppose most of us have recommended others than the first one on the eligible list. I know I have, and I know others have. It may be wrong that we should be talked to about it, or receive any letters or recommendations with respect to it, but from time immemorial under all administrations the courtesy has been accorded to Members of the House to be consulted in the matter of the appointment of postmasters if they were members of the party in power, and that has been true regardless of party.

In a district in any State where there is no Representative who is a member of the party in power, the Senators have been consulted, if they happened to be of the party in power, and that applies to all parties in all administrations. I suppose all of us, in looking over lists of three, have undertaken to inquire among the people of the community and our friends, or if we had knowledge, have consulted our own knowledge, to determine which one of the three would be the most desirable postmaster. I know that in my rather infrequent consultations with respect to postmasters in my State—there being only one district which is not represented by a Democrat—I have now and then been asked to make a recommendation, and I have made it. I have not stuck to the rule of recommending the first one on the list. There are frequently reasons why that should not be done. I do not think we are bound to do so, and I do not think it was intended that we should be bound to do so. Otherwise we would not have provided that a recommendation could be made of any one of the first three on the list.

In the present case we have the nomination of a man against whom no one can say anything regarding his character or his qualifications, and regardless of the disappointment which may be caused the Senator from Nebraska and, no doubt, to the postmaster himself over his failure to be reappointed, the Senate should confirm the nomination of Mr. Perkins.

Mr. BURKE. Mr. President, let me assure the Senator from Kentucky that it will not be a matter of personal disappointment to me whatever action the Senate may take in the matter. I have no interest whatever in the Fremont, Nebr., post office, political or otherwise, and I am doing here today what it clearly seemed my duty to do, to call to the attention of the Senate, in as short a time as I could, the essential facts as they exist at Fremont.

I should like in a word to clear up the apparent misunderstanding under which the Senator from Kentucky is laboring, and also Judge Quigley, as is apparent from his letter. I do not take my stand here now and say that the Senate must confirm only the No. 1 man on the eligible list. As the Senator from Tennessee pointed out, and I agree with him, I think that would be real civil service; but that is not the law, and it is not upon that ground at all that I take my stand here.

I mention the fact that Mr. Fuhlrodt was No. 1 on the list only as further corroborative evidence of the contention I was making that he lives up to the statement made about him by the postal inspector, as being an outstanding postmaster whose office is held up in all the territory as being a model of efficiency. I do not mean to say that any Senator who has sometimes selected the No. 2 or No. 3 man on the list is subject to any criticism because of that fact, for when the reasons seemed to justify it I have done that myself.

In the letter from Judge Quigley, which I was very glad to have read, although it seemed to me it did not further the cause of the position taken by the majority leader, I noted that he stated that a man in public life ought to be consistent. I could refer him to the Senator from Arizona [Mr. ASHURST] for an argument on that point; but, in any event, we would all agree that a man who makes a statement in a letter addressed, as this was, to the majority leader of the Senate, ought to know the facts.

It is not a matter of great importance, and I cite it only to show how much credence should be placed on anything in it; but in his letter Judge Quigley says that I wrote a letter to Mr. Perkins, and in it I justified my position in not supporting

him on the ground that he was not No. 1 man on the list, and that I felt I ought to support the No. 1 man on the list, and then he goes on to point out the case in which I was inconsistent. The only letter I have written to Mr. Perkins I read in full here a moment ago, and anyone who heard it will recall that I said nothing of that kind whatever. I read the letter completely, from start to finish. I told Mr. Perkins that, good citizen as I thought he was, I felt that Mr. Fuhlrodt should be reappointed, because that was the only way to carry out the spirit of the civil service—to keep on the job a good man, who has been giving good service, and not at all because he was No. 1 on the list.

So long as the political element has been brought into this matter by bringing in the national committeeman and his letter, I should like to read a short news items from the Omaha World-Herald of February 11, 1940:

FREMONT IN TANGLE OVER POSTMASTER—VETERAN REPUBLICAN, DEMOCRATIC CHOSEN, MAY BE SUPPLANTED

Fremont Democratic leaders are stymied over the appointment of a postmaster.

They've been in a stew over it for weeks, but their troubles came to a head Friday when National Committeeman James C. Quigley told County Chairman Arthur C. Sidner flatly that the appointment will have to go to a Democrat—or else.

"I'd be violating the confidence of every Democrat in the State as well as the party trust," Quigley was quoted here as having told Sidner.

Sidner is the Democratic county chairman, who recommended the appointment of Mr. Fuhlrodt this year, as well as 4 years ago, joining with former Democratic Representative Dan Stephens.

Here's what the Fremonters are up against: Some time ago the county central committee recommended Frank W. Fuhlrodt, who received his first appointment from Democratic President Woodrow Wilson, but has always been registered as a Republican.

He stayed on through the Harding, Coolidge, Hoover, and Roosevelt administrations.

"SERVICE OR POLITICS?"

"It's just a case of merit, qualification, and satisfactory service being given consideration over ward politics," Sidner explained today.

"The people of Fremont, Democrats and Republicans alike, think Fuhlrodt deserves to continue as postmaster."

As a matter of practical politics, Sidner added, some local party leaders believe the party will gain in public confidence and popularity if qualifications and service are given first consideration.

The same question was raised over recommendation of Fuhlrodt 4 years ago. It was made an issue in the selection of the county central committee. Fuhlrodt's supporters won a vote of confidence then, so felt they were justified in recommending him again.

BURKE BACKS REPUBLICAN

The recommendation was submitted some time ago to Senator EDWARD R. BURKE, who has put his okeh on the county committee's election, forwarded it to Postmaster General Farley.

But, Sidner explains, it seems that National Committeeman Quigley's endorsement also is required by the Postmaster General before a name is submitted for Senate approval.

Friday, Sidner came to Omaha to go over the problem again with Quigley. With "no" for an answer he returned to Fremont, where today he said a new poll may be taken of the county central committee members.

"If they figure there's no use trying to buck Quigley, they may decide to throw the whole thing open to an examination of applicants," he explained today.

However, they did not decide to do so.

I read also a short editorial, following the news item by a few days. The editorial appeared in the Omaha World-Herald of February 13. I read this for the particular edification of my distinguished colleague [Mr. NORRIS], whose stand upon this matter is a great disappointment to me, as I am sure it will be to every lover of civil service in the entire country when his position is known.

FREMONT'S POSTMASTER

Sometime the politicians will have to decide whether postal employees are chosen for their ability to carry the mail or carry a torch.

A lot of people up in Fremont would like to know.

Frank Fuhlrodt has been their postmaster since the Wilson administration. Although nominally a Republican, he was appointed by a Democratic President and has served since under both Democrats and Republicans.

When his term expired recently the county Democratic committee recommended his reappointment. So did Senator BURKE. But National Committeeman Quigley, whose approval also is necessary, said no. He said Mr. Fuhlrodt's record didn't have anything to do with it. He said the appointment would have to go to a practicing Democrat, and that's all there was to it.

Now the whole thing is up in the air and nobody knows whether the job will go to a man who knows how to run the post office or somebody who knows which ballot to ask for on a certain Tuesday morning. The deadlock might go on for years and for all we know the folks in Fremont eventually may have to buy their stamps in Hooper.

Mr. President, one argument has been made which seems to me to be wholly lacking in merit. It was indicated by the Senator from Kentucky [Mr. BARKLEY] and by my colleague [Mr. NORRIS] and others. They see no reason for voting against Mr. Perkins because they say that such a course would not insure that Mr. Fuhlrodt would continue on the job. At least my colleague, as I understood him, said that if he could be sure that by rejecting Mr. Perkins, Mr. Fuhlrodt would be continued as postmaster, he might vote to reject the nomination.

We argued that question a few moments ago. It seems to me as clear as clear can be that Senate action rejecting the nomination of Mr. Perkins would mean exactly that. Certainly Mr. Fuhlrodt would continue to serve as postmaster until some other name might be submitted later; but since it has been made clear that no one is objecting to Mr. Perkins on the ground of lack of qualifications, the clear issue before the nominating authorities would be whether or not they wanted to respect the opinion of the Senate that efficiency and merit should be the sole test in determining what should be done. I have not the slightest doubt in the world that if the Senate today or tomorrow should reject the nomination of Mr. Perkins, when Congress should return in November it would have before it the name of Mr. Fuhlrodt for confirmation.

Let me say to the Senator from Indiana [Mr. MINTON] and others Senators who may be primarily interested in the political aspect of the matter that I think there would be no better way to stick a dagger in the back—if I may use a famous expression—of those who want to be the friends of this administration and give it credit for speaking the truth when it advocates civil service than to vote, in the light of the facts presented here, to confirm Mr. Perkins. A vote to confirm Mr. Perkins cannot be dissociated from a vote to oust Mr. Fuhlrodt. Any Senator who votes to confirm Mr. Perkins by the same token will be voting to oust a man who the chief post-office inspector says has been a model postmaster for more than 20 years, a man who is now rated, as the result of examination, at almost 100 percent, and whose reappointment and continuance in office are desired by the overwhelming majority of the patrons of that office.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr.? (Putting the question): The Chair is in doubt. Those in favor of confirming the nomination will rise and be counted. [A pause.] Those opposed will rise and be counted.

Mr. BURKE. I ask for the yeas and nays; and, preliminary to that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The nomination is confirmed.

Mr. BARKLEY. Mr. President, I have no desire to produce a quorum at this late hour. We will let the matter go over until tomorrow if that is satisfactory to the Senator from Nebraska.

Mr. BURKE. Certainly.

Mr. BARKLEY. I suggest that we let the matter go over until tomorrow. We will try to have it disposed of the first thing.

Mr. AUSTIN. Mr. President, a parliamentary inquiry. Was the suggestion of the Senator from Kentucky acted upon that this matter go over until tomorrow? I could not hear the ruling of the Chair.

Mr. BARKLEY. I inquire of the Chair what the parliamentary inquiry was.

Mr. AUSTIN. The inquiry was whether the Chair ruled upon the request of the Senator from Kentucky that this matter go over until tomorrow.

Mr. BARKLEY. It was not a matter of unanimous consent. The matter may go over, and will go over unless we act on it today.

Mr. BURKE. I have suggested the absence of a quorum; but I am perfectly willing to withhold that suggestion if the matter may go over.

Mr. BARKLEY. The Senator from Nebraska suggested the absence of a quorum. I did not want to put the Senate to the trouble of having a quorum at this late hour this afternoon, so I suggested that it go over.

The PRESIDING OFFICER. The present occupant of the chair will state that he did not hear the request of the Senator from Kentucky. He put the question as to the confirmation. The vote was counted, and the Chair announced that the nomination was confirmed.

Mr. BURKE. Mr. President, before any announcement was made from the Chair——

Mr. BARKLEY. I did not hear the Chair's announcement.

Mr. BURKE. Before any announcement was made, I asked for the yeas and nays, and suggested the absence of a quorum.

Mr. BARKLEY. It is entirely agreeable to have the matter go over until tomorrow.

The PRESIDING OFFICER. The Chair did not hear the Senator from Nebraska, and had not the faintest idea that he made that sort of a request.

Mr. BARKLEY. It is not necessary to ask unanimous consent. I could dispose of the whole matter by moving to take a recess now; but there are one or two other things which would go over if we should not pass on them today. In view of the situation and the lateness of the hour, and the fact that the Senator from Nebraska wants a quorum and a roll call, I think the nomination had better go over.

Mr. CONNALLY. Mr. President, a parliamentary inquiry: Is it not true that since the point of no quorum has been made, the Senate cannot proceed with any other business unless it is agreed that the Senator from Nebraska may withdraw the point of no quorum?

Mr. BURKE. I am willing to withdraw it.

Mr. BARKLEY. I suggest that the Senator withdraw it.

Mr. BURKE. I shall be very glad to withdraw it; but I should like an understanding about the statement made by the Chair that the question was put, and confirmation was ordered.

Mr. BARKLEY. I did not hear the announcement. If it was so announced, I ask that the announcement be vacated, in order that we may have a yea-and-nay vote on the nomination tomorrow.

Mr. KING. I desire to say that I counted the votes, too.

The PRESIDING OFFICER. The Senator from Kentucky asks that the announcement be vacated, and that the matter go over until tomorrow. Without objection, it is so ordered.

Mr. BURKE. I now withdraw the request for a quorum.

Mr. BARKLEY. Does that complete the Executive Calendar?

The PRESIDING OFFICER. It does.

IN THE ARMY

Mr. MINTON. Mr. President, earlier in the day the senior Senator from Texas [Mr. SHEPPARD] reported favorably, from the Committee on Military Affairs, sundry nominations for promotion or transfer in the Regular Army. These nominations are of routine character and because of the large number and the large amount of printing involved, I ask unanimous consent for their present consideration and confirmation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana? The Chair hears none. Without objection, the nominations are confirmed.

Mr. MINTON. Mr. President, I ask unanimous consent that the President be at once advised of these confirmations, and that the names of the persons confirmed be not again printed, but that proper reference be made to the pages of the CONGRESSIONAL RECORD on which their nominations appear.

The PRESIDING OFFICER. Without objection, that will be done, and the President will be notified.

Mr. BYRD. Mr. President, I ask the Senator from Indiana whether his request includes the Reserve officers as well as the Regular Army officers.

Mr. MINTON. As I understand, these are only nominations in the Regular Army.

SUSPENSION OF CIVIL LIABILITIES OF CERTAIN PERSONS IN THE ARMED FORCES

Mr. OVERTON. Mr. President, as in legislative session, I submit the conference report on Senate bill 4270, and ask unanimous consent for its immediate consideration.

Mr. AUSTIN. Mr. President, what is the bill on which the report is submitted?

Mr. OVERTON. This is the conference report on the soldiers' and sailors' civil relief bill, on which the Senator from Vermont was a conferee. There was very little difference between the bills passed by the Senate and by the House, and such differences as there were have been adjusted by unanimous agreement on the part of the conferees.

Mr. AUSTIN. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the Soldiers' and Sailors' Civil Relief Act of 1940.

"ARTICLE I—GENERAL PROVISIONS

"SEC. 100. In order to provide for, strengthen, and expedite the national defense under the emergent conditions which are threatening the peace and security of the United States and to enable the United States the more successfully to fulfill the requirements of the national defense, provision is hereby made to suspend enforcement of civil liabilities, in certain cases, of persons in the military service of the United States in order to enable such persons to devote their entire energy to the defense needs of the Nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified over which this act remains in force.

"SEC. 101. (1) The term 'persons in military service' and the term 'persons in the military service of the United States,' as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term 'military service', as used in this Act, shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms 'active service' or 'active duty' shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

"(2) The term 'period of military service', as used in this Act, shall include the time between the following dates: For persons in active service at the date of the approval of this Act it shall begin with the date of approval of this Act; for persons entering active service after the date of this Act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Act ceases to be in force.

"(3) The term 'person', when used in this Act with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

"(4) The term 'court', as used in this Act, shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

"SEC. 102. (1) The provisions of this Act shall apply to the United States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, including the Philippine Islands while under the

sovereignty of the United States, and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

"(2) When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

"SEC. 103. (1) Whenever pursuant to any of the provisions of this Act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, endorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

"(2) When a judgment or decree is vacated or set aside in whole or in part, as provided in this Act, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety guarantor, endorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

"ARTICLE II—GENERAL RELIEF

"SEC. 200. (1) In any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this Act.

"(2) Any person who shall make or use an affidavit required under this section, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

"(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this Act to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

"(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within thirty days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than ninety days after the termination of such service, be opened by the court rendering the same and such defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this Act shall not impair any right or title acquired by any bona fide purchaser for value under such judgment.

"SEC. 201. At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within sixty days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this Act, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

"SEC. 202. When an action for compliance with the terms of any contract is stayed pursuant to this Act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

"SEC. 203. In any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within 60 days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service—

"(a) Stay the execution of any judgment or order entered against such person, as provided in this Act; and

"(b) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this Act.

"SEC. 204. Any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this Act may, except as otherwise provided, be ordered for the period of military service and 3 months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others.

"SEC. 205. The period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action shall have accrued prior to or during the period of such service.

"ARTICLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES

"SEC. 300. (1) No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed $80 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

"(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than 3 months, as provided in this Act, or it may make such other order as may be just.

"(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed 1 year or by fine not to exceed $1,000, or both.

"(4) The Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury with respect to the Coast Guard, as the case may be, is hereby empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

"SEC. 301. (1) No person who prior to the date of approval of this Act has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment falling due during the period of such military service, except by action in a court of competent jurisdiction: *Provided*, That nothing contained in this section shall prevent the modification, termination, or cancelation of any such contract, or prevent the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties thereto, or their assignees, if such agreement is executed in writing subsequent to the making of such contract and during or after the period of military service of the person concerned.

"(2) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

"(3) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this Act unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

"SEC. 302. (1) The provisions of this section shall apply only to obligations originating prior to the date of approval of this Act and secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him.

"(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other

breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

"(a) stay the proceedings as provided in this Act; or

"(b) make such other disposition of the case as may be equitable to conserve the interests of all parties.

"(3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within three months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

"SEC. 303. No court shall stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, where said motor vehicle, tractor, or accessories are encumbered by a purchase money mortgage, conditional sales contract, or a lease or bailment with a view to purchase, unless the court shall find that 50 per centum or more of the purchase price of said property has been paid, but in any such proceeding the court may, before entering an order or judgment, require the plaintiff to file a bond, approved by the court, conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any such judgment or order should the judgment or order be set aside in whole or in part.

"ARTICLE IV—INSURANCE

"SEC. 400. In this article the term "policy' shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association; the term 'premium' shall include membership dues or assessments in such association, and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association; the term 'insured' shall include any person who is the holder of a policy as defined in this article; the term 'insurer' shall include any corporation, partnership, or other form of association which secures or provides insurance under any policy as defined in this article.

"SEC. 401. (1) The benefits of this article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form prepared in accordance with regulations which shall be prescribed by the Administrator of Veterans' Affairs. Such form shall set forth particularly that the application therein made is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of this article and by receiving and filing the same the insurer shall be deemed to have assented thereto, to the extent, if any, to which the policy on which the application is made is within the provisions of this article. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration.

"(2) The Veterans' Administration shall issue through suitable military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article and shall furnish forms to be distributed to those desiring to make application for its benefits.

"SEC. 402. The benefits of this Act shall be available to any person in military service in respect of contracts of insurance in force under their terms up to but not exceeding a face value of $5,000, irrespective of the number of policies held by such person whether in one or more companies, when such contracts were made and a premium was paid thereon before the date of approval of this Act or not less than thirty days before entry into the military service; but in no event shall the provisions of this article apply to any policy on which premiums are due and unpaid for a period of more than one year at the time when application for the benefits of this article is made or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per centum of the cash surrender value of the policy.

"SEC. 403. The Veterans' Administration shall, subject to regulations, which shall be prescribed by the Administrator of Veterans' Affairs, compile and maintain a list of such persons in military service as have made application for the benefits of this article, and shall (1) reject any application for such benefits made by persons who are not persons in military service; (2) reject any applications for such benefits in excess of the amount permitted by section 402; and (3) reject any applications in respect of contracts of insurance otherwise not entitled to the benefits of this article. Said Administration shall immediately notify the insurer and the insured in writing of every rejection or approval.

"SEC. 404. When one or more applications are made under this article by any one person in military service in respect of insurance exceeding a total face value of $5,000, whether on one or more policies or in one or more companies, and the insured shall not in his application indicate an order of preference, the Veterans' Administration shall reject such policies as have the inferior cash surrender value, so as to reduce the total benefits conferred within the face value of $5,000, and where necessary for this purpose shall direct the insurer to divide any policy into two separate policies. The said Administration shall immediately notify the insurer and the insured in writing of such selection.

"SEC. 405. No policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of this article, shall lapse or be forfeited for the nonpayment of premium during the period of such service or during one year after the expiration of such period: *Provided*, That in no case shall this prohibition extend for more than one year after the date when this Act ceases to be in force.

"SEC. 406. Within the first fifteen days of each calendar month after the date of approval of this Act until the expiration of one year after the date when this Act ceases to be in force every insurance corporation or association to which application has been made as herein provided, for the benefits of this article, shall render to the Veterans' Administration a report, duly verified, setting forth the following facts:

"First. The names of the persons who have applied for such benefits, and the face value of the policies in respect of which such benefits have been applied for by such persons, during the preceding calendar month.

"Second. A list as far as practicable of the premiums in respect of policies entitled to the benefits of this article, which remain unpaid on the last day of the preceding calendar month, which day is at least thirty-one days after the due date of the premiums, provided such premiums have not previously been so reported as in default.

"Third. A list of premiums which, having been previously reported as in default, have been paid by the policyholder or someone on his behalf in whole or in part during the preceding calendar month.

"Fourth. A computation of the difference between the total amount of defaulted premiums therein reported and the total amount of premiums paid as therein reported, after having been previously reported as in default. From this sum shall be deducted the total sum of any premiums previously reported as in default, upon policies in respect of which the Veterans' Administration has, since the date of such report, rejected an application for the benefits of this article. The final sum so arrived at shall be denominated the monthly difference.

"SEC. 407. The Administrator of Veterans' Affairs shall verify the computation of monthly difference reported by each insurer and shall, within ten days thereafter, deliver each month to the proper officer of such insurer, a certificate in the amount of the monthly difference certified in respect of each insurer. Such certificate shall be signed by said Administrator in the name of the United States, shall be in such form as the Administrator shall determine, shall be payable to the insurer within sixty days after the approval of the statement of account, as provided in section 411 hereof, and shall bear interest at a rate to be prescribed by the Secretary of the Treasury, payable with the principal. Such certificate shall not be transferred except with the approval of said Administrator and shall remain with the insurer until settlement is made in accordance with this article.

"SEC. 408. The certificate so delivered shall be held by the respective insurers as security for the payment of the defaulted premiums with interest. To indemnify it against loss the United States shall have a first lien upon any policy receiving the benefits of this article, subject only to any lien existing at the time the policy became subject to this Act, and no loan or settlement or payment of dividend shall be made by the insurer on such policy which may prejudice the security of such lien. Before any dividend is paid or any loan or settlement is made the written consent of the Veterans' Administration must be obtained.

"SEC. 409. In the event that the military service of any person being the holder of a policy receiving the benefits of this article shall be terminated by death, the amount of any unpaid premiums, with interest at the rate provided for in the policy for policy loans, shall be deducted from the proceeds of the policy and shall be included in the next monthly report of the insurer as premiums paid.

"SEC. 410. If the insured does not within one year after the termination of his period of military service pay to the insurer all past due premiums with interest thereon from their several due dates at the rate provided in the policy for policy loans, the policy shall at the end of such year immediately lapse and become void, and the insurer shall thereupon become liable to pay the cash surrender value thereof, if any: *Provided*, That if the insured is in the military service when this Act ceases to be in force, such lapse shall occur and surrender value be payable at the expiration of one year after the date when this Act ceases to be in force.

"SEC. 411. At the expiration of one year after the date when this Act ceases to be in force there shall be an account stated between each insurer and the United States, in which there shall be credited to the insurer the total amount of the certificates held as security under this article, together with accrued interest to the date of the account, and in which there shall be credited to the United States the amount of the cash surrender value of each policy lapsed or forfeited as provided in section 410, but not in any case a greater amount on any policy than the total of the unpaid premiums with interest thereon at the rate provided for in the policy for policy loans.

"SEC. 412. The balance in favor of the insurer in each case shall be certified by the Administrator of Veterans' Affairs to the Secretary of the Treasury, who shall pay to the insurer the amount thereof, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, upon the surrender by the insurer of the certificates delivered to it from time

to time by the Administrator of Veterans' Affairs under the provisions of this article.

"SEC. 413. This article shall not apply to any policy which is void or which may at the option of the insured be voidable, if the insured is in military service, either in this country or abroad, nor to any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium.

"SEC. 414. This article shall apply only to insurance companies or associations which are required by the law under which they are organized or doing business to maintain a reserve, or, which if not so required, have made or shall make provision for the collection from all those insured in such insurer of a premium to cover the special war risk of those insured persons who are in military service.

"ARTICLE V—TAXES AND PUBLIC LANDS

"SEC. 500. (1) The provisions of this section shall apply when any taxes or assessments, whether general or special, falling due during the period of military service in respect of real property owned and occupied for dwelling, agricultural, or business purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees are not paid.

"(2) When any person in military service, or any person in his behalf, shall file with the collector of taxes, or other officer whose duty it is to enforce the collection of taxes or assessments, an affidavit showing (a) that a tax or assessment has been assessed upon property which is the subject of this section, (b) that such tax or assessment is unpaid, and (c) that by reason of such military service the ability of such person to pay such tax or assessment is materially affected, no sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon an application made therefor by such collector or other officer. The court thereupon may stay such proceedings or such sale, as provided in this Act, for a period extending not more than six months after the termination of the period of military service of such person.

"(3) When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than six months after the termination of such service, but in no case later than six months after the date when this Act ceases to be in force; but this shall not be taken to shorten any period, now or hereafter provided by the laws of any State or Territory for such redemption.

"(4) Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of 6 per centum per annum, and no other penalty or interest shall be incurred by reason of such nonpayment. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

"(5) The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury shall make provision in such manner as each may deem appropriate for his respective department, to insure the giving of notice to persons in the military service under their respective jurisdictions, of the benefits accorded by this section and the action made necessary to claim those benefits in each case.

"SEC. 501. (1) No right to any lands owned or controlled by the United States initiated or acquired under any laws of the United States including the mining and mineral leasing laws, by any person prior to entering military service shall during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon or his failure to do any other act required by or under such laws.

"(2) If a permittee or licensee under the Act of June 28, 1934 (48 Stat. 1269), enters military service, he may elect to suspend his permit or license for the period of his military service and six months thereafter, and the Secretary of the Interior by regulations shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during such suspension.

"(3) This section shall not be construed to control specific requirements contained in this article.

"SEC. 502. If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed, after such entry or application enters military service, or if any person who has a valid settlement claim enters military service, the Department of the Interior shall construe his military service to be equivalent to residence and cultivation upon the tract entered or settled upon for the period of such service. From the effective date of this Act no contest shall be initiated on the ground of abandonment and no allegation of abandonment shall be sustained against any such person, unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases initiated subsequent to the effective date of this Act that the alleged absence from the land was not due to such military service. If such person is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability shall be deducted from the required length of residence, without reference to the time of actual service. No patent shall issue to any such person who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

"SEC. 503. (1) If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed or who has a valid settlement claim dies while in military service or as a result of such service, his widow, if unmarried, or in the case of her death or marriage, his minor children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or upon an application which is allowed after the applicant's death, or upon a homestead application thereafter allowed based on a valid settlement claim, and shall be entitled to receive a patent for such land. The death of such person while in military service or as a result of such service shall be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead or claim, notwithstanding the provisions of section 502 of this Act.

"(2) If such person is honorably discharged and because of physical incapacities due to such service is unable to return to the land, he may make final proof without further residence, improvement, or cultivation, at such time and place as the Secretary of the Interior may authorize, and receive a patent to the land entered.

"(3) The Act of July 28, 1917 (40 Stat. 248), is hereby repealed.

"SEC. 504. (1) No desert-land entry made or held under the desert-land laws prior to the entrance of the entryman or his successor in interest into military service shall be subject to contest or cancelation for failure to make or expend the sum of $1 per acre per year in improvements upon the claim or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in military service or during a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of his period of service and the six-months' period and any such period of hospitalization.

"(2) If such entryman or claimant is honorably discharged and because of physical incapacities due to such service is unable to accomplish reclamation of, and payment for, the land, he may make proof without further reclamation or payments under such rules as the Secretary of the Interior may prescribe and receive patent for the land entered or claimed.

"(3) In order to obtain the benefits of this section, such entryman or claimant shall, within six months after the effective date of this Act or within six months after his entrance into military service, file or cause to be filed in the land office of the district in which his claim is situated a notice that he has entered military service and that he desires to hold the desert claim under this section.

"SEC. 505. (1) The provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply during the period of his service, or until six months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in line of duty, to claims or interests in claims which are owned by a person in military service and which have been regularly located and recorded. No mining claim or any interest in a claim which is owned by such a person and which has been regularly located and recorded shall be subject to forfeiture by nonperformance of the annual assessments during the period of such military service, or until six months after the termination of such service or of such hospitalization.

"(2) In order to obtain the benefits of this section, the claimant of any mining location shall, before the expiration of the assessment year during which he enters military service, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold his mining claim under this section.

"SEC. 506. (1) Any person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may, at his election, suspend all operations under his permit or lease for a period of time equivalent to the period of his military service and six months thereafter. The term of the permit or lease shall not run during such period of suspension nor shall any rentals or royalties be charged against the permit or lease during the period of suspension.

"(2) In order to obtain the benefit of this section, such permittee or lessee shall, within six months after the effective date of this Act or six months after his entrance into military service, notify the General Land Office by registered mail of his entrance into such service and of his desire to avail himself of the benefits of this section.

"(3) This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

"SEC. 507. Nothing in this article shall be construed to limit or affect the right of a person in military service to take any action during his period of service which may be authorized by law or the regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering military service. It shall be lawful for any person while in such service to make any affidavit or submit any proof which may be required by law or the practice or regulations of the General Land Office in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command

and holding a commission in the branch of the service in which the person is engaged. Such affidavits shall be as binding in law and with like penalties as if taken before a register of a United States land office. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of sections 501 to 512, inclusive.

"SEC. 508. The Secretary of the Interior is hereby authorized, in his discretion, to suspend as to persons in military service during the period while this Act remains in force and for a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in line of duty that provision of the act known as the 'Reclamation Act' requiring residence upon lands in private ownership or within the neighborhood for securing water for the irrigation of the same, and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper.

"SEC. 509. The Secretary of the Interior shall issue through appropriate military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article except as to section 500 hereof and shall furnish forms to be distributed in like manner to those desiring to make application for its benefits, except as to said section.

"Ses. 510. (1) During the pendency of any war in which the United States may be engaged while this Act remains in force any homestead entryman shall be entitled to a leave of absence from his entry for the purpose of performing farm labor. The time actually spent in farm labor shall be counted as constructive residence, if within fifteen days after leaving his entry to engage in such labor the entryman files a notice of absence in the land office of the district in which his entry is situated, and if at the expiration of the calendar year the entryman files in that office a written statement under oath and corroborated by two witnesses giving the date or dates when he left his entry, the date or dates of his return, and the place where and person for whom he was engaged in farm labor during such period or periods of absence.

"(2) Nothing in this section shall excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law. The provisions of this section shall apply only to persons whose applications have been allowed or filed prior to the effective date of this Act.

"SEC. 511. Any person under the age of twenty-one who serves in the military service while this Act remains in force shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over twenty-one now possess under such laws. Any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service. Applications for entry may be verified before any officer in the United States or any foreign country authorized to administer oaths by the laws of the State or Territory in which the land may be situated.

"SEC. 512. Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act remains in force shall be entitled to the relief and benefits afforded by this article, if such service is similar to military service as defined in this Act, and if they are honorably discharged and resume United States citizenship or die in the service of the allied forces or as a result of such service.

"SEC. 513. The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service, shall be deferred for a period extending not more than six months after the termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service. The provisions of this section shall not apply to the income tax on employees imposed by section 1400 of the Federal Insurance Contributions Act.

"ARTICLE VI—ADMINISTRATIVE REMEDIES

"SEC. 600. Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this Act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this Act to the contrary notwithstanding.

"SEC. 601. (1) In any proceeding under this Act a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the United States Navy or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Major General Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

"That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

"(2) It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificates to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

"(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided*, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the time when this Act ceases to be in force.

"SEC. 602. Any interlocutory order made by any court under the provisions of this Act may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require.

"SEC. 603. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"SEC. 604. This Act shall remain in force until May 15, 1945: *Provided*, That should the United States be then engaged in a war, this Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter: *Provided further*, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

"SEC. 605. The provisions of section 4 of the Joint Resolution approved August 27, 1940 (Public Resolution Numbered 96, Seventy-sixth Congress), and the provisions of section 13 of the Selective Training and Service Act of 1940, shall not be applicable with respect to any military service performed after the date of enactment of this Act."

And the House agree to the same.

ELBERT D. THOMAS,
JOHN H. OVERTON,
WARREN R. AUSTIN,
CHAN GURNEY,
Managers on the part of the Senate.

A. J. MAY,
R. E. THOMASON,
JOHN M. COSTELLO,
L. C. ARENDS,
FOREST A. HARNESS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

LANDS OF THE AGUA CALIENTE OR PALM SPRINGS RESERVATION, CALIF.

The PRESIDING OFFICER, as in legislative session, laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7738) to amend the act entitled "An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public airport use, and for other purposes," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BARKLEY. On behalf of the Senator from Oklahoma [Mr. THOMAS], I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. THOMAS of Oklahoma, Mr. WHEELER, and Mr. FRAZIER conferees on the part of the Senate.

EXTENSION OF CLASSIFIED CIVIL SERVICE

The PRESIDING OFFICER, as in legislative session, laid before the Senate the action of the House of Representatives insisting upon its disagreement to the amendments of the Senate to the bill (H. R. 960) extending the classified executive civil service of the United States, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BARKLEY. Mr. President, in view of the message brought over from the House a little while ago announcing the rejection of the conference report on House bill 960, the civil-service bill, on behalf of the Senator from New York [Mr. MEAD], I move that the Senate further insist upon its amendments, agree to the request of the House for a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MEAD, Mr. BULOW, Mr. GEORGE, Mr. WHITE, and Mr. FRAZIER conferees on the part of the Senate at the further conference.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, October 8, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 7 (legislative day of September 18), 1940

APPOINTMENTS IN THE REGULAR ARMY

TO BE SECOND LIEUTENANTS WITH RANK FROM DATE OF APPOINTMENT

Cavalry

Second Lt. William Michael Delaney, Infantry Reserve.

Field Artillery

Second Lt. William Trabue, Field Artillery Reserve.

First Lt. Carl Kenneth Warren, Jr., Field Artillery Reserve.

Coast Artillery Corps

First Lt. John Bangs Corbett, Coast Artillery Reserve.

First Lt. Richard Greenwood Thomas, Infantry Reserve.

Infantry

First Lt. Robert Emmet Kennington, Infantry Reserve.

Second Lt. Rollo Clayton Andross, Corps of Engineers Reserve.

Second Lt. Denman Fowler, National Guard of the United States.

Second Lt. William Love Latta, Jr., Signal Corps Reserve.

Second Lt. Alfred Martin, Infantry Reserve.

First Lt. John Barwick Strahan, Infantry Reserve.

Sgt. Francis M. Smith, Medical Department, Regular Army.

POSTMASTERS

ALABAMA

James F. Creen, Jr., to be postmaster at Blue Mountain, Ala. Office became Presidential July 1, 1940.

Zell G. Pope to be postmaster at Bolling, Ala. Office became Presidential July 1, 1940.

ARKANSAS

Franklin Eugene Burks to be postmaster at Levy, Ark. Office became Presidential July 1, 1940.

Robert L. Cummings to be postmaster at Magazine, Ark., in place of T. W. Moore. Incumbent's commission expired July 1, 1940.

CALIFORNIA

William Budd to be postmaster at Buellton, Calif. Office became Presidential July 1, 1940.

Clarence W. Aldrich to be postmaster at El Portal, Calif. Office became Presidential July 1, 1939.

Gilbert R. Van Dyke to be postmaster at Fall Brook, Calif., in place of F. L. Williams, removed.

COLORADO

Wesley A. Simmer to be postmaster at Blanca, Colo. Office became Presidential July 1, 1940.

FLORIDA

Frank M. Walrath, Jr., to be postmaster at Keystone Heights, Fla. Office became Presidential July 1, 1940.

GEORGIA

Annie L. Pound to be postmaster at Woodland, Ga. Office became Presidential July 1, 1940.

HAWAII

Richard M. Imai to be postmaster at Olaa, Hawaii, in place of R. E. Lee, removed.

ILLINOIS

Coila C. Saunders to be postmaster at Palos Park, Ill. Office became Presidential July 1, 1940.

INDIANA

Grace A. Adrion to be postmaster at Dublin, Ind. Office became Presidential July 1, 1940.

Louis Kolb to be postmaster at Wadesville, Ind. Office became Presidential July 1, 1940.

IOWA

George Glawe to be postmaster at Farmersburg, Iowa. Office became Presidential July 1, 1939.

Edna Mulvihill to be postmaster at Salix, Iowa. Office became Presidential July 1, 1940.

Harry De Jong to be postmaster at Sully, Iowa. Office became Presidential July 1, 1940.

KANSAS

Vernon L. Miller to be postmaster at Bethel, Kans. Office became Presidential July 1, 1940.

William R. Jones to be postmaster at Reading, Kans. Office became Presidential July 1, 1940.

LOUISIANA

William N. Nelson to be postmaster at Burrwood, La. Office became Presidential July 1, 1940.

MASSACHUSETTS

Daniel Ottinger to be postmaster at North Amherst, Mass. Office became Presidential July 1, 1940.

MICHIGAN

Kathryn I. Stanley to be postmaster at Morrice, Mich. Office became Presidential July 1, 1940.

Leo L. Malcomson to be postmaster at Prudenville, Mich. Office became Presidential July 1, 1940.

MISSOURI

John W. Johnson to be postmaster at Fisk, Mo. Office became Presidential July 1, 1940.

Guy D. Maxwell to be postmaster at Irondale, Mo. Office became Presidential July 1, 1940.

Mattie E. Christie to be postmaster at Qulin, Mo. Office become Presidential July 1, 1940.

MONTANA

William M. Chapman to be postmaster at Wyola, Mont. Office became Presidential July 1, 1940.

NEBRASKA

Mina E. Anderson to be postmaster at Bristow, Nebr. Office became Presidential July 1, 1940.

NEVADA

Virginia Castillo to be postmaster at Beatty, Nev. Office became Presidential July 1, 1940.

Helen C. Thrasher to be postmaster at Gerlach, Nev. Office became Presidential July 1, 1940.

NEW JERSEY

William F. Ohnsman to be postmaster at Laurence Harbor, N. J. Office became Presidential July 1, 1940.

NEW YORK

Mildred I. Morey to be postmaster at White Lake, N. Y. Office became Presidential July 1, 1940.

NORTH CAROLINA

Bascombe N. Allen to be postmaster at Blue Ridge, N. C. Office became Presidential July 1, 1940.

Emily T. Walkingstick to be postmaster at Cherokee, N. C. Office became Presidential July 1, 1940.

Jasper J. Smith to be postmaster at Pink Hill, N. C. Office became Presidential July 1, 1940.

Dewey E. Edwards to be postmaster at Pisgah Forest, N. C. Office became Presidential July 1, 1940.

NORTH DAKOTA

Iver D. Thue to be postmaster at Stanton, N. Dak., in place of T. G. Bohrer, removed.

OHIO

Adolph E. Baker to be postmaster at West Manchester, Ohio. Office became Presidential July 1, 1940.

OREGON

Walter F. Petersen to be postmaster at Lapine, Oreg. Office became Presidential July 1, 1940.

PENNSYLVANIA

Roy D. Zimmerman to be postmaster at Cleona, Pa. Office became Presidential July 1, 1940.

Helen K. Kurtz to be postmaster at Vintage, Pa. Office became Presidential July 1, 1940.

SOUTH DAKOTA

Ruth I. Kern to be postmaster at Lake Andes, S. Dak., in place of R. C. Baker. Incumbent's commission expired June 16, 1940.

Ambrose H. Manion to be postmaster at Rosebud, S. Dak. Office became Presidential July 1, 1940.

TENNESSEE

Lucile Brown to be postmaster at Cornersville, Tenn. Office became Presidential July 1, 1940.

Lawrence Gordon Gill to be postmaster at Decherd, Tenn., in place of R. M. Austin, resigned.

TEXAS

Cora G. Tidwell to be postmaster at Avoca, Tex. Office became Presidential July 1, 1940.

VIRGINIA

Gerdena S. Pettit to be postmaster at Fredericks Hall, Va. Office became Presidential July 1, 1940.

Robert C. Smith to be postmaster at Haymarket, Va. Office became Presidential July 1, 1940.

John S. Hinegardner to be postmaster at Weyers Cave, Va. Office became Presidential July 1, 1940.

WASHINGTON

Ethel L. Baker to be postmaster at Des Moines, Wash. Office became Presidential July 1, 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 7 (legislative day of September 18), 1940

UNITED STATES CIRCUIT COURT OF APPEALS

Harvey M. Johnsen to be judge of the United States Circuit Court of Appeals for the Eighth Circuit.

UNITED STATES DISTRICT JUDGE

William J. Campbell to be United States district judge for the northern district of Illinois.

UNITED STATES ATTORNEY

J. Albert Woll to be United States attorney for the northern district of Illinois.

PROMOTIONS AND APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

(NOTE.—The names of the persons whose nominations for promotion, or transfer, in the Regular Army were today confirmed by the Senate will be found, under the caption "Nominations," in the CONGRESSIONAL RECORD of October 4, 1940, beginning on p. 13217.)

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 7, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, we wait at the altar of prayer. As we recall Thy love and mercy, let these moments be the soul's sublimest mood and its most eloquent speech. O Man of Galilee, Be Thou our teacher, our happy guest, and our quiet visitor today, always the same in heart and purpose. The wise plans which we took up with so much ardor and enthusiasm, may they not be cast aside. Those high hopes, cherished and born by such fond ambitions, those resolutions so sincerely formed, those vows which we made on bended knee, grant dear Lord that they may not be neglected, while the world holds sway round about us and they become life's sorrowing retrospect. With the spirit of a seraph, open our ears to the melodies of Nature and our eyes to catch the beatific vision: "The heavens declare the glory of God and the firmament showeth His handiwork." Every star is aflame with glory; every bush, like that at Horeb, is a tongue of fire, and the sound of many waters is the voice of the Lord. Heavenly Father, this human life, throbbing, eager, and feverish with its mingled lights and shadows, joys and sorrows, dreams and disillusions; with its pathos and laughter, is out of harmony with the divine will. O Thou who knowest the human heart, still its noblest passions until its emotions are resolved into the deeds of the Christ life. In His holy name. Amen.

The Journal of the proceedings of Friday, October 4, 1940, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On September 13, 1940 (1 p. m., eastern standard time):

H. J. Res. 602. Joint resolution to authorize Jesse H. Jones, Federal Loan Administrator, to be appointed to, and to perform the duties of, the office of Secretary of Commerce.

On September 24, 1940:

H. R. 4031. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim or claims of the Recording & Computing Machines Co., of Dayton, Ohio;

H. R. 8551. An act for the relief of Xenophon George Panos;

H. R. 10026. An act to provide for the disposition of certain photographed records of the United States Government, and for other purposes;

H. R. 10176. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 10438. An act to extend the age limits for applicants for appointment as midshipmen at the United States Naval Academy;

H. J. Res. 596. Joint resolution to authorize Commander Howard L. Vickery to hold the office of a member of the United States Maritime Commission;

H. J. Res. 445. Joint resolution to establish a Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson; and

H. J. Res. 607. Joint resolution making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1941.

On September 26, 1940:

H. R. 10361. An act to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

On October 4, 1940:

H. R. 532. An act for the relief of W. J. Hance;

H. R. 5771. An act for the relief of Louis St. Jacques;

H. R. 6230. An act for the relief of James Murphy, Sr.;

H. R. 6605. An act for the relief of Louis A. Charland;

H. R. 9688. An act to provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the act of June 23, 1938;

H. R. 9898. An act to further amend section 13a of the National Defense Act so as to authorize officers detailed for training and duty as aircraft observers to be so rated, and for other purposes; and

H. R. 10036. An act for the relief of John A. Kames.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 9654. An act to extend for an additional year the provisions of the Sugar Act of 1937 and the taxes with respect to sugar; and

H. R. 10518. An act granting the consent of Congress to the department of highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2753. An act to amend part I of the Interstate Commerce Act, as amended, with respect to the use of refrigerator cars; and

S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10539) entitled "An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10094) entitled "An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9972) entitled "An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. SHEPPARD, and Mr. JOHNSON of California to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10412) entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CONNALLY, Mr. TRUMAN, and Mr. HALE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 844. An act to simplify the accounts of the Treasurer of the United States, and for other purposes.

THE LATE HONORABLE HEARTSILL RAGON

Mr. TERRY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. TERRY. Mr. Speaker, it is with profound regret that I rise to announce to my colleagues the sudden death on September 15, 1940, of Judge Heartsill Ragon, of Fort Smith, Ark., a former member of this body and my predecessor as Representative from the Fifth Arkansas District.

Heartsill Ragon was born in Logan County, Ark., in 1885; was educated at Clarksville High School, College of the Ozarks, University of Arkansas, and Washington and Lee University. He began the practice of law at Clarksville immediately after his graduation from Washington and Lee. He represented Johnson County in the State legislature for two terms, 1911 to 1913, and he was elected district attorney for the fifth judicial district of Arkansas for two terms, 1916 to 1920.

He was elected to the Sixty-eighth, Sixty-ninth, Seventieth, Seventy-first, Seventy-second, and Seventy-third Congresses. While in the House he served on the Ways and Means Committee, ranking next to Chairman DOUGHTON, and I am informed that he was one of the leading members of that committee and wielded a powerful influence in the formation of its policies.

In the spring of 1933, Mr. Ragon resigned from Congress to accept an appointment from President Roosevelt as judge of the Federal court for the western district of Arkansas. During his 7 years' service on the bench he made an outstanding record for his knowledge of the law, and his fair and impartial handling of all litigation in his court.

I am informed that at the time of his death Judge Ragon was being favorably considered for promotion to the Circuit Court of Appeals for the Eighth United States Circuit to fill a vacancy in that court.

In 1916, Judge Ragon married Miss Mattie Smith, of Dumas, Ark., one son, Heartsill Ragon, Jr., being born to the union.

Judge Ragon was a brilliant speaker, a keen debater, and a strong advocate of whatever cause he espoused. I am informed that he had the confidence and friendship of all Members on both sides of the aisle, and it was freely predicted that his leadership qualities would have carried him far in the event he had chosen to remain in the Congress.

His family life was ideal and he was a valuable citizen in the community wherein he lived. Having been a poor boy himself and having come up the hard way, he was always untiring in his efforts to help the youth of his community. He was very active in promoting a boys' club for the underprivileged boys in Fort Smith and was mainly instrumental in the success of the drive for funds for its construction.

In the death of Judge Ragon the State of Arkansas lost a fine citizen and the United States an able judge. I am sure that the House joins with the Arkansas delegation in expressing to the members of his family its sorrow at the untimely passing of this good and great man.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, I join with the Arkansas delegation in expressing keen regret in the death of our late friend and former colleague, Judge Heartsill Ragon.

It was my pleasure as a new Member of the House 12 years ago to have an office next door to the late Judge Ragon. During the several years he was in Congress, after my election to this body, he took a very close personal interest in me, and between us there developed a strong friendship, one that I regret to see terminated by the early and unfortunate death of my late friend.

My late friend was one of the outstanding Members of this body, one of the strongest members of the Ways and Means Committee, one who loved his membership in this body, and one who made his mark in the Halls of Congress. It is with great regret that I learned of the death of my late friend, and I know that all Members in this body who served with the late Judge Ragon join with the distinguished gentleman from Arkansas [Mr. TERRY] and myself in expressing our keen regrets upon his death, and in conveying to Mrs. Ragon and to his relatives our sincere feelings of sympathy in their great loss and sorrow.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. Mr. Speaker, I wish to add a few words, on behalf of the Republican minority of the Ways and Means Committee, in tribute to the memory of the late Heartsill Ragon, of Arkansas, who was formerly an honored and valuable member of our committee.

Judge Ragon was loved and respected by all who knew him. He was a conscientious legislator, a profound student of government, and he served his country with fidelity and industry. Above all, he was a true gentleman.

Our late colleague became a member of the Ways and Means Committee at the opening of the second session of the Seventieth Congress in December 1928 and soon distinguished himself as an expert in the difficult science of taxation. When, in 1933, he resigned his seat in the House to accept appointment as a Federal judge he was one of the ranking members on the Democratic side of the committee. Had he continued in the service of this body he would be next in line for the chairmanship of that great committee and perhaps might have received even higher honors at the hands of his Democratic colleagues.

I am sure I speak for every member of the Republican minority, both of the Ways and Means Committee and of the House, when I say we are saddened by the untimely death of our late colleague, whom we had learned to love so well.

[Here the gavel fell.]

Mr. COOPER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The Speaker. Without objection, it is so ordered.

There was no objection.

Mr. COOPER. Mr. Speaker, it is a privilege to me to join with the members of the Arkansas delegation and other colleagues in raising my voice in brief tribute to the life, character, and public service of the late Honorable Heartsill Ragon, of Arkansas. It was my privilege to serve with him here for several years before his voluntary retirement, and also to be a member of the Ways and Means Committee during part of his period of service there.

He was a man who possessed the highest attributes of Christian character, all of the sterling qualities of manhood; a man of great ability, of demonstrated devotion to public service, a very accomplished legislator; a man who made an outstanding record as a Member of the House of Representatives and who later distinguished himself as an eminent jurist. I feel confident that all Members of this body join in the expression of very deep regret at his untimely passing and convey heartfelt sympathy to his widow and the members of his family.

It is with regret that our distinguished chairman the gentleman from North Carolina [Mr. DOUGHTON] is unavoidably detained and not permitted to be present at this time, as I am confident that he would like to pay tribute to Mr. Ragon and will doubtless do so at a later date.

[Here the gavel fell.]

Mr. NORRELL. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. NORRELL]?

There was no objection.

Mr. NORRELL. Mr. Speaker, I was too much of a friend of Judge Ragon in his lifetime to permit this opportunity to pass without adding something to what has already been said. In addition to being a great judge, a very able lawyer, one of the outstanding Congressmen in the Nation when he was a Member of this body, and in addition to being one of the finest Federal judges of the Nation, soon in line for promotion, he was a Christian gentleman; and I have lost a very fine friend.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BOEHNE asked and was given permission to extend his own remarks in the RECORD.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a communication from Mr. Bledsoe, a resident of Mississippi to the dean of the department of agriculture of the University of Wisconsin.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement entitled "Some Observations on the Farm Program."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McKEOGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein some valid and patriotic reasons why President Roosevelt should be elected for a third term.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a newspaper article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include in my remarks a recent ruling of the Comptroller General regarding longevity pay of the National Guard.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix of the RECORD.]

REGISTRATION OF CERTAIN ORGANIZATIONS

Mr. HOBBS. Mr. Speaker, I file a conference report and statement on the bill (H. R. 10094) to require registration of certain organizations carrying on activities within the United States, and for other purposes, for printing under the rule.

TRANSFER OF ARLINGTON FARM

Mr. JONES of Texas. Mr. Speaker, I file a conference report and statement on the bill (S. 4107) to transfer the jurisdiction of the Arlington Farm, Va., to the jurisdictions of the War Department and the Department of the Interior, and for other purposes, for printing under the rule.

EXTENSION OF REMARKS

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a Nation-wide broadcast on the subject, The Midwest and the National Defense Program, which I made from Washington, D. C., over the blue network of the National Broadcasting Co., on Saturday night, October 5, 1940.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AN INVITATION TO COLORADO

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I wish to use this minute to invite you and your friends to visit the Rocky Mountain National Park in Colorado. Colorado is the highest State in the Union, having 70 mountain peaks over 14,000 feet; skiing in winter, trout fishing and snowballing in the summer; hotel rates and cabins to suit everyone's purse.

This park was visited by 628,000 people this year, and 183,585 automobiles had checked through the park when the season closed. You can reach the park and go through, attaining elevations of 12,000 feet on hard-surfaced roads, without shifting gears.

The village of Estes Park is the principal port of entrance from the east. It has a chamber of commerce of whom Mr. L. H. Kittell is secretary. Write him to obtain literature and I am sure you will visit us.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. WOODRUFF of Michigan addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein some letters and an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KEAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article from the Atlantic City Press.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TERRY. Mr. Speaker, I ask unanimous consent that the Members of the Arkansas delegation may have 5 days within which to extend their remarks on the life, character, and public service of Judge Heartsill Ragon.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on three different subjects.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. KELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KELLER. Mr. Speaker, I simply want to call the attention of the House for a moment to the fact that I am putting in the RECORD of today's date my ideas concerning the Bridges case. I call attention to it because I am one of the few who voted against the resolution to banish Bridges. I am setting out in these extensions my personal feelings and opinions in the matter. I am doing the best I can with the aid of two splendid young lawyers in the Government service to present the legal side which I believe deserves the attention of every lawyer here, and I hope the moral support of all those who are not lawyers.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. ROUTZOHN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. ROUTZOHN]?

There was no objection.

[Mr. ROUTZOHN addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in two particulars, first on the subject of drydocks in New York, and second, on the subject of the colored race.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. ANDERSON]?

There was no objection.

[Mr. ANDERSON of Missouri addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short article from La Follette's Progressive magazine by Richard N. Newberger in reference to Wendell Willkie and public power.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD on two different subjects.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include an article from the Chicago Journal of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. GILLIE]?

There was no objection.

Mr. GEHRMANN asked and was given permission to extend his own remarks in the RECORD.

WENDELL WILLKIE AND THE STATE OF PENNSYLVANIA

Mr. GROSS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. GROSS]?

There was no objection.

Mr. GROSS. Mr. Speaker, Wendell Willkie has been through Pennsylvania and the crowds could only be estimated by the acre, but is there any wonder? Under the conscription law the President now has absolute control of the Army and Navy, absolute control of the currency and the value thereof, and control of the $22,000,000,000 of gold at Fort Knox, and the absolute control of industry. He can take over the industry of every political enemy of the New Deal without notice or court procedure. I am afraid that law is going to be enforced like the income-tax law, only on political enemies. Wallace is a still more dangerous man. Where will the President stop? Now he is calling on the people to purge Congress of all Members who do not blow through his whistle. I want to tell you that the way the people are coming out and following Wendell Willkie is evidence of how this country feels with reference to the way the President is acting. Considering or comparing the above-named powers with those of Stalin, Hitler, or Mussolini, I am asking this House what is the difference? The dictators annihilate those who have the courage to disagree. The President eliminates by the purge. When will he change his ways or his mind? [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks at this point in the RECORD.

The SPEAKER. The gentleman from Michigan [Mr. HOFFMAN] asks unanimous consent to speak for 1 minute and to revise and extend his remarks in the RECORD. Is there objection?

Mr. HOFFMAN. Mr. Speaker, the only reason I made that request was to get a definite ruling on it. I know they have been doing it all morning.

The SPEAKER. Gentlemen who speak with reference to deceased Members are the only ones who are granted that permission.

Mr. HOFFMAN. No; I did not mean that, Mr. Speaker.

The SPEAKER. No one has made that request and received that permission this morning that the Chair knows anything about. At least, if he did, his voice was so weak that the Chair did not hear him, or else the Chair would have made the same ruling he makes in the case of the gentleman from Michigan.

Mr. HOFFMAN. I am not complaining of any discrimination at all, but I just understood the gentleman from Illinois

[Mr. KELLER] to get by with that kind of a request just a moment ago.

Mr. KELLER. What request?

Mr. HOFFMAN. Extending his own remarks in the RECORD.

The SPEAKER. He did, but not "at this point."

Mr. HOFFMAN. "At this point"?

Mr. KELLER. No.

The SPEAKER. Does the gentleman from Michigan desire to address the House for 1 minute?

Mr. HOFFMAN. No. I will put it in the RECORD later in the day.

EXTENSION OF REMARKS

Mr. JENKINS of Ohio, Mr. BENDER, and Mr. SHANLEY asked and were given permission to extend their own remarks in the RECORD.

Mr. RISK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech delivered by the gentleman from Rhode Island [Mr. SANDAGER].

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. LECOMPTE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the Coast Guard magazine.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by me before the local lodge of the National Grange at Lowville, N. Y.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in two different instances on the same subject.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein several brief quotations supporting my statements.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPUBLICAN CONFERENCE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I wish to announce that immediately following the adjournment of the House this afternoon a Republican conference will be held in this Chamber, and I hope everyone can be present.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, the gentleman from Michigan [Mr. WOODRUFF], chairman of the Republican caucus, has just given notice that a Republican conference or caucus—I think a caucus—will be held this afternoon. To show that I am not unfriendly to my Republican colleagues, may I suggest to them that they consider bringing before the people the accomplishments of the Republican Party under Harding, Coolidge, and Hoover. [Applause.]

REPUBLICAN ACCOMPLISHMENTS 1921–33

I appreciate your applause. That encourages me, unless you may prefer the people of this Nation to forget, to relate some of the outstanding accomplishments during the administration of Presidents Harding, Coolidge, and Hoover. I want to recall that unforgettable period, 1921–33, when you Republicans had in your power the reigns of this Government, and the fate of our people. Those were days of the festive Harding, of silent Cal, and of the great engineer.

Here, then, are some of your Republican achievements:

First. Taxes were reduced for all burdened with incomes of $50,000 per year or more.

Second. More than $3,000,000,000 of income tax was refunded those oppressed with inordinate riches, like the Mellons, du Ponts, Rockefellers, monopolistic corporations, and others.

Third. The Smoot-Hawley tariff bill was enacted to favor home industry. Its effect was to reduce our foreign markets almost to nothing; it estranged our friends throughout South America; it disrupted the economy of continental Europe and helped bring to power Mussolini and Hitler; it bolstered our pride and brought upon us, and the world, the severest depression of all time.

Fourth. The League of Nations was wrecked. That statesman Borah and his abetters thought their wisdom of foreign affairs supreme. Unlike the insect which knows enough to emerge from its cocoon, to fulfill its destiny in this world, they cajoled us back into our shell.

Fifth. The Kellogg treaty was ratified and $100,000,000 worth of warships scrapped. The little yellow man who struts laughed and strutted bigger.

Sixth. The merchant marine, our second line of naval defense, was relegated to the scrap heap.

Seventh. Surplus naval oil was trafficked away during significant night cabals of Daugherty, Fall, and others in the little green house in Washington for the contents of a certain black bag.

Eighth. The stock exchange was encouraged to issue unheard amounts of watered paper. The wizards of finance were given governmental benediction. Like Midas, by touch, the Mellons, Whitneys, Insulls, Willkies, and their kind turned every scrap into gold certificates.

Ninth. The masses were invited into sacred fellowship of Wall Street. With camaraderie of bandits they were traded worthless engravings for savings. There was to be no end of profits—on paper.

Tenth. It was a new golden era. The abundant life flourished everywhere. Business was dying off, jobs rapidly were growing fewer. But Hoover promised a chicken for every pot and two cars for each garage.

Eleventh. The deficit was only $7,000,000,000.

Twelfth. Then the bubble broke and leadership abdicated.

Thirteenth. The financial wizards lost their heads; banks lost their assets; insurance companies lost their hautier; big business lost its arrogance; millions lost their jobs and other millions their savings; wheat, corn, and other agricultural products, cattle and hogs sold for one-fourth their present-day price, potatoes in carloads were not worth their freight; veterans were chased from Washington with bayonets; homes lost their values, soup-kitchens and bread lines became the style.

Fourteenth. And, Mr. Hoover announced:

> The emergencies of unemployment have been met by action in many directions * * * the time is ripe for forward action to expedite recovery.

He decided to—

> put some steel beams in the foundations of our credit structure

Albeit—

> we do not require more money or working capital

Because—

> our currency and bank deposits are protected by the greatest gold reserve in history * * *.

Yet, 9,000 banks were found insolvent before Mr. Hoover vacated the national ruin.

Fifteenth. Under such conditions Mr. Roosevelt took over to perform a Herculean task.

Up to now, my Republican friends have said very little about that 12-year record under Presidents Harding, Coolidge, and Hoover, but have devoted themselves to childish fault-finding with President Roosevelt's humanitarian policies. However, I must not ignore the fact that many of you gentlemen have voted for most of them, and that even your candidate for the Presidency, Wendell Willkie, has endorsed nearly all of them. However, lacking issues he has become so provoked that now he has descended to use of vulgar epithets unbecoming a Presidential candidate, and I feel it would stand him much better to stop arousing resentment on the part of the American people.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a short letter typical of many I am receiving.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ANNIVERSARY OF THE BATTLES OF SARATOGA AND KINGS MOUNTAIN

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, during this time of partisan strife and international turmoil I believe it is not out of place to call the attention of the House to the fact that today is one of the most important anniversaries in the history of this country. It is the one hundred and sixty-third anniversary of the Battle of Saratoga and the one hundred and sixtieth anniversary of the Battle of Kings Mountain.

On October 7, 1777, the Battle of Saratoga was fought. It resulted in one of the greatest victories achieved by our forces in the Revolutionary War. Strange as it may seem, the hero of that battle was Benedict Arnold, who later turned traitor to the American cause.

On October 7, 1780, exactly 160 years ago today, another great victory was won by our troops at the Battle of Kings Mountain, in which the Americans subdued the British forces under General Ferguson.

This success gave renewed hope to Washington and his followers and contributed greatly to the termination of the war at Yorktown a year later and the bringing forth upon this continent a new nation "conceived in liberty" and dedicated to the proposition that government derives its just powers from the consent of the governed. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, you have heard the statement made by the gentleman from Mississippi as to what has happened in the past.

A BENEDICT ARNOLD

Now, if we have a break-down of that traditional ideal of the American people that two terms are enough for any one President of the United States, we will not only have a third term for a President of the United States, but a fourth term, a fifth term, and maybe a sixth term. Eventually it will mean dictatorship. We do not want any "Heil Roosevelt" in America. We want a constitutional form of government here, the kind that our forefathers established; and if we have that, it will be the grandest thing that ever happened—a continuation of our form of government—freedom of speech, freedom of the press, freedom of religion. We will keep out of war. We want State rights. We want a job for all in industry. We want Willkie. Everybody wants a sound, sensible, sane, honest, business administration of the affairs of our great country, and they know it will take a man like Mr. Willkie to give us such an administration. [Applause.]

EXTENSION OF REMARKS

Mr. RANKIN asked and was given permission to revise and extend his own remarks in the RECORD.

CONTRACTS OF THE NAVY DEPARTMENT

Mr. VINSON of Georgia. Mr. Speaker, I call up a privileged report (H. Res. 614) and ask unanimous consent that the letter of the Secretary of the Navy be read in lieu of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, October 1, 1940.

The CHAIRMAN,
Committee on Naval Affairs, House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: House Resolution 614, requesting certain information from the Secretary of the Navy, was referred to the Navy Department by your committee with the request that the information called for in the resolution, if compatible with public interest, be furnished.

The resolution propounds five questions to the Secretary of the Navy. For purposes of clarity these questions are set forth in full herein, with the answer to each immediately following it:

(1) Has the Navy Department, or any official or representative thereof, entered into any contract for the construction of anything to be used in connection with our national-defense program, and especially contracts for the production of munitions of war, tanks, aircraft, artillery, including antiaircraft guns, warships, camps, cantonments, buildings, or structures of any kind, or furnishings for the same, which provides in substance, or is to the effect, that only members of a union are to be employed on such work?

The answer to this question is "No."

(2) Under any contract let by the Navy Department for any of the foregoing purposes, has any contractor or subcontractor, entered into any contract which in substance provides for the employment of only those men who belong to a designated organization?

The Navy Department knows of one such case. There are probably more, and in order to make a complete answer to this question it would be necessary to obtain information from every contractor and subcontractor of the Navy Department. The categorical answer to this question is "Yes."

(3) On any of the work above designated, has any contractor or subcontractor refused employment to any man otherwise qualified for the reason that he did, or did not, belong to a union?

(4) If, in answering the foregoing questions, it appears that men who are not members of a union have been denied employment because they were not members of a union, when they applied for work on any defense project or in any manufacturing industry which was engaged in making materials for the national defense, give three instances where men, for the reasons stated, were denied employment.

(5) If in any instance a demand has been made that only union men be employed on the work hereinbefore referred to, by whom was such demand made, and if the information is available, was the demand the result of a vote of the membership of the union, or of some official or officials of the union?

The Navy Department is unable to answer these three questions without getting in touch with every inspector on every contract.

In view of the urgency of this report there has been insufficient time to submit it to the Bureau of the Budget.

Sincerely yours,

FRANK KNOX.

Mr. VINSON of Georgia. Mr. Speaker, in view of the fact that the letter of the Secretary of the Navy gives the House the information that is now available in the Navy Department, I move that the resolution be laid on the table.

Mr. HOFFMAN. Mr. Speaker, will the gentleman withhold that a moment?

Mr. VINSON of Georgia. I withhold my motion in order to yield for a question.

Mr. HOFFMAN. This resolution asked for certain information which the House should have.

Mr. VINSON of Georgia. That is correct.

Mr. HOFFMAN. There is no question about that, is there, I will ask the chairman of the committee.

Mr. VINSON of Georgia. Not a bit. I have no objection and neither has the Navy Department, and the letter states positively that it is impossible to get the information right now. I will try to help the gentleman get the information in a more orderly time than the 7 days in which the resolution required a report.

Mr. HOFFMAN. Then I hope the gentleman will give some support to the resolution which I have introduced for the appointment of a committee to get this information because——

Mr. VINSON of Georgia. We will cross that bridge when we come to it. For the time being we have given all the information we can, and I have no objection to the Navy Department furnishing the gentleman and the House the information called for, and I think it is important information. So, therefore, Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the resolution which was just put on the table was a resolution which called for very vital and necessary information. The chairman of the committee agrees with that. The Navy cannot supply it at this particular time. The information that I asked for was whether or not American citizens are being denied an opportunity to work on the national-defense program simply because they have not paid and will not pay, a fee to some union organizer.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. VINSON of Georgia. The Secretary answered that "No." That is the very first question in the resolution that the Secretary answered.

Mr. HOFFMAN. The gentleman is in error. That was the answer to the first question, but the second question was whether they were being denied that opportunity by any subcontractor or contractors, and the Navy does not have that information. The request is broader than the first question and the answer is not "No"; it is that the Navy cannot answer—cannot give the information—and we should have it.

Mr. VINSON of Georgia. I am sure the gentleman can recognize that it is impossible for the Navy Department to get that and——

Mr. HOFFMAN. That is right.

Mr. VINSON of Georgia. We will try to cooperate with the gentleman to get that information.

Mr. HOFFMAN. But that does not do away with the necessity of that information being given to the House.

[Here the gavel fell.]

BATTLE OF SARATOGA AND KINGS MOUNTAIN

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOLLES. Mr. Speaker, I was very much interested in the remarks of the gentleman from Mississippi [Mr. RANKIN] in speaking of the Battle of Saratoga, which really won the Revolutionary War and the Battle of Kings Mountain which will stand out as one of the greatest battles and one of the finest of victories. Those victories were won by coon-skin capped soldiers, men from the fields and from the woods, and not one of them was conscripted. Every one was a volunteer. He volunteered for America to fight America's battles. [Applause.] It was not necessary, Mr. Speaker, to have a conscription law to win these historical, decisive conflicts. [Applause.]

[Here the gave fell.]

COMPENSATION OF MASTERS AT ARMS AND GUARDS AT NAVY YARDS—VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I return herewith, without my approval, H. R. 10405, Seventy-sixth Congress, entitled "An act to provide for adjusting the compensation of persons employed as masters at arms, and guards at navy yards and stations, and for other purposes." This bill proposes to raise the salaries of guard forces of the Naval Establishment by the method of allocating them by law to grades 5 to 10 in the Custodial Service in the Classification Act of 1923, as amended.

This bill is fundamentally objectionable for the following reasons:

First. It requires an increase in the rates of pay of the guard force in one branch of the Government service without applying the same increase to the guard forces in the other branches of the service.

Second. It requires the payment of increased rates of pay for one group of employees whose positions fall under the Custodial Service of the Classification Act without taking into consideration the effect of such increase upon the rates of pay for other groups of employees falling in the same category, notably the crafts and maintenance groups.

Third. The allocations to grades made mandatory by the bill do not follow the statutory grade definitions previously established by Congress in the Classification Act of 1923, as amended, but at the same time, the bill does not amend them so as to permit the Civil Service Commission in the departmental service or the departments generally in the field service to comply with the fundamental mandate of the Classification Act that equal pay scales shall be established for equal work. The bill leaves the existing grade definitions still applicable to all groups other than those coming within the scope of the bill.

Fourth. By means of allocating positions to grades by legislative action, notwithstanding the discrepancy between such allocations and the statutory grade definitions, the bill seeks to raise pay scales for a particular group. This is an undesirable method of salary scale revision. If the salary scales for guards are too low, a direct method should be followed of raising the pay scales associated with the various grade definitions in the Custodial Service of the Classification Act.

Fifth. On a number of cases I have expressed myself as not being in favor of salary legislation which would give preferential treatment to a single group of employees. Legislation of this type simply discriminates against other equally deserving groups.

For the foregoing reasons, I am constrained to withhold my approval of this measure.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 4, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. VINSON of Georgia. Mr. Speaker, I move that the bill and message be referred to the Committee on Naval Affairs and ordered to be printed.

The motion was agreed to.

BATTLE OF EUTAW SPRINGS

Mr. HARE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARE. Mr. Speaker, supplementing the statements made by the gentleman from Mississippi [Mr. RANKIN] and the gentleman from Wisconsin [Mr. BOLLES], with reference to the Battles of Saratoga and Kings Mountain, I want to say that I would not be placed in the position of disparaging in any way the patriotism, valor and heroism displayed at those two battlegrounds. But I want to say that in determining the valor of our Revolutionary heroes there was no greater

patriotism and no greater determination demonstrated in any battle of this country than that of Eutaw Springs in my State. When we read the history of this battle and see how men fought with munitions, fought with the stocks and barrels of their guns and rifles after munitions were exhausted, fought with swords, knives, and sticks when all other implements had been exhausted, and then to have General Greene say that he saw men come out of that battle as naked as they were born, proves to me that they were men who knew what liberty meant and were willing to fight for it to the last with no further hope of reward than to gain for themselves and to posterity those rights and liberties later incorporated in our Constitution. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. RABAUT, by unanimous consent, was granted permission to revise and extend his own remarks.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PASSAMAQUODDY BAY TIDAL POWER

The Clerk called the first business on the Consent Calendar, Senate Joint Resolution 57, authorizing the Secretary of War to cause a completion of surveys, test borings, and foundation investigations to be made to determine the advisability and cost of putting in a small experimental plant for development of tidal power in the waters in and about Passamaquoddy Bay, the cost thereof to be paid from appropriations heretofore or hereafter made for such examinations.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSOURI RIVER AT FLORENCE STATION IN OMAHA

The Clerk called the next bill, H. R. 7069, authorizing Douglas County, Nebr., to construct, maintain, and operate a toll bridge across the Missouri River at or near Florence Station, in the city of Omaha, Nebr.

The SPEAKER pro tempore (Mr. WOODRUM of Virginia). Is there objection to the present consideration of the bill?

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

CROP-LOAN LAW

The Clerk called the next bill, H. R. 7878, to amend the crop-loan law relating to the lien imposed thereunder, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

COMPENSATION OF SPECIAL COUNSEL FOR THE UNITED STATES

The Clerk called the next bill, H. R. 4366, to authorize the payment of additional compensation to special assistants to the Attorney General in the case of United States against Doheny executors.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

TIME OF APPOINTMENT OF PRESIDENTIAL ELECTORS

The Clerk called the next bill, H. R. 8700, to change the time of the appointment of Presidential electors and the election of Senators and Representatives in Congress.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EDMUND BURKE MEMORIAL COMMISSION

The Clerk called the next business, House Joint Resolution 307, to provide for the printing of the speeches and writings of Edmund Burke as a House document.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS

The Clerk called the next business, House Concurrent Resolution 54, authorizing the printing of a revised edition of the Biographical Directory of the American Congress.

The SPEAKER pro tempore. Is there objection?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

DESIGNATING THE PERSON TO ACT AS PRESIDENT UNDER CERTAIN CIRCUMSTANCES

The Clerk called the next bill, H. R. 9462, designating the person who shall act as President if a President shall not have been chosen before the time fixed for the beginning of his term, or when neither a President-elect nor a Vice President-elect shall have qualified.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRIBAL AGREEMENTS WITH CERTAIN ENROLLED INDIANS

The Clerk called the next bill, H. R. 5944, to carry out certain obligations to certain enrolled Indians under tribal agreement.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

OLYMPIC NATIONAL PARK

The Clerk called the next bill, H. R. 6559, to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Olympic National Park, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FRED B. WOODWARD

The Clerk called the next bill, H. R. 9432, to limit the operation of sections 109 and 113 of the Criminal Code, and section 190 of the Revised Statutes of the United States with respect to certain counsel.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFINEMENT IN PENITENTIARIES

The Clerk called the next bill, H. R. 9954, to amend section 7 of the act of May 14, 1930 (46 Stat. 326; U. S. C., title 18, sec. 753f), relating to places of confinement and transfers of persons convicted of an offense against the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MONUMENT TO GEN. ANDREW PICKENS

The Clerk called the next business, House Joint Resolution 369, to provide for the erection of a shrine or monument to the memory of Gen. Andrew Pickens.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this joint resolution may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

KELLEY HOMESTEAD, ELK RIVER, MINN.

The Clerk called the next business, House Joint Resolution 376, authorizing the Secretary of Agriculture to accept from the National Grange a lease of the Kelley homestead near Elk River, Minn., and providing for its development and maintenance.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this joint resolution may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

VESSELS FOR STATE NAUTICAL SCHOOLS

The Clerk called the next bill, H. R. 10315, to authorize the United States Maritime Commission to furnish suitable vessels for the benefit of certain State nautical schools, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MINERAL CLAIMS IN ALASKA

The Clerk called the next bill, H. R. 2747, relative to annual labor on mineral claims in the Territory of Alaska.

Mr. CHURCH. Mr. Speaker, reserving the right to object, I understand the bill now is in order for passage and that no amendment will be presented today such as was presented last week.

Mr. DIMOND. Mr. Speaker, last week the gentleman from Arizona [Mr. MURDOCK] offered an amendment which greatly enlarged the scope of the bill. He has assured me he will not propose an amendment today, and to the best of my knowledge the only amendment to be offered is the committee amendment.

Mr. CHURCH. Mr. Speaker, with the gentleman's assurance that no amendment but the committee amendment will be offered I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the Territory of Alaska a survey for patent purposes made by a United States mineral surveyor under order of the United States Cadastral Engineer, may be credited upon annual labor required by law to be performed upon or for the benefit of the claim or claims for the year in which such survey is made, but in no case shall the credit for the cost of such survey and its attendant expense exceed the amount of the annual labor required for 1 year as to the claim or claims so surveyed.

With the following committee amendment:

Page 2, line 1, after the word "surveyed", strike out the period and insert a colon in lieu thereof, and after said colon the following: "*Provided*, That the cost of such survey shall not be credited in determining the value of the labor or improvements required under section 2325, Revised Statutes (U. S. C., title 30, ch. 2, sec. 29)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEASING OF COAL AND ASPHALT DEPOSITS OF CHOCTAW AND CHICKASAW NATIONS OF OKLAHOMA

The Clerk called the next bill, H. R. 2617, to authorize the leasing of the undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations of Oklahoma.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to lease any of the unsold and undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations in Oklahoma, in accordance with the terms of the act of April 21, 1932 (47 Stat. 88), except as otherwise provided herein, and under such rules and regulations as he may prescribe. Leases made under this act may be for any term not to exceed 15 years. All acts or parts of acts authorizing the sale of said coal and asphalt deposits are hereby repealed.

SEC. 2. That the rate of royalty in coal leases made under this act shall not be less than 10 cents per ton on all coal mined, including what is commonly known as slack: *Provided*, That such leases shall require the mining of a minimum of 1,000 tons each year the first and second years after approval of the lease, 3,000 tons the third year, 5,000 tons the fourth year, and 15,000 tons the fifth and each succeeding year thereafter, or the payment of royalty thereon the same as if the coal had actually been mined: *Provided further*, That the lessee shall pay as advance royalty on each lease the sum of $100 each year for the first and second years, $300 for the third year, and $5.00 for the fourth and each year thereafter. The advance royalty paid for any year may be credited on the royalty becoming due on coal mined during the year for which said advance royalty has been paid, but shall not be credited on royalty on coal mined in any previous or subsequent year.

SEC. 3. That the rate of royalty in asphalt leases made under this act shall not be less than 15 cents per ton on all crude asphalt mined: *Provided*, That such leases shall require the mining of a minimum of 10,000 tons the first year after approval of the lease and 15,000 tons each year thereafter, or the payment of royalty thereon the same as if the asphalt had been mined: *Provided further*, That the lessee shall pay as advance royalty on each lease the sum of $500 in advance for each year. The advance royalty paid for any year may be credited on the royalty becoming due on asphalt mined during the year for which said advance royalty had been paid but shall not be credited on royalty on asphalt mined in any previous or subsequent year.

SEC. 4. That the act of April 21, 1932 (47 Stat. 88), is hereby amended to provide that leases made thereunder may be for any term not to exceed 15 years.

With the following committee amendments:

Page 1, line 4, after the word "lease", insert "to the highest responsible competitive bidder."

Page 2, line 20, after the word "year", insert a colon and the following: "*Provided further*, That for the purposes of this act that where qualified Indians are available employment preference shall be given to them in mining operations by the lessee on Indian lands."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MIAMI INDIANS OF INDIANA

The Clerk called the next bill, H. R. 2306, conferring jurisdiction upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to hear, examine, adjudicate, and enter judgment in all claims which the Miami Indians of Indiana, who are organized and incorporated as the Miami Nation of Indians of Indiana, may have against the United States, and for other purposes.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. COCHRAN]?

There was no objection.

AMENDING SECTION 204 OF THE TRANSPORTATION ACT OF 1920

The Clerk called the next bill, H. R. 10098, to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey [Mr. KEAN]?

There was no objection.

RESIDENCE REQUIREMENTS FOR CERTAIN POSTMASTERS

The Clerk called the next bill, H. R. 10012, to amend the act of June 25, 1938, extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

Mr. RAMSPECK. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Messrs. WOLCOTT, TABER, CHURCH, and KEAN objected.

AMENDMENT OF ACT RELATING TO RENTALS IN CERTAIN OIL AND GAS LEASES APPROVED JULY 8, 1940

The Clerk called the next bill, H. R. 10402, to amend the act relating to rentals in certain oil and gas leases.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. COSTELLO]?

There was no objection.

CALIFORNIA INDIANS

The Clerk called the next bill, H. R. 3765, to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California," approved May 18, 1928 (45 Stat. 602).

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 9947, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

Mr. KEOGH. Mr. Speaker, reserving the right to object, I hope the gentleman from Michigan will permit me again to state that, with respect to Calendar Nos. 946, 947, and 948, all we seek to do by these bills is to obtain legislative authority to omit from the United States Code the sections enumerated in the bills. All of those sections have been included in the Internal Revenue Code or have been repealed by their omission from the Internal Revenue Code.

This Congress in January of last year by the enactment of the Internal Revenue Code has confined those laws to that code, which is title XXVI of the United States Code. We make absolutely no change in the substantive law that has not already been made by prior acts of the Congress. As I have stated on other occasions, all we seek to obtain is legislative authority to omit the sections set forth in the bills from the forthcoming 1940 edition of the United States Code.

These bills have all been submitted to the Joint Committee on Internal Revenue Taxation; they have been gone over very carefully and very thoroughly by that committee; and that committee has interposed no objection to their passage. I hope the gentleman will reconsider his request.

Mr. ROUTZOHN. Will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from Ohio.

Mr. ROUTZOHN. Has the gentleman stated how much time and effort has been put forth by his committee?

Mr. KEOGH. Yes. As I stated 1 week ago today, these bills have been the subject of study and research for many years.

Mr. WOLCOTT. Mr. Speaker, in view of the statement I made last week when these bills were called, I am constrained to insist upon my unanimous-consent request that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 9773, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 9882, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 10131, to repeal obsolete statutes and improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 10123, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. KEOGH. Reserving the right to object, Mr. Speaker, may I say with reference to this bill, which is No. 950 on the calendar, that we have included in the bill only those sections which by their very terms expire on the passage of time. They have fallen of their own weight. They are no longer in effect. However, we cannot omit them from the Code without this legislative authority. We are not seeking to repeal any laws that have not already been repealed by the action of the Congress.

Mr. WOLCOTT. In view of that situation, is there any particular need for this legislation? It bears out the fact that we should have some discussion of these bills. I do not know that I would be opposed to these bills after a discussion of them on the floor. As I said last week, it seems to me it is not advisable to repeal by unanimous consent perhaps hundreds of statutes without going into them a little more thoroughly than we can go into them here on the Consent Calendar. That is my principal objective in asking that these bills be passed over without prejudice.

Mr. Speaker, in that connection, may I have it understood that when I ask unanimous consent that these bills be passed over without prejudice, those which appear on the calendar as 946, 947, 948, 949, 950, and 951, I do not want the action of the House understood as waiving points of order on these bills. So that there will be no question about the status of

the bills, I reserve points of order on the bills I have just mentioned.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING UNITED STATES CODE

The Clerk called the next bill, H. R. 10411, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATIONAL GUARD OF THE UNITED STATES

The Clerk called the next bill, S. 3619, relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, etc.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Reserving the right to object, Mr. Speaker, may I say that I objected to this bill being considered about 2 weeks ago. Then the gentleman from California [Mr. COSTELLO] asked that the bill be recommitted to the committee. The bill went back to the committee. My objection was based solely on the proviso on page 3, and that is the only feature of the bill I knew anything about at the time. The bill comes back now with the proviso I objected to eliminated.

I have not made a thorough study of this bill but it has a unanimous report, as I understand, from the committee. Therefore, if I can receive the assurance of the Committee on Military Affairs that that committee will insist upon their amendment and this objectionable proviso will be kept out of the bill, I will not object to its consideration at this time. This proviso not only relieves all disbursing officers of the National Guard of disallowances in the past but provides that in the future when payments shall be disallowed the disbursing officers would likewise be relieved. Such a proviso is foolish on the face of it. It gives the spending agency control over its own expenditures whereas this should stay in the General Accounting Office. I do not believe we should legislate in advance for disbursing officers to be relieved of disallowances in the future by the General Accounting Office. If anyone on the committee can give me assurance that the House will insist upon its amendment, I am willing to let the bill be considered.

Mr. COSTELLO. Mr. Speaker, I may say to the gentleman that I do believe the committee will insist upon that amendment remaining as the House has put it. It was reported out of the House Committee on Military Affairs, and I agree thoroughly with the gentleman that it was an authority that should not be granted to a department, namely, to have disbursing officers sit as final and conclusive judges of their own accounts. This should be left in the hands of the Comptroller General. I am quite certain the committee when the bill does go to conference would insist upon the amendment; in fact, I am inclined to think the Senate would accept the House amendment without any objection.

Mr. COCHRAN. In view of what the gentleman from California [Mr. COSTELLO], who is a member of the committee, has said, I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc.,

AMENDMENTS TO NATIONAL DEFENSE ACT

SECTION 1. That section 90 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"SEC. 90. That funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of material, animals, armament, and equipment of organizations of all kinds, under such regulations as the Secretary of War may prescribe.

"The compensation paid to caretakers who belong to the National Guard, as herein authorized, shall be in addition to any compensation authorized for members of the National Guard under any of the provisions of the National Defense Act.

"Under such regulations as the Secretary of War shall prescribe, the material, animals, armament, and equipment, or any part thereof, of the National Guard of any State, Territory, or the District of Columbia, or organizations thereof, may be put into a common pool for care, maintenance, and storage; and the employment of caretakers therefor, not to exceed 15 for any one pool, is hereby authorized.

"Commissioned officers of the National Guard shall not be employed as caretakers except that, under such regulations as the Secretary of War shall prescribe, one such officer not above the grade of captain for each heavier-than-air squadron, and one such officer not above the grade of captain for each pool, may be employed. Either enlisted men or civilians may be employed as caretakers, but if there are as many as two caretakers in any unit, one of them shall be an enlisted man.

"Funds hereafter appropriated under the provisions of the National Defense Act, as amended, for the support of the National Guard of the several States, Territories, and the District of Columbia, shall be supplemental to moneys appropriated by the several States, Territories, and the District of Columbia, for the support of the National Guard, and shall be available for the hire of caretakers and clerks: *Provided*, That the Secretary of War shall, by regulations, fix the salaries of all caretakers and clerks hereby authorized to be employed, and shall also designate by whom they shall be employed: *And provided further*, That payments heretofore made which now stand disallowed or would hereafter be disallowed but for this act, are hereby ratified and validated as to the disbursing officers making the same, in such amounts as the Secretary of War may determine have been actually expended in the administration, supply, maintenance, and training of the National Guard, and the determination of the Secretary of War shall be final and conclusive; and the Comptroller General of the United States is hereby directed to allow credit in the accounts of said disbursing officers for and on account of such payments in said amounts."

SEC. 2. That section 92 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"SEC. 92. Training of the National Guard: Under such regulations as the Secretary of War shall prescribe, each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than 48 times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least 15 days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That an assembly for drill and instruction may consist of a single duly ordered formation of a company, troop, battery, or detachment, or, when so authorized by the Secretary of War, of a series of duly ordered formations of subdivisions or parts thereof, but in the latter case the series of formations of subdivisions or groups must comprehend and include the entire organization, and must be included within the time limit of 7 consecutive days within a calendar month. The sum total of the attendance at all the separate consecutive formations announced as constituting that assembly shall be counted as the attendance at the actual military assembly for the required period of time; but no officer, warrant officer, or enlisted man shall be counted more than once, nor receive credit for more than one required period of actual military attendance even though he may have attended more than one of the formations which constitute the assembly for the required period of time: *Provided further*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each assembly at which he shall be credited as having been present shall be of at least 1½ hours' duration and the character of training such as may be prescribed by the Secretary of War: *Provided further*, That any flight ordered by competent authority and performed by an appropriately rated Air Corps officer or enlisted man of the National Guard assigned to an Air Corps unit thereof, or so performed by an officer or enlisted man of the Medical Department of the said National Guard regularly attached to an Air Corps unit of the National Guard by appropriate authority, may be credited for the same purpose and to the same extent as attendance at drill: *Provided further*, That in performing the flight so ordered the officer or enlisted man is prevented, by the making of such flight, from attending a regularly scheduled drill formation of his unit or the unit with which the said officer or enlisted man is required to drill."

SEC. 3. That section 109 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"SEC. 109. Pay for the National Guard Officers: Under such regulations as the Secretary of War may prescribe, officers and warrant officers of the National Guard, except general officers, shall receive compensation at the rate of one-thirtieth of the monthly base pay prescribed for them in sections 3 and 9 of the Pay Readjustment Act of June 10, 1922, for each regular drill, period of appropriate duty, or other equivalent period of training, authorized by the Secretary of War, not exceeding 8 in any one calendar month and

not exceeding 60 in any one fiscal year, at which they shall have been engaged for the entire period of not less than 1½ hours: *Provided*, That such pay shall be in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, and that nothing in this act shall operate to reduce the present pay of majors and lieutenant colonels. General officers shall receive $500 a year in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, for satisfactory performance of their appropriate duties. In addition to pay hereinbefore provided officers commanding organizations less than a brigade and having administrative functions connected therewith shall, whether or not such officers belong to such organizations, receive not more than $240 a year for the faithful performance of such administrative functions under such regulations as the Secretary of War may prescribe; and for the purpose of determining how much shall be paid to such officers so performing such functions, the Secretary of War may, from time to time, divide them into classes and fix the amount payable to the officers in each class. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be entitled, under any provision of law, to the full rate of his base pay prescribed in section 3 or section 9, as the case may be, of the Pay Readjustment Act of June 10, 1922: *Provided further*, That section 9 of the act entitled 'An act amending the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917', approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the active and inactive National Guard, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe."

SEC. 4. That section 3618, Revised Statutes, as amended, be, and the same is hereby, amended by adding the following additional language: "That, under such regulations as the Secretary of War may prescribe, the commanding officers of mounted units of the National Guard may sell all stable refuse and empty grain sacks and containers at public or private sale and apply the proceeds derived therefrom to the purchase of feed, supplementing the regular allowance and issue for the animals of the said units, and for the purchase of stable equipment, and horseshoers', saddlers', blacksmiths', and wagoners' tools not an article of issue to such organizations."

SEC. 5. That the act of July 15, 1939 (53 Stat. 1042), be, and the same is hereby, repealed and reenacted to read as follows:

"That neither of the provisions of the Act of June 15, 1936 (49 Stat. 1507), nor any other law of the United States shall be construed as limiting the power and authority of the Secretary of War, under such regulations as he may prescribe, to require hospitalization, medical, and surgical treatment and domiciliary care so long as any or all are necessary of persons in the active military service or on active duty, or in training, under the provisions of sections 92, 94, 97, 99, and 113 of the National Defense Act of June 3, 1916, as amended, and to incur obligations with respect thereto, without reference to their line-of-duty status: *Provided*, That this act shall not include those individuals who are on an armory-drill status except officers, warrant officers, and enlisted men of the National Guard who suffer personal injury (as distinguished from disease) when participating in aerial flights prescribed under the provisions of section 92: *And provided further*, That this act shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furloughs or leaves of absence in excess of 24 hours."

With the following committee amendment:

Page 3, line 19, after "employed", strike out the remainder of page 3, and page 4 down to and including line 5.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BENEFITS FOR CERTAIN AIR CORPS RESERVE OFFICERS

The Clerk called the next bill, S. 3266, to provide pensions, compensation, retirement pay, and hospital benefits to certain Reserve officers of the Army of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, I notice that this bill provides pensions, compensation, retirement pay, and hospital benefits for certain Air Corps Reserve officers who were disabled while on active duty with the Regular Army. In view of the words "were disabled" I ask those in charge of this bill whether Elliott Roosevelt, the 30-year-old multimillionaire son of our multimillionaire New Deal President, who dodged the draft by coming to Washington and walking into General Arnold's office and walking out with a captain's commission in the Army Air Corps and an assignment to a soft swivel-chair job in the aviation purchasing department at Wright Field, Ohio, will come under the provisions of this act. I do not want to support a bill under which Elliott Roosevelt, this swivel-chair tin-soldier captain, might receive a pension, compensation, retirement pay, or hospital care for gastritis or some other stomach disorder caused by eating caviar, hors d'oeuvre, turtle soup, or pâté de foie gras or drinking champagne at some New Deal "gold coast" tea party.

Mr. COSTELLO. I may say to the gentleman that this does not refer to the present personnel of the Air Corps, it simply includes 23 former officers of the Air Corps who were disabled.

Mr. SCHAFER of Wisconsin. Since this bill will not include any tin soldiers like Capt. Elliott Roosevelt, the swivel-chair Army Air Corps officer who dodged the draft and received his commission under a short-cut, unusual, strange, and indefensible procedure and since it only applies to 23 former officers of the Army Air Corps who rendered real service as soldiers I shall not object to the consideration of the bill at this time.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all Reserve officers of the Air Corps of the Army of the United States, who were called or ordered into the active military service with the Air Corps, Regular Army, by the Federal Government for extended military service in excess of 30 days, on or subsequent to July 1, 1928, and who suffered disability in line of duty from injury while so employed shall be deemed to have been in the active military service during such period and shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers of corresponding grades and length of service of the Regular Army.

SEC. 2. That the duties, powers, and functions incident to the administration and payment of the benefits herein provided are hereby vested in the Veterans' Administration: *Provided*, That in the administration of the retirement provisions provided herein, the determination whether disability exists and whether such disability was incurred in line of duty shall be made by the Secretary of War, or by someone designated by him in the War Department, in the manner, and in accordance with the standards provided by law or regulations for the Regular Army personnel: *And provided further*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MONEY ALLOWANCE FOR QUARTERS TO CERTAIN NONCOMMISSIONED OFFICERS OF THE ARMY

The Clerk called the next bill, H. R. 10527, to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That each enlisted man of the first, second, or third grade of the Army of the United States in the active military service of the United States, having a dependent as defined in sections 8 and 8a, title 37, United States Code, shall, under such regulations as the President may prescribe, be entitled to receive, for any period during which public quarters are not provided for his dependent, the money allowance for quarters authorized by law to be granted to each enlisted man not furnished quarters in kind.

With the following committee amendment:

Page 1, line 9, after the word "provided", insert the words "and available."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASING THE NUMBERS OF WARRANT OFFICERS AND ENLISTED MEN IN THE ARMY MINE PLANTER SERVICE

The Clerk called the next bill, H. R. 10391, to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the authorized personnel of the Army Mine Planter Service shall comprise, for each Army mine planter in service or under construction, one master, one first mate, one second mate, one chief engineer, one assistant engineer, and one second assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and such enlisted men of the Coast Artillery Corps as the Secretary of War shall prescribe from time to time: *Provided*, That the maximum authorized numbers of warrant officers and enlisted men of the Coast Artillery Corps are hereby increased by the numbers of additional warrant officers and enlisted men

authorized by this section: *Provided further*, That when the number of Army mine planters in service and under construction exceeds 14, the Secretary of War may, in his discretion, and to such extent as he may deem proper, make temporary appointments of the additional warrant officers required for the additional mine planters: *Provided further*, That members of the Army Mine Planter Service appointed as temporary warrant officers shall, while serving as such have the rank, pay, allowances, and retirement privileges of the grade and ratings to which they are temporarily appointed, and upon termination of their temporary appointments as warrant officers shall revert to the grades from which they were appointed, without loss of seniority, credit for continuous service, or any other right or privilege, by reason of their service as temporary warrant officers: *And provided further*, That the relative rank, pay, and allowances of warrant officers of the Army Mine Planter Service shall be as now prescribed by law, and warrant officer second assistant engineers shall receive pay and allowances, and be entitled to other privileges as now prescribed by law for warrant officer second mates, and while aboard their vessels shall take rank immediately below warrant officer second mates.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and in connection therewith to insert several tables I have prepared myself.

The SPEAKER pro tempore (Mr. WOODRUM of Virginia). Is there objection to the request of the gentleman from New York?

There was no objection.

THE CONSENT CALENDAR

CLAIMS OF THE CHOCTAW INDIANS OF THE STATE OF MISSISSIPPI

The Clerk called the next bill, S. 3524, conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi.

Mr. COCHRAN. Mr. Speaker, the report on this bill—and I may say a bill somewhat similar to this was vetoed by the President on one occasion—does not contain the report of the Attorney General who is charged with the responsibility of defending the Government in the Court of Claims in such jurisdictional cases. I have received a letter from the Attorney General giving his views on this measure. In view of this letter from the Attorney General and the objections he has offered I ask unanimous consent that it may be placed in the RECORD at this point. I hope all Members will read this letter and then determine if I am justified in my opposition to this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The letter referred to follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., October 2, 1940.

Hon. JOHN J. COCHRAN,
Chairman, Committee on Expenditures in the Executive Departments, House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This acknowledges your request of October 1, 1940, for my views relative to a bill (S. 3524) to confer jurisdiction on the Court of Claims over the claims of the Choctaw Indians of the State of Mississippi.

The text of the bill indicates that the claims to which it refers are not tribal claims, but those of individual Indians who assert that they were improperly denied the right to share in the distribution of certain tribal properties. The measure under consideration would permit these individual Indians to sue the United States as a band. The provisions of this bill are virtually the same as those of S. 1478, Seventy-fifth Congress, which was passed by the Congress but vetoed by the President. See CONGRESSIONAL RECORD, volume 83, part 8, page 9620.

By the treaty of Dancing Rabbit Creek of September 27, 1830 (7 Stat. 333), the Choctaw Nation ceded its lands east of the Mississippi River and received in exchange therefor a large area in what is now Oklahoma. By article XIV of that treaty such Choctaws as chose to do so were permitted to remain in Mississippi, receive their allotments there, and eventually become cititzens of that State. The article further provided that such persons should not lose the "privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." A controversy thereafter arose between the Indians who had removed to Oklahoma and those who had remained in Mississippi as to the right of the latter to share in the allotment of the property assigned to the Choctaw Nation in Oklahoma.

A commission, known as the Dawes Commission, established by the act of March 3, 1893 (27 Stat. 645), prepared a complete membership roll of the Choctaw Nation, and by virtue of subsequent authorizations prepared two rolls of the Mississippi Choctaws entitled to enrollment. It appears that in 1899 there was submitted a roll of 1,923 Mississippi Choctaws, known as the McKennon roll, and in 1902 the Commission prepared a roll of 2,534 persons who had been identified out of more than 25,000 applicants for identification as Mississippi Choctaws. The latter roll was approved by the Secretary of the Interior on February 14, 1903, but the earlier and so-called McKennon roll was disapproved on March 1, 1907. After identification is was necessary for the Indians identified to remove to Oklahoma and perform certain other acts before being enrolled as members of the Choctaw Nation. Of the 2,534 identified and listed on the final roll, 1,578 removed to the Choctaw country in Oklahoma and 956 apparently remained in Mississippi.

The proposed legislation would authorize the adjudication of the claims of the Mississippi Choctaws for compensation for the loss of their interests in the lands and other property of the Choctaw Nation. It would appear that these claims would be divided into three classes: (1) The claims of those Indians who were identified, but who failed to remove to Oklahoma and receive their allotments because of the alleged failure of the Government to assist them; (2) the claims of those listed on the McKennon roll which was disapproved by the Secretary of the Interior, allegedly without examination into the merits of their claims; and (3) the claims of those who were not identified or listed on any roll because of the alleged failure of the Government to advise them as to their rights.

If these Indians had received the property to which they claim to have been entitled, it would have been a share in the property of the Choctaw Nation. Nevertheless the present bill, instead of seeking to permit the Indians to secure an award against the tribe or its individual members, in effect proposes that the Government should assume the tribal liability and should pay to the claimants the value of the share that they might have received on a distribution of the tribal property. Since it has been estimated that the value of one distributive share in the Choctaw tribal property exceeded the sum of $4,000, the enactment of this legislation might result in an assumption of a liability by the Government, aggregating nearly $4,000,000, with respect to the claims of the 956 identified Indians alone. There might also be assumed an even greater liability in connection with the claims of those listed on the McKennon roll and the several thousand not identified on any roll. I am not aware of any reason why in equity and good conscience this burden should be borne by the Government rather than by the other members of the tribe.

Moreover, the effect of this legislation would be to reopen certain matters that were settled by a quasi-judicial commission more than 30 years ago. It does not appear to be desirable to take this action after such a long lapse of time, when much of the pertinent evidence is no longer available.

In view of the foregoing considerations, I am unable to recommend the enactment of the bill.

Sincerely,

ROBERT H. JACKSON,
Attorney General.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, so as to give the membership of the House an opportunity to read this letter and thus understand just exactly what is in the bill.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, the members of the Committee on Indian Affairs of the House spent about 4 hours considering this bill. The bill is not identical with the bill which was vetoed.

Mr. COCHRAN. I said, "somewhat."

Mr. SCHAFER of Wisconsin. It is not "somewhat" identical—it differs radically. The points raised against the bill in the veto message clearly reveal that the President was not correctly informed as to the true facts of the case by somebody. If the Government of the United States made it possible through actions of Government representatives for one portion of the Choctaw Indian tribe to obtain funds which properly should have gone to the Mississippi Choctaw Indians, then the Government of the United States is responsible. This bill is a clear-cut Court of Claims proposition. It is not an appropriation bill dressed up in Court of Claims clothes. This bill simply gives these Mississippi Choctaw Indians the opportunity of having their day in court and presenting their claims on the questions of law. In view of the testimony presented the Committee on Indian Affairs after careful and intensive consideration of the entire membership of that committee who were present voted to favorably report the bill. The bill only gives these Choctaw Indians of Mississippi their day in court. And, by the way, a representative from the Indian Bureau appeared before our

committee at that hearing and said that in his judgment they appear to have valid claims which they should have an opportunity to present to the Court of Claims. I assure the gentleman that if this was anything else but a clear-cut Court of Claims bill, which gives these original Americans, the Choctaw Mississippi Indians, a day in court to present their claims, I would not have voted for it in committee and I would not have pleaded with him on the floor of the House to let this bill be considered today.

Let us extend justice to these real original Americans, our American Indians, when they have valid claims which they desire to present to the Court of Claims. This Congress, which has been very liberal in handing many millions of dollars to people in foreign lands, should not deny these Choctaw Mississippi Indians an opportunity to present their valid claims against the Government of the United States to the Court of Claims of the United States.

Mr. COCHRAN. Does the gentleman from Wisconsin know that a commission 30 years ago considered this matter?

Mr. SCHAFER of Wisconsin. Oh, yes. We understand commissions. Under the Constitution commissions do not legislate. Commissions do not have authority to permit claimants to have a day in court. This is one of the most meritorious bills which has been presented to the Committee on Indian Affairs. I know that the gentleman from Missouri wants to guard the Treasury and prevent unwarranted raids on it. I helped him with reference to the California Indian raid bill. I objected to that potential $100,000,000 raid on the United States Treasury the other day and I will oppose it today. These original Americans, these Mississippi Choctaw Indians, have a valid claim, and I ask the gentleman to permit them to have their day in the Court of Claims, which is the only thing which this bill does.

[Here the gavel fell.]

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

The SPEAKER pro tempore. The Clerk will call the next bill.

Mr. WOLCOTT. Mr. Speaker, there seems to be some confusion as to what happened to the last bill.

The SPEAKER pro tempore. It was passed over without prejudice.

Mr. WOLCOTT. I understood the gentleman from Wisconsin [Mr. SCHAFER] to object.

Mr. SCHAFER of Wisconsin. I objected. My voice was not loud enough, I guess. [Laughter.]

The SPEAKER pro tempore. The Chair did not understand the gentleman.

Mr. COCHRAN. Mr. Speaker, I object to the consideration of the bill.

The SPEAKER pro tempore. Objection is heard, and the bill goes over. The Clerk will report the next bill.

PROFESSIONAL EXAMINATIONS FOR PROMOTION IN MEDICAL, DENTAL, AND VETERINARY CORPS OF THE REGULAR ARMY

The Clerk called the next bill, H. R. 10278, to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I think it is the intent and purpose of every Member of Congress to lean over backward in enacting a defense program, but it seems to me that we have leaned over backward so far on this bill that we are about to bump our heads.

If I understand this bill correctly it authorizes the promotion of commissioned-officer personnel in the Medical, Dental, and Veterinary Corps without examination. If a second lieutenant in the line is promoted to a first lieutenancy he at least has to go through the motions of some kind of an examination, or merit that promotion by some outstanding service. To distinguish between medical, dental, or veterinary officers and a line officer seems to me such a discrimination between those services that we had better give more consideration to what we are doing before we pass this bill.

You cannot get a commission without a very rigid examination, either in the line or in the services mentioned in this bill. So it seems to me that we should not get panicky to the point where we authorize favoritism within the armed forces such as this bill would allow.

Until we find out more about this bill I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. COSTELLO. Mr. Speaker, reserving the right to object, the main purpose of the bill is to let the Department grant these promotions either during a time of war or actual emergency. During normal times such a request would not be asked. At the present time, due to the great expansion in the Army camps that is contemplated, it is necessary to assign officers of the War Department in the Medical Division to these different camps, and in order to give them the rank in keeping with the positions to which they are being assigned it is desired to grant these promotions. If it is necessary first to hold a medical examination of the character which is ordinarily given, it will entail a great deal of delay and will place a great burden upon the Medical Corps. It is because of that fact that the War Department has asked for this relief.

I do not think there is any question as to the caliber of men who would receive promotions. First, they would have to have taken the original examination for admission to the War Department.

Mr. WOLCOTT. I agree with the gentleman. There is no reflection upon the ability or the standing of these officers and I do not intend my discussion to reflect upon them whatsoever. I know these are gentlemen of the highest type in their profession and are doing a splendid job.

It seems to me we are doing one or two things here to which we had better give more consideration. In the first place we are discriminating between these officers and other officers; and then by inference we are recognizing the existence of an emergency for the first time. When I say "we" I mean the Congress. Up to the present time, the President has, without any authority of law, determined that a limited emergency existed. What the President means by "limited emergency" I do not know. He was given the power, I understand, to declare an emergency. It kind of looks to me as though he just wanted to singe his fingers a little without burning them too badly, so he declared a limited emergency to exist. The President has not declared an emergency to exist under the law. I think it must be understood by the Congress that the President under the power that has been granted to him has never declared that an emergency exists.

There have been repeated efforts during the last few months to get this Congress to declare an emergency by implication. I am therefore a little fearful that if this bill is passed by unanimous consent it will be said that the Congress has put its stamp of approval on the existence of an emergency. If an emergency does exist we should clarify the situation by explaining what the emergency is, whether it is economic, financial, or whether it goes to the point where it involves the lives of our citizens. Until we are ready to be courageous enough to say to the people that an emergency does or does not exist, we should not by implication recognize an emergency which the President has not as yet seen fit to declare.

Mr. COSTELLO. Mr. Speaker, I may state to the gentleman that the language of the bill provides that these promotions shall take place only in the event of war or an emergency declared by the President. It does not state that the Congress is declaring an emergency. The President is given this power only if and when an emergency is declared or war is declared.

I may also state to the gentleman that we have already provided for the temporary promotion of the line officers. This legislation would therefore be in keeping with the legislation already passed on a similar subject, for it would give

the same right to the medical, dental, and veterinary officers that we have granted to the other branches of the armed services.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. CRAWFORD. I agree with practically all the gentleman has said, but this thought occurs to me, that insofar as the men are concerned who are to be served by these dental and medical officers in particular there will be an emergency for these men. If the Medical Corps and the Dental Corps are insufficiently large to take care of the men, then an emergency does exist so far as the men are concerned. The bill appeals to me from that standpoint.

Mr. WOLCOTT. I might say to the gentleman from Michigan that this does not increase the number of the personnel of these different branches, it merely makes it possible for the President to promote them on the ground that an emergency exists. He has not yet declared an emergency to exist.

Mr. CRAWFORD. I understand that, but I assume that if this bill were passed and the President should declare an emergency that the personnel would be immediately enlarged.

Mr. BENDER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BENDER. Mr. Speaker, I object.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WOLCOTT. I object to the consideration of the bill.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. PFEIFER].

HOMING PIGEONS

Mr. PFEIFER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7813) to safeguard the homing pigeon.

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this the gentleman's contribution to national defense?

Mr. PFEIFER. I hope so.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to safeguard and promote the breeding and training of the Antwerp or homing pigeon for use as a means of communication in time of war or national emergency, it shall be unlawful for any person to hunt, shoot, or to attempt to hunt or shoot, or for any person other than the lawful owner thereof to pursue, capture, or kill, or to attempt to pursue, capture, or kill, any Antwerp or homing pigeon having the name of the owner stamped upon its wing or tail, or wearing a ring or seamless leg band with the registered number of such pigeon stamped thereon.

SEC. 2. It shall be unlawful for any person other than the lawful owner thereof or his authorized agent to remove or alter any stamp, leg band, ring, or other mark of identification attached to any Antwerp or homing pigeon.

SEC. 3. Any person violating any of the provisions of this act shall, upon conviction thereof, be subject to a fine of not more than $500.

Mr. PFEIFER. Mr. Speaker, this bill (H. R. 7813) is to safeguard the homing pigeon. This bird is well known to the world at large. Its faithful service is referred to in the Bible, when it carried Noah's message at the time of the flood. This humble, feathered bird, derivative of the dove family, through years of experimentation and careful breeding, has developed into such an intelligent and fast messenger that the warring nations resorted to their services in the last World War. Their services have proven so valuable that the deeds of some will go down in the annals of our history. They have proven to be the only means of communication when all other means have failed. They flew through areas where men never came through alive. Due to their intelligence and the speed with which they flew, the messages in the capsules on their legs have saved many lives, caused many towns and villages to be captured, scouts and espionage contacts made, and survivors in doomed ships and planes were rescued.

Ninety-five percent of the messages sent were delivered by using birds of selected breeding for ship-to-shore messages on trawlers and mine sweepers in the vicinity of the British Isles. One pigeon completed 172 active service patrols.

Excerpts from our own War Department relate the following:

First, Cher Ami, one of our outstanding pigeon heroes of the World War, although shot in flight, nevertheless came through with the message hanging from its dangling leg; was instrumental in saving one "lost battalion" in the Argonne Forest. The Smithsonian Institution displays this now stuffed and humble mounted bird, which bears the Distinguished Service Cross.

Again we read of numerous savings at sea, men from downed planes or sinking boats, due to messages brought ashore by these birds.

Outstanding service has been rendered by Spike, Locker, Blanchette, Poilu, and many others.

The services of these birds have been proven so valuable that the Army and the Navy during the last World War have requested the American pigeon fanciers to give all aid possible. This appeal was answered immediately. Entire lofts were voluntarily contributed, and all aid was carried on throughout the period of the World War.

Nations realizing the true value of these messengers, not only in time of war but also in time of peace as well, appreciated these messengers as part of their armed forces. Great Britain has several hundred thousand of these messengers, while we have less than 10,000.

Only the other day one daily press pictured the services that these birds are rendering in the present world conflict, a copy of which I hold in my hand.

Mr. Speaker and gentlemen of the House, I personally believe that the homing pigeon is an intricate part of our armed forces, and as such is entitled to the protection of our Government.

The War Department agrees that this legislation is necessity for our national defense. It does not call for any appropriation of any money but simply sees that these birds are given the protection that they so rightfully deserve. It prevents them from becoming mutilated, so that when the time comes for the call to service, the Nation will find a ready, healthy pigeon service.

Thousands of these valuable birds are lost annually and scores of these birds have returned to their home lofts suffering from bird-shot wounds. Many of them are bred from famous World War pigeons which were returned to our shores after the 1918 armistice. Therefore, Mr. Speaker and Members of the House, let us not delay this bill any longer; let us pass it immediately, for in doing so you are not only acting in the name of national defense at this time but preserving this valuable messenger for the protection of our future welfare. It certainly would be a stimulus to the homing-pigeon fanciers of this Nation to perpetuate the superior breed of pigeon messengers, so they may be ever ready to render the highest type of service to the armed forces of our Nation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF THE CIVIL SERVICE

Mr. RAMSPECK. Mr. Speaker, I call up the conference report on the bill (H. R. 960) extending the classified civil service of the United States, and ask unanimous consent that the statement be read in lieu of the report.

CALL OF THE HOUSE

Mr. NICHOLS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 224]

Allen, Pa.	Douglas	Kilburn	Shafer, Mich.
Anderson, Calif.	Dworshak	Kirwan	Sheppard
Andresen, A. H.	Elliott	Kleberg	Sheridan
Andrews	Ellis	Knutson	Short
Arnold	Evans	Kocialkowski	Smith, Wash.
Barton, N. Y.	Faddis	Kunkel	Smith, W. Va.
Bates, Ky.	Fish	Lemke	Starnes, Ala.
Bates, Mass.	Fitzpatrick	McGranery	Steagall
Bell	Flannery	McLeod	Stearns, N. H.
Boland	Folger	McMillan, John	Sullivan
Brewster	Ford, Leland M.	Magnuson	Sweeney
Brooks	Ford, Thomas F.	Marcantonio	Thill
Burch	Fries	May	Thomas, N. J.
Byron	Gibbs	Mills, La.	Thorkelson
Caldwell	Gifford	Mott	Tinkham
Cartwright	Gilchrist	Murdock, Utah	Tolan
Casey, Mass.	Green	Nelson	Wadsworth
Cluett	Hall, Edwin A.	O'Day	Wallgren
Coffee, Wash.	Hall, Leonard W.	Osmers	Warren
Collins	Harrington	Patman	Whelchel
Creal	Havenner	Patton	White, Ohio
Cullen	Healey	Reece, Tenn.	Wigglesworth
Darden, Va.	Hook	Richards	Williams, Mo.
Darrow	Houston	Robsion, Ky.	Winter
DeRouen	Izac	Rockefeller	Wood
Dies	Jacobsen	Romjue	
Dirksen	Jenks, N. H.	Schaefer, Ill.	
Doughton	Jennings	Scrugham	

The SPEAKER. On this roll call 322 Members have answered to their names. A quorum is present.

On motion of Mr. RAMSPECK, further proceedings under the call were dispensed with.

THE LATE LINCOLN LOY M'CANDLESS

Mr. KING. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER. Is there objection to the request of the Delegate from Hawaii?

There was no objection.

Mr. KING. Mr. Speaker, a wire from Honolulu informs me that my predecessor here in Congress, the Honorable Lincoln Loy McCandless, died yesterday in Honolulu, soon after celebrating his eighty-first birthday.

His death is a loss to our community, where he has taken an important part in business and civic affairs for nearly 60 years, and to the Democratic Party of Hawaii, of which he was a leading spirit and for which he fought valiantly.

Mr. McCandless was born in the town of Indiana, Pa., September 18, 1859, was educated in the public schools of West Virginia, and arrived in Hawaii as a young man, in his twenties, on February 15, 1882. Together with his brothers he became one of the pioneer builders of our community and helped develop our agricultural and ranching industries.

He was a representative in the legislature of the former Republic of Hawaii; was one of the band of patriotic Americans who worked unceasingly to bring Hawaii under the American flag, and after the annexation of Hawaii served as a member of the Senate of the Territorial Legislature. In 1932 he was elected the Delegate in Congress from Hawaii, serving in the Seventy-third Congress.

We were opponents in politics, but I wish to pay my respects to his sincere patriotism, his great contributions to Hawaii, his adopted home, and his indomitable spirit, which carried him through an active and full life to the end. To the memory of a fighter who never gave up until the last call, and to his family, aloha.

AUTHORIZING SECRETARY OF INTERIOR TO LEASE OR SELL CERTAIN LANDS IN PALM SPRINGS RESERVATION

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 7738, an act to amend the act entitled "An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public airport use, and for other purposes," with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ROGERS]?

There was no objection, and the Speaker appointed the following conferees on the part of the House: Messrs. ROGERS of Oklahoma, CARTWRIGHT, and BURDICK.

EXEMPTING CERTAIN INDIANS AND INDIAN TRIBES FROM THE PROVISIONS OF THE ACT OF JUNE 18, 1934

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2103) to exempt certain Indians and Indian tribes from the provisions of the act of June 18, 1934 (48 Stat. 984), as amended, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ROGERS]?

There was no objection, and the Chair appointed the following conferees on the part of the House: Messrs. ROGERS of Oklahoma, HILL, and SCHAFER of Wisconsin.

EXTENSION OF REMARKS

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from the Secretary of War, together with two breakdowns showing the construction of tent camps and wood army camps.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. ENGEL]?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article from the Gaelic American entitled "Is the United States To Be Incorporated in the British Empire?"

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. TINKHAM]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my own remarks in the RECORD.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose at this time.

Mr. HOFFMAN. Then, Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today after the disposition of all legislative business in order for the day and at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

EXTENDING THE CLASSIFIED CIVIL SERVICE OF THE UNITED STATES

Mr. RAMSPECK. Mr. Speaker, I call up the conference report on the bill (H. R. 960) extending the classified civil service of the United States, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960); extending the classified civil service of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 8, 11, 12, 24, 30, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, and 31, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the

following: "or to any position to which appointtments are made by the President by and with the advice and consent of the Senate, or to positions of assistant United States district attorney"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *"And provided further,* That the Civil Service Commission may require the submission of fingerprints of applicants for competitive or noncompetitive examinations ordered or conducted by the Commission, but may not require the submission of a photograph of any applicant"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) That from and after the effective date of this Act any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives and whose separation from the service is involuntary and without prejudice shall acquire, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe, a classified civil service status for transfer to a position in the classified civil service notwithstanding any contrary provisions of the civil service laws or regulations: *Provided,* That any individual who may hold such a position in the legislative branch must obtain such transfer within one year from the date of separation, and nothing in this Act shall be construed to impair any right of retransfer provided for under civil service laws or regulations made thereunder."

And the Senate agree to the same.

ROBERT RAMSPECK,
JENNINGS RANDOLPH,
FRANK FRIES,
Managers on the part of the House.

W. J. BULOW,
JAS. M. MEAD,
WALLACE H. WHITE, Jr.,
LYNN J. FRAZIER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 960) extending the classified civil service of the United States, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommend in the accompanying conference report:

(1) Senate amendment No. 1 excluded the offices or positions in the Tennessee Valley Authority, and the House conferees have agreed to this.

(2) As the bill passed the House it excluded "any positions in or connected with the Work Projects Administration." The Senate struck out the words "or connected with". The reason for this was that considerable doubt has arisen about employees working in other agencies of the government paid from relief funds. It was feared that such employees might be excluded from the provisions of the Act, and that was not intended.

(3) The Senate adopted an amendment excluding positions filled by appointment by the President and confirmed by the Senate, positions of Assistant United States District Attorney, Deputy United States Marshal, and Deputy Collector of Internal Revenue. The House conferees have receded so far as the Presidential appointments and Assistant district attorneys are concerned, but Deputy Marshals and Deputy Collectors of Internal Revenue will come under the provision (provisions) of the bill as agreed to.

(4) Senate amendment No. 4 sought to make the bill apply to people who have been furloughed. The Senate conferees receded from this.

(5) Senate amendment No. 5 provided that only one noncompetitive examination should be given to persons classified under this Act. The House conferees receded from this.

(6) The House receded from this amendment. This is merely a correction in the text.

(7) Senate amendment No. 7 provided for the abolition of the use of photographs by the applicants and permitted the use of fingerprints. The House conferees agreed to a rewriting of this amendment, which results in the same meaning.

(8) The Senate amendment No. 8 defined the term "incumbent" to include persons on furlough. This was not necessary if amendment No. 4 went out, and the Senate receded.

(9) Senate amendment No. 9 struck out what was referred to in the House as the Keller-Nichols quota amendment. The House conferees have receded on this amendment. The Senate conferees contended that overwhelming evidence was presented that this provision would be practically unworkable and would result in upsetting many of the agencies.

(10) Senate amendment No. 10 is the provision relating to employees of the House and Senate. The House has receded, but the section was rewritten. It provides that secretaries and clerks to Senators, Representatives, Delegates, and Resident Commissioners, clerks and assistant clerks to standing committees, and clerical employees of the House and Senate, who have served four years and are involuntarily separated without prejudice, may acquire a status for transfer to a civil service position upon passing a suitable examination prescribed by the Civil Service Commission. This provision would apply to such employees for one year from the date of their separations.

(11) Senate amendment No. 11 proposed to give anyone who had served fifteen years or longer a civil service status. The Senate receded from this.

(12) Senate amendment No. 12 proposed to give a classified status to the temporary employees of the Bureau of the Census. We were informed that more than half of the 8,000 temporary Census employees came from over-quota states and the District of Columbia. They definitely understood this employment would be temporary. Their names were drawn from civil service registers, and in many cases without regard to their standing on such registers, because people from distant places would not come to Washington to take temporary employment. Their names still remain on the registers for consideration for permanent appointment, and many of these employees have gotten regular probational appointments.

(13) Senate amendments 13 through 22, are corrections of the text and have no effect on the bill.

(23) Senate amendment No. 23 provided that in putting the provisions of the Classification Act of 1923 into effect under this bill, there should be no discrimination on account of race, creed, or color. The House receded from this, because the Constitution of the United States provides that there shall be no such discrimination.

(24) Senate amendment No. 24 provided that there should be no discrimination against any person under this Act on account of the place of his or her residence. Since the House receded on the Keller-Nichols amendment, this was no longer necessary, and the Senate receded.

(25) Senate amendment No. 25 struck out the language adopted by the House which would have prevented the lowering of salaries of people whose grades were lowered under the provisions of this Act. The House conferees receded from this.

(26) The House bill provided that Boards of Review should be set up for employees dissatisfied with efficiency ratings, composed of three or more members, the Chairman to be designated by the Civil Service Commission, and the other members to be designated by the head of the department concerned. Senate amendments Numbers 26, 27, and 28 changed this to limit such Boards to three members, the Chairman to be appointed by the Civil Service Commission, one member to be designated by the head of the department concerned, and the third member to be designated by the employees of the department concerned. The House conferees receded from these amendments.

(29) Senate amendment No. 29 provided that at hearings by these Boards of Review the complaining employee, his representative, and representatives of the department concerned, should be afforded an opportunity to submit orally or in writing any information deemed pertinent by the Board, and the parties to the proceeding should have the right to examine and reply to such information. The House conferees receded from this amendment, because it is no more than is usually allowed in connection with all such hearings.

(30) Senate amendment No. 30 provided that in appointing or fixing requirements for appointment to any governmental position, there should be no discrimination on account of persons being graduated from a particular school, or from schools accredited or rated by any association, organization, or group, or on account of membership or nonmembership of any professional, technical, or other society or association. The Senate receded from this amendment, because the Senate had already passed a bill with the same purport, and such bill has been favorably reported to the House and a rule granted for its consideration. The conferees felt that the legislation should be taken up separately and considered on its merits and not injected into this bill.

(31) Senate amendment No. 31 provided that the compensation of the Civil Service Commissioners should be $10,000.00 per year, and the compensation of the Executive Director and Chief Examiner of the Civil Service Commission should be $9,500.00 per year. The House receded from this amendment, because it appears that the Commissioners now receive a salary of $8,500.00 per year,, and this amendment will bring them in line with other officials of the Government in comparable positions.

(32) Senate amendment No. 32 made the effective date of this Act, April 15, 1941. The Senate conferees receded from this.

ROBERT RAMSPECK,
JENNINGS RANDOLPH,
FRANK FRIES,
Managers on the part of the House.

Mr. RAMSPECK. Mr. Speaker, if the Members of the House will give me their attention I want to attempt to explain to them just what changes have been made in this bill. As the conferees have agreed on the bill the changes in the bill, title I, are the exemption of the Tennessee Valley employees, the exemption of all positions for which the President makes appointment and the Senate confirms, and the exemp-

tion of assistant United States attorneys. With the exception of those exemptions and the employees of the Work Projects Administration, this bill gives the President authority to cover into the civil service by noncompetitive examinations every position in the Government service.

The Senate conferees eliminated the Keller-Nichols amendment, and I understand there is to be some controversy about that. The Senate committee took testimony on that matter and it developed that the Keller-Nichols amendment was unworkable. As a matter of fact, the quota system is very little understood. I have in my hand statement of the quota as it stands at the present time and it shows that a great many of the States now are over their quota, which means that the States under quota get the positions that become vacant under the civil-service law where the quota system applies, which, of course, is only in the departmental service in the District of Columbia.

I have had Members come to me within the last hour and say they intend to vote against this report because the Keller-Nichols amendment was deleted. If they do that, they are not helping the States that are under quota. The positions with which this bill deals are now filled. If you defeat this bill you do not vacate any of these positions and therefore you have no chance to fill them. You do not put them under the quota system if you defeat this conference report, and therefore you have no opportunity to give them to the States that are under quota. But, if you pass this conference report and the President brings 200,000 people under this bill, 20 percent of them, on the average, will fail to pass either the mental or the physical tests and their positions will be vacated and will go to the States that are under quota. Whenever a position is vacant which is under the quota system, the Civil Service Commission does not certify for that vacancy eligibles from States that are over quota. That is all I am going to say about that at the present time, except to say that we did persuade the Senate conferees to recede on an amendment placing temporary employees of the Census Bureau on a permanent status. There are more than 8,000 of those employees, and over 50 percent of them come from over-quota States and the District of Columbia; so we did save those jobs for you.

We accepted a Senate amendment which gives your secretaries, and clerks of committees and clerical employees of the House an opportunity to qualify for civil-service status after serving for 4 years, provided they pass a noncompetitive examination.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Illinois.

Mr. MASON. Do they have to be separated from the service as secretaries before they can apply?

Mr. RAMSPECK. Yes; they must be involuntarily separated without prejudice. This was done, I may say, for the protection of the membership as well as the service, because otherwise we would have found our offices a channel for people seeking employment.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. I notice the last sentence in the conference report relates to the situation the gentleman has just mentioned, that secretaries being separated from the service involuntarily may be admitted to the civil service by a noncompetitive examination. The last sentence reads as follows:

> Nothing in this act shall be construed to impair any right of retransfer provided for under civil-service laws or regulations made thereunder.

What is the meaning and significance of that sentence?

Mr. RAMSPECK. The meaning of that is that if they secure an appointment under this provision then they shall have the same right to transfer as any other employee who came into the civil service through competitive sources. It is a protection to them, I may say to the gentleman.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Of course, as far as the secretaries and clerks are concerned, we are really blanketing them in, we are not creating positions in the civil service. This is really not a civil-service measure.

Mr. RAMSPECK. That is true; but I do not believe the gentlewoman objects to that, does she?

Mrs. ROGERS of Massachusetts. I should like to have them have it, but I wish to bring out my argument that most of this is really not civil service.

Mr. PEARSON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Tennessee.

Mr. PEARSON. I should like to ask the gentleman the purpose of Senate amendment number 7, which deals with the question of submission of photographs of the various parties blanketed in under the provisions of this bill.

Mr. RAMSPECK. I may say to the gentleman that I happened to be on the Senate floor when that amendment was offered by a distinguished Member of the other body. He said that in part it was to protect these people from racial discrimination. It was also alleged that photographs sometimes militated against others who were referred to as being homely in appearance.

Mr. PEARSON. Is there any valid reason why an applicant for a civil-service position should not be required to submit a photograph of himself or herself, as the case may be?

Mr. RAMSPECK. I do not know of a valid reason; no.

Mr. PEARSON. Has it always been the custom of the Civil Service Commission to require photographs to be submitted where parties were applying for civil-service positions?

Mr. RAMSPECK. I cannot say that it has always been the custom, although it has been so for some years; but it is simply a rule of the Commission. There is no law regarding it. Of course, the gentleman would agree with me, I am quite sure, that the Constitution states there shall be no discrimination. If it has been used for that purpose, it has been used in violation of the Constitution.

Mr. PEARSON. What might be a discrimination from an administrative standpoint might not be one from a legislative standpoint. May I ask the gentleman whether or not doing away with the submission of photographs will affect only those who are affected by the provisions of this bill, or will it affect any applicant for a civil-service position outside the provisions of this bill?

Mr. RAMSPECK. It applies to all future applications for civil-service positions.

Mr. PEARSON. To any civil-service position?

Mr. RAMSPECK. Yes.

Mr. PEARSON. I thank the gentleman.

Mr. RAMSPECK. Frankly, I do not believe it makes any difference, because the appointing officers, of course, have a right to interview the applicants.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Kentucky.

Mr. SPENCE. May temporary employees working under the emergency appropriation be blanketed in under this bill by Executive order?

Mr. RAMSPECK. Yes; except for the Work Projects Administration.

Mr. SPENCE. There are a certain number of such employees in the Treasury Department. Do they come under this bill?

Mr. RAMSPECK. It is the intention to cover all the employees of that character, if I understand the character of employees the gentleman has in mind, who get their pay from funds appropriated in what we call the relief bill but who are not employed by the Work Projects Administration.

Mr. SPENCE. It is the intention of the framers of the bill to cover those people?

Mr. RAMSPECK. Yes.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. What about the employees of the Public Works Administration?

Mr. RAMSPECK. Those that are still on the rolls will be covered by this bill. Of course, those that are on furlough will not be covered.

Mr. LEWIS of Colorado. They will not be covered?

Mr. RAMSPECK. No.

I reserve the balance of my time, Mr. Speaker.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I will yield for a question, but not for an observation because the gentlewoman from Massachusetts is going to have time.

Mrs. ROGERS of Massachusetts. Yes; but very little.

Mr. RAMSPECK. I am not going to yield for an observation, but if the gentlewoman wants to ask me a question I will yield.

Mrs. ROGERS of Massachusetts. I understand that, strictly speaking, the civil-service workers should make a violent protest about the people who are paid from W. P. A. funds who are doing the same work that they are doing. If they make a protest against that they will probably win their point because, I understand, it is not legal to pay people from W. P. A. funds where they should be civil-service jobs.

Mr. RAMSPECK. Nobody paid by the W. P. A. comes under this bill.

Mrs. ROGERS of Massachusetts. Yes; I understand it is an illegal thing, but it has been done in many instances.

Mr. RAMSPECK. I do not know anything about that and, of course, that has nothing to do with this bill.

Mrs. ROGERS of Massachusetts. It concerns the bill because they should not be blanketed in.

Mr. RAMSPECK. We are not blanketing in any W. P. A. people.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to my colleague from Georgia.

Mr. PACE. Will the gentleman just state the employees that are not covered by this bill?

Mr. RAMSPECK. It does not cover the Work Projects Administration employees; it does not cover the Tennessee Valley Authority employees; it does not cover any position to which the President appoints, by and with the advice and consent of the Senate; and it does not cover assistant United States attorneys.

Mr. PACE. That is all?

Mr. RAMSPECK. Those are all the exemptions.

Mr. HARTER of New York. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I am sorry, but I shall have to reserve the balance of my time, because I want to yield gentlemen some time.

Mr. Speaker, I yield 10 minutes to the gentlewoman from Massachusetts.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THOMASON). The gentleman will state it.

Mr. NICHOLS. If the House desired to instruct its conferees as to particular provisions in this conference report, it would first be necessary to vote down the conference report, and after the conference report was voted down, then such motions to instruct them would be in order. Is that correct?

The SPEAKER pro tempore. The gentleman from Oklahoma is correct.

The gentlewoman from Massachusetts is recognized for 10 minutes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am a firm believer in the merit system for civil service and always live up to it myself, and make my appointments accordingly. This is a mock civil-service bill. I believe many of the provisions of the conference report will not be acceptable to the Members of the House. Several people are going to speak regarding the quota provision or the elimination of the Nichols amendment; others may speak also of barring those who are doing the census work at the present time. I want to remind the House that the workers at the Census Bureau are those who have taken and passed civil-service examinations and yet those people will be debarred from the provisions of this bill. In other words, if it were a real merit bill, why leave out those who are working in the Census, the only ones who won their spurs and passed an open competitive examination? They are now on the eligible rolls of the civil service.

I want to call the attention of the House again to the fact that the President at the present time, in fact for the past 7½ years, could have blanketed into the civil service 40,000 or 50,000 of these workers or could have required an open competitive civil-service examination to be held. I ask you, in the name of common sense, if the administration wanted a merit bill or wanted the merit system or a real civil-service system, in the beginning when these measures passed the House they would have required that the people going into these Departments pass open competitive examinations, but instead they eliminated the civil-service provisions. I want to remind the House that many of these people could not pass an open competitive test, as was brought out by the Commissioner of Civil Service, both before the House and Senate committees. The hearings will show that in an open competitive examination, even after 7½ years of experience, only 20 percent probably could pass such an examination. I ask you, Mr. Speaker, if you feel it is fair to have 1,000,000 eligibles now on the civil-service list, to blanket these persons in by noncompetitive tests. We all know what noncompetitive tests mean. These people are not only blanketed into the civil service, but they go ahead of those on the civil-service eligible list of today.

In other words, these 1,000,000 people will have to wait until these other people are taken care of, not only now but in the years to come, because these people who are blanketed in will be on the list for reemployment and will take precedence over those on the present eligible list.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the very able and distinguished gentlewoman from Massachusetts yield at this point?

Mrs. ROGERS of Massachusetts. I shall be very glad to yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. And those political-spoils-system appointees who are blanketed into the civil service for lifetime jobs under this bill will be blanketed in if they only make a passing grade of 70 in the noncompetitive examinations while among those millions now on the civil-service eligible list who have taken civil-service examinations, there are many, many thousands who have made grades as high as 95 or 98 percent in competitive civil-service examinations.

Mrs. ROGERS of Massachusetts. Oh, yes; many hundreds of thousands, and it is manifestly unfair.

Mr. SCHAFER of Wisconsin. And therefore, in view of that fact, this bill is not a merit-system bill in any manner whatsoever.

Mrs. ROGERS of Massachusetts. No; it is a trick bill, and I doubt very much if it pleases even the people who are supposed to be taken in under its provisions.

I wish to call the attention of the House also to the fact that Commissioner Fleming has stated several times before the Appropriations Committee that he did not have the funds to examine applicants, so far as character goes. We know what happened in Detroit—the throwing out of a window by an R. F. C. employee of a waste-paper basket and other things. I do not mean to imply that all these political appointees are like that, but there are many employees in the Government today who have communistic tendencies. Do you realize that those people may be blanketed in without a proper character test and with no proper examination?

Mr. Speaker, I should like to reserve the balance of my time.

Mr. RAMSPECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THOMASON). The gentleman will state it.

Mr. RAMSPECK. When time has been yielded to a Member by the person in charge of a conference report, can that Member reserve part of the time?

The SPEAKER pro tempore. Of course, the gentleman has control of the time.

Mr. RAMSPECK. I yielded 10 minutes to the gentlewoman from Massachusetts. She now wishes to reserve part of her time.

The SPEAKER pro tempore. The gentlewoman from Massachusetts cannot do that.

Mrs. ROGERS of Massachusetts. How much time have I consumed, Mr. Speaker?

The SPEAKER pro tempore. The gentlewoman has consumed 5 minutes.

Mrs. ROGERS of Massachusetts. If I cannot reserve part of my time I will proceed.

The SPEAKER pro tempore. The gentlewoman from Massachusetts is recognized.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I wish to bring to the attention of the House the matter of W. P. A. workers who are connected with the W. P. A., who are paid from W. P. A. funds, working side by side, doing the same kind of work, with regular civil-service employees. For instance, in some of the departments a man at one desk has civil-service status. The man on the next desk is paid for with W. P. A. money, but does not have a civil-service status for that position. All those men will be blanketed into the civil service and during all this time if the civil-service workers had wanted to make a protest, I understand that those people could not have been paid with W. P. A. funds, and their positions could only have been filled by civil-service workers.

This is manifestly an unfair provision, and I ask the chairman of the committee if he knows how many people will be taken in under this provision?

Mr. RAMSPECK. Not any. The W. P. A. is exempted.

Mrs. ROGERS of Massachusetts. But those connected with the W. P. A.

Mr. RAMSPECK. There are not any connected with the W. P. A.

Mrs. ROGERS of Massachusetts. They are paid from W. P. A. funds. In order to clarify this, I quote from item 2 of the statement of the managers on the part of the House. It follows, and it speaks for itself:

(2) As the bill passed the House it excluded "any positions in or connected with the Work Projects Administration." The Senate struck out the words "or connected with." The reason for this was that considerable doubt has arisen about employees working in other agencies of the Government paid from relief funds. It was feared that such employees might be excluded from the provisions of the act, and that was not intended.

Mr. RAMSPECK. I will say to the gentlewoman from Massachusetts that some years back it was true that that money was appropriated to the W. P. A. and then allocated to other agencies. That is not true any more. They are paid now by money that is appropriated in the same appropriation bill.

Mrs. ROGERS of Massachusetts. But those who are connected with the W. P. A. will be blanketed in.

Mr. RAMSPECK. I do not construe that they are connected with it simply because they get their money out of the same appropriation bill. The Treasury Department and the Post Office Department are covered in the same bill, but I would not say that the Post Office Department is connected with the Treasury Department.

Mrs. ROGERS of Massachusetts. I am told it is an illegal provision. Will the gentleman tell me how many will be blanketed in in that way?

Mr. RAMSPECK. I do not have any idea how many there are.

Mrs. ROGERS of Massachusetts. I have tried to get those figures, without success.

Mr. RAMSPECK. There are some in the Treasury Department, the General Accounting Office, and various places.

Mrs. ROGERS of Massachusetts. I believe that many of the political appointees will be disappointed in their noncompetitive examinations, because it is the easiest thing in the world for a noncompetitive examination to be given so that the person whom the department desires to pass will pass and those whom the department wants to fail will fail.

Mr. REES of Kansas. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I will be glad to yield to the gentleman from Kansas.

Mr. REES of Kansas. I think it was admitted in the committee hearings before the Senate that if there were a competitive examination, possibly 75 percent of those now holding jobs would lose their positions. Is that not correct?

Mrs. ROGERS of Massachusetts. That is correct. That was brought out by the chairman of the Civil Service Commission, who testified before our committee.

Mr. REES of Kansas. Even with an examination of 70 percent, noncompetitive, they admitted about 20 or 25 percent would lose their jobs. Is that not correct?

Mrs. ROGERS of Massachusetts. Yes. In other words, they are saying that they would like to take into the Government service permanently people who are not capable of doing the work.

Mr. REES of Kansas. Is this not a time when we ought to be tightening up on propositions like this rather than loosening up?

Mrs. ROGERS of Massachusetts. I think the gentleman is correct. Particularly in these times of stress, when we have many enemies without our gates, and within the Government itself.

Mr. REES of Kansas. I think the gentlewoman had a letter this morning from someone who told her that this bill was a part of the national-defense program. Does the gentlewoman have time to connect the two together, or can she tell us how the civil service, which has been in operation since 1883, can be connected up with the national-defense program?

Mrs. ROGERS of Massachusetts. This is a very dangerous measure so far as national defense is concerned. There are 44,390 people, for instance, employed in the War Department today who might be frozen in under this bill. Imagine taking those persons, perhaps some of them Communists or members of the Bund, into civil service by noncompetitive examinations, freezing them in. I declare, this is all wrong. [Applause.]

Following is a letter I have received from the Civil Service Commission, giving the latest available figures concerning the classified and unclassified positions:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 3, 1940.

HON. EDITH NOURSE ROGERS,
House of Representatives.

DEAR MRS. ROGERS: In response to your personal request yesterday the Commission advises you that the latest figures compiled showing the number of classified civil-service positions and the number of unclassified civil-service positions in the Federal Government are as of December 1939; the June 30, 1940, figures will not be available for some time.

In December 1939 there were 660,594 classified positions and 271,711 unclassified positions, a total of 932,305. Among the number of nonclassified positions are from 40,000 to 50,000 in what is known as schedules A and B of the civil-service rules which positions may be classified by the President whether or not H. R. 960 becomes law. Of the remaining number of unclassified positions so many of them are intermittent, part time, seasonal, or cooperative that the Commission believes the number likely to be brought into the classified service if H. R. 960 becomes law would be from 125,000 to 150,000.

You will note from the third column of figures in the attached table that the departments and establishments in which the greatest number of nonclassified persons are employed are:

Treasury Department	20,556
War Department	44,390
Justice Department	5,007
Post Office Department	3,894
Navy Department	7,284
Interior Department	26,986
Agriculture Department	53,106
Federal Loan Agency	19,739
Federal Security Agency	4,433
Federal Works Agency	38,021
Panama Canal	14,867
Tennessee Valley Authority	14,597

Although the State Department in December 1939 had 4,792 unclassified positions the greater number of these were in the Foreign Service of the Department subject to the merit system established by the Rogers Act.

Very sincerely yours,

L. A. MOYER,
Executive Director and Chief Examiner.

TABLE 2.—*Civil employment in the executive branch of the U. S. Government by classification status of positions and place of employment December 1939* [1]

Department or independent establishment	Entire service			In the District of Columbia			Outside the District of Columbia		
	Total	Classified	Unclassified [2]	Total	Classified	Unclassified [2]	Total	Classified	Unclassified [2]
Office of the President:									
Executive staff	753	147	606	529	147	382	224		224
Maintenance force	141		141	141		141			
Executive departments:									
State	6,249	1,457	4,792	1,076	907	169	5,173	550	4,623
Treasury	60,216	39,660	20,556	19,054	15,655	3,399	41,162	24,005	17,157
War	123,624	79,234	44,390	6,470	4,972	1,498	117,154	74,262	42,892
Justice	10,075	5,068	5,007	3,009	1,445	1,564	7,066	3,623	3,443
Post Office [1]	291,114	287,220	3,894	4,476	4,327	149	286,638	282,893	3,745
Navy	99,024	91,740	7,284	12,845	12,219	626	86,179	79,521	6,658
Interior	45,844	18,858	26,986	6,881	5,147	1,734	38,963	13,711	25,252
Agriculture [3]	86,250	33,144	53,106	12,165	7,883	4,282	74,085	25,261	48,824
Commerce	8,535	6,952	1,583	5,803	5,344	459	2,732	1,608	1,124
Labor	6,759	6,239	520	2,243	1,991	252	4,516	4,284	268
Independent establishments:									
Alley Dwelling Authority	44	40	4	44	40	4			
American Battle Monuments Commission	87	8	79	9	8	1	78		78
Board of Governors, Federal Reserve System	434		434	412		412	22		22
Board of Tax Appeals	128	67	61	128	67	61			
Civil Aeronautics Authority	4,934	4,450	484	1,236	1,089	147	3,698	3,361	337
Civil Service Commission	1,829	1,796	33	1,417	1,384	33	412	412	
Employees' Compensation Commission	520	514	6	464	458	6	56	56	
Farm Credit Administration	3,171	1,463	1,708	1,286	1,126	160	1,885	337	1,548
Federal Communications Commission	624	596	28	429	401	28	195	195	
Federal Deposit Insurance Corporation	1,388	537	851	483	384	99	905	153	752
Federal Loan Agency	19,894	155	19,739	4,500	64	4,436	15,394	91	15,303
Federal Power Commission	790	489	301	521	354	167	269	135	134
Federal Security Agency	20,819	16,386	4,433	4,406	3,841	565	16,413	12,545	3,868
Federal Trade Commission	660	327	333	573	301	272	87	26	61
Federal Works Agency	46,659	8,638	38,021	12,166	4,517	7,649	34,493	4,121	30,372
General Accounting Office	5,109	2,237	2,872	5,109	2,237	2,872			
Golden Gate International Exposition Commission	25		25	3		3	22		22
Government Printing Office	5,874	5,600	274	5,874	5,600	274			
Interstate Commerce Commission	2,661	2,645	16	1,853	1,844	9	808	801	7
Maritime Commission	1,581	1,469	112	929	828	101	652	641	11
Maritime Labor Board	34	31	3	32	29	3	2	2	
Mount Rushmore National Memorial Commission	47		47	2		2	45		45
National Advisory Committee for Aeronautics	715	681	34	62	61	1	653	620	33
National Archives	353	352	1	353	352	1			
National Capital Park and Planning Commission	28	12	16	28	12	16			
National Labor Relations Board	874	449	425	480	262	218	394	187	207
National Mediation Board	73	33	40	25	17	8	48	16	32
New York World's Fair Commission	14		14				14		14
Panama Canal	16,505	1,638	14,867	126	126		16,379	1,512	14,867
Railroad Retirement Board	2,352	2,317	35	1,383	1,348	35	969	969	
Securities and Exchange Commission	1,616	907	709	1,282	780	502	334	127	207
Smithsonian Institution	486	355	131	486	355	131			
Tariff Commission	303	290	13	295	282	13	8	8	
Tennessee Valley Authority	14,597		14,597	10		10	14,587		14,587
Veterans' Administration	38,493	36,393	2,100	5,247	5,188	59	33,246	31,205	2,041
Total	932,305	660,594	271,711	126,345	93,392	32,953	805,960	567,202	238,758

[1] Exclusive of temporary employees in substitute grades of the Post Office Department consisting of 1,061 in the District of Columbia and 53,376 outside the District of Columbia who were included in the monthly report of employment and pay rolls for December 1939.

[2] The unclassified positions which are excepted from the competitive requirements of the Civil Service Act and rules in the several departments and independent establishments include all unclassified positions regardless of whether financed by regular or emergency funds. They also include unclassified positions where the employees occupying these positions have civil-service status and unskilled laborers who are appointed in accordance with the provisions of the labor regulations promulgated by the President.

[3] Includes employees hired under special letters of authorization.

Mr. RAMSPECK. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. KELLER].

Mr. KELLER. I will not take the 5 minutes; I will not take 1 minute.

Mr. Speaker, I have been against the acts of the Civil Service Commission for many years because they have not been fair in allocating the jobs among the several States. The present Commission, however, has been doing a lot better than its predecessors. I have their assurance, and I believe it is true, that they will as a matter of fact from now on obey the law strictly and specifically in that regard and give to the States that are under their quota the number that is coming to them. For this reason I am going to vote for the conference report.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Illinois yields back 4 minutes.

Mr. RAMSPECK. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, I am opposed to the adoption of the conference report and am against the passage of this bill. Let it be understood that I am very strongly in favor of a fair, competitive civil-service merit system. I am in favor of doing everything possible to strengthen and improve our civil-service laws. I believe the positions involved in this bill should be under civil service. As a matter of fact, they should have been under civil service when they were created. But the method provided in this bill is not fair and there is no justification for trying to correct a wrong already committed, by the backhanded method which you are using under the guise of civil service.

I am opposed to this bill because it does not provide for fair, open, competitive examinations for these positions that are to be under civil service. In substance, this bill says approximately 250,000 or more political appointees will be blanketed into civil service and permitted to hold their jobs during life tenure, provided only that they are able to make a grade of at least 70 percent on a noncompetitive basis. This chosen group will then acquire the same status and have the same privileges granted to those who earned their positions on a competitive basis, including retirement benefits and annuities.

It has always been my understanding that open and free competition for positions in Government work is in line with the principles of a democratic form of government. When you adopt this conference report and pass the bill, you are going to give some 250,000 politically selected employees the protection of noncompetitive examinations. You are going to eliminate one of the most important factors in the civil-service system—the right of an individual to open competition for Government positions. I just do not see how Members of this Congress can sidestep that principle. Regardless of which party is in power, whether it be Republican or Democratic, political preference does not belong in a merit system.

There are about 4,000,000 young men and women of this country—college and high-school graduates—who do not have permanent positions. Under this measure you close the door to 250,000 jobs which you are bringing under civil service and you tell these young people they cannot compete for them.

Mr. Speaker, there are approximately 800,000 qualified men and women who have successfully passed competitive civil-service examinations. Their names are on the eligible registers. Under this bill, you bring more than 250,000 jobs under civil service, and then turn right square around and tell these 800,000 applicants that even though they may be qualified for part or all of these jobs, they have no right to compete for them. Political patronage has already filled the jobs, and by this bill you are "freezing-in" those job holders. The only exception would be, of course, if some of the appointees received less than a 70-percent grade on the noncompetitive basis.

I have before me an article which appeared in the press a few days ago. It estimates that if competitive tests were required, the mortality among the incumbents on these jobs may reach as high as 70 percent. But even if 50 percent or half of them would fail a competitive examination, why should we permit them to hold their jobs when we have thousands on the eligible registers who have shown themselves to be better qualified to do the work. Government officials admit that under the easy method provided in this bill that approximately 20 percent will not be able to make even a grade of 70 percent. Tell me why a man or woman who has taken an examination in good faith and received a grade of 80 percent or 90 percent should stand aside for somebody who happens to hold the job and can get a grade of 70 percent without competition. I do not want these people to lose their jobs any more than you do. I would be willing to allow them some credit for their experience but do think they should be willing to compete with the fellow on the outside.

Mr. Speaker, the people who hold these jobs receive substantial salaries. Their working hours are not long—the maximum in most cases is 39 hours per week. They are allowed retirement benefits and annuities, as well as vacations and sick leave. They are employees of the people of this country. In turn, the people supporting this Government and paying these salaries are entitled to the very highest quality of efficiency and industry. I do not maintain that the present incumbents are not qualified—not for a moment. But I do believe they should be willing and glad to meet the standards of a real civil-service system, on a fair competitive basis.

Mr. Speaker, about 2 years ago the chairman of our committee submitted legislation to bring these jobs under civil service by open, competitive examinations. This bill provided for open competitive examinations. Hearings were held. The legislation was approved by many groups, including the American Federation of Government Employees. Col. Charles I. Stengle, as president of that organization, said:

> It also happens that this bill embodies to a very large extent one of the outstanding planks in our legislative program. We are happy to know it is not only in conformity with our program but it seems there is a harmony—a most unusual harmony—between the President's program, your program, and our program.

In these hearings concerning H. R. 2700 Mr. Kaplan, representing the Civil Service Reform League, said:

> The Ramspeck bill now before you for consideration is a proposal that our national league has advocated for a long time.

That bill, as I have said before, provided for competitive civil-service examinations.

I am informed these groups have more or less decided that if they cannot have that original bill providing for competitive examinations, they are willing to accept the noncompetitive provisions rather than have nothing at all. That is my understanding of it. That bill, which I favored, was not voted upon by the committee. We were informed the President's reorganization plan did not favor competitive examinations for these positions. This bill, H. R. 960, was reported instead.

Mr. Speaker, when these 250,000 jobs were created during the past 6 or 7 years, Congress deliberately and intentionally, and in the name of emergency, exempted them from the civil-service merit system. It was a mistake, and you know it.

But this is not the way to rectify it. The way to correct that mistake is to take a little more time and use the democratic method of open competitive examinations. Make these jobs civil service in fact as well as in name. It has been decided all at once that it is for the best interests of the country to put these politically appointed employees under civil service. We are still, or again, in an emergency—in a great hurry to get this done. Although, as I said before, we have waited 5, 6, or 7 years to get around to it.

Something has been said about previous administrations having covered in Government positions without competitive examinations. I do not approve such action by either party. But, never in the history of our country has there been such a wholesale covering-in of jobs as is being done this afternoon. As a matter of fact, this administration has already included in civil service by Executive order some 60,000 or 70,000 jobs, without competitive examination.

Mr. Speaker, in March 1933 there were approximately 560,000 Federal employees outside the Army and Navy. Eighty-three percent of them were under civil service. In January 1940 that number had grown to an all-time high of 920,000, with only 66 percent under civil service. At the end of July 1940 the number was increased to an unprecedented figure of 1,023,341 and is increasing by the thousands every week. We have added Government workers to our pay roll during the last 2 years at the rate of 10,000 or 12,000 per month. The annual pay roll for their salaries is more than one and one-half billion dollars.

The question you are to decide this afternoon is whether you want to maintain one of the greatest principles of democracy—and that is to give every man and woman who is qualified, a fair and even chance to seek a position in this Government of ours, on the basis of qualifications and ability. That is the merit system. This bill does not follow such a principle. It is a subterfuge for the protection—for the "freezing in" of a select group of persons who may or may not be qualified for their jobs, and who got them by political patronage—which is the antithesis of a fair, democratic merit system. Members of the House—I am not concerned about the Democrats or the Republicans in the consideration of this measure. But I am deeply concerned about securing the very highest type of service to be obtained for the departments of our Government—and the best way to secure the highest class of efficient service is through fair, competitive examinations, and likewise adhere to the democratic method of permitting all qualified persons, regardless of party, to have a chance for the job.

Mr. Speaker, this House adopted an apportionment amendment, intended to stop the abuse of our present law providing that civil-service jobs shall be distributed among the several States and the District of Columbia in accordance with their population. For example, the District of Columbia is entitled to approximately 200 employees and has between 8,000 and 9,000. Some of our Eastern States have twice the number to which they are entitled. This amendment should go back into this bill.

Mr. Speaker, we have done so many things in the name of emergency during the past 7 years. There is no emergency about this measure. I think it is for the best interests of our people that the bill be turned down and the Committee on the Civil Service requested to report a measure bringing these jobs under civil service and giving everyone who is qualified a fair chance to compete for them in an open, competitive examination. You would then have a real merit system. If I thought this was a real civil-service bill I would gladly support it. It is not civil service. It is lip service. [Applause.]

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield to the distinguished gentleman from Michigan.

Mr. MICHENER. Did I understand the gentleman to say that 20 percent of the people holding these political appointment will not be able to pass an examination to continue in their present jobs? Every law creating New

Deal agencies from A. A. A. up or down exempted these new positions from the civil-service law, and now all those 200,000 jobs are to be covered into the civil service without competitive examination.

Mr. REES of Kansas. The testimony before the committee was to the effect that about 20 percent would fail in the noncompetitive examinations. That was an estimate.

I understand from an article put out by those who favor civil service, it is estimated that 70 percent of the present non-civil-service employees would fail in a competitive examination. But if the number were only 50 percent, why withhold these jobs from those who could or have passed competitive examinations?

We are faced with conflicting statements. On the one hand they say it blankets the jobs into civil service and on the other hand it says it blankets the holders of the jobs under civil service. Certainly it cannot be called a merit system when the individuals are blanketed in without a proper examination.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield to the distinguished Member from Ohio.

Mr. VORYS of Ohio. Is it not true that the difference between those who would pass under a competitive examination as compared with those who would pass under a noncompetitive examination is about 175,000? And if this is so this bill will result in the retaining in office of 175,000 people who are not qualified.

Mr. REES of Kansas. That is approximately correct; yes. Not as well qualified as they should be.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. REES of Kansas. I am glad to yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. The gentleman made a very fine statement about the quota system. I wish he would tell the House about that. I know there is great interest among Members who have spoken to me about that. It would be very bad to eliminate the quota system.

Mr. REES of Kansas. I believe the gentleman from Oklahoma [Mr. NICHOLS] will give us a pretty good discussion of that. I would like to suggest, however, that I do not see how advocates of a merit system could support legislation that does not adhere to a fair-quota system.

Mr. RAMSPECK. Mr. Speaker, I yield 8 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, my position with regard to the present functioning of the civil-service law is well known. I have many times said it was not a merit system, and I repeat that statement. May I say to you today that unless you stop such things as are proposed by the provisions of this act the civil service, as we know it today, will soon become an octopus that will suck the lifeblood out of your Government. [Applause.]

Let us talk about the Keller-Nichols amendment, for which my distinguished colleague the gentleman from Illinois [Mr. KELLER] has now lost affection. This does not apply to me. I was convinced at the time this bill was under consideration that, since this is a democracy, the law which says that civil-service employees should be selected upon a quota based upon population was a good law. I have been laboring under the opinion that my people in Oklahoma, the people of Texas, the people of Illinois, and other parts of the United States—fine American citizens all—are as much entitled to this cloak of protection that the Government furnishes, called civil service, as are the people from Maryland, Virginia, the District of Columbia, New York, and other States.

I will now call this the Nichols amendment since the gentleman from Illinois [Mr. KELLER] has withdrawn his support. The terrible thing about the Nichols amendment is that it says to our neighbors in Maryland, who are 295 percent above their quota, and to the District of Columbia, with their 4,000 percent above their quota, "You just wait with your 295 and 4,000 percent until the rest of the States get what the law says they are entitled to." It does not say to our friends in Maryland, "You fire somebody and let us catch up." Is that a terrible situation? Why, the Marylanders themselves will not object. There is Virginia with 192 percent above its quota. We do not want any of their boys and girls who are under civil service to lose their jobs. We do not want them to even wait until we catch up with them. We just want them to wait until we in Oklahoma and 32 other States in the United States get the number of people under civil service that the law says we are entitled to.

Let me read you the States that are under quota:

> California, Alaska, Texas, Louisiana, Michigan, Arizona, South Carolina, Arkansas, Alabama, Mississippi, Ohio, New Jersey, Georgia, Kentucky, North Carolina, New Mexico, Oklahoma, Tennessee, Nevada, Illinois, Wisconsin, Indiana, Connecticut, Vermont, Florida, Rhode Island, North Dakota, and Kansas—

Thirty-two in all.

The distinguished chairman of the committee says that the Civil Service Commission has reformed; that it promises us they are going to be good boys after this, and they are going to pay some attention to the law. They have not in the past, but from now on they are going to make the quotas apply. Yes? Well, there was a joker in the Census Act. I did not know it was in there, and I doubt that many of you did. It had a provision that those employees should be taken under civil service without regard to the quota system.

Here is what happened, and I read now from a statement by George Riley appearing in one of the Washington newspapers:

> There have gone into the census for duty in Washington 8,151 temporary employees as of August 31. The distribution by States is interesting. The District of Columbia has supplied 16 percent of the 8,000. New York comes first with 22 percent, 1,803.

In other words, 38 percent of the 8,000 employees which were recently given civil-service employment and employed in the Census Bureau came from the District of Columbia and New York State. That is 38 percent, and no one dares gainsay that.

There are 30 States in this Union of States with fewer than 100 employees in the 8,000 civil-service employees taken into the Census Bureau. Eleven States have between 100 and 200. Seven States have more than 200. Is that distribution? No; I for one am not willing to trust the Civil Service Commission to do equity now that they have failed to do in the past. [Applause.]

I am against this conference report in toto, but certainly if you are to remain fair and honest and true to the trust of your constituents, if you come from a State that is underquotaed, you will be compelled to vote against this conference report in order that you can support a motion I will then make to instruct the conferees to insist on the Nichols amendment.

Do you know that there was not a roll call on that amendment when it passed this House before? It passed on a division vote, and, as I recall, it was 151 for and only 40 against. To the managers on the part of the House let me say from whom do you get your instructions but from this body? By an overwhelming majority they laid down to you a trust, an order, and a command that you insist that this amendment stay in the bill, and you come back here now with no opposition, no one has said they opposed taking it out in the conference. Do you know why? Mr. Mitchell, of the Civil Service Commission, says it just cannot be done, it will not work. Let me say this to Mr. Mitchell and to the other members of the Civil Service Commission—if their intelligence is not such that they can by the manipulation of figures find out what a State is entitled to and give that State what it is entitled to before other States get more than they are entitled to, then we ought to get a new Civil Service Commission. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, in answer to the gentleman from Oklahoma who has just taken his seat, may I say that the Civil Service Commission had nothing to do with the fact that the employees of the Census Bureau were not

under the quota system, just as they have nothing to do with the fact that the employees with whom we are dealing in this bill are not under the quota system because Congress exempted them when they took them out from under civil service.

The gentleman criticizes the Civil Service Commission. This present Commission went into office in 1933. At that time the gentleman's own State, Oklahoma, had 196 positions in the District of Columbia in the apportioned service under the quota system. Today the State of Oklahoma has 732 positions, which shows that the Civil Service Commission has done its duty and has given preference to Oklahoma citizens in apportioned or quota positions. The record also shows that during that same period the District of Columbia has lost 2,000 positions in the apportioned service here in the District of Columbia. So the statement made by the gentleman from Oklahoma is based upon a lack of knowledge of the facts, and it is not the fact. The Commission is rapidly adjusting the quota system and doing it just as rapidly as it can under the law.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Maryland.

Mr. COLE of Maryland. I should like to know, from the gentleman's intimate study of this problem, if the fact that the State of Maryland has today so many beyond her quota is not due largely—and everybody who knows anything about this subject concedes this, I believe, to be true—that many people from other States receiving employment with the Government in Washington, move across the line into Maryland and, while they are charged to their respective States, relatives and members of their families land jobs through their efforts, and are charged to Maryland—their new home. Obviously, it is not fair to say that Maryland is so much beyond its quota under those circumstances. We should not be penalized because residents of other States, once residing in Maryland, find it ideal as a permanent home.

Mr. RAMSPECK. There is something in what the gentleman says, but primarily the maladjustment of the quota system grew up during the World War when the Commission had to take people from wherever they could get them to fill the positions.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. MAHON. Is it not true that when one goes into the civil service from a certain State he remains in the service as from that State, whether he lives in Virginia, Maryland, or anywhere else?

Mr. RAMSPECK. I believe the gentleman is correct about that.

May I say before I take my seat again that there are some 16 States that are overquotaed, including the large States of Pennsylvania, New York, and other States close by, who have furnished a great many eligibles on the present list. This means that the underquotaed States will rise very rapidly. I have the record here on each State to show anyone who questions that statement. I cannot go down the line and enumerate them here in the limited time I have, but I may say that the Commission is adjusting this situation very rapidly.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. SASSCER].

Mr. SASSCER. Mr. Speaker, from listening to the debate and following the consideration of the bill now under discussion, it is very apparent that the primary purpose of the bill is to protect employees who are in office, some of them technical employees, many of them serving in important positions for which they have been specially trained since joining the Government service. A lot of these employees have had their positions for some years. Some have passed middle age. On that premise, and with the realization that the idea of the bill is to get away from the plunder system and to protect faithful Government employees, it certainly seems to me that an effort to vote down this conference report would be a vote to accomplish the very opposite purpose, because it has been very openly stated that the purpose of attempting to get this conference report voted down is that in blanketing in these employees who come from overquota States. Instead of protecting the people the bill aimed to protect we would throw them into a plunder system and pull out of employment in the departments at a critical time men and women who are particularly fitted for their jobs. And for what purpose? For the sole and express purpose of making political plunder and getting away from the basic idea of protection of Government employees. I trust, therefore, that the conference report will be adopted. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GOSSETT].

Mr. GOSSETT. Mr. Speaker, I want to state that I have supported this so-called Ramspeck civil-service bill from its inception to date. I admire the able, sincere, and distinguished chairman of the Civil Service Committee. This conference report upon which we must now act has greatly changed the original Ramspeck bill.

I rise now to call your attention to the "sight unseen" or "catch as catch can" amendment to this bill—that is amendment No. 7. This amendment will set up an entirely new policy within the Civil Service Commission. This amendment eliminates the attaching of pictures to civil-service job applications. If this amendment is adopted, there is no way of knowing whether the prospective employee is black or white. If this amendment becomes law, employees must be chosen with no idea of their appearance or physical characteristics. These facts are not disclosed by the civil-service papers except through photographs, which some persons now want to eliminate primarily as a sop to Negro voters.

I want to call your attention to the fact that there is a vast difference between racial distinction and racial discrimination. Under this amendment, the employer who wanted to secure a colored stenographer might secure a white one instead, and vice versa.

I have in mind the experience of a friend of mine who has charge of an office in this city which is under the civil service. Some time ago he was authorized to employ a badly needed stenographer in his own office. He sent for an eligible list, which was delivered to him by the Civil Service Commission. All three eligibles on this list were Negro girls.

There may be other objections to this report. But certainly amendment No. 7 makes this report, to my mind, untenable. I think that most, if not all, of us are sincerely in favor of a merit system, but when I observe some of the things that are being done under the guise of merit and when I read this report I am inclined to exclaim: "O merit, merit, what crimes are committed in thy name." [Applause.]

Mr. RAMSPECK. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MOSER].

Mr. NICHOLS. Mr. Speaker, will the gentleman yield to me for a unanimous-consent request?

Mr. MOSER. I yield.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include a report from the Civil Service Commission of September 30, 1940, to show the quota of States as now outlined.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MOSER. Mr. Speaker, I regret the necessity of my opposition to the conference report, because it restricts the House in its effort to instruct the conferees to return and insist upon the House amendment.

My opposition to this bill goes back to the days when I first qualified for a civil-service job. I was a pretty young country school teacher, only 18 years of age, but I sent in a picture to the Civil Service Commission to let them know what I looked like, and according to all precedents ever since then, so far as I know, people have been submitting their photographs, and I can find no reason why we should feel that there was any discrimination ever made of any appointive officer or

civil-service executive because the person was required to submit his photograph.

I am opposed to this philosophy because I am a firm believer and advocate of the principle of merit in determining efficiency in taking an examination or qualifying for a position within the classified civil service. We are all good Americans here and we have taken an oath to support the Constitution of the United States, and even when I was in the classified civil service, time after time, in addition to that oath, I was obliged to take oath that I would also abstain from anything prohibited by its laws and prevent its being done by another. I still cling to that type of oath under the Constitution, but over on the cornice of the Supreme Court Building we have a motto which is something for us to look upon: "Equal Justice Under Law." We have a law that governs the civil service that has been in operation since 1883. It is the same law under which I qualified to enter the civil service 36 years ago, and the same law that has not been changed since that time. However, for the determination of merit in the application of the law, I want to point out to the membership of the House that we have in the Civil Service Commission certain administrative officials who have been in it a long time, and some of them I knew in the days of my experience in the classified service. They tell us that a part of this law that applies to the apportionment to the different States cannot be operated or administered, and yet at the same time these officials of the Civil Service Commission who confess their inability to administer a law that is charged to them as a responsibility, have conveniently added to this bill since it passed the House, by amendment in another body, a salary raiser whereby we are to reward them for their own admitted incompetence to administer the law as it is to be applied.

Take the executive director of the Civil Service Commission, a perfectly affable and likeable fellow, who tells you they cannot administer and enforce the apportionment law but wants you to promote him; and the chief examiner of the Civil Service Commission, one of the most likeable and sociable fellows I ever knew, tells us we cannot go out and conduct examinations like they had when you and I took them because young people are no longer trained in the schools the way they were in the past and, therefore, could not pass the examinations and we must lower the standards of merit. I do not believe this is the time to reward men with salary raises, but you will find that in the bill.

I would also like briefly to address myself to that amendment striking out three little words from this bill, "or connected with" Work Projects Administration. Having served on the Committee on Civil Service of the House for sometime, I was very much in favor of H. R. 2700 because it provided for open, competitive examinations, but I was opposed to H. R. 960 because it provided for noncompetitive examinations. We had that bill tied up in the committee pretty tight, and our distinguished chairman and all the members of the Civil Service Committee know that an agreement was entered into whereby the Work Projects Administration was excluded from the provisions of the bill.

Having thus been excluded from the bill, the bill was reported out. Now, people who are on the rolls who were originally placed on pay rolls as a consequence of appropriations, through the W. P. A., are in those administrative agencies of government who came before committees of the House and Senate for years seeking increased appropriations. To get them they went on relief for large amounts, and there they are; and, by the enactment of this bill, will be classified noncompetitively and remain, however prejudicially selected, to the exclusion of our constituencies qualifying competitively. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. HARTER].

Mr. HARTER of New York. Mr. Speaker, I know this has been pretty well presented to you up to this time, but I do want to drive home to the Members who may not have been on the floor of the House when the debate started that here you are bringing into the merit system, by blanketing in with noncompetitive examinations, somewhere between 200,000 and 250,000. Whereas we used to add a few at a time under the civil-service law, now we are asked to "freeze in" 200,000 or 250,000 at one fell swoop. Frankly, such a method is going to be the uprooting of the merit system rather than building it up.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. HARTER of New York. I yield.

Mr. VORYS of Ohio. As I understand it, the reason we are urged to blanket these in is that they are indispensable to the national defense at this time. How many indispensable men are there in Washington at this time?

Mr. HARTER of New York. Frankly, when this was before the committee, there was no discussion about indispensability. This came up, as I understand it, in 1938. Then the committee would not have anything to do with it. In 1939 and now again in 1940 the leadership has decided that we should blanket in all these employees, most of whom received their appointments through political influence.

Mr. REES of Kansas. Will the gentleman yield?

Mr. HARTER of New York. I yield.

Mr. REES of Kansas. In 1938 this committee did have a bill.

Mr. HARTER of New York. Yes.

Mr. REES of Kansas. It was H. R. 2700. The committee held hearings on it and after holding hearings on it for a while there came along a document known as the President's reorganization measure. Under the recommendations of that reorganization bill, this H. R. 2700 was ditched. We quit right there. We did not even vote on it in the committee. I think probably the gentleman was not a member of the committee at that time, but I thought he should be advised of that situation. So that the committee did not have a chance to vote on H. R. 2700, which provided for a competitive civil-service examination.

Mr. HARTER of New York. That is my understanding.

Mr. REES of Kansas. By the way, you know there is a committee that was called the Reed committee which was supposed to report on the whole problem and bring its report back to the House. That committee has not yet reported.

Mr. HARTER of New York. Mr. Speaker, improvement of the merit system cannot be accomplished by passing over thousands on the civil-service list—there through the hard way, by open, competitive examinations. If this bill becomes a law as it now is drawn, those now holding the jobs will receive only a qualifying examination when actually they should be called upon to qualify by open competitive examinations, with some possible credit allowed for their service as experience. I say to the Members of this House that this "freezing in" of 200,00 persons, appointed largely through influence with the powers that be in Washington, will do much toward breaking down the merit system, which I am sure most of us want to make stronger.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. RAMSPECK. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Speaker, in spite of personal grievances of some, party prejudices of others, and racial prejudices galore, we are now about to commit ourselves upon one of the most important bills that has come before the Congress this session. We are, I hope, about to extend, as all civilized countries have extended, and in the only way in which it can be done either by Republicans or Democrats, the merit principle to Federal employment throughout. Disingenuous indeed are those who praise the end and dispraise the means. The way we propose to do it was the only way we could do it under Harding, under Hoover, or under Coolidge; and it is the only way we can do it now. Truth to tell, this administration has made some advance; for heretofore the "blanketing in," to which some profess to object, was done without examinations at all, whereas we do propose noncompetitive examinations.

If we want to do it without prejudice and in the full spirit of justice we shall have to do it by fingerprinting as identifica-

tion rather than by photographing. Let me draw for you the moral of Carl Sandburg's stagecoach driver. Seeing his coach stalled, this driver put his head through the window and shouted: "First-class passengers, keep your seats; second-class passengers, get out and walk; third-class passengers, get out and shove." [Laughter.]

Is this a nation of first-class, second-class, and third-class passengers? If it is, keep the photograph in to discriminate against women, to discriminate against Jews, to discriminate against Negroes, and to discriminate against anybody else whose physiognomy you do not like. But I am under the impression that this is a nation in which we are all first-class citizens. I do not like the imputation of second- and third-class citizens in a nation sworn to equal justice under law. If all are first-class citizens, then we shall vote this change to fingerprinting for the sake of plain, simple justice—justice in which Democrats and Republicans alike are interested.

If we do not do ourselves the elemental justice of removing the initial opportunity for prejudice to do its dirty work, we can hardly wonder at some national disunity as the result of our provocation. It was a Negro poet, Paul Lawrence Dunbar, who put so neatly the way one should feel toward a neighbor who is nice in words and nasty in discrimination:

I know there is a heaven, for day by day the upward yearning of my soul doth tell me so.
I know, too, there is a hell, for if there were not, pray, where would my neighbors go?

It is the good fortune of America and the glory of the Negro race that as yet Negroes reply to overt and obvious discrimination with good humor, even if wryly. They deserve for all their long suffering and the forms of fairness until they can appreciate the very fact of fairness. This provision in our conference report would initiate a policy of at least fairness in form. Some of you will not let us do more than this. Many of us, under heaven, cannot do less than this and keep our own self-respect. [Applause.]

[Here the gavel fell.]

The SPEAKER. The gentleman from Georgia has 3 minutes remaining.

Mr. RAMSPECK. Mr. Speaker, there is some sincere opposition to this conference report. That opposition, however, is largely on the Republican side, due to the fact that this is a Democratic administration. I welcome the votes of my friends on the Republican side who support this bill in their vote and compliment them upon rising above party prejudices.

The Republican Party has not used even the competitive examination to extend the civil service except on one occasion.

The opposition of my friend, the gentleman from Oklahoma, is not for the contents of the conference report because he voted against the bill with his own amendment in it. He is against it because he is against civil service. He is against the Civil Service Commission, although they have given his State almost four times as many positions as the State had before this Commission came into power.

We have here today the opportunity for the first time in the History of America to make the Government service almost 100-percent merit. Are we going to turn it down because of a little prejudice toward the Negroes? Are we going to turn it down because of misinformation about the quota system? Or are we going to rise above those things and give the President of the United States the authority to extend the civil service which he has asked for time and time again and which many of us on both sides of the Capitol voted for in the reorganization bill last year? That is the question at issue here today. It is a question of whether or not you want to make the Federal service one of merit. We give you the opportunity to place these 200,000 people under the merit system. If the averages carry out this time as they have under the previous noncompetitive examinations given by this Commission, about 40,000 of these positions will be vacated through failure of the present holders to pass the examination or the physical test, and those positions will go to the States that are under quota. I call your attention to the fact that the only chance you have, even underquota States, to get a single one of these positions is to vote for this conference report, because if you vote it down the positions will continue to be occupied by the present incumbents and will not come under the quota system.

Mr. Speaker, I move the previous question on the adoption of the conference report.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The time of the gentleman from Georgia has expired.

The gentleman from Georgia moves the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 181, not voting 116, as follows:

[Roll No. 225]

YEAS—132

Alexander	Duncan	Larrabee	Powers
Andersen, H. Carl	Dunn	Leavy	Ramspeck
Angell	Durham	Lewis, Colo.	Randolph
Barnes	Edelstein	Ludlow	Robertson
Barry	Evans	Lynch	Rogers, Okla.
Beam	Fay	McAndrews	Routzohn
Bland	Ferguson	McCormack	Ryan
Bloom	Flaherty	McGranery	Sabath
Boykin	Flannagan	McKeough	Sacks
Bradley, Pa.	Gavagan	McLaughlin	Sasscer
Brown, Ga.	Gehrmann	McMillan, John L.	Satterfield
Bryson	Geyer, Calif.	Maas	Schuetz
Buckler, Minn.	Gregory	Maciejewski	Schulte
Burdick	Hart	Maloney	Schwert
Burgin	Harter, Ohio	Martin, Ill.	Secrest
Byrne, N. Y.	Hartley	Mason	Shannon
Camp	Hill	Merritt	Smith, Conn.
Chapman	Hobbs	Miller	Smith, Ill.
Church	Hunter	Mitchell	Smith, Maine
Clason	Johnson, Lyndon	Monroney	Smith, Va.
Claypool	Johnson, Okla.	Murdock, Utah	Smith, W. Va.
Cochran	Johnson, W. Va.	Myers	Spence
Coffee, Wash.	Kean	Norton	Taylor
Cole, Md.	Kee	O'Connor	Thomas, Tex.
Connery	Keller	O'Leary	Thomason
Costello	Kelly	Oliver	Vinson, Ga.
Crosser	Kennedy, Martin	O'Neal	Voorhis, Calif.
D'Alesandro	Kennedy, Md.	O'Toole	Walter
Delaney	Kennedy, Michael	Patrick	Ward
Dempsey	Keogh	Pfeifer	Welch
Dickstein	Kerr	Pierce	White, Idaho
Dingell	Kilday	Pittenger	Woodrum, Va.
Drewry	Kramer	Polk	Youngdahl

NAYS—181

Allen, La.	Disney	Hennings	Mansfield
Andresen, A. H.	Ditter	Hess	Marshall
Andrews	Dondero	Hinshaw	Martin, Iowa
Arends	Doxey	Hoffman	Martin, Mass.
Austin	Eaton	Holmes	Massingale
Ball	Eberharter	Hope	Michener
Beckworth	Edmiston	Horton	Mills, Ark.
Bender	Elston	Hull	Monkiewicz
Blackney	Engel	Jarman	Moser
Boehne	Englebright	Jarrett	Mouton
Bolles	Fenton	Jeffries	Mundt
Bolton	Ford, Miss.	Jenkins, Ohio	Murray
Bradley, Mich.	Fulmer	Jensen	Nichols
Brown, Ohio	Gamble	Johns	Norrell
Buck	Garrett	Johnson, Ill.	O'Brien
Bulwinkle	Gartner	Johnson, Ind.	Pace
Byrns, Tenn.	Gathings	Johnson, Luther A.	Pearson
Carlson	Gearhart	Jones, Ohio	Peterson, Fla.
Carter	Gerlach	Jonkman	Plumley
Case, S. Dak.	Gillie	Keefe	Poage
Chiperfield	Goodwin	Kefauver	Rabaut
Clark	Gore	Kinzer	Rankin
Clevenger	Gossett	Kitchens	Reed, Ill.
Coffee, Nebr.	Graham	Lambertson	Reed, N. Y.
Cole, N. Y.	Grant, Ala.	Landis	Rees, Kans.
Colmer	Grant, Ind.	Lanham	Rich
Cooley	Griffith	Lea	Risk
Cooper	Gross	LeCompte	Rodgers, Pa.
Corbett	Guyer, Kans.	Lesinski	Rogers, Mass.
Courtney	Gwynne	Lewis, Ohio	Rutherford
Cox	Hall, Leonard W.	Luce	Sandager
Cravens	Halleck	McArdle	Schafer, Wis.
Crawford	Hancock	McDowell	Schiffler
Crowe	Hare	McGehee	Seccombe
Crowther	Harness	McGregor	Shafer, Mich.
Culkin	Harter, N. Y.	McLean	Simpson
Curtis	Hawks	McMillan, Clara	Smith, Ohio
Davis	Hendricks	Mahon	South

Sparkman	Taber	Vincent, Ky.	Williams, Del.
Springer	Tarver	Vorys, Ohio	Wolcott
Stearns, N. H.	Tenerowicz	Vreeland	Wolverton, N. J.
Stefan	Terry	West	Woodruff, Mich.
Sumner, Ill.	Tibbott	Wheat	Zimmerman
Sumners, Tex.	Tinkham	Whelchel	
Sutphin	Treadway	Whittington	
Sweet	Van Zandt	Wigglesworth	

NOT VOTING—116

Allen, Ill.	Darrow	Jacobsen	Rockefeller
Allen, Pa.	DeRouen	Jenks, N. H.	Romjue
Anderson, Calif.	Dies	Jennings	Schaefer, Ill.
Anderson, Mo.	Dirksen	Jones, Tex.	Scrugham
Arnold	Doughton	Kilburn	Shanley
Barden, N. C.	Douglas	Kirwan	Sheppard
Barton, N. Y.	Dworshak	Kleberg	Sheridan
Bates, Ky.	Elliott	Knutson	Short
Bates, Mass.	Ellis	Kocialkowski	Smith, Wash.
Bell	Faddis	Kunkel	Snyder
Boland	Fernandez	Lemke	Somers, N. Y.
Boren	Fish	McLeod	Starnes, Ala.
Brewster	Fitzpatrick	Magnuson	Steagall
Brooks	Flannery	Marcantonio	Sullivan
Buckley, N. Y.	Folger	May	Sweeney
Burch	Ford, Leland M.	Mills, La.	Talle
Byron	Ford, Thomas F.	Mott	Thill
Caldwell	Fries	Murdock, Ariz.	Thomas, N. J.
Cannon, Fla.	Gibbs	Nelson	Thorkelson
Cannon, Mo.	Gifford	O'Day	Tolan
Cartwright	Gilchrist	Osmers	Wadsworth
Casey, Mass.	Green	Parsons	Wallgren
Celler	Hall, Edwin A.	Patman	Warren
Cluett	Harrington	Patton	Weaver
Collins	Havenner	Peterson, Ga.	White, Ohio
Creal	Healey	Reece, Tenn.	Williams, Mo.
Cullen	Hook	Richards	Winter
Cummings	Houston	Robinson, Utah	Wolfenden, Pa.
Darden, Va.	Izac	Robsion, Ky.	Wood

So the conference report was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Byron (for) with Mr. Short (against).
Mr. Harrington (for) with Mr. Wolfenden of Pennsylvania (against).
Mr. Boland (for) with Mr. Wadsworth (against).
Mr. Shanley (for) with Mr. Thill (against).
Mr. Kocialkowski (for) with Mr. Robsion of Kentucky (against).
Mrs. O'Day (for) with Mr. Kilburn (against).
Mr. Cullen (for) with Mr. Jennings (against).
Mr. Kunkel (for) with Mr. Edwin A. Hall (against).
Mr. Sullivan (for) with Mr. Reece of Tennessee (against).
Mr. Havenner (for) with Mr. Osmers (against).
Mr. Knutson (for) with Mr. Gifford (against).
Mr. Weaver (for) with Mr. Douglas (against).
Mr. Burch (for) with Mr. Allen of Illinois (against).
Mr. Fitzpatrick (for) with Mr. Dworshak (against).
Mr. Cartwright (for) with Mr. Gilchrist (against).
Mr. Buckley of New York (for) with Mr. Rockefeller (against).
Mr. Lemke (for) with Mr. Jenks of New Hampshire (against).
Mr. Somers of New York (for) with Mr. Talle (against).
Mr. Darden of Virginia (for) with Mr. Thomas of New Jersey (against).
Mr. Celler (for) with Mr. Mott (against).
Mr. Allen of Pennsylvania (for) with Mr. McLeod (against).

Until further notice:

Until further notice:
Mr. Warren with Mr. Dirksen.
Mr. Creal with Mr. Winter.
Mr. May with Mr. Anderson of California.
Mr. Patton with Mr. Cluett.
Mr. Kleberg with Mr. Barton of New York.
Mr. Steagall with Mr. White of Ohio.
Mr. Richards with Mr. Thorkelson.
Mr. Patman with Mr. Brewster.
Mr. Starnes of Alabama with Mr. Fish.
Mr. Barden of North Carolina with Mr. Darrow.
Mr. Cannon of Florida with Mr. Leland M. Ford.
Mr. Doughton with Mr. Bates of Massachusetts.
Mr. Ellis with Mr. Marcantonio.
Mr. Folger with Mr. Smith of Washington.
Mr. Magnuson with Mr. Anderson of Missouri.
Mr. Parsons with Mr. Casey of Massachuetts.
Mr. Murdock of Arizona with Mr. Faddis.
Mr. Romjue with Mr. Cannon of Missouri.
Mr. Mills of Louisiana with Mr. Bates of Kentucky.
Mr. Nelson with Mr. Elliott.
Mr. Fries with Mr. Jacobsen.
Mr. Wood with Mr. Fernandez.
Mr. Robinson of Utah with Mr. Brooks.
Mr. Peterson of Georgia with Mr. Dies.
Mr. Flannery with Mr. Wallgren.
Mr. Hook with Mr. Kirwan.
Mr. Green with Mr. Houston.
Mr. Gibbs with Mr. Bell.
Mr. Arnold with Mr. Schaefer of Illinois.
Mr. Tolan with Mr. Sheridan.
Mr. Sheppard with Mr. Healey.
Mr. Scrugham with Mr. Boren.
Mr. Cummings with Mr. Izac.
Mr. Jones of Texas with Mr. Caldwell.
Mr. Snyder with Mr. Sweeney.
Mr. Williams of Missouri with Mr. DeRouen.

The result of the vote was announced as above recorded.

Mr. RAMSPECK and Mrs. ROGERS of Massachusetts rose.

The SPEAKER. The Chair recognizes the gentleman from Georgia.

Mr. RAMSPECK. Mr. Speaker, I move that the House further insist upon its disagreement to the amendments of the Senate to the bill (H. R. 960) extending the classified civil service of the United States and appoint conferees.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. If the motion made by the gentleman from Georgia prevails, then the bill will be back in the same position it was before this procedure. Is this correct?

The SPEAKER. If the motion prevails, the bill goes back to conference.

Mr. MICHENER. And if the motion does not prevail, the bill will not be in conference and very likely will not be disposed of this session.

The SPEAKER. It will be on the Speaker's table.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. If the motion made by the gentleman from Georgia is agreed to, will it then be in order to move to instruct the conferees?

The SPEAKER. The gentleman is correct. One motion to instruct conferees will be in order.

The question is on the motion of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were—ayes 123, noes 110.

So the motion was agreed to.

Mr. NICHOLS. Mr. Speaker, I offer a motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. NICHOLS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H. R. 960 be instructed not to agree to Senate amendment No. 9.

Mr. NICHOLS. Mr. Speaker, I do not intend to use anywhere near the amount of time that I would be entitled to under this motion. My distinguished friend, the chairman of the Civil Service Committee, made certain observations a minute ago that I think I should be entitled to answer, or some Member of the House should answer. For instance, the gentleman from Georgia pointed out that Oklahoma had made certain gains since 1933 in the number of people employed by the civil service. Of course, they have, and so, also, I hope has every State in the Union, because since 1933 the civil-service employees of this Government have doubled and, of course, every State, no doubt, has increased in number over what they had in 1933. But that does not mean the quota system is going to prevail and is going to be put into operation by the Civil Service Commission.

Mr. Speaker, the gentleman from Georgia [Mr. RAMSPECK] pointed out that the only way that we could hope to get the quota system to work is to agree to this conference report. That was a startling statement to make. Why, the terms of this amendment would give positive orders to the Civil Service Commission as to what it could and could not do. The gentleman from Georgia [Mr. RAMSPECK] certainly does not mean to flout in the face of the Members of the House of Representatives the fact that the Civil Service Commission is not going to comply with the law. It has not complied with it under the quota system in the past. But this is positive and certain in its demands. Certainly the gentleman from Georgia [Mr. RAMSPECK] does not mean to say that we who have the intestinal fortitude to oppose the powerful Civil Service Commission are going to be punished by the Civil Service Commission. I am not afraid of that. I do not think the gentleman from Georgia [Mr. RAMSPECK] meant exactly what he said.

I say there is no chance of getting the quota system observed unless this amendment is agreed to, which is just

exactly opposite to the statement made by my friend from Georgia. There is no use in debating this any further. I think everyone has his mind made up. I simply want you to know that there are 32 States in the United States that are below their quotas, and I have read the list heretofore. If you are interested in your State getting what the law now says it is entitled to, you will support the motion now pending on the Speaker's desk to instruct the conferees to not agree with the Senate amendment which took out of the bill the Keller-Nichols amendment.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma [Mr. NICHOLS].

The question was taken; and on a division (demanded by Mr. COLE of Maryland), there were—ayes 164, noes 42.

Mr. MARTIN J. KENNEDY. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to, and the Chair appointed the following conferees on the part of the House: Mr. RAMSPECK, Mr. RANDOLPH, Mr. FRIES, Mrs. ROGERS of Massachussetts, and Mr. REES of Kansas.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that when the report is filed on this bill, it may be taken up notwithstanding the rules of the House.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson; and

H. R. 9972. An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes.

The message also announced that the Senate had ordered that Mr. GREEN be appointed as conferee vice Mr. TRUMAN on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes."

IMPROVEMENT OF CERTAIN RIVERS AND HARBORS IN THE INTEREST OF NATIONAL DEFENSE

Mr. MANSFIELD submitted the following conference report on the bill (H. R. 9972), authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes.

Mr. Speaker, I call up the conference report on the bill H. R. 9972, authorizing the improvement of certain rivers and harbors in the interest of national defense, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. MANSFIELD]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5 and 6, and agree to the same.

J. J. MANSFIELD,
CLAUDE V. PARSONS,
ALBERT E. CARTER,
GEO. A. DONDERO,
Managers on the part of the House.

JOSIAH W. BAILEY,
MORRIS SHEPPARD,
HIRAM W. JOHNSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two houses on the amendments of the Senate to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of national defense, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1: This amendment strikes out the House authorization for improvement of Thames River, Conn., at an estimated cost of $120,000. Since the passage of the bill by the House this project has, on account of its urgency, been undertaken by the Navy Department.

House conferees recede.

Amendment No. 2: This amendment modifies the project for the construction of local works for the protection of East Hartford, Conn., authorized in the Flood Control Act approved June 28, 1938, so as to provide for protecting a larger area than was originally contemplated. This change in the plans increases the cost of the work to the United States $1,640,000. As far as your conferees are advised no communications from any of the Executive Departments, recommending this project as being in the interest of national defense, have been submitted to the Congress.

Senate recedes.

Amendment No. 3: This amendment adopts a project, recommended by the Chief of Engineers in House Document 683, 76th Congress, for enlarging the anchorage areas in Norfolk Harbor, Va., at a cost of $182,000. This improvement is also recommended by the Chief of the Bureau of Yards and Docks, Navy Department, as will appear from a letter printed in the CONGRESSIONAL RECORD of Oct. 4, 1940, page 19879.

House conferees recede.

Amendment No. 4: This amendment authorizes a modification of the existing project for the Sabine and Neches Waterway, Texas. The proposed improvement is described and recommended in the following letter from Maj. Gen. J. L. Schley, Chief of Engineers, to Hon. JOSIAH W. BAILEY, Chairman of the Senate Committee on Commerce:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
WASHINGTON, *September 23, 1940.*

Honorable JOSIAH W. BAILEY,
Chairman, Committee on Commerce, United States Senate, Washington, D. C.

MY DEAR SENATOR BAILEY: I have received your letter dated September 21 in reference to an amendment to H. R. 7972, intended to be proposed by Senator SHEPPARD, relative to the improvement of the Sabine-Neches Waterway at Orange, Texas.

The proposed improvement is described in a review report forwarded to this office by the Division Engineer, Gulf of Mexico Division, on August 28, 1940, pursuant to a resolution adopted February 14, 1940, by the Committee on Commerce of the United States Senate. This report, which is now pending before the Board of Engineers for Rivers and Harbors, recommends "that the existing project for the Sabine-Neches Waterway, Texas, be modified to provide for

a. Abandonment of the Orange turning basin.

b. Dredging a channel 25 feet deep and 150 feet wide, suitably widened on bends, through the turning basin area and continuing upstream to the highway bridge, a distance of about 8,230 feet above the upper limit of the present project.

c. Dredging a cut-off channel 25 feet deep, 200 feet wide, and approximately 2,400 feet long,

all as shown on plate 2 accompanying the basic report, at an estimated cost of $137,000 for initial dredging with no increase in the annual cost of maintenance, provided:

(1) That no dredging shall be done by the United States within 50 feet of existing pierheads or established pierhead lines.

(2) That local interests shall furnish, free of cost to the United States, all necessary rights-of-way and suitable areas for the disposal of material excavated in the modification of the project and in its future maintenance, as and when required.

(3) That local interests shall hold and save the United States free from any damages that may result from the construction and maintenance of the modified project.

(4) That before any work shall be undertaken by the United States toward modification of the project the local interests shall give assurances satisfactory to the Secretary of War that they have secured contracts for the construction of Government ships required by the defense program and that they are ready to proceed with the construction of the necessary shipyards and ship ways.

With reference to provision (4) above, the Navy Department, on September 20, 1940, informed me that a contract has been awarded the Consolidated Steel Corporation for the construction of twelve (12) 2100-ton destroyers at their Orange plant, and that a channel 25 feet deep from just above this plant to the present ship channel is essential.

A copy of the letter from the Navy Department is enclosed.

Sincerely yours,

J. L. SCHLEY,
Major General, Chief of Engineers.

One enclosure: Copy of letter from Navy Dept., Sept. 20, 1940.

NAVY DEPARTMENT,
BUREAU OF SHIPS,
Washington, D. C., September 20, 1940.

Maj. Gen. JULIAN L. SCHLEY, U. S. A.,
Chief of Engineers,
War Department, Washington, D. C.

SIR: The Navy Department has awarded a contract to the Consolidated Steel Corporation for the construction of twelve (12) 2100-ton Destroyers at their plant at Orange, Texas. A channel from just above this plant to the present ship channel, of approximately twenty-five feet (25') in depth, is essential to this National Defense project.

Respectfully,

S. M. ROBINSON,
Rear Admiral, U. S. Navy, Chief, Bureau of Ships.

The House conferees recede.

Amendment No. 5: This amendment makes verbal change perfecting the language in the House provision.

House conferees recede.

Amendment No. 6: This amendment makes verbal change perfecting the language in the House provision for Los Angelus and Long Beach Harbors, Calif. It also provides for the extension of the breakwater at Long Beach from 7,920 feet, as authorized in the House provision, to 21,000 feet. This extension will provide the secure anchorage desired for the increased fleet; also, the Department has secured funds and is about to undertake the construction of fleet facilities on Terminal Island for the supply and docking of ships, antisubmarine net storage, and other fleet facilities. Letters from the War and Navy Departments, recommending this modification, are printed in Senate Report 2072, of this session, pages 2 and 3.

House conferees recede.

Amendment No. 7: This amendment authorizes appropriations for the Missouri River Basin flood control project of such sums as may be necessary to prosecute the construction of a dam and reservoir on the Republican River at the Harlan County site, instead of at the Milford site, as provided for in the Flood Control Act of June 28, 1938. The estimated cost of nine reservoirs included in this project for the Missouri River Basin is over $145,000,000, but only $9,000,000 was authorized to be appropriated in the 1938 Flood Control Act to initiate this work. This sum of $9,000,000 is to be expended in prosecuting the construction of the Kanopolis Reservoir on Smoky Hill River, Kans. The estimated cost of constructing the reservoir on the Harlan County site is $20,078,098. As far as your conferees are advised no communications from any of the Executive Departments recommending this project as being in the interest of national defense have been submitted to the Congress.

Senate recedes.

J. J. MANSFIELD,
CLAUDE V. PARSONS,
ALBERT E. CARTER,
GEO. A. DONDERO,
Managers on the part of the House.

Mr. MANSFIELD. Mr. Speaker, the bill before us is one that was instituted last spring in the interest of national defense. If you will recall, a general river and harbor bill was passed during the present year and vetoed by the President upon the ground principally that the money to be expended would be more needed for purposes of national defense than for internal improvement. The President stated in his message, however, that there were many projects in the bill which he would be glad to approve if a separate bill could be brought in embracing them.

Following this message, the Committee on Rivers and Harbors passed a resolution calling upon the engineers of the War Department to submit a list of projects that would come within the scope of the President's message. They did so, and I immediately introduced a bill just as it was offered by the Chief of Engineers. I was not present at the hearings upon the bill, because I was taken to the hospital and remained there many weeks. In the hearings which followed, a new bill was introduced simply for the purpose of including one or two amendments which were considered advisable.

The bill as it passed the House carried a total authorization of $24,823,000. As amended by the Senate and as agreed upon by the conferees, it carries $35,622,000. The conferees on the part of the House rejected two rather large amendments put into the bill by the Senate. One was a flood-control project on the Republican River in the States of Nebraska and Kansas, amounting to $20,078,098.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Nebraska.

Mr. CURTIS. The gentleman is referring now to the amendment offered by Senator NORRIS of Nebraska?

Mr. MANSFIELD. Correct.

Mr. CURTIS. That is a very meritorious item for which I have worked for 2 years and it is a needed project. I wonder if the gentleman will state just what was in the minds of the conferees that it was rejected. It is a project that has been approved by the district and division engineers and the Chief of Engineers of the Army.

Mr. MANSFIELD. I may state to the gentleman from Nebraska that as far as engineering reports are concerned, as far as I am advised, the project is very meritorious as a flood-control project for peacetime consideration. The House conferees decided against it on two grounds. One was that we did not want a flood-control project in this river and harbor bill, which is introduced exclusively for the purpose of national defense. The other was that we thought that when we have hundreds of flood-control projects one is no more entitled to consideration in a river and harbor bill than the others.

Mr. CURTIS. Do I correctly understand that everything the conferees agreed upon are projects which have been certified as essential to national defense?

Mr. MANSFIELD. As far as I know.

Mr. CURTIS. That was the object of it?

Mr. MANSFIELD. That was the primary object; yes.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Nebraska.

Mr. McLAUGHLIN. I take it that the action the gentleman has described in taking this particular project out of the bill does not mean that this project will not be regarded favorably and that it may not later be acted upon favorably? Is that a correct statement?

Mr. MANSFIELD. I may say to the gentleman that I see no reason in the world why it should not be favorably considered in the first flood-control bill to come before the House.

Mr. McLAUGHLIN. I thank the gentleman for that assurance.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. For the information of the gentleman from Nebraska [Mr. McLAUGHLIN], and as is well known by the gentleman from Nebraska [Mr. CURTIS], a member of the Committee on Flood Control, there is pending now and has been pending in the House since the 7th of May 1940 a flood-control bill which includes the project referred to and makes an authorization of $5,000,000 for the initiation of the project. As I understand, this flood-control project was objected to by the conferees on the part of the House and it has been stricken from the conference report.

Mr. MANSFIELD. It has, and the Senate has approved the conference report today.

Mr. McKEOUGH. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Illinois.

Mr. McKEOUGH. As I understand, the War Department Corps of Engineers failed to recommend the development at this time for defense purposes of the Calumet River–Great-Lakes-to-the-Gulf waterway development.

Mr. MANSFIELD. They have made no such recommendation for that and many other waterways where a contention has been made that the projects possess elements of national defense.

Mr. McKEOUGH. In view of the fact that this development will connect the Great Lakes with the Gulf, is it the judgment of the chairman of the committee, who has had wide experience in these matters that the War Department might have, with propriety, recommended this as a war-defense project, since the Mississippi Valley has been selected for the purpose of locating munitions plants and other de-

fense activities between the Allegheny and the Rocky Mountains, from a standpoint of protection?

Mr. MANSFIELD. I may say to the gentleman from Illinois that, in my judgment, almost every river and harbor project, and almost every flood-control project, embraces features of national defense to a certain degree but, in the opinion of the Engineers of the War Department, this project of which the gentleman speaks, together with a hundred others that might be considered, was not recommended as of urgent importance, just at this time, for that purpose.

Mr. McKEOUGH. Will the gentleman add that in connection with the new river and harbor bill he will extend the same favorable consideration to that bill as the chairman of that committee?

Mr. MANSFIELD. I may state to the gentleman that I favored that measure before he was born politically.

Mr. CURTIS. Mr. Speaker, will the gentleman yield further?

Mr. MANSFIELD. I yield to the gentleman from Nebraska.

Mr. CURTIS. Does the gentleman know whether or not this conference report has been acted upon by the Senate?

Mr. MANSFIELD. It has been acted upon and approved in the Senate, and the message was read here a while ago.

Mr. CURTIS. What was done in reference to the Norris amendment?

Mr. MANSFIELD. They approved its elimination from the bill.

Mr. CURTIS. Was it withdrawn or was a vote taken, does the gentleman know?

Mr. MANSFIELD. I was not present on the floor of the Senate but I have been advised that those who had it placed in the bill agreed to its elimination at the present time.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I have not been able to find a printed list of what the gentleman says has been approved. Does the gentleman have such a list or is he going to read us a list of what is included?

Mr. MANSFIELD. It is in the conference report, which is at the Clerk's desk. I do not have it before me now. However, I may say that only three amendments that were not in the bill as it passed the House unanimously last spring were agreed upon. The major item was the increase in the length of the breakwater at Los Angeles and Long Beach, Calif. That was put in by the Senate at the urgent request of the Navy Department. They say it is absolutely necessary for the great shipbuilding operations that are being carried on there and for the ships that will be used on the Pacific Ocean.

Mr. JENKINS of Ohio. Are we to understand that you took out a good many items that were passed on by the House, but put in only three items that were not included?

Mr. MANSFIELD. We did not take out any items, except one, a very small item for the Thames River, up in Massachusetts, amounting to $182,000, which was taken out because the Navy Department has already done the work.

Mr. GEYER of California. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from California.

Mr. GEYER of California. What was the amount for the breakwater at Los Angeles Harbor?

Mr. MANSFIELD. The amount as approved by the House for the breakwater was $7,074,000. The Senate increased it to $17,674,000, an increase of $10,600,000.

Then there is a project on the border of Louisiana and Texas where 21 ships are now being built for the Navy Department. That cost is only $137,000.

Then at the Norfolk Harbor in Virginia, at the request of the Navy Department, there was secured in the Senate an amendment for dredging additional anchorage there to cost $182,000.

These are the only additions to the bill that the conferees agreed to. I do not know of anything further I may say and I now yield to the gentleman from California [Mr. CARTER].

Mr. CARTER. Mr. Speaker, this is a unanimous report of the conferees and, as has been stated by the gentleman from Texas [Mr. MANSFIELD], this is substantially the bill that passed the House here some months ago by a unanimous vote, with the addition of two or three items put in by the Senate.

The river and harbor projects in this bill have been approved as tending to aid national defense, and we believe that the conference report should be adopted at this time.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield.

Mr. PITTENGER. As a matter of fact, the War Department has asked for all of these amendments.

Mr. CARTER. The War Department or the Navy Department has asked for these river and harbor developments and improvements.

Mr. PITTENGER. And this is a part of the national defense program?

Mr. CARTER. As a part of the national-defense program, yes.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Speaker, I doubt if there is anything I can contribute to what has been presented except perhaps one thing. I think the membership of the House is interested in knowing that the projects in this river and harbor bill circle the United States, so to speak, and are all located on the Atlantic seaboard, the Gulf of Mexico, and the Pacific coast; none are inland. All of them are intended to improve and advance our national defense. We carried out the message and the recommendation of the President in that regard. May I say that no one could have been more diligent or alert in representing their constituency than the gentleman from Nebraska [Mr. CURTIS] and the gentleman from Connecticut [Mr. MILLER] in regard to the two projects which were stricken from the bill as it came back from the Senate. Both of them are flood-control projects, and both of them will be considered at another time, but they had no place in a river and harbor bill, and not because they are without merit. There are many extenuating circumstances in connection with the project in the State of Connecticut.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Connecticut.

Mr. MILLER. I simply want to compliment the members of the Rivers and Harbors Committee for the interest they showed in what was admittedly a flood-control project, but the session is drawing to a close and that amendment was of vital importance. The chairman of the Flood Control Committee has taken an active interest in it, and I understand an agreement has been reached and the bill will be considered tomorrow as a separate bill, and everybody will be happy.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I agree with the statement that has been made by the gentleman, as well as by the chairman of the committee, the gentleman from Texas [Mr. MANSFIELD] and the gentleman from California [Mr. CARTER], that there are flood-control projects, of which the East Hartford project is one, which are just as important to national defense as many river and harbor projects, and I want to say that the East Hartford project was embraced in the flood-control bill that has been reported at this session of Congress and had it not been known that that bill would receive the same fate that was accorded to the larger river and harbor bill, it would have been brought up for consideration. It is the purpose of the Committee on Flood Control at the earliest practicable date in the next session of Congress, if not before, to bring up the emergency flood-control projects that are necessary in national defense and otherwise in the country, and I may

say that the East Hartford project, in my view, is just as essential as some of the river and harbor projects that have been embraced in the pending bill, and I think it should be brought up before the adjournment of the House, under a unanimous-consent agreement, and I propose to bring it up tomorrow morning.

Mr. DONDERO. I just want to close by saying that this report comes in with the unanimous approval of the House conferees, and the Senate has receded, therefore, the report ought to be adopted unanimously.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ORDER OF BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that on tomorrow it may be in order for the Speaker to recognize Members to move to suspend the rules.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Ramspeck bill and to include a letter and a chart from Mr. Moyer, of the civil service.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

The SPEAKER. The Chair desires to make a statement. It is desired to get through by 4:30 o'clock. There are two other conference reports that we would like very much to agree to this afternoon.

AUTHORIZING SPECIAL AGENTS OF DIVISION OF INVESTIGATION OF THE DEPARTMENT OF THE INTERIOR TO ADMINISTER OATHS

Mr. O'CONNOR. Mr. Speaker, at the request of the chairman of the Committee on Public Lands, I call up the conference report on the bill (S. 2627) to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, and I ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2627) to empower and authorize special agents of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments.

RENÉ L. DEROUEN,
J. W. ROBINSON,
HARRY L. ENGLEBRIGHT,
Managers on the part of the House.

ALVA B. ADAMS,
HENRY F. ASHURST,
KEY PITTMAN,
GERALD P. NYE,
CHAN GURNEY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2627) to empower and authorize special agents of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, submit the following written statement explaining the effect of the action agreed on:

That the House recede from its amendment (which struck out the verbiage "and such other employees") and agree to the original language as contained in the bill as it passed the Senate.

RENÉ L. DEROUEN,
J. W. ROBINSON,
HARRY L. ENGLEBRIGHT,
Managers on the part of the House.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. RICH. What is that language as it passed the Senate?

Mr. O'CONNOR. The bill passed the Senate and was reported out unanimously by the Committee on the Public Lands of the House. It was objected to on the Consent Calendar, and the gentleman from Utah [Mr. ROBINSON] proposed this amendment in line 3, on page 1 of the bill:

Strike out the words "and such other employees."

The bill as amended went back to the Senate and they would not agree to it and conferees were appointed. The conferees wrote into the report the identical language that was in the bill originally.

Mr. RICH. What does that do to the bill?

Mr. O'CONNOR. It simply does this: May I say this bill is for the purpose of authorizing special agents, and such other employees of the Department of the Interior as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties; "and such other employees" broadens the authority to administer oaths; that is the House plan now stricken out in the House. This phrase is now restored to the bill. Does that answer the gentleman's question?

Mr. RICH. Yes.

Mr. TABER. Will the gentleman yield to me?

Mr. O'CONNOR. I yield.

Mr. TABER. This bill came on the floor of the House and I objected to it. I objected to it because these special agents in different departments where they have had this power have abused it. Because I felt that that power should not be generally given I objected, and at the earnest solicitation of the gentleman from Utah [Mr. ROBINSON] I agreed that if he would strike out those other words I would let the bill go through. Now the bill comes back from the Senate with those words written in that were stricken out. The only thing I have got to say is that I will know what to do when another bill comes up. That is all.

Mr. O'CONNOR. Mr. Speaker, the language that the gentleman objected to could not be compromised upon by the conferees. The conferees either had to take it all or leave it. Consequently they were absolutely powerless with reference to getting any sort of a compromise upon the language.

As a matter of fact, precedent is found for this very bill in the Department of Naturalization Service, the Coast Guard, Internal Revenue, Department of Agriculture, Veterans' Administration, Navy Department, customs officers, inspectors or officers or vessels, bank examiners, bankruptcy proceedings, post-office inspectors, Civil Service Commission, Interstate Commerce Commission. The language in the bill affecting the Department of Agriculture of this Government, which has been upon the statute books for 15 years, is much broader than this. It reads:

Such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are authorized and empowered to administer oaths.

In this bill persons authorized to administer oaths are limited to the Division of Investigation and again limited to those persons who are empowered by the Secretary of the Interior.

Secondly, it will be of great advantage to the western country. For instance, in public territories like parks, where sometimes crimes are committed, it will enable the officers who are authorized to administer oaths, to collect and assemble the necessary evidence. As to investigators it will enable those who are making the investigation to reduce to sworn affidavits the statements of the people concerned.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr LEAVY. As a matter of fact all this language does is to permit employees of the Department of the Interior who conduct investigations to administer oaths, rather than having to bring a notary public from a distance to administer these oaths, a practice indulged in by all the departments.

Mr. O'CONNOR. Exactly, and in this connection let me say that we live in a country of magnificent distances where one sometimes has to go a long ways for a notary public.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. SCHAFER of Wisconsin. I have a great deal of respect for the very able, diligent, and distinguished gentleman from Montana who serves with me on the Committee on Indian Affairs. The gentleman has so effectively presented his case that there should be no opposition to the conference report on his bill. May I therefore respectfully submit that the distinguished gentleman from Montana should ask for a vote at this time.

Mr. O'CONNOR. I thank the gentleman. He is always very fair.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

HOUSING IN CONNECTION WITH NATIONAL DEFENSE

Mr. LANHAM submitted a conference report and statement on the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, for printing under the rule.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

Mr. THOMASON submitted the following conference report on the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, for printing under the rule.

Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the Soldiers' and Sailors' Civil Relief Act of 1940.

"ARTICLE I—GENERAL PROVISIONS

"SEC. 100. In order to provide for, strengthen, and expedite the national defense under the emergent conditions which are threatening the peace and security of the United States and to enable the United States the more successfully to fulfill the requirements of the national defense, provision is hereby made to suspend enforcement of civil liabilities, in certain cases, of persons in the military service of the United States in order to enable such persons to devote their entire energy to the defense needs of the Nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified over which this act remains in force.

"SEC. 101. (1) The term 'persons in military service' and the term 'persons in the military service of the United States,' as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term 'military service', as used in this Act, shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms 'active service' or 'active duy' shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

"(2) The term 'period of military service', as used in this Act, shall include the time between the following dates: For persons in active service at the date of the approval of this Act it shall begin with the date of approval of this Act; for persons entering active service after the date of this Act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Act ceases to be in force.

"(3) The term 'person', when used in this Act with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

"(4) The term 'court', as used in this Act, shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

"SEC. 102. (1) The provisions of this Act shall apply to the United States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, including the Philippine Islands while under the sovereignty of the United States, and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

"(2) When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

"SEC. 103. (1) Whenever pursuant to any of the provisions of this Act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, endorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

"(2) When a judgment or decree is vacated or set aside in whole or in part, as provided in this Act, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, endorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

"ARTICLE II—GENERAL RELIEF

"SEC. 200. (1) In any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this Act.

"(2) Any person who shall make or use an affidavit required under this section, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

"(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this Act to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

"(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within thirty days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than ninety days after the termination of such service, be opened by the court rendering the same and such

defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this Act shall not impair any right or title acquired by any bona fide purchaser for value under such judgment.

"SEC. 201. At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within sixty days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this Act, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

"SEC. 202. When an action for compliance with the terms of any contract is stayed pursuant to this Act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

"SEC. 203. In any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within 60 days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service—

"(a) Stay the execution of any judgment or order entered against such person, as provided in this Act; and

"(b) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this Act.

"SEC. 204. Any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this Act may, except as otherwise provided, be ordered for the period of military service and 3 months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others.

"SEC. 205. The period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action shall have accrued prior to or during the period of such service.

"ARTICLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES

"SEC. 300. (1) No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed $80 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

"(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than 3 months, as provided in this Act, or it may make such other order as may be just.

"(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed 1 year or by fine not to exceed $1,000, or both.

"(4) The Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury with respect to the Coast Guard, as the case may be, is hereby empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

"SEC. 301. (1) No person who prior to the date of approval of this Act has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment falling due during the period of such military service, except by action in a court of competent jurisdiction: *Provided*, That nothing contained in this section shall prevent the modification, termination, or cancelation of any such contract, or prevent the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties thereto, or their assignees, if such agreement is executed in writing subsequent to the making of such contract and during or after the period of military service of the person concerned.

"(2) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

"(3) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this Act unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

"SEC. 302. (1) The provisions of this section shall apply only to obligations originating prior to the date of approval of this Act and secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him.

"(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

"(a) stay the proceedings as provided in this Act; or

"(b) make such other disposition of the case as may be equitable to conserve the interests of all parties.

"(3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within three months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

"SEC. 303. No court shall stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, where said motor vehicle, tractor, or accessories are encumbered by a purchase money mortgage, conditional sales contract, or a lease or bailment with a view to purchase, unless the court shall find that 50 per centum or more of the purchase price of said property has been paid, but in any such proceeding the court may, before entering an order or judgment, require the plaintiff to file a bond, approved by the court, conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any such judgment or order should the judgment or order be set aside in whole or in part.

"ARTICLE IV—INSURANCE

"SEC. 400. In this article the term 'policy' shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association; the term 'premium' shall include membership dues or assessments in such association, and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association; the term 'insured' shall include any person who is the holder of a policy as defined in this article; the term 'insurer' shall include any corporation, partnership, or other form of association which secures or provides insurance under any policy as defined in this article.

"SEC. 401. (1) The benefits of this article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form prepared in accordance with regulations which shall be prescribed by the Administrator of Veterans' Affairs. Such form shall set forth particularly that the application therein made is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of this article and by receiving and filing the same the insurer shall be deemed to have assented thereto, to the extent, if any, to which the policy on which the application is made is within the provisions of this article. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration.

"(2) The Veterans' Administration shall issue through suitable military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article and shall furnish forms to be distributed to those desiring to make application for its benefits.

"SEC. 402. The benefits of this Act shall be available to any person in military service in respect of contracts of insurance in force under their terms up to but not exceeding a face value of $5,000, irrespective of the number of policies held by such person whether in one or more companies, when such contracts were made and a premium was paid thereon before the date of approval of this Act or not less than thirty days before entry into the military service;

but in no event shall the provisions of this article apply to any policy on which premiums are due and unpaid for a period of more than one year at the time when application for the benefits of this article is made or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per centum of the cash surrender value of the policy.

"SEC. 403. The Veterans' Administration shall, subject to regulations, which shall be prescribed by the Administrator of Veterans' Affairs, compile and maintain a list of such persons in military service as have made application for the benefits of this article, and shall (1) reject any application for such benefits made by persons who are not persons in military service; (2) reject any applications for such benefits in excess of the amount permitted by section 402; and (3) reject any applications in respect of contracts of insurance otherwise not entitled to the benefits of this article. Said Administration shall immediately notify the insurer and the insured in writing of every rejection or approval.

"SEC. 404. When one or more applications are made under this article by any one person in military service in respect of insurance exceeding a total face value of $5,000, whether on one or more policies or in one or more companies, and the insured shall not in his application indicate an order of preference, the Veterans' Administration shall reject such policies as have the inferior cash surrender value, so as to reduce the total benefits conferred within the face value of $5,000, and where necessary for this purpose shall direct the insurer to divide any policy into two separate policies. The said Administration shall immediately notify the insurer and the insured in writing of such selection.

"SEC. 405. No policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of this article, shall lapse or be forfeited for the nonpayment of premium during the period of such service or during one year after the expiration of such period: *Provided*, That in no case shall this prohibition extend for more than one year after the date when this Act ceases to be in force.

"SEC. 406. Within the first fifteen days of each calendar month after the date approval of this Act until the expiration of one year after the date when this Act ceases to be in force every insurance corporation or association to which application has been made as herein provided, for the benefits of this article, shall render to the Veterans' Administration a report, duly verified, setting forth the following facts:

"First. The names of the persons who have applied for such benefits, and the face value of the policies in respect of which such benefits have been applied for by such persons, during the preceding calendar month.

"Second. A list as far as practicable of the premiums in respect of policies entitled to the benefits of this article, which remain unpaid on the last day of the preceding calendar month, which day is at least thirty-one days after the due date of the premiums, provided such premiums have not previously been so reported as in default.

"Third. A list of premiums which, having been previously reported as in default, have been paid by the policyholder or someone on his behalf in whole or in part during the preceding calendar month.

"Fourth. A computation of the difference between the total amount of defaulted premiums therein reported and the total amount of premiums paid as therein reported, after having been previously reported as in default. From this sum shall be deducted the total sum of any premiums previously reported as in default, upon policies in respect of which the Veterans' Administration has, since the date of such report, rejected an application for the benefits of this article. The final sum so arrived at shall be denominated the monthly difference.

"SEC. 407. The Administrator of Veterans' Affairs shall verify the computation of monthly difference reported by each insurer and shall, within ten days thereafter, deliver each month to the proper officer of such insurer, a certificate in the amount of the monthly difference certified in respect of each insurer. Such certificate shall be signed by said Administrator in the name of the United States, shall be in such form as the Administrator shall determine, shall be payable to the insurer within sixty days after the approval of the statement of account, as provided in section 411 hereof, and shall bear interest at a rate to be prescribed by the Secretary of the Treasury, payable with the principal. Such certificate shall not be transferred except with the approval of said Administrator and shall remain with the insurer until settlement is made in accordance with this article.

"SEC. 408. The certificate so delivered shall be held by the respective insurers as security for the payment of the defaulted premiums with interest. To indemnify it against loss the United States shall have a first lien upon any policy receiving the benefits of this article, subject only to any lien existing at the time the policy became subject to this Act, and no loan or settlement or payment of dividend shall be made by the insurer on such policy which may prejudice the security of such lien. Before any dividend is paid or any loan or settlement is made the written consent of the Veterans' Administration must be obtained.

"SEC. 409. In the event that the military service of any person being the holder of a policy receiving the benefits of this article shall be terminated by death, the amount of any unpaid premiums, with interest at the rate provided for in the policy for policy loans, shall be deducted from the proceeds of the policy and shall be included in the next monthly report of the insurer as premiums paid.

"SEC. 410. If the insured does not within one year after the termination of his period of military service pay to the insurer all past due premiums with interest thereon from their several due dates at the rate provided in the policy for policy loans, the policy shall at the end of such year immediately lapse and become void, and the insurer shall thereupon become liable to pay the cash surrender value thereof, if any: *Provided*, That if the insured is in the military service when this Act ceases to be in force, such lapse shall occur and surrender value be payable at the expiration of one year after the date when this Act ceases to be in force.

"SEC. 411. At the expiration of one year after the date when this Act ceases to be in force there shall be an account stated between each insurer and the United States, in which there shall be credited to the insurer the total amount of the certificates held as security under this article, together with accrued interest to the date of the account, and in which there shall be credited to the United States the amount of the cash surrender value of each policy lapsed or forfeited as provided in section 410, but not in any case a greater amount on any policy than the total of the unpaid premiums with interest thereon at the rate provided for in the policy for policy loans.

"SEC. 412. The balance in favor of the insurer in each case shall be certified by the Administrator of Veterans' Affairs to the Secretary of the Treasury, who shall pay to the insurer the amount thereof, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, upon the surrender by the insurer of the certificates delivered to it from time to time by the Administrator of Veterans' Affairs under the provisions of this article.

SEC. 413. This article shall not apply to any policy which is void or which may at the option of the insured be voidable, if the insured is in military service, either in this country or abroad, nor to any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium.

"SEC. 414. This article shall apply only to insurance companies or associations which are required by the law under which they are organized or doing business to maintain a reserve, or, which if not so required, have made or shall make provision for the collection from all those insured in such insurer of a premium to cover the special war risk of those insured persons who are in military service.

"ARTICLE V—TAXES AND PUBLIC LANDS

"SEC. 500. (1) The provisions of this section shall apply when any taxes or assessments, whether general or special, falling due during the period of military service in respect of real property owned and occupied for dwelling, agricultural, or business purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees are not paid.

"(2) When any person in military service, or any person in his behalf, shall file with the collector of taxes, or other officer whose duty it is to enforce the collection of taxes or assessments, an affidavit showing (a) that a tax or assessment has been assessed upon property which is the subject of this section, (b) that such tax or assessment is unpaid, and (c) that by reason of such military service the ability of such person to pay such tax or assessment is materially affected, no sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon an application made therefor by such collector or other officer. The court thereupon may stay such proceedings or such sale, as provided in this Act, for a period extending not more than six months after the termination of the period of military service of such person.

"(3) When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than six months after the termination of such service, but in no case later than six months after the date when this Act ceases to be in force; but this shall not be taken to shorten any period, now or hereafter provided by the laws of any State or Territory for such redemption.

"(4) Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of 6 per centum per annum, and no other penalty or interest shall be incurred by reason of such nonpayment. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

"(5) The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury shall make provision in such manner as each may deem appropriate for his respective department, to insure the giving of notice to persons in the military service under their respective jurisdictions, of the benefits accorded by this section and the action made necessary to claim those benefits in each case.

"SEC. 501. (1) No right to any lands owned or controlled by the United States initiated or acquired under any laws of the United States, including the mining and mineral leasing laws, by any person prior to entering military service shall during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon or his failure to do any other act required by or under such laws.

"(2) If a permittee or licensee under the Act of June 28, 1934 (48 Stat. 1269), enters military service, he may elect to suspend his permit or license for the period of his military service and six months thereafter, and the Secretary of the Interior by regulations

shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during such suspension.

"(3) This section shall not be construed to control specific requirements contained in this article.

"SEC. 502. If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed, after such entry or application enters military service, or if any person who has a valid settlement claim enters military service, the Department of the Interior shall construe his military service to be equivalent to residence and cultivation upon the tract entered or settled upon for the period of such service. From the effective date of this Act no contest shall be initiated on the ground of abandonment and no allegation of abandonment shall be sustained against any such person, unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases initiated subsequent to the effective date of this Act that the alleged absence from the land was not due to such military service. If such person is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability shall be deducted from the required length of residence, without reference to the time of actual service. No patent shall issue to any such person who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

"SEC. 503. (1) If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed or who has a valid settlement claim dies while in military service or as a result of such service, his widow, if unmarried, or in the case of her death or marriage, his minor children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or upon an application which is allowed after the applicant's death, or upon a homestead application thereafter allowed based on a valid settlement claim, and shall be entitled to receive a patent for such land. The death of such person while in military service or as a result of such service shall be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead or claim, notwithstanding the provisions of section 502 of this Act.

"(2) If such person is honorably discharged and because of physical incapacities due to such service is unable to return to the land, he may make final proof without further residence, improvement, or cultivation, at such time and place as the Secretary of the Interior may authorize, and receive a patent to the land entered.

"(3) The Act of July 28, 1917 (40 Stat. 248), is hereby repealed.

"SEC. 504. (1) No desert-land entry made or held under the desert-land laws prior to the entrance of the entryman or his successor in interest into military service shall be subject to contest or cancelation for failure to make or expend the sum of $1 per acre per year in improvements upon the claim or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in military service or during a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of his period of service and the six-months' period and any such period of hospitalization.

"(2) If such entryman or claimant is honorably discharged and because of physical incapacities due to such service is unable to accomplish reclamation of, and payment for, the land, he may make proof without further reclamation or payments under such rules as the Secretary of the Interior may prescribe and receive patent for the land entered or claimed.

"(3) In order to obtain the benefits of this section, such entryman or claimant shall, within six months after the effective date of this Act or within six months after his entrance into military service, file or cause to be filed in the land office of the district in which his claim is situated a notice that he has entered military service and that he desires to hold the desert claim under this section.

"SEC. 505. (1) The provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply during the period of his service, or until six months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in line of duty, to claims or interests in claims which are owned by a person in military service and which have been regularly located and recorded. No mining claim or any interest in a claim which is owned by such a person and which has been regularly located and recorded shall be subject to forfeiture by nonperformance of the annual assessments during the period of such military service, or until six months after the termination of such service or of such hospitalization.

"(2) In order to obtain the benefits of this section, the claimant of any mining location shall, before the expiration of the assessment year during which he enters military service, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold his mining claim under this section.

"SEC. 506. (1) Any person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may, at his election, suspend all operations under his permit or lease for a period of time equivalent to the period of his military service and six months thereafter. The term of the permit or lease shall not run during such period of suspension nor shall any rentals or royalties be charged against the permit or lease during the period of suspension.

"(2) In order to obtain the benefit of this section, such permittee or lessee shall, within six months after the effective date of this Act or six months after his entrance into military service, notify the General Land Office by registered mail of his entrance into such service and of his desire to avail himself of the benefits of this section.

"(3) This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

"SEC. 507. Nothing in this article shall be construed to limit or affect the right of a person in military service to take any action during his period of service which may be authorized by law or the regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering military service. It shall be lawful for any person while in such service to make any affidavit or submit any proof which may be required by law or the practice or regulations of the General Land Office in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command and holding a commission in the branch of the service in which the person is engaged. Such affidavits shall be as binding in law and with like penalties as if taken before a register of a United States land office. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of sections 501 to 512, inclusive.

"SEC. 508. The Secretary of the Interior is hereby authorized, in his discretion, to suspend as to persons in military service during the period while this Act remains in force and for a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in line of duty that provision of the act known as the 'Reclamation Act' requiring residence upon lands in private ownership or within the neighborhood for securing water for the irrigation of the same, and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper.

"SEC. 509. The Secretary of the Interior shall issue through appropriate military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article except as to section 500 hereof and shall furnish forms to be distributed in like manner to those desiring to make application for its benefits, except as to said section.

"SEC. 510. (1) During the pendency of any war in which the United States may be engaged while this Act remains in force any homestead entryman shall be entitled to a leave of absence from his entry for the purpose of performing farm labor. The time actually spent in farm labor shall be counted as constructive residence, if within fifteen days after leaving his entry to engage in such labor the entryman files a notice of absence in the land office of the district in which his entry is situated, and if at the expiration of the calendar year the entryman files in that office a written statement under oath and corroborated by two witnesses giving the date or dates when he left his entry, the date or dates of his return, and the place where and person for whom he was engaged in farm labor during such period or periods of absence.

"(2) Nothing in this section shall excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law. The provisions of this section shall apply only to persons whose applications have been allowed or filed prior to the effective date of this Act.

"SEC. 511. Any person under the age of twenty-one who serves in the military service while this Act remains in force shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over twenty-one now possess under such laws. Any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service. Applications for entry may be verified before any officer in the United States or any foreign country authorized to administer oaths by the laws of the State or Territory in which the land may be situated.

"SEC. 512. Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act remains in force shall be entitled to the relief and benefits afforded by this article, if such service is similar to military service as defined in this Act, and if they are honorably discharged and resume United States citizenship or die in the service of the allied forces or as a result of such service.

"SEC. 513. The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service, shall be deferred for a period extending not more than six months after the termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service. The provisions of

this section shall not apply to the income tax on employees imposed by section 1400 of the Federal Insurance Contributions Act.

"ARTICLE VI—ADMINISTRATIVE REMEDIES

"SEC. 600. Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this Act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this Act to the contrary notwithstanding.

"SEC. 601. (1) In any proceeding under this Act a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the United States Navy or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Major General Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

"That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

"(2) It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificates to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

"(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided*, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the time when this Act ceases to be in force.

"SEC. 602. Any interlocutory order made by any court under the provisions of this Act may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require.

"SEC. 603. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"SEC. 604. This Act shall remain in force until May 15, 1945: *Provided*, That should the United States be then engaged in a war, this Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter: *Provided further*, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

"SEC. 605. The provisions of section 4 of the Joint Resolution approved August 27, 1940 (Public Resolution Numbered 96, Seventy-sixth Congress), and the provisions of section 13 of the Selective Training and Service Act of 1940, shall not be applicable with respect to any military service performed after the date of enactment of this Act."

And the House agree to the same.

A. J. MAY,
R. E. THOMASON,
JOHN M. COSTELLO,
L. C. ARENDS,
FOREST A. HARNESS,
Managers on the part of the House.

ELBERT D. THOMAS,
JOHN H. OVERTON,
WARREN R. AUSTIN,
CHAN GURNEY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Most of the provisions of the Senate bill and the House amendment were identical. While there were a number of minor differences of a clerical nature between the Senate bill and the House amendment, there were few substantive differences. The substantive differences between the Senate bill, the House amendment, and the conference agreement are discussed below.

Section 301 of the Senate bill and section 301 of the House amendment both provided that no person who has received, under a contract for the purchase of property or for the lease or bailment of property with a view to its purchase, a deposit or installment of the purchase price from a person who enters military service should terminate or rescind the contract or repossess the property for nonpayment of any installment falling due during the period of such military service, except by action of a court of competent jurisdiction. The Senate bill also contained a proviso to the effect that nothing in the section should prevent the modification, termination, or cancelation of any such contract, or prevent the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties, if such agreement is executed in writing subsequent of the making of the contract and during or after the period of military service. The comparable provision in the House amendment provided that the contract might be terminated or canceled by mutual consent of the parties thereto, executed in writing, and possession of the property resumed. The conference agreement follows the provision of the Senate bill. The conference agreement also restricts the application of this section to those cases in which an installment or deposit has been received prior to the date of approval of the act. The Senate bill also provided in this section that the court in which the action is brought should stay the proceedings upon application by or on behalf of the person in military service. Under the House bill the granting of a stay would be discretionary with the court. The conference agreement follows the Senate bill with a modification making it clear that the court is not to be required to grant a stay in conflict with the provisions of section 303. The conference agreement also makes a clarifying change in section 302 in order to make it clear that a stay is not to be granted under that section in conflict with section 303.

Section 303 of the House amendment contained provisions not in the Senate bill. This section provided that no court should stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, unless the court found that 50 per centum or more of the purchase price had been paid. The conference agreement retains this section.

The conference agreement modifies the provisions in section 500 (2) relating to the manner of stays of proceedings or sales for the collection of taxes, so as to provide that no such stay shall extend for a period of more than 6 months after the termination of the period of military service of the person concerned.

The House amendment contained a provision (sec. 500 (6)) providing for the deferment of income taxes on the income of any person in military service if such person's ability to pay such taxes is impaired by reason of such service. This provision is retained in the conference agreement (sec. 513) with certain modifications and clarifying changes. Under the provision as it is contained in the conference agreement the collection of income taxes is to be deferred for a period extending not more than 6 months after the termination of the period of military service, and is to be deferred only if the taxpayer's ability to pay the tax is materially impaired by reason of such service. No interest or penalty is to accrue on account of nonpayment of the tax during the period of deferment. The running of any statute of limitations against the collection of tax is to be suspended during the period of military service and for 9 months thereafter. The deferment provisions are not to be applicable with respect to the Social Security taxes payable under section 1400 of the Federal Insurance Contributions Act.

Sections 502 and 503 extend certain relief in the case of homestead entrymen who entered the military service. Under the House amendment this relief was extended to persons having a valid settlement claim. The conference agreement follows the House amendment in this respect.

The Senate bill contained a separability provision, which was not in the House amendment. This provision is retained in the conference agreement.

The termination date provided for was May 15, 1945, in the Senate bill, and June 30, 1945, in the House amendment. The conference agreement provides for termination on May 15, 1945, which is also the termination date for the Selective Training and Service Act of 1940.

Both the Senate bill and the House amendment contained savings clauses for the purpose of providing that the termination of the act should not prevent the exercise or enjoyment of a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction authorized or provided on account of events occurring prior to the date fixed for such termination. While these clauses have the same purpose there was some difference in language. The conference agreement follows substantially the House amendment with a modification which makes it clear that the savings clause is to be effective only for the purpose of preserving proceedings, remedies, privileges, stays, limitations, accountings, and other transactions arising out of or connected with military service performed prior to the date fixed for termination of the act.

The Senate bill provided that the provisions of section 4 of Public Resolution Numbered 96, Seventy-sixth Congress, and of section 13 of the Selective Training and Service Act of 1940 (extending certain of the benefits of the Soldiers' and Sailors' Civil Relief Act of 1918 to members of the Reserve components of the military and naval forces on active duty and to persons inducted under the Selective Training and Service Act) should not be applicable with respect to any military service performed after the date of enactment of this act. The House amendment repealed these two sections. The conference agreement follows the provisions of the Senate bill.

A. J. MAY,
R. E. THOMASON,
JOHN M. COSTELLO,
L. C. ARENDS,
FOREST A. HARNESS,
Managers on the part of the House.

Mr. THOMASON. Mr. Speaker, I may say that there is substantially no difference whatever between the report and the bill as it passed the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FRANK HALL

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7283) for the relief of Frank Hall, with a Senate amendment and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$5,844.29" and insert "$3,700."

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

REGISTRATION OF CERTAIN ORGANIZATIONS REQUIRED

Mr. HOBBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 9, 10, 11, 12, 13, 15 and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 14 and 16, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: Strike out ", and a copy of the minutes or journal of every such meeting" as proposed by the Senate amendment, and strike out the word "such" on page 5, line 21, and the Senate agree to the same.

HATTON W. SUMNERS,
SAM HOBBS,
U. S. GUYER,
C. E. HANCOCK,
Managers on the part of the House.

TOM CONNALLY,
EDWARD R. BURKE,
JOHN A. DANAHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States, and for other purposes, submit the following explanation of the effect of the action agreed upon in conference, and recommended in the accompanying conference report:

Amendments numbered 4, 5, 6, 9, 10, 11, 12, 13, 15 and 17 proposed to insert the word "known" at various places in the bill. The managers on the part of the House were of the opinion that the inclusion in the Act of the word "known" in the several instances would have required that the organizations in filing the required information be charged with knowledge of the existence of the branch or chapter and this would place an unnecessary burden of proof upon the Government in a prosecution. The Senate recedes from these several amendments.

Amendment numbered 1 offered a substitute definition for the term "organization" and removed the language granting discretion to the Attorney General to make determinations. The House agrees to the amendment.

Amendment numbered 2 offered a substitute definition for the term "political activity", defining it to mean any activity the purpose or aim of which, or one of the purposes or aims of which is the control by force, or overthrow of the government of the United States or a political subdivision thereof or any State or political subdivision thereof. The House bill defined "political activity" as any activity the purpose or aim of which, or one of the purposes or aims of which is the establishment, control, conduct, seizure or overthrow of a government or political subdivision thereof. The House agrees to the amendment.

Amendment numbered 3 merely clarifies by specific exemption any nationally recognized organization of persons who are veterans of the armed forces of the United States or affiliates, from the operation of the Act. The House agrees to the amendment.

Amendment numbered 7 merely adds the word "and" to perfect the grammar. The House agrees to the amendment.

Amendment numbered 8 removed the requirement of the filing of copies of the minutes or journal of every meeting of organizations required to register. The House agrees to the amendment with a minor grammatical correction striking out the word "such" on page 5 in line 21.

Amendment numbered 14 would require the furnishing of the name of the author and name and address of the publisher of the literature of organizations required to register. The House agrees to the amendment.

Amendment number 16 strikes out, on page 7, lines 7 and 8, the words "and of each branch, chapter, and affiliate of the organization". The House agrees to the amendment.

HATTON W. SUMNERS,
SAM HOBBS,
U. S. GUYER,
C. E. HANCOCK,
Managers on the part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

TOBACCO CLASSIFICATION

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4374) to amend the Agricultural Adjustment Act of 1938, which is on the Speaker's desk.

The Clerk read the title of the bill.

Mr. FLANNAGAN. Mr. Speaker, if the Chair will indulge me, I may say that this bill was called up last week, but because it had not been formally acted upon by the House committee it was objected to. The committee met this morning and unanimously reported the bill. I have had the matter up with the gentleman from Kansas [Mr. HOPE].

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. SECCOMBE. Mr. Speaker, I object.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two topics and in one to include a letter written to me by the chairman of the House Committee on Ways and Means.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects and to insert two editorials.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include an article and an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a table from the Farm Credit Administration.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

A THIRD TERM—EVEN IF A WAR BE NECESSARY TO GET IT

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, Roosevelt, seeking a third term, knowing our people do not want to repeat their experience of 1917 and would vote against the man who frankly announced his purpose of involving us in war, made the statement, "I hate war." His sincerity should be judged in the light of previous statements and of his conduct.

Many times he told us that, unless we lived within our income, our Nation would be bankrupt, but without exception each year of the 7 during which he has been in power, we have gone, on an average, more than $3,000,000,000 in debt. He may hate bankruptcy, but he is giving it to us. Said one thing—did the opposite.

Roosevelt told us that he would reduce expenses, lessen the number of Federal employees; that such was the only safe course. For 7 years he has been increasing expenses, adding to the number of Federal employees. Announced a good policy—refused to follow it.

Many, many other instances might be cited and it should not be forgotten that, from the time of his "aggressor" speech at Chicago, he has been consistently and continuously doing those things which bring war to a nation.

Now, having lost faith in the American way of doing things, he tells us in substance that there is no man other than himself—no; not even in the Democratic Party nor for that matter, in his New Deal official family—who is honest enough, intelligent enough, patriotic enough to take up and carry on the duties of the Presidency; that he alone has the ability and patriotism to be President. His thought is an insult to every American boy who aspires to be President or to high official position.

He said he was willing to sacrifice himself and, although he does not want the office, if we insist he will again accept it. Why? Because, forsooth, no other man is qualified. Rot and nonsense. The same thought was in the mind of every king or emperor of bygone days. Presumably, Roosevelt will die sometime. If his theory is correct, what will this Nation do when he is gone?

"I hate war," says Candidate Roosevelt. But for more than a year he has been proceeding, and he is now driving, toward war. Do you doubt it? Stop and think. You know he is.

SAFE IN A SWIVEL CHAIR

But who is going to fight this war? Not the President; not the President's sons. Jimmie and Elliott, in spite of the President's statement that we must have conscription and that voluntary enlistment was not the democratic way to get an army, have both enlisted. No; they did not enlist as privates at $21 to $30 a month. They got in by special favor—two of the privileged few. They landed as captains in swivel-chair jobs at a comparatively fat salary. They, too, hate war, and, in their present positions, will see none of it except that part which has to do with attending military balls, wearing gold-braid uniforms, and dancing with entertaining partners. While Wendell Willkie was fighting as a soldier in the last war, Franklin D. Roosevelt held down a swivel-chair job in the Navy Department at Washington.

AN EMERGENCY CAN BE USED IN THE CAMPAIGN FOR A THIRD TERM

We all hate war, but the difference between most of us and Candidate Roosevelt is that we really want to stay out of it while he really wants us in it. The threat of war, the danger of war, is his latest emergency. He will keep it going at least until after election; then he may find another, or by that time he may have us in war.

IT IS BETTER TO BE SAFE THAN SORRY

Just remember that if you wake up the morning after election and find that Franklin the indispensable has been reelected and he involves us in war, you will have 4 more years of it and of him. You can't do as the English did with Chamberlain—call for an election and kick him out. With all his waste, with all his extravagance, with all his desire to meddle in foreign affairs, you reelect him November 5 and you have him and his new dealers and political racketeers for 4 years more. And during that 4 years he will complete the job, which Wallace said should be done, of remaking America.

If the American people want 4 more years of unemployment, of depression, of spending and waste—we have had almost 8—and on top of it 4 years of wear, it is their privilege and they can get it by voting for Roosevelt. But we should not forget that, if we vote for it, we should take what follows without whimpering. But—

"DO NOT SEND A BOY TO MILL"

An old saying from pioneer days, when many a family depended upon the grist brought home from the neighborhood mill. Menfolk being busy, some families entrusted the taking of the precious sack of grain and the return of the ground flour or meal to a minor son of the family, who usually traveled on horseback. All too often the young man, distracted by hunting, fishing, or wayside gossip, failed to return the precious flour; then the family found itself lacking a necessity of life. So came the admonition, "Don't send a boy to mill." As a Nation we have reached the point where we, too, no longer can safely "send a boy to mill."

Because of the world-wide depression following the first World War, we threw out Hoover; elected Roosevelt, who promised to end unemployment, return prosperity, bring about domestic peace.

Unfortunately for us, like the boy on his way to the mill, Roosevelt's attention was distracted. He forgot his mission. He listened to those who told him our way of life was all a mistake; that our forefathers lacked wisdom; that work, sacrifice, and thrift were unnecessary; that we should go on a joy ride on borrowed money.

Forgetting his grist, the mill, the return home, the need of the Nation, Roosevelt has indulged in experiment after experiment. He has failed to solve the question of unemployment; to keep the solemn promises he so glibly made. He has pushed us along the road toward national bankruptcy; by his bellicose statements and unneutral acts, incurred the ill will of all but one of the powerful nations of the world. Contrary to Washington's advice, he has involved us in foreign entanglements and now seeks, through a third and no doubt a fourth and subsequent terms, to establish himself as a dictator.

It is time, if this Nation is to be saved, that the playboy—Roosevelt—no longer be entrusted with the destiny of our Nation. Whether we have peace or war, as our leader we should select one who believes in our form of government, who has faith in us, who will not seek to remake America, who will turn as he has turned a deaf ear to the Communists—Roosevelt accepted their support—who has behind him a record of achievement, a man who believes in God and in country, a man who keeps his promises, a man who will give us efficient preparation for national defense, and if the worst comes, sound, sensible, productive leadership in war, a man who does things—Wendell Willkie—rather than a Roosevelt, who talks about doing things, who wastes other people's money, who is more interested in world politics than he is in the well-being of his own country.

If we reelect Roosevelt for a third term, he will have reason to believe that he is indispensable, will consider the election results as a mandate to carry on a "total" war in Great Britain's behalf against the rest of the world. He will send American men and American ships wherever he may think they should go and, without a friendly powerful ally in the whole wide world, we, peace-loving America, will

be carrying on with the faltering aid of Great Britain a world-wide war. And for what?

True, the American people have a rendezvous with destiny. It is at the polls on election day, November 5, when once for all this Nation should unmistakably declare that no man is indispensable, that it does not need and will not have a dictator, that it will choose, rather, a man of the people, a typical American, and continue under a constitutional government, where every man will have equal opportunity, where every man will be free, equal before the law, and able to live under a government of laws rather than of one man.

EXTENSION OF REMARKS

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article in today's News by Hugh S. Johnson.

The SPEAKER. Is there objection to the request of the the gentleman from Wyoming [Mr. HORTON]?

There was no objection.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks on the river and harbor bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CULKIN]?

There was no objection.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter I have received from World War veterans of the United States merchant marine and also to extend my remarks in the RECORD on the subject of the importation of alien labor by the Bata Shoe Co., of Belcamp, Md.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. CONNERY]?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech made by our distinguished colleague the gentleman from Connecticut [Mr. SMITH].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia [Mr. RANDOLPH] is recognized for 15 minutes.

THE GROWTH AND IMPORTANCE OF AMERICAN NEWSPAPERS

Mr. RANDOLPH. Mr. Speaker, from October 1 to 8 we have been having the observance of National Newspaper Week in the United States of America. There are many newspapermen, former editors and former reporters, who are in this body and some who still are actively engaged in various fields of journalism.

Mr. Speaker, the newspaper is one of the most important agencies in the world for the weaving of the fabric of thought and action. It is my belief that present-day newspapers are justifying their importance and power. For the most part, the dailies and weeklies scattered throughout our land, are giving to the people intelligent editorial comment and unbiased news reporting. [Applause.]

I think that we should look at the contrast between the first American newspaper and the modern metropolitan weekly and daily as they exist today.

FIRST NEWSPAPER IN 1704

It was in 1704 in the back room of a little Boston, Mass., book store that the first journal was conceived and printed in this country. There were just a few hundred copies of the meager news which had to be gathered from a reservoir of several days. Now, we have the modern daily newspaper, in from 1 to 10 editions, carrying a complete and accurate story of events which have happened not only in our own country but throughout the world just a few minutes and a few hours previously. If this were not a daily occurrence, we would not believe that in this country for a few pennies we could have delivered to our door each morning and evening, and to our places of business, the modern newspaper filled with its recording of events from every corner of the world. Carried therein are its market reports, its comics, its editorials, its political comment, features of every kind, augmented by proper and interesting advertising.

POETRY OF THE PRESS

I am thinking now of the poetry of the newspaper as it has been graphically expressed by Sprague, who said:

Turn to the press—its teeming sheets survey,
Big with the wonders of each passing day;
Births, deaths, and weddings, forgeries, fires, and wrecks,
Harangues and hailstones, brawls, and broken necks.
Trade hardly deems the busy day begun,
Till his keen eye along the sheet has run;
The blooming daughter throws her needle by
And reads her schoolmate's marriage with a sigh.
While the grave mother puts her glasses on
And sheds a tear for some old crony gone.
The preacher, too, his Sunday theme lays down
To see what last new folly fills the town;
Lively or sad, life's meanest, mightiest things
The fate of fighting cocks, or fighting kings.

[Applause.]

Mr. Speaker, the early colonists in this country felt the need for some type of journal. Five hundred copies was considered a large issue. Today even the smallest country weekly runs into several thousand copies. There were no common carriers in that day except an inefficient post service, and a journal was limited by the bounds of the community. There were not enough events that could be gathered to furnish the news, and editors were fearful to voice their opinions and receive the reaction of their readers. Once a courageous printer of that day made certain stirring comment. He was thrown into jail and suffered the suspension of his newspaper.

As we come to 1750—and carrying over to the first of the American Revolution—we find that there was a new note in the make-up of our newspapers. There was a note of independence and self-reliance, and a growing political discontent. Editorials were written in strong language. Thus we had the laying of a Democratic foundation for the future America.

BECAME POLITICAL ORGANS

Coming to the days of the nineteenth century, the newspapers became potent as organs of political parties. Men not engaged in actual newspaper work wrote the editorials. Individuals from other professions acted as editors. Men like Thomas Jefferson and James Madison filled newspapers with their political essays. There were few good editors. News gathering was not stressed. Advertisements were hard to get. The newspaper then was looked upon as more or less of a charitable institution which should be supported.

Then came the transitional period in the history of our American newspaper life. We found the influx of the intelligent thinkers and writers. The personal tone came into dominance. There was Charles A. Dana, of the old New York Sun; there was Joseph Medill, of the old Chicago Tribune; there was Horace Greeley; there was George D. Prentice; there was "Marse" Henry Watterson.

BENNETT LED THE WAY

Then came the rise of the modern newspaper with up-to-date methods of gathering news and disseminating it. I think it might be well for us to reflect a moment on the fact that it was James Gordon Bennett, of the old New York Herald, who for the first time in the history of this country brought trained reporters into a newspaper organization. He gave for the first time in America the quotations of Wall Street, the news of club and society activities, coverage of sports, and reviews of one type or another which shocked the staid newspaper producers of that day, but soon they saw he was on the right track and adopted his methods.

LEADERS PRAISE THE PRESS

In the last few weeks we have had the Presidential nominees of both the Democratic and the Republican Parties pay tribute to the present-day strength of the American press, and rightly have they given recognition to the newspapers of America. Wendell Phillips said in his day, in speaking of the newspaper—

It is parent, school, college, pulpit, theater, example, counselor, all in one. Let me make the newspaper and I care not who makes the laws.

Daniel Webster said:

In popular government the free press is the most important of all agencies and instruments.

William Jennings Bryan said:

The lawyer can serve his country only occasionally, but the journalist every day. The minister's message gets itself uttered once in 7 days, but the journalist's seven times, line upon line, precept upon precept.

As I bring this short address to a close, I know that in the past years there have been many charges that the newspapers of this country lean toward "yellow" and sensational journalism. Perhaps the criticism is well-founded in some instances, but I believe the great majority of the newspapers of the country attempt to stress the good rather than the bad and at the same time desire to give the people of the Nation the news of the day. There was a time when a Democratic newspaper would be called a traitor if it admitted a Democratic defeat, or visa versa, but today our newspapers on the editorial pages take one position, and on the news pages give accurate, straight, informational reporting. That is a healthy condition. No coercion exists.

NO DICTATORIAL JOURNALISM

The American people can be proud of that type of free press in the United States of America, and we can well pause for just a moment to think of the contrast of our press with the press as we find it in many European countries, where not a single line written can be read by the people until it has had the okay of the dictatorial government in power in that particular country.

Let us remember that the American press is the friend, is the counselor, is the educator, is the molder of public opinion. Although as Members of this body we do not always agree or find favor with what is done in the newspaper field, let us be happy that we live in a country where the press of the Nation is free, and for the most part is honest and independent, and is a reflection of all that is progressive, right, and good in this democracy of yours and mine. [Applause.]

PUBLIC HEALTH SERVICE HOSPITALS

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill (H. R. 10574) to provide for free treatment in Public Health Service hospitals of certain persons engaged in maritime employment, which was referred to the Committee on Interstate and Foreign Commerce, be instead referred to the Committee on Merchant Marine and Fisheries. This request is made with the consent of the chairman of the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE LATE JUSTICE OLIVER WENDELL HOLMES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 258) to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes. This is the bill which relates to the memorial in honor of the late Justice Oliver Wendell Holmes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. TREADWAY. Reserving the right to object, Mr. Speaker, I hope no objection will be raised to the consideration of this measure. It was originally brought to the attention of the Committee on the Library and a board was set up to see what could be done in relation to the legacy left by the late Justice Holmes to the Federal Government. The Board which was set up, of which the gentleman from Massachusetts [Mr. McCORMACK] and the gentleman from Massachusetts [Mr. WIGGLESWORTH] were members, has brought in this report. Certainly the Congress ought to adopt it unanimously.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the committee selected pursuant to section 3 of Public Resolution No. 124, Seventy-fifth Congress, approved June 22, 1938, to make recommendations to the Congress concerning the use of the bequest and devise made to the United States by Oliver Wendell Holmes, late an Associate Justice of the Supreme Court of the United States, is authorized to execute the functions vested in it by this joint resolution. Any vacancy occurring in the membership of such committee (hereinafter referred to as the "committee") shall be filled by the selection of a person selected in the same manner as his predecessor was selected. In carrying out the provisions of this joint resolution, the committee is authorized to utilize voluntary and uncompensated services and, with the consent of any Federal agency, to utilize the facilities and personnel of such agency. The committee is authorized to make any additional recommendations to the Congress which it deems desirable. Upon the completion of its work, the committee shall transmit a final report to the Congress and shall thereupon cease to exist.

SEC. 2. The committee shall prepare for publication a memorial volume designed to perpetuate the memory of Justice Holmes and to make readily available to the public the best expressions of his thought. Such volume shall contain such of the writings of Justice Holmes as are selected by the committee, and shall contain such additional matter and such illustrations as the committee may determine. The Librarian of Congress shall make available to the committee the facilities of, and the services of the personnel of, the Library of Congress to assist the committee in the preparation of such volume.

SEC. 3. The Public Printer is authorized and directed to cause to be printed and bound in the Government Printing Office, in a manner and form approved by the committee, such number of copies of the memorial volume prepared by the committee as the committee shall determine. The Superintendent of Documents shall distribute free of cost copies of such volume to such libraries, institutions, and other organizations and persons as the committee may designate. Copies of such volume which are not distributed free of cost shall be made available by the Superintendent of Documents for sale to the public at a price, notwithstanding any other provision of law, determined by the Public Printer to represent the actual cost of printing, binding, and distribution. The cost of printing and binding all of the copies of such volume shall be paid from money appropriated from the money in the Treasury to the credit of the account "Donations to the United States, Bequest of Oliver Wendell Holmes" (hereinafter referred to as the "Holmes fund"). Receipts from the sales of copies of such volume shall be covered into the Holmes fund so long as that fund is carried on the books of the Treasury, and thereafter such receipts shall be covered into the general fund of the Treasury.

SEC. 4. The Architect of the Capitol is authorized and directed, under the direction of the committee, to acquire on behalf of the United States, by purchase, condemnation, or otherwise, that part of the property in square 759 in the District of Columbia which the Architect of the Capitol, with the approval of the committee, determines will provide a suitable site for the garden to be established pursuant to section 5.

SEC. 5. (a) The Architect of the Capitol, under the direction of the committee, is authorized and directed to establish on the land acquired pursuant to section 4 a memorial garden designed to perpetuate the memory of Justice Holmes and to commemorate the love of beauty and of the quiet open spaces of the city of Washington, to which he often gave expression. The garden so established shall be known as the Oliver Wendell Holmes Garden.

(b) The plans and designs of such garden, including the plans and designs for all grading and landscaping and all structures to be erected and other improvements to be made on the land acquired pursuant to section 4, shall be selected by the Architect of the Capitol, with the approval of the committee and of the National Capital Park and Planning Commission, from plans and designs submitted in open competition. The manner of holding such competition and the amount to be paid for such plans and designs shall be determined by the Architect of the Capitol, with the approval of the committee. Expenditures made for carrying out the provisions of this section shall be made from moneys appropriated from the Holmes fund.

(c) The committee is authorized to make arrangements for appropriate ceremonies for the dedication of such garden upon its completion.

SEC. 6. After the completion and dedication of such garden, it shall be maintained and cared for by the Architect of the Capitol in accordance with the provisions of law applicable with respect to the maintenance and care of the grounds of the United States Supreme Court Building.

SEC. 7. (a) For the purposes of this joint resolution, the Architect of the Capitol is authorized, under the direction of the committee—

(1) To provide for the demolition and removal of any structures on the land acquired pursuant to section 4 and for the sale or other disposition of any materials of which they are constructed.

(2) Pending the demolition of such structures, to lease any of the property so acquired for such periods and under such terms and conditions as he may deem most advantageous to the United States; to provide, out of such appropriations as may be made for such purpose, for the maintenance, repair, and protection of such property; and to incur such expenses as may be necessarily incident to the jurisdiction and control over such property. Any

proceeds received under this paragraph or paragraph (1) shall be covered into the Treasury as miscellaneous receipts. The Architect of the Capitol shall include in his annual report a detailed statement of his activities under this paragraph during the period covered by such report.

(3) To enter into contracts; to purchase materials, supplies, equipment, and accessories in the open market; to employ necessary personnel, including professional services, without regard to other laws relating to the employment or compensation of personnel; and to make such expenditures as may be necessary or appropriate.

(b) All lands within the area determined pursuant to section 4 which are subject to the jurisdiction of the Commissioners of the District of Columbia are transferred to the jurisdiction of the Architect of the Capitol. The Architect of the Capitol is authorized to close any alley within such area and is authorized, with the approval of the committee, to permit any portion of the land acquired pursuant to section 4 to be used as an alley so long as such use is necessary.

(c) All funds expended by the Architect of the Capitol pursuant to this joint resolution shall be disbursed by the Division of Disbursement of the Treasury Department.

SEC. 8 (a) The Commissioner of Public Buildings, in the Federal Works Agency, is authorized and directed, on behalf of the United States, to sell and convey title to the land and improvements thereon known as 1720 Eye Street NW., in the District of Columbia, the former residence of Justice Holmes. Such sale may be made pursuant to advertisement or otherwise upon such terms and conditions, and subject to such covenants with respect to demolition of the building and such other restrictive covenants, as may be approved by the committee. The Commissioner of Public Buildings is authorized to provide, by contract or otherwise and subject to the approval of the committee, for the demolition of the building upon such land prior to the sale of the land.

(b) The costs of any advertisement, appraisal, broker's fee, or commission incident to the sale of such property, and any costs incurred under this section for demolition of the building, shall be paid from the proceeds of the sale; and the funds of the Public Buildings Administration shall be reimbursed from such proceeds for any of such costs which shall have been paid from the funds of such Administration. The balance of the proceeds of the sale shall be covered into the Treasury to the credit of the account of the Holmes fund.

SEC. 9. There are hereby authorized to be appropriated, out of the money in the Treasury to the credit of the Holmes fund, such sums as may be necessary to carry out the provisions of sections 3 and 5 of this joint resolution; and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the other provisions of this joint resolution.

SEC. 10. Upon the transmission to the Congress of the final report of the committee, any money in the Treasury to the credit of the account of the Holmes fund shall be covered into the general fund of the Treasury as miscellaneous receipts.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H. J. Res. 550) was laid on the table.

EXTENSION OF REMARKS

Mr. MOSER asked and was given permission to revise and extend his own remarks in the RECORD.

The SPEAKER. Under previous order of the House, the gentleman from Oregon [Mr. ANGELL] is recognized for 30 minutes.

Mr. ANGELL. Mr. Speaker, in view of the fact that my colleagues want to hold a conference and decide what should be done about the coming election, I ask unanimous consent that my special order may go over until tomorrow at the conclusion of the legislative program of the day.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER. Under the previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BROOKS, for 10 days, on account of important business.

To Mr. SHANLEY, for today, on account of nominating convention being held in Connecticut.

To Mr. MAY, indefinitely, on account of sickness in family.

To Mr. SNYDER, for today, on account of attending funeral of his father-in-law.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2753. An act to amend part I of the Interstate Commerce Act, as amended, with respect to the use of refrigerator cars; to the Committee on Interstate and Foreign Commerce.

S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn; to the Committee on Claims.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn and Co.;

H. R. 8621. An act to amend the Civil Service Retirement Act and other retirement acts;

H. R. 9654. An act to extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar;

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska;

H. R. 9980. An act to revise and codify the nationality laws of the United States into a comprehensive nationality code;

H. R. 10122. An act to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869);

H. R. 10464. An act to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts;

H. R. 10518. An act granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.;

H. R. 10539. An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes; and

H. R. 10572. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 844. An act to simplify the accounts of the Treasurer of the United States, and for other purposes;

S. 3990. An act to transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all acts inconsistent therewith to the extent of such inconsistency, and for other purposes; and

S. J. Res. 225. Joint resolution relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Tuesday, October 8, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1983. Under clause 2 of rule XXIV a letter from the Acting Secretary of the Interior, transmitting one copy each of the legislation passed by the Municipal Council of St. Croix, was taken from the Speaker's table and referred to the Committee on Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SUMNERS of Texas: Committee of conference on the disagreeing votes of the two Houses. H. R. 10094. A bill to require certain organizations carrying on activities within the United States to register and for other purposes (Rept. No. 3024). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee of conference on the disagreeing votes of the two Houses. S. 4107. A bill to transfer the jurisdiction of the Arlington Farm, Virginia, and for other purposes (Rept. No. 3025). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. Senate Joint Resolution 301. Joint resolution to authorize the acquisition of a suitable frame for the painting of the signing of the Constitution to be used in mounting said painting in the Capitol Building; with amendment (Rept. No. 3027). Referred to the Committee of the Whole House on the state of the Union.

Mr. MANSFIELD: Committee of conference on the disagreeing votes of the two Houses. H. R. 9972. A bill authorizing improvements on certain rivers and harbors in the interest of national defense; and for other purposes (Rept. No. 3028). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee of conference on the disagreeing votes of the two Houses. H. R. 10412. A bill to expedite the provisions of housing in the interest of national defense (Rept. No. 3029). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee of conference on the disagreeing votes of the two Houses. S. 4270. A bill pertaining to Soldiers' and Sailors' Civil Relief Act of 1940 (Rept. No. 3030). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. House Resolution 614. Resolution requesting certain information from the Secretary of the Navy (Rept. No. 3026). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELANEY:

H. R. 10619. A bill for the relief of certain aliens employed at the World's Fair in New York City; to the Committee on Immigration and Naturalization.

By Mr. HILL:

H. R. 10620. A bill to provide for the national defense by directing the making of experiments in the use of chromium trioxide in the making of cement mortar; to the Committee on Interstate and Foreign Commerce.

By Mr. PACE:

H. R. 10621 (by request). A bill to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in peanuts, and for other purposes; to the Committee on Agriculture.

By Mr. PIERCE:

H. R. 10622. A bill to safeguard and preserve the public interest in the timber resources of the States of Oregon and Washington through the alleviation of the conditions which are forcing the premature and uneconomic liquidation of such timber resources and thereby are preventing the establishment of sound and permanent forest economy which is vital to the future welfare and security of the two States and of the Nation; to provide for more efficient and better coordinated administration of public forest lands; and for other purposes; to the Committee on Agriculture.

H. R. 10623. A bill for the relief of certain Indians; to the Committee on Indian Affairs.

By Mr. VINSON of Georgia:

H. R. 10624. A bill to extend the provisions of section 6 of the act of June 28, 1940 (Public, No. 671, 76th Cong., 3d sess.), to the Federal Bureau of Investigation of the Department of Justice; to the Committee on Naval Affairs.

By Mr. WHITTINGTON:

H. R. 10625. A bill to authorize a preliminary examination and survey of certain rivers and their tributaries on the islands of St. Croix and St. Thomas, V. I., for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. DONDERO:

H. R. 10626. A bill to provide for the placing of a copy of the Constitution of the United States and of the Declaration of Independence in each United States post office; to the Committee on the Post Office and Post Roads.

By Mr. VAN ZANDT:

H. R. 10627. A bill to amend Public Law No. 783, Seventy-sixth Congress, so as to exempt 3-year Regular Navy, Marine Corps, or Coast Guard members from selective training in service; to the Committee on Military Affairs.

By Mr. SMITH of Virginia:

H. J. Res. 612. Joint resolution staying effect of rulings of agencies of the Government; to the Committee on the Judiciary.

By Mr. GEYER of California:

H. J. Res. 613. Joint resolution to declare the policy of the Government of the United States in regard to tide and submerged lands; to the Committee on the Judiciary.

By Mr. TAYLOR:

H. J. Res. 614. Joint resolution making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes; to the Committee on Appropriations.

By Mr. ANGELL:

H. Res. 621. Resolution directing the Tariff Commission to investigate the production costs of crab meat, crab paste, and crab sauce; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROSSER:

H. R. 10628. A bill granting a pension to Violet Dodds Roberts Bell; to the Committee on Invalid Pensions.

By Mr. DAVIS:

H. R. 10629. A bill for the relief of Caffey Robertson-Smith, Inc.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9345. By Mr. MARTIN J. KENNEDY: Petition of the Chamber of Commerce of the State of New York, urging that no steps be taken to carry out the power-development plan of the St. Lawrence Waterway project as a defense measure until it can be proved beyond a reasonable doubt that there is an imperative defense need for such power which could not be met more expeditiously and with greater economic advantage by other existing or potential resources; to the Committee on Interstate and Foreign Commerce.

9346. Also, petition of the Chamber of Commerce of the State of New York, urging prompt enactment of the McCormack bill (H. R. 9669) amending the National Stolen Property Act, or similar legislation, to the end that any property seized in violation of law or confiscated by a foreign government may not be disposed of in the United States; to the Committee on Ways and Means.

9347. By Mr. MERRITT: Resolution of the City Council of the City of Newburgh, N. Y., stating that the City Council of the City of Newburgh, N. Y., requests that a ground aviation mechanic center be established in connection with Stewart Airfield at Newburgh, N. Y., and the United States Military Academy, West Point; to the Committee on Military Affairs.

9348. Also, resolution of the Tax Control League of Queens County, N. Y., urging that legislation be enacted to bring about an investigation of the Inspection Division of the Federal Housing Administration; to the Committee on Rules.

9349. By Mr. COFFEE of Washington: Petition of the Buckley Kiwanis Club, of Buckley, Wash., in form of letter, setting forth that such organization favors the absolute interdiction by the United States of all exports to Japan susceptible of use for military or naval purposes, further urging the passage by Congress of any and all measures designed to advocate such an objective; to the Committee on Foreign Affairs.

SENATE

TUESDAY, OCTOBER 8, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, who hast revealed Thyself to men through Thy Son, Jesus Christ, and hast hallowed the common ways of life in the breaking of bread: Grant us grace, we beseech Thee, so to see Thy presence and the abiding joy which lies in the little things of home that presently surround us, yet which so oft escape our sight, that, having found Thee in the simple ways of life, we may the better know Thee as Thou art in Thy greater glory. Through the same, Thy Son, Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, October 7, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 2617) to authorize the leasing of the undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations in Oklahoma, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3619) relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, etc., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2747. An act relative to annual labor on mineral claims in the Territory of Alaska;

H. R. 7813. An act to safeguard the homing pigeon;

H. R. 10391. An act to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes; and

H. R. 10527. An act to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hayden	Reed
Andrews	Clark, Idaho	Herring	Russell
Ashurst	Clark, Mo.	Holt	Schwartz
Austin	Connally	Johnson, Calif.	Schwellenbach
Bailey	Danaher	Johnson, Colo.	Shipstead
Barbour	Davis	King	Stewart
Barkley	Ellender	McKellar	Thomas, Okla.
Bone	George	Maloney	Thomas, Utah
Bridges	Gerry	Minton	Townsend
Bulow	Gibson	Murray	Van Nuys
Burke	Gillette	Norris	Wagner
Byrd	Glass	O'Mahoney	Walsh
Byrnes	Green	Overton	Wheeler
Capper	Gurney	Pepper	White
Caraway	Harrison	Radcliffe	Wiley

Mr. MINTON. Mr. President, I announce that the Senator from Kentucky [Mr. CHANDLER] is absent because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from New York [Mr. MEAD], the Senator from Arkansas [Mr. MILLER], the Senator from West Virginia [Mr. NEELY], the Senator from Nevada [Mr. PITTMAN], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Texas [Mr. SHEPPARD], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. MCNARY], the Senator from Michigan [Mr. VANDENBERG], the Senator from North Dakota [Mr. FRAZIER], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from Ohio [Mr. TAFT], the Senator from Idaho [Mr. THOMAS], the Senator from New Hampshire [Mr. TOBEY], and the Senator from North Dakota [Mr. NYE] are necessarily absent.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

PROGRAM TO SAFEGUARD AMERICA—LETTER FROM ARTHUR O. LOVEJOY

Mr. RADCLIFFE. Mr. President, I present for publication in the RECORD and reference to the Committee on Foreign Relations a letter addressed to me by Mr. Arthur O. Lovejoy, chairman of the Maryland Branch of the Committee To Defend America by Aiding the Allies.

The VICE PRESIDENT. Without objection, the letter will be received, printed in the RECORD, and referred to the Committee on Foreign Relations.

The letter is as follows:

COMMITTEE TO DEFEND AMERICA BY AIDING THE ALLIES,
Baltimore, Md., September 28, 1940.

Hon. GEORGE L. RADCLIFFE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR RADCLIFFE: The CONGRESSIONAL RECORD of September 26 (pp. 19130–19142) and the Baltimore Sun of the following day report speeches and remarks by several Senators in which this committee is attacked, its principles and aims misrepresented, and the motives and good faith of its members are aspersed, and an investigation of its activities is called for. No Member of the Senate appears to have seen fit to reply to this attack or to point out these misrepresentations.

I take the occasion to say that the Maryland Committee To Defend America by Aiding the Allies would welcome an investigation of its books, records, personnel, and publications by a congressional committee or any other competent body, and that we should be glad if you would so advise any of your senatorial colleagues who may be concerned. We are also of the opinion that a reply to these innuendoes and misrepresentations should be made on the floor of the Senate, where they were delivered. Since a very large body of Maryland citizens, who are presumably entitled to respect, are among those thus attacked, we should be gratified if one or both of the Maryland Senators would make such a reply—at least so far as to point out that any group of citizens having convictions on a grave question of public policy are supposed, under our American political tradition, to have a right to express their views, to solicit the support of their fellow citizens, and to petition both the executive and legislative branches of the Government—without having their objects wrongly stated and their motives impugned before Congress, with no opportunity for reply in the same place.

The pertinent facts are that the committee for which I have the honor to speak is an organization of patriotic Americans who, with the utterances of Adolf Hitler and the object lessons of Austria, Czechoslovakia, Poland, Denmark, Norway, Belgium, Holland, and Luxembourg before them, became convinced—

1. That there has arisen in Europe a military conqueror avowedly hostile to democracy everywhere and avowedly bent on world domination;

2. That his designs therefore constitute a formidable and not remote menace to the security, liberties, and economic well-being of the American people;

3. That it is better to have Hitler stopped with the aid of American guns and planes in Europe than to be compelled eventually to meet his aggression with American troops somewhere in this hemisphere;

4. That the defeat and destruction of the British Fleet would mean the control of the Atlantic by the totalitarian powers and the removal of the chief protective barrier against attack upon the American republics, and would therefore be a strategic disaster of the first order of gravity for the United States;

5. That therefore the first principle of policy and strategy for the United States in the present world crisis should be to make available to those across the Atlantic who are resisting this menace to all free peoples sufficient weapons and other material means for maintaining and strengthening such resistance so long as it can be carried on with any prospect of success; and

6. That our present deplorable state of unpreparedness makes such a policy even more imperative for our national defense, since we cannot take any risk of attack before our rearmament is completed.

These six propositions seem to us so clear and evident that we are unable to understand the workings of the minds of any informed persons who fail to recognize their truth. It is certain that the large majority of citizens throughout the country accept them. They are, it is to be noted, all of them propositions relating solely to American interests; and they present a program—the only program that offers any hope of success—for keeping war away from this hemisphere. We are therefore also unable to understand why citizens who exercise their right to urge such a program for safeguarding the most vital interests of their country and who, without remuneration, give of their time, energies, and means to this public service should be subject to the imputation of sinister, interested, or unpatriotic motives, such as have been charged against them in your honorable body.

We should be grateful if you would, in justice to many thousands of your constituents, have this letter read before the Senate and inserted in the CONGRESSIONAL RECORD.

I am, with high regards,

Faithfully yours,

ARTHUR O. LOVEJOY, *Chairman.*

[A similar letter has been sent to Senator TYDINGS.]

REPORTS OF COMMITTEES

Mr. BURKE, from the Committee on Claims, to which was referred the bill (S. 4400) for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co., reported it without amendment and submitted a report (No. 2211) thereon.

Mr. THOMAS of Utah, from the Committee on Military Affairs, to which was referred the bill (S. 4208) establishing overtime rates for compensation for employees of the War Department, its field services, the Panama Canal Zone, and for other purposes, reported it with amendments and submitted a report (No. 2212) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7916) granting 6 months' pay to Lillian M. Reymonda, reported it without amendment and submitted a report (No. 2213) thereon.

RECORD OF COMMITTEE ON NAVAL AFFAIRS

Mr. WALSH. Mr. President, as chairman of the Committee on Naval Affairs, I present a condensed report of the work of the Committee on Naval Affairs of the Senate during the third session of the Seventy-sixth Congress, which commenced on January 3, 1940. I ask unanimous consent to have it printed in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The total number of bills referred to the committee during the third session, 87.

The total number of bills enacted into law during the third session, 45.

The total number of bills reported to the Senate from the Committee on Naval Affairs during third session, 59.

Total number of bills passed by the Senate, 58.

Total number of bills now on the Senate Calendar (unfinished business), 1.

Number of nominations for appointment or promotion considered during the third session, 2,750.

The following major bills were enacted during the third session of the Seventy-sixth Congress:

PUBLIC, NO. 629, SEVENTY-SIXTH CONGRESS (THE 11-PERCENT NAVAL EXPANSION BILL)

Public, No. 629, Seventy-sixth Congress, approved June 14, 1940:

(1) Increased the authorized composition of the United States Navy in under-age vessels from 1,557,480 tons to 1,724,480 tons (an addition of approximately 21 vessels).

(2) Authorized the President to acquire and convert or to undertake the construction of 75,000 tons of auxiliary vessels (approximately 22 vessels).

(3) Increased the authorized number of useful naval airplanes from not less than 3,000 to not more than 4,500.

(4) Increased the authorized number of useful lighter-than-air craft to a total of not more than 18.

PUBLIC, NO. 635, SEVENTY-SIXTH CONGRESS (THE AVIATION EXPANSION BILL)

Public, No. 635, Seventy-sixth Congress, approved June 15, 1940:

(1) Increased the number of authorized useful naval airplanes from not more than 4,500 to not more than 10,000 and the number of useful nonrigid lighter-than-air craft to a total of not more than 48.

(2) Authorized the President to provide training facilities for 16,000 naval aviators and enlisted pilots.

(3) Authorized the Secretary of the Navy to establish, develop, or increase naval aviation facilities, including the purchase of land and the construction of buildings and accessories, at a total cost not to exceed $144,132,000.

(4) Provided that the facilities authorized by the bill could be constructed on a cost-plus-a-fixed-fee basis.

PUBLIC, NO. 671, SEVENTY-SIXTH CONGRESS (TO EXPEDITE NATIONAL DEFENSE)

Public, No. 671, Seventy-sixth Congress, approved June 28, 1940, was enacted to expedite naval shipbuilding and other national-defense measures. The majority of the provisions of this act are effective only during the national emergency declared by the President on September 8, 1939, to exist, and terminate on June 30, 1942, unless the Congress otherwise provides. Very briefly this act—

(1) Authorizes advance payments to be made to contractors not exceeding 30 percent of the contract price.

(2) Authorizes the Secretary of the Navy to negotiate contracts for the acquisition, construction, repair, or alteration of naval vessels, naval aircraft, machine tools, and other similar equipment without competition.

(3) Changes the provisions of existing law regarding the limitation of profits on contracts for naval vessels and aircraft.

(4) Modifies existing laws regarding hours of work and compensation for overtime work.

(5) Removes the statutory limitations with respect to the cost of vessels authorized by the act approved June 30, 1937.

(6) Removes the statutory limitations with respect to the cost of any other naval project of construction as may be necessary to expedite national defense.

(7) Authorizes the Secretary of the Navy to employ additional personnel.

(8) Authorizes the Secretary of the Navy and the Secretary of the Treasury to modify existing contracts to expedite military and naval defenses.

(9) Authorizes the Secretary of the Navy to use available appropriations for public-works projects, inclusive of buildings, facilities, utilities (including Government-owned facilities at privately owned plants and the expansion of such plants), and the acquisition of land and the purchase and lease of structures.

(10) Authorizes the Secretary of the Navy, with or without advertising or competitive bidding, to provide out of available appropriations for the operation and maintenance of any plants, buildings, facilities, utilities constructed pursuant to the authorizations contained in the act either by means of Government personnel or through the agency of qualified commercial manufacturers.

PUBLIC, NO. 757, APPROVED JULY 19, 1940 (THE TWO-OCEAN NAVY BILL)

Briefly, this act—

(1) Increases the authorized composition of the United States Navy in under-age combatant vessels by 1,325,000 tons.

(2) Authorizes an appropriation of $150,000,000 for essential equipment and facilities at either private or naval establishments

for building or equipping any complete naval vessel or portion thereof heretofore authorized, or authorized by this act.

(3) Authorizes an appropriation of $65,000,000 for essential equipment and facilities for the manufacture of ordnance matériel or munitions at either private or naval establishments.

(4) Authorizes an appropriation of $35,000,000 for the expansion of facilities for the production of armor at either private or naval establishments.

(5) Authorizes the President to acquire and convert or to undertake the construction of—

(a) Patrol, escort, and miscellaneous craft as may be necessary to supplement the tonnages heretofore authorized or authorized by this bill.

(b) One hundred thousand tons of auxiliary vessels.

(6) Provides that no vessel, ship, or boat (except ships' boats) now in the United States Navy or being built for the Navy shall be disposed of by sale or otherwise except as is now provided by law.

(7) Increases the number of useful naval airplanes from not more than 10,000 to a total of 15,000 and provides that this total may be exceeded if in the judgment of the President this number is not sufficient to meet the needs of the national defense.

Costs

The estimated additional costs of the above bills are as follows:

Public, No. 629, approved June 14, 1940:	
Cost of additional ships and planes	$654,902,270
Cost of modernizing 3 battleships	6,000,000
Cost of additional facilities at navy yards, etc	41,000,000
Total	701,902,270
Public, No. 635, approved June 15, 1940:	
Cost of additional planes	1,150,000,000
Cost of additional shore facilities	410,000,000
Cost of training pilots	90,000,000
Cost of procuring and training additional personnel	300,000,000
Cost of ordnance equipment, bombs, ammunition, etc	300,000,000
Total	2,250,000,000
Public, No. 757, approved July 19, 1940:	
Cost of additional vessels	3,760,000,000
Cost of additional shipbuilding, armor, and ordnance facilities	250,000,000
Cost of additional planes	600,000,000
Total	4,610,000,000
Public, No. 671, approved June 28, 1940:	
No estimate of cost available. Since this act authorized overtime work and other measures to expedite national defense, it is quite possible that additional appropriation of several hundred millions of dollars will be required.	
Grand total	7,561,902,270

It is to be noted that this amount is for additional ships, planes, bases, and other naval projects, and does not include maintenance costs, the cost of constructing ships, planes, and public-works projects authorized prior to January 1, 1940, or the replacement of obsolete vessels and planes.

TOTAL NAVAL APPROPRIATIONS

The total appropriations for the Navy during the third session of the Seventy-sixth Congress were $2,546,320,050. In addition contract authorizations were approved totaling $822,995,612, making a grand total of $3,369,297,662. This amount appropriated includes not only the beginning of construction of vessels, airplanes, bases, and other naval facilities authorized during the third session of the Seventy-sixth Congress, but includes payments being made upon construction and naval undertakings authorized in previous laws. As it takes 2 to 4 years to construct naval vessels and airplanes only a part of what is authorized is appropriated each year depending upon the extent of completion of each contract.

OTHER IMPORTANT NAVAL BILLS ENACTED

The following additional 21 important naval bills were enacted into law during the third session of the Seventy-sixth Congress:

Public, No. 644. This act reorganized the Navy Department and consolidated the Bureau of Engineering and the Bureau of Construction and Repair into a new Bureau known as the Bureau of Ships.

Public, No. 657. This act transferred the Construction Corps to the line of the Navy.

Public, No. 443. This act increased the punishment for espionage and other crimes.

Public, No. 440. This act authorized the appointment of 100 acting assistant surgeons for temporary service in the Navy.

Public, No. 634. An act to regulate the number of warrant and commissioned warrant officers in the Marine Corps.

Public, No. 482. To amend the Naval Reserve Act of 1938 relative to the computation of Naval Service.

Public, No. 412. For the relief of World War sailors and marines who were discharged from the United States Navy or United States Marine Corps because of minority or misrepresentation of age.

Public, No. 433. Authorizing the payment of commuted rations of enlisted men.

Public, No. 615. An act to establish a uniform rule of treatment for all civilian employees of the Navy Department appointed for duty beyond the continental limits of the United States.

Public, No. 506. To accept on behalf of the United States personal property of the late Dudley F. Wolfe.

Public, No. 456. To accept on behalf of the United States land at Floyd Bennett Field, N. Y.

Public, No. 541. To accept real estate for the United States from the city of Miami, Fla.

Public, No. 558. Authorizing the Secretary of the Navy to accept on behalf of the United States a gift of the yacht *Freedom* from Sterling Morton.

Public, No. 775. An act to increase the number of naval aviators in the line of the Regular Navy and Marine Corps.

Public, No. 779. To increase the number of midshipmen at the Naval Academy.

Public, No. 782. To increase the authorized strength of Naval Reserve Officers' Training Corps personnel from 2,400 to 7,200.

Public, No. 790. To extend the age limits for applicants for appointment as midshipmen at the Naval Academy.

Public, No. 786. Authorizing additional drydocks for the United States Navy.

Public, No. 617. Authorizing the sale of fuel, electric current, and water at isolated naval stations.

Public, No. 465. Authorizing appropriations to be made for the dispcsition of the remains of personnel of the Navy and Marine Corps.

Public, No. 540. To amend the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

MINOR NAVAL BILLS ENACTED

In addition to the above there were 20 bills enacted into law during the third session which were handled by the Senate Committee on Naval Affairs. These bills were for such purposes as exchange of real estate, reimbursement for loss of personal property, etc.

PENDING NAVAL BILLS

The following naval bills have been favorably reported during the third session of the Seventy-sixth Congress by the Senate Committee on Naval Affairs and have passed the Senate, but at this date not enacted into law.

S. 4254. Authorizing postgraduate instruction for civilian employees of the Naval Establishments.

S. 4245. To authorize the Secretary of the Navy to establish certain naval hospitals.

S. 4246. To provide for the appointment of certain persons as commissioned or warrant officers in the Naval Reserve.

S. 4196. Establishing overtime rates for compensation for employees of the field services of the Navy Department and Coast Guard.

S. J. Res. 253. Providing for the celebration of the one hundredth anniversary of the founding of the United States Naval Academy.

S. 3008. To authorize the President of the United States to dispose of certain public vessels.

The following bill is on the Senate Calendar:

H. R. 9854. To authorize certain personnel in the Navy and Marine Corps to accept medals, orders, decorations, and presents from foreign governments.

The following bills are awaiting the approval or disapproval of the President:

H. R. 9636. Conveyance to the Commonwealth of Virginia portion of naval reservation known as Naval Proving Grounds.

H. R. 10406. Authorizing the appointment of graduates of the Naval R. O. T. C. to the line of the Regular Navy.

H. R. 10295. To amend the act of June 23, 1938 (Personnel Act).

NAVAL BILLS VETOED

During the third session of the Seventy-sixth Congress the following bills were vetoed:

S. 2348. Relating to allowances to certain naval officers stationed in the Canal Zone for rental of quarters.

H. R. 4929. To amend the act of June 23, 1938 (Personnel Act).

H. R. 10405. To provide for adjusting the compensation of persons employed as masters at arms and guards at navy yards and stations, and for other purposes.

COMPOSITION AND EXPANSION OF NAVY

The act approved March 27, 1934—the so-called Vinson-Trammell Act—established the composition of the Navy at approximately 226 underage combatant vessels of 1,262,068 tons and approximately 2,050 useful naval airplanes.

The Naval Expansion Act of 1938 authorized an increase of approximately 20 percent in combatant vessels and an increase of approximately 50 percent in planes, making the authorized number of underage combatant vessels of 272 of 1,557,480 tons, and the authorized number of useful naval planes not less than 3,000.

During the third session of the Seventy-sixth Congress an 11-percent expansion program, an aviation expansion program, and a two-ocean Navy expansion program were authorized. These 3 expansion programs increased the number of useful naval airplanes from not less than 3,000 to a total of 15,000, and the number of underage combatant vessels from 272 of 1,557,480 tons to approximately 480 vessels of 3,049,480 tons.

When the shipbuilding programs are completed, about 1944 or 1945, the Navy will have approximately 172 overage vessels (combatant) in addition to 480 underage combatant vessels.

In addition, these programs authorized the building or procurement of many auxiliary, escort, patrol, and miscellaneous vessels, the expansion of aviation bases and aviation training facilities, and the training of many additional pilots and aviation mechanics.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAILEY:

S. 4403. A bill to permit members of building and loan associations and similar institutions to report and pay tax upon their earnings in such institutions in the taxable year in which such earnings accrue and to require such institutions to make an information return as to earnings of their members, such as is required for interest, rents, and salaries; to the Committee on Finance.

By Mr. STEWART:

S. 4404. A bill to authorize the President temporarily to transfer jurisdiction over certain national forest and national park land to the War Department or the Navy Department; to the Committee on Public Lands and Surveys.

By Mr. MINTON:

S. 4405. A bill to amend the Rural Electrification Act of 1936, as amended, for the purpose of extending the period within which loans may be amortized; to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 2747) relative to annual labor on mineral claims in the Territory of Alaska was read twice by its title and referred to the Committee on Mines and Mining.

ADDRESS BY SENATOR LUCAS AT THE FUNERAL OF GOVERNOR HORNER

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Senator LUCAS on the occasion of the funeral of the late Henry Horner, Governor of Illinois, which appears in the Appendix.]

STATEMENT BY SENATOR WILEY OF HIS REASONS FOR VOTING FOR WENDELL WILLKIE

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement issued by him giving some of the reasons why he will vote for Wendell Willkie, which appears in the Appendix.]

WAR HAWKS

[Mr. HOLT asked and obtained leave to have printed in the RECORD a series of articles entitled "War Hawks," which appears in the Appendix.]

BUSINESS AND GOVERNMENT—ADDRESS BY SECRETARY JONES

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD a radio address delivered by Hon. Jesse H. Jones, Secretary of Commerce, October 7, 1940, on the subject Business and Government, which appears in the Appendix.]

EDITORIAL FROM NEW YORK ENQUIRER ON THE LATE SENATOR LUNDEEN

[Mr. HOLT asked and obtained leave to have printed in the RECORD an editorial from the New York Enquirer, of the issue of September 23, 1940, in regard to the late Senator Lundeen, which appears in the Appendix.]

PRESIDENT ROOSEVELT—EDITORIAL FROM PHILADELPHIA RECORD

[Mr. MINTON asked and obtained leave to have printed in the RECORD an editorial from the Philadelphia Record of October 8, 1930, under the heading "This Nation Is Fortunate," which appears in the Appendix.]

ADDRESS BY JAMES L. M'DEVITT, PRESIDENT, PENNSYLVANIA FEDERATION OF LABOR

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD remarks of Mr. James L. McDevitt, president of the Pennsylvania State Federation of Labor, at the Pennsylvania Amalgamated Clothing Workers' conference in Philadelphia on September 21, 1940, which appears in the Appendix.]

THE THIRD-TERM ISSUE—ARTICLE BY THOMAS A. REED

[Mr. BARBOUR asked and obtained leave to have printed in the RECORD a brief against the third Presidential term, written by Thomas A. Reed, which appears in the Appendix.]

THE TENNESSEE VALLEY AUTHORITY

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an editorial from the Nashville (Tenn.) Tennessean of September 19, 1940, entitled "$13,000,000 to the Good," which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

Mr. BARBOUR. Mr. President, I am very anxious to read a letter which I had intended reading to the Senate several days ago. It is dated September 24 and is from Walter White, secretary of the National Association for the Advancement of Colored People:

DEAR WARREN: Would you be willing to ask on the floor of the Senate before Congress adjourns about the status of the antilynching bill and urge that the bill be considered and voted on before Congress adjourns. We very much hope you will be willing to do this.

We enclose self-explanatory copy of letter which we have written to Senator WAGNER giving the facts about the seven lynchings that have taken place this year and several others which are under investigation. The case at Brownsville, Tenn., where a law-abiding citizen was lynched because he went with other equally respectable Negro citizens to ask information as to what they should do to qualify to vote in the November Presidential election is a case which, by itself, is enough to shock Americans and to justify passage of the antilynching bill.

Other Negroes, including a minister of the gospel and a Negro proprietor of a filling station, were forced by the same mob to flee for their lives from Brownsville. They were ordered to get out of town before daybreak and were told that if they returned they would be lynched. One of these Brownsville refugees is father of seven children and his wife is soon to give birth to an eighth child. His filling station was taken over by the sheriff the day after he was run out of town. The sheriff claimed that he was taking it for a creditor who held a mortgage on the equipment. But Elisha Davis had paid in full for the equipment. The filling station is being run by other persons to whom no authority to run it has been given by the owner. Meanwhile Mr. Davis is penniless and is forced to live on the charity of his friends.

This situation is comparable to the oppression of minorities in Nazi Germany, which Americans and the Congress have rightly denounced. But the treatment of American citizens in Brownsville who sought to exercise their constitutional right to vote for the next President of the United States justifies the charges of German, Italian, and Russian newspapers of American hypocrisy as long as such conditions are permitted to continue in our own country.

It is because of this that we are taking the liberty of asking you and a few other active advocates of the antilynching bill in the Senate to raise on the floor of the Senate the question of debate and vote on that measure before Congress adjourns.

Sincerely,

WALTER.

Mr. President, I read this important letter, because I should very much like to ask the majority leader if there is to be an opportunity to bring up the antilynching bill in this session, before we either adjourn or recess, or whatever will be done in regard to the program for the future.

As for myself, I most strongly and emphatically point out that this legislation has been passed over obviously too often and altogether too long, and should have consideration. I am wholeheartedly and sincerely in favor of it, not only because of the premise that it stands for, but because it represents even more than merely preventing lynching; it has become a symbol of tolerance as representing the true American attitude in relation to real equality, without prejudice as regards race, creed, or color.

I therefore very earnestly ask the distinguished Senator from Kentucky what we may expect in relation to the most important question which the letter raises, and which I myself raise so urgently.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Kentucky?

Mr. BARBOUR. I very gladly yield to the Senator from Kentucky.

Mr. BARKLEY. I realize the interest of the Senator from New Jersey in this subject, particularly at this time. The senior Senator from New Jersey [Mr. SMATHERS] has also spoken to me on the same subject; but I feel quite certain that the junior Senator from New Jersey knew the answer to his question before he asked it. However, I shall be entirely frank with the Senator and with the Senate and with the

country, if the country is interested in my answer to his question.

The Senator from New Jersey and all other Senators know what the legislative situation has been during this session. The Senator from New Jersey and all other Senators know the history of this legislation in the Senate heretofore. The matter was brought up in the last Congress. It was debated here for some 6 weeks. I made every effort that I think a human being could resort to in order to obtain a vote on the antilynching bill. I made repeated requests for unanimous consent to fix a time when a vote might be had.

A motion was then made to invoke the rule for cloture, in order that a vote might be obtained on the bill. There was a yea-and-nay vote in the Senate on the motion for cloture; and while the rule requires two-thirds in order to bring about cloture, it did not receive even a majority, the vote being 37 in favor of cloture and 51 in opposition to it. I was among the 37 who voted to invoke the rule for cloture. Under those circumstances it was impossible to obtain a vote, and the bill had to be abandoned.

The House of Representatives passed the bill during the early part of this session of Congress. It came to the Senate, and the Judiciary Committee reported the bill I believe practically without amendment. If there is any amendment, it is trivial. I am informed that there is no amendment whatever.

The National Association for the Advancement of Colored People, whose secretary is Mr. Walter White, has been particularly urgent in its request that this matter be brought to a vote at this session of Congress. I very much doubt if any other Senator realizes the situation in which I have been placed because of my position, and because of the not only insistent but sometimes peremptory demands that, regardless of anything else, the antilynching bill be brought forward for consideration in the Senate. I have tried to be fair and frank with this organization and with all others, in the Senate and outside of the Senate, interested in the antilynching bill. I have tried to explain to them the situation. I have stated to them, and I now state, that not only did I vote for cloture when the matter was up heretofore but after reasonable debate I would vote for cloture again. It has been my purpose, and I have had no change in that purpose, when the bill is finally voted on, to vote for it. I think it ought to be disposed of at the very earliest possible date; but I am sure the Senator from New Jersey knows, and all other Senators know, that there is violent opposition to the measure in the Senate.

Not only was there a 6 weeks' filibuster when the bill was up on a previous occasion, but those who are opposed to it, or some of them, have served notice that they will pursue the same course again when the bill comes up either in this session or in any future session in which they happen to be Members of the Senate.

The bill cannot be brought to a vote, in my judgment, without invoking the cloture rule. It may be unfortunate, and I think it is unfortunate, that under our rules proposed legislation in which many people are interested can be indefinitely delayed because of debate. I have never been in favor of filibusters, I have never participated in one. I believe that when debate has been permitted to run until it has been exhausted in every legitimate sense, the Senate should be allowed to vote on a measure which comes before it. Nevertheless we must face the conditions as they are, and not as we might wish them to be.

I have felt, and I believe that all other Senators have felt—indeed, it has been the general feeling—and I have consulted Senators not only on this side of the Senate Chamber but on the other side of the Chamber, including the minority leader, the Senator from Oregon [Mr. MCNARY], now the Republican candidate for Vice President of the United States, that, in view of the international situation, in view of the necessity and demand that we act speedily on defense legislation, which was of paramount importance to the country, nothing could more seriously interfere with that program and, it might be, even cast some reflection on the Senate itself, than to have the country witnessing a prolonged and interminable filibuster over any bill in the midst of this international situation, on which we have been called to act with speed and determination and consistency.

Under these circumstances I think it has been the unanimous view of the Members of the Senate that there should not be projected here a legislative matter of such profound controversy as to result in the prolonged, interminable filibuster which would ensue. I think that is a perfectly natural reaction.

Furthermore, I will say to the Senator from New Jersey that in an effort to ascertain whether a vote could be had at this session on the antilynching bill, I have had a very careful personal and individual poll made of the Members of the Senate on the Democratic side and on the Republican side, and in that effort the minority leader has cooperated, and it has been ascertained that cloture cannot be obtained at this time in order to have a vote on the antilynching bill. It is not only impossible to obtain the two-thirds vote necessary to adopt it, but it would not be possible to get a majority on either side of the Senate for cloture.

Under those circumstances it has occurred to me, and I am willing to take the responsibility of saying that in the midst of our international situation, our defense program, and the condition in which the world and our country find themselves, it is impractical at this time to make a futile effort to obtain a vote on the bill when it is known in advance that a vote cannot be had.

To answer the Senator specifically, the Senator knows that Congress has been in session ever since the first of January; it was in session practically all of last year; Members of the Senate and the House have had practically no vacation, unless they have run off while the bodies were in session, for a year and 9 months, and it has been generally supposed and generally desired on the part of both Houses that some form of recess be had in order that Members might take a vacation, or go home, or at least spend 4 or 5 weeks out of Washington. I do not know what is to happen regarding that; we have been waiting on the House of Representatives to make up its mind whether or not it would recess. I think the Senate is willing to take a reasonable recess, until sometime in the middle of November, but unless both Houses are willing to do that it is futile for one House to attempt it. If that is not done, I suppose there will be some sort of an arrangement by which no important legislation will be considered until the end of such a period as is decided on. But for the reasons I have stated it has seemed to me wise to enter into an arrangement for a joint recess until about the 18th day of November. Otherwise Members of Congress who go home will be constantly interrogated by their friends who see them and who have read in the morning paper that someone has made a speech in the House or the Senate on some subject which is probably not before either House; they will be interrogated as to why they are at home while Congress is still in session. For that reason it has seemed to me, in view of all the circumstances, that the wise course is to take a brief recess, and come back sometime about the middle of November.

I am anxious to see the bill to which the Senator from New Jersey has referred disposed of at the earliest possible opportunity when it can be disposed of. I have not felt and I do not now feel that it should have been injected into the midst of our program of national defense, when it would have interfered with that materially, and when a vote could not have been had on it, and when we would have spent weeks in futile debate and in another futile filibuster without any determination of the question to be voted upon.

I cannot state to the Senator when the measure can be taken up with any prospect of obtaining a vote. I hope it can be done at any early date, either when we come back in November, or at an early date in the next session, but, in all frankness, I do not feel it would be possible at this time, considering the legislative situation, and the mood of both Houses, to take the bill up and dispose of it before some form of recess is taken by the House and the Senate.

If that does not answer the Senator's question, I do not know how to answer it.

Mr. BARBOUR. Mr. President, the majority leader, the distinguished Senator from Kentucky, has been, as he always is, very fair and very frank, and has answered the question, though I regret very much the answer he makes, that he feels there will be no opportunity in this session to bring up the antilynching bill. Anyway he is in agreement with me; he would like to have the matter disposed of at the earliest possible moment. He has said that two or three times in the course of his remarks in reply to my inquiry. That is just exactly the way I feel. I want the bill brought up at the very earliest possible moment and I still hope it can be this session. I did not know of any way in which I could get the best information as to this problem, that is, as to the prospect of bringing this legislation to the floor of the Senate other than by asking the majority leader what the prospects were. Of course, I meant no discourtesy to the Senate; he said, I believe, something about a peremptory demand.

Mr. BARKLEY. I understand the Senator. I appreciate his situation.

Mr. BARBOUR. There was not the slightest idea of that, and my purpose is not to harass or trouble the Senator. But I am deeply and sincerely interested in this vital legislation, and have said so many many times. It certainly is not simply because of the fact that I am in another campaign myself that I bring up this subject, though I admit that that may seem to have a bearing on the matter. But this is not a new stand with me. I have always been of exactly the same opinion, regardless of any situation or other consideration, ever since I first came to the Senate in 1931.

Mr. President, this is such an old story, and has been debated so often that to me the fault seems obviously to lie with those who always filibuster against this bill. That is why I will vote for cloture. I am very much opposed to cloture generally speaking; I think it is something against which we must guard, but I do believe that when a bill has been debated and debated and debated and is prevented from coming to a vote merely by a filibuster on the part of a minority group of the Senate, then cloture falls within a different category from any ordinary legislative situation. That is why I should like to see cloture voted—I still hope—at this session.

The Senator from Kentucky has made it clear that in his judgment that is impossible; that is what his remarks amount to. Under the circumstances, I regretfully accept his conclusion and thank the Senator for his characteristically fair and frank statement as to the situation, but I still beg to insist that something be done to bring the antilynching bill up at this session of the Congress.

Mr. BARKLEY. Mr. President, I wish to say merely an additional word. I hope that what I have said in my effort to give the Senator a frank answer will not be misquoted, that what I have said will not be twisted and distorted and garbled into indicating an attitude which I do not assume. I say that because recently in a colored newspaper in Chicago I was quoted as having made certain statements about the antilynching bill in response to a visit to Washington by a delegation of colored people who were interested in its passage. No such delegation has ever called on me; I gave out no such interview as that to which my attention was called, and I wrote in reply to the letter which I received from the secretary of the Association for the Advancement of Colored People that I not only had not given out the interview which had been printed in the Chicago paper, which I believe is called the Defender, or the Chicago Defender, at least the word "Defender" is in the title, but that I had never seen a copy of that paper. I do not recall that I knew there was such a publication; no such delegation ever called on me; and I never made any statement to any such delegation. I stated in reply to the letter which I received, sending me a copy of the alleged interview, that there was not the slightest foundation for a single sentence in the interview.

I am asking those who quote what I say here about this matter in reply to the Senator from New Jersey, no matter from what source they come or what newspaper they represent, to quote me accurately, and not attempt in any way to attribute to me statements or sentiments to which I have not given expression.

Mr. BARKLEY subsequently said: Mr. President, in connection with the remarks I made a while ago in response to the question of the Senator from New Jersey [Mr. BARBOUR], I ask unanimous consent to have printed in the RECORD as a part of my remarks the yea-and-nay vote in the Senate on January 27, 1938, on the motion for cloture in connection with the antilynching bill.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

The VICE PRESIDENT. The hour of 1 o'clock having arrived, under rule XXII the Chair lays before the Senate the motion for cloture, signed by the requisite number of Senators, and directs the Secretary to read it.

The legislative clerk read as follows:

"We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

"Signed by Messrs. Neely, La Follette, Wagner, Clark, Van Nuys, Minton, Brown of New Hampshire, McGill, Schwellenbach, Truman, Bone, Bulkley, Hitchcock, Copeland, Thomas of Utah, Guffey, and McAdoo."

* * * * * * *

The VICE PRESIDENT. * * * Is it the sense of the Senate that the debate shall be brought to a close? Those in favor will answer "yea" when their names are called and those opposed will answer "nay." The clerk will call the roll.

The Chief Clerk called the roll.

Mr. DAVIS. The Senator from Nevada [Mr. MCCARRAN] and I would vote "yea" on this question. We are paired with the Senator from North Dakota [Mr. NYE], who, if present, would vote "nay."

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], and the Senator from Maryland [Mr. TYDINGS] are absent from the Senate because of illness.

The Senator from Nevada [Mr. MCCARRAN] is detained on official business.

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. NYE] and the Senator from Minnesota [Mr. SHIPSTEAD] are unavoidably absent.

The roll call resulted—yeas 37, nays 51, not voting 8, as follows:

Yeas—37: Adams, Barkley, Bone, Brown of Michigan, Brown of New Hampshire, Bulkley, Capper, Chavez, Clark, Copeland, Dieterich, Donahey, Duffy, Guffey, Hatch, Hitchcock, Johnson of Colorado, La Follette, Lee, Logan, Lonergan, McAdoo, McGill, Maloney, Minton, Murray, Neely, Pope, Schwartz, Schwellenbach, Smathers, Thomas of Oklahoma, Thomas of Utah, Truman, Van Nuys, Wagner, Walsh.

Nays—51: Andrews, Ashurst, Austin, Bailey, Bankhead, Berry, Bilbo, Borah, Bridges, Bulow, Burke, Byrd, Byrnes, Caraway, Connally, Ellender, Frazier, George, Gerry, Gibson, Gillette, Glass, Hale, Harrison, Hayden, Herring, Hill, Holt, Johnson of California, King, Lewis, Lodge, Lundeen, McKellar, McNary, Miller, Milton, Norris, O'Mahoney, Overton, Pepper, Pittman, Radcliffe, Reynolds, Russell, Sheppard, Smith, Steiwer, Townsend, Vandenberg, Wheeler.

Not voting—8: Davis, Green, Hughes, McCarran, Nye, Shipstead, Tydings, White.

The VICE PRESIDENT. On this motion the yeas are 37, the nays 51. Two-thirds not having voted in the affirmative, the motion is not agreed to.

Mr. MINTON. Mr. President, as Senators know, I am one who has been interested in the passage of the antilynching bill. I heard the statement made by the distinguished leader, the Senator from Kentucky, [Mr. BARKLEY]. I regret that the situation in the Senate is as he has outlined it, but I think, in all fairness, it must be admitted that the leader has accurately described the situation. I am disappointed that the circumstances are such that it seems we will be unable to obtain consideration for the bill at the present session. I still entertain the hope, however, that we may yet, before we adjourn the present session, find it agreeable to take up the bill for consideration.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate, in order to vote on the nomination which we discussed yesterday, proceed with the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

FRANK S. PERKINS

The Senate resumed the consideration of the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The question is, Will the Senate advise and consent to this nomination?

Mr. BURKE. Mr. President, there was a very full discussion yesterday of the matter now under consideration—the suggested confirmation of a nominee for postmaster at Fremont, Nebr.—and I have no purpose to extend that discussion whatsoever. I note that there are some Senators present who were not here yesterday, and possibly have not had the opportunity to read the RECORD this morning, so I will simply summarize the facts. The present postmaster at Fremont, Nebr., is a man by the name of Frank W. Fuhlrodt. He was appointed postmaster of Fremont in 1920 by President Woodrow Wilson. For 17 years prior to that he had been connected with the Fremont post office, beginning as a clerk, and working his way up through every position in the post office, becoming assistant postmaster and later acting postmaster, and then in 1920, the district being represented by a Democratic Representative, the Honorable Dan B. Stephens, and Woodrow Wilson being President, a vacancy in the Fremont post office having occurred, Mr. Fuhlrodt took the examination, was No. 1 on the list, and was appointed postmaster. Upon the expiration of his term each succeeding 4 years he has been reappointed, regardless of whether the occupant of the White House happened to be a member of the Republican Party or of the Democratic Party.

Immediately prior to the expiration of his term in 1936, upon my recommendation, President Roosevelt sent the name of Mr. Fuhlrodt to the Senate, and the Senate unanimously confirmed him. I pointed out yesterday the reason why that was done. The chief postal inspector for that district, Mr. W. M. Coble, wrote to Mr. J. M. Donaldson, Deputy First Assistant to the Postmaster General at Washington, a letter which I read yesterday and to one sentence of which I will refer:

> During his long tenure the Fremont post office has been considered a model of efficiency.

Mr. Coble protested very vigorously against the proposed removal of this high-class postmaster, who is a credit to the Post Office Department, because there were some political considerations involved not touching Mr. Fuhlrodt at all. No one has even hinted that he had ever taken any part in any political activities whatever. I brought the matter down to date by saying that in the last examination, less than 60 days ago, I believe, when the Fremont post office was examined by the two inspectors assigned to that work, they rated the office as very nearly perfect, 96.6 percent, and 98 percent in the custodial service, which is as near perfection as a post office ever attains.

I went into all that yesterday, and I will not go further in repeating it, except to say that I disagree fundamentally and completely with those who take the position that this is merely a question of determining whether the nominee is acceptable and that the Senate and the individual Senators have no right to go beyond that.

I make no contention against the man whose name appears as the nominee, but I say that every Senator must realize, and every person in the country who learns anything about the matter should clearly understand, that there is more involved in this case than the qualifications, whatever they may be, of the nominee, because there is involved also, and inseparably tied up with the vote about to be cast, the question of ousting from the position which he has held for more than 20 years, one of the most efficient postmasters in the entire country. There can be no legerdemain, no means by which there can be covered up the fact that a vote in favor of confirmation of the present nominee is at the same time fully and effectively a vote to oust this capable and efficient postmaster.

In closing these brief remarks I merely wish to say again that I absolve the Civil Service Commission from anything wrong in this matter. They were requested by the Post Office Department to conduct an examination, and, while the Post Office Department had a perfect right under the existing law to request a noncompetitive examination and retain this efficient postmaster, they still had the right, under the law, as has been pointed out, not to do that, and to ask for a competitive examination; although, if they wanted to live up to the spirit of the law they would have no right to do that. They certainly had no right to do it on purely political grounds, as was done in this case.

Yesterday I read the letter of Mr. Donaldson in answer to the letter sent to him by the Chief Postal Inspector, in which Mr. Donaldson, Deputy First Assistant to the Postmaster General at the time, said, and I marvel at the frankness of his statement:

> It is very likely that Mr. Fuhlrodt will make a grade sufficient to place his name among the first three—

He did. He was head and shoulders above anyone else when the examination was held—

> and then consideration can be given to his appointment. However—

And this is the significant part—

> However, the Department will consult Hon. James C. Quigley, of Valentine, Nebr., who is our adviser in this particular case.

The Honorable James C. Quigley is Democratic national committeeman and, until a few months ago, he held also the office of Democratic State chairman. So it is clear to everyone who has eyes to see or ears to hear that this is a purely political procedure from start to finish. Under all the circumstances I am perfectly willing to and accede gladly to the proposition that the department should not consult me and take my recommendation on these matters, but having in January of this year asked for my recommendation, and since I had given it to Mr. Fuhlrodt, I do not think it is quite fair to Mr. Fuhlrodt to say that because I recommended him, therefore he is not to be considered for reappointment; that he is not to be reappointed to the office which President Wilson gave him and all the succeeding Presidents, including President Roosevelt, have been glad to give to him. That is why I have made a vigorous protest.

I say to the Senate in all sincerity that that is about all there is involved in this case. If Senators think that a highly efficient, capable postmaster ought not to be continued in office because he was recommended by one who now does not stand in favor with the administration, of course Senators can vote to oust him by voting for the confirmation of the man whose nomination is sent to the Senate in his place.

In closing I repeat what I had to say about the Civil Service Commission yesterday. In an official bulletin, Form 2223, the Civil Service Commission says in reference to the manner in which nominees shall be selected—

> In all cases selection for appointment shall be made with sole reference to merit and fitness and without regard to political or religious considerations.

To show how the Civil Service Commission has been attempting to live up to that declaration, which ought to have the hearty support of every Senator present who believes in the civil service, I refer to the case of Owen Sherick, Nankin, Ohio. Some time not very long ago there occurred a vacancy in that post office. The Post Office Department submitted to the Representative from that district, for a report, the names of the three high eligibles. The Representative wrote, no doubt, in the normal way to the political leader of the district. The political leader wrote back that the man who was third on the list, Mr. Sherick, was strictly a party man, and ought to have the appointment. In some way that statement of the political leader of the district to the Representative came to the attention of the Civil Service Commission, and formed the basis of the charge that political conditions had entered into the appointment. The Post Office Department argued that it did not know anything about the correspondence between the Representative and the political leader. In the present case the Department does not have that defense, because the Post Office Department itself conducted the correspondence with the political leader. However, in the prior case the Post Office Department said, "No; we did not know anything about that correspondence, or about the political

considerations which entered into the question, so we can do nothing about it."

The Civil Service Commission called the matter to the attention of the General Accounting Office, and said that political considerations had clearly entered into the making of the appointment, and that on that theory the General Accounting Office ought not to allow the postmaster's salary. That case involved a fourth-class post office. The General Accounting Office, after conducting an investigation, upheld the decision of the Civil Service Commission, but said there was nothing it could do about the matter, because under the law and the practice fourth-class postmasters are not paid by checks issued by the General Accounting Office. Their compensation comes out of their receipts. So the matter stood.

I refer to that case because it shows that the Civil Service Commission at least is making an effort to keep extreme political considerations out of these appointments. I very much doubt whether in the entire country there could be found a more perfect example for clearly drawing the line between those who want to enforce the merit system in the Postal Service and those who are willing to find some excuse, however flimsy, to take a different position and let the spoils system continue.

As the chief inspector said, to oust Mr. Fuhlrodt and select a successor to him would constitute a return to the old spoils system. This is a clear case, because the incumbent is a man who has held the office for a long time. It is not a case in which we are considering an eligible list of persons no one of whom has been in the Service. In such a case I should agree fully that we might properly say, "No. 2 or No. 3 on the list is a good man and, under the law, may be appointed. No. 1 may be a little better, but none of them has been in the office, and the nominating authorities have submitted the nomination of No. 2 or No. 3, and we will vote to support it." In such a case there would not be involved the ouster of a competent and deserving postmaster.

Mr. President, that is all I desire to say upon this subject. It seems to me this is a clear case in which every Senator who desires to extend the benefits of the civil service, and to uphold the claims that are made that we believe in the merit system in the Postal Service, ought to vote against confirmation.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the telegram, which I send to the desk.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FREMONT, NEBR., *October 8, 1940.*

HON. EDWARD R. BURKE,
United States Senator.

We admire and appreciate your stand on reappointment of Fuhlrodt. Sentiment here very strong for him. It is our hope that your colleagues will support you.

N. A. Allen, lumber and coal; Dr. Geo. A. Haslam; J. M. Sorensen, banker; W. R. Rowe, building and loan; Dean Lesher, newspaper publisher; F. L. Hintz, merchant; Geo. A. Sanderson, hides and wool; C. N. Johnson, laundry; Arthur Baldwin, real estate and insurance; E. M. Daniels, druggist; E. D. MacLeod, grocer; Lloyd Moffet, nurseryman; F. E. Gibson, investments; Wm. N. Mitten, banker; Frank Hammond, manufacturer; Emil Hahn, bakery; G. C. Courtright, hardware; R. A. Johnston, insurance.

Mr. McKELLAR. Mr. President, I have only a few words to say to the Senate concerning this nomination for postmaster.

I do not know any of the applicants. The nominee is one of the three highest eligibles. He was recommended by the authorities in the State of Nebraska. His name was recommended to the President by the Post Office Department, and the President has sent his name to the Senate in the usual way. He is the second man on the list.

Under the law the President has a right to select any one of the three highest eligibles. The authorities have the power to recommend any one of the three highest eligibles. The nominee is of the highest character; and that character was attested to time and again yesterday in the debate by the distinguished Senator from Nebraska [Mr. BURKE], who opposes the nomination. The Senator from Nebraska says the nominee is an honorable man, an efficient man, and in every way worthy of the appointment.

Under the circumstances, I think it would be a very great reflection upon this man to reject his nomination simply because he was second on the list. We have been following a uniform practice under the present law for all these years. Why should we make an exception of this man? I doubt if there is a Senator on this side of the aisle who has not at some time recommended No. 2 or No. 3 on the eligible list. It is frequently done. There is never any contest about it.

Our committee has favorably reported the nomination of the man who was No. 2 on the list. He is a man of the highest character, a man of excellent fitness for the place; and I think it would be exceedingly discourteous, to say the least, to reject his nomination because he is not No. 1 on the list, when the law provides that any one of the three highest eligibles may be selected. I was not in favor of that law. I voted against it, but it is the law. Why should we single out this man at this late date in the session, after he has been nominated? Why should we single him out to make an exception?

When the matter first came up I asked the Senator from Nebraska if he had any personal objections to the man, and he said "No." As is well known, whenever a Senator has had personal objections to an applicant for office, or an eligible who is about to be appointed, I have always considered such objections. During my service as chairman of the Committee on Post Offices and Post Roads I do not think a single applicant has been appointed after a Senator had come to me and told me that he was opposed to him because of personal reasons. I hope Senators will not change the rule now. I hope the Senate will confirm this nomination.

It would not help Mr. Fuhlrodt a particle to reject the nomination, because the Department would probably submit another name. The Civil Service Commission might hold another examination. There is no reason for the Senator to expect that the rejection of the nomination would help his man. So it seems to me there is only one thing for the Senate to do, and that is to confirm the nomination.

I do not know any of the candidates for the position. I am told that Judge Quigley, chairman of the Democratic committee in Nebraska, is one of the very best men in Nebraska. He has recommended Mr. Perkins, and I see no reason under heaven why Mr. Perkins should not be confirmed. I see no reason why the man who has passed the examination, and who has been nominated in accordance with the law which we ourselves have passed, should not be confirmed. Although the law was passed over my protest, the Congress passed it; and I see no reason in the world why the nominee should be dishonored and humiliated and thrown out after he has received the appointment from the Executive Office.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CLARK of Missouri. A few moments ago the Senator said the nominee had been recommended by the authorities in Nebraska. It is perfectly apparent from the record which has been made in the Senate that the "authority" in Nebraska who recommended him was the Democratic national committeeman.

Mr. McKELLAR. Yes.

Mr. CLARK of Missouri. He is a most excellent gentleman. He happens to be a very dear friend of mine, for whom I have great respect and affection.

Mr. McKELLAR. I know him.

Mr. CLARK of Missouri. I should like to ask the Senator from Tennessee just what are the status, responsibilities, and duties of a national committeeman under the Constitution and the civil-service laws with regard to making these appointments which would lead a responsible department official to say that the adviser of the department on such matters is not one of the Senators from the State, not one holding a responsible position, not one who has taken an oath of office to support the Constitution, but the Democratic national

committeeman of the State, whose recommendation overrides the views of everybody else.

I wish the Senator to understand me. I have very great respect for Democratic and Republican national committeemen. I have been a party man all my life. I know that for many years the Senator from Tennessee was Democratic national committeeman in his own State, and probably still is.

Mr. McKELLAR. No; I am not now, but I have been.

Mr. CLARK of Missouri. The Senator from Nebraska himself was formerly national committeeman from Nebraska. He was elected at the primary election.

Mr. BURKE. Mr. President, will the Senator yield for a statement?

Mr. McKELLAR. I yield.

Mr. BURKE. The comment is very interesting. I was elected Democratic national committeeman in Nebraska in the primary in April 1936; and the only reason why Judge Quigley and I have not got along as well since is that he himself wanted to be national committeeman. When I ran for the place, he then ran for the nomination for United States Senator, but with the announcement that if he should win the Democratic nomination, and if my colleague [Mr. NORRIS] could be persuaded to run as an independent, he would advise all his supporters to support my colleague. Mr. Quigley came in second in the race for the Democratic nomination for United States Senator, and then actively supported the nomination of my colleague, as I am frank to say I did myself. That leads me to the point I was going to make, that, having been elected national committeeman, I found as my first duty it was necessary to say that I could not support the nominee of my party for the Senate, but would follow the recommendation of President Roosevelt and support my colleague, and, so, within 60 or 90 days after my election as national committeeman I resigned on that ground. An arrangement was made by the State committee that Mr. Quigley should be appointed national committeeman and he was appointed; but the judge and I have never gotten along so well since that time.

Mr. CLARK of Missouri. I can say to the Senator from Nebraska I have a very definite recollection of that, because Jim Quigley and I were sitting in Jim Farley's office in New York during the national campaign when Farley received a telegram from the Senator from Nebraska, announcing his resignation on the ground that he could not support the Democratic nominee for United States Senator against the distinguished senior Senator from Nebraska [Mr. NORRIS]. But I still would like to find out exactly what is the official status, under the Constitution or the civil-service law, of any of the excellent gentlemen who are national committeemen, and why, in consonance with any theory of the civil-service law, their recommendation should be taken over that of a Senator.

Mr. McKELLAR. I will be very happy to explain it if I can. Before doing so, since a little politics has been injected into the discussion, and my own status as a national committeeman has been referred to, I wish to say that I was elected by my party as national committeeman several years ago and served for a while. Then, at a very celebrated convention in my State, I was unanimously reelected, and perhaps reelected for a third time; but I rose and asked if they would not elect another gentleman, and they elected another in my place, a very much better man than I was. That is how I happen not to be national committeeman at this time. I retired from that office of my own volition.

But now, coming back to the question of the Senator from Missouri, he wants to know how it happens we have a recommendation from a national committeeman. That is rather involved, but I will give him what I understand to be the facts and the law about it.

In the first place, we had a real civil-service law under President Wilson, who selected, without regard to politics of any kind, the highest man on the list, whether he was a Democrat or a Republican. I recall very distinctly that a number of Republican postmasters were appointed in Tennessee under Mr. Wilson's administration, all of whom were not only appointed by Mr. Wilson because they were first on the list but were confirmed by this body, of which I was a Member.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. Yes.

Mr. CLARK of Missouri. On that point I may say to the Senator that I have long been of the opinion that President Wilson's order contributed very greatly to the debacle that happened to the Democratic Party in 1920.

Mr. McKELLAR. I take a somewhat different view about it. I rather thought if we were to have a civil service at all in the selection of postmasters, which I doubted extremely, that was the best way to select them.

But the Senator from Missouri wants to know how it happens that the chairman of the State committee or the national committeeman has anything to do with such nominations. When Mr. Wilson went out of office in 1921 Mr. Harding succeeded him, and, in a very short time, under the law as this body helped to make it, Mr. Harding issued an Executive order under which any one of the three highest on the list could be selected. They were selected in Republican States by the Republican Senators or Republican Representatives, as the case might be, and, as a rule, about 95 percent, or, I imagine, 99 percent, were Republicans; practically all the post-office appointees were Republicans under the Harding, Coolidge, and Hoover administrations.

When the Democrats won, and Mr. Roosevelt was elected President, he merely continued the Republican order, and under that rule, which is the same as that in force under Harding, Coolidge, and Hoover, Senators or Representatives, or, in the event there is any trouble about the Representatives or Senators from a given State, either the national committeeman, or the chairman of the State committee make——

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield in a moment—make recommendations, and the name of the nominee recommended is sent to the Senate.

If the Senator will let me answer his question—and I will take but a moment—let us now come down to the instant case. The Senator from Nebraska [Mr. BURKE] recommended someone else than the present nominee. I have forgotten his name.

Mr. BURKE. Mr. Fuhlrodt, who has been postmaster for 20 years, and I made the recommendation at the request of the Department in January of this year.

Mr. McKELLAR. In the meantime, the Senator from Nebraska was not in favor in certain quarters. I regret that situation exceedingly, for I wish to say, and it gives me pleasure to say, that I regard the Senator from Nebraska, ED BURKE, as one of the finest men in this body; and I am devoted to him; I think he is a splendid, upright man, a man of high principles, high honor, and integrity, and I have nothing but the kindest feelings toward him; indeed, I am proud that we are exceedingly friendly. So that there is no question of that sort arising, and I am very sorry that this situation arose as to him.

But the Senator from Nebraska, after he had announced that he was for the Republican candidate for the Presidency and was undertaking to help the Republican candidate, under this order which the Republicans issued and which the Democrats have held in force, the question arose as to how postmasters in Nebraska should be appointed. To show the situation—and it is a very anomalous one—my good friend, the junior Senator from Nebraska [Mr. BURKE], who is a Republican, and who is supporting Willkie, is for a Republican for reappointment to the post office in question, while my other friend from Nebraska—I do not see him present at the moment——

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield in a moment. My good friend, the senior Senator from Nebraska [Mr. NORRIS], who is a Republican——

SEVERAL SENATORS. Oh, no.

Mr. McKELLAR. He was a Republican, but is now an independent, and is supporting the administration.

Mr. CLARK of Missouri. If the Senator from Nebraska [Mr. BURKE] is a Republican, why is not the Senator from Nebraska [Mr. NORRIS] a Democrat?

Mr. McKELLAR. The senior Senator from Nebraska made a speech yesterday in favor of the man whose nomination for postmaster has been sent in. So they have peculiar politics in Nebraska. It is a little different from what we have in Tennessee. We do not have those kinds of differences. Of course, in that situation, a Democratic Postmaster General and a Democratic President have sent in the name of the nominee, and I want to say that under the circumstances I am strong for the man whose name has been sent in. I do not want to see him dishonored; I do not want to see him embarrassed, and I hope the Senate will overwhelmingly confirm his nomination.

Mr. CLARK of Missouri and Mr. BURKE addressed the Chair.

Mr. McKELLAR. I will yield to either Senator.

Mr. CLARK of Missouri. I merely wish to say that I have listened with great patience and anxiety for the answer of the Senator from Tennessee to my question. I have not heard any answer as yet from the Senator from Tennessee that touched my question, side, top, or bottom. What I asked the Senator was exactly what function, either under the Constitution or under any civil-service law or under any other statute, does the national committeeman of any party have? Of course, I am familiar with the practice, just as is the Senator from Tennessee, and I have been familiar with it for many years.

Mr. McKELLAR. It is a practice under the law.

Mr. CLARK of Missouri. But I have never yet until today seen an avowed statement by the acting or deputy First Assistant to the Postmaster General or any other responsible official, through an official communication that they were simply accepting the dictates of a man entirely outside the public service.

Mr. McKELLAR. If the assistant to the Postmaster General said anything like that he is wrong.

Mr. CLARK of Missouri. The Senator from Nebraska read his letter.

Mr. McKELLAR. That may be so, but he is mistaken about how it was done. It was done under the law the Congress enacted. It is not in the Constitution at all. The only thing in the Constitution which a great many people have been trying to remove from it for many years, on one pretext or another, and most of the Senators have voted to take it out of the Constitution, provides that officials of this kind shall be appointed by the President, by and with the advice and consent of the Senate. There are Senators on this floor who voted to modify the Constitution in that respect and who contended that first-, second-, and third-class postmasters were such tiny offices, so inconsequential, and so——

Mr. CLARK of Missouri. I hope the Senator is not shaking his gory locks at me.

Mr. McKELLAR. Just a moment—and so unimportant that they ought to be appointed by some inspector sent down from Washington to determine who should be the postmaster at Memphis, for instance. I remember several years ago when this same procedure was followed there was sent down a young fellow who had never been South before; I doubt if he had ever been out of Washington three or four times in his life; certainly he had never been over a hundred miles from Washington anywhere, as the facts showed afterward. He went to Memphis, and, as I recall the facts, on the train he met a gentleman. They engaged in conversation, and he said to the gentleman that he was going to Memphis to select a postmaster. The gentleman in question told the inspector that he himself would make a very fine postmaster. The inspector rather fell in love with the gentleman, and, lo and behold! he put him first on the list when he sent in the names. Of course the man was not appointed postmaster at Memphis; but if there had not been someone in this body to look after the matter, the people of Memphis would have had a wholly incompetent and a wholly improper person as postmaster, because this man was put first on the list. It was a perfectly outrageous action.

So far as I am concerned, I think the old constitutional way is the best way of dealing with this matter. I want to say so to the Senator from Missouri [Mr. CLARK], because he believes in the Constitution just as I do, probably even more so than I do; or, at any rate, he talks more about it. [Laughter.] I have the greatest reverence for that document. I do not talk about it quite as much as does my good friend the Senator from Missouri, for whom I have the greatest admiration and esteem, and whose friend I really am, as he knows, and have been for 30 years. But the Constitution set out a pretty good way of selecting officers of this sort. They are to be appointed by the President by and with the advice and consent of the Senate.

Senators, while I have your attention today, let me say to you, what a foolish thing we do when we turn over to some clerk here in Washington, who perhaps has never been out of Washington, the important duty of selecting—take my own State as an illustration—a postmaster at Memphis, or at Chattanooga, or at Nashville, or at Knoxville, or any other city in my State. Who knows better about it—a clerk here in the Civil Service Commission, or we who perhaps live in the cities, we who have daily communication with the people there, we who know every man of any importance in those cities, and sometimes we know nearly all who are in them? I know a great many persons in the various cities of my State. I would rather have a Senator's recommendation; and it always gives me a great deal of pain when we do not have it.

I have a rule in my committee, as members of the committee know, that when a Senator says, "There is something wrong with that man; I do not want him appointed; he is not the kind of man who ought to be appointed; I have a real reason for opposing him"; his nomination has never been favorably reported by my committee in the 7½ years that I have been presiding over its deliberations; and I shall have to change my mind mightily before I vary from that practice. If the Senator from Nebraska will rise and say that this man is personally and politically offensive and objectionable to him, under the rule which has been maintained in the Senate for 150 years, he will not be confirmed. I will vote with the Senator from Nebraska against his confirmation.

Mr. BURKE rose.

Mr. McKELLAR. Does the Senator from Nebraska want me to yield to him? Some Senator wanted me to yield a moment ago.

Mr. GILLETTE. Mr. President——

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. Yes; I do.

Mr. GILLETTE. I suggest that the Senator from Nebraska [Mr. BURKE] go ahead first.

Mr. McKELLAR. Does the Senator wish to ask me a question, or does he desire the floor? I am through.

Mr. BURKE. I was challenged to make a statement, and I wanted to respond to the challenge.

Mr. GILLETTE. I wish to ask a question.

Mr. McKELLAR. Let me yield first to the Senator from Nebraska, as he is so much interested. Then I will immediately yield to the Senator from Iowa.

Mr. BURKE. Mr. President, before propounding a question, let me say that I very much appreciate the kind words the Senator spoke, and I know he does not speak that way unless he feels that way. I shall treasure those words very greatly always. I should say on that subject, also, that I served for a brief period of a year or two on the Senator's committee; and both then and since I have marveled at the extreme courtesy and efficiency with which the Senator presided over that committee.

Mr. McKELLAR. I regret that the Senator from Nebraska did not continue to serve on it.

Mr. BURKE. The Senator from Tennessee is entirely correct in saying that whenever any Senator let it be known to

the chairman of the committee that a nomination was obnoxious to him, that the nominee did not have the necessary qualifications, or anything else, so far as my experience goes, the name has never come out of the committee.

This case, however, as we can realize, is a little different. I have nothing of that kind to say against this nominee. As I said yesterday, he is my friend much more closely than is Mr. Fuhlrodt. In fact, I hardly know Mr. Fuhlrodt. I could not go before the committee or on the floor of the Senate and say any word in disparagement of this nominee; but it seemed to me very clear that this was a matter which ought to be presented to the Senate: Are we obliged, as individual Senators, under our oaths of office, to vote to oust a thoroughly competent postmaster who has served long and faithfully just because the Department has seen fit in a particular case to ask the advice of a political leader who, in this case, acting solely and wholly for political reasons—and I am not saying anything against him; he has been my friend for a long time—recommended the ousting of this efficient postmaster?

The Senator says, "Think of this poor nominee. What an affront it will be to him, how much it will hurt his feelings, if he is not now confirmed." Well, if it will be an affront to the nominee not to be taken out of his private business and installed in the post office, how badly will the incumbent postmaster feel if he is displaced when he has devoted his whole life to the service of the post office in that community—from 1903 to the present day—and has made it an outstanding example, which the Senator from Tennessee himself, if he were familiar with it, would be proud to hold up to all other postmasters over the country.

I say that we cannot concentrate our gaze upon the disappointment that would come to the nominee and forget altogether the interests of the service and the feelings that would exist not only in the breast of this postmaster, who has served long and faithfully, but of all the other postmasters throughout the country who would be familiar with the case and who would realize that, if the way should ever open, they, too, would be thrown out in order to let a political appointee come in.

Mr. McKELLAR. Mr. President, let me answer the Senator from Nebraska, and then I will yield to the Senator from Iowa [Mr. GILLETTE]. I take great pleasure in answering him.

We are not ousting Mr. Fuhlrodt. Mr. Fuhlrodt's term has expired. Suppose something should happen in Tennessee, and the people should refuse to send me back to the Senate on the 5th of November. I hope to Heaven they would not. I do not believe they would, but they might.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. McKELLAR. In a moment. Anything is possible in politics. If they should, the Senate would not be ousting me if I should appear here on the third of January and want to continue to occupy my seat in this body. My term would have expired; and that is all that has happened to Mr. Fuhlrodt. His term has expired under the law which we passed. His term is out, and he is an applicant for reappointment. He has not been reappointed, but another man has been appointed.

There is no reason why Mr. Fuhlrodt should feel unkindly toward anybody. He should not feel disappointed in any way. He has not been removed; he simply has not been reappointed. Another man has been appointed by the President, and his nomination is now here for confirmation or rejection.

I do not think the nominee—I do not recall his name; I do not happen to know him——

Mr. BARKLEY. Mr. Perkins.

Mr. McKELLAR. I do not think Mr. Perkins, after being appointed under the law we passed, should be subjected to the shame and humiliation of having his nomination rejected by this honorable body.

Mr. GILLETTE. Mr. President——

Mr. McKELLAR. I yield to the Senator from Iowa.

Mr. GILLETTE. I have been following very closely the remarks of the distinguished Senator from Tennessee. I was interested first in his statement that the President, following his undoubted right under the law, has sent to the Senate the nomination of one who was second or third on the list. There can be no criticism of the President for sending in the nomination. I am sure there is no criticism of the distinguished chairman of the Committee on Post Offices and Post Roads, or of his committee, no objection being made to the character or efficiency of the nominee, for reporting the nomination to the Senate for confirmation. But the Senator referred to another factor which had entered into this situation, which was the position in which the Senator from Nebraska [Mr. BURKE] has placed himself by some attitude he has taken with reference to the pending Presidential campaign.

I desire to ask the Senator from Tennessee a question. When Senators are asked to exercise their constitutional right and duty to advise and consent to nominations, the Senator does not mean to suggest, does he, that it is necessary for us, in the exercise of that duty, to take into consideration factors such as he suggested; that we do not have a perfect right to reject factors of that kind, and vote under our constitutional duty as to rendering our advice and consent? The Senator does not mean to suggest that; does he?

Mr. McKELLAR. Indeed, I do not. As all Senators know, I have been a Member of the Senate for a long time. I do not believe, taking the Senate as a whole, there is a greater body of men on earth than the body of which we are Members. Individual exceptions come and go, as we all know, but as a rule a Senator of the United States is a man of the highest character and standing, and of the highest and most stable independence. Taking them by and large, they try to do what is right; they try to do their duty conscientiously. The Senator from Nebraska [Mr. BURKE] is exercising a right which he has in this body. Of course, he has a right to take the stand he has taken. We do not have to take anyone's recommendation. But in this particular case I am compelled to think that the junior Senator from Nebraska is not correct in the position he takes about this nomination. I think the nomination should be confirmed.

Mr. KING. Mr. President, will the Senator yield?

Mr. McKELLAR. The Senator from Connecticut has been on the floor asking me to yield for some time. I will yield to the Senator from Utah immedately after answering the Senator from Connecticut.

Mr. DANAHER. I thank the Senator from Tennessee, but I will take the floor for a few minutes after he concludes.

Mr. McKELLAR. I yield to the Senator from Utah.

Mr. KING. In view of the interpretation which the Senator places upon the law—and I will say that I do not place upon it the same interpretation he does—I should reach the conclusion, after hearing the debate and listening to the comments which have been made and the testimony which has been offered, relative to the long and distinguished service of the present incumbent of the post office at Fremont, that he is a better man for the position than is Mr. Perkins.

Mr. McKELLAR. How often we have heard the same expression in another connection.

Mr. KING. Does the Senator take the view that it would be my duty to vote for Mr. Perkins as against the other man?

Mr. McKELLAR. The Senator is not voting, let me explain——

Mr. KING. We are to vote on a nomination.

Mr. McKELLAR. The Senator is not voting for or against the other man.

Mr. KING. I understand.

Mr. McKELLAR. He is voting for or against the nominee, against whom not one single scintilla of criticism has been aimed. This nominee is absolutely all right, and no one has testified more strongly to that fact than has the junior Senator from Nebraska, who is opposing his nomination. It is not a question whether the postmaster whose term has expired is to receive the postmastership at Fremont, Nebr. It is a question whether the man who has been recommended by the President of the United States shall be confirmed.

Mr. KING. Then, the Senator takes the position, if I understand him correctly, that we are not free agents, that whenever a man is recommended who has a good character, it

is our duty to vote for him, though we believe that another man who took the examination and who had a higher rating is a better man, and we are convinced that he would make a better postmaster, and that it would be a grave injustice to oust him after his long years of service. The Senator takes the position, as I interpret his observation, that we are not free agents, but that we are bound to take the recommendation of a politician in the State, who is the national committeeman, and the recommendation of the President of the United States. I do not assent to that view at all. I shall exercise my own judgment, and my opinion is that Mr. Fuhlrodt is the better man, and that he is entitled to the position. I shall vote against the confirmation of Mr. Perkins.

Mr. McKELLAR. Mr. President I have taken no such position as that attributed to me by the Senator. The Senator has a perfect right, if he believes as he has stated, to vote as he has indicated. I am not questioning his right in the slightest. If the Senator feels that he should vote against a good man, a man who everyone admits is a high class, honest man, who will perform the duties of the office well, that is a matter for the Senator to determine. It is one of the fine things about this body that a Senator can vote just as he honestly and conscientiously feels he should vote. I just differ with the Senator. I do not know anything about either of these men, but certainly the nominee is a good man, and, as I look at it, we are not voting for or against the present postmaster at all. His term has expired. We are voting to fill the place.

Mr. DANAHER. Mr. President, during the past half hour or 40 minutes I have come over as close as I could to the Democratic side to find out just how the gentlemen on the other side of the aisle handle these matters, because after November 5 I shall want to know how, I suspect. [Laughter.]

Mr. WAGNER. November of what year? [Laughter.]

Mr. McKELLAR. I am afraid it will not do the Senator much good, from what I hear.

Mr. DANAHER. The Senator from Tennessee has pointed out one cog in the inner mechanics of the procedure that was certainly novel to me. I had never heard of the doctrine that the national committeeman comes into the picture only when there is trouble, as the Senator used the word, between Senators and Representatives with reference to nominees. That was a new touch, a new angle. I am glad the Senator made that clear.

Mr. McKELLAR. I am afraid I did not make it clear, if the Senator understood me in that way.

Mr. DANAHER. That is what I understood.

Mr. McKELLAR. The Senator will probably remember very well a gentleman I have in mind, because he was a very fine and an excellent man. We had in Tennessee a man by the name of J. Will Taylor, who was a Republican national committeeman. Unfortunately, he passed away a year or two ago. He was a Republican from Knoxville, and he was Republican national committeeman. He was the leader of his party in Tennessee, and under the Republican administration he appointed not only every postmaster in Tennessee, but he appointed every other Federal official. That was the system which existed under Republican rule, and, so far as postmasters were concerned, it was continued under the present administration.

Mr. DANAHER. Did he have any Republican Senators to whom he could turn for advice?

Mr. McKELLAR. Occasionally he did. He had one for a while, but I do not think he paid much attention to him, because he himself had the Senator appointed. [Laughter.]

Mr. DANAHER. Mr. President, without going too far into the inner workings in Tennessee, which, so far as I am concerned, appears as one of the States of the Southland administered very ably, I take it, by the senior Senator from Tennessee and by Mr. Crump——

Mr. McKELLAR. How did the Senator describe the State?

Mr. DANAHER. I said of the Southland. Of course, there is one other angle to this matter, as has been pointed out by the Senator from Nebraska, about which I wish to remark. It is not a case merely of our considering the nomination of Mr. Perkins or of our retaining the incumbent, whose name eludes me. No; the fact remains that it becomes perfectly patent from the statement of the Senator from Nebraska that people in high places have been playing politics with an appointment, and the Senate of the United States is now asked to place its official seal of approval on those tactics and on that practice.

When we undertake to proceed on the theory that we have passed merit acts, that we are administering the law and considering appointees on the basis of merit, it is perfectly apparent that there is another issue here to confront the Senate. In this thought, and with this observation, I rise to call to the attention of the Senate a case which will be found discussed in the CONGRESSIONAL RECORD of April 26, 1940, page 5084. At that time I introduced all the correspondence I had with reference to a matter in Connecticut, the appointment of the postmaster at Southport.

Mr. President, I did not lay the case simply before the Postmaster General, I submitted all the facts to the White House. I asked right then and there, and directly, since this was a Presidential appointment, whether or not we were to regard merit in the adminstration of the law. The very principle involved in the Fremont, Nebr., postmastership was involved in the Connecticut case.

In 1933 when the Republican incumbent of the post office was ousted and a competitive examination was called for, the only person who passed the examination was a Republican. He was not appointed. A new examination was held the next year, and the only one who passed the examination was a Republican. But a new temporary Democratic appointee was put in then, and his name was not submitted for confirmation because he could not pass the examination. That went on every year. and there were six temporary appointees, until finally in March 1940 they managed to find a Democrat who passed, and this time promptly the name was submitted for confirmation. After 6 long years of struggle and effort to get merit in the post office, when the only man passing the examination year in and year out was the Republican incumbent, this year they dug up a dentist from some place who made a mark of 73, and though the Republican's mark was 86, he did not get the job.

Mr. President, if that is the way the administration of the merit system in the appointment of postmasters is being conducted under present auspices, then I submit there is a principle that has been raised by the Senator from Nebraska to which we should all give heed, and he is entitled to our support on the record he has made in this case.

I ask the Senator from Tennessee a question. Not knowing Mr. J. Will Taylor, and intending no reflection whatever on the conduct of his office as national committeeman in Tennessee, will not the Senator from Tennessee agree that a principle is involved here that is independent in every way of who the nominee is?

Mr. McKELLAR. Oh, no.

Mr. DANAHER. Why not?

Mr. McKELLAR. It is merely a question of who is confirmed at this time. I desire to ask the Senator about the celebrated case in Connecticut. Did the Senator ever bring it up before the appropriate committee? Did he ever file a protest indicating that the man who was appointed was unworthy of the position and should not be appointed, and that he had personal objections to the appointment?

Mr. DANAHER. Mr. President, the Senator knows very well that I did not represent that the man was unfit, or that he was obnoxious to me, or that I had any personal objection to him. I discussed the matter fully with the chairman of the committee, however, and the RECORD, at the pages to which I referred, is full of the correspondence I had, in which I pointed out the way the merit system was being abused. I submit, Mr. President, that that again is the issue in this particular situation, which the Senator from Nebraska has pointed out.

Mr. BARKLEY. Mr. President, this debate was conducted yesterday for about two hours and a half, and at the last very

few Senators were present, and if the debate is now continued much longer we again shall find very few Senators present.

In response to the outburst of political virtue which we have just heard from the Senator from Connecticut because of some postmastership in his State, I wish to offset that case with a very brief recital of a postmastership which became vacant in the State of Kentucky under President Coolidge. An examination was held, and there was only one Republican who took it, and he made a grade of 54. Of course, that grade was not sufficient to entitle him to fill the office, because he had to have a grade of, I think, 70. Pressure was brought on Washington, and he was finally dug up from a grade of 54 and given a passing grade, and was appointed to the office. I will let that case cancel out the incident referred to in the State of Connecticut, and we may go on now to the disposition of this particular appointment, and I hope we may have a vote on it.

Mr. BURKE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hayden	Reed
Andrews	Clark, Idaho	Herring	Russell
Ashurst	Clark, Mo.	Holt	Schwartz
Austin	Connally	Johnson, Calif.	Schwellenbach
Bailey	Danaher	Johnson, Colo.	Shipstead
Barbour	Davis	King	Stewart
Barkley	Ellender	McKellar	Thomas, Okla.
Bone	George	Maloney	Thomas, Utah
Bridges	Gerry	Minton	Townsend
Bulow	Gibson	Murray	Van Nuys
Burke	Gillette	Norris	Wagner
Byrd	Glass	O'Mahoney	Walsh
Byrnes	Green	Overton	Wheeler
Capper	Gurney	Pepper	White
Caraway	Harrison	Radcliffe	Wiley

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present.

The question is, Will the Senate advise and consent to the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr.?

Mr. BURKE. I ask for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. BYRNES (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE]. I transfer that pair to the Senator from Alabama [Mr. HILL], and will vote. I vote "yea."

Mr. STEWART (when his name was called). I have a general pair with the Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the Senator from Arkansas [Mr. MILLER], and will vote. I vote "yea."

The roll call was concluded.

Mr. McKELLAR (after having voted in the affirmative). I am recorded as voting "yea."

The PRESIDING OFFICER. Yes.

Mr. McKELLAR. I desire to change my vote to "nay."

Mr. MINTON. I announce that the Senator from Kentucky [Mr. CHANDLER] is absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Arizona [Mr. ASHURST], the Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senators from Alabama [Mr. BANKHEAD and Mr. HILL], the Senators from Mississippi [Mr. BILBO and Mr. HARRISON], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senators from West Virginia [Mr. HOLT and Mr. NEELY], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senators from Illinois [Mr. LUCAS and Mr. SLATTERY], the Senators from Nevada [Mr. McCARRAN and Mr. PITTMAN], the Senator from New York [Mr. MEAD], the Senator from Arkansas [Mr. MILLER], the Senator from Georgia [Mr. RUSSELL], the Senator from Texas [Mr. SHEPPARD], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS], and the Senator from Montana [Mr. WHEELER] are necessarily absent.

Mr. AUSTIN. I announce the following general pairs:

The Senator from Oregon [Mr. McNARY] with the Senator from Alabama [Mr. BANKHEAD];

The Senator from Michigan [Mr. VANDENBERG] with the Senator from Pennsylvania [Mr. GUFFEY];

The Senator from Idaho [Mr. THOMAS] with the Senator from Delaware [Mr. HUGHES];

The Senator from Ohio [Mr. TAFT] with the Senator from New York [Mr. MEAD];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Illinois [Mr. LUCAS];

The Senator from North Dakota [Mr. NYE] with the Senator from New Jersey [Mr. SMATHERS];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Mississippi [Mr. BILBO];

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Mississippi [Mr. HARRISON];

The Senator from New Hampshire [Mr. TOBEY] with the Senator from New Mexico [Mr. HATCH]; and

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. CHANDLER]. These Senators are necessarily absent.

The result was announced—yeas 24, nays 27, as follows:

YEAS—24

Barkley	Ellender	Murray	Schwartz
Bone	Green	Norris	Schwellenbach
Byrnes	Hayden	O'Mahoney	Stewart
Caraway	Herring	Overton	Thomas, Okla.
Chavez	Maloney	Pepper	Thomas, Utah
Clark, Idaho	Minton	Radcliffe	Wagner

NAYS—27

Adams	Clark, Mo.	Glass	Shipstead
Austin	Connally	Gurney	Townsend
Barbour	Danaher	Johnson, Calif.	Van Nuys
Bridges	George	Johnson, Colo.	Walsh
Burke	Gerry	King	White
Byrd	Gibson	McKellar	Wiley
Capper	Gillette	Reed	

NOT VOTING—44

Andrews	Frazier	Lodge	Sheppard
Ashurst	Guffey	Lucas	Slattery
Bailey	Hale	McCarran	Smathers
Bankhead	Harrison	McNary	Smith
Bilbo	Hatch	Mead	Taft
Brown	Hill	Miller	Thomas, Idaho
Bulow	Holman	Neely	Tobey
Chandler	Holt	Nye	Truman
Davis	Hughes	Pittman	Tydings
Donahey	La Follette	Reynolds	Vandenberg
Downey	Lee	Russell	Wheeler

So the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr., was rejected.

Mr. BURKE. Mr. President, I move to reconsider the vote by which the nomination was rejected.

Mr. CLARK of Missouri. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

LEGISLATIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ACTIVITIES OF FOREIGN AGENTS AFFECTING NEUTRALITY

Mr. CLARK of Missouri. Mr. President, I give notice that as soon as I can obtain the floor it is my intention to move to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the consideration of Senate Resolution 186, known as the propaganda resolution.

FIFTY-YEAR ANNIVERSARY OF THE PATERSON (N. J.) EVENING NEWS

Mr. BARBOUR. Mr. President, the Paterson Evening News of Paterson, N. J., is this year celebrating the completion of 50 years of conscientious and constructive service for the people of the North Jersey and metropolitan area. Recently there was issued a golden-anniversary edition of this great newspaper. It included 260 pages of news, history, and tributes,

printed on gold-colored paper, an edition which was hailed by the Library of Congress as remarkable and outstanding.

The publisher of the Paterson Evening News when it was founded in 1890 was E. B. Haines. He dedicated himself to making Paterson a more prosperous and a happier city, and he promised that the newspaper would be clean, progressive, and "a leader in the procession." So it has been, and the principles of the father have been carried out by his son, Harry B. Haines, the now publisher.

I have a deep personal interest in the News and its publisher because of my own intimate association and that of my father and my grandfather before me, and also in Paterson and its people and industries; and I believe the News' anniversary merits national recognition being accorded it, which I seek to give it in this manner on the floor of the Senate.

A RETURN TO LAW—ADDRESS BY HON. WILLIAM S. CULBERTSON

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by William S. Culbertson, recently Ambassador to Chile and a former member of the Tariff Commission, a member of the Pennsylvania Bar Association and the Franklin County Chapter of the American Bar Association, before the meeting of the American Bar Association at Philadelphia, Pa., September 10, 1940. The address, entitled "A Return to Law," is a careful analysis of the existing neutrality legislation in view of present-day trends of foreign affairs. I also ask that it be referred to the Committee on Foreign Relations.

There being no objection, the address was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

A RETURN TO LAW

Address by William S. Culbertson, chairman, Franklin County, Pa. Meeting of the American Bar Association at Philadelphia, Pa., Tuesday morning, September 10, 1940

I

The Pittman Act, approved November 4, 1939, is a product of two conflicting currents of public opinion in the United States. The first, a desire to stay out of war, a sort of negative peace sentiment interested in nobody's peace except our own. This segment of American opinion could not be described as in favor of neutrality, for the law of neutrality contemplates not only an effort to keep the Nation at peace but also a determination not to be imposed upon by nations at war. The second current of opinion was a desire to help the British Empire and France in their struggle against the totalitarian powers; a belief, vague at first but growing in aggressiveness as time goes on, that we are concerned with the outcome of the present European conflict.

These inconsistent forces produced a strange hybrid in legislation. In response to the second current of opinion, it raised the arms embargo, and, as a result, American industry has become a powerful, possibly a decisive factor in the war. In response to the first current of opinion the act imposed other embargoes making it unlawful:

"For any American vessel to carry any passengers or any articles or materials to any state named in such proclamation."

To export or transport to such state articles or materials "until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national."

"For any citizen of the United States or any American vessel to proceed into or through any such combat area."

"For any citizen of the United States to travel on any vessel of any state named in such proclamation."

"For any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, * * * or to make any loan or extend any credit * * * to any such government."

The Pittman Act raised the arms embargo in the name of a return to accepted principles of international law. It then by unilateral action adopted for ships, citizens, and credit the same sort of restrictions which it had abandoned for arms.

This act which tries to legislate the American people into isolation pays word tribute in its preamble to international law by saying that the "United States waives none of its own rights or privileges, or those of any of its nationals, under international law, and expressly reserves all the rights and privileges to which it and its nationals are entitled under the law of nations."

With the exception of the period of the Jeffersonian embargo, we have insisted upon the centuries-old principles of international law. Perhaps, today, some limitations should be imposed by rules and regulations promulgated by the Executive. But in general, the old principles are more in keeping with our national prestige than are the prohibitions imposed on American citizens by the Pittman Act. As we repealed the arms embargo, should we not now abandon "cash-and-carry neutrality" and, under suitable regulation, lift the prohibition against the movements of our ships and against financial transactions? If one wants to be cynical, it is easier for us to be unneutral under the old laws of neutrality than under the Pittman Act.

II

Mr. Chairman, your Committee on the Rights and Obligations of Neutral States, of which I am chairman, has watched the changing international scene with misgivings. "It is pretty hard," one member of the committee writes me, "to resist the feeling, in view of the European scene at the present time, that any nation would be justified in ignoring the laws of neutrality if they interfered with any important legitimate interest." Another member of the committee writes: "The position of our own Government is so ambiguous at the present time as to make any discussion of the subject not only difficult but embarrassing. While we have formally proclaimed a half dozen times in our neutrality proclamations our adherence to the laws of neutrality and enjoined upon all citizens the duty to observe them under pain of the penalties prescribed by the statutes, Government officials themselves are ignoring the laws and proceeding to follow the President's policy of adopting all measures short of war."

Nations at war have rights and obligations; nations not at war have rights and obligations. These rights and obligations still make up a great body of law—a part of the common law of nations. It is unfortunate, although perhaps natural, that in a period of violence and international crime we hear it said that international law does not exist. Even lawyers and professors of law fall into this weakness. The Attorney General is harassed to find ways within the law by which we can be unneutral. Opinions are written to excuse policies which violate the law of nations. But even today in spite of it all international law governs the relations of state and nationals in more cases than the Cassandras of international law suspect.[1]

In a time of crisis such as the present the lawyer's first concern is to reaffirm the existence and the nature of the law of nations. "International law," as our Supreme Court has stated, "is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction as often as questions of right depending upon it are duly presented for their determination" (159 U. S. 113). Cf. The Paquete Habana (175 U. S. 320). We have had in this country a long and enviable record in the maintenance of the principles of international law and not the least of the agencies contributing to this end has been the section on comparative and international law of the American Bar Association over which you preside, Mr. Chairman.

A subdivision of this law of nations is the law of neutrality. "The law of nations," Chief Justice Marshall said, "is the great source from which we derive those rules, respecting belligerent and neutral rights, which are recognized by all civilized and commercial states throughout Europe and America. This law is in part unwritten, and in part conventional" (9 Cranch. 191).

III

At the close of our Civil War the American Government complained that Confederate cruisers, operating against northern commerce, had used British ports. We claimed damages against Great Britain. The result was the Treaty of Washington, 1871, under which the *Alabama* claims were submitted to arbitration. The three rules to guide the arbitration were:

A neutral government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.[2]

The Geneva tribunal awarded the United States the sum of $15,500,000 for damages done to its commerce by the *Alabama* and sister ships, on the ground that "the British Government failed to use due diligence in the performance of its neutral obligations."[3]

The Geneva award created great discussion among international lawyers and a few years later, in 1875, the Institut de Droit International voted that the three rules of the treaty of Washington were declaratory of the law of nations.[4]

The rules were incorporated in the Hague Convention of 1907 concerning the rights and duties of neutral powers in naval war.

IV

Article VI of the Constitution of the United States provides that "all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land."

[1] See American Journal of International Law, July 1940, p. 505.
[2] Moore, International Arbitrations, vol. I, p. 550.
[3] Ibid., p. 655.
[4] Annuaire de l'Institut de Droit International, vol. I, pp. 139–140.

The Hague Convention, 1907, ratified by the United States, provides as follows: [5]

"ART. 6. The supply, in any manner, directly or indirectly, by a neutral power to a belligerent power, of warships, ammunition, or war material of any kind whatever is forbidden.

"ART. 8. A neutral government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile operations, against a power with which that government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war."

During the World War No. I an American shipbuilding company undertook to build a number of submarines for one of the Allies. but when the matter was brought to the attention of the American Government the deal was called off. The following official statement regarding the incident was issued by the Secretary of State on December 7, 1914:

"When information reached the State Department that the Fall River Co. was planning to build a number of submarines for one of the Allies, inquiry was made to ascertain the facts. As a result of the inquiry, Mr. Schwab called at the State Department last week with his attorney and laid before the Department what his company had planned to do, stating that before undertaking the work he had secured the opinion of a number of international lawyers and was keeping within the requirements of neutrality as outlined by them.

"I stated to him that the President, basing his opinion upon information already obtained, regarded the work, as contemplated, a violation of the spirit of neutrality, but told him I would lay his statement before the President, and then give him a final answer.

"On Friday I had a conference with the President, and he instructed me to inform Mr. Schwab that his statement only confirmed him in the opinion previously formed that the submarines should not be built. Within a few minutes after my return from the White House, Mr. Schwab called me by long-distance telephone and told me that he submitted to the President's views of the subject, and that I could announce that his firm would not build submarines for any belligerent country for delivery during the war. This closes the submarine incident." [6]

L. H. Woolsey has recently summed up the law on this point as follows: [7]

"In regard to the sale of vessels equipped for carrying on hostilities, the legal situation does not admit of much doubt. The principles go back to the three rules of the arbitration of the *Alabama* claims against Great Britain (1871) in which the tribunal awarded the United States some $15,500,000 damages against Great Britain on account of the depredations of the *Alabama* and certain other Confederate cruisers fitted out in British ports. These rules were to the effect that a neutral must use due diligence to prevent a belligerent from receiving an augmentation of naval strength within its territorial jurisdiction. These rules were substantially carried over into Hague Convention XIII of 1907 and have long been a part of the neutrality laws of the United States, a violation of which is a crime punishable by fine or imprisonment, or both, and confiscation of the vessel involved. It is clear, therefore, that the sale of the torpedo boats would have been a serious violation of international law as well as the laws of the United States."

V

Now, I am not presenting an argument against the barter of the 50 destroyers for the leases on British territory off our Atlantic coast. I recognize that this seems to be justified as a measure of self-defense. It is in line with our policy to strengthen the British buffer between us and the force politics of Germany. I am as anxious as any other American to see Great Britain succeed in her defense. But I am speaking to you as a lawyer and I do not think that pretense and hypocrisy help in the preservation of respect for law. Perhaps we should, in a world of aggression and undeclared wars, adopt an opportunist policy which would allow us to do anything that we wish to accomplish as our objective. But I don't want it done under the fiction of a tortured law of neutrality. I want to save the British Empire, but I want to save law, too. If one law or treaty can be explained away for a good cause, another law or treaty can be explained away for a bad cause.

Therefore let us not try to justify our unneutral acts by law. Let us rather say frankly that we are not neutral; that we are not governed by the accepted rules of neutrality; that we are released from doing so by the violence and the illegality of Germany and her associates, and that we feel free to take such steps as are necessary to preserve our territory, our institutions, and our way of life.

This is the honest attitude to assume, and it is an attitude which leaves law outside the conflict, as it were, to resume its onward progress when the world community returns to sanity.

[5] The American Journal of International Law, July 1939, p. 235 and p. 249.

[6] The Washington Post, December 8, 1914, p. 3.

[7] American Journal of International Law, July 1940, p. 503. See also American Journal of International Law, vol. 9 (1915), p. 177; also Charles Fenwick, Neutrality Laws of the United States, 1913.

VI

In a community of sovereign states the right of a state to enact legislation to protect its neutrality, as it conceives it, or to strengthen its defense and security, must be conceded. This is true even if such legislation deprives its nationals of rights which the law of neutrality recognizes as theirs. But such legislation does not create international law or affect rights beyond the territorial jurisdiction of that state. Outside the area of its national control a state's legislation has no effect upon other neutrals or belligerents, nor is it to be construed as an abandonment of the rights which its citizens would have under the law of nations in the absence of the restrictive legislation.

But from a practical point of view your committee, Mr. Chairman, recognizes that unilateral national legislation, like the Pittman Act, declarations such as the final act of the Panama Conference, 1939, the resolution of the Habana Conference, 1940, and even violations of the law of nations in time of war are possible indications of the growth and evolution of law. In an address which I made a little over a year ago at the fortieth conference of the International Law Association at Amsterdam, I pointed out how economic policies and national legislation "when grounded in sound principles (that is, principles essential to a system of law by which the community of nations can live and progress) gradually assume the character of international common law." During the progress of the present conflict in Europe conditions will, as they have in the past, tend to emphasize extensions and even changes in the law of nations. In the field of domestic law growth and evolution come through legislation and through the decisions of courts. In international law changes are often foreshadowed by national legislation and declarations which are contrary to practices which have existed up to that time, or even by the refusal of nations to recognize accepted principles of international law.

It will therefore be of interest to lawyers and to others interested in the law of nations to consider in what way conditions may now be contributing to the growth and evolution of the law of nations, particularly the law of neutrality. My committee, Mr. Chairman, will at later meetings of this section have observations to submit on the effect on international law of events and declarations in Europe, in Asia, and in the Americas.

Moreover, we may hope that neutral states will in the present world crisis assert more affirmatively their rights and meet more insistently their duties. They have a right to a world of peaceful commerce and order; they have a duty to isolate, and, if possible, prevent armed conflict. I recognize that here are objectives beyond the scope of the committee's assignment, but we will carry out our more limited activities in the spirit of these larger objectives which should now dominate the policy of neutral states. Beyond the scenes of violence we see shaping the law of the still shadowy conception of the world community.

VII

Mr. Chairman, I am also serving as chairman of the section's committee on the restatement of international law. This committee has not been active this year because, I might say cynically, it is not possible to restate an avalanche! The real reason is that in a former report to the section we went as far as we could under the limitations imposed upon us. We said in our report.[8]

"The committee has confined its activities to cooperating with agencies already engaged in the work of the restatement of international law, particularly with the committees of research in international law of the Harvard Law School.

"At a committee meeting last winter in Washington, D. C., it was decided to advise the section that it recommend to the American Bar Association that the latter cooperate in the reprinting and distribution to the members of drafts of conventions prepared for the codification of international law by the Harvard research committees. The committee recommends that only the text of draft conventions be printed, each in a separate pamphlet. Members interested in more details may examine for further study the notes, references, and discussions in the copies of the American Journal of International Law in which they were first published. Permission is granted by the American Society of International Law to reprint the draft conventions, and it is believed that funds will be made available for the reprints in case the American Bar Association will undertake their distribution."

Since the section last met, an event of great importance to the restatement and evolution of law has occurred; I mean the signing of the constitution of the Inter-American Bar Association at the Eighth American Scientific Congress on May 16, 1940 (249437–19141 Government Printing Office, 1940). The secretary general of the association is our chairman, Mr. William Roy Vallance.

We emphasize in this section the contributions to our system of law of the lawyer, in government and in private practice, who deals with practical cases. The Inter-American Bar Association gives organized form to this influence in the Americas. It may help to redress an over-emphasis which now exists in inter-American legal discussions of the academic and political points of view. Take, for example, the law of diplomatic protection. Politics in many Latin American countries has distorted and even destroyed it. It has been easy for government officials and judges to talk about rights; obligations are unpopular.

[8] Reports of American Bar Association, vol. 63, 1938, p. 516.

The substantive rules of international law which protect the person and property of the nationals of one country engaged in business in another country had their origin in the conceptions which created and now underlie the international community of states. This body of law, defining the rights and duties of states, constitutes the institution of diplomatic protection. States, on the one hand, have the duty to maintain for aliens the minimum standard of justice defined by international law. States, on the other hand, have the right to grant protection to their citizens abroad in the public interest. It is relevant to emphasize this latter point. Too frequently in popular comments of the day the defense by government of private property and personal rights abroad is looked upon narrowly and merely as a concern of the company or individual affected. It is that, but it is more. It is based on the national and general public interest which all countries—debtor as well as creditor—have in the maintenance of minimum standards of justice for the security of men and capital moving across frontiers. In 1921 Charles Evans Hughes, then American Secretary of State, now Chief Justice of the Supreme Court of the United States, said:

"A confiscatory policy strikes not only at the interest of particular individuals, but at the foundations of international intercourse, for it is only on the basis of the security of property validly possessed under the laws existing at the time of its acquisition, that commercial transactions between the peoples of two countries and the conduct of activities in helpful cooperation are possible."

"Human rights and property rights," Mr. Hull, the present American Secretary of State, has said, "lie at the very foundation of international relationships. These rights must be defined, and they must be maintained." Here is a great and almost unused truth. The interrelationship between human and property rights is often not realized until encroachment by government begins. Property rights may be the first to suffer, but human rights are inevitably brought within the orbit of state power. In fact, it usually happens that the very groups in the population for whose benefit property rights are confiscated are the groups whose personal rights are in the end most seriously infringed.

Practical men throughout the Americas in the Inter-American Bar Association should be able to make clear the balance which in the law of nations must exist between the rights claimed and the obligations accepted by sovereign states. Beyond such particular problems the Inter-American Bar Association has a larger field of endeavor—the development of understanding and the contribution to the rule of law between peoples.

VIII

I want to say a final word which some of you may say goes beyond a discussion of international law. It is suggested by the fact that there would not be today neutrality in Latin America any more than there is in eastern Europe if it were not for the American Navy and the British Fleet. The Monroe Doctrine has taken on a reality which it has not had for over 100 years. And the growing collaboration between the United States and the British Empire is an effective addition to inter-American cooperation, and is in opposition to forces which defy and destroy law.

Some of the pre-Monroe Doctrine views sound strangely modern. On October 17, 1823, President Monroe began a letter to Thomas Jefferson, as follows:

"I transmit to you two despatches, which were received from Mr. Rush, while I was lately in Washington, which involve interests of the highest importance. They contain two letters from Mr. Canning, suggesting designs of the holy alliance against the independence of South America, and proposing a cooperation, between Great Britain and the United States, in support of it, against the members of that alliance."

Further along he raises the question:

"Has not the epoch arrived when Great Britain must take her stand, either on the side of the monarchs of Europe, or of the United States, and in consequence, either in favor of depotism or of liberty and may it not be presumed, that aware of that necessity, her government, has seized on the present occurrence, as that, which it deems, the most suitable, to announce and mark the commence of that career."

In his reply Jefferson said (October 24, 1823):

"Great Britain is the nation which can do us the most harm of any one, or all on earth; and with her on our side we need not fear the whole world. With her, then, we should most sedulously cherish a cordial friendship; and nothing would tend more to knit our affections than to be fighting once more, side by side, in the same cause. Not that I would purchase even her amity at the price of taking part in her wars.

"But the war in which the present proposition might engage us, should that be its consequence, is not her war but ours."

The Canning-Rush papers were sent to Madison by Jefferson and the latter wrote the former on November 1, 1823:

"With the British power and navy combined with our own, we have nothing to fear from the rest of the world; and in the great struggle of the epoch between liberty and despotism, we owe it to ourselves to sustain the former, in this hemisphere at least."

In the evolution of international law the political tendency of our day is of special importance. I have always opposed tendencies which might result in an inter-American law as distinguished from world law. Inter-American jurists and lawyers and inter-American conferences have helped greatly in the evolution of law, but the ultimate aim is to establish law not in a region but in the world community.

The instincts of the American people are sound in the present world crisis. Self-preservation and defense determine their sympathies and support. Law is one of the great issues. Whatever may be said for Hitler and his regime, it cannot be argued that it rests upon law. Inside Germany rights under law and due process of law do not exist; the unchecked rule of the official controls. Outside Germany the law of nations, including the law of neutrality, has been crushed by the war machine.

For us, then, of the western world the preservation of the British Empire, its system of law, and its concepts of government under law are of vital concern. And it is a useful tendency which today is emphasizing our responsibility for support to our British friends and which is making clear our mutual interests. Inter-American cooperation has been a great force in world order and understanding. Supplemented now by the cooperation of Canada, Australia, New Zealand, Great Britain, South Africa, and the other areas of the earth which draw their inspiration from the systems of Anglo-American and civil law we may look to the future with confidence and hope. Unhappily, the world is again paying the awful price of trying to settle international affairs by violence. But law may still resume its sway. Our sacred duty is to work for a return to law.

ADMINISTRATION OF OATHS BY SPECIAL AGENTS OF INTERIOR DEPARTMENT—CONFERENCE REPORT

Mr. ADAMS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2627) to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments.

ALVA B. ADAMS,
HENRY F. ASHURST,
KEY PITTMAN,
GERALD P. NYE,
CHAN GURNEY,
Managers on the part of the Senate.

RENÉ L. DEROUEN,
J. W. ROBINSON,
HARRY L. ENGLEBRIGHT,
Managers on the part of the House.

The report was agreed to.

SURVEY OF PROBLEMS OF SMALL BUSINESS ENTERPRISES

Mr. MURRAY. Mr. President, there is on the calendar a resolution which I have been endeavoring for some time to have considered. I move that the Senate proceed to the consideration of Senate Resolution 298, Calendar No. 2171.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 2, line 17, after the word "exceed", to strike out "$15,000" and insert in lieu thereof "$10,000", so as to make the resolution read:

Resolved, That a special committee consisting of five Senators, to be appointed by the Vice President, is hereby authorized and directed to study and survey by means of research all the problems of American small business enterprises, obtaining all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation. The committee shall begin its study and research survey as soon as practicable and shall continue and prosecute such study and research survey expeditiously and with all possible dispatch and shall report to the Senate as soon as practicable with recommendations for legislation.

SEC. 2. For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, during the Seventy-sixth and succeeding Congresses, to employ such experts and clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report the educational material and data on such hearings shall not be in excess of 25 cents per 100 words. The expense of the committee, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KING. Is the motion debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. KING. I desire to be heard.

Mr. MURRAY. I have moved that the Senate proceed to the consideration of Senate Resolution 298.

Mr. KING. I wish to speak in opposition to the motion.

HIRING AND DISCHARGE OF SEAMEN

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. OVERTON. I ask unanimous consent that, without displacing the motion of the Senator from Montana, the Senate resume the consideration of House bill 9982, Calendar No. 2281. There is no opposition to the bill. It is a measure in which the Department of Commerce is very much interested. When I attempted to obtain consideration of the bill the other day the Senator from Vermont [Mr. AUSTIN] thought it was slightly out of order. The bill provides that the masters of vessels shall report the discharge and hiring of seamen who are not discharged or hired before shipping commissioners.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent that, without displacing the motion of the Senator from Montana [Mr. MURRAY], the Senate resume the consideration of House bill 9982. Is there objection?

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. OVERTON. Certainly.

Mr. AUSTIN. I call to the attention of the Senator from Louisiana a letter from the international president of the International Association of Machinists to the Senator from North Dakota [Mr. FRAZIER], dated October 4, referring to an amendment intended to be offered by the Senator from Indiana [Mr. MINTON]. I ask the Senator from Louisiana if he understands that the so-called Minton amendment to House bill 9982 will not be offered?

Mr. OVERTON. That is my understanding. The Senator from Indiana told me he would not offer the amendment.

The PRESIDING OFFICER. Let the Chair state to the Senator from Louisiana that when this bill came up on the call of the calendar, the Senator from Indiana [Mr. MINTON] offered an amendment, which is pending. The amendment must either be withdrawn or voted upon by the Senate.

Mr. OVERTON. I do not see the Senator from Indiana in the Chamber. However, he told me he would be very glad to withdraw the amendment if it were actually pending.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. AUSTIN. I have no objection.

There being no objection, the Senate resumed the consideration of the bill (H. R. 9982) to amend section 4551 of the Revised Statutes, as amended, and for other purposes, which had been reported from the Committee on Commerce with an amendment (heretofore agreed to) on page 3, line 2, after the word "them", to insert, "This subsection shall not apply to any ferry or any tug used in connection with a ferry operation, if such ferry or tug is employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and is not engaged on an international voyage", so as to make the bill read:

Be it enacted, etc., That section 4551 of the Revised Statutes, as amended (U. S. C., 1934 ed., Supp. V, title 46, sec. 643), is amended by the addition of a new subsection lettered (1), reading as follows:

"(1) The master of every vessel subject to the provisions of this section shall submit, over his signature, reports to the Bureau of Marine Inspection and Navigation of the employment, discharge, or termination of services of every seaman not shipped or discharged before a shipping commissioner, which reports shall contain such of the following information as may be required by regulation of the Secretary of Commerce: (1) name of vessel, official number, voyage number, port, date, description of voyage, name in full of each seaman, number of continuous discharge book or certificate of identification and of license, certificate of registry, or service, and efficiency for rating in which employed, age, citizenship, capacity in which engaged, date and place of engagement, date and place of discharge or separation from service of vessel, the percentage of citizens of the United States in the crew, and name in full of the master and the serial number of his license; (2) a statement showing (a) that the master has entered into an agreement with each seaman on board such vessel as required by law; (b) that at least 65 percent of the deck crew (exclusive of licensed officers) are of a rating not less than able seamen; (c) that at least 75 percent of the crew in each department are able to understand orders given by the officers; (d) that the vessel has in her service the number of lifeboatmen required by her certificate of inspection; (e) that each member of the crew possesses a license, certificate of registry, or certificate of service for the rating in which he is engaged, and (f) that each lifeboatman possesses a certificate of efficiency. The Secretary of Commerce shall, by regulation, prescribe the form and content of such reports and time of submitting them. This subsection shall not apply to any ferry or any tug used in connection with a ferry operation, if such ferry or tug is employed exclusively in trade on the Great Lakes. lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and is not engaged on an international voyage. Any master who shall violate any provision of this subsection or regulations established hereunder shall be subject to a penalty of $500."

SEC. 2. The President is hereby authorized, whenever in his judgment the national interest requires, to extend the provisions of subsection (1) of section 4551, Revised Statutes, as amended, to such additional class or classes of vessels and to such waters as he may designate.

The PRESIDING OFFICER. The Chair is informed that the committee amendment has been heretofore agreed to. There is pending an amendment offered by the Senator from Indiana [Mr. MINTON]. Does the Senator from Indiana wish to withdraw the amendment?

Mr. MINTON. Mr. President, when I offered that amendment I had no idea it would provoke so much controversy. The amendment does present some controversial matters, so much so that, after discussing the matter with the leadership and with the distinguished Senator from Louisiana, I have come to the conclusion that it should not be considered on the calendar and I therefore withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The question is on the engrossment of the amendment heretofore made and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. OVERTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERTON. Was the committee amendment to the bill agreed to?

The PRESIDING OFFICER. The committee amendment was agreed to on a previous occasion when the bill was under consideration.

COAL AND ASPHALT DEPOSITS OF CHOCTAW AND CHICKASAW NATIONS

The PRESIDING OFFICER laid before the Senate the amendments of the House to the bill (S. 2617) to authorize the leasing of the undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations in Oklahoma.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the bill, with the amendments of the House, be referred to the Committee on Indian Affairs for further consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 614) making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 614) making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

REPORT OF COMMITTEE ON APPROPRIATIONS

Mr. ADAMS, from the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 614) making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes, reported it without amendment.

CHANGES IN ADMINISTRATION OF NATIONAL GUARD

The PRESIDING OFFICER (Mr. OVERTON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3619) relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, and so forth, which was, on page 3, line 16, to strike out all after the word "be" down to and including "amounts", in line 2, page 4, and insert "employed."

Mr. THOMAS of Utah. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SURVEY OF PROBLEMS OF SMALL BUSINESS ENTERPRISES

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Montana to proceed to the consideration of Senate Resolution 298.

Mr. MURRAY. Mr. President, the purpose of this resolution, as its language indicates, is to appoint a special committee of the Senate to conduct research and study into the problems of small business. For many years we have heard much discussion about the problems affecting small-business men, but, up to the present time, nothing has been done by way of enacting legislation or taking other steps to assist and aid the small business enterprises of the Nation. Some studies have been made by the Temporary National Economic Committee, which has been sitting for some time, but it occurs to me that that committee has not completely exhausted the problems of small business. I have, therefore, submitted this resolution in order that a complete study and survey of these problems might be made, so as to enable the Senate to devise legislation that may be helpful to small-business enterprises.

Before presenting the resolution, I took the matter up with the various departments of the Government, and received letters from practically every Federal agency in Washington acknowledging that there was a justification for such a study of these problems. I have the letters with me, but I do not wish to take up the time of the Senate by reading them in detail. If, however, there is any question with reference to the necessity for this proposed research-survey I shall, of course, desire to refer to them.

At the time this resolution was presented there was a fear that it might contemplate a sort of a witch-hunting investigation. That is not at all the purpose of the resolution. It is not intended to look backward; the purpose of the resolution is to look forward, and to find some way of aiding small business.

Statistics seem to indicate that there is a tremendous mortality in small business; approximately 90 percent or more of the small business concerns of the country wind up in failure or liquidation. Small business is acknowledged as the backbone of our country. It provides employment for the greatest number of the workers of the Nation, and, therefore, it is of the utmost importance that the Government should look into the problems that affect small business. I do not know of anything the Senate could do today that would be of greater value to the country in the way of improving economic conditions than to authorize a study of this kind, that might result in legislation of a character which would be helpful to small business enterprises.

We have assisted practically every other economic group in the country. We set up in Washington many years ago a Bureau of Mines, which is of tremendous aid and assistance to the mining industry of the Nation. That agency carries on extensive investigations and studies in mining, and furnishes information to the mining industry which is of invaluable assistance. We have done the same thing for agriculture. We have done the same thing for big business enterprises, and for practically every other group that goes to make up our economic system; but nothing has been done for small business. It seems to me that now is the time to do something for small business.

Both the great national parties of the country have adopted platforms in which they pledge themselves to do something for small business. Therefore, I think there should be no opposition to a program of this kind; in fact, I believe there is no substantial opposition in this body to a proposal of this character. I made a very extensive study of it before presenting the resolution, and I have with me now a copy of the resolution as originally prepared which was endorsed by practically 60 percent of the members of this body.

Under those circumstances, it seems to me that there should be no hesitation in the adoption of the resolution. It could not possibly do any harm; it is not designed to stir up any opposition or to make any attack on any group; it is not a witch-hunting program; it is designed, wholly and entirely, to see if it is possible for us to find some way, some method, by which we may be able to aid the small business enterprises of the country.

Mr. KING. Mr. President, before the Senator takes his seat I should like to make a statement.

Mr. MURRAY. I yield to the Senator from Utah.

Mr. KING. The Temporary National Economic Committee, of which the Senator from Wyoming [Mr. O'MAHONEY] is the chairman, has been conducting hearings for 2 years in regard to every phase of our national business life, including banking, railroads, and corporations engaged both in small and large business of every kind and character and description. The testimony which has been adduced will fill scores of columns, thousands upon thousands of pages, bearing upon every phase of our industrial and business life, little business as well as big business, corporations as well as individuals.

It seems to me, I may say to my friend from Montana, that it would be merely an attempt to thrash over old straw and cover ground which would not be covered as perfectly as it has been covered not only by the agency to which I have referred but by many other agencies of the Government.

There appeared before the committee to which I have referred representatives of the Department of Commerce, which, as the Senator knows, has employees who have been studying for years and are still studying every phase of our business and industrial life. The representatives of the Department of Commerce have furnished the committee with valuable information and tables bearing upon all aspects of industry. I cannot conceive of the investigation proposed by the resolution giving us any information we do not now possess.

I have very great respect for my dear friend from Montana and ordinarily I would be very happy to go along with him in any activity in which he is engaged, but I inquire again whether there is any necessity for another examination and investigation? We know that millions and hundreds of millions of dollars have been loaned to small business enterprises by the Reconstruction Finance Corporation. I saw some months ago a table showing the loans which had been made by that organization, and they ran into the hundreds of millions of dollars, indeed, exceeded several billions of dollars, and no inconsiderable part of that stupendous sum grew out of loans which had been made to small business activities. I know in my own State small-business activities and organizations have applied to the R. F. C. and have obtained loans, and that that organization as well as others have made very particular and acute studies of small business and our business life.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. KING. I am trespassing on the time of the Senator from Montana.

Mr. MURRAY. I agree with most of the observations of the distinguished Senator from Utah, but I think he entirely misconceives the purpose of the move that I have in mind. This is not intended as a raid on the Treasury, as the Senator

from Utah seems to apprehend. It is not intended as anything of the kind. He also misapprehends the purpose of the resolution, in that it is not intended to provide for a continuation of investigations such as the one carried on by the committee to which the Senator has already referred. It is not intended to provide for an investigation at all. It is intended to bring about research and study of the various investigations which have already been made. Washington is filled with reports of investigations, but nothing is being done about them.

We have, for instance, at the present time, under the Comptroller of the Currency, a vast reservoir of information with regard to small business. That office has in its files records of the failures of small business all over the Nation. An investigation and study of those records would reveal the causes of the failures, and would enable Congress to do something that might provide relief and protection against similar failures in the future.

As I have already stated, we have acted in Congress for almost every group that goes to make up our economic system. The Senator from Utah comes from a mining State. He knows very well what great assistance we have rendered to the mining interests of his State. He knows very well what the Government of this country has done for the other interests in his State, such as the agricultural, sugar, and other interests there; but he knows that nothing whatever is being done for small business, while the mortality in small business is something like 98 percent.

We hear every day voluble talks expressing tremendous sympathy for the small businessmen of the country; but when we come to try to do something for small business, there is a lack of sympathy for any effort that a person attempts to make.

Mr. KING. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. KING. Let me say first, in reply to one of the Senator's suggestions that I conceived that this proposal was to be a raid upon the Treasury, that I did not so understand it, and did not intend that any observations I made should carry that connotation.

As a matter of fact, the investigations made by the committee of which I am a member were for the purpose of ascertaining the condition of our economic and industrial life. We went into the small-business end—if I may use that expression—of our industries and of our economic life. As the Senator states, thousands and hundreds of thousands of pages of testimony have been given, and thousands and tens of thousands of pages of printed matter have been presented showing the condition of industry, the small business and the large business. I concede that many small business activities have failed and many large business activities have failed.

There have been hundreds of failures, individual and corporate and partnership, because of the follies of individuals, or the lack of understanding, or the lack of capacity.

The Senator may go into any little town, where perhaps only one small store would meet all the demands of the people, and he will find half a dozen stores. The result is that in a little while, 2 or 3 years, half of them will fail. So these failures are the fault of the folly or the ambitions or the expectations and hopes of a large number of persons who are ill-prepared to engage in particular lines of industry in which it is quite evident that they will ultimately come to grief.

We have had banking failures, and we have had failures in nearly every industry, big failures and little failures. What does the Senator think will be accomplished by this investigation? The facts have all been elucidated, and are in printed form in the files of the various departments. The investigations have been made. Is the resolution submitted merely for the purpose of going into all these tomes, these thousands and tens of thousands of pages, and trying to analyze them and give to the public an analysis of them, or is there to be another investigation?

Mr. MURRAY. As I say, I think the Senator misapprehends the purport of the resolution. The Senator apprehends that most failures are due to the unjustified ambitions or folly of men. Is not that in itself a subject for verification? We do not intend to go over the matters which have already been investigated by the committee to which the Senator has reference. There are, however, a great many other subjects upon which that committee has not touched.

As I say, I have taken up the matter with the various departments of the Government in Washington which participated in the very investigations and studies of the committee the Senator refers to.

I have here, from the Department of Commerce, a communication from the Acting Secretary of Commerce, Mr. Hinckley, in which he says:

> The Department of Commerce, as the agency of the Government particularly charged with fostering and promoting the business economy of the Nation, is interested in all problems which affect that economy. Because of that interest and responsibility, the Department looks with sympathy on any legislation which offers the possibility of shedding some light on the nature of the problems affecting our national business economy, with the end in view of affording some contribution to the solution of those problems either through further legislative or administrative action.
>
> It is well recognized that the data upon which valid conclusions may be reached concerning the problems of small business are quite inadequate. The Department knows this from its own experience in attempting to secure information concerning specific aspects of small business enterprises. The resolution which you have introduced seems to offer a possibility of filling in the gaps now impeding any solution of the small businessman's problems and, therefore, the Department feels that the passage of this resolution will contribute to the solution of those problems.
>
> * * * * * * *
>
> It is our thought that the research which has already been done in the small-business field will be of assistance to the committee set up under your resolution and, further, that so far as existing research has covered certain aspects of the situation, by so much the scope of your inquiry may be delimited.

I also have a letter from Mr. Thurman Arnold, who took an active part in the investigation mentioned by the Senator from Utah, in which he says:

> I am tremendously interested in your resolution and would like to help out in any survey that you can get across. I am particularly interested in food distribution and I think there is a lot to be done here. From the point of view of the antitrust laws, I would like to see developed before a research committee some of the ideas which I have very briefly expressed in the chapter of my book Bottle Necks Between the Farm and the Table. I am sending you a copy of the book under separate cover.

Again, later on, he says:

> In May 1939 the Temporary National Economic Committee conducted a hearing on savings and investments which touched on the problems of small business. Within the next 60 or 90 days the committee will release a monograph entitled, "Some Problems of Small Business." The antitrust division has not made an extensive study with respect to the problems of small business. However, many of our cases involve studies which touch upon restraints of trade which handicap small business. Although the files of the department and of the Temporary National Economic Committee should be helpful in the work which you propose, I do not feel that they contain the comprehensive picture which you desire.

Again, Mr. Henry Grady, Assistant Secretary of State, says:

> It seems to me that your proposal for a research survey of the problems of small business enterprises is a most worthy one. I think there definitely is a "small business" problem, and it should be given our constant attention. My only concern with your proposal, however, is that the sum of money you request for this survey would be so limited as to make it difficult to accomplish very much.

Mr. Henry A. Wallace, Secretary of Agriculture, says in a letter to me dated August 26, 1940:

> I do sincerely believe that there is an opportunity for such a committee to make some constructive suggestions. Particularly do I think this is true with regard to financing.

Again, the Federal Security Agency has considered the proposition and has issued a letter supporting it. Mr. Paul V. McNutt, Administrator, says—

> With the aims and purposes of this survey I am in hearty accord. It should do much to focus the attention of the Nation on one of the most acute unsolved problems in the entire field of American economic enterprise.

The Federal Trade Commission has done likewise. Before Mr. Ewin L. Davis, chairman of the Federal Trade Commission, would give any attention at all to the proposal, he took it up with the Bureau of the Budget, and was advised by the

Bureau of the Budget that it was perfectly proper for such a resolution to be considered, and that it was in full accord with the program of the President. The Bureau of the Budget stated to him as follows:

> The original of the proposed report is returned herewith, and you are advised that there would be no objection to its submission to the committee.

Following that information, which he received from the Bureau of the Budget, the Federal Trade Commission, speaking through Mr. Ewin L. Davis as chairman, said:

> "This is in further reply to your letters of September 9, addressed to me and my colleagues, requesting our ideas and suggestions regarding the resolution introduced by you in the Senate on August 22 for the appointment of a committee to study and survey by means of research the problems of American small business enterprises."
>
> My colleagues and I are heartily in accord with your emphasis on "the importance of a healthy national small-business economy to a democratic form of government, to prosperity, to maximum employment, and to our internal morale." We believe that such a research survey might well be the means of assembling and correlating facts necessary for enlightenment in formulating plans and methods of assistance and relief to small business enterprises. The information accumulated should prove useful to existing law-enforcement agencies and may also serve as a basis for legislative action should additional aid or protection seem desirable.
>
> A determination of the causes of the high annual mortality rate among small businesses seems to us to be of particular importance. Of course, the law of survival of the fittest applies in business as elsewhere.

The Senator from Utah has made very cogent observations on that matter.

> Many new business ventures fail because ill conceived, undercapitalized, or badly managed. Our economic structure will not be strengthened by fostering or prolonging the life of such concerns by means of artificial stimulants. Nevertheless, it is important to find out whether the high mortality among small business enterprises is confined chiefly to anemic and unsound structures or whether it is not due, in part at least, to favoritism, oppression, monopoly, and unfair methods of competition. Ascertainment of the causes of failures of small businesses which previously had shown an ability to succeed over a period of years should be particularly enlightening.

Mr. President, that is the letter which I received from Mr. Davis, of the Federal Trade Commission. I could continue to refer to reports from various Federal agencies, all uniformly approving the resolution, but I do not think it is necessary. It seems to me that there should be no question in regard to the attitude of the Senate on this resolution.

I notice that the senior Senator from Utah has left the Chamber, so I assume his interest in the matter has subsided. I therefore submit the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MURRAY].

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hayden	Reed
Andrews	Clark, Idaho	Herring	Russell
Ashurst	Clark, Mo.	Holt	Schwartz
Austin	Connally	Johnson, Calif.	Schwellenbach
Bailey	Danaher	Johnson, Colo.	Shipstead
Barbour	Davis	King	Stewart
Barkley	Ellender	McKellar	Thomas, Okla.
Bone	George	Maloney	Thomas, Utah
Bridges	Gerry	Minton	Townsend
Bulow	Gibson	Murray	Van Nuys
Burke	Gillette	Norris	Wagner
Byrd	Glass	O'Mahoney	Walsh
Byrnes	Green	Overton	Wheeler
Capper	Gurney	Pepper	White
Caraway	Harrison	Radcliffe	Wiley

The PRESIDING OFFICER (Mrs. CARAWAY in the chair). Sixty Senators having answered, a quorum is present.

Mr. MURRAY. Mme. President, I have already made a statement in support of my motion. My understanding is that the Senator from Utah, who apparently opposed my motion, now intends to withdraw his objection. I therefore submit the motion.

Mr. WHITE. Mme. President, I wish to voice my opposition briefly to the Senate agreeing to the resolution now urged upon it. There seems to be no end to proposals for research or investigations, by whatsoever name one may wish to call them. There seems to be an irresistible desire to offer resolutions to confer upon committees authority to look here, there, and everywhere into matters involving manners and methods of our American life. Sometimes it seems to me there is nothing to do but to let this desire run its course. However, it seems to me the resolution now under consideration is subject to special objection, and it ought not to have the approval of the Senate; that the task ought not to be undertaken by the Senate Committee on Education and Labor, or by any special committee of the Senate.

Mme. President, in the first place the resolution, whatever may be its purpose, in its effect is a reflection upon the T. N. E. C., representing this body, the other branch of the Congress, and the executive departments of the Government. That committee has committed to it precisely the same character of study that is proposed by the pending resolution, and that committee over long months has been giving study to the problems of the small businessmen of America, as well as to the problems of the other business interests of our country.

I do not know whether or not it is intended by the adoption of the pending resolution to supplant the jurisdiction of the Temporary National Economic Committee presided over by the able Senator from Wyoming [Mr. O'MAHONEY], whether or not it is intended to end the study by that committee or the problems of small business, but in any event it will involve a duplication of the duties and the activities of the Temporary National Economic Committee.

I understand that the Committee on Banking and Currency of the Senate has held hearings of substantial length in respect to precisely the same problems that are proposed to be studied by the proposed new committee of the Senate. I have in mind also as a further illustration of this tendency to investigate, that only yesterday this body agreed to a resolution proposed by the Senator from Montana [Mr. WHEELER] which infringes upon the same subject matter. It involves an investigation of some of the same persons, some of the same activities, that would fall within the scope of the pending resolution.

I have in mind further that there is pending on the calendar of the Senate a resolution reported from the Commerce Committee of the Senate, which proposes that the Department of Commerce, in conjunction with various educational institutions of our country, shall cover this same subject matter, shall investigate and study problems of the small businessmen of America, and shall undertake to find solutions for those problems.

Offhand these three other committees of the Senate have occurred to me. These three other legislative proposals have run along precisely the same lines as the purpose set forth in the pending resolution. I go back for a moment to the T. N. E. C. I do not know whether it is proposed to disregard, to wipe from the record, and completely to ignore the studies of the T. N. E. C., or what the purpose may be, but I know that when we appoint a second committee to cover precisely the same ground which has been covered and is being covered by a constituted committee of the Senate, we shall indulge in duplication of effort, and we shall put to unnecessary burdens the business life of our country and our communities.

It seems to me we might let well enough alone, that we might with some degree of patience await the conclusion of the studies of the T. N. E. C., await its reports to this body, and give consideration to its recommendations, before we start another body of men out upon that same road, to bring in here either substantially the same recommendations which shall be made by the Temporary National Economic Committee, or to reject the recommendations of the T. N. E. C. and bring in other and different recommendations for the consideration of the Senate.

I listened to the statement of the junior Senator from Montana in presenting this matter. He referred at some length to various agencies of Government which are recommending this study; but I failed to hear from him a recommendation of a single business interest in the United States calling for any

such study as is proposed. I venture the assertion, Mme. President, that if the question were left to the small business of this Nation there would be no support whatsoever for further investigation of its activities, further study of its troubles, or further recommendations by Congress as to the solution of its problems. So I feel that we are doing a wholly unnecessary thing. We are doing a wholly unwise thing. We are doing a prejudicial thing to the very interests which we pretend to be anxious to serve. I shall regret it exceedingly if the resolution shall have the approval of the Senate.

Mr. MURRAY. Mme. President, I shall briefly answer the remarks of the Senator from Maine.

The Senator says that we should let well enough alone. If the Senator feels that the condition of small business in the United States is satisfactory, of course his observation is appropriate; but I do not think anyone in the country would agree with that view.

Mr. WHITE. Mme. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. WHITE. I did not say that the condition of small business in the country is satisfactory. I said that we are already doing enough investigating.

Mr. MURRAY. I understand the Senator very well. We have helped every group except small business. The Senator is apprehensive that it is the intention to have the proposed committee supplant the Temporary National Economic Committee, to which he has referred. There is nothing further from the minds of the proponents of the resolution than to undertake to supplant the Temporary National Economic Committee. The Temporary National Economic Committee has performed a service. It has made investigations which, of course, would be utilized by the new committee, and which have been referred to in the several letters which I mentioned during the course of my opening remarks on the motion.

It seems to me the Senator is unduly sensitive with reference to the fear he has that we are infringing upon the jurisdiction of the Temporary National Economic Committee. The letters which I have read seem to indicate that the Temporary National Economic Committee has not covered the entire field. The proposed committee would not go back over the territory which the Temporary National Economic Committee has covered. It would be expected, of course, to take full advantage of the material and studies made by that committee; but it is necessary for further studies to be made, as indicated by the various departments of the Government which have given study to the problem, and by various Senators who have been studying the matter.

As I stated in my opening remarks, practically 60 percent of the Members of the Senate have already signified their support of the resolution. Both national political parties have indicated that they are desirous of having a study of this kind made for the purpose of attempting to bring some aid to an economic group in this country which represents a very important factor in the prosperity of the United States.

I think very few persons appreciate the significance of the small business enterprises of the country. Small and intermediate business employing up to 799 workers account for 15,493,000 employees as of March 1938; 69 percent of all reporting to the Social Security Board; and 41 percent of all gainfully employed in the United States on farms and in cities. Small businesses which employ from 1 to 29 workers account for 6,723,000 workers; 31 percent of all reporting to the Social Security Board as of March 1938; and 20 percent of all gainfully employed in the United States, both on farms and in cities.

I have heretofore stated that Congress has attempted to aid every other economic group in the United States. We have done great things for American agriculture. We have assisted the coal-mining industry, which I discussed off the floor with the Senator from Pennsylvania [Mr. DAVIS] a few moments ago. We have established a Bituminous Coal Commission for the purpose of aiding that industry. We have a Bureau of Mines which renders enormous service to the mining industry of the Nation; but nothing is being done for small business. It is the most competitive business in the United States.

As I say, the Senator from Maine is apprehensive that the resolution is a reflection on the Temporary National Economic Committee. I think he is very much mistaken in that statement. As a matter of fact, the purpose of the proposed resolution is supplemental to those of the Temporary National Economic Committee.

I have before me a list of the various items which the committee I have in mind might take into consideration in connection with its investigations and research:

First. It would undoubtedly take into consideration the high mortality rate of small business.

Second. It would consider the need for and ways and means of providing risk capital and loans for small enterprises.

Third. Small businesses are now required to make endless reports to the Federal Government, which of itself is a severe burden on the small owner. Perhaps there has developed a large amount of duplication in these reports and forms and it may be found possible to simplify them and eliminate the duplications without any impairment in the value to the Government or the purposes for which the information is desired by Government departments.

Fourth. Treasury reports indicate that since 1928 small business enterprises as a class, under $100,000 capitalization, have made no profit. This is a serious threat to the survival of our capitalistic system which we seek to preserve. It is upon this system that we depend now for employment, prosperity, and economic advancement of the welfare of the masses of our people. There is only one other system, that of totalitarianism, which will provide a people any measure of these things. But totalitarianism implies regimentation and bureaucracy and these we seek to avoid.

Fifth. The United States Census of Manufactures in 1937 showed that since 1929, 42,000 small manufacturers have ceased to exist. This is a reduction of over 20 percent from the total of all manufacturing enterprises in operation in 1929 and the effect of this decline in productive enterprise on employment can only be surmised at this moment.

Sixth. A permanent program of research and education in the interests of small businessmen. We have for a number of years, through the Department of Labor, provided aid, assistance, education, and research for the benefit of labor.

For over 40 years, through the Department of Agriculture, our land-grant colleges, and our high schools we have provided an extensive program of research and education for the benefit of agriculture. It has been advocated for more than 10 years that a similar program of aid and assistance to small enterprise owners ought to be fostered in like manner.

I have just received from Secretary Henry A. Wallace a letter of endorsement of Senate Resolution 298, in which he says:

> I do sincerely believe there is an opportunity for such a committee, as provided in Senate Resolution 298, to make some constructive suggestions. Particularly do I think this is true with regard to the provision of a new financing mechanism to serve businesses needing loans of a million dollars or less.

Leading economic research organizations of the country have for some time also been advocating the need and advantage and good that may be accomplished by a research survey such as is proposed in Senate Resolution 298. The foremost of these is the well-known and highly regarded Brookings Institution. It is my hope that the committee will invite and be able to obtain the cooperation of the Brookings Institution and other highly regarded independent and factual research organizations in this research survey.

The records seem to indicate that even in 1929, in the period of the highest industrial actiivity in the United States, the vast majority of small business enterprises in the United States made no profits whatever. In 1937, when all other business in the country was proceeding rapidly toward recovery, the only economic group in the country which was falling behind was small business.

In view of the fact that both political parties seem to favor the proposal, it seems to me that there should be no hesitation on the part of the Senate. I therefore submit the motion.

Mr. BARKLEY. Mme. President, I wish to say a word in behalf of the motion of the Senator from Montana.

It is true that there are committees in the Senate and in the House which have investigated the problems of small business, and which may continue to do so. It is likewise true that those committees have many other functions to perform; and it is not always possible for them to give undivided attention to the problems of the small businessman.

I happen to be a member of the Committee on Banking and Currency. In connection with the Reconstruction Finance Corporation loans, the committee gave consideration to the problems of the small businessman. The Senator from Montana [Mr. MURRAY], the Senator from Arizona [Mr. ASHURST], and other Senators came before the committee in behalf of some peculiar form of action which might be helpful to small business.

Undoubtedly the Temporary National Economic Committee has been giving consideration to that subject. I will say frankly that as a rule I have not been very enthusiastic about the appointment of special committees to consider subjects which are within the jurisdiction of standing committees; but in this particular situation the condition of small businessmen throughout the country has been so emergent that it seems to me that not only could no harm come, but considerable good might come from the ascertainment of facts by a committee set up especially to deal with the subject.

Of course, it is not contemplated that the committee would have legislative jurisdiction. I realize that any recommendations it might report would probably have to go to standing committees for their consideration. There is no effort to deprive a standing committee of its jurisdiction. However, in view of the situation, in view of the fact that at least on one occasion, if not more, the Government has called into Washington large groups of small-business men, and in view of the fact that the small businessmen have a national organization which at least thinks it has a problem which is a little different from that of other business, it strikes me that good might come from such an investigation. Certainly no harm could come from it.

I hope the Senator's motion will be agreed to, and that the resolution will be agreed to.

Mr. DANAHER. Mme. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Connecticut?

Mr. BARKLEY. I yield.

Mr. DANAHER. Has not the Banking and Currency Committee been conducting a series of hearings lasting for many weeks on this very subject?

Mr. BARKLEY. I am unable to say how long the hearings lasted, but when we had before the committee one of the Reconstruction Finance Corporation bills expanding the type of loans and somewhat relaxing the requirement for security, we dealt with the subject, and we thought we had amended the Reconstruction Finance Corporation Act so as to be of some help to small-business men. However, the help did not materialize, because we still retained a requirement as to certain types of security which had to be put up. It is true that witnesses have been before the Banking and Currency Committee on the subject, but I do not recall that committee devoted weeks to it. Perhaps I am mistaken; I may not have been at all the meetings.

Mr. DANAHER. I think, if the Senator will permit me to refresh his recollection, it is easily possible he may have missed a series of hearings on the bill introduced by the junior Senator from New York [Mr. MEAD]. The Senator now that I mention it may recall the discussions about the Mead small-loan bill.

Mr. BARKLEY. I recall that, and the Senator from New York has displayed a commendable interest in assistance to small business, but the whole problem of small business is not necessarily encompassed within the terms of a loan that may be granted to it. The feature of the problem which the Committee on Banking and Currency dealt with largely was the making of loans by some Government agency, the R. F. C. or others, to small business, but there are other collateral and probably principal problems that face small-business men which are not necessarily encompassed within their ability or desire to secure loans from the Government.

Mr. DANAHER. Mme. President, will the Senator yield there?

Mr. BARKLEY. I yield.

Mr. DANAHER. Does the Senator recall that the Temporary National Economic Committee held hearings at very considerable length, under an appropriation that ran well over $1,000,000 in order to assist it in conducting the hearings and investigations into this subject among others; and does not the Senator recall, let me ask, that there was a 60- or 70-page brochure with reference to it prepared by the committee?

Mr. BARKLEY. I recall the committee went into that matter but, of course, the jurisdiction of the T. N. E. C. is so vast and complicated that it is not always easy for the average man or even for the average Senator or even for those who are above the average to dig out of a mass of other testimony all the facts which may have been elucidated in regard to this particular problem. Waiving my usual objection to special committees, which I think I am justified in entertaining, my view is that as to this particular subject it would be valuable to have a committee which would gather the facts without sidetracking, without detouring, and without complicating them with other facts regarding many other kinds of business, and other and different methods of transacting business affected by antitrust laws, and that is the core of the investigation carried on by the T. N. E. C., as well as other matters. So it seems to me that it would be valuable to have a small committee of the Senate operating on a single track with the single purpose of ascertaining something about the situation that surrounds small business in this country, not only from the standpoint of the antitrust laws, not only from the standpoint of laws which might be enacted by the Government, but from every other economic and industrial standpoint that might be a valid subject of investigation.

Mr. DANAHER. Mme. President, I thank the Senator from Kentucky first, and I will be happy to yield to the Senator from Montana in just a moment. I simply wish to have the RECORD show, speaking for my part, that I am deeply in sympathy with the general problems of the small-business men. While I was not on the subcommittee I took time to attend most of the hearings on the Mead bills and similar hearings before the Banking and Currency Committee, I did so as a matter of interest because of my concern for and my sympathy with the plight of the small-business man. But, Mme. President, it seems to me that the nub of the matter as presented to our committee lay more than any other single factor in the lack of available intermediate credit to the small-business man. There seems to be need for legislation which will make available that type of credit called intermediate money, and I would favor providing a type of loan which the bank ordinarily cannot grant, because the bank must have more liquid security than is possible in the circumstances surrounding small-business men today.

Equally we must make absolutely certain that we do not authorize some Government corporation, such as the R. F. C., or other corporate entity which we may later create, to go too far, to take too great a participation, and leave the element of risk entirely upon some governmental agency rather than upon the enterprise itself.

Mme. President, because of the fact that these matters have already been gone into so thoroughly with reference to the general banking situation, the general economic and industrial situation, the antitrust laws and their enforcement and operation, the many ramifications of our whole system, in which system, by the way, the small-business man, of course, plays an enormous part, it seems to me that under this resolution there can be an overlapping of activity so vast that there may result complications which would be unnecessary, and I feel that we should not create another special committee at this time. I believe that we ought to enable the existing Banking and Currency Committee to go forward and to

carry over into the next session of the Congress the functions already being performed and the inquiry already being conducted.

I dare say that unless the Mead bills receive attention at the present session they will lapse, but there is no reason, it seems to me, why the Congress cannot authorize a continuous sitting of the subcommittees already in existence, rather than to undertake to create a brand new committee to start anew and fresh on a proposition that has already engaged countless hours of the time of Members of this body.

Mme. President, these thoughts occurred to me as we undertook consideration of the resolution of the Senator from Montana. I know of his interest in this subject and appreciate it and commend him for it, but my attitude of admiration for what he is seeking to do does not go the length of my being willing to say that we should add to the existing standing committees, a special committee to consider a subject which is already before a committee of the Senate authorized to conduct the investigation, which has already performed much of the work, and which can go forward in any new lines, if any new lines there be. Surely the result will be a duplication of effort and a waste of the time already allotted to this inquiry. With that thought, Mme. President, I want to say that, despite my interest in and sympathy for the position taken by the Senator from Montana, I think we should not create a new special committee. I think that the able majority leader, who is on the Committee on Banking and Currency might well have adhered to his well-known and previously announced opposition to the creation of special committees of inquiry.

Mr. MURRAY. Mme. President, I appreciate the attitude of the very able Senator from Connecticut [Mr. DANAHER], but I think his views are in conflict with the position of both the great political parties of the United States, which have gone on record in favor of a study of this kind. Furthermore, he is in conflict with the Temporary National Economic Committee, to which he has referred. I have before me a letter from Mr. Thurman Arnold, of that committee, who, of course, is one of the outstanding students of the United States on the problems of small business. He says:

> Although the files of the Department and of the Temporary National Economic Committee should be helpful in the work which you propose, I do not feel that they contain the comprehensive picture which you desire.

Earlier in my remarks I referred to letters from practically every department of the Government in Washington, which indicate accord with the sentiment expressed by Mr. Arnold. It seems to me that the Senator from Connecticut is not supported in his views on this matter, and I think that the proposed special committee is justified from every standpoint.

It is certainly wrong to permit to continue the conditions which exist, affecting the small enterprises of this country without some effort on the part of the Congress of the United States to render them assistance. It is not merely a matter of financing them. It might be possible that the Government in undertaking a financing program might go too far in financing small-business enterprises that might be found to be economically unsound. That is not the purpose of this movement. Its purpose is to ascertain what is the matter with small business, and what can be done by the Government of the United States, not only by the legislative department of the Government, but by the various executive departments. We have been assisting every other group in the United States for many years, but we have done nothing for small business. As I have said, it is the most competitive economic group in the United States, and yet, when we come to try to do something for them, we find that there is an apathy about it. It seems to me that the motion which I have made should be agreed to.

Mr. ADAMS. Mme. President, will the Senator yield for an inquiry?

Mr. MURRAY. I yield.

Mr. ADAMS. Does the Senator have any idea that there can be completed an investigation of this problem and a solution arrived at by the expenditure of the $10,000 provided by the resolution?

Mr. MURRAY. No; I do not think anything of the kind, and I do not think it is necessary to consider that we should have to do it within the $10,000 limit.

Mr. ADAMS. It merely occurs to me that this would merely be the beginning of it. If the problem is really to be studied, the expenditure of $10,000 will hardly make a beginning.

Mr. MURRAY. We expect to have the assistance of various departments of the Government and even outside institutions. I have, for instance, a letter from the Brookings Institution in which that organization, through one of its officers, says:

> As you have said, I do have a keen interest in the problems of small-business enterprise. I have been studying it for a long time. I shall be very happy to discuss this matter with you. * * *
> The Brookings Institution is always glad to be of service, and I hope in this case we may be of some help to you.

With the various economic research institutions which have been set up all over the United States, supported by endowments and otherwise, and with the various departments of the Government, and with the various reservoirs of information that we can seek, the committee can carry on very considerable research, and without question find it possible to do something to aid and support the small-business enterprises of the country.

It is not always necessary to have an enormous fund to conduct research of this kind. If we have men who are sincerely and honestly interested in trying to do something for small business, we can accomplish something. In this very body we have men who have spent many, many years studying the problems of small business. I do not see any reason why those Senators cannot be assembled in a committee to study these problems, and try to work out some means and method by which we may be able to assist small business. It is not a question of money; it is a question of sincerity, a question of an honest intention and devotion to a serious problem affecting our country.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MURRAY] that the Senate proceed to the consideration of Senate Resolution 298.

The motion was agreed to; and the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

The LEGISLATIVE CLERK. On page 2, line 17, it is proposed to strike out "$15,000" and insert "$10,000."

The amendment was agreed to.

The PRESIDING OFFICER. The resolution is open to further amendment.

Mr. MURRAY. I send to the desk two amendments, which I ask to have stated.

The PRESIDING OFFICER. The amendments offered by the Senator from Montana will be stated.

The LEGISLATIVE CLERK. On page 1, line 1, it is proposed to strike out "five" and insert "seven", so as to read:

> That a special committee consisting of seven Senators, to be appointed by the Vice President, is hereby authorized and directed—

And so forth.

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 2, line 9, after the word "assistants", it is proposed to insert:

> To request such assistance and information from any departments and agencies of the Government.

The amendment was agreed to.

The resolution, as amended, was agreed to.

MILITARY ORDER OF THE PURPLE HEART—VETO MESSAGE

The PRESIDING OFFICER (Mr. STEWART in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the

accompanying bill, referred to the Committee on the Judiciary and ordered to be printed:

To the Senate:

I return herewith, without approval, Senate bill No. 2524, entitled "An act to incorporate the Military Order of the Purple Heart."

The Purple Heart is awarded by the War Department, acting for the President, to persons who, while serving in the Army of the United States, perform any singularly meritorious act of extraordinary fidelity or essential service. Awards having been made I feel that the Government should refrain from granting a special favor to a minority of the holders of the award by which they might obtain an advantage or benefit which they could withhold from or which might not be available to all holders.

The bill clearly would permit the corporation to be as restricted as those in control at first or at any later time might desire. It would permit a restricted membership of the corporation to carry on activities in the name of the Military Order of the Purple Heart, when, because of restrictions or cost of membership many holders of the award might be denied membership. It thus would create an order within an order, as is further confirmed in section 6.

The powers and rights to be granted the corporation would permit a discrimination between the member and the nonmember holders of the Purple Heart award in the wearing of badges and emblems, and in other respects. The Government should assure equal benefits to all holders of the award.

To prevent a tendency to destroy the significance of the award, the sole right of the proper Government departments to prescribe and define all medals, badges, and emblems in connection with an award or decoration should not be abridged.

I have heretofore withheld my approval of a similar bill S. 2324, enacted by the Seventy-fourth Congress.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 8, 1940.*

ADDITIONAL APPROPRIATION FOR NATIONAL-DEFENSE HOUSING

Mr. ADAMS. Mr. President, I move that the Senate proceed to the consideration of House Joint Resolution 614, making an additional appropriation for national-defense housing.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

The motion was agreed to; and the Senate proceeded to consider the resolution (H. J. Res. 614) making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes.

Mr. ADAMS. Mr. President, this measure has just been reported from the Appropriations Committee.

The Senate will recall that a day or two ago a measure was passed providing for an appropriation of $150,000,000 for additional housing. That measure was passed too late to be incorporated in the supplemental appropriation bill; and the House has sent to the Senate, in this joint resolution, an appropriation of the amount authorized by the bill.

The Senate Committee on Appropriations today took up the measure and reported it to the Senate. It provides for an appropriation of $75,000,000 and a contract authorization of $75,000,000. The expenditures are to be made for the purpose of providing housing which is essential, according to the reports which have been filed, for national-defense purposes.

The matter reduces itself to a statement as to units. The survey of the Advisory Commission of the Council of National Defense of housing needs in connection with national defense as of October 2, indicates requirements of 132,000 units. The Advisory Commission figure that the minimum needs in connection with the entire program are 160,000 units, at a total cost of $560,000,000. There has already been appropriated $100,000,000, providing for a total of 27,240 units, and there have been certain other items of appropriation. It is now recommended by the departments interested and by the Council of National Defense that this additional appropriation be made in order to meet the requirements of housing for national defense.

Mr. AUSTIN. Mr. President, will the Senator answer an inquiry?

Mr. ADAMS. Certainly.

Mr. AUSTIN. Is the 6-percent limitation on the fixed fee on the same level that is provided for other appropriations for the national defense?

Mr. ADAMS. That is my understanding. It is a maximum limitation of 6 percent on fixed-fee cost-plus contracts. That is, there will necessarily be made an audit of the contract; and while excess payments may be made, all in excess of 6 percent is to be refunded.

Mr. AUSTIN. Mr. President, one further question: I notice that the joint resolution carries an appropriation of $40,000,000 for the Department of Agriculture. I should like an explanation of how that item happens to come in at this time. What is it for?

Mr. ADAMS. Mr. President, this appropriation was presented to the Senate Appropriations Committee, and was not incorporated in the supplemental bill. It is now urged in the House and is urged in the Senate that this appropriation is essential in order to provide additional money for the enforcement of an act recently passed by the Congress with reference to the administration of the Commodity Exchange Act, due to the fact that the Congress has seen fit to add to the products subject to that act cottonseed oil, tallow, lard, peanut oil, soybean oil, and other fats and oils. We are told that that involves an increased cost, and that this amount is necessary. I am perfectly frank to say to the Senator that the only information I have on the subject is that contained in the statement coming from the Budget Bureau.

Mr. AUSTIN. May I inquire if the Senator knows whether the Committee on Appropriations studied this item when it considered the supplemental agricultural appropriation bill, or was it merely overlooked?

Mr. ADAMS. It was not studied. On the other hand, it was not overlooked. It was not included because the bill had passed, but had not become law. That was the reason why it was not included.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

SUPPLEMENTAL APPROPRIATION BILL, NATIONAL LABOR RELATIONS BOARD

Mr. WAGNER. Mr. President, I should like to make an inquiry because of an uncertainty which has arisen with reference to an amendment made to the deficiency bill while it was before us, in relation to the appropriation for the National Labor Relations Board. I have here a letter from Judge Padway, general counsel of the American Federation of Labor, expressing grave concern about the matter.

As the bill was before the Senate originally, it not only deprived the National Labor Relations Board of all appropriations to be used for the Division of Economic Research and the Division of Technical Service, but it also provided that no appropriation should be used for any of the functions which had been assigned by the Labor Board to either of those particular bureaus.

I called the attention of the Senate to the fact that if the provision were agreed to, it would in effect seriously cripple if not practically repeal the National Labor Relations Act, because functions which had been assigned to either of these research bureaus were absolutely essential for carrying out the purposes and the provisions of the law. For instance, they were frequently required, when a charge was filed, to ascertain by their research work whether or not the particular industry involved in the complaint was engaged in interstate commerce. Until that jurisdictional matter was settled, the Board could not determine the question as to whether it should issue a complaint.

After I called these facts to the attention of the Senate, and yielding to the demand of the House that the Economic Research Division and the Technical Service Division should be abolished, I offered an amendment providing for the elimination of the provisions of the bill which prohibited the Labor Relations Board from exercising the functions which had been assigned to this particular bureau. The amendment was adopted, together with another amendment which made it very clear that none of these provisions was intended in any way to affect the functions or duties of the Labor Relations Board under the act. In addition, the $3,200 limitation inserted in the bill by the Senate committee was subject to some misunderstanding, but this was clarified by the explanation given on the floor by the Senators in charge of the bill, in response to my questions.

Thereafter the bill went to conference, and the conferees of the House receded upon the amendments made by the Senate, so that the amendments became law. The new language inserted by the conferees, in fact, strengthened the intent of my amendment.

While the discussion of my amendment was proceeding in the House, the gentleman from Virginia [Mr. WOODRUM], the chairman of the House conferees, made a statement, I am sure unintentially, which is apt to confuse the situation, and to create an uncertainty which might in itself interfere with the administration of the act, since the Board would be uncertain as to whether there was an intent to repeal part of the Labor Relations Act. The gentleman from Virginia [Mr. WOODRUM], when he was asked a question, made this statement as it appears in the CONGRESSIONAL RECORD on page 13234:

> It is understood by the conferees that the revised Senate language as now contained in the conference report will discontinue the personnel and the functions of that Division.

With the exception, he said, of certain personnel permitted to be retained to collect certain records.

If this were an accurate statement of the purport of the bill, it would mean that such functions as I have just mentioned and others to which I referred the other day—functions which are absolutely essential for the administration of the act—would be wholly prohibited. The result would be to repeal major features of the act and to prevent the Board from functioning at all in many cases.

I know the conferees did not intend such a result, nor does the conference report itself lead to such a result; indeed, the language actually adopted shows the contrary. Of course, we all know that when there is a conflict between the wording of an act and the mere statement of someone upon the floor of either House as to the intent, the language of the act prevails.

I am sure the conferees did not intend to eliminate all of the functions to which I have referred, which are an essential part of the administration of the act. In order that there may be no uncertainty, I desire to inquire of the Senator from Colorado [Mr. ADAMS], who I think was chairman of the conference, whether he or the conferees construed the amendment not only to abolish the Economic Research Division and the Division of Technical Service, but also to discontinue functions which are, as I have said, essential to the administration of the act.

Mr. ADAMS. Mr. President, I think the bill as it came from the conference committee, and as it was approved by the Senate, is perfectly clear on its face. I do not know that anything could be stated more clearly than the bill itself states its purpose. I can see no ground for the contention that the functions of the Labor Relations Board were in any way repealed, because there was specific provision in the conference report that no part of the Labor Relations Act was repealed. I do not have the exact language, but such a thought was expressed.

So far as the abolishing of these two divisions or bureaus is concerned, the Senator from New York acquiesced in the desire of the House, so that they went out in accordance with the House desires, and the acquiescence of the Senator. But the functions of the National Labor Relations Board were specifically saved by the saving clause, which was the last sentence in the paragraph referred to.

Mr. WAGNER. Were they not also saved by the amendment which I had offered which eliminated from the bill as it appeared before the Senate that feature of it which abolished not only the economic research or technical service divisions, but also the functions which had been assigned to them?

Mr. ADAMS. As the Senator knows, the conference committee accepted the language which the Senator from New York had put in.

Mr. WAGNER. Exactly.

Mr. ADAMS. We assumed the Senator from New York knew just what he was doing, and it never occurred to us even to inquire or question the effect of the amendment.

Mr. WAGNER. I am sure the conferees knew what the purpose of the amendment was. I stated my purpose at length and with great clarity when the matter was before the Senate.

Mr. BYRNES. Mr. President, will the Senator from New York yield?

Mr. WAGNER. I yield.

Mr. BYRNES. I do not think the statement of any individual conferee on the floor of the House or on the floor of the Senate could affect the interpretation of the language in the conference report, because it is not ambiguous in any way.

The Senate adopted a proviso offered by the Senator from New York. The conferees on the part of the Senate, representing the view of the Senate, insisted upon its retention in the bill. It was retained with but one change, the addition of the word "specific." Just because there was some discussion about the matter, and because, as one member of the conference, I believed in insisting on the view of the Senate, in order to remove any doubt I offered the language which was added to the proviso of the Senator from New York, which was to the effect that nothing therein contained should be construed as repealing any provision of the Labor Relations Act. So that there can be no doubt that no function can be abolished unless we repeal some provision of the Labor Relations Act. We can do that only by an act repealing some such provision. The language of the House abolished bureaus which had been established by the Board in the administration of the law, but no provision of the Labor Relations Act was repealed. The conferees took the position of the Senate that that should not be done.

Mr. WAGNER. And any money appropriated and expended for the purpose of carrying out these functions is within the province of the act and is perfectly legal, I take it.

Mr. BYRNES. That certainly is my view.

Mr. WAGNER. I thank the Senator very much.

CONSIDERATION OF BILLS ON THE CALENDAR

Mr. BARKLEY. Mr. President, since the last call of the calendar, which was on the 30th of September, a few bills have been reported by committees, and I think it is wiser to call the new bills on the calendar than to try to pick out measures which may be thought more meritorious than others and attempt to act upon them. Therefore I ask unanimous consent that the Senate proceed to the call of the calendar for the consideration of unobjected-to bills, beginning with Calendar No. 2305.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the first order of business.

MONEY ALLOWANCE FOR NONCOMMISSIONED OFFICERS' QUARTERS

The bill (S. 4366) to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States was announced as first in order.

Mr. THOMAS of Utah. The House has passed a similar bill to the Senate bill. Therefore I ask that House bill 10527 be substituted for Senate bill 4366 and that the House bill be considered.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 10527) to provide for an extension of the conditions under which a money allowance for quarters may be paid to

certain noncommissioned officers of the Army of the United States; which was read twice by its title.

Mr. AUSTIN. May I inquire the calendar number of the Senate bill?

Mr. THOMAS of Utah. It is Calendar No. 2305.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah that House bill 10527 be substituted for the Senate bill and be now considered?

There being no objection, the bill H. R. 10527 was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4366 will be indefinitely postponed.

ORGANIZATION BY STATES OF MILITARY UNITS

The bill (S. 4175) to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes, was announced as next in order.

Mr. HOLT. I ask that the bill be passed over.

Mr. THOMAS of Utah. Mr. President, I trust the Senator from West Virginia will withhold his objection to the present consideration of the bill. This is the home guard bill, and it has been asked for by the Governors of several States.

Mr. HOLT. There is no protection in the bill in case a Governor wishes to set up a National Guard to be used in a labor controversy, is there?

Mr. THOMAS of Utah. Yes, I think such protection has been provided by the change in the language of the measure to meet the objections which have been made to the home-defense bill by certain persons who thought the organization provided for would not be a regular National Guard organization in the ordinary sense. The objections have now been overcome in the amendment set out in the House bill, which I shall move be substituted for the Senate bill, and be considered.

Mr. HOLT. Mr. President, will the Senator yield further?

Mr. THOMAS of Utah. I shall be glad to yield.

Mr. HOLT. My objection is that I do not want a vigilante force set up by the different Governors. In this day of hysteria I think we ought to provide every safeguard against such procedure. As I read the bill I do not think it contains such a safeguard.

Mr. THOMAS of Utah. Mr. President, I think it would be easy to answer that objection. No one wishes a vigilante guard in the United States. There is no need for such an organization. In fact, the labor organizations, which were fearful that that might happen, made formal protests to the consideration of any bill which would make it possible for such a thing to happen. Of course, no member of the Military Affairs Committee wanted that sort of thing to take place. Probably the most remarkable compliment that has come to the National Guard in the course of its history came from the heads of one of the largest labor organizations, who wanted put behind the home-guard organizations all the rights, all the privileges, all the laws that pertain to the National Guard Act. That is what I think will result if we pass the bill as the House committee changed it and as the House accepted it.

Mr. HOLT. I admit I have not had a chance to read the bill thoroughly. If the bill should be passed and I should find that it does not clearly provide the protection I suggest, would the Senator object if I should make a motion to reconsider the vote by which the measure was passed?

Mr. JOHNSON of Colorado and Mr. AUSTIN rose.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. THOMAS of Utah. I yield first to the Senator from Colorado.

Mr. JOHNSON of Colorado. I wish to say to the Senator from West Virginia that when the bill first came to the Committee on Military Affairs the Senator from Utah and I opposed it, until it was amended so as to take care of the very point the Senator from West Virginia has in mind. In other words, the House bill, and the bill as it came to the Senate, as I interpret it, and as some of the labor organizations in my own State interpret it, gave the Governor of a State a chance to set up a sort of vigilante organization within the State, but the Senate committee amendment is supposed to take care of that. I refer to the language in line 3, page 3, of the bill. The language is not clear to me. It seems rather awkward, but we were asked to draw the language in that way, and I presume it is correctly drawn. It says——

Mr. AUSTIN. Mr. President, will the Senator yield to me for a suggestion at that point?

Mr. JOHNSON of Colorado. I wish to finish my remarks, and then I shall be glad to yield.

Mr. AUSTIN. I wanted to help the Senator find that line.

Mr. JOHNSON of Colorado. What line is it?

Mr. AUSTIN. Line 5. The language provides that the organizations are to be set up under the laws of the States; that the legislatures shall have control, instead of the Governors.

Mr. JOHNSON of Colorado. That is what I am looking for.

Mr. AUSTIN. Is the Senator looking at the bill which it is proposed to substitute for the Senate bill—that is, House bill 10495?

Mr. JOHNSON of Colorado. I am looking at the wrong bill. What line is it on in the House bill?

Mr. AUSTIN. Page 3, line 5, of House bill 10495.

Mr. JOHNSON of Colorado. I have the right bill now. Beginning in line 3, page 3, as the Senator from Vermont stated, is the following language:

> That under such regulations as the Secretary of War may prescribe, the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized—

And so forth. "By the laws of such State" is the saving clause in that whole situation; and, of course, if the State passes a law and the organization operates under a State law, it could not possibly be a vigilante organization. I wish to call the attention of the Senator from West Virginia to the fact that the House bill does authorize a vigilante organization, but we will amend the House bill. It will go to conference, and none of us know when it will come out of conference, and I think we ought to have some strong assurances from the Senator who is in charge of the bill that when it goes to conference the Senate amendment will be adhered to.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I am glad to yield.

Mr. HOLT. With that assurance from both the Senator from Utah and the Senator from Colorado, I have no objection. But I understood from what the Senator from Colorado said that the bill would allow a vigilante organization to be set up. Of course, we all know that in time of war, or preceding war, there is much hysteria, and great injustice is often done. That is why I objected. I think the House bill would allow a vigilante organization to be set up, and I think it could be used for strike breaking under the provisions of the House bill. I may be wrong in that respect. I was of that opinion after reading the measure. If it is amended by the Senate, of course that will make a difference, and with such an amendment I can see that there will be a vast improvement.

Mr. ADAMS. Mr. President, I wish to make an inquiry. As I see the bill, it is premised upon the principle that the right of the State to maintain a militia can absolutely be taken away by an act of Congress. In other words, it is provided in the measure that no State shall maintain troops in time of peace other than authorized by this measure. If that principle is sound, Congress can say that no State shall at any time maintain a militia.

It seems to me it is proposed to deny to the State or to attempt to deny to the State a right which I understood it has fundamentally; that is, the right to maintain a militia within the State for its defensive purposes within the State. That is something which belongs to the State as of right, and not something which is granted to the State as a privilege by the Federal Government. Am I correct in that interpretation?

Mr. THOMAS of Utah. That, of course, is true, but since 1916, in the National Defense Act——

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. May I finish my answer to the Senator from Colorado?

Mr. AUSTIN. I wish to say that I think that is not true, and therefore I should like the Senator to permit an interruption.

Mr. THOMAS of Utah. I would just as soon have the question answered by the Senator from Vermont as by the Senator from Utah. For that purpose I shall be glad to be interrupted.

Mr. AUSTIN. Mr. President, the difficulty with the position taken by the Senator from Colorado is that it is just the reverse of the fundamental situation. In the Constitution there is the flat prohibition which I read:

No State shall, without the consent of Congress, * * * keep troops—

Mr. ADAMS. Read the entire section.

Mr. AUSTIN. I will read the entire section:

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

In order to conform this proposed legislation to the Constitution the language of the Constitution is employed. It is not smooth language; and there are some things about the style of the amendment which I think could be improved, which would make it more of a grant than it appears on its face to be. It undertakes to give the consent of Congress in a very limited way, and to retain the control of Congress to the extent that the Constitution requires in another provision, namely:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of officers, and the authority of training the militia according to the discipline prescribed by Congress.

It was my intention, if the Senate should agree to proceed to the consideration of the substitute, to ask the Senate to accept an amendment by adding, in line 3 on page 3, the words which I have just read from the Constitution, "for discipline in training", so as to read:

That under such regulations as the Secretary of War may prescribe for discipline in training, the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of the State concerned is in active Federal service.

Mr. ADAMS. Mr. President, may I interrupt the Senator?

Mr. AUSTIN. I have concluded.

Mr. ADAMS. May I make an inquiry, with the permission of the Senator from Utah?

Mr. THOMAS of Utah. I yield.

Mr. ADAMS. The second amendment to the Constitution asserts the right to maintain a militia. I gather that the Senator has construed that amendment as referring to what, in the previous discussion, has been called the unorganized militia. That is, it reserves the right of individual citizens to bear arms, rather than the right of the State to organize the individual citizens, with their arms, into any form of militia or guard organization.

Mr. AUSTIN. I concur in that idea, believing that when it comes to organization we are governed by the other provision of the Constitution relating to organization; namely, to provide for organizing the militia. That is exactly the language. Paragraph 16 of section 8 of article I of the Constitution reads:

To provide for organizing, arming, and disciplining the militia—

And so forth. I think every State may have a well-regulated militia, under the second amendment, it being necessary to the security of a free State.

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

But in order for a State government as such to maintain troops which are organized into an effective military unit, I believe the State must conform to the provision of the Constitution relating to organization.

Mr. ADAMS. So the Senator does not feel that the second amendment was enacted to make provision for State-organized militia, which right, under the original Constitution, might be construed to be denied? As the Senator knows, the amendments were adopted largely to preserve the rights of the States and the rights of individual citizens. I am asking the two Senators, who are expert military men, to elucidate the matter.

Mr. AUSTIN. I appreciate the comedy of the Senator's remark.

Mr. President, I think we must construe all the provisions of the Constitution together—those in the original Constitution and those in the amendments—and they should all be given effect. None of them should be regarded as killing off any other if construction will permit life. They may all be construed together, keeping every one of them active and operative, upon our relationship in a federation—and reasonably, too, as I see it.

Mr. ADAMS. Then I am correct in my original theory that the argument is premised upon the view that no State organization bearing arms may be permitted except with the consent of Congress, regardless of the name or character of the organization?

Mr. AUSTIN. That is correct.

Mr. KING. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. KING. I should like to ask the Senator from Vermont a question. If I correctly understand the Senator. he interprets the second amendment——

Mr. AUSTIN. Let me interpolate. I mean in time of peace, of course. Does the Senator understand that I answer on that assumption?

Mr. ADAMS. I understand; but it does not occur to me that there is any difference. If Congress may control in time of peace, it may control in time of war.

Mr. AUSTIN. No; the Constitution provides for that. The Constitution distinguishes between time of peace and time of war in respect to maintenance of troops. The prohibition is limited. Let me read it once more:

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Altogether, it is perfectly clear, it seems to me, that there is nothing in this prohibition on the keeping of troops which would prevent a State in imminent danger of invasion, such as will not admit of delay, from calling out its militia to repel invasion, or in time of war maintaining troops or ships of war.

Mr. KING. Mr. President, will the Senator further yield?

Mr. THOMAS of Utah. I yield.

Mr. KING. I confess that I am not in harmony with the views expounded by the able Senator from Vermont. The Senator will recall that during the time when the Constitution was under consideration by the various States there were apprehensions that too much power had been conferred upon the Federal Government and too little power had been reserved to the States; and many of those who participated in the Constitutional Convention, and many who did not, but who belonged to various State governments, were very much concerned about the power of the Federal Government to maintain an army, and all that sort of thing. They wanted the States to have the right to maintain their own militia.

It seems to me that the second amendment was a challenge in a way, or a modification in a way, of some of the provisions to which the Senator has called attention. The amendments to the Constitution, like a repealing statute, by implication if not directly, would supersede the Constitution if there were a conflict.

The second amendment reads:

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Obviously, that would seem to connote that the States have the right to determine the form of the militia, the size of the militia, and the purposes for which the militia may be utilized. If I correctly understand the construction which the Senator places upon the second amendment, it would seem to subordinate the amendment to some of the provisions of the Constitution per se. I regard it as an amendment to the Constitution, a limitation upon some of the powers granted in the Constitution. All the amendments are supplemental to and in addition to the Constitution, and in some respects modify the Constitution.

Mr. AUSTIN. Mr. President, I very much appreciate this discussion by the learned Senator from Utah, whose views regarding the Constitution and its history in the formation of the Government are of such great value.

My own view is to some degree affected by Washington's Barrack Book and his interpretation of the word "militia." From my study of this matter I am persuaded that Washington contemplated universal training, and that the militia of which he speaks, and the words "well regulated" which are found in the Constitution, mean exactly the same thing in the Constitution and in his Barrack Book; namely, a citizenry which is competent by training always to defend its rights and its Government and maintain peace and order. The amendment is, of course, a modification of the Constitution; but let me ask, in what respect does it appear to be in conflict with the Constitution, so that it could not stand and leave the Constitution in effect, too? I do not find a conflict. I find that it is an amendment of reassurance to the several States that the prohibition against the maintenance of troops in time of peace within a State shall not exclude the keeping of arms or the training of citizens and having them well regulated. I think the whole makes a well-unified provision for national and local defense, and corroborates the views I have held for some time, that the original plan of the Republic contemplated a citizenry that was well trained and competent at all times to bear arms in combat, if necessary, for the preservation of the principles upon which the Government was founded.

Mr. KING. Mr. President, will the Senator from Utah yield to me?

Mr. THOMAS of Utah. I am glad to yield to my colleague.

Mr. KING. The Senator from Vermont, in my opinion, if I correctly understand his position, would make wholly unnecessary the amendment to which attention has been called, because, if I understand his interpretation, the Constitution gave to the Federal Government the right to determine the form of the militia, the character of the militia, and the purpose for which it was used. That would, of course, relate to regulation, to its activities, and, if that be true, then the amendment would be surplusage, and there would be no necessity of adopting it, if, under the Constitution, the power existed to maintain the militia and determine its activities. It seems to me it was a manifestation of a jealous regard for the rights of the States as against the aggressions of the Federal Government. I concede that the Federalists in those days—and we have some of them now—placed an interpretation upon the Constitution which I think is at variance with what I conceive to be its true interpretation, the one which connotes greater liberty to the individual and greater liberty to the sovereign States. It seems to me that those who drafted this amendment of the Constitution were all the time trying to limit the Federal Government and to restrain the power which some conceived to have been granted to it.

The Senator will recall that Patrick Henry and others in Virginia refused to vote for the ratification of the Constitution because they said it conferred too much power; and so they set themselves to the task of limiting the power of the Federal Government. The first 10 amendments were limitations upon the powers which were in the Federal Government or asserted by or granted to the Federal Government. As I construe it—and yet I defer to the learning of my dear friend from Vermont, whose understanding of constitutional government I gladly concede—I interpret it to mean a limitation upon the power of the Federal Government and to say that the States shall have the right to regulate the militia and maintain the militia, and that they cannot regulate it unless they have it. This gives them the power to have a militia and regulate it and maintain it as they may see fit, of course, not in contravention of any delegated powers that would be opposed to the maintenance of the Federal Government.

Mr. AUSTIN. Mr. President, will the Senator from Utah yield further?

The PRESIDING OFFICER [Mr. MINTON in the chair]. Does the Senator from Utah yield to the Senator from Vermont?

Mr. THOMAS of Utah. I yield to the Senator from Vermont.

Mr. AUSTIN. I will detain the Senate but a moment further.

The difference between the organized and the unorganized militia has been recognized many times, and in the National Defense Act of 1916 and as it has been amended from time to time since then, the Senator will find that difference recognized. I do not have it before me, so I cannot turn to the chapter and paragraph, but I well remember the provisions therein relating to the unorganized militia of the country and the definition of members of the unorganized militia. There are provisions that deal with the organized militia, which resulted in the National Guard, and, ultimately, the National Guard of the United States. There is a difference. Whether it is theoretically improper or wrong, it is a difference that exists and is a reality in our life.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Texas?

Mr. THOMAS of Utah. I yield.

Mr. CONNALLY. I wish to suggest to the Senator from Utah some thoughts along this line. I think there is some confusion as to the distinction between troops and militia. The language of the original section of the Constitution reads:

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops—

That, to my mind, carries the connotation of a regular armed force, a regular military force. I do not think that language contemplates the militia or the organized militia, nor do I think it includes the unorganized militia. Of course, the unorganized militia is a term of rather broad application. It means every man, whether he is in the Army or the National Guard, or anywhere else, subject to military duty, the mass of the citizenship. While I have not read the cases, I desire to refer to some Supreme Court decisions, and to read from the syllabus.

The States cannot, without the consent of Congress, levy war, or make peace, or enter into a compact with any other State. The organization and maintenance of an active State militia is not a keeping of troops in time of peace within the prohibition of this clause.

I commend this language to the Senator from Vermont.

The organization and maintenance of an active State militia is not a keeping of troops in time of peace within the prohibition of this clause. This clause contemplates the use of the State's military power to put down an armed insurrection too strong to be controlled by civil authority, and the State concerned must determine what degree of force the crisis demands.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. CONNALLY. I will yield in a moment. So I think the use of the word "troops" in the original Constitution contemplated something like a regular armed force, a standing army, as it were, and did not contemplate the organization by the State of the militia or the National Guard for the enforcement of civil responsibilities.

I now yield to the Senator from Vermont.

Mr. AUSTIN. I am interested to learn what the facts were in that case.

Mr. CONNALLY. There are several cases. I said that I had not read them in detail.

Mr. AUSTIN. I mean the facts with respect to the character of the danger involved.

Mr. CONNALLY. One of these cases arose in the neighborhood of the Senator from Vermont. It is the case of *New Hampshire* v. *Louisiana* (108 U. S. 76). Then there are the cases of *Dunne* v. *People* (94 Illinois 120); *Luther* v. *Borden* (7 Howard 45).

State v. Wagener (77 Northwestern 424), which was a State court decision, I assume.

Presser v. *Illinois* (116 U. S. 252) and *Alabama Great South. Railroad Co.* v. *United States* (49 C. C. 522).

I repeat I have not read all these decisions, but they are all listed under the syllabus which I read.

I will admit that, in my mind, the subject has been somewhat hazy as to just where the line of demarkation properly rests, but it seems to me quite clear that when the word "troops" is used, it does not mean the National Guard or the militia, but an army.

Mr. AUSTIN. I think, perhaps, the Senator may be correct; I do not know; I have never seen the cases to which he refers.

Mr. CONNALLY. Let me state furthermore to the Senator from Utah that I do not go quite so far as does the Senator from Utah as to the second amendment. As will be remembered, most of the first 10 amendments were personal in their character; they were the Bill of Rights; they are guaranties to citizens—to the people:

A well-regulated militia, being necessary to the security of a free state, the right of the people—

Nothing is said about a State, but the right of individual citizens—

to keep and bear arms shall not be infringed.

I think that was intended more as a personal guaranty, so that every citizen if he wanted to keep his old rifle hanging over the door would have the right to do so. But I do not believe the original clause of the Constitution inhibited the organization of State militia and State troops. I believe they could be organized without this bill if the States so desired; and I will say to the Senator, if he will permit me another word, I do not like the language of this bill which turns it all over to the Secretary of War and allows him to say.

Mr. AUSTIN. Will the Senator yield at that point?

Mr. CONNALLY. I yield, if I have the floor.

Mr. AUSTIN. If the amendment should be agreed to which I propose to offer, it would not be turned over to the Secretary of War beyond the point required by the Constitution relating to discipline. I wish to add the words "for discipline in training." Those are the words which are contained in the provision relating to the organization of the militia in article I, section 8, paragraph 16, of the Constitution.

Mr. McKELLAR. I hope the Senator will accept that amendment. I think it should be accepted.

Mr. AUSTIN. Will the Senator from Utah accept those words?

Mr. THOMAS of Utah. I should like to reach the point where I could accept those words, but the Senate has been somewhat disorderly, if we are proceeding under the rules which generally govern during the discussion of the Unanimous Consent Calendar. This is the parliamentary situation as I understand it: The calendar was called and the Senator from West Virginia objected to the consideration of Calendar No. 2306, Senate bill 4175. If the Senator from West Virginia will now withdraw his objection, I should like to move, Mr. President, that there be substituted House bill 10495, which is on the calendar, No. 2329, for Senate bill 2306, which is Calendar No. 2306. The House bill is found on the following page, next to the last item on page 12 of the calendar.

Mr. ADAMS. May I ask whether there is any difference between the two? That is, there is an amendment to each. Are they identical?

Mr. THOMAS of Utah. They are not absolutely identical; and we desire to offer an amendment to the House bill. I should like to accept the amendment of the Senator from Vermont, and then either the House will accept our amendment or the matter will go to conference, and we can adjust what differences there are.

Mr. ADAMS. What the Senator wants to do then is to take up the House bill?

Mr. THOMAS of Utah. That is true; to consider the House bill instead of the Senate bill, the former having already passed the House.

Mr. KING. Mr. President, will my colleague yield?

Mr. THOMAS of Utah. Certainly.

Mr. KING. Does the House bill carry out the spirit, if not the letter, of the second amendment to the Constitution of the United States?

Mr. THOMAS of Utah. I think there is no doubt about that. We have all listened to this discussion. The Government in regard to its National Guard has been operating since 1916, and is operating today, under the existing law, which was passed in 1916; and all the constitutional points which have been discussed were faced in 1916 and discussed in 1916 much as they have been discussed today.

Section 61 of the act reads:

No State shall maintain troops in time of peace—

Notice the words "in time of peace"—

other than as authorized in accordance with the organization prescribed under this act: *Provided,*——

Mr. ADAMS. Mr. President, is the Senator reading from the House bill?

Mr. THOMAS of Utah. No; I am reading from the National Defense Act of 1916, the law which is to be amended.

Mr. CONNALLY. Mr. President, will the Senator yield at that point for just a moment?

Mr. THOMAS of Utah. I shall be glad to yield.

Mr. CONNALLY. Along the lines I suggested a moment ago, I desire to remind the Senator that long before the enactment of the National Guard bill in 1916 practically all the States maintained their own State guards without any complaint from Congress or anybody else, which would bear out the idea that this language in the Constitution was never intended to prohibit the States from maintaining their regular militia for training, and so forth.

Mr. THOMAS of Utah. I think the law of 1916 was perfectly constitutional; that it worked out the various relationships between the armed forces of the States and the Nation; and, if I may be permitted to read the law as far as I shall go, it will be found that each one of these points is contained in the law:

Provided, That nothing contained in this act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further,* That nothing contained in this act shall prevent the organization and maintenance of State police or constabulary.

Mr. GIBSON. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield to the Senator from Vermont.

Mr. GIBSON. Has the committee considered the status of the National Guard when called into the Federal service and mustered into and becoming a part of the Army of the United States? Do they not then cease to be National Guard?

Mr. THOMAS of Utah. Mr. President, the Senator from Vermont has hit upon the very reason which has made necessary this home-guard bill, if we may call it that. It is the wrong term for it now, because it is merely an extension of the National Guard.

We are in time of peace. The Federal Government is calling out the National Guard of many of the States for a year's service. They do not become regular Federal troops in the sense that they become such in time of war.

For example, in time of war in 1917, when a National Guard regiment was called into the national service there was, of course, created in the State a National Guard vacancy. There were always in the regiment officers who did not go with their units to the front, around which nucleus the National Guard

could be expanded; and under those circumstances the States were never left without any troop protection at all.

Since 1916 the scheme of the National Guard has been to be coordinate units with the Regular Army. Various units have been called out; and it is the larger unit training that was contemplated in the passage of the National Guard Act. Therefore, the States are almost entirely stripped of their complete allotments if they go.

It, of course, is understood that no unit is accepted entirely, because when it goes into the Federal service there are examinations and adjustments and other arrangements; but the law of the land controls the number of persons who may be in the National Guard in each of the States. They are limited to a certain number for each congressional district. As a result, it is impossible to expand the National Guard around this nucleus without new legislation. It is because of the various conditions I have mentioned that the States whose units have been called have come to the Federal Government and asked for an extension of the act so that they will not be left without military force.

Mr. GIBSON. Mr. President, I still wish to get clear in my mind, if I can, this matter: When the National Guard goes into the Federal service at the present time, it does not become a part of the Army of the United States; does it?

Mr. THOMAS of Utah. It becomes a part of the Army of the United States with this qualification: It does not lose its identity as the National Guard of the State and of the United States. The law governing the size of the National Guard still prevails.

Mr. GIBSON. Let me say to the Senator that I remember reading a decision of the Vermont Supreme Court when the militia of Vermont was called into the Spanish-American War. I think Governor Smith was then Governor of Vermont. He formed a new National Guard regiment. Somebody questioned his right to do it; and our supreme court at that time held that he had the right, because when the men were called into the service they ceased to be National Guard or State militia, but when they came back and went out of the Federal service they then became National Guard, and those who had taken their places were out.

It seems to me that is exactly the situation we now face. I certainly want to have some kind of a home guard, but I wonder if it is not the fact that when the National Guard is called into the Federal service a vacancy is created which, in accordance with the State law, the Governor may fill.

Mr. THOMAS of Utah. At the time of the Spanish-American War the National Defense Act of 1916 was not on the statute books. The National Guard of the United States was not contemplated and was not organized—that is, the federalization of the National Guard of the various States. As a result of the passage of the National Defense Act of 1916, there has been a changed condition in the National Guard; and it is in order to fit these peacetime training requirements into the National Defense Act of 1916 that the enactment of this bill is necessary.

In the case of the Spanish-American War we were operating in wartime. The National Guard at present is being called into training in peacetime; and the attorneys in the War Department claim that the enactment of this bill is necessary in order to enable the States to have a military force.

Mr. GIBSON. Is it claimed that when the National Guard is federalized, when its members take the oath and are mustered into the Federal service, it is then still the National Guard of the States?

Mr. THOMAS of Utah. It becomes the National Guard of the United States, and it maintains its units.

Mr. GIBSON. It is different than the National Guard of the State?

Mr. THOMAS of Utah. It may be different. The two may go hand in hand. For instance, a federalized unit may have in it certain persons who have not yet been federally recognized. Under the law there is provision for the National Guard of the United States and the National Guard of the States.

Mr. GIBSON. Does the Senator think that when the men are mustered into the Federal service they are still the National Guard of the States?

Mr. THOMAS of Utah. I am sure that under the National Guard Act that condition has not entirely changed; that the men will serve during peacetime, during their year of training, and then return to the States. If the Senator puts to me the question as to who may command those soldiers the better—the President of the United States or the Governor of the State—of ccurse, the President of the United States, as he has the men under training, would have de facto control, if not de jure control.

Mr. GIBSON. When they are mustered into the Federal service, the adjutant general of the State ceases to have anything to do with them, does he not?

Mr. THOMAS of Utah. The adjutant general?

Mr. GIBSON. Yes; once the National Guard is mustered into the Federal service, the adjutant general of a State has no more control over the troops?

Mr. THOMAS of Utah. I think that would be the case during the year's training, and then, when they came back, they would immediately return to their old State jurisdiction.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. CLARK of Missouri. I should like to be very certain of the Senator's ground as to the legal status of this matter, as to what the status of the National Guard, when called out, will be when they return home.

I was a member of the National Guard in 1917 when we were drafted into the Federal service. When we returned we found that during our absence some States, New York, Missouri, and Pennsylvania, I believe, to mention only three of them, had set up home guards. They claimed to be the National Guard when we returned after serving 2 years abroad.

I should like to be very certain as to the effect of the bill which the Senator is now proposing, because I heard several very violent disputes about that matter when I returned from my Army service. As a matter of fact, I was myself elected president of the National Guard Association of the United States in a dispute as to whether the so-called home guards from such States as New York, Pennsylvania, and Missouri, were to control the National Guard Association, or whether the men who had actually gone overseas and done the fighting were to control it. As I have said, I was myself elected president of the National Guard Association of the United States on that issue. So I should like to be very certain as to the information of the Senator in this matter.

Mr. THOMAS of Utah. There are some differences, because by this amendment the men who may come into the National Guard under the home-guard arrangement will have a different status, and they will serve in a way different from that of the ordinary guard.

Mr. CLARK of Missouri. Of course, they are not ordinary guardsmen. In other words, they are not subject, as the National Guard is, to being ordered or drafted into the Federal service.

Mr. THOMAS of Utah. That is true, they are not subject to duty outside of the State. They are an entity quite different from the ordinary National Guard unit which has gone into training.

Mr. CLARK of Missouri. I am afraid that the Senator from Utah will find, if unfortunately we should get into war, as it seems today we are about to do, that the National Guard, the men who have enlisted to serve in the United States Army, are ordered overseas, when they return home will find that the so-called home-guard men are trying to usurp the title of National Guard men, and to occupy the place the National Guard should occupy in the national-defense scheme of the United States.

Mr. THOMAS of Utah. I am in entire agreement with the Senator from Missouri. That did happen, and it was in time of war, when the National Guard units were taken into the

Federal service and became members of the Army of the United States, which included all of the various units.

Mr. CLARK of Missouri. We were all taken into one family by draft on August 4, 1917, the whole National Guard of the United States—generals, colonels, majors, captains, sergeants, corporals, privates—we were all taken in at the same time.

Mr. THOMAS of Utah. I remember that very well; but still they were not all 100-percent accepted, because there was always an officer here or a man there who did not qualify. Those units were expanded and brought up to wartime strength, and during the entire war there were always enough men who did not go to keep the organizations together. For instance, in one State a squadron of cavalry, for example, a State unit, was turned into artillery, and the cavalry officers were not qualified for the new State unit, and no cavalry was called at that particular time. So that the Governor did have a nucleus, and he built around that nucleus; and when the rivalry came, I think it came not from the ordinary home guard, but it came from the National Guard man who was left at home, who found himself in command of what might be termed the "home guard," and then when regular units came back he was rather jealous; and it took time to adjust those matters.

Mr. DANAHER. Mr. President, I should like to submit a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The Senator will state it.

Mr. DANAHER. I should like to know whether there is some way reasonably and courteously by which a noncombatant here may suggest that this bill go back to the foot of the list, so that we may finish the calendar. I should like to have the Senate get through the calendar and then come back to this bill, if the Senate desires to proceed with it. I do not want to act discourteously to the Senator from Utah, but I certainly should like to conclude the calendar.

Mr. THOMAS of Utah. Mr. President, if the two motions I have made are agreed to, we will be at the foot of the calendar, so far as the bill is concerned.

I inquire if the Senator from West Virginia has withdrawn his objection. I presume we are operating under the rules which govern the procedure during the unanimous-consent call of the calendar.

Mr. HOLT. Mr. President, before withdrawing my objection, I should like to ask the Senator a question. Does the bill which he wants passed contain the amendment which I desire relative to furnishing protection in labor disputes against vigilantes? I think there is a difference between the two bills.

Mr. THOMAS of Utah. There is a difference between the two bills, but the Senator will recall that these units will be controlled by the rules governing the National Guard. There is no more fear about them being used as vigilantes than of the present National Guard being so used. That is what persons who were afraid of the home-guard idea wanted, namely, that the units should be controlled by the laws which control the National Guard.

Mr. HOLT. Then I have no objection to the Senator continuing with the bill.

Mr. KING. Mr. President, I am not a member of the committee, and I have not seen the House bill and am not familiar with its terms. If I can be assured that it does not impinge upon or in any way modify or attempt to modify the provisions of the second amendment to the Constitution of the United States I shall be inclined to vote for the bill, but if it does interfere with the right of a State to regulate its own militia for the security of a free State and the rights of the people, and so forth, I shall feel constrained to vote against it. I shall not object to consideration, but before I vote for it I want to be assured that it does not interfere in any way with the second amendment to the Constitution. In view of the fact that the gravitational forces in this Republic are so powerful today, sweeping aside too often the rights of individuals and States, I look with suspicion upon some of the measures which have been brought before us, which tend, as I interpret them, to consolidate all State governments with the National Government and to interfere with the rights of the States.

Mr. AUSTIN. Mr. President, let me give the Senator assurance that the bill answers exactly the question propounded by him. Let me read:

Provided further, That such forces shall not be called, ordered, or in any manner drafted as such into the military service of the United States.

The bill provides more for a State militia than anything we have ever previously devised. We have never had anything so completely narrowed down and under the control of the legislatures of the several States as what this bill provides for, if the amendment I desire to offer shall be agreed to.

Mr. THOMAS of Utah. I may say further, in answer to my colleague, that when the President of the United States calls the organized militia out of a State and has it in training several miles from the State, probably the provision of the Constitution has been pretty well overcome—that is, he has control—and if we do not have provision whereby a State may reorganize its own militia, we are depriving the State of its military protection.

Mr. CLARK of Missouri. Mr. President, will the Senator yield for me to propound a parliamentary inquiry?

Mr. THOMAS of Utah. I yield.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. CLARK of Missouri. As I understand, the parliamentary situation at the present time, Senate bill 4175, calendar number 2306, has been called, and the Senator from Utah has asked unanimous consent to substitute for it a House bill to the same tenor.

The PRESIDING OFFICER. The Senator's statement is correct.

Mr. CLARK of Missouri. Does that request require unanimous consent?

The PRESIDING OFFICER. The Senator from Utah has asked unanimous consent.

Mr. CLARK of Missouri. I ask, does that request require unanimous consent? I am addressing a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. The parliamentarian informs the present occupant of the chair that it would require unanimous consent, because of the fact that the House bill has not yet been reached on the calendar. The House bill is on the calendar as No. 2329.

Mr. CLARK of Missouri. Then I object.

The PRESIDING OFFICER. Objection is heard, and the clerk will call the next bill on the calendar.

SURPLUS WAR DEPARTMENT REAL PROPERTY

The Senate proceeded to consider the bill (S. 4240) to authorize the sale under the provisions of the act of March 12, 1926, of surplus War Department real property, which was read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to dispose of by transfer, sale, or otherwise, under the provisions of the act of March 12, 1926 (44 Stat. 203), the several tracts or parcels of real property hereinafter designated, or any portion thereof, upon determination by him that said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale and conveyance: *Provided*, That the net proceeds from the sale of said properties shall be deposited in the Treasury to the credit of miscellaneous receipts.

Names of reservations with approximate amount of land involved in each instance:

Luverne National Guard Target Range, Ala., 4.96 acres.
Dunn National Guard Target Range, N. C., 7.7 acres.
Alpena National Guard Target Range, Mich., 24.44 acres.
East Jordan National Guard Target Range, Mich., 4.37 acres.
Saginaw National Guard Target Range, Mich., 26.75 acres.

Mr. CLARK of Missouri. I should like to have an explanation of this bill.

Mr. THOMAS of Utah. Mr. President, this is another bill which comes from the War Department. It merely provides for the transference of certain property, and provides where the credit incident to the transfer of that property shall go.

When real property acquired for military purposes becomes useless for such purposes the Secretary of War, under the act of March 12, 1926, must report such facts to Congress in order that authorization for its disposition in accordance with that act may be granted.

Recently the War Department reported certain real property to be no longer required for military purposes, and the property is listed in the act. The Department has requested that legislation be enacted to authorize the Secretary of War to dispose of this property by transfer, sale, or otherwise, and the net proceeds from the sales to be deposited in the Treasury to the credit of miscellaneous receipts. That is all the bill provides, and it is in complete conformity with long practice of the Government.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VOCATIONAL EDUCATION AND REHABILITATION IN THE VIRGIN ISLANDS

The bill (S. 4218) to extend to the Virgin Islands the provisions of certain laws relating to vocational education and civilian rehabilitation was announced as next in order.

Mr. CLARK of Missouri. Mr. President, is any Senator prepared to make an explanation of that measure?

Mr. KING. Mr. President, the bill was prepared by the Department of the Interior. Its purpose is to extend to the people of the Virgin Islands the same provisions regarding vocational help which the Federal Government gives to Hawaii, Puerto Rico, and to our territorial possessions. That is the only purpose of the measure.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Territories and Insular Affairs with amendments.

The first committee amendment was in section 1, page 2, line 5, after "June 30," to strike out "1941" and to insert "1942", so as to make the section read:

Be it enacted, etc., That the Virgin Islands shall be entitled to share in the benefits of the act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917 (39 Stat. 929), and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1942, and annually thereafter, the sum of $40,000 to be available for allotment under such act to the Virgin Islands.

The amendment was agreed to.

The next committee amendment was, in section 2, page 2, to strike out lines 8 to 17, both inclusive, as follows:

SEC. 2. Any sums appropriated pursuant to the authorization contained in section 1 shall be allocated to the following purposes in the proportions specified by the Office of Education with the approval of the Federal Security Administrator:

1. Salaries and necessary travel expenses of teachers of the following subjects: Agricultural, home economics, trade and industrial, distributive occupational; and

2. Maintenance of teacher training, including supervision, in the subjects enumerated in this section.

And to insert in lieu thereof the following:

SEC. 2. Any sums appropriated pursuant to the authority contained in section 1 shall be allocated to the following purposes in the proportions specified by the Commissioner of Education with the approval of the Federal Security Administrator:

(1) For the salaries and necessary travel expenses of teachers, supervisors, and directors of agricultural subjects.

(2) For the salaries and necessary travel expenses of teachers, supervisors, and directors of home-economics subjects.

(3) For the salaries and necessary travel expenses of teachers, supervisors, and directors of trade and industrial subjects.

(4) For the salaries and necessary travel expenses of teachers, supervisors, and directors of, and maintenance of teacher training in, distributive occupational subjects.

(5) For preparing teachers, supervisors, and directors of agricultural, trade and industrial, and home-economics subjects.

The Government of the Virgin Islands shall be required to match by insular or local funds, or both, 50 percent of the moneys appropriated pursuant to this act, until June 30, 1945; 60 percent for the fiscal year ending June 30, 1946; 70 percent for the fiscal year ending June 30, 1947; 80 percent for the fiscal year ending June 30, 1948; 90 percent for the fiscal year ending June 30, 1949; annually thereafter 100 percent of moneys so appropriated.

So as to make the section read:

SEC. 2. Any sums appropriated pursuant to the authority contained in section 1 shall be allocated to the following purposes in the proportions specified by the Commissioner of Education with the approval of the Federal Security Administrator:

(1) For the salaries and necessary travel expenses of teachers, supervisors, and directors of agricultural subjects.

(2) For the salaries and necessary travel expenses of teachers, supervisors, and directors of home-economics subjects.

(3) For the salaries and necessary travel expenses of teachers, supervisors, and directors of trade and industrial subjects.

(4) For the salaries and necessary travel expenses of teachers, supervisors, and directors of, and maintenance of teacher training in, distributive occupational subjects.

(5) For preparing teachers, supervisors, and directors of agricultural, trade and industrial, and home-economics subjects.

The Government of the Virgin Islands shall be required to match by insular or local funds, or both, 50 percent of the moneys appropriated pursuant to this act, until June 30, 1945; 60 percent for the fiscal year ending June 30, 1946; 70 percent for the fiscal year ending June 30, 1947; 80 percent for the fiscal year ending June 30, 1948; 90 percent for the fiscal year ending June 30, 1949; annually thereafter 100 percent of moneys so appropriated.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 2, after the word "States", to strike out: "There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 annually for a period of 5 years commencing July 1, 1940, to be available for allotment under such act to the Virgin Islands regardless of the amount of local funds available for matching purposes."

And to insert in lieu thereof the following: "There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 annually commencing July 1, 1941, to be available for allotment under such act to the Virgin Islands." So as to make the section read:

SEC. 3. The Virgin Islands shall be entitled to share in the benefits of the act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920 (41 Stat. 735), and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 annually commencing July 1, 1941, to be available for allotment under such act to the Virgin Islands.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RALPH W. DAGGETT

The bill (H. R. 8333) for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army, was considered, ordered to a third reading, read the third time, and passed.

RETIREMENT OF DISABLED NURSES OF THE ARMY AND NAVY

The bill (H. R. 8613) to amend the act to provide for the retirement of disabled nurses of the Army and the Navy, was considered, ordered to a third reading, read the third time, and passed.

JOHN L. SUMMERS

The bill (H. R. 10194) for the relief of the late John L. Summers, former disbursing clerk, Treasury Department, was announced as next in order.

Mr. KING. Mr. President, this bill and another one following it call for very large sums in the aggregate—between fifty thousand and sixty thousand dollars, for the relief of a former disbursing clerk, and a disbursing clerk now in the Treasury Department. I was wondering if there was any reason for such large appropriations.

Mr. BURKE. Mr. President, I think the amounts suggested by the Senator from Utah are a little high. The first bill calls for $12,000, and the second bill, I believe, calls for $7,000. Both bills are recommended by the Treasury Department for the purpose of adjusting the accounts of disbursing officers. In the first place, John L. Summers was disbursing clerk in charge of disbursements under N. R. A. He disbursed something over $344,000,000, and now in adjusting all those

accounts it is found that through various technicalities there are amounts totaling $12,000 in connection with which there was some technical error in the payment, and the matter cannot be cleared through the Accounting Office; it cannot be taken care of without clearing it up in the way provided in the bill. The second bill is much the same.

Mr. McKELLAR. Is this bill in the interest of bonding companies who might have been on Mr. Summers' bond, or in the interest of Mr. Summers' own estate?

Mr. BURKE. That matter was gone into very fully in the Claims Committee, particularly with reference to the point as to whether we were asked to pass a measure for the relief of a bonding company, and the officials assured us that that element was not involved in the case at all; that this was merely an adjustment, and any benefit would go to the estate of the deceased person.

Mr. McKELLAR. I am glad to hear that, because I feel when an official employs a bonding company and pays it a fee for going on his bond, and there is a loss, that the bonding company should pay it, and under no circumstances should we give relief to the bonding company, because at the time the bond was executed it took the risk. I am very happy to know that bonding companies are not involved in this matter.

Mr. BURKE. I think the Senator is entirely correct in his statement. The Claims Committee assigned these claims to the junior Senator from Michigan [Mr. BROWN], who is not present in the Senate Chamber at the moment. He made a very thorough study of the cases. When he presented the matter to the Government officials to back him up, the first question asked was, "What about the bonding companies? Are we relieving them?" It was shown that the bonding companies were not involved.

Mr. KING. I think the Senator is in error in attributing error to me. I stated that the amounts aggregated more than $50,000 in the bill we are speaking of and in the bill which follows it. I find that in House bill 10354 there is provision for $34,000, $4,000, $44,000, and $77,000.

Mr. BURKE. I was looking first at House bill 10194, which is the bill we are now speaking of, which involves $12,033.

Mr. KING. Yes. I called attention to both bills because I was wondering why these large sums were permitted to be charged against the Federal Government and if there was any reason for it. If the Senator will look at House bill 10354——

Mr. BURKE. Yes; I see in that bill the amounts are larger. I do not have the totals in mind, but I know the matter was gone into very thoroughly by the Claims Committee. The present occupant of the chair [Mr. SCHWELLENBACH], who is a member of that committee and has since assumed judicial status, I am sure examined the measures with very great care, along with the others members of the committee, and we were satisfied from the representations made that there was no injustice being done to the taxpayers of the country.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill H. R. 10194 was considered, ordered to a third reading, read the third time, and passed.

GUY F. ALLEN

The bill (H. R. 10354) for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

ADMINISTRATIVE PROVISIONS IN VETERANS' LAWS

The Senate proceeded to consider the bill (H. R. 8930) to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes, which had been reported from the Committee on Finance with amendments.

Mr. KING. Mr. President, I should like to have an explanation of that measure.

Mr. GEORGE. Mr. President, the bill deals with section 202 of the World War Veterans' Act, and contains several amendments which have been approved by the Veterans' Administration.

In the first place, section 1 of the bill simply allows the Administrator to waive overpayments made under the act to a beneficiary when such overpayments have been made without any fault on the part of the beneficiary, and when it would be inequitable, and unjust, and decidedly against good conscience, to insist upon a refund of such overpayments. For the most part, the Administrator has that authority any way, but in certain instances he cannot waive the overpayments.

Section 2 of the bill relates to burial allowance. It allows $100, as in the present law. It also allows the filing of the claim for the burial allowance within 2 years. Under the present law the claim must be filed within 1 year. It also allows the filing of a claim for the burial allowance of the veteran back to the date of the passage of the original act, giving that benefit, provided the claim is filed within 2 years. It also simplifies one other provision. It is provided in the present law that the burial allowance plus such allowances as have been made by any State, county, or other political subdivision, lodge, union, fraternal organization, society or beneficial organization, insurance company, Workmen's Compensation Commission, State industrial accident board, or employer, and so forth, may not exceed the actual cost of the burial and funeral.

That is modified in this measure so as to eliminate contributions made by insurance companies and unions, and confines it to contributions made by the State, or the county, or a political subdivision, or some agency of the State, such as the Workmen's Compensation Commission.

The next section of the bill provides for uniform apportionment of the veterans' benefits; that is to say, when a veteran who is receiving benefit payments is living apart from his wife or children, or in the case of the benefit going to the widow, if she is living apart from the children, the bill gives to the Veterans' Administration authority to apportion the payments among all who are equitably entitled to them.

That is the law with respect to payments made to World War veterans, but by the act of March 3, 1899, the Veterans' Administrator who succeeded the old Commissioner of Pensions, as will be recalled, is directed to divide in equal portions the award going to the husband who is living separate from his wife, or wife and children, or the widow living separate from the children, as the case may be. This simply makes a uniform practice in conformity with the present veterans' regulations and laws.

The next provision of the bill relates to the hospitalization of veterans who live abroad. Under the present law the Administrator cannot provide for hospitalization of any veteran who happens to be in any foreign country. The measure amends the law so as to permit the Administrator to provide for medical care and treatment of disabilities due to war service in the armed forces of the United States, suffered by a veteran who is a citizen of the United States, and who is temporarily sojourning or residing abroad. In other words, there must be a service-connected disability in a case of that kind.

The next section provides for the exemption of veterans' benefits from set-offs under certain claims. That is a very just provision, and is recommended by General Hines, the Administrator. It does not allow a set-off as against the benefit or award due the veteran unless the amount which is desired to be set off has some specific connection with the type of the award which is being administered.

The next section is important. It increases the compensation for the complete loss of one foot or one arm from $25 to $35 a month. Already the Congress has increased the statutory award of $25 in the case of the anatomical loss of a

foot, arm, or hand. The bill increases the award from $25 to $35 a month in the case of the complete, permanent loss of the use of an arm or foot. That is the one important provision in the bill which may cost the Treasury some money, but not very much.

The total cost of the bill is estimated at not to exceed $300,000 a year.

There are other provisions in the bill which give certain additional benefits to veterans who are suffering from paralysis, paresis, or blindness, and who are bedridden, and gives certain additional benefits to their children or their widows.

Section 8 of the bill simply states the effective date.

Section 9 of the bill relates to the payment of service-connected benefits to the dependents of veterans who have forfeited their right thereto. The veteran may have been guilty of fraud, and may have forfeited his right to receive compensation. Nevertheless, his wife and children may be given the benefit, although the veteran himself is barred by reason of fraud. Of course, the beneficiaries themselves must not have participated in the fraud.

There is one other provision in the bill by way of amendment which is made necessary because of the passage of House bill 7731 at the present session of Congress. It is necessary to insert an amendment regarding a provision in the bill in order to prevent it from working a repeal.

I believe that disposes of all the material features of the bill. I may say that all of it, with the possible exception of section 5 or section 6—I do not recall which—has the express approval of the Administrator.

There is one provision of the bill to which I should call attention, which appears in it by reason of an amendment made by the committee. The amendment makes final the findings and adjudications of the Veterans' Administrator, except with reference to war-risk or United States life-insurance contracts, and matters pertaining thereto, as to which the veteran has a right of action in the courts; and except further a provision in the recent excess-profits tax act, which has not yet been approved by the President, but which is before the President, providing for a special form of insurance for the draftees or those called into service under recent legislation enacted in behalf of the national defense. In those cases also the findings of the Veterans' Administrator on the main question of the validity of the policy, and so forth, is reserved to the beneficiary of the policy, who may go into the courts notwithstanding an adverse finding of the Veterans' Administration. However, with respect to all grants, pensions, gratuities, and all other matters administered by the Veterans' Administration, the finding of the Administrator is made final.

The PRESIDING OFFICER. Let the Chair ask a question. Have any material rights of veterans been taken into court with respect to anything except insurance policies?

Mr. GEORGE. No; the bill only confirms what has been the accepted belief and conviction, that with respect to any pension, gratuity, compensation, or anything in the nature of a gratuity or pension, there is no right of action in the courts, but the courts have held that under the War Risk Insurance Act, and under the United States insurance, which has been substituted for it, or made available to veterans holding war-risk policies, beneficiaries under such policies have the right to go into court. It is not so much a limitation as a restatement of what is believed to be the law upon the question.

The PRESIDING OFFICER. The clerk will state the first committee amendment.

The first amendment of the Committee on Finance was, in section 2, on page 2, line 12, after the word "war" the first time it occurs, to strike out "or"; in the same line, after the words "pension or", to strike out "compensation" and insert "compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability"; and on page 4, line 21, after the word *"Provided"*, to strike out "That the Administrator is authorized and directed to adjudicate any unpaid claim filed within 2 years after the enactment of this act where death occurred on or after March 20, 1933, and claim was not filed within the regulatory period, and to grant burial allowance under the laws and regulations in effect on the date of adjudication after the enactment of this act, if all other requirements are met" and insert "That where the death of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed, the Administrator of Veterans' Affairs is hereby authorized and directed to receive and adjudicate a claim filed within 2 years after the date of enactment of this act and to grant burial allowance under the provisions of laws and regulations governing such allowance as amended by this act", so as to make the section read:

SEC. 2. (a) That paragraphs II, III, and IV of Veterans Regulation No. 9 (a), as amended, be further amended to read as follows:

"II. Where an honorably discharged veteran of any war, a veteran of any war in receipt of pension or compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability dies after discharge, the Administrator, in his discretion and with due regard to the circumstances in each case, shall pay, for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $100 to cover such items and to be paid to such person or persons as may be prescribed by the Administrator. The Administrator may, in his discretion, make contracts for burial and funeral services within the limits of the amount herein allowed without regard to the laws prescribing advertisement for proposals for supplies and services for the Veterans' Administration. No deduction shall be made from the burial allowance because of any contribution from any source toward the burial and funeral (including transportation) unless the amount of expenses incurred is covered by the amount actually paid for burial and funeral (including transportation) purposes by a State, county, or other political subdivision, workmen's compensation commission, State industrial accident board, employer, burial association, or Federal agency: *Provided*, That no claim shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid by any or all of the foregoing agencies or organizations: *Provided further*, That nothing herein shall be construed to cause the denial of or a reduction in the amount of the burial allowance otherwise payable because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services: *And provided further*, That nothing herein contained shall be construed so as to cause payment of the burial allowance or any part thereof in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other act.

"III. Where death occurs in a Veterans' Administration facility within the continental limits of the United States, the Veterans' Administration will (a) assume the actual cost (not to exceed $100) of burial and funeral, and (b) transport the body to the place of burial within the continental limits of the United States or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as beneficiary of the Veterans' Administration for hospital or domiciliary care. Where a veteran dies while hospitalized under authority of the Veterans' Administration in a Territory or possession of the United States the Veterans' Administration will (a) assume the actual cost (not to exceed $100) of burial and funeral, and (b) transport the body to the place of burial within the Territory or possession.

"IV. Claims for reimbursement must be filed within 2 years subsequent to the date of burial of the veteran. In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application, and if such evidence is not received within 1 year from the date of the request therefor no allowance may be paid: *Provided*, That where the death of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed, the Administrator of Veterans' Affairs is hereby authorized and directed to receive and adjudicate a claim filed within 2 years after the date of enactment of this act and to grant burial allowance under the provisions of laws and regulations governing such allowance as amended by this act."

(b) That paragraph III of Veterans Regulation No. 6 (a), as amended, be further amended to read as follows:

"III. To persons unable to defray the cost thereof, transportation and other necessary expenses incidental thereto will be supplied to cover travel to a Veterans' Administration facility for domiciliary or hospital care; to cover return travel to the place from which the person proceeded to the facility, when he is regularly discharged upon completion of such care; and to cover travel involved in a transfer, deemed necessary, from one Veterans' Administration

facility to another. All such travel will be subject to grant of prior authorization therefor. In the event of death of any such person within the continental limits of the United States prior to his discharge from such care, transportation expenses (including preparation of the body) for the return of the body to the place of burial within the continental limits of the United States, or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care, may be paid in the discretion of the Administrator of Veterans' Affairs, when deemed necessary and as an administrative necessity. In the event of death of any such person in a Territory or possession of the United States transportation expenses (including preparation of the body) for the return of the body to place of burial within the Territory or possession may be paid."

(c) This section shall be applied to any claim for burial benefits pending in the Veterans' Administration on the date of its enactment.

The amendment was agreed to.

The next amendment was, in section 5, on page 8, line 17, after the words "inapplicable to", to strike out "liens existing against the particular insurance contract on the maturity of which the claim is based, to secure unpaid premiums or loans on such contract, or interest on such premiums or loans", and insert "indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness be in the form of liens to secure unpaid premiums, or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits", so as to make the section read:

SEC. 5. That section 3 of Public Law No. 262, Seventy-fourth Congress, approved August 12, 1935, is hereby amended by adding at the end thereof the following sentence: "From and after the date of approval of this amendatory act this section shall be construed to prohibit the collection by set-off or otherwise out of any benefits payable pursuant to any law administered by the Veterans' Administration and relating to veterans, their estates, or their dependents, of any claim of the United States or any agency thereof against (a) any person other than the indebted beneficiary or his estate; or (b) any beneficiary or his estate except amounts due the United States by such beneficiary or his estate by reason of overpayments or illegal payments made under such laws relating to veterans, to such beneficiary or his estate or to his dependents as such: *Provided, however,* That if the benefits be insurance payable by reason of yearly renewable term or of United States Government life (converted) insurance issued by the United States, the exemption herein provided shall be inapplicable to indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness be in the form of liens to secure unpaid premiums, or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits: *Provided further,* That nothing in this amendatory act shall be construed to modify or repeal section 7 of Public Law No. 425, Seventy-fourth Congress, enacted January 27, 1936 (38 U. S. C. 687–b; 49 Stat. 1001)."

The amendment was agreed to.

The next amendment was, in section 7, on page 9, after line 24, to strike out:

SEC. 8. Public Law No. 196, Seventy-sixth Congress, July 19, 1939, is further amended by adding thereto a new section to be known as section 3, as follows:

"SEC. 3. Payments to veterans and their dependents under the provisions of this amendment shall be effective the date of application for benefits thereunder."

The amendment was agreed to.

The next amendment was, on page 10, after line 5, to insert:

SEC. 8. Except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, approved August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by section 7 of this act shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration, and in no event shall compensation therein authorized be effective prior to the date of enactment of this act.

The amendment was agreed to.

The next amendment was, in section 9, on page 11, at the beginning of line 4, to strike out "The" and insert "Forfeiture of benefits by a veteran under the", so as to make the section read:

SEC. 9. That when disability compensation or pension based upon service-connected disability has been forfeited by a veteran under section 504 of the World War Veterans' Act, 1924, as amended (43 Stat. 1312; U. S. C., title 38, sec. 555), or section 15 of Public Law No. 2, Seventy-third Congress (48 Stat. 11; U. S. C., title 38, sec. 715), compensation or pension payable except for the forfeiture, from and after the date of suspension of payments to the veteran, shall be paid to his wife, child or children, and/or dependent parents, such payments not to exceed the amount payable in case such veteran had died from such service-connected disability: *Provided,* That no compensation or pension shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed.

Forfeiture of benefits by a veteran under the provisions of section 504, World War Veterans' Act, 1924, as amended, or section 15 of Public Law No. 2, Seventy-third Congress, shall not be construed to prohibit reimbursement on account of expenses incurred in the burial of such veteran otherwise authorized by law, or to prohibit payments of death compensation benefits for service-connected death or under Public Law No. 484, Seventy-third Congress, as amended.

Benefits authorized by this section shall not be paid for any period prior to the date of this enactment.

The amendment was agreed to.

The next amendment was, on page 11, after line 14, to insert:

SEC. 10. Veterans Regulation No. 11 (U. S. C., title 38, ch. 12, appendix), promulgated under the act of March 20, 1933 (Public, No. 2, 73d Cong.), is hereby amended by adding a new paragraph thereto numbered "III," to read as follows:

"III. The provisions of Veterans Regulation No. 11 shall apply to all claims under any of the laws administered by the Veterans' Administration: *Provided,* That the Administrator of Veterans' Affairs may release information, statistics, or reports, to individuals or organizations when in his judgment such release would serve a useful purpose."

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert:

SEC. 11. Notwithstanding any other provisions of law, except as provided in section 19 of the World War Veterans' Act, 1924, as amended, and in section 817 of the National Service Life Insurance Act of 1940, the decisions of the Administrator of Veterans' Affairs on any question of law or fact concerning a claim for benefits or payments under this or any other act administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decisions.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to insert:

SEC. 12. Where any veteran suffers or has suffered an injury, or an aggravation of any existing injury, as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, and not the result of his misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, the veteran or his dependents shall be entitled to the same benefits as are provided for those who suffer an injury or an aggravation of any existing injury as a result of training, hospitalization, or medical or surgical treatment under the provisions of section 31 of Public Law No. 141, Seventy-third Congress, March 28, 1934. No benefits under this section shall be awarded unless application be made therefor within 2 years after such injury or aggravation was suffered, or such death occurred, or after the date of enactment of this act, whichever is the later date.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. ELLENDER. Mr. President, on behalf of the Senator from New York [Mr. MEAD] and myself, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Louisiana will be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to insert the following new section:

SEC. 13. Paragraph I (f) of part III of Veterans Regulation No. I (a) is amended to read as follows:

"(f) The amount of pension payable under the terms of part III shall be $40 monthly: *Provided,* That—."

Mr. KING. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. KING. Does the amendment which the Senator offers deal with the measure which the President vetoed some time ago because it added a cost of $6,000,000?

Mr. ELLENDER. It does.

Mr. KING. The Senator still persists, in the face of the veto?

Mr. ELLENDER. I am of the opinion that the President will sign the measure this time.

Mr. KING. Obviously he must have had good reasons for his veto.

Mr. ELLENDER. Perhaps so, but a different situation exists at this time. A world war is on and the cost of living is increasing.

Mr. President, the purpose of the amendment is to restore $40 pensions to totally and permanently disabled soldiers who served in the World War for 90 days or more. The amendment simply increases these pensions to what they were before the so-called Economy Act went into effect. I believe that soldiers who are totally and permanently disabled should receive at least $40 a month. All of us know that a man who is disabled and who cannot work and who has a family to support certainly cannot properly take care of it on $30 a month, which is the present amount of the pension.

It is impossible for him to provide sufficient nutrition, clothing, and housing for his family. It is a disgrace to our vaunted American civilization to continue this policy of paying the penurious pension of only $30 per month to those unemployable veterans.

Veterans suffering with permanent and total service-connected disabilities receive $100. Those in the Regular service, so-called peacetime veterans, receive $75 per month for permanent and total service-connected disabilities. Why Senators, W. P. A. workers receive a minimum of $55 a month from the Government to support their families. We are dealing with a class of men who served their country in good faith and who are now permanently disabled and unable to earn anything for their families. The Government is being asked to increase their pensions $10 a month.

My amendment, if adopted, would affect 60,000 World War veterans and about 200 Spanish-American War veterans. For the first year it would cost the Government approximately $7,696,000, and thereafter, of course, the cost would decrease, depending upon the number who die in the meantime. A very small amount is being asked of the Government for men who have served it and who are totally disabled and unable to take care of their loved ones. The Senate and the House have gone on record in the past in favor of this amendment, and I hope that the Senate will again vote for it.

I had occasion to talk to the distinguished Senator from Georgia [Mr. GEORGE], who is in charge of the pending bill, with respect to this amendment He said he had no objection to it. As a matter of fact, I believe he himself introduced a bill asking that these unfortunates be paid at least $40 a month.

Mr. President, as I stated a few minutes ago, the amendment is also being sponsored by the junior Senator from New York [Mr. MEAD], who is unavoidably detained from the Senate. He has asked that I express his strong approval of the amendment.

I do hope that Senators will again vote favorably for this meritorious legislation.

Mr. GEORGE. Mr. President, with regard to the amendment offered by the Senator from Louisiana I have only this to say:

During the last Congress I introduced a bill to increase the disability allowance from $30 to $40 a month in the case of permanently and totally disabled veterans with nonservice-connected disabilities. That bill was vetoed by the President. The veto came at the end of the session. It was what we know as a pocket veto. The bill contained one simple amendment, which the Senator from Louisiana has offered, with a somewhat liberalized definition of permanent and total disability.

My only fear about the amendment offered by the Senator from Louisiana is that the President might feel constrained to veto the bill, which contains very many helpful administrative as well as substantive amendments to existing laws, and is a bill the enactment of which, in the main at least, is greatly desired by the Veterans' Administration.

I originally introduced the bill to increase the permanent total disability from $30 to $40 per month. I thoroughly believe that is a just amendment, and ought to be made. At the same time, I have grave apprehension that the President might feel constrained again to veto the bill if this amendment should be put on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. ELLENDER] on behalf of himself and the Senator from New York [Mr. MEAD].

The amendment was rejected.

Mr. DANAHER. Mr. President, I offer the amendment which I send to the desk. For the convenience of the Senator from Georgia [Mr. GEORGE], I send a copy to him.

I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

The LEGISLATIVE CLERK. It is proposed to insert in the bill a new section, to read as follows:

SEC. 13. The Administrator of Veterans' Affairs is hereby authorized and directed to include, in the regulations governing proofs and evidence pertaining to service connection of disabilities, additional provisions requiring: That, in each case where a veteran is seeking service connection for any disability, consideration shall be given to the places, types, and circumstances of his service as shown by his service record, the official history of each organization in which he served, his medical records, and all medical and lay evidence; that, where the veteran is shown to have been engaged in combat with an enemy of the United States, or during service in some war, campaign, or expedition, to have been subjected to other arduous conditions of military or naval service, such disability as can reasonably be considered to have been due to or aggravated by the conditions of all of his active military or naval service, shall be determined to be directly due to or aggravated by such service in line of duty, under all laws administered by the Veterans' Administration, unless it shall have been clearly established by clear and unmistakable evidence that any such disability was not originated in or aggravated by his military or naval service; and that the reasons for granting or denying service connection in any case considered under this law shall be recorded in full in each such case.

Mr. GEORGE. Mr. President, may I ask the Senator if the amendment offered by him is not identical with a bill which passed the House on September 30?

Mr. DANAHER. Mr. President, it is precisely that. It is a bill which bore the legend H. R. 6450, and is entitled "A bill to provide for the issuance, by the Administrator of Veterans' Affairs, of regulations providing for more liberal policies in determining the service connection of disabilities, and for other purposes."

Mr. GEORGE. Mr. President, if the Senator will permit me to make a statement, this amendment is identically the same as a separate bill which passed the House of Representatives on the 30th day of last month. The bill is now before the Finance Committee of the Senate, and was brought up before the committee on the last day on which the committee was in session, when the sugar joint resolution was reported.

I can see very great merit in the proposal; but I am bound to say to the distinguished Senator from Connecticut that if it is attached to this bill under the circumstances, veto will certainly follow, because I have called upon the Administrator of Veterans' Affairs General Hines and he said he was not yet ready to be heard upon the bill, but was certainly very anxious to be heard upon it.

The bill was reported by the House committee without a favorable recommendation from the Veterans' Administration. I hope the Senator will allow the bill to take its regular course, because it is before the Finance Committee; and if, as now seems probable, we are not to recess except every third day until perhaps sometime in November, we certainly shall have an opportunity to consider the bill in the committee and to report it, if it is the sense of the committee that it should pass, and take it up in the Senate long before the present session adjourns.

I merely submit those facts to the Senator.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. DANAHER. Yes; gladly.

Mr. CLARK of Missouri. I think anybody in the Senate or anywhere else will agree that no one is more interested than I am in the welfare of veterans. I appeal to the Senator from Connecticut now, not only in my capacity as a Senator but in my capacity as a past national commander of the American Legion and a member of every veterans' organization there is, I think, not to complicate the passage of the bill now before the Senate by offering another proposition as an amendment to the bill. I am fearful that if the Senate were to adopt and the House were to agree to the amendment offered by the Senator from Connecticut, the bill would be killed, and a veto would be brought about.

I am very much interested in this subject matter. I am a member of the Veterans' Subcommittee of the Finance Committee. I think the Senator from Georgia [Mr. GEORGE] has done a magnificent service. He has had a subcommittee composed of the Senator from Massachusetts [Mr. WALSH], the Senator from Texas [Mr. CONNALLY], and several other Senators, who have been devoted to the interests of the veterans. We have reported this bill feeling that it is as far as we can go at this time. I appeal to my friend from Connecticut—who, I know, wants to help the veterans—not to bring about the defeat of a measure which might be sound by offering as an amendment to it an entirely separate and different proposition.

So far as I am concerned, I intend to vote for the bill which the Senator from Connecticut has offered as an amendment. I dare say it can be reported out of the Finance Committee, although I do not know about that; but I do not think the Senator from Connecticut is doing the veterans of the country any service by offering it at this time as an amendment to this bill.

Mr. DANAHER. Mr. President, let me read briefly from the report of the House Committee on World War Veterans' Legislation. Representative VOORHIS of California, reporting for the committee, says:

> There can be no doubt whatsoever that the records of veterans were kept much more carefully as to those who served only in this country than was so as to those who served overseas. Moreover, there can be no doubt but what much more careful examinations were ordinarily made prior to the discharge of those veterans who served only in this country than was the case as to those who served abroad. This fact is very definitely substantiated by the careful tabulation which was made as to World War veterans who were enlisted from the 81 counties in Mississippi, and who were examined at time of discharge. This study, which appears in the booklet of hearings before the House Committee on World War Veterans' Legislation concerning H. R. 7925, beginning on page 124, shows that as to the 30,867 white veterans who enlisted from the 81 counties in Mississippi, 2.93 percent of the 15,904 who served overseas were found at time of discharge to be suffering with a disability, whereas 11.26 percent of those 14,963 who served only in this country were found to have disabilities at time of discharge.
>
> This difference as to the percentage of overseas and home-service veterans found to be suffering with disabilities at time of discharge is even more astounding as to the colored veterans.

Mr. President, I cease reading merely to emphasize the point that it becomes perfectly obvious that those who served overseas, and whose records were lost or mutilated, those veterans whose buddies, who could have made affidavits as to their service and to their disabilities, have died, are placed in an unusual status, which regulations properly drawn would alleviate.

It seems to me proper to call attention to a case which happened within my own knowledge. The mother of a veteran brought suit on his contract of war-risk insurance only to find, when the records were sought, that the company clerk's field desk had been demolished by a direct hit, and the company clerk's records completely destroyed, so there was no record of the fact of the issuance of insurance to the deceased veteran. His mother lost her case, and did not recover anything whatever.

It seems to me a situation of that kind can be corrected with reference to existing records by giving a presumption to the veteran applicant. This particular amendment will still authorize the Veterans' Administration out of its experience to formulate proper regulations to cover this type of case.

I ask unanimous consent that there be incorporated in the RECORD as part of my remarks the House report with reference to House bill H. R. 8930, which is in fact the amendment.

The PRESIDING OFFICER. Is there objection?

There being no objection, the report (No. 2982), was ordered to be printed in the RECORD, as follows:

> The Committee on World War Veterans' Legislation, to whom was referred the bill (H. R. 6450) to establish certain rights for combat veterans of wars of the United States, having considered the same, recommend the enactment thereof with an amendment, to wit:
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> Strike out all following the enacting clause and substitute the following:
>
> "That the Administrator of Veterans' Affairs is hereby authorized and directed to include, in the regulations governing proofs and evidence pertaining to service connection of disabilities, additional provisions requiring: That, in each case where a veteran is seeking service connection for any disability, consideration shall be given to the places, types, and circumstances of his service as shown by his service record, the official history of each organization in which he served, his medical records, and all medical and lay evidence; that, where the veteran is shown to have been engaged in combat with an enemy of the United States, or during service in some war, campaign, or expedition, to have been subjected to other arduous conditions of military or naval service, such disability as can reasonably be considered to have been due to or aggravated by the conditions of all of his active military or naval service, shall be determined to be directly due to or aggravated by such service in line of duty, under all laws administered by the Veterans' Administration, unless it shall have been clearly established by clear and unmistakable evidence that any such disability was not originated in or aggravated by his military or naval service; and that the reasons for granting or denying service connection in any case considered under this law shall be recorded in full in each such case."
>
> Change the title of the bill to read as follows: "A bill to provide for the issuance, by the Administrator of Veterans' Affairs, of regulations providing for more liberal policies in determining the service connection of disabilities, and for other purposes."
>
> The general purpose of this bill is to place the combat veteran more nearly on a par with the home-service veteran insofar as the opportunity for establishing service connection of disabilities is concerned.
>
> It is the purpose of the bill as herewith reported to provide for more liberal policies in the evaluation of all the facts, factors, and circumstances as to a veteran's military or naval service in determining the service connection of any disability with which he may be suffering, and consequently in deciding upon his eligibilty to receive compensation or pension by reason of a service-connected disability. It is the further purpose of this bill to provide that, as to those veterans who are shown to have been engaged in combat with an enemy of the United States, or during service in some war, campaign, or expedition to have been subjected to other arduous conditions of military and naval service, any subsequent disability which can reasonably be considered to have been due to or aggravated by the conditions of all of any such veteran's active military and naval service, shall be adjudicated as being directly due to or aggravated by his service in line of duty, and that such adjudications shall be applicable under all laws administered by the Veterans' Administration, except where it shall have been clearly established by clear and unmistakable evidence that any such disability was not originated in or aggravated by his military or naval service.
>
> In other words, where a veteran is shown to have been engaged in combat with an enemy of the United States, or where he is shown to have been subjected to other arduous conditions during his service in some war, campaign, or expedition, then any disability with which he may afterward be found to be suffering, which can reasonably be considered to have been due to or aggravated by the conditions of his active service, shall be so rated, for all purposes, unless clear and unmistakable evidence definitely establishes that such disability was not due to or aggravated by his military service. It should be noted that such an assumption of service connection, rebuttable by clear and unmistakable evidence, is only to be applicable where the necessary conditions precedent have first been shown to exist.
>
> No such assumption of service connection of a disability is to be made, on the basis of the provisions of this bill, except as to a war, campaign, or expedition veteran who had had arduous conditions of service or who had been engaged in combat with the enemy, and only then in the event that the rating agency of the Veterans' Administration should come to the conclusion that such disability could reasonably be considered to be due to or aggravated by the conditions of his active service, and only then where evidence may not have definitely established that any such disability was not caused by or aggravated by his active service.
>
> In all cases rated by the Veterans' Administration, however, this bill would require that, in addition to existing instructions as to the factors to be taken into consideration in determining service connection of disabilities, due consideration should also be given to the places, types, and circumstances of the veteran's service as shown by his service record, the official history of each organization in which he served, his medical record, and all other medical and lay evidence.

The committee has long been convinced that there are many equitable claims for service connection on the part of front-line combat veterans, and other war, campaign, and expedition veterans who have been submitted to strenuous conditions of military service—who naturally ordinarily find it much more difficult legally and technically to establish the service connection of their disabilities than is the case as to a veteran who served only in this country, who remained in the same outfit from the date of his enlistment to the date of his discharge within easy access of sickbeds or hospitals, and of medical service, where careful records were kept and maintained. The committee is of the opinion that there have been many equitable claims considered by rating agencies of the Veterans' Administration, where members of the rating boards have personally been of the conviction that the veteran's disability was caused by his military service but where, because of existing policies as to the evaluation of evidence, they have not been able officially to come to the conclusion that the veteran's disability was due to or aggravated by his military service.

All of the members of the committee have had the experience of assisting some deserving veteran in the prosecution of his claim for service connection and compensation, for disabilities which the veteran and his Representative in Congress, or the service officer in one of the various veteran organizations, has conscientiously believed to have been caused by his military service but where, because of the very circumstances of the man's military service—the death or disappearance of buddies, the loss of memories with the lapsation of time, the lack or loss of records, the grim, dogged determination of the veteran to stay with his own outfit in spite of his own ailments, and a hundred and one other factors beyond his reasonable control—the veteran has been unable to furnish sufficient substantiating factual proof of his contentions that his disabilities were traceable to the arduous conditions of his military service.

It has been noted that denials of service connection, in apparently meritorious and justifiable claims, have occurred altogether too frequently, particularly as to the claims of former front-line fighters.

There can be no doubt whatsoever that the records of veterans were kept much more carefully as to those who served only in this country than was so as to those who served overseas. Moreover, there can be no doubt but what much more careful examinations were ordinarily made prior to the discharge of those veterans who served only in this country than was the case as to those who served abroad. This fact is very definitely substantiated by the careful tabulation which was made as to World War veterans who were enlisted from the 81 counties in Mississippi, and who were examined at time of discharge. This study, which appears in the booklet of hearings before the House Committee on World War Veterans' Legislation concerning H. R. 7925, beginning on page 124, shows that as to the 30,867 white veterans who enlisted from the 81 counties in Mississippi, 2.93 percent of the 15,904 who served overseas were found at time of discharge to be suffering with a disability, whereas 11.26 percent of those 14,963 who served only in this country were found to have disabilities at time of discharge.

This difference as to the percentage of overseas and home-service veterans found to be suffering with disabilities at time of discharge, is even more astounding as to the colored veterans who enlisted from the State of Mississippi, showing that whereas only 1.34 percent of the 12,163 colored veterans who served overseas were noted as having disabilities at time of discharge, 17.41 percent of the 12,030 who served only in this country were noted as having disabilities at time of discharge.

Combining both white and colored veterans who enlisted from the State of Mississippi, we find that the tabulations made by local Veterans of Foreign Wars post in Jackson, Miss., taken from data compiled by a local Work Projects Administration project, show that among the 28,067 Mississippi veterans who served overseas, only 2.24 percent were noted at time of discharge as suffering with disabilities, whereas, among the 26,993 who served only in this country, 14.007 percent were noted as having disabilities at time of discharge. In other words, nearly seven times as many veterans, proportionately, who served only in this country, were noted as having disabilities at time of discharge, as compared with those who served overseas. Obviously, such examinations failed miserably to disclose the existence of disabilities among those who had returned from overseas, primarily because of the great anxiety on the part of the returning overseas veterans to return to their homes just as speedily as possible, and also accountable for by the fact that the examining doctors were evidently also very anxious by that time to get back home. These figures statistically prove the assertion that it is ordinarily much easier for a home-service veteran to substantiate his claim for service connection of his disability—because of the greater detail of his medical examinations during military service and prior to his discharge, and the availability of such examination reports, as compared with the much lesser number of medical examinations on the part of veterans who served overseas, and the much speedier, perfunctory medical examinations on the part of returning overseas veterans prior to their discharges from military service.

Because of all of these factors, it seems that a much more liberal policy, as to the evaluation of such evidence as is obtainable and submittable on behalf of former front-line combat veterans, and other combat badge veterans, is much needed, so as to enable such rating board members to give due consideration to the probabilities and possibilities as to the inception and aggravation of disabilities incident to the exposure and hardships, and the stress and strain of combat service, or service under other arduous conditions—factors as to which it may have been impossible for the veteran ordinarily to submit detailed, factual, technically sufficient evidence.

The committee is not convinced that all of the local rating agencies of the Veterans' Administration have as reasonably and liberally applied such policies, in the evaluation of all of the evidence, factors, and circumstances as to a man's service, in determining the service connection of his disabilities, as it is believed would be possible on the basis of the provisions of this bill.

It was hoped that the service letter under date of August 10, 1938, issued by the Administrator of Veterans' Affairs, in effect directing the type and character of a man's military service to be taken into consideration in determining the service connection of any disability with which he might be suffering, would enable justice to be extended in these equitable border-line cases, particularly as to overseas veterans. Although there can be no doubt that the instructions of such letter have been helpful in some instances, it would appear that the instructions in such service letter are hedged with such qualifications that cautious members of claims and rating boards—naturally not wanting to be accused of being too liberal, for fear that such a policy on their part might not meet with the approval of their immediate superiors—have generally been inclined to proceed on the assumption that they have previously adhered to such a rating policy, and that there was therefore no reason for them, on the basis of the issuance of such service letter, to grant service connections in cases where they had previously denied such service connection.

The provisions of this bill would in effect require the more liberal policies enunciated in the service letter under date of August 10, 1938, together with the other more precise assumptions of service connection, for certain classifications of veterans, provided for by this bill, to be issued in the form of regulations by the Administrator of Veterans' Affairs, under the direction of Congress, thus probably giving considerably more force to the intention of liberality in determining the question of service connection where the arduous conditions of the war veteran's military service would make it appear reasonably possible that such circumstances could have caused the origin or aggravation of his disability, except where clear and unmistakable evidence established that such was not the case.

It is believed that the enactment of this bill, and the subsequent issuance of explanatory regulations by the Administrator of Veterans' Affairs, directed under the terms hereof, to all rating agencies of the Veterans' Administration, will eventually result in the favorable adjudication of hundreds, if not thousands, of pending claims for service connection or disabilities, which the veteran applicants conscientiously believed to have been due to their military service, which they have previously been unable technically and legally to prove to the satisfaction of such rating agencies. For these reasons, the committee believes that this bill should be promptly passed by the House of Representatives.

Mr. DANAHER. Mr. President, I also invite the Senator's attention to page 12880 of the RECORD, and following pages, where Representative RANKIN, Representative ROGERS of Massachusetts, and others in the House most interested in this type of legislation gave full discussion and ample consideration to this bill, which was passed after discussion in the House on September 30. I submit the case on the statement of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER].

The amendment was rejected.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOWARD MONDT

The bill (H. R. 8705) for the relief of Howard Mondt was considered, ordered to a third reading, read the third time, and passed.

HOWARD R. M. BROWNE

The bill (H. R. 7784) for the relief of Howard R. M. Browne was considered, ordered to a third reading, read the third time, and passed.

ST. NICHOLAS PARK CO.

The bill (S. 3240) for the relief of the St. Nicholas Park Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the St. Nicholas Park

Co., of Jacksonville, Fla., the sum of $1,550 in full satisfaction of its claim against the United States for reimbursement of amounts expended by such company in removing the hull of a partially burned vessel from a position in the St. Johns River in front of its property, known as St. Nicholas Park, a residential development in South Jacksonville, Fla., such hull having been placed in such position with the knowledge and acquiescence of the United States district engineer, located at Jacksonville, Fla., and without obtaining the permission of such company: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

CAFFEY ROBERTSON-SMITH, INC.

The Senate proceeded to consider the bill (S. 4215) for the relief of Caffey Robertson-Smith, Inc., which had been reported from the Committee on Claims with an amendment, on page 1, line 8, to strike out "$9,448.86" and insert "$9,348.86", so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to pay, out of any funds available for carrying out the provisions of section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935, as amended, the sum of $9,348.86, to Caffey Robertson-Smith, Inc., of Memphis, Tenn., in full satisfaction of its claims against the United States for payments for the exportation of certain quantities of cotton at the rates in effect at the time of the sales thereof for export, notices of such sales having been given prior to December 6, 1939, but the payments therefor having been withheld for the reason that the said Caffey Robertson-Smith, Inc., did not promptly file a bond supporting the agreement of compliance, dated August 1, 1939, which it entered into in connection with the cotton and cotton products export program of the Department of Agriculture for the fiscal year 1940: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BARKLEY. Mr. President, inasmuch as we will have to meet tomorrow, and we have not very much to do, I think we might suspend at this point.

HOMING PIGEONS

Mr. WAGNER. Mr. President, there has been sent to the Senate a bill passed by the House for safeguarding homing pigeons. The War Department is interested in the bill, which it says is needed for national defense. It is emergency legislation. I ask that the Senate consider the bill at this time.

The Chair laid before the Senate the bill (H. R. 7813) to safeguard the homing pigeon, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. THOMAS of Utah, from the Committee on Military Affairs, reported favorably the nominations of sundry persons to be second lieutenants in the Regular Army under the provisions of law.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. KING in the chair). If there be no further reports of committees, the clerk will state the first nomination on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of William E. Flournoy, Jr., to be consul.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTER—NOMINATION REPORTED ADVERSELY

The legislative clerk read the nomination of Eva L. Herndon to be postmaster at Warrensburg, Mo., which had been adversely reported.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was rejected.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters, which had been reported favorably.

Mr. McKELLAR. I ask unanimous consent that the nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

Mr. BARKLEY. Mr. President, the Committee on Military Affairs has favorably reported a group of routine Army appointments and promotions. I ask unanimous consent that they be now considered, and that action be taken on them en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. Mr. President, I also ask that the usual order with respect to the printing of these nominations be entered.

The PRESIDING OFFICER. Without objection, the nominations will not again be printed, but reference will be made to the pages of the CONGRESSIONAL RECORD where they have previously been printed.

DISCHARGE OF COMMITTEE FROM CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. CLARK of Missouri. Mr. President, is it the intention of the Senator from Kentucky to proceed with the calendar tomorrow?

Mr. BARKLEY. Yes; until it is finished. There are only a few more bills on the calendar.

Mr. CLARK of Missouri. I have already given notice that as soon as I can obtain the floor I shall move that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of Senate Resolution 186. I am perfectly agreeable to going on and finishing the calendar, but I should like to have the notice stand that as soon as I can obtain the floor I shall move to discharge the Committee to Audit and Control from the consideration of the resolution referred to. I think I am entitled to the floor on a motion of that sort. As soon as that motion shall be disposed of, I intend to move that the committee be discharged from the further consideration of Senate Resolution 307, providing for an investigation into the Lundeen accident.

Mr. BARKLEY. Mr. President, I do not think those motions should be taken up in the absence of the Senator from South Carolina [Mr. BYRNES], the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate. One or both of them may lead to considerable discussion, although I do not know that they will.

Mr. CLARK of Missouri. I have no idea of taking up the motions in the absence of the Senator from South Carolina. I notified the Senator's office yesterday and the day before that it was my intention to make the motions to discharge the committee at the first opportunity, because I think very important questions of committee jurisdiction, if nothing else, are to be presented to the Senate in connection with the motions. The Senator from South Carolina will be afforded every opportunity, so far as I am concerned, to be present when I make the motions to discharge.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, October 9, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 8 (legislative day of September 18), 1940

DIPLOMATIC AND FOREIGN SERVICE

William E. Flournoy, Jr., to be a consul of the United States of America.

APPOINTMENTS IN THE REGULAR ARMY

NOTE.—The names of the persons whose nominations for appointment in the Regular Army were today confirmed by the Senate will be found, under the caption "Nominations," in the CONGRESSIONAL RECORD of October 7, 1940, beginning on page 13307.

POSTMASTERS

ALABAMA

James F. Creen, Jr., Blue Mountain.
Zell G. Pope, Bolling.
James F. Wilson, Wedowee.

ARKANSAS

Franklin Eugene Burks, Levy.
Robert L. Cummings, Magazine.

CALIFORNIA

William Budd, Buellton.
Clarence W. Aldrich, El Portal.
Gilbert R. Van Dyke, Fall Brock.
Margaret J. S. Gilman, Gilman Hot Springs.
Charles E. Timmons, Kernville.
William H. Stuart, Point Arena.
Roberta L. Sweet, Yermo.

COLORADO

Welsey A. Simmer, Blanca.

CONNECTICUT

Joseph A. Douda, Eagleville.
Roy A. Parmelee, Weatogue.

FLORIDA

Burton H. Rawls, High Springs.
Frank M. Walrath, Jr., Keystone Heights.

HAWAII

Richard M. Imai, Olaa.

INDIANA

Grace A. Adrion, Dublin.
Andrew H. Henschen, Rising Sun.
Louis Kolb, Wadesville.
Bessie L. King, Wanatah.

IOWA

George Glawe, Farmersburg.
Edna Mulvihill, Salix.
Harry De Jong, Sully.

KANSAS

Vernon L. Miller, Bethel.
Ella M. McGinity, Humboldt.
Seth J. Abbott, Jetmore.
William R. Jones, Reading.

KENTUCKY

Ella E. Thompson, Ewing.
Bertha Stanley, Mortons Gap.

LOUISIANA

Helen C. Campbell, Morganza.
Clyde A. Crawford, Pearl River.

MAINE

Bessie Hazel Garnache, Biddeford Pool.

MARYLAND

Walter G. Mann, Sharptown.

MASSACHUSETTS

Helen E. Bateman, Dudley.
Daniel Ottinger, North Amherst.

MICHIGAN

Alfred H. Pfau, Howell.
Kathryn I. Stanley, Morrice.
Leo L. Malcomson, Prundenville.

MINNESOTA

Grace P. Holecek, Jackson.
Oscar A. Olson, Keewatin.
Marguerite Mealey, Monticello.
Herman I. Nelson, Spicer.
Simon E. Drury, Wabasha.
Arthur G. Erickson, Wilmar.

NEBRASKA

Mina E. Andersen, Bristow.

NEVADA

Hilda W. Reeves, McDermitt.

NEW YORK

Mildred I. Morey, White Lake.

NORTH DAKOTA

Iver D. Thue, Stanton.

OHIO

Joseph Charles Wyllie, Huntsville.
Adolph E. Baker, West Manchester.

OREGON

Walter F. Petersen, Lapine.

PENNSYLVANIA

George V. Proctor, Cheyney.
Mildred D. Rees, Hyndman.
Ellis L. Lynch, McConnellsburg.
Samuel C. Green, Mont Alto.
Arthur O. Shafer, Montoursville.
Robert E. Bell, Mount Union.
Margaret A. Mash, Nanty Glo.
Helen M. Rowley, Ogontz School.
Wilberta T. Johnson, Primos.
Joseph O. Sullivan, Ridley Park.
Elizabeth M. Connelly, Silver Creek.
Thomas P. Kennedy, Smethport.
Pury D. Frankenfield, Tobyhanna.
Leonard Harry Zeilinger, Youngwood.

SOUTH CAROLINA

Richard T. Hallum, Jr., Pickens.
J. Charles Vassy, Timmonsville.

SOUTH DAKOTA

John C. Heinricks, Artesian.
Lucy I. Wright, Hoven.
Ruth I. Kern, Lake Andes.
Ambrose H. Manion, Rosebud.

TENNESSEE

Lucile Brown, Cornersville.
Lawrence Gordon Gill, Decherd.

TEXAS

Cora G. Tidwell, Avoca.
Robert P. Taylor, Bivins.

UTAH

Rudolph Nielsen, Milford.

VERMONT

Mary A. Murphy, Charlotte.

VIRGINIA

Gerdena S. Pettit, Fredericks Hall.
Robert C. Smith, Haymarket.
John S. Hinegardner, Weyers Cave.

WEST VIRGINIA

Charles R. Byrne, Buckhannon.

REJECTIONS

Executive nominations rejected by the Senate October 8 (legislative day of September 18), 1940

POSTMASTERS

MISSOURI

Eva L. Herndon to be postmaster at Warrensburg, in the State of Missouri.

NEBRASKA

Frank S. Perkins to be postmaster at Fremont, in the State of Nebraska.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 8, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, let us pause and recall that the humanity of our Saviour is an everlasting, continuous, and unchanging revelation of the divine heart. What He was, He is the same—warm sympathetic Elder Brother who feels our sorrows and is touched with a feeling of our infirmities. Teach us that there were wounds in that tender heart deeper and more painful than even the crown of thorns. In His tragic moments, with pathos so deep and strange, and with human surprise He asked: "Could ye not watch with me 1 hour?" Forbid that we should ever be thoughtless or faithless to any trust placed upon us. Almighty God, look with pity and mercy upon this world. Pity it in its tendencies, in its iron cruelties, in its debasing selfishness, and in all its wickedness. Our Lord and Saviour is still assailed by the cruel mockeries of men; the reed is still in His hand, the crown of thorns is still tearing His brow, and the multitudes are still leading Him to Calvary. O Heavenly Father, fill us with the light of the morning and allow no sorrowing memories to crowd our thoughts. In these solemn moments we pray: Let the words of our mouths and the meditations of our hearts be always acceptable in Thy sight, O Lord, our strength and our Redeemer. Through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on October 5, 1940, the President approved and signed bills of the House of the following titles:

H. R. 1174. An act for the relief of Euel Caldwell;

H. R. 4571. An act for the relief of La Vera Hampton;

H. R. 4724. An act for the relief of Charles F. Martin, a minor;

H. R. 5814. An act for the relief of David J. Williams, Jr., a minor;

H. R. 6108. An act for the relief of Regina Howell;

H. R. 6456. An act for the relief of John Toepel, Robert Scott, Widmer Smith, and Louis Knowlton;

H. R. 7139. An act for the relief of Joe L. McQueen;

H. R. 7681. An act for the relief of Emelie Witzenbacher;

H. R. 7731. An act to provide for the burial and funeral expenses of deceased veterans of the Regular Establishment who were discharged for disability incurred in the service in line of duty, or in receipt of pension for service-connected disability;

H. R. 9989. An act authorizing the Administrator of Veterans' Affairs to grant an easement in certain land to the city of Memphis, Tenn., for street-widening purposes;

H. R. 9991. An act to amend section 4021 of the Revised Statutes and to repeal section 4023 of the Revised Statutes relating to establishment of postal agencies; and

H. R. 10267. An act to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 8512. An act to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes; and

H. R. 10127. An act to amend the Federal Reserve Act, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 7738) entitled "An act to amend the act entitled 'An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public airport use, and for other purposes,'" disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Oklahoma, Mr. WHEELER, and Mr. FRAZIER to be the conferees on the part of the Senate.

The message also announced that the Senate further insists upon its amendments to the bill (H. R. 960) entitled "An act extending the classified executive civil service of the United States," disagreed to by the House; agrees to a further conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MEAD, Mr. BULOW, Mr. GEORGE, Mr. WHITE, and Mr. FRAZIER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4270) entitled "An act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard."

EXTENSION OF REMARKS

Mr. HESS, by unanimous consent, was granted permission to revise and extend his own remarks in the RECORD.

NEW DEAL TAXES

Mr. EATON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. EATON. Mr. Speaker, a very high-class and intelligent working man, a friend of mine, put an oil burner in his home last year and made a contract for oil at 5¾ cents a gallon. He told me yesterday that the price this year had been increased to 6¾ cents, with a ceiling of 7¾ cents. In the contract this appears:

> All taxes, charges, and fees, and all increases therein, that are now or may hereafter be imposed by any governmental authority on, against, or in respect of any of said products, or in the importation, production, sale, transportation, or delivery thereof, or upon us or our business with respect to this sale, or on this agreement, shall be added to the prices herein provided.

This shows us that when the New Deal big Government joins big business the little fellow has to pay. [Applause.]

During the long years' delirium of reckless and wasteful spending of the people's money by the New Deal, the theory always dinned into our ears has been that it was all for the benefit of the little man. But this one incident which can be duplicated by millions of cases proves that the converse—the little man always pays the bill. Hidden taxes, like termites, are eating the foundation from under every little home in America today. The cure is to put a man in the

White House in November, backed by a Republican Congress, who knows the value of money and who can lead us back to economic sanity. [Applause.]

NATIONAL DEFENSE HOUSING

Mr. LANHAM. Mr. Speaker, I call up the conference report on the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 11, 12, and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 9, 14, 15, 16, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "and that such housing would not be provided by private capital when needed"; and the Senate agree to the same.

FRITZ G. LANHAM,
EUGENE B. CROWE,
PEHR G. HOLMES,
Managers on the part of the House.
TOM CONNALLY,
THEODORE FRANCIS GREEN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: Section 1 of the House bill limits the providing of housing, under the bill, to those areas or localities in which "the President shall find that an acute shortage of housing exists or impends which would impede national defense activities". This amendment requires an additional finding, by adding the following after the language quoted above: "and that such housing would not be provided by private capital when needed (but such finding shall not be made until notice shall be given to the Federal Housing Administrator of the proposed construction, stating the number of units proposed and the areas in which they are to be located)". The House recedes with an amendment which retains all of the Senate amendment except the part included in parentheses.

Amendment No. 2: Under section 1 of the House bill the Federal Works Administrator is to exercise his authority "acting through the Public Buildings Administration". This amendment strikes out the words above quoted, so that the Federal Works Administrator will not be required to act through the Public Buildings Administration.

The House recedes.

Amendments Nos. 3 and 4: Section 1 (a) of the House bill authorizes the Federal Works Administrator to acquire, for purposes of the program provided for in the bill, improved or unimproved lands, without regard to certain provisions of law, among which is section 355, as amended, of the Revised Statutes, which prohibits spending public money upon any site or land purchased by the United States for the purpose of erecting thereon an arsenal, etc., until the written opinion of the Attorney General shall be had in favor of the validity of the title. Amendment No. 3 adds language which would authorize the Public Works Administrator to acquire the land in question prior to the approval of title by the Attorney General. Amendment No. 4 strikes out the reference to section 355 of the Revised Statutes.

The House recedes.

Amendments Nos. 5 and 6: Section 1 (b) of the House bill authorizes the Federal Works Administrator, by contract or otherwise, to make surveys and investigations, plan, design, construct, remodel, extend, repair, or demolish structures, buildings, improvements, and community facilities, on lands acquired under subsection (a), and provides that such authority may be exercised without regard to certain provisions of law, among which is section 355, as amended, of the Revised Statutes referred to in the comment on the preceding amendment. Amendment No. 5 strikes out the reference to section 355 of the Revised Statutes. Amendment No. 6 authorizes the Federal Works Administrator to exercise the granted powers prior to the approval of title by the Attorney General.

The House recedes.

Amendments Nos. 7, 8, 10, and 11: Section 1 (b) of the House bill contains a proviso reading as follows: *"Provided,* That the cost per family dwelling unit shall not exceed an average of $3,000 for those units located within the continental United States nor an average of $4,000 for those located elsewhere, and the cost of no dwelling unit shall exceed $3,950 within the continental United States or $4,750 elsewhere, exclusive of expenses of administration, land acquisition, public utilities, and community facilities, and the aggregate cost of community facilities shall not exceed 3 per centum of the total cost of all projects." These amendments change the amounts specified in such proviso, respectively, as follows: $3,500, $4,500, $4,450, and $5,250.

The Senate recedes.

Amendment No. 9: In the proviso of the House bill, above quoted, it is provided that "the cost of no dwelling unit shall exceed $3,950". This amendment inserts the word "family" before the words "dwelling unit".

The House recedes.

Amendment No. 12: In the proviso above quoted it is provided that the specified amounts for maximum expenditure shall be exclusive of expenses of administration, land acquisition, public utilities, and community facilities. This amendment modifies this provision by inserting the words "but including" before the words "land acquisition, public utilities, and community facilities", with the result that the only expenses excluded from the specified limits of cost would be expenses of administration.

The Senate recedes.

Amendment No. 13: The proviso above quoted contains the following: ", and the aggregate cost of community facilities shall not exceed 3 per centum of the total cost of all projects". This amendment strikes out this language.

The Senate recedes.

Amendment No. 14: Section 6 of the House bill directs that moneys derived from rental or operation of property acquired or constructed under the provisions of the Act shall be returned to the appropriation authorized by the Act and shall be available for expenses of operation and maintenance, including administrative expenses in connection therewith, and provides that the "unexpended balance" of the moneys so deposited shall be covered into the Treasury at the end of each fiscal year as miscellaneous receipts. This amendment strikes out the word "unexpended" and inserts in lieu thereof the word "unobligated".

The House recedes.

Amendment No. 15: This amendment, in conformity with amendment No. 2, eliminates the requirement that the Administrator shall act through the Public Buildings Administration.

The House recedes.

Amendments Nos. 16 and 17: Section 8 of the House bill provides that "In carrying out the provisions of this Act the Administrator is authorized to utilize employees and facilities of the Federal Works Agency and other Federal agencies and of any local public agency, with the consent of such agency". These amendments eliminate the authority to utilize "employees and facilities of" such agencies, and grant in lieu thereof the authority to "act through" such agencies.

The House recedes.

FRITZ G. LANHAM,
EUGENE B. CROWE,
PEHR G. HOLMES,
Managers on the part of the House.

The SPEAKER. The gentleman from Texas is recognized.

Mr. LANHAM. Mr. Speaker, this is a conference report upon the bill for national-defense housing, primarily of civilian workers. The conference report has been agreed to unanimously by the conferees and has been adopted by the Senate. The report has practically no important variation from the bill as it passed the House, there being a few clarifying amendments. The cost provisions remain as they were in the House bill. It is so largely the bill that was passed by the House without any variation in the effect of its provisions that I shall move the previous question, unless someone wishes to make inquiry.

Mr. COCHRAN. Will the gentleman yield?

Mr. LANHAM. I yield.

Mr. COCHRAN. Does not the gentleman feel it was a mistake for the House to recede from its disagreement to the Senate amendment numbered 15, which eliminated the requirement that the Administrator shall act through the Public Buildings Administration? Here you have an organization all set up and, by reason of the fact that the House has reduced the appropriation for public buildings this year, is in a position to and is willing to do any type of construction work. It has always performed a good job, as we

all know. Is it sound to set up in the Navy and in the Army additional construction divisions to do housing work when the Public Buildings Administration could do it? Then, again, you have the engineers of the Army. We have reduced the appropriations for flood control and for rivers and harbors, and the engineers of the Army are not so busy as they have been in the past. Why can they not take over some of this work for the Army?

Mr. LANHAM. May I say in reply to my good friend, the gentleman from Missouri [Mr. COCHRAN], that it is contemplated that practically all of this work will be done through the Public Buildings Administration? However, in the bill as it passed the House the provision was made that the Administrator might act through various Federal or local housing agencies, without any authority, however, to lend any funds to those agencies, but merely to reimburse them to the extent used. If in every instance action had to be through the Public Buildings Administration when using some of the local organizations which might have better data and facilities in certain localities, then it would require double bookkeeping and accounting in clearing through the Public Buildings Administration. They who will have charge of the administration of this measure state that it is their purpose to do practically all of this construction through the Public Buildings Administration, and that the elimination of this phrasing from the bill is quite in keeping with the provisions of section 8 of the bill. In those instances where these other agencies can be utilized to advantage, without any loans to them, it will not be necessary for them to have to clear through the Public Buildings Administration before clearing through the Administrator. It is simply a matter of simplifying the procedure and avoiding duplication in those cases where such agencies can be used to advantage.

Mr. COCHRAN. I thank the gentleman and express the hope these agencies that are already set up, ready to go, having the organization to do the work, are used instead of setting up new agencies.

Mr. LANHAM. I may say to my friend that that provision was in the bill as it passed the House and is still in the bill as presented in the conference report.

Mr. SCHULTE. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield.

Mr. SCHULTE. Can the gentleman from Texas tell me whether my amendment, which was offered on the floor and accepted by the House relative to the prevailing rate of wages, is still in the bill.

Mr. LANHAM. It is still in the bill as it was incorporated in the House; yes.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. Yes; I yield to the distinguished gentleman from Illinois.

Mr. SABATH. An organization has been created in the War Department, and I think in the Navy Department also, composed of men formerly, if not now, connected with contracting firms. Will these organizations have supervision of this construction program we have in mind?

Mr. LANHAM. No. May I say in reply to the gentleman from Illinois that appropriations have already been made of very considerable proportions for the use of the Army and the Navy in the kind of construction to which he refers. The services of the agencies he has mentioned may be used primarily of course with reference to the other appropriations. This will be for civilian workers in isolated plants and in suburban sections of cities and towns where housing is not available.

An amendment was placed on the bill in the Senate to the effect that this construction should not proceed unless it was shown that private capital was not interested or that private dwelling space was not available for these workers.

The agencies to which the gentleman from Illinois refers would be concerned more with the appropriations which have been made to the Army and the Navy for housing.

Mr. SABATH. The aim therefore is to give private industry an opportunity to construct some of this housing?

Mr. LANHAM. In every way possible. Whenever private industry is in any way interested in it, it is to be importuned to do this work. I may say further in this regard, as the gentleman probably knows, the Government is to recoup much of this appropriation from the disposition of this housing after the period of the emergency has passed.

Mr. SABATH. One more question, if the gentleman will permit. I am a little skeptical about work being done by private capital in view of the fact that some of the members of these Army-Navy organizations who have been brought into the departments are or have been connected with construction companies. I wonder whether these present or past connections will not somehow or other be detrimental to the best interests of the Government. It is stated that these gentlemen divorced themselves from their past connections. I think it is worth while to determine to what extent they have done so.

Mr. LANHAM. I may say to the gentleman from Illinois that I do not think that comes within the purview of the provisions of this particular bill. It might possibly have some connection with appropriations that have been passed for the Army and the Navy, but I cannot see how it would have anything to do with this measure according to its present provisions.

Mr. SABATH. I hope the gentleman's confidence has not been misplaced, that this program will be carried out economically and soundly. I may say, however, that I shall watch carefully these activities, because I am interested in the national-defense workers, and especially the trainees, who need to be and should be taken care of with decent housing. That is my primary interest.

Mr. LANHAM. I cherish the same hope as does the gentleman from Illinois, that operations under this measure will be quite satisfactory and will provide the housing of the sort to which he refers for those civilian workers primarily who will be helpful in the matter of preparation for our national defense.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield.

Mr. RICH. In order to get private capital to do this construction work, is it going to be necessary to do away with competitive bidding; will it be on a cost-plus basis?

Mr. LANHAM. It is not going to be on a cost-plus basis. It will be on a cost-plus-a-fixed-fee basis except in those cases where there is ample time to ask for competitive bids.

Mr. RICH. That part of it will be done on a cost-plus-a-fixed-fee basis where you have to have it done immediately without having opportunity of calling for bids.

Mr. LANHAM. The gentleman is quite correct. With winter approaching, the gentleman can readily see that there will be much of this construction which necessarily will have to be considered on a cost-plus-a-fixed-fee basis.

Mr. RICH. How long a time would be necessary to have bids submitted rather than awarding it on a cost-plus basis?

Mr. LANHAM. That matter is purely conjectural, of course. We are living in a time when no day can be the herald of the morrow. I suppose it is impossible to tell. At any rate, in every way possible they are going to try to persuade private capital to become interested in this, and where that is not possible, then it will be done on a cost-plus-a-fixed-fee basis. They will proceed at once with the construction that must be done immediately.

Mr. RICH. One other important question: Will "Chip" Robert do the drafting and draw up the specifications?

Mr. LANHAM. The gentleman will readily understand that he is asking a question that does not come within the province of my authority. I think the bill specifies the necessary and proper provisions of procedure.

Mr. RICH. He has probably been pretty well taken care of already, I imagine.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the distinguished gentleman from Texas.

Mr. THOMASON. Does the bill provide for permanent or temporary housing at existing Army posts?

Mr. LANHAM. The bill contains provisions dealing with family dwelling units for civilian workers, and also other provisions whereby part of these funds could be used for a similar purpose with reference to Army and Navy construction. In this connection I may say, however, that large appropriations have been made already for the very purpose about which the gentleman inquires.

The primary purpose of this bill is to provide housing for civilian workers who will be required at many of these plants, like the powder plant that is to be constructed in Virginia and which necessarily will be in an isolated region.

Mr. THOMASON. If at an existing Army post there is inadequate housing for the officer personnel, could more housing be provided under the terms of this bill where there is not already sufficient funds in other appropriation bills to take care of it?

Mr. LANHAM. I am somewhat doubtful whether there would be provision here for officer housing, because I think we have made rather liberal provision for them in other appropriation bills. The purpose of this bill primarily is to take care of these civilian workers, and the need for this measure and its enactment is urgent because winter is coming on and we must have this housing if we are to proceed with due diligence and speed in our preparation for national defense.

Mr. THOMASON. It would provide for housing at existing Army posts for noncommissioned officers and enlisted men with families?

Mr. LANHAM. Possibly; but there was provision of that character made in a recent appropriation bill of $100,000,000, which provided for the Army and Navy, upon land in proximity to their various posts, and they could use a part of the $100,000,000. If civilian workers are to be employed near an Army or Navy station, then of course part of this fund could very readily be applied to housing for those civilian workers. This measure is concerned primarily with such workers.

Mr. HOLMES. Will the gentleman yield?

Mr. LANHAM. I yield to the distinguished gentleman from Massachusetts.

Mr. HOLMES. As a matter of fact, the primary purpose of this legislation is to take care of civilian workers in industrial plants who are working on war goods?

Mr. LANHAM. The gentleman is correct. It is very doubtful indeed if these funds here provided will be more than sufficient to take care of that particular need.

Mr. HOLMES. They will not be anywhere near enough, as a matter of fact.

Mr. LANHAM. I think the gentleman is probably correct in that assumption.

Mr. LAMBERTSON. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Kansas.

Mr. LAMBERTSON. Does the gentleman know if the Department of Justice or some other department has figured on doing anything about this 30 to 50 percent increase that lumber has taken in the last 90 days? I have not heard much said about that. They are asking the Government from 30 to 50 percent more for lumber in this emergency, and I cannot find that the Attorney General is doing anything but sleeping between the Labor Board and the 50-destroyer proposition.

Mr. LANHAM. That inquiry might more appropriately be directed to the Department of Justice, because it is a little beside the mark with reference to this particular legislation and the functions of the committee which reported it.

Mr. LAMBERTSON. I think it is tremendously important to the people of this country and the whole defense program if we have a trust that can increase the cost of lumber to the Government 30 to 50 percent in 60 days.

Mr. LANHAM. I am just as much interested as the gentleman is in having the Government get at the lowest possible cost the materials that are necessary.

Mr. LAMBERTSON. There is no excuse for it. It is just tolerated, that is all.

Mr. SABATH. As I understand, Mr. John M. Carmody, Administrator of the Federal Works Agency, will have jurisdiction and power in this construction program.

Mr. LANHAM. That is right; the Director of the Federal Works Agency.

Mr. SABATH. I have the most complete confidence in that gentleman. I am informed he is an excellent man of proved ability and 30 successful years' experience in private enterprise. I do not want to leave any implication that I question his ability or sincerity in supervising and looking after the housing needs of our defense workers. What I had reference to and what I fear, as I have stated, is that the gentlemen who have been brought in by the War and Navy Departments are, or have been, so connected that the contracts might be awarded with preference given to their former associates.

Mr. LANHAM. I hope and believe the gentleman's fears are unfounded.

Mr. SABATH. That does not apply to Mr. Carmody, of course.

Mr. LANHAM. May I say, furthermore, that the Administrator will act in cooperation and collaboration with the Council of National Defense in providing this housing for civilian workers.

Mr. SABATH. Mr. Carmody has construction jurisdiction under the bill as agreed to?

Mr. LANHAM. The gentleman is correct.

Mr. STEFAN. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Nebraska.

Mr. STEFAN. I note in the conference report these dwellings are each to cost around $3,500 to $4,000. Will the gentleman tell us for how much, approximately, they will rent? What will be the rent?

Mr. LANHAM. I cannot tell the gentleman definitely what the rent will be, but there is a provision in the bill that the rental shall be reasonable. That is as far as it is possible for the legislation to go in view of the fact that the housing will necessarily be of a different character in different localities.

Mr. STEFAN. As I understand it, these dwellings are to be rented to civilian employees at these various plants?

Mr. LANHAM. That is correct.

Mr. STEFAN. Will the gentleman tell me approximately how much money is contained in this particular bill? What is the total?

Mr. LANHAM. One hundred and fifty million dollars.

Mr. STEFAN. The gentleman is aware of the fact that very soon we will have another bill here that will entail around $500,000,000 in which I understand groups of enlisted men will have the opportunity to rent one of these houses or dwellings at from around $15 to $20 each. These dwellings cost $3,500. I was wondering whether there was any connection between the two.

Mr. LANHAM. No; of course, the housing for the enlisted men or men who will be drafted into the service is provided in another measure. This is for civilian workers primarily and principally at industrial plants that are to furnish the material necessary for our national-defense preparation.

Mr. STEFAN. Only civilian employees will be given the privilege of renting these houses. The gentleman cannot tell us now what the rental basis will be, because these houses are to be located in different localities and the types of houses are different?

Mr. LANHAM. I believe the gentleman will readily see that it would be impossible to establish a standard of rentals in the bill, in view of the fact that the rentals will necessarily vary because in some isolated regions the charge would be less, perhaps, on account of the character of construction than in certain suburban areas of the cities; so all we could provide was that from the standpoint of the worker and from the standpoint of the Government the rentals would be reasonable.

Mr. STEFAN. What will the highest-priced dwelling cost?

Mr. LANHAM. If the gentleman will look on page 3 of the bill as passed by the House, he will see that it is $3,000 for those units located within the continental United States.

Mr. STEFAN. And $4,750 for others.

Mr. LANHAM. As a maximum for those outside our continental limits. As a matter of fact, they expect to construct many of these buildings for very much less than the minimum.

Mr. STEFAN. Was any maximum price set by the Government as to what we are going to pay for the land on which we are putting these houses?

Mr. LANHAM. There was not, because, necessarily, that will vary in different localities. It costs more to purchase a piece of land in a suburban area near a city than it does in some isolated spot where we might establish a powder plant, for instance.

Mr. STEFAN. There is no connection between the bill we are now considering and the bill we are going to get very soon, which has to do with the housing of certain enlisted men and some civilians?

Mr. LANHAM. The bill that is coming up just after this, as I understand, is the appropriation bill carrying into effect the provisions of this bill.

Mr. STEFAN. They are dovetailing bills?

Mr. LANHAM. Yes. That bill, based upon this authorization, is to provide the appropriation for the housing mentioned in this measure.

Mr. STEFAN. The gentleman has answered the questions I wanted to have answered, and I thank the gentleman.

Mr. CROWE. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to my friend from Indiana.

Mr. CROWE. On the matter of the cost of the units, may I say that they shall not exceed an average of $3,000, and no single unit can exceed $3,950. That answers further the question of the gentleman from Nebraska.

Mr. STEFAN. I thank the gentleman.

Mr. CROWE. No single unit costs more than $3,950, and the average cannot be above $3,000. Many of the houses will cost much less than that, of course.

Mr. McGREGOR. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Ohio, a member of the committee.

Mr. McGREGOR. The same figures are in the bill the conference committee has reported as the House voted upon prior to the bill going to the conferees?

Mr. LANHAM. That is correct.

Mr. McGREGOR. Does not the same situation apply to the utilities and to the land that we voted on prior to the conference?

Mr. LANHAM. This report contains exactly the same provisions in the bill as passed by the House.

Mr. Speaker, if there are no further questions, I move the previous question upon the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SCHULTE and Mr. VREELAND asked and were given permission to extend their own remarks in the RECORD.

Mr. AUGUST H. ANDRESEN. Mr. Speaker I ask unanimous consent to extend my own remarks in the RECORD two times and to insert certain statistics and quotations.

The SPEAKER. Is there obection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein two radio broadcasts of mine.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LYNCH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address of the President of Fordham University.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS of Texas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech by George Hill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. VREELAND. Mr. Speaker, I have spent considerable time on the floor of the House speaking of the Reserve officers and their duties and functions. I am very much interested in the Reserve. I called the Adjutant General the other day because of the many requests to receive commissions in the Army and was told that all Reserve appointments were closed except in the medical department, and then for initial rank only, meaning first lieutenants. I was very much surprised to learn that Mr. Elliott Roosevelt was appointed a captain without any service in the initial ranks. I am a captain, too, but it took me 7 years of hard work to get it. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. KINZER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial in last Sunday's issue of the Baltimore Sun.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that at the close of the legislative business today, I may proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to place in the RECORD an editorial from the Big Timber Pioneer, and I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

[Mr. O'CONNOR addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein the balance of this editorial.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. HOFFMAN. A point of order, Mr. Speaker——

Mr. RICH. I reserve the right to object, Mr. Speaker.

The SPEAKER. The gentleman from Michigan will state his point of order.

Mr. HOFFMAN. Under the rule that was announced yesterday, has the gentleman the right to extend that in the RECORD at this point?

The SPEAKER. He has not.

Mr. RICH. Reserving the right to object, Mr. Speaker, the gentleman was speaking about Wendell Willkie and his getting to Montana. We realize it is very difficult for a man to get to Montana, but you will find that he will be the President over the people of Montana on November 5, and the people of Montana are going to support him. We are going to carry Montana by a big majority.

Mr. O'CONNOR. We will have the same President after November 5 that we have now.

EXTENSION OF REMARKS

Mr. SECCOMBE, Mr. HAWKS, and Mr. CHIPPERFIELD asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short letter from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that after the legislative business has been disposed of today, and following any other special order, I may be permitted to proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. YOUNGDAHL and Mr. MILLER asked and were given permission to revise and extend their own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RERORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I desire to call the attention of the House to the extension of remarks by the gentleman from Ohio, the Honorable THOMAS A. JENKINS, on page 6186 of the Appendix of the RECORD entitled "A Brief Explanation of the New Excess-Profits Tax.

This explanation, which takes slightly more than one page, was prepared by our colleague at the request of a number of Members of the Congress who desire to have a brief explanation of this rather comprehensive and hard-to-understand tax law. I believe this will be of great value to every Member of Congress.

EXTENSION OF REMARKS

Mr. BLACKNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include two short quotations.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein excerpts from a speech I delivered at Valley Forge on Michigan Day.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, we cannot hear a word that is being said, therefore we do not know what requests are being made. I looked at the RECORD this morning and find one Member, acting within his rights, put 41 pages of a statement prepared by some attorney not a Member of the Congress in the RECORD. It took 41 pages for this person to disclose what is wrong with the United States. The extension is labeled "Who Wants the Key to Prosperity?"

When you consider it costs about $65 a page for small type you will realize what this means to the taxpayers.

On last Friday the gentleman asked permission to extend his remarks in the RECORD, and I admit he called attention to the fact that it was over the legal limit, stating he had an estimate from the Public Printer. However, the gentleman did not state what the estimate was, but the RECORD this morning shows that it is 41 pages. I think we should know what these requests are, so that in the event it is over the legal limit we will be able to find out just exactly how much over the limit and how much it is going to cost. I do not think there is a Member on this floor, if he or she knew there were 41 pages of small type going to be put in the RECORD by any Member, containing a statement prepared by someone who was not a Member of the House, who would not object to the request. Therefore, Mr. Speaker, I think Members should remain out of the Well of the House, as the rules provide, so that we may hear what is going on, and prevent in the future a recurrence of what happened in this morning's RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. RICH. Reserving the right to object, Mr. Speaker, I want to say in connection with what the gentleman from Missouri [Mr. COCHRAN] has said that that is all right. The RECORD is not the record of Congress but a conglomeration of news and statements of the world. It is not only being disobeyed by Members on this side but Members on that side have put in the same article as high as nine times, taking up the same amount in space of the RECORD. Did the majority party object? No. We ought to have men on that side who will say that we are going to change the rules and regulations and not permit it. I have tried to stop it for 7 years. It is the duty of the majority party, which is responsible for this RECORD, that they should take some action on the insertion of extraneous matter. I congratulate the gentleman from Missouri [Mr. COCHRAN] in trying to stop it; it is the first help I have had from the majority party for years. I hope others will join him in making it a RECORD of Congress. That is what it is supposed to be. But it is anything but the RECORD of Congress when it contains everything it should not contain.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include a short table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my remarks twice very briefly. I also ask unanimous consent to insert a brief statement by Abraham Lincoln.

The SPEAKER. Without objection, the requests are granted.

There was no objection.

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial appearing in the Cleveland Plain Dealer of October 8, 1940.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent, Mr. SHAFER of Michigan and Mr. BENDER were granted permission to revise and extend their own remarks.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FULMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and I ask permission to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. FULMER addressed the House. His remarks appear in the Appendix of the RECORD.]

ADDITIONAL APPROPRIATION FOR NATIONAL-DEFENSE HOUSING, FISCAL YEAR ENDING JUNE 30, 1941

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 614, making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes.

The Clerk read the title of the House joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 614; and pending that motion I ask unanimous consent that general debate extend for 1 hour, the time to be equally divided between the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Virginia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 614, with Mr. BEAM in the chair.

The Clerk read the title of the House joint resolution.

By unanimous consent, the first reading of the House joint resolution was dispensed with.

Mr. WOODRUM of Virginia. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this joint resolution provides the appropriation to carry into effect the authorization for national-defense housing contained in H. R. 10412, on which bill the conference report, presented by the gentleman from Texas [Mr. LANHAM] was just adopted by the House a short time ago. We have heretofore provided $100,000,000 for housing for the defense program by direct appropriation; $40,000,000 in addition to that was provided by the Federal Housing Administration, and $10,000,000 was advanced out of the emergency funds granted to the President, making a total of $150,000,000. If this joint resolution is agreed to, there will have been provided a gross total of $300,000,000 for this housing, and deducting the $10,000,000 which may be repaid to the emergency fund of the President, leaves a net of $290,000,000.

We are told by the representatives of the Advisory Commission of the Council on National Defense and by the Army and Navy that the best estimates they are able to make for housing needs will require approximately $560,000,000, but that they have received very encouraging cooperation from private industry and private capital, and they are hopeful that this $290,000,000, which is about half of the needs, will take care of the amount that the Government will have to put up for this purpose.

We provide in this joint resolution $75,000,000 in cash and $75,000,000 in contract authorizations.

The Committee on Appropriations has also written into this bill a provision which we think is fair, carrying the same limitation that is in most of the other defense appropriation bills limiting the profit on any cost-plus-a-fixed-fee contract to not to exceed 6 percent of the contract exclusive of the fee.

In addition to the housing item, there is an amount of $40,000 for the further enforcement of the Commodity Exchange Act, made necessary because of an enlargement of the law by House bill 4088, which brought under the Commodity Exchange Act 10 additional commodities. Unless there are some questions, I reserve the balance of my time. The housing matter was thoroughly discussed on the floor a few moments ago when the gentleman from Texas had the conference report on H. R. 10412 up in the House.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. RICH. We have already appropriated, as the gentleman says, $150,000,000 for the housing needs of the defense program. We are now asked to pass another bill, making $75,000,000 of direct appropriations and granting authority for $75,000,000 of additional contracts. This makes a total of $300,000,000, and the gentleman figures we are going to get a request for $200,000,000 more.

Mr. WOODRUM of Virginia. No; I did not figure that.

Mr. RICH. How are we going to get it up to $500,000,000, then?

Mr. WOODRUM of Virginia. I said the Advisory Commission of the Council on National Defense feels that it will be able to interest private capital in taking care of the rest of the housing needs. They are hopeful at any rate. They cannot promise definitely that they will not have to ask for any more funds on this proposition.

Mr. RICH. Does the gentleman figure we are going to have any more appropriation bills of this kind before this session of Congress adjourns?

Mr. WOODRUM of Virginia. Hope springs eternal in the human breast. I am hopeful, but the gentleman knows that hopes are dashed to pieces very suddenly sometimes.

Mr. RICH. I know, but the gentleman from Virginia, whom we all love and respect, made the statement about a week ago that the bill then under consideration was the last appropriation bill for the Congress, but we have one here today for $150,000,000 more. The gentleman from Virginia is not responsible for it. If the gentleman had his way, many of these bills would not go through; but they expect him, nevertheless, to railroad them through, and there is nobody else in the House who can do it. The gentleman has just got us all where they give him anything he wants; but I ask the gentleman whether the administration, in asking him to bring in appropriation bill after appropriation bill, has ever asked the gentleman where we are going to get the money to pay for these expenditures?

Mr. WOODRUM of Virginia. The gentleman from Pennsylvania asks that every day or two. I confess it is a problem that worries me considerably.

Mr. RICH. It has been worrying me. I am worried so much about it I am afraid I am going to get sick worrying about it, and I do not want to get sick. I would like to get the administration sick and let them think about it for a while.

Mr. SABATH. We will get it from those able to pay.

Mr. RICH. Is the gentleman a spokesman for the administration?

Mr. SABATH. No.

Mr. RICH. The gentleman speaks up every time I ask that question, but he never answers it. He is like all the rest; they do not know, and, what is worse, they do not care.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. HOFFMAN. At Camp Custer, in the Third Michigan District, the Government is building barracks. I have letters from men who have applied for work on that project. They state that even though they belong to a union in the adjoining county and are in good standing, yet when they go over to Camp Custer, which is in Calhoun County, from either Kalamazoo or Ottawa Counties, they are required, before they are allowed to work on the Camp Custer project, to pay the difference in the union dues, which are less in Kalamazoo and Ottawa Counties than they are in Calhoun County. Will not that practice tend to increase the cost to the United States of this building program?

Mr. WOODRUM of Virginia. I believe that any differences in labor-union dues would have no effect on the cost of the housing. Is that what the gentleman means?

Mr. HOFFMAN. That is what I mean.

Mr. WOODRUM of Virginia. I believe that would not affect the cost to the United States. That is an intraunion matter and I understand it would not reflect in the costs of the contract.

Mr. HOFFMAN. Certainly it would. If the worker has to pay higher fees and dues to the union, he must necessarily be paid a higher wage, and it comes out of the contractor, and, in the end, out of the taxpayer.

Mr. WOODRUM of Virginia. We were told there has been no difference, certainly no appreciable difference, in labor costs recently. That specific question was asked.

Mr. HOFFMAN. I shall call the gentleman's attention this afternoon or tomorrow to the fact that the difference in the union fees is $20, the amount that has to be paid to the union representative. Is there anything in this bill which would give authority to any department having to do with the building of these houses to require that a man shall pay a fee to a union before he may go to work for the United States Government?

Mr. WOODRUM of Virginia. There is nothing whatever in this bill affecting that at all. The gentleman knows, of course, that that is a matter between trade-unions. The Government has provided in other organic laws which we have passed that men may belong to unions. There is nothing in this bill that in any way affects that.

Mr. HOFFMAN. Is there any provision in this bill that protects the right of the individual who does not belong to a union, that does not require him to belong to a union before he can get a job?

Mr. WOODRUM of Virginia. That has nothing to do with the bill at all. The gentleman knows it has nothing to do with it whatsoever.

Mr. HOFFMAN. I call the gentleman's attention to an item appearing in this morning's paper saying that a certain union representative, one Emile Chatak, at Buffalo said that Grace, president of Bethlehem Steel, would sit down and negotiate with him or we will not get any steel. That is with reference to the Bethlehem plant, where 70,000 men are employed to produce steel. This union organizer says that plant will be closed unless the president of the company sits down with that particular organizer. Does not the gentleman believe we ought to be protected against that kind of procedure?

Mr. WOODRUM of Virginia. What has that to do with this bill, I ask the gentleman?

Mr. HOFFMAN. I imagine they will use some steel in these houses; there will be plumbing, and they certainly would be affected to that extent.

Mr. WOODRUM of Virginia. These are very simply constructed houses.

Mr. HOFFMAN. Even if they were constructed of hot air and the hot air were controlled by a union, the cost of the houses would be affected by a union organizer's interfering with the supply of hot air.

Mr. WOODRUM of Virginia. If we could can some of the hot air we hear in the House, we might not have to make this appropriation.

Mr. HOFFMAN. Or some we get from the Executive Mansion.

Mr. WOODRUM of Virginia. That is the gentleman's opinion, with which I do not agree.

Mr. HOFFMAN. If we translated some of those things the Executive says into action, we would not even need Congress in session.

Mr. MACIEJEWSKI. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Illinois.

Mr. MACIEJEWSKI. Is it necessary to house these men that we are taking into the Army by this appropriation?

Mr. WOODRUM of Virginia. No. This is not Army enlisted personnel. Let me reiterate what was said by the gentleman from Texas when the conference report was agreed to. The housing provided for in this resolution is principally for civilian workers in war industries, where they are building plants and expanding plants at places where there is not sufficient housing to take care of the civilian workers who work in those plants. A relatively small portion of it may be used for the housing of families of enlisted men at Army and Navy posts, but the major part of it is for the housing of civilian workers.

Mr. HOLMES. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Massachusetts.

Mr. HOLMES. In connection with the defense program at these industrial plants, quite frequently we find that the Army and Navy may have to designate an officer to stay right there at the works for inspection purposes and to see to it that the Government's interests are protected.

Mr. WOODRUM of Virginia. Yes.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield myself 5 additional minutes.

Mr. HOLMES. Is it not well to emphasize the fact, and I think it should be brought out so the membership know it, that while these appropriations are made available to the Public Works Division, it in no way augments the W. P. A. in any sense of the word?

Mr. WOODRUM of Virginia. No. The gentleman is correct.

Mr. HOLMES. This is purely and entirely a different project. The construction of these units will be let on a basis of carefully drawn plans and specifications?

Mr. WOODRUM of Virginia. Yes.

Mr. HOLMES. And lay-outs, and no doubt will be done by contracts so the mechanics will get the benefit of that work?

Mr. WOODRUM of Virginia. Yes. I thank the gentleman for his contribution.

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Will the gentleman explain the amount of $40,000 that is appropriated to the Department of Agriculture? While the amount is not large, it is the type of appropriation that we should know a little bit more about.

Mr. WOODRUM of Virginia. The Congress amended the Commodity Exchange Act by the passage of H. R. 4088, which has just been sent to the President. By that amendment it brought under the provisions of the Commodity Exchange Act new commodities, namely, fats and oils—including lard, tallow, cottonseed oil, peanut oil, soybean oil, and all other fats and oils—cottonseed meal, cottonseed, peanuts, soybeans and soybean meal. Hides were also in H. R. 4088 at one time, but were omitted in conference; so the Budget estimate of $90,000 for the additional administration of the Commodity Exchange Act was curtailed to $66,590 by the elimination of hides. The Appropriations Committee in passing this bill cut the $66,590 to $40,000.

Mr. RICH. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Pennsylvania.

Mr. RICH. In building homes for these civilian workers has the committee that has decided on the location of these particular plants tried to keep in mind where they locate the plants and that they might do so where there are already housing facilities to take care of employees at manufacturing plants, where the Government could use plants already constructed. If they gave a little time to investigate practical places to do emergency work, thereby saving the construction of a lot of houses now under this bill, that would not be necessary.

Mr. WOODRUM of Virginia. They have taken that into consideration, I may say to the gentleman.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from California.

Mr. VOORHIS of California. May I ask the gentleman why it is necessary in connection with this particular project to make it possible to suspend competitive bidding? It seems to me that is a protection, particularly for small contractors. I just wondered why, in connection with this housing, it had to be suspended. I can understand it in other cases.

Mr. WOODRUM of Virginia. This housing is for men working in defense plants. If you had to draw plans and specifications, and go through the routine, formality, and red tape of the provisions of the law in that respect you would delay it several months, and winter is approaching. We were told they would follow the competitive practice where it could be done and not delay the defense program. These are very simple mass-production houses. Admiral Moreell, of the Navy; Major Wilson, of the Army; as well as Mr. Reynolds, of the Federal Works Agency, say they can save money and expedite this housing by being relieved of competitive bidding. The authorization bill just passed permits that to be done.

Mr. Chairman, I reserve the balance of my time.

Mr. TABER. Mr. Chairman, to be perfectly frank with the House, I do not know whether this appropriation of $150,000,000 is necessary or not. I do not know that it is not necessary, therefore I am not going to oppose it. I have tried to find out about it the best I can, and these are the facts as I get them.

They are proposing to build under the Advisory Commission to the Council for National Defense and under Mr. Reynolds, of the Public Buildings Division of the Public Works Administration, about 80,000 units of housing for either Army and Navy enlisted men of the three top grades or for workers in these defense plants or navy yards in

connection with the building of guns, ammunition, ships, and all that sort of thing that is necessary in connection with national defense. These houses are to be rented at from $15 to $20 a month. The average cost of the set-up, including such facilities as waterworks, sewers, streets, and such roads as may be put in, will be approximately $3,500 per rental unit.

It is perfectly apparent that a rental of $15 to $20 a month is only going to cover the depreciation on these properties, with nothing for interest and nothing for obsolescence. We all know that the period these houses will be used will not be very long. Five years would be a peak, and perhaps 2 or perhaps 1 year would be the period of their use. Therefore, it means that this expenditure, which runs $150,000,000 under this proposition and $140,000,000 in addition under a previous appropriation of $100,000,000, and an allocation by the Federal Housing Authority of $40,000,000, is undoubtedly a nonrecoverable item in connection with the national-defense program. Undoubtedly we must have housing for the families of the three top grades of enlisted men in both the Army and in the Navy. As I understand, that takes up about half of the housing units that are to be provided. The other half is for civilian workers in the navy yards, the arsenals, the powder plants, the aluminum plants, and the airplane plants that are to be engaged and that are engaged on war work. We are told that they would require altogether 160,000 units. The number provided by this $290,000,000 is about 80,000 units, a small number of which will cost more than the average of $3,500 because they are in isolated places where the labor has to be carried in. Frankly, it is a rather expensive and extravagant program, but I am not able to say that it is not necessary, therefore I do not propose to oppose it.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr. RICH. With reference to these houses at the various plants engaged in preparation for war, does the Government intend to rent these houses or does it expect to give them to the workers if they will come to the plants and accept the jobs?

Mr. TABER. They evidently intend to rent them for from $15 to $20 a month, because that was the set-up provided for according to the testimony given before us yesterday in our hearings.

Mr. RICH. When this preparation for war is concluded, what will they do with these plants and the houses when we find out that we are going to get into war or that we are not going to get into war?

Mr. TABER. Those that are not required for any particular governmental purposes will undoubtedly be sold or salvaged in some way or other by the Government, just as we did before.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Texas.

Mr. LANHAM. I may say that that is the provision in the bill upon which this appropriation measure is predicated, that these are to be disposed of when the time has passed making their use necessary by the Government.

Mr. RICH. Does the gentleman believe we are actually preparing for a war?

Mr. LANHAM. What we are preparing to do is defend this country against any aggression on our shores. Certainly, matériel is a very important part of that preparation. This appropriation is designed primarily to house the workers who will be preparing that matériel.

Mr. RICH. I realize that everybody wants national defense, but does the gentleman have any idea that anything will develop from the situation we see in Europe and Asia now whereby somebody in this country will want us to defend our rights here by sending boys over to Europe or Asia?

Mr. LANHAM. I hope not, but I am neither a seer nor a prophet. When it comes to the proposition of a declaration of war, that is peculiarly within the province of the Congress itself and would come before us for determination if such an exigency should arise.

Mr. RICH. Perhaps the gentleman from New York [Mr. TABER] can answer that question. Does the gentleman believe from all the evidence that has been given in these hearings that there is anyone in this country who has the idea that eventually we must send boys over to Europe to defend America?

Mr. TABER. I would not want to say there is anyone who believes we would have to send boys over to Europe or to Asia to defend America. I would say that although there may be considerable waste, and there always is in connection with war activities and preparation for war, we stand a great deal less chance of getting into war if we are in shape to defend ourselves than if we are flat. That is the position I take, and that is why I am not opposing this request.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I am a member of the committee which reported this New Deal socialistic government in the housing-business program which has been clothed in the robes of national defense. I opposed it then and I am opposed to it now. This program is an unwarranted raid on our almost bankrupt Federal Treasury to the tune of $150,000,000 under cover of a national-defense smoke screen. Is it not a fact that a Government Treasury which is not bankrupt or almost bankrupt is one of the most essential requirements for national defense?

Mr. TABER. Undoubtedly it is, and undoubtedly our Treasury is in a precarious position, with the tremendous bond issues that have been made and into which the people have been obliged to put the money that should be used to keep the wheels of industry turning and to make the mare go and provide employment. If it were not for that terrific build-up and for the lack of confidence people have in the administration, there undoubtedly would be very considerable employment, which would result in not only larger income taxes but a very much smaller demand for relief.

Mr. SCHAFER of Wisconsin. In view of the fact that our Federal Treasury, after 7 long years of New Deal maladministration and spending spree on public money is almost bankrupt, would it not be in the interest of national defense to save this $150,000,000 and require that $10 to $15 a day navy yard and other defense workers who are unable to rent homes for their families near their places of employment, to leave their families in the homes in which they are now residing, just as we require the $30-a-month drafted men and members of the National Guard who are called into Federal service to leave their families home when they have to leave them and learn to goose-step in Fuehrer Roosevelt's New Deal Stalin-Hitler type of conscript army?

Mr. TABER. I would not want to answer that question. I believe there is enough of a case made for the requirement of proper housing for the folks who have to work in the neighborhood of these defense requirements that I would not want to oppose the bill.

Mr. SCHAFER of Wisconsin. There is one more question I would like to ask the gentleman. The chairman of our committee which reported the $150,000,000 Government housing authorization, which I opposed, stated that this Government housing program was necessary in order to produce the essential material for national defense, did he not?

Mr. TABER. I understood that, but I do not know whether he did or not. I would not say.

Mr. SCHAFER of Wisconsin. Let us look at the facts. You observed in the press this morning, October 8, 1940, that our New Deal brethren have sold Canada, a foreign belligerent nation, 137 of our wholly inadequate supply of army tanks. Our New Deal brethren have also sold a foreign belligerent nation about one-seventh of our wholly inadequate Navy. They have also stripped and sold essential portions of our whole inadequate aviation arm of our national defense to a foreign belligerent nation which has also purchased most of Uncle Sam's reserve artillery, rifles, and munitions of war. In the last week of August of this year many units of the National Guard which were called into active

training did not have sufficient equipment because our New Deal brethren had stripped our country's national-defense machine and sold many essential portions of it to a European belligerent country. They had to use old rustry farm-implement wheels on which were mounted planks for artillery practice. Many had to use fish poles, broomsticks, and old crutches for rifle training, because our New Deal brethren had sold many thousands of our Government's rifles to the British. They did not have sufficient tanks and had to use old auto trucks for tank training. They had to use old logs and fence posts for trench-mortar training. In view of the record do you not think that insofar as our New Deal brethren being in favor of national defense is concerned, Uncle Sam finds himself in the same position as Isaac of old who said "the voice is Jacob's voice, but the hands are the hands of Esau."

Mr. TABER. I gather from what the gentleman says that the thing the New Deal is training the soldiers in is how to operate a manure spreader.

Mr. SCHAFER of Wisconsin. No; our New Deal brethren have sold so much of Uncle Sam's artillery to a foreign belligerent European nation that many of the members of the National Guard who were called into training in the last week of August 1940 had no artillery for artillery practice and training. At Camp Douglas, Wis., members of the Michigan and Wisconsin National Guard were furnished with artillery designed by New Deal brain trusters. They were given artillery training with New Deal guns which consisted of planks mounted on old manure spreaders and other old farm implement wheels. They were given trench-mortar training with fence posts instead of trench mortars.

Although our New Deal brethren have stripped Uncle Sam's national-defense machine and sold many essential portions of it to a foreign European belligerent nation they have the gall to raid our almost bankrupt Federal Treasury of $150,000,000 for a socialistic Government housing program in the name of national defense.

Mr. TABER. I had supposed the National Guard all had rifles and artillery.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. HOLMES. I want to make this observation and as a member of the Appropriations Committee the gentleman can correct me if I am wrong. Up to the present time we have practically appropriated about $14,000,000,000 for national defense.

Mr. TABER. Including the billion and a half that came out of the R. F. C. to provide loans for war industries and loans to South America, I would say it ran somewhere around $12,000,000,000.

Mr. HOLMES. As a matter of fact, with these huge appropriations, we have asked private industry to expand the manufacture of implements of war, and we all note the expansion of the airplane-manufacturing industry, and as we go along our various coasts we see the expansion of our navy yards and private shipbuilding yards manufacturing these boats that the Navy has contracted for, and we also see the tremendous number of men the United States Government is asking and urging to go into the employment of the Federal Government at the various yards and arsenals, and so forth. And is there not an obligation on the part of the Congress, insofar as it possibly can, to make it possible for the men working in these industries to live in the community where these goods are manufactured for the Government?

Mr. TABER. We are not going to get men to work in the factories, or in the shipyards, or any of these establishments unless they are able to find a place to live in that territory.

Mr. HOLMES. In other words, we have to have a housing program.

Mr. TABER. It is just as important to house one group as another. Of course, in connection with this program, we are told by the Advisory Commission to the Council of National Defense that approximately 80,000 of these housing units are to be provided by private industry.

Mr. HOLMES. I was just going to make that observation.

Mr. TABER. I understand that is so.

Mr. HOLMES. And as far as the Administrator is concerned, following the purport and intent of the legislation, we were assured that insofar as humanly possible the Administrator would try to utilize private capital in connection with this building program, especially in congested areas where the type of construction has to be more or less of a permanent nature which will still exist after the emergency has passed.

So we have a different type of housing. It was suggested to us by those who came before our committee representing the workers, when they were asked what was the fair rent on these houses averaging $3,000, that $25 or $30 a month would be about right.

Mr. TABER. I think that is so, but that is not what they intend charging them, according to the information we were furnished yesterday. They intend charging them $15 or $20 a month. Frankly, I do not think that is fair. I think they ought to be prepared to pay at least $35 a month for a housing unit that costs $3,500.

Mr. HOLMES. Will the gentleman yield?

Mr. TABER. Yes; I yield.

Mr. HOLMES. We may go out in some isolated spot and build four or five thousand houses in connection with a powder plant and the average cost will be $1,500 or $1,800 or $2,000 per unit. You would not say that $35 a month would be a fair charge for that type of house.

Mr. TABER. Not for a unit that only cost $1,500, of course, but if it cost $3,500 I would say so.

Mr. HOLMES. This makes it possible for the Administrator to determine on the value of the cost of the project.

Mr. TABER. That is true.

Mr. HINSHAW. Will the gentleman yield?

Mr. TABER. I yield.

Mr. HINSHAW. I would like to ask the gentleman two or three questions. In the first place, do I understand him to say that the rentals fixed on these properties for civilian use will not be based on a competitive figure, but on some figure set up by some administration?

Mr. TABER. I do not believe they can be based on a competitive figure, but they should be as near as possible to what people have to charge to break even on private operations. If they are not, they are going to be a menace to the building industry everywhere.

Mr. HINSHAW. The reason I asked that question is because I have one of the large industries in my district and recently there have been hundreds and hundreds of new small homes built on vacant property around those industries and sold on some kind of an F. H. A. basis for $2,950 and figures approximating that, with a very small down payment. Now, if this housing is going to compete with those houses the workers who have bought those houses at $2,950 and who pay $30 a month are going to find that the values have considerably decreased, I should think. Would the gentleman comment on that?

Mr. TABER. I do not think that this housing program should compete with private industry in that way. I do not think it is fair. It is destructive.

Mr. HINSHAW. This competes with the F. H. A.

Mr. TABER. It should not. I do not know whether it will or not. I hope it will not, but I have no assurance from anyone that it will not.

Mr. LANHAM. Will the gentleman yield at that point?

Mr. TABER. I yield.

Mr. LANHAM. I call the attention of the gentleman to the fact that in the Senate amendment there was this provision about a finding with reference to the necessity for housing, "but such finding shall not be made until notice shall be given to the Federal Housing Administration of the proposed construction, stating the number of units proposed and the areas in which they are to be located." That was stricken from the bill in the conference report by reason of the fact that in section 8 of the bill the Administrator is authorized to act through any of these various agencies and there was no reason to name one of them and give it that priority. There is no disposition, according to the information before us, to seek to interfere in any way with those

who build or those who own private dwellings, but necessarily no exact standard of rentals could be fixed when the structures would vary in character in different localities.

Mr. HINSHAW. Knowing the gentleman as we do in the House, we know he would not want to see defense housing placed in a position to defeat the purposes of the F. H. A., through competition.

Mr. LANHAM. That is true.

Mr. HINSHAW. If the gentleman can assure us that this will not be the case, then I shall be delighted and very much relieved.

Mr. HOLMES. Will the gentleman yield to me?

Mr. TABER. I yield.

Mr. HOLMES. As a matter of fact, does not this legislation open up a wider avenue for cooperation with the Federal Housing Administration?

Mr. LANHAM. That is my understanding of the measure. As a matter of fact, when the emergency has passed there will be a great many people who will be able to buy these homes and carry on. There is certainly no intention to have competition, because it is the purpose to use all private housing wherever it is available, and to supplement that with these appropriations where it is not available. But the rental will necessarily have to depend upon the character of the building and the location of the building, and it would make for lack of harmony if a monkey wrench were thrown into the machinery by placing very low rentals that were not reasonable.

Mr. HINSHAW. The gentleman assures us that arbitrary rentals will not be placed upon this property in such a way that it will tend to defeat the F. H. A. program in small housing?

Mr. LANHAM. Those who appeared before our committee told us that if they did anything like that it would make for a lack of harmony in carrying out this program and that harmony was absolutely essential, and that they would avoid every circumstance of that kind that they possibly could.

Mr. RICH. Will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. RICH. Where you build these plants which are temporary plants, for the purpose of supplying war munitions today, it is not like it was 20 years ago when you had to have a house right alongside of the plant.

Everybody today has an automobile and he can travel 25 miles to reach the plant, if necessary, without great inconvenience. If the industrial plant is of temporary construction, for instance, for the purpose of making war munitions for this emergency, is it necessary to locate these plants so that we are forced into the construction of a lot of these houses?

Mr. LANHAM. I will say to the gentleman that houses will be built upon the basis of need. This program is going to be carried out according to the need of the circumstances.

Mr. RICH. Will the chairman guarantee that we are not going to waste money that way?

Mr. TABER. Mr. Chairman, there was one thing in the testimony before the committee that I had overlooked but which I believe should be called to the attention of the Members. There was testimony to the effect that where these workers were housed the rental would be approximately 20 percent of the wage they received. This, to a certain extent, would be a safeguard, because most of these fellows will receive in the neighborhood of $35 a week, as I understand it. This would mean a rental of somewhere around $30 a month.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. BENDER. I would like to make a brief observation if the gentleman will be kind enough to give me a little time.

Mr. TABER. Would the gentleman rather have time in his own right? I will yield to him in a minute.

Mr. BENDER. If the gentleman will.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield for one question.

Mr. STEFAN. We have heard considerable discussion on the floor concerning the terrible economic problem that will face this country after this is all over. In the hearings on this bill did the committee give some thought in the $500,000,000 construction program as to whether the houses would be an entire waste, that there would be something we could use for the economic recovery which will be necessary after this war scare is over?

Mr. TABER. In the case of any houses that had to be abandoned the salvage would not go very far, nor would they go very far toward providing permanent housing.

Mr. STEFAN. Then it will represent a waste after a while.

Mr. TABER. It is mostly a washout, this $300,000,000 we are providing. The total amount we have provided already with this item, for housing of one kind and another for the Army and Navy within the last few weeks runs somewhere around $756,000,000. There was $128,000,000 for housing for the National Guard; $338,000,000 for housing for the drafted troops; and approximately $140,000,000 on the appropriation that went through a couple of weeks ago; and $150,000,000 now. This makes a total of approximately $756,000,000.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CASE of South Dakota. Does the gentleman have any idea how the Congress might safeguard these funds so that we would not have any repetition of the experience we had with housing under the Tennessee Valley Authority?

Mr. TABER. I do not know whether anything can be done to prevent the repetition of such experience or not. I criticized these people yesterday because one of these outfits specified that the pine to be used in that particular construction had to be of a certain kind. That kind grew in a single State. The result was that it shot the market for that particular type of pine all out of sight.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York reserves the balance of his time.

Mr. TABER. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. BENDER].

The CHAIRMAN. The gentleman from Ohio is recognized for 1 minute.

Mr. BENDER. Mr. Chairman, in my own State of Ohio the recent census figures reveal that the New Deal is creating many ghost cities. Population has decreased during the last 10-year period in many industrial centers. What concerns me is that we are erecting these alleged national-defense plants far from industrial centers, thereby creating a greater problem and then spending the taxpayers' money to build new houses where there are plenty of houses in these industrial centers now.

[Here the gavel fell.]

Mr. O'NEAL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, there are about half a dozen resolutions pending before the Committee on Rules for the appointment of committees to investigate expenditures by the War and Navy Departments. Personally, having the utmost confidence in the Appropriations Committee, especially its chairman, and the chairmen of its subcommittees, and in view of the further fact that we have the Bureau of the Budget and a Committee on Expenditures in the Executive Departments, the Committee on Rules has felt it unnecessary or untimely at this time to act favorably on these resolutions, looking to appointment of investigating committees. I feel, however, that the Appropriations Committee will, as was promised me, explore very carefully when representatives of the departments request appropriations for national defense. I shall not say anything more on the matter at this time.

Mr. Speaker, the gentleman from Michigan [Mr. HOFFMAN] has again questioned the gentleman from Virginia as to the increased cost of housing, and is alarmed that the Government, or contractors, again will be precluded from hiring nonunion, or what is generally known as scab labor. Day after day, he unjustifiably attacks labor, and he fears that the cost of preparedness will increase—even retard proper preparedness—by the action of labor unions. He does not, however, pay any attention to the fact that such organizations

as the United States Chamber of Commerce, the National Manufacturers' Association, and others, have strong and very aggressive organizations to protect and promote their interests. Those employed in construction work invariably work but 5 or 6 months a year. Their wages, consequently, must be a little higher than if their employment were regular. I think they are entitled to higher wages when they work so they may live properly in enforced idleness. I hope, therefore, that in the future the gentleman from Michigan [Mr. HOFFMAN] will give some critical attention to these manufacturers and industrialists in whose welfare he is so vitally interested, fearing that their profits may be reduced. I say to him that they have made more money than ever before in the history of America. Some of these concerns have increased their profits all the way from 30 to 600 percent in the last 6 months, or during the last year. This I have shown in my remarks appearing in the CONGRESSIONAL RECORD of September 19, wherein I set forth the following table:

	Net profits for first 6 months, 1933	Net profits for first 6 months, 1940	Percent increase
General Electric	$5,953,605	$25,871,572	334
United Fruit	5,073,000	9,379,000	85
Republic Steel Co	2,929,019	6,449,453	120
Atlantic Refining Co	1,002,000	5,256,000	425
Libby-Owens-Ford Glass	2,157,083	5,176,748	140
Caterpillar Tractor	470,765	3,509,514	646
American Brake Shoe & Foundry Co	241,486	1,266,636	425
Beech-Nut Packing Co	744,487	1,461,018	96
Kimberly-Clark Corporation	311,511	1,373,651	340
Container Corporation of America	240,177	1,128,735	369
Hanna (M. A.) Co	394,909	1,104,307	179
Eaton Manufacturing Co	31,253	1,903,348	6,054
Borg-Warner Corporation	335,172	2,830,983	747
General Cigar	441,058	574,068	30

These companies have increased their profits inordinately, but the gentleman from Michigan [Mr. HOFFMAN] pays no attention to that. It does not interest him. He has depreciating interest in a wage earner who might earn a few dollars more than he has heretofore, but no more than that to which he is entitled and actually needs for himself and his family.

Mr. FULMER. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from South Carolina.

Mr. FULMER. Is it not a fact that all of these industries that the gentleman is apparently so interested in when he speaks about wage earners and their organizations, are all hog-tied in an organization or association of which they are members, and in which they thresh out all of their problems, formulate rules and regulations governing production, distribution, and actually fix prices?

Mr. SABATH. Does the gentleman mean the members of the chamber of commerce and the National Manufacturers' Association?

Mr. FULMER. All of these manufacturers.

Mr. SABATH. Why, yes. The small relative amount that a wage earner receives in comparison with what these corporations receive is infinitesimal; and I am sorry that the gentleman from Michigan [Mr. HOFFMAN] takes so much time making these unfair statements.

[Here the gavel fell.]

Mr. O'NEAL. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SABATH. Mr. Chairman, as to the pending appropriation bill, I do not want to be misunderstood. I think the appropriation is needed and the bill should be passed. As I stated heretofore, I have complete confidence in the Appropriations Committee. However, having had experience during the last World War, and having observed very closely some of the then existing practices, I shall endeavor, to the best of my ability, to be kept informed how the money is expended, to see whether or not real economy is practiced, and whether or not favoritism is shown. Later on the Appropriations Committee will have sufficient time to carefully question each and every representative of a department who appears before it asking for additional money or authority.

Mr. HOLMES. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Massachusetts.

Mr. HOLMES. I think the gentleman is touching on a very sensible suggestion, and I want to give him one concrete example to work on right away. The National Guard of Massachusetts has been called out. According to the President, they are going to be housed at Cape Cod. I have been informed that a dredging contractor from California has been given the contract to build those barracks and he has never built a building in his life.

Mr. SABATH. I have been reliably informed that in my own State three or four contracts for these large construction projects amounting to many millions of dollars have been awarded to New York contractors.

Mr. Chairman, as I have said before I know that in Illinois we have many well-qualified, competent contractors and builders who are more than anxious to serve the Government honestly, faithfully, and economically. Ordinarily, all departments are required by law to award contracts to the lowest, responsible bidders and to require each successful bidder to post an adequate performance bond, but this construction work has been and is being awarded on a negotiated-fee-contract basis. Due to the present emergency, I do not find fault with this practice, but I fear there is discrimination.

When we consult the Army and the Navy, we are assured it is the practice to award contracts to those qualified in the locality of the projects; yet what actually happens is, as pointed out by the gentleman from Massachusetts [Mr. HOLMES], that a contractor from California is given an award for work in Massachusetts, and a contractor from, say, New York comes to my own State of Illinois to do this Government work, while both Massachusetts and Illinois have competent contractors to do all such Government work.

[Here the gavel fell.]

Mr. O'NEAL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Resolved, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, for the purposes enumerated:

FEDERAL WORKS AGENCY

National-defense housing: To enable the Federal Works Administrator to carry out the purposes of the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," H. R. 10412, as enacted into law during the Seventy-sixth Congress, $75,000,000, to be expended in accordance with the provisions of such act, to remain available until expended, and to be available for all necessary administrative expenses for the purposes hereof, including personal services and rent in the District of Columbia and elsewhere, printing and binding, and purchase, repair, operation, and maintenance of motor-propelled passenger-carrying vehicles; and in addition to such appropriation, authority is granted to enter into contracts or otherwise to incur obligations for the above purposes in amounts not to exceed in the aggregate $75,000,000: *Provided*, That in no case under the foregoing appropriation or contractual authorization shall the fixed fee to be paid the contractor under any contract entered into without reference to section 3709 of the Revised Statutes of the United States on a cost-plus-a-fixed-fee basis exceed 6 percent of the estimated cost of the contract, exclusive of the fee, as determined by the Administrator or the head of such Federal agency through which he may act: *Provided further*, That the fact that a contract is entered into under the provisions of the above-mentioned act without reference to section 3707 of the Revised Statutes of the United States shall not be construed to render inapplicable the provisions of the act of March 3, 1931, as amended by the act of August 30, 1935 (49 Stat. 1011; U. S. C., title 40, sec. 276 (a)), or the provisions of the act of June 30, 1936 (49 Stat. 2036; U. S. C., title 41, secs. 35–45), to any contract to which the provisions of either or both of such acts would otherwise apply.

Mr. WOODRUM of Virginia. Mr. Chairman, on page 2, line 22, the "3707" should be "3709." That is a typographical error and I ask unanimous consent that it may be corrected.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. WOODRUM]?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: On page 1, line 7, strike out "National-defense."

Mr. BENDER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, coming from a great industrial center that has shown a decrease in population in the last decade, I am very much concerned with the direction in which we are moving in this country. Cleveland has shown a decrease in population, as have Akron and Youngstown; in fact, practically every large industrial center in the country has either remained static or has shown a decrease in population.

I know that the stoppage of immigration in 1924 had something to do with this situation. I know, too, that during the last 10 years, with two families living under one roof, the growth of families has naturally not been as great as was true previously. It is extremely important to call to your attention the fact that because private enterprise has been discouraged and has been in the dog house during the reign of the New Deal many of our people have moved from these large centers, thereby causing this decrease in population. Now we are erecting national-defense plants far removed from present industrial centers.

It seems to me we might have planned a little better in establishing more of these industries in the centers where no housing problem exists. I know there are some national-defense industries which cannot be located in the large centers, for example the shipbuilding industry, but there are many more industries that could be established in these large centers, rather than separating families and uprooting homes as will be uprooted when we transplant these industries to other parts of the country.

I am greatly concerned with the wastefulness of this whole program. We have wasted so much money during the last 7 years that it ill behooves us in the name of national defense to go on with our Government's ruinous and wasteful policy.

The Baltimore Sun, a Democratic newspaper, last Sunday showed that the Federal jobholders in 1933 numbered 572,091, and that we now have 1,023,341 Federal employees. In other words, about the only city where there has been a substantial increase in population, apart from Los Angeles and certain towns in Florida, is Washington, D. C., while our great industrial centers upon which the prosperity of our Nation depends, along with the prosperity of agriculture, have lost in population. Now, in the name of national defense we are traveling the same road we have traveled the past 7 years and that has only created great trouble for all of us in this country. Our unemployment situation has not improved in America, even in the face of all the New Deal experiments. The forgotten man, of whom we heard so much in 1933, has never been remembered. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

The amendment was rejected.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE

Enforcement of the Commodity Exchange Act: For an additional amount to enable the Secretary of Agriculture to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C. 1–17a), and as further amended by the Act entitled "An act to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts," H. R. 4088, as enacted into law during the Seventy-sixth Congress, $40,000.

Mr. WOODRUM of Virginia. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BEAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the joint resolution (H. J. Res. 614) making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes, had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BULWINKLE. Mr. Speaker, I make a point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 226]

Allen, Ill.	DeRouen	Jarman	Robsion, Ky.
Allen, Pa.	Dies	Jenks, N. H.	Rockefeller
Anderson, Calif.	Ditter	Jennings	Sandager
Andrews	Doughton	Keller	Schaefer, Ill.
Arnold	Douglas	Kilburn	Scrugham
Barden, N. C.	Dworshak	Kirwan	Shafer, Mich.
Barnes	Elliott	Kleberg	Sheppard
Barton, N. Y.	Evans	Knutson	Sheridan
Bates, Mass.	Faddis	Lemke	Short
Bell	Fish	McGranery	Smith, Wash.
Boland	Fitzpatrick	Magnuson	Starnes, Ala.
Boren	Ford, Leland M.	Marcantonio	Steagall
Bradley, Pa.	Ford, Thomas, F.	Martin, Ill.	Sullivan
Brewster	Fries	Martin, Mass.	Sweeney
Brooks	Gibbs	May	Talle
Buck	Gifford	Merritt	Thill
Buckley, N. Y.	Gilchrist	Mills, La.	Thorkelson
Burch	Green	Mitchell	Tinkham
Caldwell	Gwynne	Mott	Tolan
Cartwright	Hall, Edwin A.	Nelson	Wadsworth
Casey, Mass.	Hall, Leonard W.	Norton	Wallgren
Cluett	Harrington	O'Brien	Warren
Collins	Havenner	O'Day	Weaver
Corbett	Hawks	Parsons	Welch
Crawford	Healey	Patton	White, Ohio
Creal	Hook	Peterson, Ga.	Williams, Mo.
Crosser	Hope	Reece, Tenn.	Wolfenden, Pa.
Cullen	Houston	Rees, Kans.	
Darden, Va.	Izac	Richards	
Darrow	Jacobsen	Robinson, Utah	

The SPEAKER. On this roll call 311 Members have answered to their names, a quorum.

Mr. COOPER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK

Mr. HILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8512) to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 8, after "appropriated", insert "a sum not to exceed $125,000."

Page 2, lines 9 and 10, strike out "such sums as the Congress may from time to time determine."

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain just what the amendments do?

Mr. HILL. The gentleman from Georgia [Mr. TARVER] will explain the amendments.

Mr. TARVER. Mr. Speaker, the bill passed the House without any limitation on the amount which might be appropriated thereunder being contained in the bill and the Senate fixed a limitation on the amount which might hereafter be appropriated by the Congress. So the effect of the amendment is to limit the bill to less than what was contained in the House action. I spoke to the gentleman from Michigan about the bill some little time ago.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. TABER. I object, Mr. Speaker.

Mr. TARVER. Mr. Speaker, will the gentleman reserve his objection?

Mr. TABER. Yes.

Mr. TARVER. I do not know, of course, the basis of the gentleman's objection, but the effect of the amendment which was proposed in the Senate is one of economy, which I know the gentleman strongly favors. The House action was had without the placing of any limitation on the amount or the authorization whatever, whereas the Senate action imposes limitations.

Mr. TABER. How much of a limitation?

Mr. TARVER. One hundred and twenty-five thousand dollars.

Mr. TABER. That is quite liberal.

Mr. TARVER. May I say to the gentleman that the bill involves the acquisition of certain designated lots of land which were originally within the limits of the Chickamauga-Chattanooga National Military Park. The amount of the limitation is reasonable, the land can be acquired within the limitations imposed by the Senate amendment and it certainly seems to me there ought not to be any valid ground for objection.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. HILL. The House bill, as it passed the House originally, had no limitation, and now the Senate bill has a limitation and I do not see any valid ground for the gentleman's objection.

Mr. TABER. If the gentleman would accept an amendment reducing the $125,000 limitation to $25,000, I think it might be in order.

Mr. TARVER. May I say to the gentleman that the land in question could not be bought for $25,000. The gentleman, together with other Members of the House, permitted the bill to pass the House with no limitation whatever upon the amount which might be appropriated under the unanimous-consent rule, and it certainly seems to me there ought not to be any objection to the placing of a limitation upon what was heretofore unlimited when the House acted.

Mr. TABER. What appeals to me is this: $125,000 is a very liberal figure, and if the request should be changed so that the limitation were reduced to $25,000 I would not feel obliged to object, but if it is to be $125,000 I think I should feel obliged to object.

Mr. TARVER. Of course, the gentleman understands that the effect of his request would be to defeat the purpose of the bill. If the gentleman entertains the conclusion that he must object unless the very reasonable limitation placed in the bill by the Senate is reduced, then I know of nothing we can do except to permit the gentleman to exercise that privilege of objecting; but I think it is a very unreasonable position for the gentleman to take, because he permitted the bill to pass the House without objection when his objection could have killed it, when no limitation whatever upon the amount to be appropriated was in the bill, and he now objects to a Senate amendment which proposes a definite limitation.

Mr. TABER. Of course, I have been tied up on committee a great deal and have not always been able to be present when bills were called up by unanimous consent, and many times they go through without limitations that should be in.

Mr. TARVER. May I say this to the gentleman before he makes his objection, that in the event the gentleman objects to the concurrence of the House in the Senate amendment, the probable effect will be that the Senate will recede from its amendment and thereby leave the bill without any limitation whatever. It is just a question for the gentleman to determine as to whether he wants a reasonable limitation or whether he wants no limitation at all.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I object.

CALL OF THE HOUSE

Mr. PATMAN. Mr. Speaker, I make a point of order. I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-seven Members are present; not a quorum.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 227]

Allen, Ill.	DeRouen	Jacobsen	Robinson, Utah
Anderson, Calif.	Dies	Jenks, N. H.	Robsion, Ky.
Arnold	Ditter	Jennings	Rockefeller
Barden, N. C.	Doughton	Keller	Ryan
Barnes	Douglas	Kilburn	Schaefer, Ill.
Barton, N. Y.	Dworshak	Kirwan	Scrugham
Bates, Mass.	Elliott	Kleberg	Shafer, Mich.
Boland	Evans	Knutson	Sheppard
Bolles	Faddis	Lemke	Sheridan
Bradley, Pa.	Fish	McDowell	Short
Brewster	Fitzpatrick	Magnuson	Starnes, Ala.
Brooks	Flannery	Marcantonio	Steagall
Buck	Ford, Leland M.	Martin, Ill.	Sullivan
Buckley, N. Y.	Ford, Thomas F.	Martin, Mass.	Sweeney
Burch	Gibbs	May	Talle
Burdick	Gifford	Merritt	Thill
Caldwell	Gilchrist	Mills, La.	Thorkelson
Cartwright	Grant, Ala.	Mitchell	Tolan
Casey, Mass.	Green	Mott	Wadsworth
Clevenger	Hall, Edwin A.	Nelson	Wallgren
Cluett	Hall, Leonard W.	Norton	Warren
Collins	Harrington	O'Brien	Weaver
Corbett	Havenner	O'Day	Welch
Creal	Healey	Parsons	White, Idaho
Cullen	Hook	Patton	White, Ohio
Cummings	Hope	Peterson, Ga.	Winter
Darden, Va.	Houston	Reece, Tenn.	Wolfenden, Pa.
Darrow	Izac	Richards	

The SPEAKER. On this roll call 318 Members have answered to their names, a quorum.

Mr. COOPER. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. Without objection it is so ordered.

Mr. TABER. Mr. Speaker, I object.

Mr. COOPER. I moved it, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

The question was taken; and, on a division (demanded by Mr. TABER), there were—ayes 99 and noes 75.

Mr. TABER. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER. A quorum is not required to dispense with further proceedings under the call.

Mr. TABER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 222, nays 76, not voting 131, as follows:

[Roll No. 228]

YEAS—222

Allen, La.	Cole, Md.	Gathings	Kennedy, Michael
Allen, Pa.	Colmer	Gavagan	Keogh
Anderson, Mo.	Connery	Gearhart	Kerr
Ball	Cooley	Gehrmann	Kilday
Barry	Cooper	Geyer, Calif.	Kitchens
Bates, Ky.	Costello	Gore	Kocialkowski
Beam	Courtney	Gossett	Kramer
Beckworth	Cox	Grant, Ala.	Kunkel
Blackney	Cravens	Grant, Ind.	Lanham
Bland	Crosser	Gregory	Lea
Bloom	Crowe	Griffith	Leavy
Boehne	D'Alesandro	Gwynne	Lesinski
Boykin	Davis	Halleck	Lewis, Colo.
Bradley, Mich.	Delaney	Hare	Lewis, Ohio
Brown, Ga.	Dingell	Hart	Ludlow
Brown, Ohio	Dirksen	Harter, N. Y.	Lynch
Bryson	Disney	Harter, Ohio	McAndrews
Buckler, Minn.	Dondero	Hartley	McArdle
Bulwinkle	Doxey	Hawks	McCormack
Burgin	Duncan	Hendricks	McGehee
Byrne, N. Y.	Dunn	Hess	McGregor
Byrns, Tenn.	Durham	Hill	McKeough
Camp	Eberharter	Hobbs	McLaughlin
Cannon, Fla.	Edelstein	Hull	McMillan, Clara
Cannon, Mo.	Ellis	Hunter	McMillan, John L.
Carlson	Elston	Jarman	Maciejewski
Case, S. Dak.	Englebright	Johnson, Ind.	Mahon
Celler	Evans	Johnson, Luther A.	Maloney
Chiperfield	Fay	Johnson, Lyndon	Mansfield
Church	Flaherty	Johnson, Okla.	Marshall
Clark	Flannagan	Johnson, W. Va.	Mason
Clason	Folger	Kee	Massingale
Claypool	Ford, Miss.	Kefauver	Michener
Cochran	Fulmer	Kelly	Miller
Coffee, Nebr.	Gamble	Kennedy, Martin	Mills, Ark.
Coffee, Wash.	Garrett	Kennedy, Md.	Monroney

Moser	Poage	Secrest	Thomas, Tex.
Mott	Polk	Shanley	Thomason
Mundt	Rabaut	Shannon	Van Zandt
Murdock, Ariz.	Ramspeck	Smith, Conn.	Vincent, Ky.
Murdock, Utah	Randolph	Smith, Ill.	Vinson, Ga.
Myers	Rankin	Smith, Ohio	Voorhis, Calif.
Norrell	Rees, Kans.	Smith, Va.	Walter
O'Connor	Rich	Smith, W. Va.	Ward
O'Leary	Robertson	Snyder	West
Oliver	Rogers, Mass.	Somers, N. Y.	Whelchel
O'Neal	Rogers, Okla.	South	White, Idaho
O'Toole	Romjue	Sparkman	Whittington
Pace	Routzohn	Spence	Wigglesworth
Patman	Sacks	Sumner, Ill.	Wolverton, N. J.
Patrick	Sasscer	Sumners, Tex.	Wood
Pearson	Schiffler	Tarver	Woodrum, Va.
Peterson, Fla.	Schuetz	Taylor	Youngdahl
Pfeifer	Schulte	Tenerowicz	Zimmerman
Pierce	Schwert	Terry	
Pittenger	Seccombe	Thomas, N. J.	

NAYS—76

Alexander	Fenton	Jones, Ohio	Rodgers, Pa.
Allen, Ill.	Gartner	Jonkman	Rutherford
Andersen, H. Carl	Gerlach	Kean	Sandager
Andresen, A. H.	Gillie	Keefe	Schafer, Wis.
Angell	Goodwin	Kinzer	Smith, Maine
Arends	Graham	Lambertson	Springer
Austin	Gross	Landis	Stearns, N. H.
Bender	Guyer, Kans.	LeCompte	Stefan
Bolles	Hancock	Luce	Sweet
Bolton	Harness	McDowell	Taber
Carter	Hinshaw	McLean	Tibbott
Clevenger	Hoffman	Martin, Iowa	Tinkham
Cole, N. Y.	Holmes	Monkiewicz	Treadway
Crawford	Horton	Murray	Vorys, Ohio
Crowther	Jarrett	Osmers	Vreeland
Culkin	Jenkins, Ohio	Powers	Wheat
Curtis	Jensen	Reed, Ill.	Williams, Del.
Eaton	Johns	Reed, N. Y.	Wolcott
Engel	Johnson, Ill.	Risk	Woodruff, Mich.

NOT VOTING—131

Anderson, Calif.	Dies	Jenks, N. H.	Robinson, Utah
Andrews	Ditter	Jennings	Robsion, Ky.
Arnold	Doughton	Jones, Tex.	Rockefeller
Barden, N. C.	Douglas	Keller	Ryan
Barnes	Drewry	Kilburn	Sabath
Barton, N. Y.	Dworshak	Kirwan	Satterfield
Bates, Mass.	Edmiston	Kleberg	Schaefer, Ill.
Bell	Elliott	Knutson	Scrugham
Boland	Faddis	Larrabee	Shafer, Mich.
Boren	Ferguson	Lemke	Sheppard
Bradley, Pa.	Fernandez	McGranery	Sheridan
Brewster	Fish	McLeod	Short
Brooks	Fitzpatrick	Maas	Simpson
Buck	Flannery	Magnuson	Smith, Wash.
Buckley, N. Y.	Ford, Leland M.	Marcantonio	Starnes, Ala.
Burch	Ford, Thomas F.	Martin, Ill.	Steagall
Burdick	Fries	Martin, Mass.	Sullivan
Byron	Gibbs	May	Sutphin
Caldwell	Gifford	Merritt	Sweeney
Cartwright	Gilchrist	Mills, La.	Talle
Casey, Mass.	Green	Mitchell	Thill
Chapman	Hall, Edwin A.	Mouton	Thorkelson
Cluett	Hall, Leonard W.	Nelson	Tolan
Collins	Harrington	Nichols	Wadsworth
Corbett	Havenner	Norton	Wallgren
Creal	Healey	O'Brien	Warren
Cullen	Hennings	O'Day	Weaver
Cummings	Hook	Parsons	Welch
Darden, Va.	Hope	Patton	White, Ohio
Darrow	Houston	Peterson, Ga.	Williams, Mo.
Dempsey	Izac	Plumley	Winter
DeRouen	Jacobsen	Reece, Tenn.	Wolfenden, Pa.
Dickstein	Jeffries	Richards	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Warren with Mr. Short.
Mr. Doughton with Mr. Wolfenden of Pennsylvania.
Mr. Drewry with Mr. Robsion of Kentucky.
Mr. Patton with Mr. Knutson.
Mr. Richards with Mr. Hope.
Mr. Barden of North Carolina with Mr. Gifford.
Mr. Peterson of Georgia with Mr. Fish.
Mr. Darden of Virginia with Mr. Douglas.
Mr. Satterfield with Mr. Barton of New York.
Mr. Hennings with Mr. Cluett.
Mr. Starnes of Alabama with Mr. Wadsworth.
Mr. Burch with Mr. Talle.
Mr. Green with Mr. Rockefeller.
Mr. Boland with Mr. Martin of Massachusetts.
Mr. Steagall with Mr. O'Brien.
Mr. Fries with Mr. Jennings.
Mr. Cullen with Mr. Kilburn.
Mr. Weaver with Mr. Jeffries.
Mr. Parsons with Mr. Gilchrist.
Mr. May with Mr. Dworshak.
Mr. Cartwright with Mr. McLeod.
Mr. Kleberg with Mr. Ditter.
Mr. Collins with Mr. Brewster.
Mr. Kirwan with Mr. Corbett.
Mr. Creal with Mr. Winter.
Mr. Nelson with Mr. Simpson.
Mr. Barnes with Mr. Welch.
Mr. Magnuson with Mr. Thill.
Mrs. Norton with Mr. Plumley.
Mr. Buckley of New York with Mr. Maas.
Mr. Merritt with Mr. Jenks of New Hampshire.
Mr. Chapman with Mr. Edwin A. Hall.
Mr. Dies with Mr. Anderson of California.
Mr. Cummings with Mr. White of Ohio.
Mr. Robinson of Utah with Mr. Reece of Tennessee.
Mr. Smith of Washington with Mr. Leonard W. Hall.
Mr. Buck with Mr. Darrow.
Mr. Faddis with Mr. Bates of Massachusetts.
Mr. Sutphin with Mr. Thorkelson.
Mr. Ferguson with Mr. Shafer of Michigan.
Mr. Harrington with Mr. Lemke.
Mr. Williams of Missouri with Mr. Leland M. Ford.
Mr. Havenner with Mr. Andrews.
Mr. Jacobsen with Mr. Burdick.
Mr. Larrabee with Mr. Marcantonio.
Mr. Arnold with Mr. Brooks.
Mr. Mouton with Mr. Martin of Illinois.
Mr. Byron with Mrs. O'Day.
Mr. McGranery with Mr. Mitchell.
Mr. Ryan with Mr. Elliott.
Mr. Fitzpatrick with Mr. Tolan.
Mr. Bradley of Pennsylvania with Mr. Mills of Louisiana.
Mr. Sabath with Mr. Casey of Massachusetts.
Mr. Edmiston with Mr. Wallgren.
Mr. Jones of Texas with Mr. Sheridan.
Mr. Caldwell with Mr. Schaefer of Illinois.
Mr. Nichols with Mr. Dickstein.
Mr. Scrugham with Mr. Flannery.
Mr. Hook with Mr. Sweeney.
Mr. Houston with Mr. Izac.
Mr. Dempsey with Mr. Keller.
Mr. Thomas F. Ford with Mr. Healey.
Mr. Sullivan with Mr. DeRouen.
Mr. Sheppard with Mr. Fernandez.

Mr. HALL, Mr. BRADLEY of Michigan, Mr. SCHIFFLER, and Mr. JOHNSON of Oklahoma changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—EVYLINE VAUGHN (H. DOC. NO. 965)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Claims and ordered to be printed:

To the House of Representatives:

I am returning without my approval the bill (H. R. 5400) entitled "For the relief of those rendering medical and hospital services to Evyline Vaughn."

The bill proposes to provide for the payment of bills for medical services and hospitalization of Evyline Vaughn, a child 8 years of age, who was injured as a result of being struck by an automobile belonging to the Forest Service.

It appears that Evyline Vaughn was hanging to the rear of a wagon proceeding in a direction opposite to that in which the Government vehicle was being driven at the time of the accident, which took place on April 25, 1938, in Clarksville, Ark. A pedestrian called to the little girl to leave the wagon and return to the sidewalk; whereupon the little girl jumped from the wagon just as it was passing the Government automobile. She ran directly in front of the Government vehicle and was struck by the bumper and knocked down. It is not disputed that the driver of the Government vehicle was traveling at a low rate of speed and in a careful and prudent manner, and was unable to see the child before she jumped from the wagon. Clearly no fault attaches to the driver of the Government vehicle.

This circumstance is apparently recognized in the fact that the bill does not propose to make any compensation to the little girl for the personal injuries which she sustained, although she was rendered partly lame as a result of the lamentable occurrence. The legislation merely proposes to provide for the direct payment of the bills of the doctors who attended her and of the hospital where she received attention. Obviously the Government would not be liable in this instance as a matter of law, even if it waived its immunity from suit in tort. Similarly, it is difficult to discern any moral obligation on the part of the Government under the circumstances, and therefore no reason is perceived

why the Government should undertake to pay the doctors and the hospital who rendered services to the child.

While this regrettable accident is to be deplored and the little girl is entitled to our sympathy, I am unable to find sufficient reason why the Government should assume the obligation to pay the bills referred to in this legislation.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 8, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

FLOOD CONTROL IN THE CONNECTICUT RIVER BASIN

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4362) to provide for the completion of certain local protection works at East Hartford, Conn.

The Clerk read the title of the bill.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, will the gentleman explain what this bill is and how much money will be taken from our almost bankrupt Federal Treasury if we pass it?

Mr. WHITTINGTON. I shall be pleased to explain the bill.

Mr. Speaker, this is a bill which authorizes the appropriation of $1,640,000 for flood protection at East Hartford, Conn. Under the Flood Control Act of 1938 provision was made for local protective works at Hartford, East Hartford, and other cities along the Connecticut River. After the work was in progress the Chief of Engineers reported that because of the extension of the project it would be necessary to increase the authorization by approximately $1,600,000, and he made a favorable report for the increase of the authorization so as to provide protection of additional territory at East Hartford, Conn. Among other areas to be protected is that in which are located three large aircraft plants in which aircraft engines and airplanes are produced. Recently, Mr. Knudsen of the Defense Commission visited the area, and the Senator from Connecticut [Mr. MALONEY] was advised by Mr. Knudsen and by the President of the United States, and by Mr. Carmody, the Administrator of the Public Works Agency, that this was an emergency flood-control project and they recommended the enactment of this bill. I may also state that this project was embraced in the flood-control bill reported by the Committee on Flood Control on May 7. That bill has not been considered by the House because a river and harbor bill was vetoed by the President. This pending measure is said to be an emergency bill. A separate measure was introduced in the House by the gentleman from Connecticut [Mr. MILLER], and in the Senate by the Senator from Connecticut [Mr. MALONEY]. The bill passed the Senate and has been favorably reported by the House Flood Control Committee. The project is recommended by the Chief of Engineers, by the Defense Commission, and is requested by the President of the United States as an emergency flood-control project in the aid of national defense.

Mr. SCHAFER of Wisconsin. Then this is an emergency flood-control proposition to conserve and protect the lives of our countrymen, as well as an emergency national-defense proposition. I therefore believe that the gentleman's bill should be passed, and I am glad that he has explained it in such a fine manner. [Applause.]

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. CASE of South Dakota. The gentleman from Connecticut [Mr. MILLER], appeared before the Appropriations Subcommittee for the War Department, when we were considering the civil-functions bill, and both there and at other times in explanation of his project has convinced the members of that subcommittee that this is one of the most outstandingly meritorious projects of flood control.

Mr. WHITTINGTON. It is fair to say in this connection also that the river and harbor bill which was acted on yesterday originally contained this item, but because it was a flood-control project, rather than a river and harbor project, it was stricken from that bill.

Mr. CASE of South Dakota. I am glad the committee is reporting the bill today.

Mr. ENGLEBRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. Yes; I am pleased to yield to the distinguished gentleman from California.

Mr. ENGLEBRIGHT. I might add further that this bill, as stated by the chairman, was considered at an extensive hearing of the Flood Control Committee. It was considered as one of the important projects and is in the flood-control bill that has not yet been taken up by the House.

Mr. WHITTINGTON. And it is only taken up at this time, so far as the chairman is concerned, at the request of the Commander in Chief of our Army and Navy and at the request of Mr. Knudsen of the National Defense Commission, and of Mr. Carmody of the Public Works agency.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. MILLER. I said yesterday I wanted to thank the members of the Rivers and Harbors Committee for their help, and I would not let this matter close without expressing my appreciation to the members of the Committee on Flood Control for their activity and willingness to consider this as a separate bill due to the effect it might have on the approaches to the Pratt & Whitney plant particularly. And I would like to call the attention of the Members to the fact that on page 561 of the hearings on the supplementary civil functions appropriation bill will be found a letter from the president of the United Aircraft Corporation saying that the plant was closed for 7 days during the last two floods; that the work to be done as a result of this additional authorization will close the only gap that threatens to close this factory. If this plant were shut for 1 week it would mean the loss of 750 engines during that time.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. DONDERO. I think the RECORD ought to show that the only reason the conferees took this item out of the river and harbor bill was not because the project was without merit but because it did not belong in that bill but properly belonged to the gentleman's committee—and for that reason only.

Mr. WHITTINGTON. I made that statement a few minutes ago, and it is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the comprehensive plan for flood control in the Connecticut River Basin provided for in the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 28, 1938, is hereby modified to include the local protection works at East Hartford, Conn., recommended by the Chief of Engineers in House Document No. 653, Seventy-sixth Congress, third session; and there is hereby authorized to be appropriated for the completion of the said works the sum of $1,640,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATE AID TO FLOOD-CONTROL PROJECTS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3612) to authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. WHITTINGTON]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, the gentleman from California [Mr. ENGLEBRIGHT], the ranking member of the committee, is present. Is this agreeable to him?

Mr. ENGLEBRIGHT. It is.

Mr. WHITTINGTON. Mr. Speaker, I think it is fair to make a statement. Under existing law in river and harbor works where there are local contributions, the local sponsors are permitted to make advances to the War Department for the prosecution of the work, to be subsequently repaid out of appropriations for those projects without interest.

The Chief of Engineers recommended a similar law with respect to flood-control projects and in the flood-control bill that our committee has reported to the House but which the House has not considered, there is a section that provides for the receipt of advances by the War Department from local interests, so that the law with respect to flood control may be identical with that which is now the law with respect to rivers and harbors.

This bill is brought up at this time because in the case of Cincinnati, Ohio, where there is an important flood-control project, and an authorization was made under the act of 1938, a rather large contribution was made by the city of Cincinnati. There was a bond issue, and it has been stated to the Committee on Flood Control that the authority to issue bonds will expire before Congress convenes in January 1941. So this bill merely authorizes that which is presently in effect with respect to river and harbor projects. The bill has been recommended by the Chief of Engineers, it has passed the Senate, and it has been recommended by the Committee on Flood Control.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from California.

Mr. ENGLEBRIGHT. In response to the inquiry made by the gentleman from Michigan [Mr. MICHENER], I may say that this bill was considered by the Flood Control Committee and it was considered an emergency matter.

Mr. WHITTINGTON. It does not authorize a single cent. It does not appropriate a dollar now or in the future. It merely amends existing law to put flood-control projects on a parity with river and harbor projects.

Mr. ENGLEBRIGHT. I may say further that this has the unanimous report of the Committee on Flood Control. It also has the unanimous support of the minority members of the Flood Control Committee.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. In view of the fact there is no opposition to this, and that it is very meritorious, may I say, on behalf of the people who live in Ohio, that we thank the gentleman for his kindness and may I announce at the same time that Cincinnati won the pennant.

Mr. WHITTINGTON. As chairman of the Committee on Flood Control, I regret exceedingly that the flood-control bill reported to this House has not been considered during the present session. There are other projects which are emergency propositions, and it is my purpose in the next Congress to bring that bill up for consideration as early as possible.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. WHITTINGTON]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That whenever any State or political subdivision thereof shall offer to advance funds for a flood-control project duly adopted and authorized by law the Secretary of War may, in his discretion, receive such funds and expend the same in the immediate prosecution of such work. The Secretary of War is authorized and directed to repay without interest, from appropriations which may be provided by Congress for flood-control work, the moneys so contributed and expended: *Provided, however*, That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, or under the authority of section 5 of the Flood Control Act approved June 22, 1936, as amended, shall be made.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSPORTATION OF STOLEN ANIMALS IN INTERSTATE COMMERCE

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3786) to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah [Mr. MURDOCK]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman state the situation?

Mr. MURDOCK of Utah. Mr. Speaker, this bill has passed the Congress twice. It has recently passed the Senate. The President vetoed it on two occasions, stating his reasons therefor. The bill, as the gentleman knows, makes unlawful the transportation in interstate or foreign commerce of any stolen animal, and the definition of "animal" is "any hog, horse, mule, or cattle," and the receiving of any horse, mule, cattle, or hog which has become a part of interstate commerce or which is being transported in interstate commerce is also included. It is an offense to receive such property knowing it has been stolen.

We are all familiar, especially in my part of the country and the territory west of the Mississippi River, with the fact that truckers today will swoop down on a farm and just about wipe a man out of the livestock business, and be gone out of the country when the theft is discovered. We find also out on the ranges in the Western States, due to their accessibility today, as the result of C. C. C. roads, that the truckers go out there, shoot down a number of cattle, load them, and they are gone into another State by the time the owner finds that his cattle or sheep are gone. There is no remedy whatever unless we can under a Federal statute invoke the help of the Federal Government.

Mr. MICHENER. When this matter was before the Congress previously, and before the President vetoed the bill, it contained chickens. I opposed it then. Has the gentleman taken chickens out?

Mr. MURDOCK of Utah. Yes.

Mr. MICHENER. It will not be a Federal offense now to steal a chicken and take it across the State line?

Mr. MURDOCK of Utah. No.

Mr. MICHENER. One further thing. I presume the gentleman has conferred with the President and feels sure that the President will sign this bill that he has heretofore vetoed?

Mr. MURDOCK of Utah. I have every assurance from sources that claim to know that the President will sign the bill if we pass it at this time.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. This bill, I think, is identical with a bill which the gentleman from Utah introduced in the previous Congress?

Mr. MURDOCK of Utah. Yes.

Mr. CASE of South Dakota. And it is identical with a bill I introduced in this Congress.

Mr. MURDOCK of Utah. That is true.

Mr. CASE of South Dakota. I may say in further answer to the gentleman from Michigan that the matter has been canvassed with the Department of Justice, and I understand some contact has been made with the White House, and we are assured that in its present form it will receive final approval.

Mr. MURDOCK of Utah. Yes; if the bill passes the House. I take this opportunity to thank the gentleman from South Dakota for the assistance he has given in helping me with this bill.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Missouri.

Mr. COCHRAN. Is this the bill the President vetoed, with the chickens taken out?

Mr. MURDOCK of Utah. That is right; the chickens are out.

Mr. COCHRAN. You just confine it to horses?

Mr. MURDOCK of Utah. Horses, mules, cattle, sheep, and hogs.

Mr. COCHRAN. Where are the Congressmen now who are always demanding that the Federal police stay out of their States?

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. On behalf, I think, of all of our Representatives from Colorado we most urgently suggest that this bill be passed. It is a very meritorious measure. We have found from experience that nearly all the cattle rustling that is left is done across State lines in trucks, just as my distinguished friend from Utah has described.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. The gentleman from Colorado has expressed my view. I want to support the measure in behalf of the cattle growers and livestock men of Arizona. We feel that this bill ought to be enacted into law. I would favor including chickens and goats.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Is not this bill unfair and discriminatory? The gentleman has taken stolen chickens out of the bill but he admits the bill includes stolen donkeys transported in interstate commerce, and that it excludes stolen elephants.

Mr. MURDOCK of Utah. I will leave it up to the gentleman as to whether or not it is unfair. I believe there was good reason for having chickens in the bill. I know that some Representatives from Oklahoma proved their case, in my opinion, in good shape before the Committee on the Judiciary, but for some reason the Department of Justice did not like to have chickens in the bill, and Senator McCARRAN has seen fit to exclude them.

Mr. SCHAFER of Wisconsin. That will clear up the chickens. I am serious about this. This is not a facetious inquiry. We are now engaged in a great national political campaign. In this campaign many of the brethren on your side will have donkeys, which are the proper emblem of your political party, at some of their campaign meetings, and many of the brethren on our side will have elephants, which are the emblem of the Republican Party, at some of their campaign meetings. You propose now to pass a bill by unanimous consent to make it a felony to transport a stolen donkey in interstate commerce, but you exclude elephants, so you are going to send word out, "Go and steal all of their elephants, but if you steal our donkeys you are going to the jailhouse for 5 years. Of course, after the November 5 election the red Soviet donkeys which are proper symbols of the New Deal will be about as extinct as the American buffalo and political elephants will multiply as rapidly as minks and rabbits.

Mr. MURDOCK of Utah. My answer to the gentleman from Wisconsin is, that by November 5 Mr. Willkie will have so completely annihilated the Republican elephant that he need have no worry about anyone stealing him. As a Democrat, I tender my services and a good, live, Democratic donkey to drag the dead carcass of the elephant out into the brush.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield for a serious question?

Mr. MURDOCK of Utah. I yield to the gentleman from New York.

Mr. HANCOCK. I believe the gentleman misspoke himself a moment ago when he said this bill was identical with the one he introduced a year ago and which was vetoed. Will the gentleman please point out the difference between this bill and the bill that was vetoed by the President?

Mr. MURDOCK of Utah. I think the only difference between this bill and the one that was vetoed by the President, as I recall, is that the bill that was vetoed by the President had chickens in it.

Mr. HANCOCK. Is that the only difference?

Mr. MURDOCK of Utah. I think it is.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Seriously, the gentleman said the only difference is that the chickens were left out of this bill. This seemed to arouse some merriment on both sides of the aisle. May I say that in the great Northwest—and the gentleman is more familiar with that than I am—there are poultry farms where they have thousands of chickens.

Mr. MURDOCK of Utah. That is true.

Mr. HOFFMAN. In my own county, in the township adjoining the city in which I live, there are farmers who have two or three thousand chickens. Thieves come in from Chicago with their trucks and load up the chickens and take them away, several hundred dollars' worth to a load. Why should we not have protection?

Mr. MURDOCK of Utah. I should be very glad to help the gentleman put a chicken bill in later, if he will let this bill go through.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Do I correctly understand that the bill does not cover, say in the Southwest, goats and sheep?

Mr. MURDOCK of Utah. The bill states:

> The term "animal" shall include any cattle, hog, sheep, horse, or mule.

I would say that goats are included in that.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act shall be cited as the National Animal Theft Act.

SEC. 2. When used in this act—

(a) The term "animal" shall include any cattle, hog, sheep, horse, or mule.

(b) The term "interstate or foreign commerce" shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia.

SEC. 3. Whoever shall transport or cause to be transported in interstate or foreign commerce any animal, or the carcass or hide or any part of the carcass or hide of any animal, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000 or by imprisonment of not more than 5 years, or both.

SEC. 4. Whoever shall receive, conceal, store, barter, buy, sell, or dispose of any such animal, or the carcass or hide or any part of the carcass or hide thereof, moving in or constituting a part of interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000 or by imprisonment of not more than 5 years, or both.

SEC. 5. Any person violating section 3 of this act may be prosecuted in any district from, into, or through which such animal, or the carcass or hide or any part of the carcass or hide thereof, has been transported or removed.

SEC. 6. Nothing herein shall be construed to repeal, modify, or amend any part of the National Stolen Property Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DINGELL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Michigan makes the point of order that a quorum is not present. The Chair will count.

Mr. DINGELL. I withdraw the point of order, Mr. Speaker.

FIRST NATIONAL STEAMSHIP CO., SECOND NATIONAL STEAMSHIP CO., AND THIRD NATIONAL STEAMSHIP CO.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10440) for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear and determine in any suits instituted within 1 year from the date of the enactment of this act, jointly or severally, by the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co., the claims of such companies on account of (1) certain sums allegedly deposited by them with the United States Shipping Board in 1920; (2) certain disbursements alleged made by them, for and on behalf of the United States, in 1920, for other than physical operation costs, in connection with the vessels *Independence, Hoxie,* and *Scottsburg,* owned by the United States; and (3) certain improvements and equipment allegedly paid for and placed aboard said vessels by them in 1920 and not removed therefrom by said companies; and if the court shall determine that there was no sale of or valid contract to sell said vessels to said companies, and that the payment made to said companies on October 7, 1935, was not in full satisfaction of the just claims of said companies existing on December 31, 1925, to enter such decrees or judgments against the United States as will provide full reimbursement and just compensation to said companies on account of said claims notwithstanding any statute of limitations: *Provided,* That such compensation shall not be in excess of 3 percent per annum of the total of the payments made and ordered to be made for the period that any moneys were withheld from the claimants: *Provided further,* That after such determinations by the court, the United States may plead any defense it may have (except the statute of limitations), including laches, res judicata, release, prior settlement, accord, and satisfaction, and any of such defenses, if made and held valid by the court, and sustained by the weight of the evidence, shall constitute a bar to recovery.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain just what this bill is?

Mr. HOBBS. This is a bill on the Private Calendar which would authorize these three steamship companies to litigate their claim in the Court of Claims. This is the identical bill that was passed by the House unanimously at a former session but was vetoed by the President. This bill has simply been amended to meet the objections of the President. The bill has been considered by the committee and by the Department of Justice. There is no objection from the Department of Justice, as I understand, and the committee has unanimously approved the bill.

Mr. TABER. Reserving the right to object, Mr. Speaker, how much is involved in these claims and what is the nature of them?

Mr. HOBBS. This is a claim for the unpaid balance of money actually deposited under a written escrow agreement. This money is not in the Treasury of the United States but is kept in a separate trust fund. It is cash money deposited by these companies to guarantee the return of the ships they were operating for the Shipping Board at the request of the Government.

Mr. TABER. Have they returned these ships?

Mr. HOBBS. Yes; and a full receipt was given for them in good condition; in fact, in better condition than when they were delivered.

Mr. TABER. Why has this bill not come up under the Private Calendar?

Mr. HOBBS. It has, and has been passed.

Mr. TABER. At this session?

Mr. HOBBS. Yes, sir; and has been vetoed and is back now in slightly amended form to meet the views of the President.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am always happy to yield to the distinguished gentleman from New York.

Mr. HANCOCK. The original bill, as I recall it, denied the Government certain defenses, while the present bill allows the Government to assert all defenses except the statute of limitations when the case is presented to the Court of Claims, so that the United States has the right to defend itself with every defense at its command except the one defense of laches or the statute of limitations.

Mr. HOBBS. I may say to the gentleman that that is a matter of interpretation. It was thought that the original bill did not deny the Government any defense save the statute of limitations, and this one certainly does not.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. J. GREENLEAF

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (S. 527) for the relief of J. J. Greenleaf:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 527) entitled "An Act for the relief of J. J. Greenleaf" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, as follows: In lieu of the figures "$8,125" insert "$10,000"; and the House agree to the same.

AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
Managers on the part of the House.

PRENTISS M. BROWN,
JOHN G. TOWNSEND,
EDWARD R. BURKE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 527), for the relief of J. J. Greenleaf, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

This bill, as it passed the Senate, provided for the payment of the sum of $14,875 to J. J. Greenleaf in full settlement of the balance due from the Government of the United States for services rendered to the Government by the said J. J. Greenleaf pursuant to his employment to represent the Government of the United States in certain litigation.

The House committee recommended passage of the bill in the reduced amount of $8,125, setting forth the reasons therefor in the report which accompanied the bill, and the bill passed the House in said amount.

The Senate disagreed to the amendment of the House, and at the conference a compromise amount of $10,000 was agreed upon.

AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
Managers on the part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

WILLIAM A. REITHEL

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3907) for the relief of William A. Reithel, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "$5,000" and insert "$3,000."

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

SAMUEL ROBERTS

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6091) for the relief of Samuel Roberts, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$1,919.25" and insert "$1,387.10."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

WARRANT OFFICERS AND ENLISTED MEN IN THE ARMY MINE PLANTER SERVICE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4275) to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes, and consider the same.

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this the bill that was before the House the other day?

Mr. COSTELLO. I will say to the gentleman that it is the identical bill that we passed yesterday on the Consent Calendar. Unfortunately, the Senate bill was not substituted for the House bill and that is the purpose of my making this request.

Mr. MICHENER. This is not the bill that changed the rank of medical officers?

Mr. COSTELLO. No; this bill deals with the Mine Planter Service and simply authorizes an increase in that Service because they are building a number of new mine sweepers.

Mr. MICHENER. And it is just a question of substituting the Senate bill for the House bill?

Mr. COSTELLO. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the authorized personnel of the Army Mine Planter Service shall comprise, for each Army mine planter in service or under construction, one master, one first mate, one second mate, one chief engineer, one assistant engineer, and one second assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and such enlisted men of the Coast Artillery Corps as the Secretary of War shall prescribe from time to time: *Provided*, That the maximum authorized numbers of warrant officers and enlisted men of the Coast Artillery Corps are hereby increased by the numbers of additional warrant officers and enlisted men authorized by this section: *Provided further*, That when the number of Army mine planters in service and under construction exceeds 14, the Secretary of War may, in his discretion, and to such extent as he may deem proper, make temporary appointments of the additional warrant officers required for the additional mine planters: *Provided further*, That members of the Army Mine Planter Service appointed as temporary warrant officers shall, while serving as such, have the rank, pay, allowances, and retirement privileges of the grade and ratings to which they are temporarily appointed, and upon termination of their temporary appointments as warrant officers shall revert to the grades from which they were appointed, without loss of seniority, credit for continuous service, or any other right or privilege, by reason of their service as temporary warrant officers: *And provided further*, That the relative rank, pay, and allowances of warrant officers of the Army Mine Planter Service shall be as now prescribed by law, and warrant officer second assistant engineers shall receive pay and allowances, and be entitled to other privileges as now prescribed by law for warrant officer second mates, and while aboard their vessels shall take rank immediately below warrant officer second mates.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MORRIS BURSTEIN ET AL

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6083) for the relief of Morris Burstein, Jennie Burstein, and Adolph Burstein, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An act for the relief of Adolph Burstein."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. MICHENER. Reserving the right to object, this is just a question of amending the title?

Mr. LESINSKI. That is all.

Mr. SCHAFER of Wisconsin. Does the Senate amendment include the importation of any additional Bursteins?

Mr. LESINSKI. No. It is taking two Bursteins out and leaving one in.

Mr. SCHAFER of Wisconsin. I think the bill ought to be passed. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

TO AMEND THE AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4374) to amend the Agricultural Adjustment Act of 1938, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, do I understand that the effect of this bill is to classify different types of tobacco and establish quotas for different types of tobacco?

Mr. FLANNAGAN. That is one section of the bill. It classifies different types for the purpose of holding referendums. Some of the growers in a particular section were not satisfied with being hooked up with growers in another section, and we want to be able to permit them to hold a separate referendum with respect to their particular type of tobacco.

The other section changes the base period from 1919–39 to 1934–39. The bill has been unanimously reported by the Senate committee and passed. It was unanimously reported by the House committee. It has the approval of the Department of Agriculture.

Mr. CASE of South Dakota. My understanding is that the effect of this would be to do for tobacco what the people in the wheat States have long wanted done for wheat. In other words, we have long contended that wheat should be classified as to whether it is hard wheat or soft wheat and that separate quotas should be established for them, because the fact has been demonstrated that the surplus or so-called surplus in wheat is not due to the production of the hard wheat, but it is due to the production of other wheats. I have a copy of the Senate report and, as nearly as I can learn from the language of the Senate report, the purpose of this legislation is to set up different classifications for tobacco, maintaining that because of war conditions or other causes, the demand is different for different types of tobacco.

The same thing is true of wheat, as the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] can well testify. The demand is for hard milling wheats. We have long contended that it is utterly unfair to charge to them the surpluses that are created by other types of wheat, and unless this bill can be amended so as to give the same treatment for wheat as you are proposing to give for tobacco, I shall be obliged to object.

Mr. FLANNAGAN. I think the gentleman has a misconception as to the object of the bill. That provision in the bill is for the purpose of holding referendums with reference to a particular type. The present law, with respect to referendums, throws certain types together. The section in the bill the gentleman refers to would permit separate referendums

for the different types. There certainly cannot be any objection to this part of the bill.

Mr. CASE of South Dakota. Of course, that is what we would like to do with respect to wheat.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. AUGUST H. ANDRESEN. I have no particular objection to the referendum part of this bill. The part changing the base period makes it possible to take at least $2,500,000 from other basic crops by way of benefits and transfer it to tobacco. No hearings were held in our committee on this legislation. It is an important piece of legislation. What the gentleman from South Dakota said about wheat is absolutely correct. If we are going to make changes in the classifications, grades, and types of wheat and also tobacco, it should be done in one legislation so that we may treat the subject on a Nation-wide scale, rather than to deal with it piecemeal.

The SPEAKER. Is there objection?

Mr. CASE of South Dakota. Mr. Speaker, I object.

MRS. GEORGE C. HAMILTON AND NANETTE ANDERSON

Mr. KENNEDY of Maryland submitted a conference report and statement on the bill (H. R. 4561) for the relief of Mrs. George C. Hamilton and Nanette Anderson, for printing in the RECORD.

ONA LOVCIKIENE AND CHILDREN, EDMUNDOS AND REGINA

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10063) to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. WALTER. This bill was introduced on behalf of this Russian lady because since she arrived in the United States on a visit her husband was murdered in Russia. She is not a Communist. Her husband was active politically against the Communists. They are known as White Russians. After she arrived at my home town her husband was murdered, and there is nobody for them to go back to. She owns property in what is now a part of Russia and has with her enough money so that she will not become a public charge. The bill was reported unanimously by the committee.

Mr. HANCOCK. Mr. Speaker, I have read a great many bills of this character, and, in my opinion, this is one of the most meritorious that have come from the Immigration Committee. I believe, however, there should be added to the bill as an amendment the customary clause carried in bills of this character, and if the gentleman's request is granted I shall offer such an amendment.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, what is the proposed amendment?

Mr. HANCOCK. Merely to add the provision that these people shall be admitted for permanent residence provided they are otherwise found to be admissible under the immigration laws except for the quota limitation. That is the usual clause in immigration bills of this character to protect us against making people eligible for citizenship who may be Communists, anarchists, murderers, or inadmissible under other provisions of the immigration law. So to protect those whose duty it is to examine the Private Calendar, I shall offer this amendment.

Mr. JENKINS of Ohio. That means, as I understand it, that this woman must be able to qualify in every respect as though she were an immigrant.

Mr. WALTER. That is correct.

Mr. JENKINS of Ohio. The next proposition is whether these people will be charged against the quota of the country.

Mr. WALTER. Yes; that is true in all of these bills.

Mr. MUNDT. Mr. Speaker, reserving the right to object, and I shall not; I simply want to take this occasion to inquire of the gentleman from Pennsylvania if he can give the House any information as to the status of the Walter-Logan bill in which so many of us are interested, whether any progress is being made in the Senate on that piece of legislation.

Mr. WALTER. I am very hopeful that the Senate will take up the bill, and I trust that the Congress will not recess until the Senate has at least had an opportunity to vote on a measure that was reported unanimously by the Judiciary Committee of the Senate.

Mr. MUNDT. I thank the gentleman from the information and join in the hope.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Labor be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Ona Lovcikiene and children, Edmundos and Regina, who entered the United States at New York on December 15, 1938, and that they shall, for all purposes under the immigration and naturalization laws, be deemed to have been lawfully admitted as immigrants for permanent residence. Upon the enactment of this act the Secretary of State shall direct the proper quota-control officer to deduct three numbers from the Russian quota for the first year said Russian quota is available.

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: Page 1, line 10, change the period to a colon and insert the following: "*Provided*, They are found to be otherwise admissible under the provisions of the immigration laws other than those relating to quotas."

Mr. JENKINS of Ohio. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JENKINS of Ohio. I understand there are two bills here. Will this amendment be offered to the other bill also?

Mr. HANCOCK. There is just one bill here that applies to this woman and her children.

Mr. JENKINS of Ohio. I thank the gentleman for the information.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORONADO INTERNATIONAL MONUMENT, ARIZONA

The SPEAKER. The Chair recognizes the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4130) to provide for the establishment of the Coronado International Monument in the State of Arizona.

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what position does this bill have on the calendar?

Mr. MURDOCK of Arizona. It is on the Union Calendar. I have asked that it be put on the Consent Calendar, but sufficient time has not yet elapsed for it to be called on that calendar.

Mr. MICHENER. Is there any element of emergency in connection with the passage of the bill?

Mr. MURDOCK of Arizona. We are anxious to go ahead with the work to carry out earlier legislation and furnish so much local employment. The thought that came to me was that the House is apt to recess, and there may not be another opportunity for some time to call the Consent Calendar. If we are to proceed with the work, we must adopt the legislation.

Mr. MICHENER. I call the gentleman's attention to the fact that that is the situation with respect to all bills now on the Consent Calendar. As a general rule, the Speaker does not recognize Members to call up bills by unanimous consent unless there is some element of emergency. If there is no emergency, I am wondering why this bill to establish a monument should be singled out for preference over all other bills.

The SPEAKER. If the membership will indulge the Chair, the Chair does not agree to recognize a Member to call up a bill unless he has assurance from the Member that it is all right with both the majority and the minority members of the committee that has charge of the bill. That is the situation with respect to this bill, as it is with respect to others which Members are recognized to call up out of order.

Mr. MICHENER. I want to be placed correctly also. The gentleman spoke to me about the bill and I asked him the very things I am asking him now: If this bill possessed any element of emergency. I do not mean any present existing emergency, but any element of emergency. I said that if it did, under the long-established precedents the Chair would recognize him and that if the Chair did recognize him, there would be no objection so far as I personally was concerned.

Mr. MURDOCK of Arizona. Mr. Speaker, I talked this matter over with two who might object, but not with any others. There seemed no objection.

Mr. RICH. Mr. Speaker, reserving the right to object, is this a bill to establish a monument in the gentleman's State?

Mr. MURDOCK of Arizona. Yes.

Mr. RICH. How many acres of ground will be contained in the monument?

Mr. MURDOCK of Arizona. About 2,800 acres.

Mr. RICH. This is to establish a monument for the Federal Government to take care of. If the gentleman can show us one iota of emergency in this bill, we might consider it in that light. Some may think there is, but I do not. There is no emergency in this bill and I do not think we ought to establish any other monuments anyway. I do not think this Government is in shape to go ahead and spend money on any monument and, Mr. Speaker, I object.

ORDER OF BUSINESS TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that on tomorrow the Speaker may recognize Members for the purpose of suspending the rules and passing certain bills.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK].

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, if that consent is given, will it prevent points of order being made against the consideration of bills to which otherwise a point of order would lie?

The SPEAKER. When the rules are suspended, they are all suspended.

Mr. CASE of South Dakota. Would a point of order lie against the consideration of the bill if there were other places where a point of order might be made?

Mr. McCORMACK. To say what the Speaker would rule when the matter is presented to him would be presumptuous on the part of any of us, but my own opinion is that the unanimous-consent request submitted would in no way change the rights of any Members under the rules providing for a suspension coming up on regular suspension day. That would be my personal opinion and of course it is my own personal opinion.

Mr. JENKINS of Ohio. As I understand it, under the regular rules of the House we have regular days when we can ask for suspension of the rules.

Mr. McCORMACK. That is correct.

Mr. JENKINS of Ohio. The only other time usually that we have done that is within about 6 days of adjournment and then the Speaker only recognizes Members when he is sure that the matter is of some emergency. That is not present here at all.

The SPEAKER. May the Chair say that recognizing a Member for suspension of the rules is entirely within the discretion of the Chair. A bill does not necessarily have to have any element of emergency in it.

Mr. JENKINS of Ohio. But the Speaker has steadfastly refused to do that. In other words, it has been almost an unbroken rule and the Speaker never recognizes anyone for suspension of the rules except on the regular suspension days and within 6 days of final adjournment. The gentleman from Massachusetts is asking for something that I do not remember anybody ever asking for in the time I have served here.

Mr. McCORMACK. Let me refresh the gentleman's memory. There is nothing mysterious about this. The leadership on the gentleman's side has been consulted. Yesterday I propounded the same request in relation to today and there was no objection. On Monday last there were a couple of bills on which the Speaker might have recognized Members to suspend the rules, but the circumstances were such that they could not be brought up. Yesterday I asked unanimous consent that today the Speaker may recognize Members, to call up bills under suspension of the rules, if he so desired.

There are one or two bills that I am sure the leadership on the gentleman's side is acquainted with. There is a bill coming out of the Interstate and Foreign Commerce Committee, and offhand I do not know of any others, but there may be one or two others. The leadership on the gentleman's side has been consulted and has been acquainted with the situation. Today the unanimous consent of yesterday not having been complied with, I am simply renewing the unanimous request to substitute tomorrow for today. The permission was granted yesterday. I can assure the gentleman that there is nothing mysterious about this, and that the leadership on his side is well acquainted with the entire situation. I respect the leadership on the gentleman's side and under all conditions I would consult with them, as does the Speaker.

Mr. JENKINS of Ohio. The gentleman is telling us something which we do not know anything about. However, we know that the gentleman is embarking upon a new procedure that might be very disastrous unless surrounded by circumstances such as the gentleman has indicated. I have no desire to prevent this program, but I want the Members of the House to know it is a novel program. It is an unusual program. If we do not throw around it the honor and integrity of the Speaker and the two leaders, then we are liable to run far afield. A Member might be opposed to certain legislation, but finds that in his absence a bill has come up that he has not had a chance to be heard on. This would not be fair to him, because his constituency might be very keenly interested in it. It is a dangerous procedure, and insofar as I am concerned I shall be here.

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask a question? If we are going to give unanimous consent for bills to come before the House tomorrow, is it possible for the gentleman to put in the RECORD the bills that will be permitted to come before the House tomorrow?

Mr. McCORMACK. It is not a question of unanimous consent, because, of course, the Speaker can always recognize a Member to take from the Speaker's table a bill; then it is within the prerogative of any individual Member to object. This unanimous-consent request is that the Speaker may recognize on tomorrow any Member who may wish to move to suspend the rules. The only bill I know of is a bill coming out of the Committee on Interstate and Foreign Commerce relating to short-line railroads, as I remember it. There may be one other bill, but the leadership on the gentleman's side will be made acquainted with them.

Mr. RICH. The gentleman is not going to permit the membership to bring up personal bills and ask unanimous consent that we consider them in that way?

Mr. McCORMACK. That can be done at all times. That is something that can be done at any time. This is on suspension of the rules, where a two-thirds vote is necessary to pass the bill.

Mr. RICH. All we want to do is to put some responsibility on the leadership on that side. We are going to stop from now on a lot of bills coming up that will involve spending money when we have not any money to spend.

The regular order was demanded.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DINGELL. Mr. Speaker, I renew my point of order that a quorum is not present.

The SPEAKER. The gentleman from Michigan makes the point of order that a quorum is not present. The Chair will count.

Mr. DINGELL. I will withhold it for a moment, Mr. Speaker, in view of the fact that several gentlemen have unanimous-consent requests they wish to submit.

EXTENSION OF REMARKS

Mr. SCHULTE. Mr. Speaker, in view of the wage dispute that now exists at the Bethlehem Steel Co. and the Republic Steel Co., I ask unanimous consent to extend my own remarks in the RECORD and include therein two letters of several I have received from people in my district who are very much interested in this matter, and call the attention of the country to the fact that the Wagner Labor Act is now being violated.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain excerpts from three Washington papers under date of October 6.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SHANNON. Mr. Speaker, I ask unanimous consent that on tomorrow, October 9, at the conclusion of the address of the gentleman from New York [Mr. DICKSTEIN] I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the Cornell University Law Journal. This is beyond the maximum prescribed. I have an estimate from the Joint Committee on Printing and the Government Printing Office.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the Committee of the Whole today and include therein a few brief excerpts from publications.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GAMBLE asked and was given permission to extend his own remarks in the RECORD.

CALENDAR WEDNESDAY BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on tomorrow, Calendar Wednesday, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by the Most Reverend Edward Mooney, Archbishop of Detroit, which was delivered last Saturday at a Knights of Columbus gathering at Detroit.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Boston Globe.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the September issue of the American Surgical Trade Association Journal, and also to extend my own remarks and include therein an editorial from the Bergen Evening Record, of Hackensack, N. J., dated Monday, September 30, 1940.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GRANT of Indiana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two separate subjects.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GRAHAM, for Thursday and Friday, on account of important official business.

To Mr. CLAYPOOL, for 1 week, on account of important business.

To Mr. FLANNERY, for 3 days, on account of death in family.

EXTENSION OF REMARKS

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a Forum of the Air discussion.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SECCOMBE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a Time Table of Dictatorship, published recently by the Mill and Factory magazine.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short table and a statement from the National Committee to Uphold Constitutional Government.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. HARTER of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a communication from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

POINT OF ORDER

Mr. DINGELL. Mr. Speaker, I renew my point of order that a quorum is not present.

The SPEAKER. The gentleman from Michigan makes the point of order that a quorum is not present. The Chair will count.

Mr. WOODRUFF of Michigan. Mr. Speaker, will the gentleman withhold his point of order?

Mr. DINGELL. No; I have withheld it for the last hour.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.;

H. R. 8621. An act to amend the Civil Service Retirement Act and other retirement acts;

H. R. 9654. An act to extend for an additional year the provisions of the Sugar Act of 1937 and the taxes with respect to sugar;

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska;

H. R. 9980. An act to revise and codify the nationality laws of the United States into a comprehensive nationality code;

H. R. 10122. An act to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869);

H. R. 10464. An act to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts;

H. R. 10518. An act granting the consent of Congress to the department of highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.;

H. R. 10539. An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes; and

H. R. 10572. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 11 minutes p. m.) the House adjourned until tomorrow, Wednesday, October 9, 1940, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TAYLOR: Committee on Appropriations. House Joint Resolution 614. Joint resolution making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes; without amendment (Rept. No. 3031). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee on Agriculture. S. 4311. An act to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes; without amendment (Rept. No. 3032). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. S. 4362. An act to provide for the completion of certain local protection works at East Hartford, Conn.; without amendment (Rept. No. 3033). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. S. 3612. An act to authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes; without amendment (Rept. No. 3034). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOXEY: Committee on Agriculture. S. 1433. An act to add certain lands to the Siuslaw National Forest in the State of Oregon; without amendment (Rept. No. 3035). Referred to the Committee of the Whole House on the state of the Union.

Mr. MURDOCK of Arizona: Committee on Irrigation and Reclamation. H. R. 10543. A bill to make the excess land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada; without amendment (Rept. No. 3036). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee on Agriculture. S. 3991. An act to authorize the disposal of tools and equipment on the New England hurricane damage project; without amendment (Rept. No. 3037). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENNEDY of Maryland: Committee of conference on the disagreeing votes of the two Houses. S. 527. An act for the relief of J. J. Greenleaf (Rept. No. 3039). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENNEDY of Maryland: Committee of conference on the disagreeing votes of the two Houses. H. R. 4561. A bill for the relief of Mrs. George C. Hamilton and Nanette Anderson (Rept. No. 3040). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 10418. A bill to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Peter Florey; without amendment (Rept. No. 3038). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 217. An act for the relief of Charles B. Payne; without amendment (Rept. No. 3041). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn; without amendment (Rept. No. 3042). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 4250. An act conferring jurisdiction upon the United States District Court for the Western District of North Carolina to hear, determine, and render judgments upon the claims against the United States of I. M. Cook, J. J. Allen, and the Radiator Specialty Co.; with amendment (Rept. No. 3043). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 4360. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, sole stockholder of the Dawson Springs Construction Co.; with amendment (Rept. No. 3044). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 7965. A bill for the relief of T. G. Ramsey; with amendment (Rept. No. 3045). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 8224. A bill for the relief of Gdynia American Line, Inc., of New York, N. Y.; with amendment (Rept. No. 3046). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 8343. A bill for the relief of Edith Platt; with amendment (Rept. No. 3047). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 8810. A bill for the relief of Daisy Fitzpatrick; with amendment (Rept. No. 3048). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LUCE:

H. R. 10630. A bill to create labor boards at military establishments for the purpose of equalizing rates of pay between navy yards and arsenals; to the Committee on Military Affairs.

By Mr. SHERIDAN:

H. R. 10631. A bill to amend the Selective Training and Service Act of 1940 (S. 4164); to the Committee on Military Affairs.

By Mr. KEFAUVER:

H. R. 10632. A bill to authorize the President temporarily to transfer jurisdiction over certain national forest and national park land to the War Department or the Navy Department; to the Committee on Public Lands.

By Mr. WOODRUFF of Michigan:

H. R. 10633. A bill to provide for the economic defense of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. DELANEY:

H. Res. 622. Resolution relating to the activities of H. G. Wells; to the Committee on Foreign Affairs.

By Mr. MILLER:

H. Res. 623. Resolution requesting certain information on cemeteries in Europe; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Indiana:

H. R. 10634. A bill for the relief of Fred Hunter; to the Committee on Claims.

By Mr. RUTHERFORD:

H. R. 10635. A bill granting an increase of pension to Myrtle I. Arnold; to the Committee on Invalid Pensions.

H. R. 10636. A bill granting a pension to Jessie M. Jones; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9350. By Mr. LAMBERTSON: Resolution of the members of the bar of Marshall County, Kans., wholeheartedly tendering their services, as lawyers and citizens, to the President, the officials of the United States Army, or any other department of the Government, State or National, to whom they may be of assistance; to the Committee on Ways and Means.

9351. Also, petition of J. M. Mitchell and 16 other residents of Topeka, Kans., urging Congress to enact the General Welfare Act, House bill 5620, into law; to the Committee on Ways and Means.

9352. By Mr. VOORHIS of California: Petition of C. E. Robel, of Lewiston, Idaho, and 12 others, urging consideration in behalf of Senate Joint Resolution 188 and House Joint Resolution 391, that Congress assume its constitutional duty to "coin money and regulate the value thereof"; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, OCTOBER 9, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Lord of our life, and God of our salvation, in whom we live and move and have our being, both as men and nations: Enlighten our minds with the knowledge of what is right for us to do. Give us power to see our duties with a clear eye and a broad vision; and make us apt to do Thy will, that our Nation may be strong in heart and soul in those virtues which have made her truly great. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, October 8, 1940, was dispensed with, and the Journal was approved.

NAMING A PRESIDING OFFICER

The Chief Clerk read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., October 9, 1940.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. KENNETH MCKELLAR, a Senator from the State of Tennessee, to perform the duties of the Chair during my absence.

KEY PITTMAN,
President pro Tempore.

Thereupon Mr. MCKELLAR took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were comunicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the follcwing bills of the Senate:

S. 3612. An act to authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes;

S. 3786. An act to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes;

S. 4275. An act to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes; and

S. 4362. An act to provide for the completion of certain local protection works at East Hartford, Conn.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 3907. An act for the relief of William A. Reithel;

H. R. 6083. An act for the relief of Morris Burstein, Jennie Burstein, and Adolph Burstein; and

H. R. 6091. An act for the relief of Samuel Roberts.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 527) for the relief of J. J. Greenleaf.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10063. An act to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina; and

H. R. 10440. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.

J. J. GREENLEAF—CONFERENCE REPORT

Mr. BARKLEY (for Mr. BURKE) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 527) entitled "An act for the relief of J. J. Greenleaf" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, as follows: In lieu of the figures "$8,125" insert "$10,000"; and the House agree to the same.

PRENTISS M. BROWN,
JOHN G. TOWNSEND,
EDWARD R. BURKE,
Managers on the part of the Senate.
AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
Managers on the part of the House.

Mr. BARKLEY. I ask unanimous consent for the present consideration of the report.

There being no objection, the report was considered and agreed to.

SPECIAL COMMITTEE TO STUDY AND SURVEY PROBLEMS OF SMALL BUSINESS ENTERPRISES

The ACTING PRESIDENT pro tempore, under the terms of Senate Resolution 298, agreed to October 8, 1940, appointed the following Senators as members of the Special Committee to Study and Survey Problems of American Small Business Enterprises: Mr. MURRAY, Mr. MEAD, Mr. MALONEY, Mr. ELLENDER, Mr. STEWART, Mr. TAFT, and Mr. CAPPER.

LEGISLATION OF MUNICIPAL COUNCIL OF ST. THOMAS AND ST. JOHN, V. I.

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a resolution, ordinances, etc., adopted by the Municipal Council of St. Thomas and St. John, V. I., which, with the accompanying papers, was referred to the Committee on Territories and Insular Affairs.

DISPOSITION OF EXECUTIVE PAPERS

The ACTING PRESIDENT pro tempore laid before the Senate letters of the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Treasury (2), Interior, and Labor; the Veterans' Administration; the Public Health Service and the Office of Education, both under the Federal Security Agency; and The National Archives, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. TOBEY members of the committee on the part of the Senate.

OFFER OF SERVICE BY MEMBERS OF THE BAR, MARSHALL COUNTY, KANS.

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a statement received by me today signed by all of the lawyers of Marysville, Kans., tendering their services as lawyers and citizens to the President and officials of the United States Army and other departments of the Government to whom these patriotic Kansans may be of assistance during the present emergency.

There being no objection, the statement was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

At this time of national emergency the members of the bar of Marshall County wholeheartedly tender their services, as lawyers and citizens, to the President, the officials of the United States Army, or any other department of the Government, State or National, to whom they may be of assistance.

W. J. Gregg; P. G. Wadham; Carroll D. Smith; Walter Y. Griffin; Kenneth R. Baxter; W. M. Shaffer; Roy W. Cliborn; R. E. O'Neil; Paul Van Villeabugh; William S. Eddy; A. L. Park; L. L. McLaughlin; E. M. Gregg; E. O. Bennett, judge, twenty-first judicial district; R. E. Ferguson; R. L. Helvering; Raymond E. Smith.

REPORTS OF COMMITTEE ON CLAIMS

Mr. BURKE, from the Committee on Claims, to which was referred the bill (S. 4287) for the relief of Charles S. Ladinsky and Moe Kanner, reported it with amendments and submitted a report (No. 2215) thereon.

He also (for Mr. BROWN), from the same committee, to which was referred the bill (H. R. 6945) conferring jurisdiction upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment upon the claims of all persons who have claims for damages or losses allegedly resulting from the construction, further development, and improvement of the Intracoastal Waterway, Miami to Jacksonville, Fla., and for other purposes, reported it without amendment and submitted a report (No. 2216) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on October 8, 1940, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 844. An act to simplify the accounts of the Treasurer of the United States, and for other purposes;

S. 3990. An act to transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all acts inconsistent therewith to the extent of such inconsistency, and for other purposes; and

S. J. Res. 225. Joint resolution relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WHITE:

S. 4406. A bill for the relief of Karel Lederer; to the Committee on Immigration.

By Mr. BULOW:

S. 4407 (by request). A bill to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended; to the Committee on Civil Service.

By Mr. BURKE:

S. 4408. A bill authorizing the Comptroller General of the United States to settle and adjust the claim of Edgar H. Ingham; to the Committee on Claims.

By Mr. CLARK of Idaho:

S. 4409. A bill to amend the Fair Labor Standards Act of 1938; to the Committee on Education and Labor.

INVENTIONS USABLE IN CONNECTION WITH NATIONAL DEFENSE

Mr. PEPPER. Mr. President, on behalf of the Senator from Washington [Mr. BONE] and myself, I ask unanimous consent to introduce a bill pertaining to inventions usable for or against the national defense, because the Committee on Patents wishes to give consideration to the subject matter during the recess.

There being no objection, the bill (S. 4410) to protect the United States in respect of inventions usable for or against the national defense, and to protect against disclosures detrimental to the public interest of matters relating to the national defense, was read twice by its title and referred to the Committee on Patents.

HOUSE BILL REFERRED

The bill (H. R. 10063) to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina, was read twice by its title and referred to the Committee on Immigration.

KEY TO JUDICIAL DECISIONS (S. DOC. NO. 306)

Mr. WALSH. Mr. President, a very unusual document has recently been prepared by I. J. Lowe, Esq., an attorney with the Department of Agriculture. It is entitled "Key to the Year of Decision of Any Case in the United States Supreme Court, Federal and State Reports." This newly discovered key enables the researcher to ascertain at once the year of the decision of any case appearing in the reports of the United States Supreme Court and other Federal courts, as well as State reports, from its organization to the October term of 1939, without reference to the reports. These data will be helpful, not only to the legal profession, but also the judicial, legislative, and executive departments of the Government, and I ask that the document be made a Senate document. I have submitted the material to Justice Stone of the United States Supreme Court, and also to the Senator from Vermont ([Mr. AUSTIN] and they both state there is no publication quite like it, and that it should prove to be a useful document.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

TRIBUTE TO SENATOR GLASS BY ROBERT M. HANES

[Mr. BAILEY asked and obtained leave to have printed in the RECORD a tribute paid to Senator GLASS by Robert M. Hanes, president, American Bankers' Association, before the convention assembled in Atlantic City on September 26, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR JOHNSON OF COLORADO ON WAR

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a radio address delivered by him on October 5, 1940, on the subject, Hate War, My Countrymen, which appears in the Appendix.]

ORIGIN AND DANGERS OF PEACETIME CONSCRIPTION

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD certain facts and material relative to conscription, which appears in the Appendix.]

LETTER BY SENATOR HOLT ON DANGER OF WAR

[Mr. HOLT asked and obtained leave to have printed in the RECORD a letter written by him on the danger of American involvement in war, which appears in the Appendix.]

STATEMENT BY SENATOR WILEY ON LABOR'S STAKE IN THE CAMPAIGN

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement by him on labor's stake in the campaign, to be published in the American Forum, which appears in the Appendix.]

ADDRESS BY HON. HENRY A. WALLACE AT MISSOULA, MONT.

[Mr. MURRAY asked and obtained leave to have printed in the RECORD a radio address delivered by Hon. Henry A. Wallace at Missoula, Mont., October 3, 1940, which appears in the Appendix.]

WALTER-LOGAN BILL—ADMINISTRATIVE PROCEDURE

[Mr. MALONEY asked and obtained leave to have printed in the RECORD a letter to the New York Times by Alfred Jaretzki, Jr., relative to the Walter-Logan bill, which appears in the Appendix.]

POLITICAL TYRANNY

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial from the Washington Post of October 4, 1940, entitled "Political Tyranny," which appears in the Appendix.]

NATIONAL LABOR RELATIONS BOARD

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial from the Washington Post of October 9, 1940, entitled, "Where Congress Failed," which appears in the Appendix.]

SUPPORT OF PRESIDENT ROOSEVELT BY DOROTHY THOMPSON

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article under the heading "The Presidential Election; Miss Thompson Comes Out for Roosevelt," written by Dorothy Thompson and published in the Washington Post of this date, which appears in the Appendix.]

CONSIDERATION OF BILLS ON THE CALENDAR

The ACTING PRESIDENT pro tempore. In accordance with the understanding of yesterday evening at the time the Senate took a recess, the clerk will call the calendar for the consideration of unobjected-to bills.

Mr. KING. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. KING. I presume the call of the calendar will begin where the Senate concluded it yesterday?

Mr. BARKLEY. Yes; where the Senate left off yesterday.

The ACTING PRESIDENT pro tempore. The clerk will begin at Calendar No. 2324, House bill 6658.

LEASE OR SALE OF CERTAIN PUBLIC LANDS IN ALASKA

The bill (H. R. 6658) to authorize the lease or sale of certain public lands in Alaska, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. ADAMS subsequently said: Mr. President, today the Senate passed House bill 6658, Calendar No. 2324. I find on examination of the report which was filed that there is an error in the report. The bill itself is correct and should have been passed, but I should like to have unanimous consent to withdraw the report (No. 2203) as filed and be permitted to file a corrected report (No. 2214). I do that because when the bill goes to the White House for consideration, the report, as it stands, would contain an inaccuracy which I should like to have corrected.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

USE OF CERTAIN PUBLIC LANDS IN ALASKA FOR PARK AND OTHER PURPOSES

The bill (H. R. 7252) to authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska, was considered, ordered to a third reading, read the third time, and passed.

Mr. HOLT subsequently said: Mr. President, when Calendar No. 2325, House bill 7252, was called, I intended to make a suggestion to the Senator from Colorado [Mr. ADAMS]. The bill authorizes the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska. I believe the bill would be strengthened if we were to allow the Government to sell or lease the Secretary of the Interior to Alaska for recreational or cemetery purposes. [Laughter.]

LANDS IN DEATH VALLEY NATIONAL MONUMENT

The bill (H. R. 8646) to authorize the exchange of certain patented lands in the Death Valley National Monument for Government lands in the monument was considered, ordered to a third reading, read the third time, and passed.

WATER SUPPLY, PETERSBURG, ALASKA

The bill (H. R. 9173) for the protection of the water supply of the town of Petersburg, Alaska, was considered, ordered to a third reading, read the third time, and passed.

ORGANIZATION BY STATES OF MILITARY UNITS

The bill (H. R. 10495) to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes, was announced as next in order.

The ACTING PRESIDENT pro tempore. This bill was considered on the call of the calendar yesterday and went over on objection. Is there objection to its present consideration?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That section 61 of the National Defense Act of June 3, 1916, be amended to read as follows:

"No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this act: *Provided*, That nothing contained in this act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this act shall prevent the organization and maintenance of State police or constabulary: *Provided further*, That under such regulations as the Secretary of War may prescribe the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of the State concerned is in active Federal service: *Provided further*, That such forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States; however, no person shall, by reason of his membership in any such unit, be exempted from military service under any Federal law: *And provided further*, That the Secretary of War in his discretion and under regulations determined by him is authorized to issue, from time to time, for the use of such military units, to any State, upon requisition of the Governor thereof, such arms and equipment as may be in possession of and can be spared by the War Department."

Mr. THOMAS of Utah. Mr. President, this is the home guard bill, which the Senate discussed yesterday. The Sena-

tor from Vermont has an amendment to offer to perfect the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

Mr. AUSTIN. I move that the committee amendment be amended on page 3, in line 3, by inserting after the word "prescribe," the words "for discipline in training."

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 3, line 3, after the word "prescribe", it is proposed to insert the words "for discipline in training."

Mr. ADAMS. Mr. President, is the question on the amendment to the amendment?

The ACTING PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Vermont [Mr. AUSTIN] to the committee amendment.

Mr. ADAMS. I desire to say a few words on the bill.

Mr. WHITE. Mr. President, I desire to express my complete concurrence with the amendment offered by the Senator from Vermont. I think it should be adopted in order to cure a defect in the proposed legislation.

While I am on my feet, I wish to make a further suggestion to those in charge of the bill. It seems to me that the initial two or three lines of the committee amendment should be recast. I assume the bill will go to conference, and that there will be an opportunity in conference to recast it. The purpose of the bill, as I understand, is to confer upon the States the right to maintain troops within their borders in time of peace. The amendment starts out in this wise:

No State shall maintain troops in time of peace—

And so forth. That follows, I take it, the constitutional provision. It seems to me that it should be drafted as an affirmative declaration or an affirmative grant to the States of the right to maintain troops in time of peace. It is merely a matter of drafting, but I think it is very definitely the right way to go at it.

Mr. THOMAS of Utah. Mr. President, the reason the wording referred to is used is because the bill follows the language of the National Defense Act of 1916, and this bill will become an amendment to the National Defense Act of 1916. Since 1916 there have been so many regulations and so much experience with the National Guard that it was deemed by the committee best to follow the language which has become the guiding language of the organization since that date.

The ACTING PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Vermont [Mr. AUSTIN] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the committee amendment as amended.

Mr. ADAMS. Mr. President, I find myself compelled to vote against the bill. I did not object to its being taken up, but it seems to me that the bill involves a false assumption of Federal power. The bill assumes that a State may not organize or maintain any form of armed or organized force except with the consent and permission of the Federal Government. The opening line of the committee amendment is in accordance with the Constitution, which provides that:

No State shall, without the consent of Congress * * * in time of peace, keep troops.

That is entirely correct, but the distinguished Senator from Vermont, for whose learning and knowledge I have the utmost regard, and who is a far greater expert upon these subjects than I could be, answered an inquiry yesterday to the effect that a State had no right to maintain any form of armed organized force except with the consent of the Federal Government, and he interpreted the provision of the Constitution which I have read from the bill and which he quoted from the Constitution as going that far. The Senator from Texas [Mr. CONNALLY] raised the question yesterday as to the interpretation of the word "troops" in the constitutional provision.

In the few minutes at my disposal today I made a very hasty search of the authorities, and I find that there are several authorities supporting the position which the Senator from Texas took; in other words, that the prohibition against the maintenance of troops by the States in time of peace does not include the Organized Militia of the States.

This amendment, starting out with the correct statement, then proceeds to say, in the second part, that the States may not maintain any form of organization except under such regulations as the Secretary of War may prescribe. Not only is the Congress assuming the authority, but we are assuming to give to the Secretary of War the power to say to my State and your State, "You may not organize any home guard, any militia, unless you have the consent of the Secretary of War and the consent of Congress."

In that part of the bill I cannot concur. I must, therefore, vote against the bill, because it is founded upon what I think is a violation of a very fundamental provision not only of the Constitution but of the rights of the States, which antedated the Constitution, and which were in no way limited or restricted by the Constitution when it was adopted.

Mr. THOMAS of Utah. Mr. President, I do not want to argue this case, but I do want to say that all the Senator from Colorado has said was, of course, extremely germane when the National Defense Act of 1916 was being considered and enacted.

Mr. ADAMS. Mr. President, may I interrupt the Senator?

Mr. THOMAS of Utah. I shall be glad to be interrupted.

Mr. ADAMS. I recognize that the National Defense Act of 1916 has the same false premise underlying it; but the fact that the Congress in 1916 assumed something in violation of the Constitution does not justify us in doing the same thing again. The fact that the 1916 act contains these provisions is one of the reasons why I have not objected to taking up the bill, because it is not adding something new; it is merely reaffirming a false doctrine.

Mr. THOMAS of Utah. Mr. President, I very much doubt whether the act of 1916 was contrary to the Constitution. The purpose of the act of 1916 and the purpose of the act of 1920, which is the National Defense Act under which we are operating, was, in time of emergency and in time of war, quickly to make a unit of the armed forces of the United States by creating out of the various groups and branches of the armed forces, such as the National Guard, the great Army of the United States. Since the Federal Government moved into the States and changed the ordinary State militia, the armed force, the National Guard, into a quasi- or a half-national organization, and laid down the policy that the second line of defense should always be the National Guard, the close relationship between the National Guard and the Federal forces of the Regular Army has been maintained, and been very satisfactorily maintained.

The National Defense Act of 1916 did not destroy in any way, and of course could not destroy, any constitutional right. I completely agree with the Senator from Colorado in that respect; but it did not, even in practice, as interpreted, destroy the State's right to have its own troops. In fact, if we will read it, we will see that that is so:

Provided—

After the first statement—

That nothing contained in this act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace.

That language maintains complete command of the National Guard in the Governor in time of peace; and Federal recognition there constitutes only what the amendment of the Senator from Vermont has made it constitute now. The Federal Government does the training, and does the disciplining, and furnishes the uniforms and the matériel.

The act continues:

Provided further, That nothing contained in this act shall prevent the organization and maintenance of State police or constabulary.

Mr. BAILEY. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. THOMAS of Utah. I shall be glad to yield.

Mr. BAILEY. I understand the Senator is explaining, rather than contending, that notwithstanding the passage of the 1916 act and this bill, the States' rights to have such militia as they desire to have, independent of these measures, are not impaired to any degree.

Mr. THOMAS of Utah. I think that is absolutely the case; and today the problem is a practical problem of that kind. There is no question that the States may go ahead and organize their own militia, and equip their own militia, and pay for their own militia; but the States have become dependent upon the Federal Government for matériel, for uniforms, for pay during drill periods, and it is because of that dependency that they again find themselves financially dependent on the continuation of the National Guard when their own forces are called into service. It is a very practical situation.

Mr. BAILEY. I should like to say to the Senator on that point, if he will permit me, that the States are not financially dependent upon the Federal Government. They are in that posture; but the States collectively have all the wealth the National Government has. We have simply fallen here into a habit of depending upon the borrowed money of the Federal Government—that is, the credit of the Federal Government—in lieu of proceeding courageously to our duty of levying taxes in the States to discharge their functions, and levying taxes in the United States to discharge the Federal functions.

It is not a case of being dependent; it is a case of being unwilling to levy the necessary taxes, and, of course, there will be an end to that. We shall come to the point where the taxes must be levied by the States.

Mr. THOMAS of Utah. Probably I should have said a case of having become dependent.

Mr. BARBOUR. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. THOMAS of Utah. I shall be glad to yield.

Mr. BARBOUR. I hesitate to interrupt the junior Senator from Utah again; but a moment ago I heard a reference to constabulary and State police. I did not hear the question, and I am not quite sure that I understood the answer.

In connection with the remarks of the Senator from Colorado as to a prohibition against having organized forces in the States, I ask the Senator from Utah whether that would interfere with constabulary or State police?

Mr. THOMAS of Utah. No; the amendment carries the same provision that is carried in the National Defense Act of 1916, and reads as follows:

Provided further, That nothing contained in this act shall prevent the organization and maintenance of State police or constabulary.

Mr. BARBOUR. I thank the Senator.

Mr. ADAMS. Mr. President, if I may make a statement, it is not prohibited, but what the bill asserts is the right of the Federal Government to prohibit if it wishes. In other words, in this bill the Congress is most graciously saying to the State, "While you have no right to organize militia without our consent, we will permit you to do it provided it complies with the regulations of the Secretary of War."

Mr. BARBOUR. Mr. President——

Mr. THOMAS of Utah. I yield to the Senator from New Jersey.

Mr. BARBOUR. I do not want to encroach on the time of the Senator from Utah. I merely wish to be sure that there is nothing in the proposed legislation which would prevent the States from doing everything they reasonably should do in relation to constabulary or State police.

Mr. THOMAS of Utah. If there were anything in this measure which would prevent that, I think no Member of the United States Senate would support it, for the simple reason that it would destroy the sovereignty of the State in the control of its own police force.

Mr. ADAMS. Mr. President, I desire to add merely a word to emphasize the fact that this bill contains the assertion that the State's sovereignty may not, in and of its own right, maintain any Military Establishment or any militia, because it says, after reciting that the States may not have troops—which we all concede—

That under such regulations as the Secretary of War may prescribe—

"Under such regulations as the Secretary of War may prescribe"—

the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized.

In other words, in this bill we are asserting the absolute right of the Federal Government to forbid the organization within the State of military forces of a kind differentiated from troops or a standing army. As I have said, I think that is the assertion of a right which does not exist in the Federal Government. Of course, the assertion of the right by Congress does not affect the constitutional rights of the States; but I do not want to see passed a bill by which Congress asserts the fact without my own feeble vote going against it.

Mr. THOMAS of Utah. Mr. President, I am glad to have an expression of that kind. This amendment becomes necessary because of the way in which the Army and the National Guard have grown up and have developed. We all know that by various acts of Congress the size of the guard is limited. It becomes essential to increase the size of the guard. How to do that without destroying the limits which are already in existence was the problem facing the writers of this amendment, and we think we have done it by the way in which it is drafted.

Mr. ADAMS. Mr. President, may I have unanimous consent to submit as part of my remarks citation of a few authorities which I will have in the course of a half hour?

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The authorities submitted by Senator ADAMS are as follows:

MINNESOTA *v.* WAGENER (1898) (42 L. R. A. 749 AT 751)

Under our Military Code the active militia or National Guard are organized and enrolled for discipline and not for military service, except in times of insurrection, invasion, and riot. The men comprising it come from the body of the militia of the State and when not engaged, at stated periods in drilling or training for military duty, they return to the usual avocations, subject to call when public exigencies require it, but may not be kept in service, like standing armies, in times of peace. While enrolled as soldiers of the State for the purposes aforesaid they are neither troops, within the meaning of section 10 of article I of the Federal Constitution, or a standing army, within the meaning of section 14 of the Bill of Rights in the State constitution (*Dunne* v. *People*, 94 Ill. 120, 34 Am. Rep. 213).

DUNNE *v.* THE PEOPLE (1879) (94 ILL. 120, SYLLABUS NO. 7)

The organization of the active militia of the State is not in violation of that clause of the Federal Constitution which withholds from the States the right to keep troops in time of peace. Such a militia is not embraced in the term "troops" as used in the Constitution. The State militia is simply a domestic force, as distinguished from the Regular troops, and is only liable to be called into service when the exigencies of the State make it necessary.

DUNNE *v.* THE PEOPLE (1879) 94 ILL. 120 AT 138

An objection broader in its scope than either of those noted is, that the active militia organized under the statute comes within the prohibition of the second clause, section 10, article 1 of the Constitution of the United States, which withholds from the States the power to keep "troops" in time of peace. Our understanding is, the organization of the active militia of the State conforms exactly to the definitions usually given of militia. Lexicographers and others define militia, and so the common understanding is, to be "a body of armed citizens trained to military duty who may be called out in certain cases but may not be kept on service like standing armies in time of peace." That is the case as to the active militia of this State. The men comprising it come from the body of the militia, and when not engaged at stated periods in drilling and other exercises, they return to their usual avocations, as is usual with militia, and are subject to call when the public exigencies demand it. Such an organization, no matter by what name it may be designated, comes within no definition of "troops," as that word is used in the Constitution. The word "troops" conveys to the mind the idea of an armed body of soldiers, whose sole occupation is war or service, answering to the Regular Army. The organization of the active militia of the State bears no likeness to such a body of men. It is simply a domestic force as distinguished

from regular "troops," and is only liable to be called into service when the exigencies of the State make it necessary.

DUNNE *v.* THE PEOPLE (1879) (94 ILL. 120 AT 126)

The section of the Constitution cited (Art. I, sec. 8, div. 15) does not confer on Congress unlimited power over the militia of the States. It is restricted to specific objects enumerated, and for all other purposes the militia remain as before the formation of the Constitution subject to State authorities. Nor is there any warrant for the proposition that the authority a State may exercise over its own militia is derived from the Constitution of the United States. The States always assumed to control their militia, and, except so far as they have conferred upon the National Government exclusive or concurrent authority, the States retain the residue of authority over the militia they previously had and exercised. And no reason exists why a State may not control its own militia within constitutional limitations. Its exercise by the States is simply a means of self-protection.

The States are forbidden to keep "troops" in time of peace, and of what avail is the militia to maintain order and to enforce the laws in the States unless it is organized. "A well-regulated militia" is declared to be "necessary to the security of a free State." The militia is the dormant force upon which both the National and State Governments rely "to execute the laws, * * * suppress insurrections, and repel invasions." It would seem to be indispensable there should be concurrent control over the militia in both governments within the limitations imposed by the Constitution. Accordingly, it is laid down by text writers and courts that the power given to Congress to provide for organizing, arming, and disciplining the militia is not exclusive. It is defined to be merely an affirmative power, and not incompatible with the existence of a like power in the States; and hence the conclusion is the power of concurrent legislation over the militia exists in the several States with the National Government.

In the official annotated edition of the United States Constitution appears the following:

The organization and maintenance of an active State militia is not a keeping of troops in time of peace within the prohibition of this clause. This clause contemplates the use of the State's military power to put down an armed insurrection too strong to be controlled by civil authority, and the State concerned must determine what degree of force the crisis demands. (*Presser* v. *Illinois* (116 U. S. 252); *Luther* v. *Borden* (7 How. 45); *New Hampshire* v. *Louisiana* (108 U. S. 76).)

Mr. KING. Mr. President, I am not a member of the committee reporting the bill under consideration and have had but little opportunity to examine it. Because of the position of my colleague, for whose honesty and integrity I am glad to vouch, I am inclined to support it; or at least I desire to ascertain upon what grounds I may be justified in giving it my support. The bill was under consideration for a short time yesterday, and I then expressed some misgivings as to the merit or necessity of the measure; indeed, when the bill was brought to my attention by the Senator from Colorado I expressed some misgivings as to its constitutionality. I had not read the bill and was not aware of its provisions nor acquainted with any of the objectives sought, but in the discussion which ensued I was inclined to believe that it impinged upon the rights of the States and was not in consonance with the second amendment to the Constitution.

I indicated that some of the great leaders following the drafting of the Constitution were dissatisfied with some of its provisions, believing that the power conferred upon the Federal Government was too great. Accordingly, as Senators know, demands were made for amendments to the Constitution of the United States, and as a result of this agitation and the demands made various amendments were urged and adopted. Obviously, there were some who believed that the Constitution interfered with the rights of the various States to organize, regulate, and maintain a militia, and for that reason the second amendment to the Constitution was urged and adopted. I am not satisfied that the bill before us—much as I should like to support it—does not interfere with the rights of the States with respect to their regulation, organization, and so forth, of a State militia. I fear that this measure—though it might incorporate the provisions which are found in existing law—confers too much authority upon the Federal Government, and interfers with the rights of the States to organize, regulate, and maintain a militia. Senators will recall that this amendment forbids any infringement of the rights of the State to provide for a well-organized militia, and that the purpose of such a militia, among other things, is necessary for the protection and security of the State and of the right of the people to keep and bear arms.

Our forefathers knew of the dangers of large standing armies. They had developed within the various States before the Federal Government was formed militia organizations and had provided for their regulation, maintenance, and support.

I appreciate the fact that we have gone a long way since the amendment to the Constitution was adopted in centralizing authority in the Federal Government. The most extreme Federalist in the days of Hamilton would be surprised if he were now to visit this mundane sphere and witness the form and character of our present political system. He would behold not a Federal Government but a National Government; he would behold a strong centralized and powerful National Government exercising functions and authority far in excess of what the framers of the Constitution believed that the Government which they had organized was authorized to exercise.

The founders of this Republic had experienced the evils of a powerful central government, and they determined to establish a Government with limited powers—with checks and balances, in order that the people of the various States might be protected. They determined that local self-government should be preserved. They knew that only through the States could liberty and freedom be preserved; that individuals could operate in and through their States and the local subdivisions of their States. They knew that under a powerful centralized government their liberties would be restricted. They were not unacquainted with history, with the rise and fall of nations, and the causes which had led to the destruction of local self-government and of the freedom and liberty of individuals. They had been subjected to the authority of an oppressive government and to unjust exactions of monarchial rule. They were opposed to standing armies and believed that their liberties would be preserved under virile and active States and local governments.

Notwithstanding the restrictions imposed upon the Federal Government, it is apparent that little by little those restrictions have been and are being whittled away. More and more authority is taken over by the Federal Government, and more and more are the people adopting policies that weaken their States and diminish their rights and, indeed, their liberty. They are shirking responsibilities which rest upon their States and upon their local subdivisions. More and more the people are adopting policies which extend the power of the Federal Government; indeed, weaken its authority as a Federal Government and constitute it a powerful National Government.

Students of our Government who are familiar with history and the encroachment of governments upon individuals are manifesting concern over the increase in authority of the Government and the acquiescence of the people in such encroachment. When local self-government is weakened, the authority of the general or central government is increased. That increased authority manifests itself in measures which augment the power of the central government and its bureaucratic agencies and which tend toward state socialism. There are some of our citizens who believe that the best interests of the people would be subserved by the Federal Government taking over private enterprise and exercising control over the lives of the people. There are some Americans who support policies looking to state socialism and which, if increased, will culminate in the Federal Government owning and operating substantially most industries. There are some Socialists in our midst who believe that the Government should take over all industry and that the people should look to the Federal Government for employment, and, indeed, for direction in all material and industrial activities.

They are willing to destroy our form of government and to superimpose upon the people a system of state socialism. It is obvious that there is a movement in our country today to augment the power of the Government. There is a growing feeling that we do not need a Federal Government but a unitary government, with the States performing merely the functions of inactive satellites, having their existence in and

being within the periphery of the influence and power of a strong national state.

The Senator from North Carolina [Mr. BAILEY] indicated a moment ago that the States are not relying upon themselves to levy taxes for the purpose of maintaining their respective State governments. Undoubtedly that observation is true. Many of the States are not meeting their obligations or those of their political subdivisions, and are appealing to and relying upon the Federal Government to meet their deficits, and to take over, in part, duties and obligations which, under our form of government, belong to the States.

I think it will be conceded that demands are being made upon the Federal Government by the States and their political subdivisions for contributions for the maintenance of institutions belonging to the States and their political subdivisions. The statement is not infrequently heard that Senators and Congressmen are merely errand boys to obtain from the Federal Government funds, contributions, and benefits to be used to meet obligations of the States, and to carry out responsibilities which, under our form of government, rest exclusively upon them.

I know that any appeal for a renaissance of States' rights, and for the protection of local State government, and individualism will fall upon deaf ears.

The Democratic Party for years, proclaimed itself as the defender of the rights of the States and of individual liberty. The strength of the party grew out of the fact that it was preserving local self-government, that it was the protector of the individual, and that it was the enemy of all movements which sought to undermine the States and to aggrandize the Federal Government. The Democrats accepted the philosophy of Jefferson and the great leaders of the South, as well as some of the strong pillars of democracy in the North. We hear but little today about the philosophy of Jefferson and John C. Calhoun, one of the greatest political philosophers our country has ever produced. We now get some of our political philosophy from socialism.

I admit that when our country is at war the authority of the Federal Government is more pervasive and its responsibilities are increased, but even when our country is at war, there are rights and liberties of which the people may not be deprived.

There may be usurpation in times of war as there has been usurpation by the Federal Government in times of peace.

If our Government is to be preserved, it must be a constitutional government, a federal government, and a democratic government; and it must remain as a symbol of liberty and justice, not only to those within its borders but to the people in all parts of the world.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The ACTING PRESIDENT pro tempore. The question now is, Shall the bill pass?

Mr. ADAMS. Mr. President, I wish to be recorded as voting against the bill.

Mr. JOHNSON of Colorado. Mr. President, is this the home-guard bill?

The ACTING PRESIDENT pro tempore. It is.

Mr. JOHNSON of Colorado. I wish to make a brief statement in regard to it. I do not expect to oppose the enactment of the bill, but the organization of the home guard is just as useless as giving a hitch hiker three thumbs. The bill is not necessary at all.

The Congress and the States have worked out a formula for the operation of the National Guard in the States. It has been difficult and it has taken a long time to work it out satisfactorily, but it has been done. We became engaged in a constitutional argument yesterday on the floor of the Senate, which indicated how difficult it is to provide for the operation of a military unit within a State and harmonize all its parts with the Federal interests.

The only thing that is necessary, the only thing that is required, is for the War Department or the Federal Government not to call all the National Guard officers out at one time. Leave a company of them, or leave a few of them, in each State to function while the rest of the Guard are gone, and let the group which is left behind take their training at some subsequent time. That is all that is needed.

But an effort is made, by the enactment of a law of the kind proposed, to provide an entirely new military organization. The bill does not provide for an expansion of the National Guard, or anything of that kind, but sets up a new military organization within the States, which is bound to cause a conflict between the National Guard and the new organization when the National Guard returns home.

So long as the committee was willing to put into the proposal a requirement that no State military organization should be set up without a State law, naturally not very much harm could come from it, for vigilante committees could not operate in a State. So that difficulty is removed. But when one reads the bill he will be suprised at the plan of operation between the Federal Government and the States.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. RUSSELL. The Senator referred to the plan of operation between the Federal Government and the States set up in the bill. What has concerned me so much about the bill is the lack of any plan of operation or cooperation between the State authorities and the Federal Government. The bill provides in one part that the Secretary of War shall prescribe the rules and regulations for the operation of the military organization, and in another that it shall be governed by State law. I was just wondering what would happen if the Secretary of War should say, as to a single State, that it must have a thousand men enlisted in the unit, and the State law should provide for 5,000. There is nothing in the bill, as I read it, that would determine which should control—the regulation of the Secretary of War or the act of the State government.

Mr. JOHNSON of Colorado. There is nothing in the bill which would control that, and that is why I say the formula for the operation of the proposed organization cooperatively between the Federal Government and the State Government is left hanging in the air, just as the Senator from Georgia states.

That is the difficulty of it; but the pitiful thing is that the bill is not necessary at all. We still have the National Guard. We are not in war. The War Department can leave sufficient numbers of the National Guard at home to take care of all the needs of the States. No one can deny that. Part of the National Guard ought to be left at home instead of setting up the new military organization as proposed under the provisions of the bill.

The ACTING PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill, H. R. 10495, was passed.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 4175 will be indefinitely postponed.

USE OF CERTAIN PARTS OF THE PUBLIC DOMAIN

Mr. THOMAS of Oklahoma. Mr. President, a few days ago House bill 9705 was passed over upon objection of the junior Senator from Kansas [Mr. REED].

The ACTING PRESIDENT pro tempore. What is the calendar number of the bill?

Mr. THOMAS of Oklahoma. It is No. 2238. I have discussed the matter with the junior Senator from Kansas, and he is not willing to agree to the Senate committee amendments. The bill relates in the main to the State of Utah, and I do not desire to be responsible for holding up or blocking a bill which has passed the House, and has likewise been approved by the Senate committee, with amendments. So I ask that the bill be considered on the theory that I shall ask that all committee amendments be rejected so the bill,

if it is agreeable that it shall be passed, will be passed as it was passed by the House.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma for the immediate consideration of House bill 9705?

There being no objection, the Senate proceeded to consider the bill (H. R. 9705) to make more effective use of certain parts of the public domain, and for other purposes, which had been reported from the Committee on Indian Affairs with amendments.

Mr. THOMAS of Oklahoma. Mr. President, I ask that the amendments of the committee be disagreed to.

Mr. ADAMS. Will the Senator explain the bill?

Mr. THOMAS of Oklahoma. The bill relates in the main to Utah. It provides for amending the Ute Indians, of Utah, jurisdictional act of June 28, 1938, for the addition of certain lands to a reservation in Utah, and authorizes the institution of suits in the Court of Claims by the Ute Indians to assert their rights against the Government. Those are the provisions of the House bill. If the Senate shall disagree to the Senate committee amendments the Utah Indians in question will, under the House bill, be permitted to go into the Court of Claims to assert their rights against the Government.

A Senate committee amendment provides that the Cherokee Indians of my State likewise would have the right to go into the Court of Claims to assert rights they have or think they have against the Government. The junior Senator from Kansas, however, does not wish this to become an omnibus bill, and inasmuch as the amendment was placed in the bill by the Senate committee I shall ask that the amendment be disagreed to.

Another amendment relates to other tribes of Indians, giving them the right to go into the Court of Claims to assert their claims against the Government. It is not in the nature of a Court of Claims bill, but is somewhat similar. Inasmuch as I ask that the amendments be disagreed to, I presume the Senate will not be interested in knowing in detail about the amendments, other than what I have stated.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma asks that the committee amendments be not agreed to.

Mr. ADAMS. Mr. President, on page 19 of the bill, in section 2, is a Senate amendment limiting the exchange of lands to the State of Utah. It seems to me that inasmuch as the bill has to do with the State of Utah, as the Senator stated, he ought not to object to limiting this exchange of lands to the State of Utah. Some of us do not want this broad authority given to the Secretary of the Interior to exchange certain lands for lands in our States.

Mr. THOMAS of Oklahoma. Mr. President, my effort is wholly to bring about the passage of the House bill, on the theory that if we do not pass the House bill it will probably be too late to obtain a conference, and to obtain any legislation now. The bill can go over until later in the session, after election perhaps, and it can then be taken up. I am willing to have the bill taken up on its merits, if we can get an agreement, and consider the amendments, and agree to such as we can reach an agreement upon, or disagree to such as we cannot reach an agreement upon. I am trying to act in accord with the demands of the junior Senator from Kansas.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WHEELER. As I understand, the bill was never considered by the House Indian Affairs Committee at all.

Mr. THOMAS of Oklahoma. The Senator is correct. The bill went to the House Public Lands Committee.

Mr. WHEELER. The Senate has passed, as I understand, several bills permitting certain Indian tribes to go into the Court of Claims, and the House has held up all those bills.

Mr. THOMAS of Oklahoma. Most of them; not all.

Mr. WHEELER. Practically all of them, as I understand. There are pending on the calendar several bills granting permission to the various tribes of Montana to go into the Court of Claims. All those bills have been held up. In this case a Court of Claims bill was tacked onto a House bill. It had no reference at all to the subject which was originally covered. I feel that this is not the way to legislate. I feel it is just as appropriate for the Senate Indian Affairs Committee to tack Court of Claims bills onto other bills as it was to tack on a bill to another bill pending in the Public Lands Committee of the House, and for that reason I shall object at this time until I have an opportunity to look into the matter further.

The ACTING PRESIDENT pro tempore. Objection is heard, and the bill will be passed over.

AMENDMENT OF DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

The bill (H. R. 10322) to amend further the District of Columbia Unemployment Compensation Act was considered, ordered to a third reading, read the third time, and passed.

FIRST, SECOND, AND THIRD NATIONAL STEAMSHIP COS.

The bill (S. 4400) for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co. was announced as next in order.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BURKE. Mr. President, a similar bill, House bill 10440, should be substituted for the Senate bill.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska that House bill 10440 be substituted for the Senate bill, and that the House bill be now considered?

There being no objection, the Senate proceeded to consider the bill (H. R. 10440), an act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co., which was read twice by its title.

The ACTING PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 4400 is indefinitely postponed.

OVERTIME COMPENSATION FOR EMPLOYEES OF THE WAR DEPARTMENT, ETC.

The bill (S. 4208) establishing overtime rates for compensation for employees of the War Department, its field services, the Panama Canal Zone, and for other purposes, was announced as next in order.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. DANAHER. Mr. President, there is no objection whatever to the bill, so far as I now know. I should like to have some member of the committee, however, explain whether or not its provisions would supplement the provisions of other legislation in which we undertook to deal with prevailing rates of labor, and generally dealing with construction items of that sort in the Canal Zone.

Mr. THOMAS of Utah. Mr. President, I think the answer to that question is, "Yes," although the word "supplement" is hardly the right word. We have passed a measure providing for an 8-hour day and a 40-hour week for the ordinary workers in Government arsenals and those now doing defense work. Other workers are on an annual wage. In order to make the pay during this time consistent the Senate committee amendment is necessary. Its adoption will make it possible for the Secretary of War to administer the work in arsenals, and other work, in such a way that there will be real understanding and fairness to all concerned.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. THOMAS of Utah. I yield.

Mr. BARKLEY. I have just received a letter from the Secretary of War concerning the bill, which I should like to have read at this time, with the Senator's permission.

Mr. DANAHER. I shall be glad to hear it.

The ACTING PRESIDENT pro tempore. The clerk will read.

The Chief Clerk read as follows:

WAR DEPARTMENT,
Washington, October 9, 1940.

Hon. ALBEN W. BARKLEY,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The War Department deems it urgent that S. 4208 be enacted into law as soon as possible. This bill in effect sanctions the employment of certain key personnel at the arsenals on an overtime basis, and its passage would speed up considerably production of munitions at the arsenals. It has been reported out of the Committee on Military Affairs.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

Mr. DANAHER. I thank the Senator from Utah. I simply wished to make sure that there was no relaxation of the protection previously written into law during the session.

Mr. THOMAS of Utah. That is correct.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 4208) establishing overtime rates for compensation for employees of the War Department, its field services, the Panama Canal Zone, and for other purposes, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That notwithstanding the provisions of any other law, compensation for employment in excess of 40 hours in any administrative workweek computed at a rate not less than one and one-half times the regular rate is hereby authorized to be paid at such places and to such monthly, per diem, hourly, and piecework employees of the field services of the War Department and the field services of the Panama Canal whose wages are set by wage boards or other wage fixing authorities, and also to professional and subprofessional employees, and to blueprinters, photostat and rotaprint operators, inspectors, storekeepers, toolkeepers, and shop superintendents of the CAF service, as defined by the Classification Act of March 4, 1923 (42 Stat. 1488; 5 U. S. C., ch. 13), as amended, as shall be designated from time to time by the Secretary of War or the Governor of the Panama Canal, as the case may be, and the Secretary of War and the Governor of the Panama Canal are authorized to prescribe for their respective services, regulations for overtime employment for said employees or any of them: *Provided*, That in determining the overtime compensation of the foregoing per annum Government employees the pay for one day shall be considered to be one three-hundred-and-sixtieth of their respective per annum salaries.

SEC. 2. The provisions of this act shall be effective during the national emergency declared by the President on September 8, 1939, to exist, and shall terminate June 30, 1942, unless the Congress shall otherwise provide.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill establishing overtime rates for compensation for employees of the field services of the War Department, and the field services of the Panama Canal, and for other purposes."

LILLIAN M. REYMONDA

The bill (H. R. 7916) granting 6 months' pay to Lillian M. Reymonda was considered, ordered to a third reading, read the third time, and passed.

BILL INDEFINITELY POSTPONED

The ACTING PRESIDENT pro tempore. House bill 10391, to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes, was passed by the House on October 7, and is on the Secretary's desk. Yesterday the House passed an identical Senate bill, Senate bill 4275, without amendment. If there be no objection, House bill 10391 will be indefinitely postponed. The Chair hears no objection, and the order is made.

DEFINITION OF CERTAIN COMMON CARRIERS BY WATER

Mr. KING. Mr. President, at the last call of the calendar a measure which had been reported from the Committee on Territories and Insular Affairs by its distinguished chairman, the Senator from Maryland [Mr. TYDINGS], was passed over. I refer to Senate Joint Resolution 296, Calendar No. 2247. I ask unanimous consent to recur to that measure.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 296) to define common carriers by water engaged in certain commerce with the Virgin Islands of the United States, and for other purposes.

Mr. KING. The joint resolution was unanimously reported by the committee.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That for the purposes (1) of this resolution; (2) of the Shipping Act, 1916, as amended (U. S. C., title 46, sec. 801; 39 Stat. 728, ch. 451, approved September 7, 1916); and (3) of the Intercoastal Shipping Act, 1933, as amended (U. S. C., title 46, sec. 843; 47 Stat. 1425, ch. 199, approved March 3, 1933), every common carrier by water between ports in the States, Territories, districts, and possessions of the United States and ports in the Virgin Islands of the United States, or between ports in the said Virgin Islands, shall, while engaged in commerce between such ports, be deemed to be (a) a common carrier by water, and (b) a common carrier by water in foreign commerce, as defined in and subject to the terms of the said Shipping Act, 1916, as amended, but shall not be deemed to be a common carrier in interstate commerce as defined in said act.

SEC. 2. This resolution shall expire on the date of the going into effect of the coastwise laws of the United States as to the Virgin Islands of the United States by proclamation of the President under authority of the act of April 16, 1936 (U. S. C., Supp. IV, title 46, sec. 877; 49 Stat. 1207).

The preamble was agreed to.

FARM VIEWS OF WENDELL L. WILLKIE

Mr. GILLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD as part of my remarks an editorial from Wallaces' Farmer of October 5, 1940, dealing with the farm views of Candidate Willkie.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Wallaces' Farmer of October 5, 1940]

NO ACREAGE CONTROL FOR WILLKIE

Every farmer in the Corn Belt would like to think that the farm program had been taken out of politics, and that one political party would work just as hard as the other to support and improve the present program. That was why many farmers listened with strained interest to Wendell Willkie's farm speech at Omaha last week.

In spite of Willkie's earlier description of the A. A. A. as an "irresponsible experiment" and of A. A. A. cooperators as "victims * * * on a dole"; in spite of the Republican platform's denunciation of production control, and in spite of the attempt by Republican Members of the House to wipe out corn-loan funds, a great many Corn Belt farmers still hoped that Willkie would rise above his party platform, his party supporters, and his own past utterances to give some real assurance to agriculture that the troubled period ahead would not find farmers deserted by their Government as they were after the crash of 1929.

That was what farmers hoped for. What they got was something different.

Willkie, it seemed, believes that the farmers are the backbone of the Nation, that farmers deserve more income, that family farms are fine, and that domestic and foreign markets for farm products should be expanded.

"But how are you going to do it?" listening farmers asked the radio.

Mr. Willkie went on to say that business recovery was vital to agriculture, and he added that his pledge to revive industry was "just as important to the farmer as it is to the factory worker or the businessman." Then he continued:

"And I know how to fulfill it."

There he left listening farmers in suspense. He said nothing about how he intends to bring complete industrial recovery to America.

The American farmer needs larger markets, said Mr. Willkie. At home, "it will be my policy to develop new industries."

What industries?

Again farmers were left to guess.

He will try to increase the export market.

How? By taking notes in payment? By importing more gold? Or by the only sound method, importing more goods in payment? If the latter, what goods? Whose tariffs will he reduce?

Once more, farmers can only guess what he means to do.

"Special treatment must be accorded these (export) commodities," said Mr. Willkie.

What kind of special treatment? Export subsidies? Domestic price fixing? A two-price plan?

Farmers can only guess.

Surplus commodities purchases to feed the poor will be continued, said Mr. Willkie. But how will these purchase be made? Will the Government continue to step into the market at times and places where a surplus is beating down prices, and by judicious purchases keep prices fairly stable? If that is Mr. Willkie's intention, why are practically all grain and commodity speculators supporting him? Is he fooling them, or fooling the farmers?

Farmers can only guess.

Mr. Willkie declared that he liked some parts of the present farm program. He specified which parts.

Willkie said he favored the food-stamp plan. But listening farmers remembered that Mr. Willkie's Republican Congressmen on May 9 voted 128 to 18 to kill parity payments.

Willkie said he favored the conservation program. But listeners remembered that Republicans in Congress voted this spring by 131 to 22 to kill parity payments.

Willkie said he favored some kind of corn loans. But farmers could not forget that Republicans in Congress voted, on August 1, by 106 to 38, to kill corn-loan funds.

What Willkie promises the farmer is less than half of what is now being done for agriculture by the New Deal. The Republican record in Congress raises great doubt as to whether Mr. Willkie could deliver even that half. Why should any farmer want to trade a whole loaf for the promise of half a loaf?

The Willkie farm program, as outlined at Omaha, sounds painfully like the answer of a politician to the question: "How little can I promise these folks and still get their votes?"

We do not think this was Willkie's own work. Mr. Willkie is a competent lawyer, who has risen to the top of his profession as an advocate and defender of big business. Knowing nothing about agriculture, he has had to take advice on farm questions. And this advice has apparently been that he should promise farmers just enough to get by.

This is why thoughtful farmers were shocked and alarmed by the Omaha speech. By failing to endorse production control, and by ignoring the fact that the present corn-loan system will collapse without production control, Willike indicated that he does not know what it takes to make a farm program work.

It is just as if Willkie came down the road, locked at your barn, and said:

"That's a fine barn. I never saw a better weathervane. Good roof, too, though it needs some shingles. Fine hay loft. There's only one thing wrong with that barn, and that's the foundation. Tomorrow morning, I'm going to hook a tractor onto the foundation and jerk it right out from under the barn. But I wouldn't change the barn itself a bit. No, sir."

All Mr. Willkie is going to do is to take out the foundation of the farm program by leaving out acreage control.

The Corn Belt knows better, even if Mr. Willkie does not. In 1932, before production control, we had a crop of 2,933,000,000 bushels of corn in the Nation. In 1940, with production control, we are getting a crop around 2,300,000,000 bushels.

There wasn't much difference in the weather, if you take the Nation as a whole. Proof is that the average yield per acre in 1932 was 26.5 bushels; in 1940, 26.6 bushels.

The difference in the size of the 1932 and 1940 corn crops can be explained by only one thing: We have an A. A. A. in 1940; we didn't have one in 1932.

And farmers remember too well that, without production control, corn sold for 10 cents a bushel or less in Iowa in 1932. This year cooperators will be able to sell their corn at 60 cents. Things are different now.

Will they stay different?

That will depend on the November election. The present corn loan—which Mr. Willkie does not understand—and production control—which Mr. Willkie does not like—will not long survive a Willkie victory.

We suggest that farmers turn to page 14 and read the Willkie speech. See if it holds out any promise for a continuation of production control.

We urge that farmers turn to page 15 and read the text of the present Corn Loan Act. How many farmers want to trade the specific pledges of the present law for a foggy assurance that some kind of corn loans will be provided?

To find what Willkie really thinks about the farm program, it is necessary to note what he says in speeches some distance away from Iowa. At Elwood, Ind., on August 17, he classed the A. A. A. as an "irresponsible experiment" and farmers cooperating with the A. A. A. as "victims * * * on a dole." And at Yonkers, N. Y., on September 28, just 2 days after the Omaha speech, he repeated the familiar Liberty League attack about farmers "who get checks from Washington for produce they haven't grown."

This is a disappointment to many farmers, but it's just as well that they should know at last where Wendell Willkie stands. Now they can vote with their eyes open.

EXTENSION OF SUGAR ACT OF 1937

Mr. BYRD. Mr. President, when the sugar-control program was under consideration several days ago in the Senate I was unavoidably detained on account of illness in my family. I intended then to make some remarks. I ask unanimous consent to have printed in the body of the RECORD a statement of what I then intended to say and should have said had I been present.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, I want to voice my protest against the payment, out of the United States Treasury, of unreasonable and colossal benefits to certain favored sugar growers, and especially those living outside of the United States proper.

It is true that a tax, in the nature of an excise tax, is paid on the production of sugar; but this tax, just as the tax on tobacco, the tax on gasoline, and many other excise taxes, are passed on to the consumer, and are, in fact, paid out of the pockets of the American people, just as other taxes are paid.

In this connection I call attention to the statement made by the Secretary of Agriculture, Mr. Wallace:

"I know that you will also appreciate the difficulty, from the standpoint of the public interest, in finding adequate justification for a policy of charging American consumers higher prices for sugar. In my letter to Senator Bulkley, referred to above, attention was called to the fact that 'It is estimated that at current prices American consumers are obliged to pay more than $350,000,000 per annum in excess of the value, at world prices, of their annual sugar supply (without allowance for the estimated net revenue of approximately $47,000,000 represented by the difference between disbursements under the Sugar Act of 1937 and receipts from the tariff and the 50-cent tax on sugar, or for the possible increase in world price that might result from changed conditions). This is equivalent to a tax of approximately $2.70 per capita on a population of 129,000,000 persons. It means on the average a levy of more than $10 per family, including that one-third of the Nation which is ill-nourished, and it represents an amount of purchasing power equal to more than 50 quarts of milk and 50 loaves of bread for each family in the United States.'"

I desire first to list the names of 43 sugar corporations obtaining more than $100,000 annually out of the Treasury of the United States. These 43 producers received an average of more than $259,000 each annually. Why, Mr. President, should the United States Sugar Corporation receive $580,319 for the year 1938 and $430,420 for the year 1937? Why should the Hawaiian Commercial & Sugar Co., Ltd., receive $516,542 annually; not to mention the Luce & Co., S. & C., receiving $560,026; the Oahu Sugar Co., Ltd., receiving $516,468; the Pioneer Mill Co., Ltd., receiving $402,466; and other large payments in the same proportion?

It is difficult for me to understand, and no one has given a satisfactory explanation as to why the sugar growers of the United States, 77,398, are receiving less than $250, annually, and these favored corporations and individuals are obtaining sums which appear to be constantly increasing each year.

The average farmer in the United States under the soil-conservation program received $86.04. The legal maximum payment under the soil-conservation program was $10,000 to any one firm, corporation, or individual in any 1 year. Why, then, should 43 sugar corporations receive more than $100,000, some ranging in excess of $500,000, and many others receiving other large payments out of the Federal Treasury, greatly in excess of the amount paid to the American farmer who produces other farm products under the soil-conservation program?

I ask unanimous consent to insert, as a part of my remarks, a list of those receiving more than $100,000, to be followed by a list of those receiving more than $10,000 under the sugar program, all of which is paid out of the General Treasury.

I intend, Mr. President, to continue to call attention to these payments, which I think have now reached a "racket," as unreasonable and unjustifiable, until Congress takes remedial action to correct these excessive subsidies costing the United States Treasury over $45,000,000 annually.

List of corporations and individuals receiving in excess of $100,000 out of the United States Treasury for sugar-program payments for the year 1938:

United States Sugar Corporation, Clewiston, Fla	$580,319
Godchaux Sugars, Inc., New Orleans, La	113,768
Ewa Plantation Co., Ewa, Hawaii	448,701
Grove Farm Co., Ltd., Puhi, Kauai	136,897
Hakalau Plantation Co., Hakalau, Hawaii	137,540
Hamakua Mill Co., Paauilo, Hawaii	150,564
Hawaiian Agricultural Co., Pahala, Hawaii	315,368
Hawaiian Commercial & Sugar Co., Ltd., Puunene, Maui	563,542
Hawaiian Sugar Co., Makaweli, Kauai	293,100
Hilo Sugar Co., Hilo, Hawaii	190,702
Honokaa Sugar Co., Haina, Hawaii	245,251
Honolulu Plantation Co., Aiea, Oahu	270,064
Hutchinson Sugar Plantation Co., Paauhau, Hawaii	118,336
Kahuku Plantation Co., Kahuku, Cahu	202,692
Kaiwiki Sugar Co., Ltd., Ookala, Hawaii	111,186
Kekaka Sugar Co., Ltd., Kekaka, Kauai	337,622
Kilauea Sugar Plantation Co., Kilauea, Kauai	104,805
Kohala Sugar Co., Hawi, Hawaii	317,153
Koloa Sugar Co., Koloa, Kauai	130,021
Laupahoehoe Sugar Co., care of T. H. Davies & Co., Ltd., Honolulu Hawaii	161,312
Lihue Plantation Co., Ltd., Lihue, Kauai	410,114
Maui Agricultural Co., Ltd., Paia, Maui	358,630
McBryde Sugar Co., Ltd., Eleele, Kauai	199,087
Oahu Sugar Co., Ltd., Waipahu, Oahu	516,468
Olaa Sugar Co., Ltd., Olaa, Hawaii	262,083
Onomea Sugar Co., Papaikou, Hawaii	211,504
Paauhau Sugar Plantation Co., Paauhau, Hawaii	118,336
Pepeekeo Sugar Co., Pepeekeo, Hawaii	119,564
Pioneer Mill Co., Ltd., Lahaina, Maui	402,466
Waialua Agricultural Co., Ltd., Waialua, Hawaii	398,956
Wailuki Sugar Co., Wailuku, Maui	221,544
Cambalache, Central, Inc., Arecibo, P. R	144,776
Coloso, Central, Inc., Coloso, P. R	125,549

Eastern Sugar Associates, Caguas, P. R.	$401,597
Fajardo Sugar Growers, Asso., Fajardo, P. R.	478,637
Gonzales Martinez, Manuel, box A, Salina	122,265
Luce & Co., S. en C., Aguirre, P. R.	560,026
Roig, Antonio, Sucesores, S. en C., Humacho, P. R.	295,605
Rubert Hermanos, Inc., San Vicente, P. R.	135,110
Russell & Co., Sucrs., Ensenada, P. R.	319,730
Serralles, J. Sucesion, Ponce, P. R.	218,798
Toa, Compania Azucarera del, Toa Baja, P. R.	103,277
Wirshing & Co., S. en C., Ponce, P. R.	104,772
Total	11,157,838

(Exclusive of 10 Louisiana payments totaling about $640,000 which were deferred pending classification of child-labor provisions of the Sugar Act of 1937.)

Forty-three corporations and individuals received an average of $259,484.

List of corporations and individuals receiving in excess of $10,000 and under $100,000 out of the United States Treasury for sugar-program payments for the year 1938:

CALIFORNIA

Aaroe & Son, A., Soledad	$10,481
Amen, Henry, Woodland	14,658
Bass, A. C., Stockton	14,179
Browning, J. L., Grimes	11,149
California Delta Farms, Inc., Stockton	24,737
Carden, Morris, Davis	10,213
Central Produce Co., Guadalupe	23,190
Empire Farms, Inc., Stockton	37,770
Evans, G. K., and Hayes, J. O., Jr., Stockton	14,984
Farmers Produce Co., Ltd., Brawley	19,982
Fujita, J., Stockton	10,026
Giffen, Russell, Mendota	11,089
Golden State Asparagus Co., George N. Edwards, receiver, Isleton	12,175
Greer, A. J., Davis	20,447
Greer, F. J., & Sons, Davis	14,697
Haines, Charles F., Hamilton City	29,681
Hanson, A. B., Santa Maria	18,008
Harris & Thomas, Woodland	11,543
Heringer Bros. & Sons, Inc., Clarksburg	31,184
Hiramatsu, N., Guadalupe	27,432
Holmes, Clarence H., Clarksburg	12,008
Hulen, C. S., Woodland	10,268
Hunt Bros., El Centro	20,280
Kelley, John C., Stockton	25,422
Lacy Bros., Stockton	33,765
Lewallen, John, Stockton	10,703
McDonald Island Farms, Inc., Stockton	24,441
Medford Island Co., Stockton	18,536
Merwin, R. E., and Yelland, R. M., Clarksburg	14,891
Mitarai, Henry, Sunnyvale	11,656
Newhall Land & Farming Co., Piru	22,908
Nishimura, George, Lompoc	11,117
Oda, Y., Woodland	10,806
Parella, C., Sacramento	10,818
Richards, Chas. R., Colusa	10,363
Roddick, A. L., Soledad	10,972
Lester Stirling Co., The, Salinas	11,865
Stuhlmuller Bros, Woodland	11,888
Totman, C., Rio Vista	11,663
Tutton, Stanley W., Stockton	10,847
Ueda, Chiyono, Stockton	11,304
United Farms Co., Salinas	10,575
Waukeena Farms, Clarksburg	10,135
Westgate, E. W., Stockton	12,353
Wetherbee, C. H., Clarksburg	14,145
Wilson, George H., Clarksburg	12,041
Woodward Island Farms, Stockton	10,212
Yen, Fong, Sacramento	16,931

COLORADO

American Crystal Sugar Co., Denver	46,897

INDIANA

Central Sugar Co., Decatur	11,459

KANSAS

Garden City Sugar Co., Garden City	17,664

MICHIGAN

Great Lakes Sugar Co., Detroit	25,420

NEVADA

Burquist, Ernest, Lovelock	12,163

OREGON

Garrison, Chas., & Son, Jamieson	11,370

UTAH

Utah-Idaho Sugar Co., Salt Lake City	20,314

WYOMING

Jones, Russel A., Sheridan	11,421
Compton, J. A., Worland	45,182

MAINLAND SUGARCANE AREA

FLORIDA

Douglas, A. B., Fellsmere	15,227
Douglas, William C., Fellsmere	10,762

FLORIDA—continued

Hooker, W. R., Fellsmere	$11,287
Kurtz, R. E., Fort Meyers	16,226
Leonard, Esther F., Fellsmere	10,669
Roberts Sugar Co., Fellsmere	10,132
Tiedtke, John, Clewiston	16,018

LOUISIANA

Alma Plantation, Ltd., Lakeland	25,984
Armelise Planting Co., Ltd., Paincourtville	15,534
Bergeron & Walton, Napoleonville	12,781
Blanchard Planting Co., Ltd., Tallieu	19,620
Burquieres Co., J. M., Ltd., Louisa	11,411
Buttram & Browne, star route B, Franklin	10,632
Caffery, John M., Franklin	19,160
Caldwell Sugars, Inc., Thibodaux	27,168
Catherine Sugar Co., Inc., Lobdell	16,284
Cypremont Stores, Inc., Franklin	11,411
Delgado-Albania Plantation Commission, Jeanerette	17,433
Devall Co., Inc., Chamberlain	14,842
Duhe, J. P., New Iberia	10,285
Farwell, Charles A., New Orleans	14,541
Foster, W. Prescott, Franklin	68,299
Gay, Edward J., P. & M., Ltd., Plaquemine	34,437
Haas Investment Co., Inc., Bunkie	19,970
Hymel-Stebbins, Inc., Reserve	17,128
Kahao, M. J., Kahns	10,731
Lavaux, T., Sons, Lucy	17,012
Laws, Harry L., & Co., Inc., Cinclare	34,131
Leche, John, Thibodaux	11,829
Lepine, J. W., Thibodaux	20,162
Levert St. John, Inc., St. Martinville	37,862
Louisiana State Penitentiary, Angola	81,069
Maryland Co., The, Inc., star route	13,075
Milliken & Farwell, New Orleans	67,322
Morris, J. R., Avoca	11,020
McCollam Bros., Ellendale	10,839
Orange Grove Planting Co., Jeanerette	14,031
Palo Alto Co., Inc., Donaldsonville	12,494
Patout, M. A., & Son, Ltd., Jeanerette	16,310
Prudential Life Insurance Co. of America, Memphis, Tenn.	11,436
Robichaux, F. A., agent for heirs of estate of E. G. Robichaux, deceased, Labadieville	22,015
Robichaux, E. G., Co., Ltd., Labadieville	20,766
Rosedale Farms, Inc., Napoleonville	10,284
San Francisco Plating and Manufacturing Co., Ltd., Lions	18,616
Shadyside Co., Ltd., Franklin	31,606
Slack Brothers, Inc., Rosedale	14,746
Soniat, Mrs. Leona S., successor of White Castle	15,814
Sterling Sugars, Inc., Franklin	58,587
Supple's, J. Sons, Plating Co., Bayou Goula	22,667
St. James Operators, Inc., New Orleans	15,047
St. Paul Bourgeois, Inc., Jeanerette	16,939
Thibaut, B. and D., Napoleonville	27,253
Triangle Farms, Inc., Belle Alliance	29,518
Union Sugars, Inc., Vacherie	10,217
Valentine Sugars, Lockport	18,374
Waguespack Plating Co., Vacherie	11,752
Westover Plating Co., Ltd., Kahns	23,891
Wilkinson, H. Sr., Port Allen	27,355

HAWAII

Gay and Robinson, Makaweli, Kauai	82,283
Honomu Sugar Co., Honomu, Hawaii	98,033
Kaeleku Sugar Co., Ltd., Hana, Maui	76,119
Rice, Wm. Hyde, Ltd., Lihue, Kauai	41,864
Waiakea Mill Co., Hilo, Hawaii	86,631
Waianae Co., Waianae, Oahu	85,961
Wailea Milling Co., Ltd., P. O. Box E, Hakalau, Hawaii	30,423
Waimanalo Sugar Co., Waimanalo, Oahu	79,108
Waimea Sugar Mill Co., Ltd., Waimea, Kauai	34,224

PUERTO RICO

Aldea Agricultural Corporation, Arecibo	11,799
Alfonso Carreras, Louis, Arecibo	10,809
Alianza, Central, Inc., Arecibo	21,818
Angel Tio, Juan, San German	17,394
Angel Tio, Juan, trustee for Juan Angel Tio and Antinio R. Matos, joint operators, San German	21,892
Angel Tio, Juan, trustee for Juan Angel Tio and Santiago Sambolin, joint operators, San German	16,781
Avalo Garcia, Juan, Juncos	11,906
Bayamon, Associacion Agricola de, Bayamon	45,233
Behn Bros. Association, San Juan	18,190
Berrios, Ramon L., box 23, Guarbo	10,402
Buena Vista Agricultural & Dairy Co., Carolina	17,230
Cabassa, Jacobo L., box 183, Ponce	40,383
Calaf, Jaime, trustee for Jaime Calaf and Federico Calaf, joint operators, Wamati	65,133
Calderon Rivera, Rafael, Caguas	25,204
Cautino, Genaro, Guayama	25,281
Cerra Becerril, Luis, box 39, Rio Piedras	15,994
Cervoni, Eduardo, trustee for the heirs of the estate of Cervoni Massari, deceased, Arroyo	10,994
Cooperativas, Agricolas: Cuatro Calles Enriqueta, Concordia, Yague, Catalina, Garonne la Nueva, Garonne la Vieja and Columbia, jointly, Arroyo	84,190

PUERTO RICO—continued

Cooperatives, Agricolas: Palma, Felicita, Providencia, and Bordelaise, jointly, Arroyo	$51,653
Esteves, Alberto, Aguadillo	23,625
Fernandez, Ortiz, Angel, trustee for Rosario Garzot and Matilde Garzot, joint operators, box 94, Naguabo	11,785
Fernandez, Faustino, box 111, Naguabo	26,822
Figuerola, Miguel, box 504, Caguas	20,301
Finlay Bros. & Waymouth Trading Co., Veg Alta	88,050
Fonalledas Cordova, Jaime, trustee for the heirs of Jaime Fonalledas, deceased, Toa Baja	34,299
Fraticello, Antonio, box 746, Arecibo	15,259
Fraticelli, Antonio, trustee for Antonio Guidicelli Grillasca and Antonio Fraticelli, joint operators, Arecibo	13,326
Garcia Mendez, M. A., post-office box 267, San German	10,092
Georgetti, Compania, S. en C., Barceloneta	88,080
Gilormini, Domingo, trustee for Otilia Lluberas Negroni, Ascuncion Negroni Albedla, Domingo Gilormini, and Sobrinos de Arturo Lluberas, joint operators, Guayanilla	36,115
Godreau & Co., S. en C., Salinas	24,321
Godreau, Elias and Ga., Sucs. de, post-office box 43, Salinas	28,948
Gonzalez & Co., Scurs. de Jose, S. en C., Guayama	77,755
Gonzalez Perez, Felix, Yauco	11,150
Gonzalez, Rafael M., box 85, Gurabo	15,804
Guillemard, A., trustee for the heirs of Mateo Fajardo Cardona, deceased, Mayaguez	77,026
Guillemard, A., trustee for the heirs of Mateo Fajardo Davilla, deceased, Mayaguez	17,545
Irizarry Cancel, Cornelio, San German	11,872
Iturregui, Nicolas, box 31, Trujillo Alto	14,495
Jayuya Development Co., box 145, Jayuya	19,152
Livingston, Clara E., Dorado	10,706
Lopez, Rafael H., Aguadilla	15,327
Lucas P. Valdivieso, Jorge, Central Pellejas, Adjuntas	12,837
Lucas P. Valdivieso, Jorge, trustee for the heirs of Lucas P. Valdivieso, deceased, box 1144, Ponce	54,525
Lucchetti Acosta, F., trustee for Juan Michel Lucchetti, Triston L. Lucchetti, joint operators, box 141, Yauco	10,046
Lugo Ramirez, Juan, San German	11,153
Maria, Ana, Sugar Co., Mayaguez	10,151
Mayaguez Sugar Co., Inc., box 569, Mayaguez	59,874
Mendez, Antonio, Naguabo	11,778
Mendez, Eduardo, Jr., trustee for the heirs of Eduardo Mendez, deceased, San Sebastian	16,546
Mercado, Mario, e Hijos, Guayanilla	87,644
McConnie, Julian O., box 716, Caguas	14,555
Nevares, Hermanos, Toa Baja	17,732
Nido & Co., box 27, Arroyo	10,099
Otilio Milan, J., Aguadilla	13,509
Padovani Giorgetti, Carlos, box 703, Mayaguez	10,822
Pepino, Asociados del, San Sebastian	46,412
Quinones, Salazar, Ernesto, box 125, San German	11,474
Quintana Colon, Domingo, Yabucoa	11,099
Quintero & Davila, Ltd., box 1658, Manati	32,745
Ramirez Rosell, Alfredo, Mayaguez	82,667
Ramirez de Arrellano, Alfredo, trustee for the heirs of Luis A. Fajardo, deceased, box 293, Mayaguez	30,680
Ramirez, Ubaldino, trustee for Ubaldino Ramirez and M. A. Garcia Mendez, joint operators, Mayaguez	10,069
Rodriguez Garzot, William, trustee for the heirs of the estate of Faustino R. Fuertes, deceased, Naguabo	10,587
Sauri, Jose, trustee for Jose Sauri and Carmen Sauri, joint operators, box 1349, Ponce	21,282
Sauri, Rafael, box 1947, Ponce	10,765
Sauri Y Subira, Corporation Azucarera, box 1390, Ponce	23,274
Semidey, Jose, trustee for Jose Semidey and Santos Semidez, joint operators, Villalba	18,123
Soller Sugar Co., Inc., Arecibo	35,939
Stella, Jesus, post-office box 46, Guayanilla	13,127
Subira, Luis Frau, trustee for Providenciz Subira, Concepcion Subira and Mario Subira Echenarria, joint operators, box 1783, Ponce	23,502
Tio, Felix E., Bayamon	12,170
Torres Troche, Julio, trustee for Allah Torres and Marino Torres, joint operators, box 61, Ponce	11,152
Vallecillo, Geronimo, box 3835, Santurce	13,143
Vannina, Central, Inc., box 395, Rio Piedras	87,599
Velazquez Rodriguez, Leoncio, box 126, Caguas	21,854
Verdaguer Hacienda, Aguirre	21,863
Victoria, Central, Inc., Carolina	55,140
Vidal, Felipe F., trustee for Venitez Sugar Co., Inc., and Jose J. Benitez y Hijos, joint operators, Vieques	48,871
Zeno, Alcides, trustee for the heirs of Dario Franceschi, deceased, and Ann A. De Zeno, joint operators, Yauco	11,196

PROPOSED RECESS ARRANGEMENT

Mr. BARKLEY. Mr. President, the calendar having been completed, I feel that it is due Members of the Senate for me to make an observation or two, to see if we can arrive at an understanding about the program for the immediate future in regard to sessions of the Senate.

As everyone knows, efforts have been made during the past few weeks to ascertain whether it would be feasible to adopt a concurrent resolution providing for a recess of the two Houses of Congress until some date in November. The date suggested was the 18th of November, which is on Monday. The 11th of November was also suggested; but, in view of the fact that the election comes on the 5th, it was felt that Senators are entitled to remain in their homes another week after the election. Therefore, we have been making an effort to ascertain whether or not it would be possible for the two Houses to recess until the 18th of November, which is the second Monday after the election.

The Senate has completed its program of necessary legislation. That does not mean that there are not bills on the calendar in which Senators are interested, and which they should be glad to have passed, but we have now completed the urgent program of legislation. Senators are anxious to know what we may do, and I am anxious that they may know what they may do, with some degree of safety and assurance.

We all know that there is a bare quorum in the city today, if there is a quorum. I doubt very much if there is. I certainly feel that there will not be one tomorrow, because it has been generally understood that in one way or another we in the Senate would arrive at an understanding about what we shall do in the next 3 or 4 weeks.

For reasons which are no doubt satisfactory to Members of the other body, it has been impossible up to this time to obtain any agreement or pass any resolution providing for a definite recess from now until any time in November. What the House will do with respect to its procedure is not a matter for our concern; but, in view of the situation, it has occurred to me that we might well enter into an understanding that we shall not transact any important business between now and the 18th of November unless in the meantime some emergency or contingency should arise which would require the presence of the Senate; and that during that period we shall meet formally every 3 days in order to comply with the Constitution—preferably on Mondays and Thursdays—with the understanding that nothing shall be done except the routine meeting and adjournment, and that Senators may be assured that advantage will not be taken of their absence for the transaction of any important business.

I am wondering if we may have such an understanding. In that connection, I wish to say that if we should pursue that course it would be necessary for some Senator to be here every third day to move a recess or adjournment, as the case may be, for 3 days. I shall take on that responsibility for part of the time, but I hope to be able to get away for a little while. However, some Senator must be here for that purpose.

I wish to couple with the suggestion the assurance on my part that if any emergency should arise requiring the presence of the Senate, I shall take the responsibility and the initiative in conferring with the minority leader, the Senator from Oregon [Mr. MCNARY], or in his absence, with the Senator from Vermont [Mr. AUSTIN], his able, courteous, and gentlemanly assistant, to determine whether or not any emergency exists which requires the presence of the Senate.

That sort of agreement need not be in the form of an order of the Senate. If Senators who do not think we ought to adjourn for a definite period feel that something has arisen which makes it necessary that the Senate be present as a body, we shall see that Senators are notified.

I should like to have the views of the Senator from Vermont with respect to the suggestion I have made.

Mr. AUSTIN. Mr. President, the minority views respecting this subject are very definite. They were formulated some time ago in a conference and are substantially to the effect that the Congress should remain in session during the present emergency. It is my duty, therefore, to adhere to that policy in whatever I may say or do with respect to this matter.

If I correctly interpret the proposal, it has in it an element which departs from that policy to a certain extent. I ask whether or not my interpretation is correct. If we should agree to the proposal exactly as made, would the effect of it be a recess until the 18th of November, subject, however, to the meetings to be held every third day, at which certain business could be transacted and certain other business could not be

transacted, namely, important business could not be transacted but unimportant business could be transacted. Is that a correct interpretation of the proposal?

Mr. BARKLEY. Of course, that sort of an interpretation would lead to the question, What is important and what is not important? My suggestion contemplated only the necessary formal business, to meet and adjourn. That would not bar the introduction of bills, I presume, on the days when the Senate was in session or the presentation of resolutions, or it would not, and probably ought not, bar the reception of messages from the House of Representatives, if that body is still in session, so that they could be received here; but the Senate would not be expected to legislate.

Mr. AUSTIN. Mr. President, that clarifies the proposal a good deal for me, because I think that the responsibility of passing upon what is important and what is not important might result differently than we now intend it.

Mr. BARKLEY. I should not want the agreement to involve the understanding that anybody is to be permitted to determine whether any proposition is important or unimportant. My thought is that during this period, unless some exigency requires the calling of the Senate together, there shall be no legislation at all.

Mr. AUSTIN. May I inquire, Mr. President, if the distinguished leader of the majority would, upon request of the floor leader of the minority, and upon ascertaining the facts represented and believed to justify the calling into action of the Senate, give a notice of, say, 3 days to Senators, so that a quorum could be convened for the transaction of business during the period intervening between now and the 18th of November?

Mr. BARKLEY. Let me see if I understand the Senator. Do I understand him to inquire whether, upon the request of the minority leader, the Senate should be called back?

Mr. AUSTIN. My suggestion was not so limited and arbitrary as that.

Mr. BARKLEY. I want to find out just what it is.

Mr. AUSTIN. If I can repeat it, I will do so. It was this: Would the majority leader, upon the request of the minority leader and upon ascertaining to be true the facts upon which the representation justifying the calling of the Senate into action upon any business whatever was made by the minority leader, give a notice of a reasonable time so that a quorum could be present and transact business?

Mr. BARKLEY. I would put it in this way, if the Senator will permit: If the minority leader should request or suggest that a matter had arisen which required the Members of the Senate to be present, I would, of course, at once confer with him in regard to the matter, and try to arrive at an understanding with him about it. I think, at least, I ought to be left some discretion as to conferring with the minority leader about any request he might make, which, of course, I would do in any event without any understanding to that effect. But I should like to have it in this fashion, that, upon a request of the minority leader, he and I, or whomever he might designate, either the Senator from Oregon or the Senator from Vermont, would confer immediately upon the matter which he would bring to my attention, and, if it were felt of sufficient importance to call the Members back, that a 3 days' notice would be given.

Mr. AUSTIN. Now will the Senator yield for another question?

Mr. BARKLEY. Yes.

Mr. AUSTIN. Assuming that a majority of the Members of the Senate should convene here at any time during the period from now until the 18th of November, does the Senator from Kentucky understand that there is anything about this agreement which would prevent action by a majority of the Senate here during the period from now until November 18?

Mr. BARKLEY. No; if a majority of the Senate were to assemble under a call such as we have been discussing, I would then construe the agreement to be at an end, and that the Senate could then proceed, if it desired, with legislation which was contemplated in the call for the return of the Members.

Mr. AUSTIN. Then am I correct in understanding the Senator's proposal to mean, in effect, that the Congress does remain in session during the present emergency as at other times until final adjournment, this being merely a temporary recess subject to change according to the will of the Senate?

Mr. BARKLEY. That is true.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. Of course, any Senator could call for a quorum on the days the Senate was in session?

Mr. BARKLEY. Yes; there is no way by which we could prevent any Senator who happens to be here on any meeting day calling for a quorum. Of course, if there is no quorum, the only thing the Senate can do is either to send for a quorum or adjourn. It can always adjourn without a quorum.

Mr. JOHNSON of California. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from California?

Mr. BARKLEY. I yield.

Mr. JOHNSON of California. Last June we merely took a recess upon the precatory editorials contained in various journals and newspapers that it was absolutely necessary for us to be present at all times and ready at all times to perform the functions that were ours. We are approaching an agreement to leave, and, instead of a plan that will enable us immediately to come together, we are leaving the situation wide open, practically adjourning, and as to that adjournment, although I have nothing to say about the matter—Senators will understand me, and I only voice one man's view—I will not consent. If we refused to adjourn last June because of the great emergency that existed then, now, a hundred times more, the result of our adjourning would be disastrous. If in June there was a condition which rendered it unwise for us to take an adjournment, now, in October, it is doubly unwise, it is a hundredfold more unwise to take an adjournment. Because of that, because it is obvious—I do not want to discuss foreign relations, and I never discuss foreign relations unless they can be discussed without any danger of one's remarks upon the floor of the Senate being taken as the remarks of the Government itself—that the situation that exists today is more delicate than any that has existed in all the time we have been here, for us to move to adjourn, in one fashion or another, for us to devise means to get out of here under some sort of left-handed arrangement, is to me unspeakable, and it ought not to be undertaken.

Mr. BARKLEY. Mr. President, I suppose that no purpose would be served by deciding what happened last June, although Senators may use that as a reason why we ought not now to adjourn, or even go home. We all know that the Senate is not going to legislate in the immediate future, so far as we can tell. What is proposed is not an adjournment; it does not take the hands of Congress off the situation. Senators and Members of the other House, too, are going home constantly. It was necessary to call back Members from their homes in order to get a quorum to vote on some matter in the other body this week. We all know that there is not going to be a quorum of the Senate here after today, if there is a quorum today. The question is a practical matter, whether we will stay here and meet every day without a quorum, with no business before us that is necessary to be transacted, or whether we may enter into this arrangement, which protects everybody, with the understanding, of course, that Members may feel some assurance and some ease if they desire to leave Washington and return to their homes.

I think that practically every Senator would like to know what he may depend upon. If we are going to be in session every day, no matter whether we transact any business or not, and somebody introduces a bill or makes a speech and Senators are at home, when they go down the street immediately they are asked why they are at home when Congress is in session. It takes a good deal of explaining to inform the average person who does not know the processes of legislation why a Senator can leave when the Congress is in session, although it is doing nothing. All we are undertaking to do is so to arrange matters that if Members wish to return to their homes, or if their situation requires their return, or if they would like to have

a short vacation, they may do so in perfect confidence that if anything arises in the meantime which requires their presence they will be brought back here as soon as it is possible to notify them.

I can appreciate that many Senators who really need to be away and ought to go away during this period of 3 or 4 weeks have some hesitation in leaving unless they can be assured that they may do so in safety. The proposal is not for my accommodation. It is a practical matter for the accommodation of Senators. If it is adopted, I do not think anything will be lost in the way of legislation, or in our joint responsibility with the executive departments in regard to any situation which now exists or which may arise in the immediate future.

Mr. JOHNSON of California. Mr. President, the Senator from Kentucky is always frank in his statement of matters of this sort. Let us be equally frank.

Of course, Senators may go away with the idea that anything they may desire can be in the future protected and can be in the future suggested by them; but no Senator can go away with the absolute certainty that some Senator will not break in here with a speech on some occasion, and then absent Senators will be met with just exactly what the Senator from Kentucky suggests.

That, however, is not the reason why the objection was made by me. The reason was that we are in a situation so near to war that it will take but a push to send us over the brink. Here is a situation so close to war that it will take only the slightest incident to bring about a war. In that condition, I say we ought not to take any 4-day, 3-day, or 2-day recesses, or any recesses at all that will take us away from this body.

Mr. BARKLEY. Mr. President, I have said all I can say about the matter. Under the circumstances, I feel that we are justified in entering into this understanding. I feel that Senators are entitled to know whether they are justified or whether they are to be criticized or condemned if they leave Washington for a few weeks in order to go to their homes or elsewhere.

I do not think anybody will lose any rights if the proposal is adopted. Of course, if the Senate is in session every day, there is no way to prevent Senators from making speeches; and sometimes it has transpired, and it might transpire again, that inflammatory speeches made here in the Senate would be as harmful to our international relations as any action that might be taken elsewhere. Even in the event of our taking 3-day recesses there is no guaranty that some Senator will not make a speech.

Mr. THOMAS of Oklahoma. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Oklahoma?

Mr. BARKLEY. I do.

Mr. THOMAS of Oklahoma. At the beginning of each session, when virtually no bills have been reported, it has been the habit to recess from time to time over 1 day or 2 days, or even 3 days. If we enter into this understanding, no Senator will be driven out of Washington. If any Senator wants to stay here, he may stay; and if occasion should arise, such Senators will be on the ground to take action, by conduct or otherwise, to see to it that other Members are brought back.

As I understand, this is entirely a voluntary proposal. Any Senator who wants to stay here and watch the situation will have the privilege of doing so.

Mr. BARKLEY. Undoubtedly that is true; and I have no doubt that some Senators will remain here. It may be more convenient for them to do so. They may not have any requirements elsewhere that will take them away. But I can assure the Senator from California [Mr. JOHNSON] and all other Senators, if my assurance is worth anything—perhaps it is not—that I, of course, expect to keep in touch with the situation, not only every 3 days but every day, so far as I can, and that there will be no trouble in getting the Senate back here on any day, after proper notice, so that Members may arrive during that interval, if the necessity for it should arise.

Mr. KING. Mr. President, I shall reluctantly agree to the suggestion made by the Senator from Kentucky. I appreciate the situation in which the Senate finds itself and understand the difficulty if not the impossibility of maintaining a quorum of the Senate in order to properly legislate. Many Senators have already departed for their homes and others have made preparations to leave Washington tonight or tomorrow. There is a feeling upon the part of many Senators that there should be an adjournment or recess for several weeks and the suggestion has been made that the Senate recess until November 18. Personally I should be glad to have measures which are pending disposed of. There are two very important measures to which I shall refer in a moment which, in my opinion, should be acted upon before any recess or adjournment is taken. One of those measures is S. 4391, which authorizes negotiations by the Government for the acquisition of certain British possessions in the Pacific, and also authorizes the President, through the Export-Import Bank of Washington, or such other Federal agency as he may designate, to make such loans and extensions of credit to the Government of Great Britain as he may deem advisable.

It also provides for reducing the amount of the indebtedness of the British Government to the United States. It also provides that after the date of the enactment the prohibitions contained in sections 7 and 8 of the Neutrality Act of 1939 and in the act entitled, "An act to prohibit financial transactions with any foreign government in default of its obligations to the United States," shall not apply with respect to the Government of Great Britain or any political subdivision thereof, or with respect to any person (as defined in either of such acts), organization, or association acting for or on behalf of the Government of Great Britain or any such political subdivision.

That bill is before the Committee on Foreign Relations and has not yet been taken up for consideration. I sincerely hope that it will receive favorable consideration at an early date and that it will also be approved by the Senate.

We all realize that conditions in the world today are most serious and that critical conditions exist in many countries. May I add that we are part of the world and may not ignore conflicts which are being waged in many parts of the world, and the conflagration which engulfs many nations and many peoples.

I appreciate the fact that our country may not escape international conflicts and I sincerely hope that the United States may not be drawn into this great conflgration. The measure which I offered refers to the Pacific Ocean and territories bordering on the ocean and emphasizes the fact that our Government has interests in the Pacific Ocean and the territories bordering upon the same. I might add that the United States and Japan are parties to treaties affecting China. Under the Nine-Power Treaty, to which the United States and Japan were signatories, the territorial integrity and the political independence of China were to be respected. It is needless to say that Japan was also a party to the Four-Power Treaty, which has to do with China and the Pacific. The United States, as well as Japan and other nations, are signatories to the Kellogg-Briand pact which imposes obligations upon the signatories to the same. These treaties are of great interest to China, and they likewise are of concern to all of the great powers. The measure which I offered calls for affirmative aid in behalf of Great Britain in the mighty conflict in which she is engaged. She is not only fighting for the liberties of the people of Great Britain but for the liberties of the American people and of democratic nations and peoples everywhere. It is obvious that if Great Britain should be conquered by the axis powers this Republic would not escape assaults at the hands of Hitler and his associates in their efforts to destroy democratic nations everywhere and, as many believe, conquer and divide the world. If Japan shall dominate the Pacific Ocean and Mussolini shall control the Mediterranean and northern Africa, and Hitler and Stalin bring Europe and other parts of the world under their authority, the Western Hemisphere, and particularly this Republic, will be called upon to meet a deadly and powerful foe.

It is obvious that nations that are seeking to destroy democracy treat with contempt all moral obligations and treaties

and solemn covenants to which they are parties. Moral and legal obligations have no place in their plans or policies. All restraints imposed by international law are disregarded and revolutionary movements which deal with international morality and justice and decent relations among nations are regarded with contempt and the foundations on which justice and freedom and international relations rest are being undermined. We read of the barbarism which existed in many countries, of the brutal and oppressive rules imposed upon helpless peoples, and yet the horrors and cruelties of the past are reappearing in countries following Nazi philosophy, and the foundations of liberty, justice, and democracy are being assailed in many parts of the world.

These are some of the reasons which prompted me to offer the resolution to which I have referred, and which I sincerely hope will meet the approval of Congress and the American people. That is one of the measures which I had hoped would be considered before a recess was taken or this Congress had adjourned.

There is another measure of importance which I think the consideration of has been unreasonably delayed by the Senate. I refer to the so-called Logan-Walter bill, which passed the House by an overwhelming majority.

When it came to the Senate it was referred to the Judiciary Committee and by that committee promptly approved and favorably reported to the Senate. Efforts to secure consideration thus far have failed, notwithstanding the merits of the measure and the Nation-wide approval accorded to it. The distinguished leader, the Senator from Kentucky [Mr. BARKLEY] has denied all appeals which have been made for its consideration. I might add that he appeared before the Judiciary Committee of the Senate and earnestly appealed to the committee to delay pressing for consideration. After giving due and respectful consideration, as was proper, to the distinguished Senator, the members of the Judiciary Committee voted to press for speedy action by the Senate. I should add that there was one absentee when the committee took the action just referred to. Efforts have been made from time to time by members of the Judiciary Committee to obtain consideration of the bill, but objections have been made by our leader and perhaps by some other Senators. In my opinion, the Senate has not fairly treated the House in refusing to take action upon this important bill, which, as I have indicated, met with such very great favor by an overwhelming majority of the Members of the House.

As I have indicated, I shall reluctantly consent to the suggestion of our leader with the understanding that as soon as the Senate shall convene, whether it be before the 18th of November or as soon as it meets, that it shall take up for consideration the Logan-Walter bill. I give notice now that efforts will be made to secure consideration of the bill when the Senate meets following the recess or adjournment.

Mr. BURKE. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. I yield.

Mr. BURKE. It is my understanding that the majority leader has definitely indicated not only that when we return in November he will not oppose the consideration by the Senate of the Logan-Walter bill, but that he will actively cooperate to bring it to early consideration on the floor of the Senate. The reason why all efforts were abandoned to bring up the bill now, before a recess, was that it seemed that that was a sensible solution of all the difficulties, as we have the assurance given on the floor of the Senate that the Attorney General's committee will report before the 1st of November. That was the only thing standing in the way; so all of us who were primarily interested in bringing up the bill thought we should join in this informal agreement to let it go over until November. I am very glad, however, that the Senator from Utah has made his statement of his firm insistence that the bill will be brought up at that time in one form or another.

Mr. KING. I may say that the Senator from New Mexico [Mr. HATCH], who is a member of the subcommittee of the Judiciary Committee of the Senate having charge of the bill, informed me that he had had a conference with our leader, and that he was advised that the bill could be taken up as soon as the Senate convenes in November; and with that understanding, as I understood, the Senator from New Mexico departed from the city.

Mr. President, I have only a word to add which is supplemental to what I suggested at the beginning of my remarks. Because of the critical condition in the world today, a condition which affects directly or indirectly the United States, the American people are profoundly interested in the survival of Great Britain and the protection of democratic nations. I believe that the vast majority of the American people regard Great Britain as a defender of the rights of liberty and democratic nations, and, indeed, if not a defender of the United States, at least a valiant and courageous defender of civilization and of the principles of justice and freedom of which this Republic is an exponent. However, as I have stated, notwithstanding my desire to secure prompt action upon the resolution which I have offered, I shall not oppose the request of the Senator from Kentucky.

Mr. JOHNSON of California. Mr. President——

Mr. KING. I yield.

Mr. JOHNSON of California. What is the measure to which the Senator refers?

Mr. KING. I am sure that my distinguished friend from California, always alert to matters of international as well as national importance, is somewhat acquainted with the bill, a measure which deals in part with the so-called Johnson Act. I shall not attempt to state the terms of the bill, but repeat that it is an important measure. It calls for material aid to Great Britain, for a modification of the Johnson Act, and in part for the modification of another important act. I do not care to get into an argument in regard to the merits of it.

Mr. JOHNSON of California. The Senator is getting into an argument about the merits.

Mr. KING. I have not argued it; but I shall.

Mr. JOHNSON of California. I will give the Senator plenty of opportunity.

Mr. KING. Very well. I will seize it.

Mr. BARKLEY. Mr. President, that very situation is one which induced me to suggest, when the bill was introduced a week ago, that it would be impossible to consider it at this particular time.

Mr. JOHNSON of California. Yes; but I want to make the offer to the Senator from Utah to take up the bill right now.

Mr. KING. Mr. President, if that is a challenge, if the responsibility for securing action at this time rested upon my shoulders, I should willingly accept it. But I have respect for the views which have just been announced by the leader and respect for the views of others. Many of the Senators have told me that they desire to return to their homes, and an agreement has been reached by many that they would depart, and while I should be perfectly willing and very glad to take up the bill now, it seems to me it would be futile to attempt to consider it today.

Mr. JOHNSON of California. Why bring it up, then?

Mr. KING. I did not bring it up at this time. The Senator is doing it.

Mr. JOHNSON of California. No; the Senator brought it up himself, and he is the one who spoke concerning it. If it is of such magnitude, why delay it for a couple of months? Just think of the harm that will be done, and think of the ruin that might be wrought if this bill continues for 2 months longer not acted on. And that is what is suggested by the distinguished and eloquent gentleman who has preceded me. I would not have him subjected to criticism for the world, would not have him subjected to criticism because he delayed, when the opportunity offered to bring up his bill. So I say to him, bring up the bill.

Mr. KING. Does the Senator want to have it taken up? Can he speak for the Senate? He knows I did not bring it up, and did not ask to bring it up now. On the contrary, I said that I would accede to the views expressed by our leader, and the Senator is only playing upon words, instead of trying to get at the facts.

Mr. JOHNSON of California. Does the Senator mean to say he did not bring up this subject matter?

Mr. KING. I did not ask to have it considered now.

Mr. JOHNSON of California. The Senator brought up the subject matter himself.

Mr. KING. Of course, I said that it was an important bill, that it was before the committee, and the committe was not in session. The Senator from California is a member of the committee, and he has wisdom enough to know we could not get the committee together immediately to consider the bill.

Mr. KING subsequently said: Mr. President, I submitted a few observations this afternoon in regard to the bill pending dealing with a number of matters, among them aid to Great Britain. I omitted to ask permission to insert as part of my remarks a number of articles, editorials, and clippings from various newspapers bearing upon the subject. I now ask that permission.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

[From Readers Digest of September 1940]

RUSH ALL POSSIBLE AID TO BRITAIN!

(By Robert E. Sherwood—playwright, author of Abe Lincoln in Illinois and the current war play, There Shall Be No Night)

The narrow waters of the English Channel are all that stands between Hitler and domination of the globe. "Today we own Germany," his Nazi legions sing, "tomorrow the whole world." A world in which Americans must realize they also have to live, and are faced with the same struggle for survival as the British.

At the outbreak of this war we insulated ourselves against every form of propaganda except the propaganda to keep us out of war. Thinking in terms of the past we rolled ourselves up with moth balls in a rug which we called neutrality. And so far we have been successful in keeping out of a European war. But now we are in deadly peril of being conquered by Hitler's world revolution.

Our people are now fully awake to this peril. Swiftly and with overwhelming public approval we are changing over to a war economy, appropriating 10 billions for defense, levying terrific taxes, gearing industry at top speed for military needs, talking of conscription, feverishly discussing the strategy of defense.

Why? Everyone of us knows why. We know that our turn comes next. In desperate haste we are undertaking draconian measures to defend ourselves against Hitler.

This spontaneous and universal determination to prepare for national defense should lead us to one inevitable conclusion:

We must rush all possible aid to Britain now. For Britain is a vital first line in our defense. While Britain holds out there is, at the best, some hope that Hitler may be stopped; and there is, at worst, the chance of stalling him off and weakening him while our own defenses are being strengthened. If we successfully help now to defend Britain we may save ourselves part of the appalling costs of our program, already adopted, for defending America later.

Instead of being paralyzed by the fear of getting into war, we should act, and act positively, upon the plain, unescapable fact that Hitler is at war with our civilization, our hemisphere, just as surely as he is at war with Britain. The dictatorships have always been at war with everything we believe in, and always will be. Their strength has been a continuous offensive. The weakness of the democracies has been to accept the defensive and beat a continuous retreat.

History shows a succession of empires built by conquest. Every one of them would have been impossible if the victims had united to give one another effective aid. Fearing to fight while they still had allies, they were annihilated one by one.

The chief bulwark between us and the world revolution is Britain's Navy. As a matter of cold, calculating self-preservation we must keep that navy fighting on our side by providing Britain with every needed ship, gun, plane, implement of war, pound of food, and shred of hope that we can give.

The question may be asked whether we can possibly give enough help to the British to enable them to hold out, whether it isn't too late. Isn't it foolish to wait until we are sure nothing can save her?

The objection may be raised: "Why should we pull British chestnuts from the fire?" This sounds shrewdly hardboiled. But how shrewd is it to let the fire burn our chestnuts merely because there are British chestnuts in the same fire? There is an even better answer to this objection. President Roosevelt, with the full support of American opinion, warned Hitler off this hemisphere. So if Hitler attacks Brazil, we shall try to pull Brazil's chestnuts from the fire. We are sworn to defend Rio de Janeiro, 5,500 miles from New York. But we won't defend London, which is only 3,300 miles from New York.

Yet those who would gladly have us rush to the aid of Brazil would abandon, to the greatest potential enemy our country has had in a century and a half, the immense industries of Great Britain, who is our best trade customer, our closest cultural associate, and at present the only active defender of our kind of civilization.

If this last bulwark of the world's system of peace and order is destroyed, we shall be left to defend ourselves in a world in which there will be only three other powers of importance, Germany, Soviet Russia, and Japan, all unscrupulous, all aggressive, all cooperating with each other, all hostile to us.

For the first time since 1783 we face the prospect of an overwhelming force aimed at our existence. Do we have to wait until the dictatorships have shut us off from most of the world's commerce and are moving against us before we admit that here is an extraordinary emergency, and that it is better to fight in support of Britain than to fight alone?

We cannot soothe ourselves with the belief that if Britain falls the British Navy—or what would by then be left of it—will continue to defend us. With brutal clarity we must consider the possible sequels of that catastrophe. If the German invasion should succeed, the British fleet might take refuge in Canada. But will Hitler, who stops at no crucifixion of human flesh or soul, stop at holding the British people as ransom for their fleet?

Let us make another grim assumption, that as Britain falls her fleet is scuttled or destroyed. Then there will stand arrayed against us the combined German and Italian Navies, plus units of the French; and furthermore Hitler will then have a shipbuilding capacity six times greater than our own. He will use it. The finest of those shipyards are British. He will use them.

Remember Czechoslovakia. At Munich, Czechoslovakia was handed over to Hitler, and with it Britain and France lost a great bastion in the first line of their defense. In May 1940, French soldiers were beaten back by new 70-ton tanks. Those huge tanks were made in Czechoslovakia by once free men who now work under the revolvers of the Gestapo.

And having been thus defeated by weapons made by their erstwhile friends the Czechs, the French in turn are forced to make weapons to be used against their erstwhile friends the British. If we refuse to help the British now, with every moral and material aid at our command, we may be the last victims in this tragic chain. If we do not act with fullest energy, we may find ourselves in time attacked and overwhelmed by warships built in British shipyards by British shipwrights who were once our friends. And a treachery which neither of us ever intended will have become simply one more of the ghastly patterns with which hell is paved.

Nor let us chloroform ourselves with the pretty notion that Hitler, once he had swallowed continental Europe and Britain, would lie down quietly and digest his conquests. If he did not attack us immediately, while we were still weak, he might come forward with peace promises and nonaggression treaties, and trade proposals and a whole forest of olive branches. We would be gullible indeed to forget that these fair words would be just as worthless as the solemn assurances and reassurances given one after another to Austria, Czechoslovakia, Poland, Norway, Denmark, Holland, Belgium, and Luxemburg.

There are those who say that we can afford to do nothing because empires like Hitler's are short-lived. But Hitler's system is drilled into old and young by the world's most thorough propaganda; the conquered are held down by efficient, ruthless force; every independent leader is quickly eliminated by the most competent and cruelly ingenious secret police the world has ever known. Hitler, though mortal, is surrounded by men abler than himself. And even if his empire should survive only 10 years, that might well be time enough in which to destroy the United States.

After a Hitler victory we could lose our skins even without invasion but by remote control. The combination of Germany, Italy, and Japan could strike us in vital spots many thousands of miles from our actual mainland. They could quickly shut off the supply of vital strategic materials. From bases in West Africa they could cripple our commerce with half of South America. They could * * * but here is what a report of the Naval Affairs Committee of the Senate, dated last May 15, said they could do:

"From all the evidence available it appears that the United States can be conquered without military conquest of continental United States. An effective blockade against our foreign commerce can be maintained at points thousands of miles from our coasts and well beyond aircraft range. Our outlying possessions will be captured and used against us as advance bases. There will be nothing to prevent the establishment of bases, by force if necessary, in this hemisphere, from which as well as from aircraft carriers, repeated bombing raids can be dispatched against our highly industrialized areas. * * *

"Under the foregoing conditions, enemy ships, except in the form of raiders, need not approach anywhere near our shores. With the loss of our outlying possessions, our foreign commerce, and subject to continual raids upon our coastal areas, our ultimate defeat is inevitable. It will be only a question of time, depending on how long our national will to further resist will hold out. Without the power to carry the fight to the enemy, there can be no alternative other than subjugation to his wishes."

The constant threat and merciless pressure of Hitler and his partners would inevitably produce a tragic reversal in our own ways of thought and living. Inevitably we would be driven into militarism; we should be forced to copy Hitler's own methods in our struggle to survive. The Nazis have established the world's most thorough despotism, trampling over the decayed body of liberty to achieve authority; we still strive to perfect the world's finest democracy. The systems are so completely opposed, and theirs is so aggressive and intolerant that, as Mussolini said, "The struggle between two worlds can permit no compromise * * * either we or they!" What Lincoln said of this country would be true of the world: "This

Government cannot endure permanently half slave and half free." In the desperate effort to remain free we should be forced to sacrifice a large part of that freedom.

And even if we could escape war with Hitler in a military sense, the differences between his totalitarian economy and ours would produce on ours profound and dreadful changes. As Walter Lippmann points out in an article elsewhere in this issue (page 106), our free, individual economy would have to compete for world trade with a gigantic and ruthless state monopoly.

As we are bound to lose many, if not all, of the things we need and cherish should Hitler win, it is clear that our vital interest demands full support of Great Britain.

What little help we are giving her now is limited by a short-sighted pretense of technical neutrality. Thus we are doing just what the lost democracies of Europe did. In their desire to avoid the short-term risk of war they allowed Hitler to overcome their outer defenses one by one. The policy of avoiding risks has brought them face to face with the supreme risk of all—that of annihilation.

Let us allay one reason for the fear which has paralyzed American action in this crisis—the fear of our people that once again we shall send an army to Europe. There is no question of this in anybody's mind. Britain has men—her needs lie elsewhere. We do not have the men to send; if we had them to send there is nowhere on the continent of Europe for them to make a landing.

But short of that there is very little we ought not to be prepared to do, and do at once. We cannot afford to continue giving to Hitler—as the isolationists insist we should—the two advantages by which all previous conquerors have won their empires: that of fighting their adversaries one by one and that of choosing the time, place, and method of the attack.

The isolationists cry that we would be in danger if we took the initiative. It would give Hitler the excuse to attack us. As if he needed any excuse to attack when he is so minded. Certainly, the action we must take would be an undeclared war. But it could not add to our danger Hitler, by every kind of propaganda, trade control, and "fifth column" activity, has long been at war against us. We are already deeply involved in the conflict—on the defensive. Our most practical course is to take the offensive, and prevent his victory, or at least make it as costly to him as we can. Above all, if Hitler wins on land, we must insure ourselves against surrender of the British Fleet. Here is the one risk, war or no war, declared or undeclared, we cannot afford to take.

And we should act at once, if only because the Japanese are still bogged down in China. Their hands are full now; but if we wait till they consolidate their hold on China we shall have to fight the Nazis and the Japanese at the same time.

Are the historians to say of us: "Because the Americans were aware of the inferiority of their armament, they would not send their ships, planes, and guns to prevent Hitler's acquiring Europe's largest fleet and Europe's largest shipyards? Because they were weak in airplanes, tanks, and artillery they made no serious attempt to keep Hitler from acquiring by his victories on land a preponderance of naval and industrial power."

The armament of the United States is woefully inadequate to fight Germany alone, but it might nevertheless be adequate to turn the tide in the defense of Britain.

The moral force of our aid, if prompt and unstinting—or even the effect of the knowledge that we were trying to give that aid—would be incalculable. It would work both ways—bringing a surge of hope to the British, and, to the German people, memories of the role we played in 1917.

In practical terms, what should our aid consist of? First and foremost, support for Britain's navy. At the tempo of the clock's hands rather than the calendar's days, we should consider sending to Britain's assistance units of our own Navy, taking all risks up to the point of not risking the loss of any vital part of it. As long as our fleet is largely intact we can hold off Hitler for time enough to replace, many times over, the planes and guns we send to Britain. We should consider taking some of the burden of convoying British ships off the shoulders of the British Navy, send our warships to chase Nazi surface raiders in our half of the Atlantic, open new ports and navy yards to British warships for fueling and repairs.

The greatest need of Britain at this moment is one which we are able to supply physically, but not legally. The law still prevents our letting the British Navy defend itself, and us, with destroyers which we have, and can spare. There are about 140 of these overage destroyers. We should amend the law so that Britain can have half of them at least. Her losses in destroyers have been heavy. These vessels are her best insurance against invasion by sea and the inroads of the submarine.

We should send planes, Britain's next most urgent need. All the planes we can spare. And redefine the word "spare" so that we shall redouble our efforts to turn them out, and produce them as if our lives depended upon it. Which is not far from being the case.

We should repeal the cash-and-carry provisions of the Neutrality Act—and as much else of that act and other laws as will leave us free to help the belligerent who is fighting our battle without helping the belligerents whose next victims we may become.

And, of course, we should be ready to receive, and call for and bring over in American ships, under American convoy if necessary, all of Britain's children whom her Government may decide to send us.

We must act so that the dreadful dirge of Europe, too little—and too late—does not ring in our ears. We must take serious risks in the hope of avoiding even more serious ones. I say "hope," not "certainty." There is only one certainty: That if Britain is defeated, no matter how safe we play, no matter how hard we try to hide behind the tattered rags of our neutrality, our turn will come next.

Foreign Loan Restrictions

With the national elections only a few weeks off, it is not surprising, perhaps, that administration leaders are cool to the idea of a full-dress debate at this time on Senator King's proposal for extending financial aid to Britain. But with the presidential candidates of both parties pledged to a policy of the utmost aid to England "short of war," it is clear that this issue is one that must be dealt with openly and frankly in the not distant future.

Senator King's bill, introduced this week, calls specifically for a scaling down of the British World War debt, according to the formula applied in the case of Italy's debt (a formula which, on the basis of "capacity to pay," was much more lenient than that employed in the case of England); also, suspension, with respect to England, of the foreign loan restrictions contained in the Johnson Act and the Neutrality Act.

Action with respect to the British war debt can be taken at the leisure of Congress, but there can be no logical objection to proceeding without delay to repeal the existing antilending legislation. The Johnson Act never had any sound justification. This law was a product of the revulsion of the 1920's against war, and, more particularly, of an emotional upsurge predicated on a naive belief, cultivated by a small but highly vocal minority, that all wars were the work of persons interested solely in preserving their foreign investments. Today this thesis not only has no standing in general opinion, but, except in a few isolated instances, has been abandoned completely and emphatically by its own disillusioned advocates. Thus, in the case of the Johnson Act, we have the spectacle of a law surviving on the statute books long after the philosophy which created it has ceased to exist.

Hardly less anachronistic is the provision of the Neutrality Act forbidding loans to belligerent nations. A plausible case could be made for that measure when it was enacted into law, but that is no longer true today. Not, at least, if you believe, as most Americans do, with Senator King, that "the time has come when we must do everything possible to aid England in her fight, not merely for the preservation of Britain but for the preservation of democracy."

[From the Washington Star of October 6, 1940]

Show-Down With Japan

Day before yesterday two of the highest spokesmen of the Japanese Government delivered warnings to America which, if words mean anything, amount to a practical ultimatum. Deliberately and provocatively, these officials told us to keep our hands off the Far East—or else!

Yakichiro Suma, formerly in the Japanese Embassy here in Washington and now foreign office spokesman, declared to the Japanese people in a nation-wide broadcast that recent United States moves in the Far East "clearly indicate it is taking step after step in the wrong direction, which might precipitate it into the vortex of armed conflict." The dramatic climax was reached when the Japanese Prime Minister, Prince Konoye, in an interview with the Japanese press, urged the United States to reconsider its position and "positively cooperate with axis construction of a new world order. Should the United States deliberately refuse to understand the true intentions of Japan, Germany, and Italy, and consider the triple alliance hostile to herself and challenge the axis nations, the axis would be ready to accept such a challenge and fight to the finish."

Perhaps the most significant part of this sensational episode is contained in the final paragraph of the Associated Press dispatch which carried the story. This paragraph reads: "Konoye was on his way back to Tokyo after a formal journey to the grand shrines at Ise to report his recent assumption of the premiership to Amaterasu, the sun goddess."

There, in a nutshell, we have the spirit of Japan militant. In Japanese eyes the sun goddess is no mere symbol; she is very much alive. Every Japanese devoutly believes that Amaterasu is the ancestress of the Imperial dynasty which, for 2,500 years, has uninterruptedly ruled Japan. Their divine Emperor, with the blood of the gods in his veins, is the spiritual head of the Japanese people, that "Yamato race" which itself partakes of the nature of the Divine Ancestor in that it enjoys the lasting favor of the gods and is thus raised above the level of other mortals. From earliest childhood, every Japanese is taught that the Yamato race is eventually destined to world preeminence and world dominion. This is no exaggeration; it is sober fact. And the bold leaders who now rule Japan apparently believe that great Nippon's hour of destiny has struck.

With such men, leading a people thus conditioned in a religious nationalism far transcending anything exhibited by either Nazi Germany or Fascist Italy, the very word "appeasement" is dangerous folly. Faced by these provocative challenges, our Government should not yield an inch. On the contrary, certain definite steps should be taken to checkmate their grandiose ambitions while there is yet time. Economic pressure should be wisely yet unflinchingly applied. This might take the form of new embargoes on exports to Japan and possibly on imports vital to Japanese economy. Aid should be extended to Free China. Understandings should be perfected with Britain, the Dominions, and the Netherland Indies for concerted defensive action in the Far East. Par-

ticularly, these understandings should look to possible use by our fleet of British and other naval bases in the Far East. To stand aside while Japan attempts to crush China, grab the Dutch Indies, and capture Singapore would be the height of folly. For Japan militant is insatiable.

[From the Washington Star of September 30, 1940]

RUSSIA AND THE TRIPLE AXIS

Semiofficial statements come from Berlin that the Triple Axis Powers, Germany, Italy, and Japan, have assigned Soviet Russia a definite area of leadership in their projected new world order. These reports arouse much speculation as to just where the new sphere may be located, and also as to whether Moscow had advance information of the gracious gift. Late rumor even has it that German Foreign Minister Von Ribbentrop is en route to Moscow in order to get the Soviet Government's formal assent.

At this stage it is impossible to say whether or not Stalin had been told what was about to be done. In either case there is good reason to believe that the Russian dictator is far from pleased with the new set-up. But to jump from this to the surmise that a falling-out between Russia and the axis partners impends, is to indulge in the same wishful thinking that has been so often disappointing during the past year.

Of course, Russia distrusts the Axis Powers, precisely as they distrust her—and distrust one another. All four of them, Communist and Fascist alike, follow the same basic policy of ruthless, cynical aggression. Theirs are the ethics of the wolf pack, each member of which must be forever on guard against his fellows. Between such powers genuine confidence and abiding friendship are impossible.

Yet even the most ravenous wolves work together effectively when they are after a common kill. And surely the totalitarian big four can glimpse in the offing the greatest potential loot the world has ever seen. Already Stalin has profited enormously by his association with Hitler. At the cost of one relatively minor war in Finland he has regained almost all of Russia's western borderlands lost during the revolution, inhabited by nearly 30,000,000 people. Even though no further westward expansion is possible without running afoul of Germany and Italy, there is still much to be won through agreement with the Axis Powers in the Near, Middle, and Far East.

To begin with, leaving aside the thorny question of Constantinople and the straits, there is Asiatic Turkey. The Axis Powers could yield Stalin a generous slice of Anatolia with small loss to themselves. That would safeguard Russia's Baku oil fields, now dangerously near the Turkish border. Still more important is Iran or Persia, an old field of Russian imperialistic penetration. Czarist Russia schemed there continually against Britain, seeking to reach warm water on the Persian Gulf and the Indian Ocean. In this connection, we must not forget that Stalin is a Georgian from Russian Trans-Caucasia and that he has always shown a special interest in that region. If the British Empire is smashed, Russia would be the logical heir to the middle east.

Even in the Far East, Russia could gain much without clashing too irreconcilably with Japan. Take China's inland dependencies. Already, Russia controls Outer Mongolia and has subtly penetrated the equally vast region of Sinkiang or Chinese Turkestan. Probably Tibet and some adjacent Chinese provinces might be added, if a Russo-Japanese partition of China should become practical.

These are, of course, mere speculations. Yet they indicate what may constitute the share assigned Russia by the triple axis in their grandiose redistribution of other people's property throughout the Old World.

CONTEND UNITED STATES MUST STOP JAPANESE—CORRESPONDENTS SUGGEST MEANS OF MEETING THREAT IN FAR EAST

To the EDITOR OF THE STAR:

Germany dominates the continent of Europe, possesses a military machine unrivaled in the history of the world, and has given the clearest indications of an intention to use that machine for the purpose of becoming dominant throughout the world. Japan, nourished by imports of war materials from the United States and sustained by the proceeds of exports to the United States, is on the point of establishing herself as the dominant power in the Far East and is developing all her energies to that purpose. Japan has joined forces with Germany and Italy with a view of pushing military conquest to its uttermost limits and extending economic domination to those regions where military conquest may be impracticable. There are 2 major obstacles that Japan must overcome before she can pursue her designs and become an effective partner of the Axis Powers: (1) She must win the Chinese war, where her energies are being dissipated in the conquest of 400,000,000 people, eager and able to fight but lacking the supplies and munitions necessary to carry on much longer an effective war; (2) she must acquire undisputed naval dominance in the South Pacific.

If Japan is successful in overcoming these obstacles, the course of events is marked with substantial certainty:

(a) Japan would seize and absorb Indochina, Thailand, and the Dutch East Indies.

(b) With these possessions consolidated in Japanese hands, there would be no further effective obstacle to the conquest of all British possessions in the Far East, including Australia.

(c) The most that the British could hope for as a result of the present war would be the successful defense of their island against German invasion—a defense which would be rendered even more precarious by the fact that Germany had acquired the Japanese alliance.

(d) With the Axis Powers dominating Europe and Japan dominating the East, economic control of South America by these three would be a probability, and history has shown that economic domination merges by imperceptible degrees into political domination.

In a world where the foregoing events had taken place the position of the United States would not be an enviable one. In the first place, there would be a constant necessity of maintaining a military and naval establishment of war-time proportions, with the attendant disrupting of our peacetime pursuits, dissipation of our national income in armaments and waste of the millions of valuable years in the lives of our young men in military service. Second, our foreign trade would be substantially eliminated, a condition which could not fail to affect, directly or indirectly, every person living in this country. Thirdly, the enforcement of the Monroe Doctrine would become an impossibility due to the extent of the pressure that could be exerted upon South America and the extent of our preoccupation with our own defense.

The conditions precedent to the success of Japan in her designs and in her usefulness to the Axis Powers are the conquest of China and naval dominance in the South Pacific. We can prevent both of these conditions from being fulfilled, but this can be done only by an immediate, vigorous taking of the initiative. The steps that must be taken to accomplish this result are the following:

(a) We must deprive Japan of raw materials which she must have to wage effective war. The embargo on aviation gasoline and scrap iron are steps in the right direction. They should be followed by embargoes on pig iron, copper, oil, gasoline, motor vehicles, and machinery, all of which can now be freely shipped to Japan. Moreover, there should be an embargo on imports from Japan, for without exporting to this country Japan cannot acquire the credits necessary to the acquisition of materials she must buy.

(b) We must give all possible aid to China. This means granting substantially unlimited credits to the Chiang Kai-shek government. In meeting the Japanese axis menace, it is far better that we provide, gratis if necessary, the munitions to enable the Chinese to fight than that, sooner or later, we sacrifice not only our munitions but also the lives of our young men. The Burma Road is available to transport all supplies the Chinese could purchase. English cooperation in reopening this road is a foregone conclusion since Japan joined the axis.

(c) We should arrange with Great Britain to share or assume control of the Singapore naval base and other British bases in the East, so far as this is practicable from the point of view of sound naval strategy. The United States Navy is now superior to that of the Japanese. This condition may not long continue, for it is probable that there are Japanese ships under construction adequate in numbers, tonnage, and modernity to tip the balance against us. With the United States Navy based at Singapore, Japanese conquest of the East Indies from distant bases would be a practical impossibility.

Warren A. Seavey, Barton W. Leach, Livingston Hall, Eldon R. James, Edward Thurston, James A. McLaughlin, A. James Casner, Philip W. Thayer, E. Merrick Dodd, George K. Gardner, James M. Landis.

CAMBRIDGE, MASS., *September 27.*

[From the Washington Star of October 2, 1940]

CREDITS FOR BRITAIN

In offering legislation designed primarily to remove statutory obstacles to the extension of credits to the British, and to authorize the President to negotiate for the use by this country of British bases in the Pacific, Senator KING of Utah, has taken a long and a realistic look into an uncertain future.

At this time, the Johnson Act and the Neutrality Act stand in the way of extending credits to Britain, the former prohibiting any governmental loans to nations defaulting on their old war debts and the latter barring the granting of any credits to belligerents. At the time these laws were adopted they appeared to be amply justified by then existing conditions. But times have changed, and the real measure of our security lies in our capacity to adapt our policies and our thinking accordingly.

Britain is engaged in a struggle for survival, and we have come at long last to the realization that in a very literal sense it is our war as well as hers. We know now that the defeat of the British would be a calamity of the first magnitude for us, and, with that clear understanding, our foreign policy has been deliberately directed toward the prevention of any such result. That being the case, it would be incredibly short-sighted to permit resentment over the default in the first World War debt payments to interfere with the adoption of a policy at this time which so plainly promotes our own best interests. To refuse credits or even outright gifts of munitions to the British when need arises would be closely analogous to a refusal to arm our own forces in the face of an attack, and any nation which pursues such a fantastic policy has little reason to expect to survive for long in the predatory world of today.

Nor is there any justification, under existing circumstances, for retaining the credit prohibitions of the Neutrality Act. They were approved in the belief we could stay out of the conflict if we had no financial interest in it. But the fortunes of war have made a mockery of that belief. We know now that our interest in the struggle is infinitely greater than any monetary consideration could possibly be. We know that in all but a military sense we are in the war and that we must see it through with every means at our disposal.

The exigencies of the situation are such that Congress should begin immediately to consider Senator KING's bill. No thought of

adjournment, no shallow political consideration, should be permitted to stand in the way.

Senator BARKLEY, the majority leader, has expressed the belief that the bill has no chance of passage at this session of Congress because it would "provoke a lot of debate." On the latter score he is probably correct, but it is not the function, nor has it been the habit of the Senate to dodge debate. This is a vital and an urgent matter, and it should be viewed as such by every Member of Congress.

Time and the aggressor nations are not going to wait upon the convenience of the Senate. If this matter of relaxing credit restrictions is one which calls for extended debate, the sooner the administration leaders bring it to the floor, the sooner the debate will be over. The United States is no longer so situated that we can afford to wait until each fresh emergency is upon us before we prepare to deal with it. The great weakness of the states which have fallen under the impact of totalitarianism has been that they refused to prepare in time for what was inevitably coming. If we have not yet learned that lesson, there is real cause to despair of the future.

[From the New York Herald Tribune of September 30, 1940]

BILL ASKS LOANS TO BRITAIN AND BASES IN PACIFIC—KING OFFERS MEASURE FOR SINGAPORE LEASE, DEBT CUT, AND CREDIT GRANT

WASHINGTON, September 30.—Senator WILLIAM H. KING, Democrat, of Utah, introduced a bill today to authorize the President to enter into negotiations with Great Britain for the leasing of lands and islands in and adjoining the Pacific Ocean for American bases. In the same bill he provided for the extension of loans and credit to Great Britain, the scaling down of her war debt, and the repeal of the Johnson Act so far as it affects that country.

The bill now lies upon the table of the Senate and the question of what committee it will go to is to be taken up tomorrow by Senator KING.

ACTION RESULT OF TOKYO PACT

The effect of the bill would be to legalize in advance the acquisition of leases in the Pacific such as Singapore, Hong Kong, and the islands of Malaysia, useful in the event of trouble with Japan. Senator KING said he introduced the bill with the fact of Japan's joining the Rome-Berlin axis in mind.

"I want the President to be entirely warranted in making these leases in this instance," said Senator KING.

President Roosevelt was recently criticized in both Houses of Congress and by the Republican Presidential nominee, Wendell L. Willkie, for the manner of his making a ships-for-bases arrangement with the British. No authorization by Congress was asked for.

Senator KING said he entirely approved of that deal, but wanted to insure the legality of a comparable deal in the Pacific. The Senator, who was recently defeated for renomination in the Democratic primaries, did not assert that his bill had administration backing.

One of the Democratic leaders in the Senate said today that he did not anticipate that the part of the King bill having to do with repealing the Johnson Act would be reported out at this session of Congress by the Senate Foreign Relations Committee.

JOHNSON ACT REPEAL LATER

The exigencies of the situation, such as the inability of the British to continue paying for supplies in this country with cash on hand, do not yet point to the immediate repeal of the Johnson Act. It is considered inevitable, however, that one of the early steps taken in the next session of Congress will be to repeal the act, which forbids the selling in this country of securities of any nation in default of its war debts.

Great Britain owed this country $1,411,169,427.23 as of December 31, 1939, after the original debt had been scaled down.

Senator KING seeks in his bill to scale the debt down still more by applying the same concessions as were granted to Italy because of Italy's comparative inability to pay. Great Britain only received one-fifth the debt concession that Italy received, according to Senator KING. He argued that the same concession should now be extended to a country which is fighting for democracy as had been extended to a country which is fighting against democracy.

Under the terms of the bill the Reconstruction Finance Corporation, through the United States Export-Import Bank, would be authorized to make further loans to Great Britain.

Mr. BARKLEY. Mr. President, I wish merely to state that the bill was introduced about a week ago. There are undoubtedly many in the United States who feel about the proposed legislation as does the author. But it has not been acted upon by the committee. Whether it will be I cannot say. It was obvious, I think, when the bill was introduced, that it could not be taken up in the Senate at once; and it cannot be. Everyone knows that if the committee were to report the bill to the Senate and it should be taken up, it would involve very considerable debate. We all know that. So it is a moot question now whether we shall take it up or shall not take it up. It is not in order to take it up. It is all well and good to banter one another, and dare some one to take up a bill which cannot be taken up. I have stated the situation. So I cannot assure the Senator from Utah that the bill will ever be taken up, because the committee has to act on it, it has to be brought out in the regular way, and I am not in a position to predict what the committee will do about it.

SCHOOL FACILITIES NEAR MILITARY AND NAVAL BASES

Mr. WALSH. Mr. President, if the subject matter which has been before the Senate is disposed of, I should like to submit a Senate resolution. I ask unanimous consent that I may submit the resolution, and I ask that it be reported and be given immediate consideration. It will take but a brief time.

The ACTING PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The resolution, Senate Resolution 324, was read, as follows:

Resolved, That the Secretary of the Navy and the Secretary of War are requested to make a full and complete study and investigation of all school facilities at or near naval yards, Army and Navy reservations, and bases at which housing programs for defense workers are being carried out or are contemplated, with a view to determining (1) whether such housing programs will necessitate additional school facilities, (2) whether the communities adjacent to or near such yards, reservations, and bases are financially able to provide such additional facilities, if needed, and (3) whether the Federal Government should provide such additional facilities irrespective of the financial ability of the community. The Secretaries are further requested to report to the Senate as soon as practicable the results of their study and investigation, togeher with their recommendations, if any, for necessary legislation.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. WALSH. Mr. President, the resolution speaks for itself. Army bases and naval bases are located throughout the country, frequently near communities which are exceedingly small, and the expansion of defense activities at our navy yards and other bases, especially in connection with the housing program, is resulting in raising a serious question as to how the children of the workers can be taken care of, so far as education is concerned. In view of the fact that the communities receive no taxes from the Government on these reservations, a very serious problem has arisen, particularly in those communities which are small in population and have no great wealth. The resolution seeks to obtain information for the Senate, so that it can determine whether legislation may be necessary to provide school facilities near such Government reservations.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

PROPOSED RECESS ARRANGEMENT

Mr. DANAHER. Mr. President, I wish to ask the Senator from Kentucky a few questions, if we may recur to the subject of our previous discussion.

I have in mind that within a few days the Attorney General has issued some sort of ruling, the exact purport of which I do not know, for I have not seen the language; but the ruling, according to press reports, would have the effect in many industries of absolutely denying to those industries defense contracts at a time when obviously defense needs are greatest.

Whether or not the effect of the ruling has been correctly reported I do not know, and do not say, but I can imagine a situation where any number of industries may be seriously affected, at a time when the Congress has made vast appropriations to the departments, authorizing the Army and the Navy to contract for materials, only to find that if the effect of the ruling has been correctly reported, the contractors will be debarred from either receiving contracts or proceeding under them.

I can envision, further, that the House, since the House is continuing in session, may very properly deal with that very problem. For example, the press further reports that the Attorney General was under subpena to appear before a special committee of the House yesterday afternoon. Whether he did or not I do not know.

Mr. BARKLEY. He did, and so did the Secretary of War and the Secretary of the Navy.

Mr. DANAHER. Since the Senator now states facts of which we lacked knowledge, that raises a question with reference to whether or not legislation will be recommended by the House which will be emergent in character, and on which the Senate should be available to act, it would seem to me.

I am at a loss to understand why we should adjourn at this time. I know that over the Labor Day week end we were not out of town 3 hours before we discovered, without the proposal having been submitted to the Congress in any respect, that 50 destroyers allegedly had been traded to Great Britain, Congress having no previous notice of it, and never an opportunity to consider whether it should be authorized or not.

Now we find that there is being promulgated in the press and otherwise a proposition that we shall transfer some 25 flying fortresses, 4-engine bombers, to some other power, at a time when the condition of our own defense is most precarious, when we have been engaged for nearly a year and a half in the general discussion of the subject; when we have been told that Omaha itself is only 2½ hours' bombing time from Tampico; when there is a schedule for attacking bombers to follow from Brazil to the United States; when the people of the United States are told that we must have 50,000 airplanes, our needs are so great. It is now contemplated that we transfer 25 bombers to some other power, and perhaps Congress should consider this proposition.

Within the week there was word in the Evening Star, right here in Washington, that we had 48 bombers on hand, and only forty-eight, that we were going to have sixty-eight available by January 1, that we were going to have a newly designed, longer-range, faster bomber, and therefore we should immediately get rid of these twenty-five which are servicing the United States Army today.

So I took the matter up with the Secretary of War, in writing, to ascertain what the facts were. The Secretary of War responded to me that he could not release the information to me, but that if I would come to his office I could talk to him about it.

Things have been going on in this country about which the American people do not know the facts, and Senators do not get them for public use at a time when propagandists of one kind or another are urging our entry here and our action there, all in the direction of war, which, it seems to me, threatens a situation which very properly requires the presence of the Congress here. If there be no quorum present, and if Senators have left, it seems to me they can very properly be brought back and kept on the job until the American public knows just what is going on, and every step taken which is open to us to take, to the end that we be not precipitated into this war, either in the east or in the west.

It seems to me that American national interests should be canvassed, and canvassed thoroughly right here, and we could use the intervening time very properly in having someone tell us just what our national interests demand, and what the objectives are in the foreign policy of our Chief Executive.

That is something on which we can spend more time, Mr. President, and if we can save our people from war, these intervening weeks can be well spent right here. That is my view, and such matters underlay the position which we took in our conference, and in general it was the attitude, I am sure, of the minority, that we should vote against adjournment of Congress. It seems to me the proposal for recesses until November 18, as submitted, is tantamount to nothing but an adjournment, subject to our doing nothing in the meantime.

I submit these few considerations, Mr. President, with reference to essential items in addition to the Walter-Logan bill, which I also consider of prime importance, and which may properly engage the attention of the Senate.

Mr. BARKLEY. Mr. President——

Mr. NORRIS. Mr. President, before the Senator from Kentucky replies, I should like to say that I think the Senator from Connecticut ought to insist that the very brief question he has propounded to the Senator from Kentucky be answered positively, "Yes" or "No."

Mr. BARKLEY. I will say to the Senator from Connecticut and to the Senator from Nebraska, that if what the Senator from Connecticut has said is a question, the answer is, "Yes" and "No."

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BARKLEY. I should like to answer the Senator from Connecticut; but I will yield to the Senator from Virginia.

Mr. BYRD. As I understand the proposal of the Senator from Kentucky it is that we recess for 3-day periods, and that no legislative business shall be transacted until November 18, unless there is a call of the Senate. I should like to ask the Senator: Who would issue the call? Who would have the responsibility to call the Senate again together for legislative action?

Mr. BARKLEY. I was taking that responsibility myself, in cooperation with the minority leader.

Mr. BYRD. I have great confidence in the Senator from Kentucky, but I do not believe there is a Senator who denies that it is our constitutional right to transact business in the event an emergency arises sufficient to warrant such action, and if there is a quorum present.

Mr. BARKLEY. If the Senator entertains any fear on that subject, I can assure him that if a quorum is present on the call of any responsible Member of the Senate who has that duty to perform then, of course, we can transact business. I do not suppose that a quorum would simply come back of its own accord unless——

Mr. BYRD. That is the point I wanted to make to the Senator.

Mr BARKLEY. Unless Senators are advised they are needed.

Mr. BYRD. As I understand, the proposal is to have a gentleman's agreement, and I wish to ask the Senator if he will modify his proposal so the call will be issued upon a petition signed by 20 Members of the Senate citing the fact that there exists an emergency greater than is apparent now, which should receive legislative action promptly by the Senate. Would the Senator then, as majority leader, be willing to issue a call?

Mr. BARKLEY. Mr. President, I do not think that request is quite fair, because we all understand that any 20 Senators who might be interested in some particular bill might get together and sign a petition asking that the Senate be called together. That might create a situation which would be entirely against the views of the other 76 Senators, who might not be here at the time. I do not think that is quite a proper proposal.

Mr. BYRD. Do not let us camouflage this proposition. What the Senator is proposing is an adjournment——

Mr. BARKLEY. No.

Mr. BYRD. Because he is providing for a gentleman's agreement. I assume that if a quorum of the Senate is present Senators can act under the rules of the Senate. The Senator is providing that there shall be nothing considered until November the 18th, unless he himself issues a call. I have great confidence in the Senator, as he knows, but I think that is a responsibility which we should not place upon any one single Member of the Senate in the great crisis which I entirely agree with the Senator from California now confronts the country. Unless the Senator from Kentucky is willing to modify the request, by giving some freedom of action to the individual Senators, I for one will have to vote against the proposal.

Mr. BARKLEY. Mr. President, of course, I wish to say to the Senator from Virginia that if any situation should arise which would make any Senator of the United States Senate from any State feel that he ought to be back in Washington, then it is his duty to come, and if by such a method a

quorum should arise, Senators could, of course, nullify what we are doing here today.

Mr. BYRD. But the Senator from Kentucky well knows that there will not be a quorum, if the proposal is agreed to, unless the Senator from Kentucky issues the call. Senators are not simply going to gather here because some——

Mr. BARKLEY. No; I agree with that. I do not think they would. I do not think there would be any need for them to do so. From time immemorial this sort of an understanding has been entered into in the Senate and in the House.

Mr. BYRD. Let me call the attention of the Senator to what the Senator from California said, that the Senator from Kentucky himself urged us to vote for an adjournment last June. The judgment of the Senator was no doubt at that time in accordance with his convictions. He was wrong, and he must now admit that he was wrong, because since June we have passed the most momentous legislation that has been passed during the 7 years I have been in the Senate. The Senator may be wrong again.

Mr. BARKLEY. That very situation is one which has militated against any effort to adjourn the Congress at this time, and against any effort that seems to be effective even to recess for a certain length of time, and the very object of having the meetings after 3-day recesses is that we may keep in touch with the situation and be able to reassemble the Senate if necessary.

Mr. BYRD. But the Senator admits that there can be no business transacted. What is the use of having the Senate convene if it cannot transact business made necessary by a supreme crisis, such being prohibited by a so-called gentlemen's agreement?

Mr. BARKLEY. If the Senator agrees to this arrangement, business can be transacted.

Mr. BYRD. How can it be transacted when there is not a quorum present?

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. The Senator, as I understand, proposes that 3-day recesses be taken. If any Senator who happens to be here makes the point of no quorum and asks for a quorum call, and if that were done with sufficient persistence, assuming some real emergency existed, it would be exceedingly uncomfortable for those who were not present if they did not assemble.

Mr. BARKLEY. Any Senator has the right to make a point of no quorum at any time, and if a quorum is not developed, either to have the Sergeant at Arms send out for the absent Members or move to adjourn.

Mr. BYRD. I wish to get the Senator's proposal clear in my mind. His proposal was that no business be transacted during the period when 3-day recesses are to be taken, unless the majority leader of the Senate should issue a call to the Senate, and that would be a gentleman's agreement to which, if I assented to it, I would adhere.

Mr. BARKLEY. I appreciate that. I am sure the Senator would. But someone has to have a certain responsibility.

Mr. BYRD. Why should not a certain number of Senators have the same responsibility?

Mr. BARKLEY. I do not know of any instance heretofore when the Senate has been called back into session, after having recessed or adjourned, on the petition of 20 Senators or of any other number of Senators.

Mr. BYRD. Does the Senator from Kentucky know of any time before when we attempted to recess in a manner similar to that now proposed?

Mr. BARKLEY. Yes; I do. I was a Member of the House of Representatives during the World War, and when we had enacted all the legislation that was requested, Congress for a period of time took 3-day recesses. That was done while the war was in progress.

Mr. BYRD. Mr. President, was that done with the understanding that Congress would not transact business during that time, subject to the will of only one Senator?

Mr. BARKLEY. There were several times when 3-day recesses were taken covering a period of as much as 6 weeks or 2 months.

Mr. BYRD. Let me call the attention of the Senator to the fact that we were in the war during the period he speaks of, and full provision had already been made by the Congress to prosecute the war. Now, we are not in a war, but we may get into war. Now, we are under the duty to stay here.

Mr. BARKLEY. We certainly were worse off when we were in war.

Mr. AUSTIN. Mr. President, will the Senator yield to me to make a brief observation?

Mr. BARKLEY. I yield to the Senator from Vermont.

Mr. AUSTIN. I think the colloquy between the distinguished leader of the majority and myself has the sanction of honor and good faith, and would be certain to be carried out in spirit and in truth as if governed by law.

Let us assume for a moment that the Senator from Oregon [Mr. MCNARY] should request that the Senator from Kentucky [Mr. BARKLEY] call the Senate into action during this period for the reason that a war had broken out in the Pacific Ocean, which involved us, and that the Senator from Kentucky should not regard that as a cause, and should refuse to issue the call, and that thereupon the Senator from Oregon should telegraph every Member of the Senate that he had made that request, and ask them voluntarily to appear here in the Senate—what would happen? Every Senator here knows that no agreement we could enter into—and I do not expect we are going to be asked to enter into an agreement—would have more binding effect than a recess taken upon the basis of the colloquy that has already occurred, in spirit and in truth to keep the Congress in session, and at the same time accommodate its meetings to actual facts. We are dealing with realism and shall continue to do so.

Mr. BARKLEY. The Senator from Vermont does not, I am sure, suggest or entertain the notion that under the circumstances he has outlined I myself would ignore such a situation and not take the responsibility of calling the Senate back.

Mr. AUSTIN. Certainly not. I made my illustration as absurd as I could in order to make the point.

Mr. BARKLEY. I appreciate what the Senator has said.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. Let me ask the Senator from Kentucky a question. Would it meet the objections of the Senator from Virginia if the proposal were amended or modified, with respect to the matter of transaction of business, that no business would be transacted unless, upon a roll call, a quorum was developed?

Mr. BARKLEY. I have no objection to that, because that is the rule anyway, if the point is made.

Mr. CONNALLY. No business could be transacted without a quorum.

Mr. BARKLEY. No.

Mr. CONNALLY. But if there were a quorum of Senators in the city, and they wanted to attend and transact business, they could do so.

Mr. BARKLEY. I have no objection to any understanding which will accommodate Senators, or which will keep the Senate amenable to any call or duty which may devolve upon it.

Mr. CONNALLY. Such a modification would be tantamount to allowing a majority of the Senate to call the Senate back.

Mr. BARKLEY. I have no objection to the understanding that if a majority of the Senate wishes to transact business, it may do so.

Mr. AUSTIN. Mr. President, I understood that to be the Senator's original idea.

Mr. BARKLEY. It was so contemplated. It may not have been clearly stated.

Mr. CONNALLY. Mr. President, is it not true that regardless of what the Senate does, in all probability the House will adopt the system of adjourning for 3 days at a time, and

consequently we could not pass any very important legislation with the House in recess?

Mr. BARKLEY. That is true.

With respect to the comment of the Senator from Connecticut on the opinion of Attorney General Jackson in connection with the National Labor Relations Act, it seems that that opinion has been very greatly misinterpreted and misunderstood. Attorney General Jackson was informally asked for an opinion. I do not know that he was under any obligation to render an opinion, because it is my understanding that he is not required to render opinions unless they are asked for by the President of the United States. However, an informal request was made of him by a member of the National Defense Council on the question whether or not Government departments were bound by the decisions of the National Labor Relations Board. He merely responded that the Government departments are bound by such decisions until they are reversed by a competent court. That statement has been magnified into an opinion that contracts may not be awarded to any industry in the United States which has been charged with violation of the Wagner Act, and has been held by the Board to be guilty, and has taken an appeal.

In the testimony yesterday before the House committee, I think both Mr. Knudsen and Mr. Stettinius stated that they would not regard that situation as barring contracts with concerns which had been brought before the National Labor Relations Board on charges of violating the law. Assistant Secretary Patterson made the same statement. I think Secretary Knox made the same statement to the House committee. Attorney General Jackson was present; and I think they all agreed as to the proper interpretation of the opinion of the Attorney General in response to the informal request. So I do not see that that situation creates anything out of which any fear should arise so far as we are immediately concerned with legislation.

CLAIMS FOR DAMAGES IN CONNECTION WITH INTRACOASTAL WATERWAY, MIAMI TO JACKSONVILLE, FLA.

Mr. PEPPER. Mr. President, I ask unanimous consent for the immediate consideration of House bill 6945, which is a claims bill now on the desk. The House bill was reported favorably by the committee. It involves no appropriation of money, but merely confers upon the Court of Claims jurisdiction to determine certain claims.

The ACTING PRESIDENT pro tempore. What is the calendar number?

Mr. BARKLEY. Mr. President, the bill is not on the calendar. It has just been reported from the committee.

Mr. PEPPER. It is on the table, but not on the calendar.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 6945) conferring jurisdiction upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment upon the claims of all persons who have claims for damages or losses allegedly resulting from the construction, further development, and improvement of the intracoastal waterway, Miami to Jacksonville, Fla., and for other purposes.

Mr. REED. Mr. President, may I inquire what the calendar number of the bill is?

The ACTING PRESIDENT pro tempore. The bill is not on the calendar. It was reported today, and there is no calendar number.

Mr. REED. I object. I shall object to any attempt to bring up business of this character.

The ACTING PRESIDENT pro tempore. Objection is heard.

INVESTIGATION OF AIRPLANE ACCIDENT AT LOVETTSVILLE, VA.

Mr. BYRNES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, with an amendment, Senate Resolution 307, and ask unanimous consent for its present consideration.

There being no objection, the Senate proceeded to consider the resolution (S. Res. 307) submitted by Mr. MCCARRAN on September 5, 1940, which had been reported from the Committee on Commerce with amendments, on page 2, line 19, after "commerce", to strike out "and"; on page 3, line 2, after "air", to strike out "commerce" and insert "commerce; and (7) the origin and accuracy of, and the responsibility for, reports to the effect that the Honorable Ernest Lundeen was under investigation by the Department of Justice at the time of his death or that in connection with such an investigation one or more agents of the Department of Justice were on board the airplane which crashed at Lovettsville, Va., August 31, 1940"; and which thereafter had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment on page 3, line 24, after the word "exceed", to strike out "$20,000" and insert "$5,000", so as to make the resolution read:

Resolved, That the Committee on Commerce, or any subcommittee thereof authorized by the chairman of such committee, is authorized and directed to make a full and complete investigation with respect to (1) the cause of the crashing of the Pennsylvania-Central Airlines Corporation airplane at Lovettsville, Va., on August 31, 1940; (2) any other crashes of, or accidents to, airplanes engaged in interstate air commerce resulting in the loss of lives; (3) the precautions taken, and the safeguards provided, by those engaged in interstate air commerce for the purpose of preventing the loss of lives of persons transported by them; (4) the adequacy of the safety regulations, air-safety devices, and inspections prescribed or provided by the Government or any department or agency thereof for the purpose of safeguarding the lives of persons transported in interstate air commerce; (5) any inefficiency in the administration by any department or agency of the Government of any of its functions relating to the safety of persons transported in interstate air commerce; (6) any other matters which such committee or subcommittee may deem it necessary to investigate for the purpose of obtaining adequate information to enable it to recommend action designed to prevent the loss of lives of persons or the loss of property transported in interstate air commerce; and (7) the origin and accuracy of, and the responsibility for, reports to the effect that the Honorable Ernest Lundeen was under investigation by the Department of Justice at the time of his death or that in connection with such an investigation one or more agents of the Department of Justice were on board the airplane which crashed at Lovettsville, Va., August 31, 1940. The committee shall report to the Senate, as soon as practicable, the results of its investigation, together with its recommendations.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-sixth and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate, upon vouchers approved by the chairman.

The amendments were agreed to.

The resolution, as amended, was agreed to.

The preamble was agreed to.

Mr. BAILEY subsequently said: Mr. President, under the resolution adopted a few moments ago providing for an investigation of the airplane accident at Lovettsville, Va., in which our late colleague from Minnesota, Mr. Lundeen, lost his life, the duty is imposed upon me of appointing the committee. I wish now to announce the committee. I announce as the committee the Senator from Missouri [Mr. CLARK], the Senator from North Carolina [Mr. BAILEY], the Senator from Ohio [Mr. DONAHEY], the Senator from Louisiana [Mr. OVERTON], the Senator from California [Mr. JOHNSON], and the Senator from Maine [Mr. WHITE].

Mr. JOHNSON of Colorado. Mr. President, in connection with the naming of the committee, I ask unanimous consent to insert in the RECORD at this point a letter written to the Senator from Nevada [Mr. MCCARRAN] and signed by Mr. J. Edgar Hoover in regard to certain phases affecting the late Senator Lundeen.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

FEDERAL BUREAU OF INVESTIGATION,
UNITED STATES DEPARTMENT OF JUSTICE,
WASHINGTON, D. C., *October 4, 1940.*

HON. PAT MCCARRAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have observed the resolution which you introduced in the Senate on September 5, 1940, relating to a proposed

investigation of the crash of the Pennsylvania-Central Airlines' plane near Lovettsville, Va., on August 31, 1940. I have further noted that the resolution as finally submitted to the Committee to Audit and Control the Contingent Expenses of the Senate provides for inquiry into the origin and accuracy of the reports to the effect that Hon. Ernest Lundeen was under investigation by the Department of Justice at the time of his death. For your information I desire to set out the following facts in connection with the personnel of the Federal Bureau of Investigation who were passengers aboard this plane on the occasion of its crash.

You will recall that this airplane was originally scheduled to depart at 1: 45 p. m. on August 31, 1940, and that it was known as flight 19.

Aboard the ill-fated plane was Miss Margaret L. Turner, a stenographic employee of this Bureau. The records of the Pennsylvania-Central Airlines reflect that Miss Turner made her reservation on flight 19 for August 31, 1940, at 10: 45 a. m. on August 27, 1940, at which time she purchased a round-trip ticket to Cleveland, Ohio, engaging return space for the 15th of September. This trip was paid for in cash and Miss Turner was traveling not on official business but was actually on vacation leave on the occasion of this crash. I am attaching hereto a photostatic copy of the application for leave which was filed by Miss Turner on August 27, 1940.

Also aboard this plane was Special Agent Joseph J. Pesci, who was a newly appointed special agent of the Federal Bureau of Investigation and had completed on Saturday, August 31, 1940, his training as a special agent. He was under instructions to proceed to Chicago, Ill., which was to be his first post of assignment.

The Bureau has been advised by Mr. M. E. Cole, reservation manager of the Pennsylvania-Central Airlines in Washington, that a check of the waiting list of the Pennsylvania-Central Airlines indicates that Agent Pesci first called the reservation clerk for reservations at 7:30 p. m. on August 30, at which time Mr. Pesci requested reservations only from Washington, D. C., to Pittsburgh, Pa. He requested reservations on the 1:45 p. m. plane. At the time that Mr. Pesci talked to Mr. L. M. Miles, Mr. Miles made a notation on the waiting list dated August 31, 1940, to the effect that a passenger wanted transportation from Washington to Pittsburgh Saturday afternoon and then on to Chicago any time on Tuesday morning. Mr. Miles, when interviewed about this matter, stated that while he has no personal recollection of this conversation, the fact that he recorded this data on the reservation sheet indicates that the passenger inquiring had so advised him. Mr. Cole advised the Bureau agent that the last call received by the Pennsylvania-Central Airlines from Agent Pesci was at some time between 9 and 11 a. m. on August 31, at which time Mr. Pesci again advised Mr. Cole that he wanted only to go to Pittsburgh and that he would continue on to Chicago at a later date. Mr. Cole suggested to Mr. Pesci that since the flight 19 was completely sold out, he might, if he desired to take the chance, come to the airport on the possibility that a last-minute cancelation would make a seat available. Pesci advised Mr. Cole that he would do this, and it is to be noted, as will hereafter be pointed out, that Agent Pesci had completed his arrangements for a reservation to Pittsburgh prior to the time that Senator Lundeen was given a reservation on this plane.

With reference to Agent Pesci's travel, it is to be further noted that the daily report of ticket sales shows that Agent Pesci's trip was paid for by Government transportation request J-744141, the ticket being purchased from Washington to Chicago with a layover in Pittsburgh. At approximately the time the plane was scheduled to leave the Washington Airport, it was determined that a Miss C. Brubaker of Charlottesville, Va., who had a reservation on the plane, failed to claim her reservation and at that time Agent Pesci was given his space. Collaterally I may add that Agent Pesci desired to proceed to Pittsburgh by plane in order that he might stop off to see his father who was ill. The selection of the plane method of travel was made by Mr. Pesci of his own volition.

In connection with the bureau's inquiry into this matter, Mr. M. E. Cole pointed out that Agent Pesci at no time requested any information concerning Senator Lundeen and further that had Agent Pesci desired any reservations to continue on the balance of the trip which Senator Lundeen was making, or had he desired to have other agents continue on the trip, it would have been necessary for the airport to have made reservations through T. W. A. from Pittsburgh to Chicago and Minneapolis. A photostatic copy of the passenger manifest which is attached hereto indicates that Agent Pesci was only scheduled to go to Pittsburgh whereas Senator Lundeen was scheduled for Chicago and Minneapolis.

Further in this regard I am attaching hereto a copy of the Bureau's Register of Departures which is maintained at the seat of government from which it will be noted that Agent Pesci signed out of the Bureau as departing on August 31, 1940, for his headquarters at Chicago, Ill.

From Mr. M. E. Cole of the Washington Airport I have ascertained that Senator Lundeen's secretary contacted Mr. Cole between 4 and 6 p. m. on August 30, 1940, and requested a reservation on the 1: 45 p. m. plane for Chicago and Minneapolis. At this time the secretary was advised that the plane was filled and the suggestion was made that the Senator take the 5:15 p. m. plane for Minneapolis. Later Senator Lundeen himself called and demanded that he be given space on the 1: 45 p. m. plane on August 31. The Senator was informed that the plane was filled but that he would be placed on the waiting list, and in the event any cancelations were received, he would be given preference. Senator Lundeen was placed on the waiting list for the 1: 45 p. m. Pennsylvania-Central Airlines plane on August 31, but no definite space was assigned to him until a period between 11:45 a. m. and 12 noon on August 31, when a seat was assigned to Senator Lundeen for Pittsburgh, and reservations were made for him on the T. W. A. plane from Pittsburgh to Chicago. On the passenger manifest, a photostatic copy of which is attached hereto, it will be observed that the destination of Senator Lundeen is noted as being Chicago and Minneapolis. The reservation assigned to Senator Lundeen was made at about 11: 45 a. m. on August 31, 1940, and his reservations had already been made on the 5:15 p. m. plane on August 31 for the same destination.

From these facts it will be noted that Miss Margaret L. Turner, a Bureau stenographer, made her reservations and paid cash for a round-trip ticket to Cleveland, Ohio, 3 days before Senator Lundeen's secretary indicated that the Senator desired to proceed by plane to Chicago and Minneapolis. It will be further noted that Agent Pesci, on August 30, inquired for a reservation to Pittsburgh on the 1: 45 p. m. plane on August 31, 1940, on a ticket purchased from Washington to Chicago with a stop-over in Pittsburgh. It is further noted that the suggestion was made to Agent Pesci that he come to the airport in the chance of obtaining a reservation on this plane prior to the time that Senator Lundeen was assigned a seat upon the plane.

For the purpose of the record, I desire to state, without any reservation whatsoever, that neither Miss Turner nor Mr. Pesci were engaged in any investigation of Senator Lundeen at this or any other time. Miss Turner was proceeding on a vacation trip to Cleveland, Ohio. Agent Pesci was proceeding to his first office of assignment, stopping over in Pittsburgh to visit his sick father. Mr. Pesci and Miss Turner were not, to my knowledge, acquainted with each other and neither one knew the identity of the other.

While inquiring concerning this data, I also made inquiries concerning the travel of Mr. William Garbose, an attorney of the Criminal Division of the Department of Justice, who has been alleged to have been engaged with Agent Pesci and Miss Turner in conducting an investigation or surveillance of Senator Lundeen. I must point out, first, however, that Agent Pesci was not acquainted with Mr. Garbose and that Miss Turner was not acquainted with him, and I doubt that Mr. Garbose knew the identity of either Agent Pesci or Miss Turner.

According to Mr. M. E. Cole, reservation manager of the Pennsylvania-Central Airlines, Mr. William Garbose, of the Department of Justice, telephoned between 6 and 7:30 p. m. on August 30, 1940, and requested a reservation on the 11:35 a. m. plane on August 31 to Milwaukee, Wis. Mr. Garbose was advised that this plane was completely sold out but that his name would be placed on the waiting list. Mr. Garbose's name was placed on the waiting list for the 11:35 a. m. plane. There were no cancelations on this plane, however, and Mr. Garbose was unable to obtain space. He contacted Mr. Cole by telephone on the morning of August 31, 1940, and was finally given space on flight 19 after a cancelation of a previous space on this plane. It will be noted from the photostatic copy of the passenger reservation list which is attached hereto that Garbose was interested in going to Milwaukee and the airport employees obtained train schedules for him as set forth in the space-released column under No. 18. It may be further noted that the daily report of ticket sales for August 31, 1940, indicates that Mr. Garbose purchased his tickets for cash.

I thought that this data would be of some value and assistance to you in connection with this matter, and I would appreciate your bringing the contents of this letter to the attention of those of your colleagues who are interested in this matter.

Sincerely,

J. EDGAR HOOVER.

ACTIVITIES OF FOREIGN AGENTS AFFECTING NEUTRALITY

Mr. CLARK of Missouri. Mr. President, yesterday I gave notice that today, when I could obtain the floor, I intended to move to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of Senate Resolution 186, generally known as the propaganda resolution.

I have conferred with the majority leader about the matter, and we are both convinced that it is very doubtful that a quorum is in the city at the present time. Inasmuch as a very important matter is involved in the consideration of the motion to discharge the committee, I shall not make the motion at this time, but give notice that at the first opportunity after the conclusion of the recesses I shall make the motion and press it.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, if there be nothing further, I shall move that the Senate proceed to the consideration of executive business.

Mr. HOLT. Mr. President, does the Senator intend to move for a recess at the conclusion of the executive session? I desire to address the Senate for a short time. If the Senator will move to have an executive session, and at the conclusion of the executive session move that the Senate

resume the consideration of legislative business to allow me to discuss the matter which I should like to discuss, I shall appreciate it very much. Does the Senator object to resuming legislative session at the conclusion of the executive session?

Mr. BARKLEY. I have no objection.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations and a convention, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The ACTING PRESIDENT pro tempore (Mr. McKELLAR), as chairman of the Committee on Post Offices and Post Roads, reported favorably from that committee the nominations of sundry postmasters.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTER—THOMAS E. TRULOVE

The legislative clerk read the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif., which had been previously passed over.

Mr. JOHNSON of California. Mr. President, I ask that the nomination be passed over.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be passed over.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

The ACTING PRESIDENT pro tempore. Without objection, the remaining nominations of postmasters are confirmed en bloc.

That concludes the calendar.

Mr. BARKLEY subsequently said: Mr. President, earlier in the day we had an executive session and confirmed some appointees; but there are on the Executive Calendar a number of nominations of postmasters in New Jersey whose confirmations have been held up. I ask unanimous consent, as in executive session, that the postmaster nominations in New Jersey which have been held up may now be laid before the Senate, and that the nominations be confirmed.

The ACTING PRESIDENT pro tempore. There are several nominations from other States which have received the approval of the Senators from those States in all cases, including the eighty-odd from New Jersey.

Mr. BARKLEY. I ask that they all be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations referred to are confirmed en bloc.

Mr. BARKLEY. I also ask unanimous consent that all resolutions of confirmation in the hands of the Secretary of the Senate be transmitted forthwith to the President of the United States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BARKLEY. Mr. President, the Senator from West Virginia [Mr. HOLT] may speak in executive session if he so desires. It is not necessary to resume legislative session unless he prefers to do so.

Mr. HOLT. I prefer to speak in legislative session.

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business, if any.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

OWNERSHIP OF WAR STOCKS

Mr. HOLT. Mr. President, time after time on this floor I have discussed certain individuals whom I have called "p-a-y-t-r-i-o-t-s." I have watched with much interest the record of Gov. Herbert H. Lehman, of New York, and I have noticed his activity in behalf of our involvement in war. I feel that the people of the United States have a right to know some of the background of Governor Lehman and his connection with war industries.

As we all know, Lehman Bros. own the Lehman Corporation. The Lehman Corporation is an investment trust which has money invested in various industries in this country. I find that during the year 1939, according to its portfolio of stock, the Lehman Corporation bought 3,000 shares of Bendix Aviation stock. We all know of the great amount of aviation business as a result of Government contracts. Between January 1 and July 1 of this year, the same Lehman Corporation, owned by the Lehman family, of which Gov. Herbert H. Lehman is a member, has increased its holdings of Bendix Aviation stock to 5,000 shares.

What else has it bought? In the past year the Lehman Corporation has bought 12,500 shares of Chrysler stock. We know that on the 15th of August of this year the United States Government gave to the Chrysler Corporation one order for $54,000,000 worth of tanks, and many, many smaller orders.

What else did the Lehman Corporation buy? Let us see if Lehman Corporation is disinterested in this war. Let us see why Gov. Herbert Lehman is helping to create hysteria throughout the country. He has actually said in private conversation—not publicly, of course—that he feels we should go into the war.

What else did the corporation buy? In the past year the Lehman Corporation has purchased 3,000 shares of Electric Auto-Lite stock; and between January 1 and July 1 of this year this firm increased its stock holdings of Electric Auto-Lite Corporation from 3,000 to 6,000 shares.

Why do I mention Electric Auto-Lite? Because the Electric Auto-Lite Co. makes small arms for the United States Army. Is the Lehman Corporation disinterested in this war drive?

Let us see what else the Lehman Corporation has bought. In the last year the Lehman Corporation has increased its stockholdings in Firestone Tire & Rubber by 7,100 shares. Firestone Tire & Rubber has quite a number of contracts with the Army and the Navy.

What else did the Lehman Corporation buy in the last year? It bought 10,000—not 1,000 but 10,000—shares of Yellow Truck & Coach. What do they say in their discussion of Yellow Truck & Coach stock. They say:

> Greater foreign and domestic military demand is the major factor in the earnings of this company.

Every time the United States Government gives the Yellow Truck & Coach Co. a contract it means more money for the Lehman Corporation, of which Gov. Herbert H. Lehman and his brother are large stockholders.

Mr. President, I do not want to detain the Senate long, but I am going to put in my remarks the contracts given by the United States Navy and the United States Army to the corporations of which Lehman Bros. have bought much stock in the last year.

(See exhibit A.)

LEHMAN CORPORATION INVESTS IN AVIATION

What else did they buy? They bought 76,000 shares of Aviation & Transportation Co. stock. What does Aviation & Transportation Co. stock mean? It means the Columbia Axle Co., the aviation corporation which controls Vultee Aircraft, which has an order for $35,000,000 worth of military aircraft alone. It owns Lycoming Motor Co.; it owns Stinson Aircraft. What else does the Aviation & Transportation Co. own? It has a part ownership in the New York Shipbuilding Corporation? What does the New York Shipbuilding Corporation mean in this defense item? The New York Shipbuilding Corporation has received from the United States Navy contracts for more than one-half billion—not million—but one-half billion dollars. Every time the New York Shipbuilding Corporation gets a contract from the United States Government it means money to Lehman Bros. and the Lehman Corporation.

Now let us see what else Lehman Bros. bought or the Lehman Corporation has bought in the last year. They bought 900 shares of Lockheed Aircraft. I do not think it is necessary to say any more about that. Every time Lockheed gets a contract from the Government it means money for Gov. Herbert H. Lehman.

Now let us see what else it bought. It bought 2,000 shares of Dow Chemical. We all realize the value of chemical stocks in preparation of war.

What else did Lehman Corporation buy? It bought 1,000 shares of Du Pont, which has orders for much powder from the United States Government.

What else did it buy? It bought 1,200 shares of Hercules Powder Co. stock, a company which sells powder for war purposes and which the Wall Street Journal has called a war baby.

Let us see if Lehman Corporation is entirely disinterested. Let us see if Gov. Herbert H. Lehman is disinterested in this war angle. What else did Lehman Corporation buy? It bought 1,500 shares of Monsanto Chemical Co., with its English subsidiary making money out of the war in Europe.

What else did Lehman Corporation buy? It bought 8,000 shares of Allis Chalmers, which makes engines and has unfilled orders of $25,000,000, much of which is Government. Every time the Government gives a contract in its defense drive to Allis Chalmers it means an increase in the amount of money that goes into the pocket of Governor Lehman.

Let us see what else the Lehman Corporation bought. It bought 3,000 shares of Bridgeport Brass. The Lehman Corporation did not have a cent of Bridgeport Brass stock in January 1939, I understand, but on the first day of this year we find they had 3,000 shares of Bridgeport Brass. What do we find in connection with Bridgeport Brass? We find that the United States Government has given orders for cartridges to the Bridgeport Brass Co. Every time a cartridge is produced it means more pennies for the Lehman Corporation.

Now let us see what else. I am not nearly through; I have much more that I could bring to the attention of the Senate. We all know how Fairbanks-Morse has obtained many orders as the result of the defense program. During the last year Lehman Bros. purchased 2,700 shares of Fairbanks-Morse, which has contracts with the Army and Navy. Between January 1 and July 1 of this year the Lehman Corporation increased their ownership of Fairbanks-Morse stock from 2,700 shares to 5,000 shares.

What else? Lehman Corporation has bought 5,000 shares of Mueller Brass Co. Mueller Brass Co. has quite a number of contracts with the United States Government in the defense program.

As I have said, as a part of my remarks, I am going to show these contracts, but I do not want to detain the Senate by reading them in full. But I have the exact dates and records to prove my statements.

What else has Lehman Corporation bought? It bought 500 shares of Aluminum, Ltd., and 1,500 shares of Aluminum Co. of America. I wish I could read the dozens and dozens of contracts which the Aluminum Co. has obtained from the Army and Navy of the United States.

I am advised that Lehman Corporation has since the first of the year acquired 8,000 shares of Borg-Warner. This company has been awarded several substantial defense contracts by the Army and the Navy.

What else did the Lehman Corporation buy? It bought 5,000 shares of Freeport Sulphur. We all know the value of sulphur in time of war in the production of sulphuric acid, in the making of steel and also in the development of chemicals. The Lehman Corporation bought 5,000 shares of Freeport Sulphur and 4,500 shares of Texas Gulf Sulphur, which has a direct war connection.

What else did the Lehman Corporation buy? It bought 2,300 shares of Hudson Bay Mining & Smelting Co., 700 shares of St. Joseph Lead, both war stocks.

NEGOTIATED CONTRACTS

Mr. BRIDGES. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. VAN NUYS in the chair). Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. HOLT. I yield.

Mr. BRIDGES. Does the Senator know whether or not some of the companies he mentions as having acquired large Government contracts have been given them by competitive bidding or whether they have obtained them under the so-called negotiated contracts without bidding? Is he familiar with that situation?

Mr. HOLT. Yes; quite a number of them are negotiated. For instance, in the case of the Bethlehem Steel Co., I will refer first to the New York Shipbuilding Corporation, some of the stock of which is owned by Aviation & Transportation, received contracts for three light cruisers at $17,164,500 each, and were guaranteed a profit of $1,493,300 on each cruiser, and part of that profit went to Lehman Corporation because of its ownership of Transportation & Aviation stock. The New York Shipbuilding Co. was awarded this by negotiated contract, not by a competitive bid. That is the New York Shipbuilding Corporation, with which Lehman Corporation has a connection.

What else? The Senator from New Hampshire asked me if there were any other negotiated contracts. I find negotiated contracts with Fairbanks-Morse, of which Lehman Corporation owns considerable stock. I find a negotiated cotract, with profit guaranteed, to the Bath Iron Works, and in the last quarter, according to the statement of the New York Herald Tribune, Lehman Corporation has acquired 2,400 shares of Bath Iron Works stock. What kind of contracts have the Bath Iron Works? Let me indicate to the Senate. They have negotiated contracts for six destroyers at $6,267,900 each, with a guaranteed profit of $545,300 each.

BUYS STEEL STOCKS

Mr. President, I desire now to refer to the acquisition of some more war stocks by the Lehman Corporation, in which Gov. Herbert H. Lehman, whom the President called his strong right arm, is interested. Let us see what they own. They have acquired in the last year 10,000 shares of Bethlehem Steel, 6,000 shares of Republic Steel, 19,000 shares of United States Steel, 4,000 shares of Youngstown Steel, all of which are making profits out of Army and Navy contracts. The Senator from New Hampshire asked me if any of the contracts were negotiated. Let me tell him of some of the negotiated contracts.

The Bethlehem Steel Corporation, of which the Lehmans are a stockholder through Lehman Corporation, and an interested party, has received contracts—negotiated contracts, not competitive contracts—for four heavy cruisers at $21,746,600 each, and the Bethlehem Steel Corporation was guaranteed a profit of $1,871,400 on each of the cruisers to be built by it. That is not all. They had a contract for four light cruisers at $17,101,400 each, and were guaranteed a profit on that contract of $1,471,600.

What else was negotiated? Two destroyers at $6,842,200 each, with a negotiated profit of $588,800 on each of the destroyers. I call attention to the fact that this was the company of whose stock Lehman Corporation purchased 10,000 shares. Did they know, did they have any inkling from inside, that Bethlehem Steel was to get these contracts?

Let us see what else was negotiated: Two destroyers at $5,503,400 each, with a negotiated profit of $473,600 each—a negotiated profit, guaranteed by the United States Government; no risk at all; the profit guaranteed.

(See exhibit E.)

So, we may go through these things; and we find, as I say, that as the profits came into these "war baby" stocks the profits drained to Lehman Corporation, and in turn drained to Gov. Herbert H. Lehman, who has been going all over New York trying to incite hysteria for American involvement in war, knowing that when America is involved in war it means

more war business for the corporations in which he himself has a financial holding.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from New Hampshire.

Mr. BRIDGES. Did the Senator happen to read the speech which Mr. Lehman, as Governor of New York, delivered to the Democratic State convention?

Mr. HOLT. No; I have been too busy to do that.

Mr. BRIDGES. I may say in passing, as long as the Senator is talking about Governor Lehman, that his reference there to the Republican candidate, and his reference to this Presidential contest as being a contest between Mr. Roosevelt and Hitler, was the cheapest demagoguery and the most reprehensible talk I have ever read. It is not in keeping with what should be the attitude of the Governor of any State of the Union, let alone the great State of New York.

Mr. HOLT. I desire to say to the Senator from New Hampshire that many of these individuals who become very patriotic and slur and call anybody pro-German who wants to look into these contracts, had better be watched very closely. I hope the American people will really look into these war contracts. They will find that a great deal of the present political move is specifically tied up with these war profits. Of course, we cannot secure an investigation now. If we ask for an investigation we are told, "You are against defense." What some of us want is plenty of defense; but we want every dollar that is spent for defense to go to defense, and not have 80 cents spent for defense and 20 cents spent for political favorites. We want real protection, but we are not going to have protection when contracts are negotiated with favored concerns whose stockholders are important parts of the Democratic machine.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from New Hampshire.

Mr. BRIDGES. Perhaps the Senator will answer me on this point:

Of course, if Mr. Roosevelt, as President—that great international authority, by his own thought and regard and by the admission of some of his New Deal cohorts—had had the vision and the foresight that a President of the United States should have had, he would have been planning this preparedness program over a period of years, rather than rushing it as he has had to do in the past 2 or 3 months, and negotiating contracts. If it had been started at the proper time and done in an orderly fashion there would not have been any excuse in the world for negotiating contracts, because they could have been put out to bids, and persons could have been awarded contracts on the basis of merit and cost.

Mr. HOLT. I desire to say to the Senator from New Hampshire that this so-called speed is only an excuse to cover negotiated contracts. We all know why contracts are negotiated. They are not negotiated to increase speed. Time will prove that the war profiteering coming out of negotiated contracts at this time will make the profiteering of 1917 look small in comparison. Let me make the prediction now on the floor of the United States Senate that when the actual facts are known by the American people they will find graft and corruption and favoritism clear through and through this defense program. No; it is not some of us who are fighting for actual defense who are holding up the defense contracts. It is riddled with politics, favoritism, and, I think time will prove, with graft.

Why should these contracts be negotiated? Why should they not be let by competition? You know and I know why, and time will prove it.

But let me go back to the Lehman Corporation, because the Lehman Corporation, through Governor Lehman, seems to be so much interested in national defense. I give him credit for being intelligent. He seemed to know what corporations were to get Government contracts. Of course he is not officially connected with Lehman Corporation now. He still has his holdings there, however; and the corporation is in the family, just like some other things that I might mention, but I shall not.

Referring to what they bought, let us see:

We find that they own 700 shares of American Locomotive preferred and 9,000 shares of American Locomotive common, an increase of 4,600 shares in 1939. In 1939, American Locomotive did not pay a cent dividend on its preferred stock. In 1940, with Government contracts for gun carriages, artillery carriages, and the like, American Locomotive earned their preferred stockholders $3.35 a share, as compared to nothing in 1939.

What else do Lehman Corporation own? They own $347,000 in Baldwin Locomotive bonds, and 1,905 shares of Baldwin Locomotive preferred stock. In 1939 the preferred stock did not pay a cent dividend, but in 1940 it earned $26.80 a share. Baldwin Locomotive has received millions of dollars of Government contracts, and every time a profit is made on one of those contracts Lehman Corporation gains therefrom.

You may go on through, and you will find, as I say, corporation after corporation showing the interest of Lehman Corporation in these defense contracts.

Mr. President, I desire to put in the RECORD also a list of the holdings of Lehman Corporation as shown by their portfolio, and show the prior earnings of the stock as compared with the earnings after the corporation had received part of the war profits. (See exhibit B.) No wonder Governor Lehman traveled over New York State with the President of the United States trying to incite the idea of defense, because every time expenditures were made for defense it meant a few pennies or a few dollars for Lehman Corporation.

LEHMAN INVESTMENT IN SOUTH AFRICAN COPPER

That is not all. We find, when we start looking into the facts, according to the book on nonferrous metals by Eliott, May, Rowe, Skelton, and Wallace, that Lehman Bros. have large financial holdings in South African copper.

South Africa is a country at war. Is Governor Lehman a disinterested party? Oh, of course he is going to wave the flag to the skies. He is going to wave the flag while Lehman Corporation keeps getting dividends as the result of war contracts. That was the case in the last war; and when the elder Senator La Follette and other Senators asked for an investigation of the war contracts, they were laughed at, and the matter was passed aside; but we noticed that many of the individuals who waved the flag and called for defense in 1916 and 1917 were getting contracts and getting money therefrom. We found the profiteering long after the war, long after the taxpayers had paid the bill. Just recently a case was being tried about war profits from the war of 1917–18. Let us check these matters now. Let us not throw aside the protection for the people. Let us not duplicate the experience of the war profiteers and the making of twenty-odd thousand millionaires. We all want speed in building our defense, but it is not necessary to let down the protections which the last war proved so necessary.

I want the American people to know the background of some of these patriots—let me say again, "p-a-y-t-r-i-o-t-s," with the accent on the "p-a-y." Let us see about some of the other individuals who seem to be so particularly interested in involvement and intervention in war.

FRANK ALTSCHUL

Frank Altschul is president of the General American Investors' Co. and an officer of Lazard Fréres, which also has a connection with the Lehman family. I understand Mr. Altschul is connected with the Lehman family. What did they buy in the last year? Let us see their holdings:

One thousand seven hundred shares of Allied Chemical & Dye, 1,000 shares of Aluminum Co. of America, 4,000 shares of American Brake Shoe & Foundry, 3,000 shares of American Car & Foundry, 5,000 shares of Bendix Aviation, 10,000 shares of Bethlehem, 7,500 shares of Chrysler, 5,000 shares of Consolidated Aircraft, 8,000 shares of Du Pont, 10,000 shares of General Motors, 4,000 shares of Glenn L. Martin, 3,500 shares of Monsanto Chemical Co., 8,000 shares of United Aircraft, 12,000 shares of United States Steel, 6,000 shares of Westinghouse.

Contract after contract has been let to these corporations, and that means profit to the General American Investors Co. and to Frank Altschul, who is calling for more intervention in the war. He is a sponsor of the William Allen White Committee.

COL. HENRY BRECKENRIDGE

Another one of the individuals who has investments with companies which have contracts is Colonel Breckenridge, who called for the draft, who is going through the country trying to create a spirit of hysteria for war, and says himself that he believes we should be in the war. Colonel Breckenridge is a director of Aeronautical Securities, Inc. He was a director and founder. Let us see what they had their money invested in.

The following is a list of the increases of their holdings during the last year:

800 shares Bendix Aviation.
700 shares Douglas Aircraft.
100 shares Ex-Cell-o Corporation.
500 shares Fairchild Aviation.
100 shares Grummann Aircraft.
400 shares Irving Air Chute.
1,300 shares Lockheed.
1,200 shares Glenn L. Martin.

Every time a bomber is built it means more money to the Aeronautical Securities Co., and in turn more money for Col. Henry Breckenridge. No wonder he wants war. Let us see what else they had their money in:

500 shares North American Aviation.
200 shares Polick Manufacturing.
700 shares Sperry Corporation.
900 shares United Aircraft.
600 shares Curtiss-Wright "A."

(See exhibit C.)

As we go through those stocks, we find millions and hundreds of millions of dollars worth of contracts with profits.

FRED M'KEE AND CASKETS

It may be quite ironic to also cite another man who is treasurer of the William Allen White committee, a man by the name of Mr. Fred McKee, of Pittsburgh. He is not only treasurer for the William Allen White committee, he is treasurer for the National Casket Co. That is a good job for a man who is treasurer of a committee that wants to get us into war, because if we go to war we are going to need plenty of caskets, not to be filled by these individuals like McKee and Breckenridge and Lehman, but by American boys who have not a thing involved in the war except their lives.

Speaking of Fred McKee, I shall insert in the RECORD here from the Ohio Valley Labor News an editorial entitled "Caskets for Whom, When, and Where?" See exhibit F. It discusses how the Government is looking around for caskets. It says that Major Ginsburg is just looking around to see if we do not have to have more caskets, and it quotes him as follows:

> After all, if you have 1,000,000 men under arms, even in peacetime you are going to have some casualties; some men are going to fall off trucks and have other accidents and illnesses.

That is not why they are going to have caskets, because the men are going to fall off trucks. Everyone knows they are going to have caskets because this drive is to get us into war. Men are going to be killed by cartridges made by companies from which the Lehman Corporation is getting its pennies and its dollars of profits.

I call a spade a spade here, and I intend to continue to do that, but I want to say that I am not afraid, and I challenge anyone to deny any statement I have made about this matter.

Who else is in this so-called interested group? Let us look. A few days ago when the Senator from Missouri was talking about Ward Cheney I did not know why Ward Cheney was interested in the William Allen White committee, the transfer of the destroyers, and those things. I thought I would ascertain who Ward Cheney was. I knew he was connected with Cheney Bros., who are in the silk business, but I decided to look into the matter to see what Cheney Bros. are getting out of war, getting out of the defense contracts.

WARD CHENEY

Since the war started, according to Moody's Investment Service, Cheney Bros. got a contract for $133,800 for parachute silk, another for $67,000, another for $135,000, another for $156,000, and, according to the Department of Labor, they received also contracts for the Army and Navy, one for $15,557.50, another for $18,150, another for $56,350, another for $90,225, and another for $15,400.

Those are contracts under the defense program, and Ward Cheney is out waving the flag, telling why we should go to the aid of Great Britain, and why we should have all these airplanes. Airplanes mean there must be parachutes, and parachutes mean silk, and when the Government buys silk, it buys it from Cheney Bros.

So when we look back into the record of these individuals like Governor Lehman, like Fred McKee, and like Frank Altschul, and like Ward Cheney, and many others, we see that their investments are in war stocks. The American people have a right to know these things.

When I say these things I am not fighting defense, but I want the American people to know who are getting the contracts, and show that these individuals are not interested only in the defense of America, but that they are interested also in their dividends—dividends they receive as profits from war contracts.

I do not wish to hold the Senate longer, although I have much material, and I ask to have inserted as a part of my remarks two chapters from the book War Madness, by Stephen and Joan Raushenbush, and an article in the American Federationist, the official publication of the American Federation of Labor, entitled "Dollars versus Defense." I want the American people to have the facts, and when they find out the facts they will discover why some of these individuals wanted to lift the embargo, and why these individuals want war expenditures. These patriots who are waving the flag are also stuffing dollars into their pockets, which all means the death of American boys, but more profit. American boys are being carried out into this profit-motive war.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

CHAPTER III—THE PROFITS IN A BIG NAVY

Once you start something you have to keep it going. Once England had acquired India it had to keep up a fleet to protect it. Then it had to build naval bases for the fleet. Then it had to get control of oil lands to fuel the fleet. Then it had to put favorable governments into those oil lands. Then it had to build naval bases to protect them. Then it had to police them and put down revolutions sometimes even by bombing insurgents. One thing led to another in the long history of imperialism.

We have started somewhat the same chain of events with the Philippine Islands as a jumping off place.

We have a swarm of shipbuilding and supply companies who live off the Navy, who live from building warships, and who constantly desire that bigger and better warships be built. We have huge steel, boiler, and electrical companies who make a pretty penny every time our Navy is increased.

It is, of course, possible that the late General Mitchell was right, and that it would take only a few airplanes to demolish any naval vessel which could be built. In that case a big navy would simply be a fraud on any nation's hopes and on the taxpayers of all naval nations. It would be nothing but a subsidy-in-error of hundreds of millions a year to the shipbuilders and the supply companies. In the fall of 1935, when the great ships of the British Fleet were gathered at Gibraltar, the Italian opinion seemed to be that a few bombers could sink them all. From the way the British acted at that time, the conclusion might be drawn that some agreed with that opinion.

Unfortunately, the decision on this question seems to rest with the naval people of the world themselves, and they are a vested interest. In all nations their way to promotion and pay rests on a constantly increasing navy. No group in such a position can be considered impartial. Military men can make mistakes. The German general staff made the colossal errors—from the angle of a desired German victory—of not forcing the attack on Paris in the early days of the World War and not bothering to secure the Channel ports when they were undefended. The French kept their soldiers in bright blue and red uniforms, walking targets, for a long while, and started to dismantle the fortress of Verdun. The English stuck to rifles and bayonets long after the machine gun had outdated those weapons.

To the lay mind the late Gen. William Mitchell's contentions that big ships are simply foolish from the military angle, has some appeal. The statesmen of England and France seem to be agreed that nothing can stop great bombers from getting over cities and blowing them up. If they are correct in that, it would seem to be only a matter of a few technological improvements in bomb sighting before the same bombers could blow up a warship with the same

ease and freedom from interruption, even at a great height in the air above the ships. And, always there is the possibility of a power dive down onto a ship, in the course of which a hundred-thousand-dollar plane plus one man might account for a forty-million-dollar battleship with a thousand men.

When England brought out her dreadnoughts in 1906, the other nations of the world, and England herself, had to begin all over again and scrap what they had. The airplane bomber may be the equivalent of the dreadnought, but the nations of the world may not yet have been allowed to find it out. If that should, by chance, be true, the nations of the world including the United States are pouring vast sums down a rat hole.

Meanwhile, however, there is money in big navies. There are vested interests which want them to grow bigger and bigger, regardless of the effect of such increases on world peace. Just as before the World War, every big-navy speech in Germany was seized on in England and was a cause for stock-market increases in British shipbuilding and steel stocks, so today the naval munitions makers of Japan appreciate to the full all our big Navy talk, nor are we slow to capitalize their big-navy talk. In fact, there might even be developed a kind of international etiquette about it. For so much provocation afforded Japan, our interests would have a right to receive a like amount in return. It would help the business on both sides of the Pacific. That kind of etiquette seemed to prevail between France and Germany before the World War. Whenever French papers could be prevailed upon or bribed to talk of new French armament, the German munitions people capitalized the news into more orders for themselves and thanked whatever gods they worshipped, and vice versa. In the end enough fear, hatred, and suspicion had been engendered so that the people of the two nations went to war readily, but in the meantime business had been good. When the war came, of course, it was better.

The way the Vickers-Electric Boat combination worked this trick in Chile and Peru has been indicated. Basil Zaharoff, who was connected with both companies, used it on Greece and Turkey. Nothing scares the people of a nation so effectively as the armaments of a neighboring nation. The people who have arms to peddle are very reluctant to admit that in this way their business differs from other kinds of business. The English businessmen who made and sold textile machinery to India probably did more to ruin England's great textile center, Manchester, than the German battleships could ever do, but the people of Manchester grow a hundred times more incensed at an increase in the German Fleet than at the activities of fellow-British manufacturers that ruined them. A new mechanical cotton picker may do more to ruin our South than the capture of all China by Japan, but the chances are that an able demagogue could arouse in the cotton pickers a hundred times more hatred and fear of the yellow peril than of the cotton picker.

During the World War the private shipyards could not make anything like the number of warships we needed. We had to set up Government yards, and tried to make ships like automobiles, on a mass-production basis. The shipbuilders, however, made some fine profits and wanted to keep on making them. After the Armistice was signed, and the war was supposedly at an end, the keels for 91 destroyers were laid down in private yards, a gift of $181,247,000 to the shipbuilders. A year later the Navy was willing to sell these ships for $100,000 apiece, completely armed, to Peru, and would have done it if the Electric Boat Co. and our own Cabinet had not objected. The submarine company was trying to sell some destroyers for $230,000 and the Cabinet held the strange notion that increased navies might cause war.

In wartime people are supposed to put their country before their own interests. The Senate munitions committee officially found "that the record of the present shipbuilding companies during the war, wherever examined, was close to being disgraceful." * * *

"They made very considerable profits. On Treasury audits they showed up to 90 percent. They secured cost-plus contracts and added questionable charges to the costs. They took their profits on these ships after the wartime taxes had been repealed. They secured changes in contract dates to avoid war taxes. They bought from the Government, very cheaply, yards which had been built expensively at Government costs. In one case this was prearranged before the yard was built. One yard did not build necessary additions until it was threatened with being commandeered. Knowingly exorbitant claims were filed against the Government for cancelation. Huge bonuses were paid to officers. Profits were concealed as rentals." * * *

"The committee finds no assurance in the wartime history of these companies to lead it to believe that they would suddenly change their spots in the case of another war."

After the Washington Naval Conference of 1922, one company (Newport News) put in a bill to the Government for $14,973,000 for stopping its construction of two cruisers and a battleship. At the same time the company's president wrote to the company's owner that he was willing to take $6,616,000. The claim for the extra $8,357,000 was just patriotism. Treasury agents figured that the net profits of this company, in 1917, were 90.6 percent, but the company and the Treasury were never able to agree on the investment figure for the company. Bethlehem Steel, which was accused by the Government of "perpetrating a gross fraud" in the cost of ships it built for the Emergency Fleet Corporation, paid a bonus to Eugene Grace, the president, of $2,887,725 during the years 1917 and 1918. Mr. Grace, reminded that the doughboys were getting $465 a year, said these bonuses had been a great inspiration to him. When we entered the war Charles Schwab made a grand gesture of offering the Bethlehem plant to the Government, but after the war Admiral Bowles was stating "We wish to place on record the fact that the Bethlehem Shipbuilding Corporation's representatives have insisted on comparatively high prices for these vessels; that they have only with difficulty been persuaded to quote us on the types of ships referred to, and their attitude has been characterized by the arbitrary refusal to stand behind delivery dates."

After the wartime building had been stopped by the Washington Conference there was a lull in naval shipbuilding until 1926. The interest of the American shipbuilders in wrecking the Geneva Naval Conference of 1927 is described in chapter IV. The extent of their interest in our having a big fleet if they didn't make all the money out of it themselves may be indicated by a letter which the vice president of Newport News wrote in 1928 to New York Ship and Bethlehem Shipbuilding, the other members of the Big Three, when the proposition was being made in Congress that half of the new cruisers should be built in the Government's own navy yards. "I think it will be better for the Government and for the shipbuilding industry to kill the Navy bill entirely rather than use it for building up further Government competition with the shipbuilding industry."

But even before we began building ships after the Geneva Conference, there was agitation for new ships. The Navy League, which was a front for the Navy on various occasions, and for the various shipbuilding and shipping interests on others, took part in this agitation. Navy Day was used as a threat against Congressmen who voted against building more ships. For years the officers of steel and shipbuilding companies were State chairmen of Navy Day. Officials of the Navy seemed to understand clearly enough that Navy Day was for the purpose of defeating such Congressmen as did not agree subserviently with the Navy's ideas about its growth. R. E. Coontz, signing himself Rear Admiral, United States Navy, wrote the Navy League: "If your office would make a map, taking the congressional districts * * * and see where the dark spots are that we have never had any votes from and send speakers particularly to those districts next October we would certainly get some results. We have made such a splendid showing in the South this last campaign that it should not be neglected, and we should attempt to regain the lost votes, particularly in Pennsylvania, New Jersey, Ohio, and Illinois."

Navy League letters in the 1920's show the purpose of Navy Day very clearly. Writing to a naval officer the League's secretary said: "I think it is particularly important that we have a good Navy Day celebration in Georgia this year, because only half of the Representatives from that State voted favorably on the Britten bill, authorizing the eight new light cruisers and the modernization of our older battleships. This is a great improvement over the previous test vote * * * and I am encouraged to believe that * * * Navy Day is partly responsible for the improvement."

When the sentiment finally was worked up to the building of new cruisers in 1927, the three big companies seem to have gotten together and decided that each would get one of three cruisers to be allotted to private yards. Bethlehem got one, New York Shipbuilding one, and Newport News received one and an additional one the Navy decided to give to the private yards. On its two, the *Augusta* and *Houston*, the first rewards from the wrecking of the Geneva Conference, Newport News made 35 percent profit. Bethlehem made 25.4 percent on the *Northampton* and New York Shipbuilding made 36.7 percent on the *Chester*.

These figures, the companies' own, were not made public until 1935. Meanwhile, the Navy had obligingly been telling committees of Congress that the profits of the private shipbuilders on these cruisers were low, specifically offering to the House Naval Affairs Committee an itemized tabulation showing that the profit to New York Ship on the *Chester* was only $983,000. A few months after that, the company, on its own figures, admitted that its profit on that ship was $2,946,706. In some other country this action by Navy officials might, at least, have called forth a reprimand, but we seem to accept the partnership of the shipbuilders with the Navy in such affairs as a matter of course.

The years 1927 and 1928 were great years for the shipbuilders. They spent money in lobbying, about $140,000 of which has been more or less accounted for, and got back millions in subsidies for a merchant marine. Later, the shipowners' counsel, the man reported to have written the Jones-White subsidy bill, told representatives of the Navy League that the shipowners ought to make a contribution. "They are all tightwads, the whole crowd. * * * They have certainly raked in enough millions to contribute $7,200 a year without feeling it at all."

There was much talk in the companies about getting bills through, placing Congressmen on the proper committees, and generally running things. Mr. Shearer was back with the triumphs of Geneva on his shoulders and claiming that "as a result of my activities during the Sixty-ninth Congress, eight 10,000-ton cruisers are under construction. Further, that owing to the failure of the tri-power naval conference at Geneva, there is now before the Seventieth Congress a 71-ship building program costing $740,000,000." He boasted that the shipbuilders were "delighted with the results," and published The Cloak of Benedict Arnold, paid for by the shipbuilders, in which Franklin D. Roosevelt, President Pendleton of Wellesley, Ralph Pulitzer, Colonel House, and others were grouped together as traitors to the country, knaves, and fools. This was the development of a technique later used most extensively. All those who doubted that ultimate wisdom and truth about national defense and peace lay with the Army, the Navy, the shipbuilders, or other munitions makers, were simply branded as pacifists, Communists, or internationalists.

Shearer was boasting that he had gone to Geneva originally at the request of Admiral Pratt, and his many other contacts with the Navy, as he later described them, generally gave the impression that he was one of the Navy's own agents, although he was paid by the shipbuilders, Mr. Hearst, and others.

It was at this time that New York Shipbuilding was having its taxes for 1922–25 lowered from $14,500,000 to $5,705,000 by a half-hour audit, and a proposed congressional investigation was welcomed by the company's vice president as follows: "Publicly, of course, we could not say other than that we welcome an investigation. * * * There is altogether too much dynamite in a congressional investigation, and we are altogether too vulnerable from the standpoint of political attack to leave anything undone which will forestall the investigation."

When more cruiser contracts were to be let in 1929, the Navy called for bids for both one and two cruisers. Unanimously the Big Three yards declined to bid on two, and each bid on one only. Newport News, which was in process of making 35 percent profit on the cruisers it had, jumped its 1927 bid by $488,000, and admitted later that it did not expect to get the ship. Bethlehem was given the *Portland* and New York Ship the *Indianapolis*. On these they made 21.8 percent and 33.4 percent profit, respectively. In 1930, Newport News made up by getting the aircraft carrier *Ranger*, and on that, too, it is doubtful whether the three companies were bidding against each other very seriously. On that, Newport News made 23.1 percent profit according to its own figures.

In 1931 the Washington representative of a company building destroyers, Bath Iron Works, of Maine, wrote about the fine zeal of the shipbuilders: "I understand this morning after the [appropriation] bill went through every east-coast yard had its representatives in Washington with their tongues hanging out and all teeth showing ready to fight for their share of the plunder, and the only thing that stopped the west-coast yards from being here was the fact that they couldn't come bodily by telegraph."

The cruiser that year was the *Tuscaloosa*.

Strange things happened. All three companies bid. Newport News found out that it would cost them $355,000 less to build it than they estimated in 1929, but instead of lowering its bid under the one it had made in 1929, it raised it $170,000. Its bid was $658,000 higher than on the ship in 1927, when it made 35 percent profit. That put it out of the running. New York Ship got the cruiser.

When 1932 came, a competitor, United Dry Dock, entered this field which was so profitable to the Big Three. Since the cruiser-building game had started in 1927 the score was Newport News, $36,488,000; New York Ship, $32,228,000; Bethlehem, $21,428,000. It was Bethlehem's turn. Bethlehem, in the face of real competition, dropped its bids $2,499,000. The two other companies dropped their bids in this one case an average of $1,242,000. It was a depression year. The difference between the first figure and the second, about $1,257,000, was the benefit to the Government in having a real competitor in the field for once. Bethlehem got the armored cruiser *Quincy* and it has been a headache to the Navy ever since.

When 1933 came, the Navy went into big business, and there was much rejoicing on all hands. Hardly had the Public Works Administration money been voted when $238,000,000 was allocated to the Navy. Instead of its being a buyer's market when honest competition could bring the price down, as it had in the one year of 1932, it was now a seller's market. There was no more nonsense about low prices, even once. The N. R. A. had been set up, and that was an excuse for high prices, although actually steel shapes were lower in 1933 and 1934 than in 1927–29, and labor only slightly over 1929. But the fact that the United States Navy needed every yard to build the ships was the main reason for the increased prices. Admiral Robinson, the Chief of Engineering, was asked: "They [the shipbuilders] were frank enough to say they were putting up the prices because of the great amount of work at the time?" He replied, "There is no question about that."

One almost needs a chart to show the way the shipbuilders jumped the prices when they knew that the Navy wanted ships badly. It was the war all over again. From 1927 to 1932 the average of all bids for one cruiser was $10,334,000. In 1933 it was $13,870,000 on the same basis, an average increase of $3,536,000. In 1934 the average fixed price bid for a cruiser had jumped to $15,219,000, an increase over the 1927–32 average of $4,885,000.

Some strange things went on in Washington early in 1933, but among the strangest were incidents connected with the shipbuilders' desire for business as usual—only more so. Shipbuilders' prices jumped greatly and jumped together.

Bethlehem had bid on the *Quincy* for $8,196,000 and now got the *Vincennes*, a duplicate, for $11,720,000, a jump of $3,524,000. United, which had entered for a brief moment as a real competitor in 1932, now gracefully dropped out with an increased bid of $5,075,000. It took some destroyers instead of a cruiser. New York Ship admitted it didn't want the *Vincennes*, although it had bid on it. It was trying to get light cruisers instead. So it bid high. Newport News was concentrating on two aircraft carriers, the *Yorktown* and *Enterprise*, and jumped its bid on this cruiser $4,150,000, which took it out of the picture.

Strangely enough bidding on the light cruisers *Savannah* and *Nashville* fitted into the bidding on the *Vincennes* like pieces of a Chinese puzzle. There wasn't much difference in the work to be done in the two types, but Bethlehem jumped its bid for a light cruiser (which it didn't want) by $1,380,000 over its bid for the *Vincennes*. Newport News admitted it was more interested in the aircraft carriers and destroyers than in the cruisers. United showed its lack of interest by bidding even higher on the light cruisers than on the *Vincennes*. The result was that New York Shipbuilding got the *Nashville* and *Savannah*.

Quite a while before the bids were opened, Clinton L. Bardo, president of New York Shipbuilding and president of the National Manufacturers Association, wrote to the chairman of the board of that company about talks between the shipbuilders and representatives of the Navy.

"* * * There was also expressed to us the desire that the builders themselves should get together and agree as far as we could upon what each would bid and then bid on nothing else. The situation as it now stands is substantially as follows:

"Newport News: The two airplane carriers.

"Bethlehem: The 10,000-ton 8-inch cruiser.

"New York Ship: A new 10,000-ton 6-inch cruiser and a distribution of the 8 destroyer leaders."

It came out that way, except that New York Ship received an additional cruiser. Another shipbuilder, Mr. Lawrence Wilder, delivered an envelope to some union leaders before the bidding with exact predictions of the low bidders.

Admirals tried to explain to the Senate Munitions Committee in 1935 that the presence of plenty of bidders meant honest competition, but the figures showed nothing of the kind.

That committee, after months of hearing about the way bids were raised and lowered to give the impression of competition when there was actually none at all, concluded that with certain exceptions "there was no hard-hitting competition" from 1927 through 1934 on most of the ships. "If there was no collusion, there was a sympathetic understanding among the big companies of each other's desires. If there were no conversations about bidding among them, there was telepathy." The result of that lack of honest competition was that the Government has far fewer ships than it would otherwise have. Or, looked at from another angle, the men in the Navy are being paid considerably less than they would otherwise get.

This business of agreement among supposed competitors to force the Government to pay a high price—and give it fewer ships for its money—is not confined to the United States. Vickers and Electric Boat Co. were doing it in other quarters of the world.

Just before Vickers took over another shipbuilding concern, Armstrong's, in 1927, it informed its American friends that it would arrange to have Armstrong put in bids on Admiralty submarines at a price "slightly above ours." Not only was the Admiralty to be fooled but the stockholders as well. "You will notice * * * that Armstrong's had to make a terrible fuss about the Merchant Shipyard, etc., which they are retaining. * * * This, it will be obvious to you, is for the benefit of their debenture and shareholders. For your own private information, the only works they are retaining are the ones we refuse to have anything to do with."

In 1932 Vickers was put in the same position by the admiralty as our shipbuilders were by our Navy in 1927—they had a lot to lose if the Disarmament Conference succeeded. Vickers was to be given an order for a large submarine which would be good only if "Geneva or some other fancy convention" in Vickers' words, did not decide that large submarines were to be abolished as offensive weapons. At the same time, Vickers was getting orders for small submarines, for their Spanish subsidiary "on the pretext that they are purely defensive," in their own language.

Meanwhile, Vickers was being told by Electric Boat to please stay out of the Brazilian market and encouraged to get into the Argentine market. "It may be our policy to support the bid of our English friends (Vickers) in the Argentine and that we may also decide to have a friendly controlled bid put in from Italy. * * * The general idea, of course, is to fix the Italian price a little higher than Vickers' price and if by any chance they should get the order, the profit will be ample to take care of them as well as Vickers and ourselves." At the same time Vickers was handling the Chilean market in the same way. "During the last few days by skillful maneuvering we have managed to get some of our competitors' prices in the Chilean competition put up."

After looking at the way our shipbuilders operated, and their way of looking at our Government as if it were something which was being run for their benefit, the munitions committee made some comments:

National defense should be provided for without profiteering or collusion.

A purely defensive Navy should not be confused with the private necessity of the shipbuilders for private profits. This is a possible consequence of the present close relations between the Navy and the shipbuilders.

Suppliers for the Navy are in a different class from ordinary Government contractors. Their activities ultimately affect our foreign policy.

The Nation should avoid a situation where the Navy goes to the shipbuilders for help in getting increased appropriations and the shipbuilders get a return from the Navy in high profits.

It is plain bad for the Navy to be dependent on those primarily interested in their own profits and "who may be unscrupulously glad to be in a position where they can wrap the flag around those private interests."

Congress must not let the people be confused between the actual needs of the Nation for national defense and the needs of shipbuilders and suppliers for profits.

Either the shipbuilders and suppliers should be policed in moves made by them to confuse public-defense needs with their own profits or the building of warships should be taken away from them.

The naval race between England and Germany before the World War was kept going by steel, shipbuilding interests, and navy leagues.

The record of the shipbuilders during the war was so bad that the committee thought they were not "exactly the right people to allow to hang around very close to the powder keg of international relations."

The private yards cost the Government from $1,569,000 to $2,116,000 a cruiser more than the navy yards.

The Navy doesn't know about private costs or profits.

The profits on the 1927–30 ships, the only ones on which figures were available, were excessive.

The private shipbuilders took advantage of the Navy's needs in 1933 and 1934 and raised prices unjustifiably.

The Navy is dependent upon the private yards for plans and instead of getting less dependent on them is growing more dependent. The statement of one officer was "The Navy's developments of 15 years were handed to the Electric Boat Co. on a silver platter." This dependence on the private yards for plans has resulted in great delay in construction of the ships.

The Navy has failed to use the navy yards as yardsticks to keep down the charges of the shipbuilders.

The shipbuilders and supply companies make up a powerful lobbying force.

The Vinson Act, decreeing that no more than 11.1 percent profit on naval work should be made, is not enforceable and can be easily evaded. The shipbuilders and suppliers have gotten together to set up a process of procedure by which they can bulldoze the Government into actually giving them more than 11.1 percent profit. "If the shipbuilders, boiler manufactures, and electrical manufacturers act in accordance with uniform rules, it will be so strong I think the Income Tax Bureau will have a hard time resisting it," were the words of Mr. Gillmor, president of Sperry Gyroscope Co.

When the Navy started letting the shipbuilders bid, beginning in 1933, at the risk of the Government as far as increases in prices were concerned, it was doing them a great favor and practically giving them cost-plus contracts.

The committee then recommended (and Senator VANDENBERG, of Michigan, introduced) two bills, one to have the Comptroller General examine the estimates and bids of private yards and navy yards and recommend to the Navy whether the bids should be accepted, or the ships should be put into navy yards. This bill (74th Cong., S. 3098) also included a provision against lobbying and proposed to make the Navy independent of the private yards in planning of the ship designs.

A second bill was also introduced (74th Cong., S. 3099) providing that the Navy should not award cruisers to private yards if they proposed to charge the Government over $500,000 more than the cruiser could be built for in a navy yard. Not more than $1,000,000 surcharge was allowed to private yards on an aircraft carrier and not more than $300,000 bounty on a destroyer.

These bills got nowhere. The Navy objected to them.

A year later a majority of the committee's members reported that they favored building all the warships in Government navy yards, leaving tankers and auxiliary craft to the private yards. In 1937 a bill to do this and to transfer other munitions manufacture from private companies to Government arsenals was introduced by Senator NYE.

CHAPTER VI—UNITED STATES PRODUCTION OF MUNITIONS

Since 1935 England has been rearming at a great rate. She felt herself obliged to do this in order to catch up with Italian and German preparations for war. It seemed to her statesmen like a race with death. After 2 years it became clear that the program was going very slowly, in spite of huge appropriations and a national desire to be armed rapidly. In 1937, Drew Pearson, in London, offered an explanation of this fact.

"The reason for Britain's arms program bogging down is not the pacifism of British leaders, but the conservatism of British industry. British factory owners still insist on 15-percent profit on arms orders, whereas France has nationalized its munitions plants, and Hitler and Mussolini squeeze the big industrialists."

To some mighty words once uttered by Chancellor Philip Snowden, "Let the world come against her, England stands there still," one might now add, "waiting for 15-percent profit."

The first reason advanced for Government production of munitions is the fact that private munitions companies hold the Government up for high profits in peacetime.

When the big Navy program began in 1933, they did it, and the Navy knew and said they were doing it, and was powerless to prevent them from doing it. Prices went up largely because the Navy needed all the shipyards. This meant that the Government got fewer ships for its money than it would have received from its navy yards, and fewer than other nations receive for their money.

Three times in 1936 the Government asked for bids on copper. According to the Walsh-Healy law the copper offered for sale to the Government had to be produced by labor working no more than 8 hours a day. The copper companies preferred not to bother to make any such provisions for their labor, and did not bid, although the copper was vital for the national defense. In spite of the law, the Navy was forced to go into the open market and bid in competition with foreign armaments companies.

In January 1937, Secretary of the Navy Swanson was quoted in the press as saying that private bids for a floating drydock for Pearl Harbor, considered a vital defense measure by the Navy, were $21,000,000, and that the price was so high the Navy would build it itself for $12,000,000.

The greater cost to the Government of building cruisers in private yards than in navy yards has been indicated in chapter III. Estimated by three government bodies, even including items only private companies need pay, such as insurance and taxes, the difference is close to $2,000,000 per cruiser.

The steel companies are no laggards, either, in charging the Government amazingly high prices. Before we entered the World War, Josephus Daniels, then Secretary of the Navy, pointed out that the price for armor plate was scandalous. Identical bids were being received from Carnegie, Bethlehem, and Midvale, at exactly the same price, $454 a ton. The Government figured it could produce that plate at $262 a ton.

In response Congress authorized the building of a Government armor-plate plant. After the war it was closed, and when cruiser building began again in 1927, this plant was not put back into action, a decision which must have pleased the steel companies greatly.

In 1936 the question of the prices for armorplate came up again, very briefly. No Navy figures were offered. The bids no longer were identical. The steel companies had learned something. But the results were still amazing. Carnegie Steel, one of the three companies which get armor-plate orders from the Navy, had secured an award of some tonnage in 1930 by a bid of $560 per ton. On this bid, according to its own figures, freely submitted, it made a profit of 58.2 percent. It cost the company $350.73 to make the steel. By the company's own figures the profit was $203.14, or 58.2 percent. It received from the Navy a little less than it had bid, $553.87 per ton.

How can a company make so much money out of the Navy on armorplate? Where were the "competitors" when such high profits were being made? They were there, bidding, making it look like competition. When Carnegie bid $560 a ton, Midvale bid $110 a ton more, $670. If Midvale had been awarded the contract, with costs the same as Carnegie's, it would have made $319.27 a ton profit, or 91 percent.

And where was the third "competitor" when Carnegie was making the pleasant profit of 58.2 percent a ton on Navy work, and when Midvale was willing to do the Navy work for 91 percent? Bethlehem was there. It was right in there, as usual, bidding its head off to get the business, in the middle of the depression. It bid $120 a ton more than Carnegie. If it had gotten the contract, with costs the same as Carnegie's it would have made over 96 percent profit.

Did Carnegie lower its bids to the Government on later demands for the same class of armor plate? It must be reported that they went up instead of down. Apparently 58 percent was not enough.

The company was asked why it had not lowered its prices to the Navy when it found out that it was making such high profits. It replied that prices were determined by competitors' prices. In other words, the company had bid too low rather than too high.

On another Navy contract—for turret armor—the company's own figures showed it made $166.72 a ton, a profit of 43.4 percent of costs. That wasn't enough, either. In 1934 it was bidding $585 a ton instead of $560, and in 1935 it raised the ante to $595.

On still another Navy contract, in 1933, it made 42.7 percent profit on a bid for $545 a ton. That wasn't enough, either. Bids in 1934 and 1935 were $40 and $50 more.

The British companies, holding up their Government's program for but 15 percent, begin to look moderate and reasonable.

Of course, most companies did not choose to present such figures to the Munitions Committee, and that committee had no staff to do the enormous accounting job involved in checking even a few profits for each company. Midvale, a Baldwin Locomotive subsidiary, developed an accounting technique which consisted of penalizing the Government for its naval holiday from 1922 to 1927. On Government business of $5,982,386 it showed profits of only $553,095 by adding to the other costs depreciation charges as high as $1,157,591. Over 21 percent of the costs were charges added to pay for the fact that the plant was idle during the years of the naval holiday.

Occasionally the Army audits costs, although these audits do not seem to find their way to Congress. One was found in the files of Sperry Gyroscope, which is a big Army and Navy supplier of stabilizers, pilots, and anti-aircraft equipment. It has licensed Germany and Japan for some of its devices and has a subsidiary in Japan. It has led the fight to abolish the 10 percent profit limitation on Navy work which was imposed a few years ago. An Army auditor found that it was making profits from 39.7 percent to 89.8 percent on an order for 108 flight indicators, an average profit of 54.6 percent of cost. On an order for 114 turn indicators for the Army Air Corps profits went as high as 91 percent, averaging 40.4 percent.

Pratt & Whitney went into the business of manufacturing airplane engines, largely for the Government, and made $11,437,250 in 8 years on a $1,000 investment. This is something like a record.

Wright Aeronautical Co., manufacturing engines, reported its own figures showing profits on sales to the Navy of 31.88 percent, 1925; 21 percent, 1926; 29 percent, 1927; 44 percent, 1928; 30 percent, 1929. On sales to the Army these unchecked figures showed profits of 93 percent, 1926; 31 percent, 1928; 18 percent, 1933.

In 1926, when Midvale was bidding against the Government arsenal at Frankford, the bids ran like this: Midvale, $102; Frankford, $68; Midvale, $96.75, Frankford, $31.74. On the 1926 awards

for projectiles the Government saved $623,296 by awarding them to Frankford.

The fact that Government production is cheaper has been recognized for some time by the Army. In 1916 the Kernan board found that the Government was manufacturing in its arsenals at a cost 18.6 percent lower than the cost charged by private companies, even before adding in a charge of 6.6 percent for Government inspection of articles made in the private factories. Since inspection by men paid for by the Government is an essential part of the final costs to the Government of private production, the actual conclusion of the Kernan board was that Government production was over 23 percent cheaper than private production. Material costing the Government $100,000,000 when bought from private companies would cost it only $77,000,000 when made in the arsenals. The difference is probably much greater now.

In 1928 the private ammunition companies persuaded the Frankford Arsenal to add to its costs all items which private companies have to add, including interest, taxes, and profits. After that was done the companies compiled their own cost figures for the manufacture of the standard Army 30.06 cartridge. The results showed Frankford's costs, including the items it does not actually have to pay, to be $23.18; Peters', $29 21; Remington's, $28.88; Winchester's, $31.67; Western's, $33.87. This comparison is especially interesting because it was made by the private companies themselves, who refused to show it to Frankford when it was completed.

The big customer of the Du Ponts for powder is the Army. In recent years it has been selling the Army over 2,000,000 pounds of powder annually, and has even been selling some to the Navy, which has its own powder plant. It has been making the Army pay to keep Du Ponts ready to work for it during a war. The company's own unchecked figures show that in 1931 they made 39-percent profit on the cost of powder sold to the Government. In 1932 it was 34.8 percent, and in 1933, 35 percent.

In spite of the fact that it is cheaper to make powder for big orders than for smaller ones, the company does not always give the Army the lowest prices. In 1932 it was offering a certain type of rifle powder to England for 54.5 cents and to Belgium for 57.6 cents, although it was charging the Army 71 cents for the same kind of powder. The agent who was offering such prices to foreign countries was, in fact, rebuked by his superiors, who said, "We cannot take the chance of this reduced figure being divulged." They told the agent that "you must arrange some plan in submitting your proposals so that you will be absolutely satisfied that the prices quoted will be regarded with the utmost secrecy." If he couldn't guarantee secrecy of the fact that the prices were so much below what our own War Department was being charged, he was advised not to quote. There was no statement that there would be a loss at the lower prices.

While any good accountant can make a high profit look like a low one, there is enough evidence available to indicate that Government production of munitions is about the only way to protect the taxpayers' pocketbook. The munitions companies are holding up the Government for almost all that they can get.

In the debate concerning Government production of munitions, of which we will hear more in the coming years, the principle of private ownership or of public ownership is not so much involved as in debates concerning power or railroads. The power of the Nation to provide for its national defense is absolute. Moreover it has already accepted the principle of producing munitions itself. Not only our own military services but those in most other large nations own their war facilities. We build half our ships in navy yards, manufacture our own field and naval guns, rifles, ammunition, powder for the Navy, part of the projectiles. The question is not one concerning the principle of governmental production; it is one concerning the advantage or disadvantage of it, in peacetime as well as in wartime.

A second reason for establishing it, is the desire to prevent militarism from growing up in this country as it did in Germany through an alliance of the munitions makers with the Army and Navy. This has been mentioned in the previous chapter. The munitions suppliers would be kept from imposing themselves on the Army and Navy for various favors. The Army and Navy, instead of having to wait for private plans for ships, or until the latest machine-guns or airplanes had been sold abroad, could have control of those matters themselves. They would be masters in their own house, instead of being forced to entertain tenants because those tenants say they are essential when war comes.

A third reason for establishing Government production of all munitions is that there would no longer be any pressure from private munitions companies to sell new inventions and military secrets abroad. This has been mentioned in chapter IV. At the moment, almost all manufacturers of new inventions patent them abroad in order that they may be protected from private manufacture of those inventions abroad. Actually this practice lets every government know the details of every new device. The danger that other munitions makers will make money by manufacturing without the formality of paying for a license is an excuse for letting every other government know what our best brains have developed. Communism of military secrets is the price of private profit. Of course, in a war, the government of every nation will pay no attention to these patents, and will take what it needs. It may even do so before a war begins, and a patent suit against a foreign government, tried in foreign courts, is no way to make money or protect inventions.

A fourth reason for governmental production is that the munitions companies hold up the Government for high prices in time of war as well as in time of peace. In time of war the Government needs them even more badly than it needed the private shipbuilders in 1933 and 1934, when cruiser prices were almost doubled. The Government wants to win the war. It needs munitions. Price is no object. The Government has few munitions factories of its own as yardsticks. It pays whatever the private manufacturers ask it to pay. Later, when the war is over, the taxpayers get around to paying the extra taxes because the munition makers were able to hold up the Government.

The story of what happened during the war is too well known now for more than a few illustrations. Midvale Steel & Ordnance (not the present Midvale Co.) files showed by company figures that the Government had paid $580 for 14-inch shells on which the cost was $300 and the profit $280, or 93 percent. Shells for 12-inch guns cost $230 and were sold to the Government for $380, a profit of 65 percent. Shells for 16-inch guns cost $551 and were sold to the Government for $900, a profit of 63 percent.

While this was going on Midvale Steel and Ordnance was telling the Government that pig iron cost it $75, when the actual cost was $51.29. They made their huge profits on the basis of that misrepresentation.

Take another case, showing the power to hold up the Government in time of war. In the fall of 1917, while the boys were being drafted, the War Department found that there was a desperate need for a huge additional powder factory. It went to the Du Ponts, who controlled about nine-tenths of the Nation's powder production, for help. It offered them liberal terms to direct the building of the plant. It offered to pay every dollar expense, to advance a million dollars on account of profit, and to have the profit go to arbitration.

But Du Ponts wanted the Government to pay more for their skill and ability. Pierre du Pont, then president, wrote that "we cannot assent to allowing our own patriotism to interfere with our duties as trustees" for the stockholders. He was one of the 10 largest stockholders at the time.

The Government threatened to build the plant itself, but it did not have the expert knowledge. Finally a contract satisfactory to the Du Ponts was given, but not until after the plant had been held up for over 3 months at a very critical time in the war. It would have made $15,000,000 a year for the Du Ponts if the war had gone on longer.

What would have happened to one of the drafted soldiers who could not assent to letting his own patriotism interfere with his duties as trustee for his family and children and had refused to go to the front, is another story. The War Department handed the company certificates of good conduct.

It would be an error to limit this custom of insisting upon what you wanted and making the Government pay for it to the munitions companies. It was so much a general wartime custom that the Munitions Committee described it as a "strike of capital."

Take Aluminum Co. of America, a Mellon organization. In the midst of the shooting it quietly approached the Government for a price of 32 cents a pound for its aluminum. That was an important war material. It asked for the increase in price partly on the ground that it was building additional plants which would be useful only during wartime and would be useless thereafter. At the time, the company said its costs were 17½ cents a pound, and the Government said they were 15½ cents. Yet it got what it wanted.

That wasn't enough. Later the company induced the Government to deduct $10,650,000 from its income on the ground that it had built wartime plants which it wasn't going to use in peacetime when production dropped off. That was getting paid twice for the same thing.

Then, on top of everything, it produced even more aluminum after the war than it did before or during it. It was paid twice for something it had no right to receive any payment for.

Much sinister, high-powered stff was worked against the Government and the taxpayers during the war, and the taxpayers are still paying for it.

The thought that there would be a little less of this if the Government produced its own munitions is another reason for Government production.

A fifth argument for it is that attempts to regulate and limit profits of private munitions companies, even in peacetime, are practically futile.

After investigating this matter the Munitions Committee made this finding: "The failure of the Navy Department to turn the navy yards into effective yardsticks by which the charges of private shipyards could be measured and kept down, has resulted in leaving the profits of shipbuilders practically uncontrolled.

"The committee finds that the Vinson-Trammell bill of 1934, limiting profits to 11.1 percent of cost, cannot be enforced without a huge police force of accountants, and that disputes concerning its interpretation, similar to those which delayed the payment of wartime taxes by the companies for 12 years, may confidently be expected.

"The committee finds that the Navy, which has no responsibility for enforcing the act, and which has no reliable figures about private costs, is in a position to allow—and according to one company has actually allowed—increased overhead charges, which can invalidate the whole attempt by Congress to limit profits. The committee notes that it was by the allowance of such theoretical overheads during the war years above actual overheads that the New York Shipbuilding Corporation was paid $2,152,976 more by the Government than it actually paid out itself.

"The committee finds that the shipbuilding industry and its subcontractors and suppliers have united in efforts to find ways to avoid the incidence of this law, and that Mr. Gillmore, president of Sperry Gyroscope, Navy suppliers, told them, 'If the shipbuilders, boiler manufacturers, and electrical manufacturers act in accordance with uniform rules, it will be so strong I think the Income Tax Bureau will have a hard time resisting it.' "

Any good accountant can work out a system of theoretical increases in costs on military work which it would take many scores of accountants many months to disprove. The Government does not have those scores of accountants working on attempts to prevent evasion of the profit-limitation law.

Another danger is that the high peacetime profits will be used to justify high wartime profits. The precedent for this has been set by a master in a case of the *United States* v. *Bethlehem Steel*. In this case Bethlehem was charged with fraud on certain ships it built for the Emergency Fleet Corporation, and the Government made the point that if the steel company were allowed to escape unpunished it would be a bad precedent for any future war. The master, giving an opinion in favor of Bethlehem, pointed to the high profits made on the 1927 and 1929 cruisers, cited above in chapter III, and said if such high profits were allowed in peacetime, obviously war profits which were less were quite allowable.

Following that logic, every minute that private munitions companies stay in the business in peacetime and run up the high profits they are now making will cost the Government millions in wartime. High profits taxes cannot touch profits which are concealed by unusual overheads, amortization allowances, and similar items if approved by the Navy in peacetime.

A sixth argument for Government operation is that it will end, to a large extent, American participation in the corruption of foreign officials, and will also end the incentive of munitions companies in America to discourage disarmament conferences, arms-control pacts and the like. The munitions peddlers will have to get some less dangerous kind of work. Life insurance is hereby suggested to them. The need for a cessation of their foreign activities has been touched on in chapters II and IV.

An astonishing discovery made by the Munitions Committee was that the cost of a plant sufficient to extend Government production of munitions into most of the combat weapons was relatively little.

For 7 months engineers of the Interstate Commerce Commission worked on this problem for the committee, and finally reported that the cost of building enough additional navy yards to let the Government build all the ships it needed, not for normal need, but for a naval race, was only $23,600,000. This figure included $6,000,000 for necessary new machinery. This figure, about the cost of one cruiser complete with armament, would provide the Navy with enough ways and machinery to enter into a considerable naval race. If such a race were not entered, the ways would still be available as a war reserve. The figure does not include the purchase of any private yard facilities.

Mr. Charles H. Spencer, Chief Valuation Engineer of the Interstate Commerce Commission, who was in charge of the study, stated that the new machinery would pay for itself very rapidly. In fact, it can be calculated that, with an average cruiser saving of $2,000,000 on a private cost of $12,000,000, the whole cost of the additional facilities might be paid for in the savings on $144,000,000 worth of work, or in a year or 2 years' time, with the present program.

The Commission engineers reported that the cost of a new machine-gun plant would be $8,800,000. A large airplane and airplane engine plant and field would cost $8,450,000. A new powder plant for the Army would cost $3,640,000.

Certain steel company figures indicate that a projectile plant might cost $7,000,000. The Government's armor-plate plant might be put into shape for less than $4,000,000. For $55,000,000 the Government would have enough to cover a great many of its needs in peacetime, including about a fourth of its airplanes and half its airplane engines, and facilities to step up a considerable amount of production in wartime.

There has never been any intent to have the Government go into the production of food and other supplies for the Quartermaster Corps. The discussion is limited to combat weapons, including warships.

No plan for Government production of combat munitions can begin to cover all the munitions needed in wartime without running into hundreds of millions of dollars, and in peacetime that is a big figure. In wartime, hundreds of millions can be thrown away fast, as the work on the Liberty engines for airplanes demonstrated. The plans being discussed in Congress are for the Government to produce in its own arsenals and yards what it needs in peacetime and to do what it did in 1917, expand into private plants of all kinds in wartime.

One objection to Government production is that the Government might find it harder to expand from an arsenal into a general manufacturing plant, such as Westinghouse or General Electric, than a private company, say Bethlehem Steel, might do. There is no question both would encounter some delay, but it would be the same kind of delay in both cases. Either Bethlehem or the Government arsenal would have to see that Westinghouse was tooled up to machine shells or whatever the job might be. There is no particular reason to believe that the Government could persuade General Electric to work on the shells less effectively than Bethlehem could persuade them.

Another objection made is that the workers in the Government plants would have political influence enough to keep the plants going although there was no need for the munitions. If that is so, then it means we will be overarming, which is not a peaceful policy. The answer is in a question of fact. Are the Army and Navy oversupplied with those things which the arsenals and navy yards produce? None of the services report themselves overloaded with anything. It is also hard to think of a few workers in any one place having one-tenth as much influence as all the munitions companies, who are united for the sake of bigger and more profitable orders and no nonsense in wartime about profit limitation.

Another objection is that the Army and Navy do not like to take on the responsibility of manufacturing munitions because they have not trained men for that purpose. That may well be true, although the commandants of the navy yards and the officers of the arsenals seem to give efficient service to the country. It may, however, be necessary for the services to employ civilian chemists and engineers and perhaps managers for new production until they have trained officers who can take over the duties of managers.

It might save the Government a great deal of money to take over the operating personnel of some of the munitions concerns, the executives (other than the sales managers), the engineers, and chemists, and designers. Take Newport News Shipbuilding Co. as an example. The know-how of the shipbuilding is in the heads of about 20 men. Their combined salaries in 1 year would not exceed $300,000, and would probably be less. At present they work for the Huntington family, absentee owners who have little interest in the business and no expert knowledge of it. The actual operators of the plant have done some amazing things to make amazing profits for that family. They are running a constant dog fight with the Government for more profits, more allowances, less taxes, less responsibility. Yet each and every one of the 20 men in those offices at Newport News would probably die for his country as gladly as the next man. It is simply the fate of munitions men not to be called upon to do this. They are considered too valuable to be sent into the firing lines.

These men could be more patriotic in the Government service than they are, in the nature of things, allowed to be in private employment. They would side with the Government in trying to get the most defense for the money instead of fighting the Government to get the most money for the Huntingtons.

The navy yards building against Newport News and other private companies can save the Government about the profit Newport News makes on a cruiser, around $2,000,000. If these 20 men were in the navy yards, using the same labor, the Government might produce ships at an even greater saving than now, and still pay these men their present salaries, and provide them with normal promotions.

The same thing might apply to some of the other munitions companies. Some of the officers on the stand practically blushed as the story came out of the bribery and pressure their subordinate officials had used to get business. Some of them would doubtless be glad to work for the Government, if they were given responsibility and a reasonable freedom from red tape. The guess is offered that they do not all enjoy the process of fleecing the Government.

A seventh and final argument for Government production is the fact that it would keep arms out of the hands of the underworld and ambitious Fascist leaders. At present there are too many companies peddling arms to the population, submachine guns, gas, reconditioned machine guns, weapons useful in the hands of American Hitlerites. Munitions companies reported that many American submachine guns were getting to Hitler when the Nazis were still fighting in the streets for power. The power to make weapons which may some day be used against the state should certainly be confined to the state.

The case for Government production of almost all the combat weapons except those precision instruments where engineering developments have become concentrated in a few minds, and perhaps some part of airplane development, is almost overwhelming.

In spite of this fact it is not improbable that the Army and Navy high officials will oppose it for years. It has been a long tradition with them to pay a high price to keep the private companies in business, ready for the next war. The proposal for extension of Government production of munitions into the remaining private fields would mean that they would have to pay for the brains of those companies instead of for their brains plus their plant. The proposal really is that it is better to have those brains with the Government than engaged in devising means of getting more money out of the Government.

From another angle, the general public will be less worried about the size of the huge Army and Navy appropriations which have been going through in recent years if it doesn't have a lingering suspicion that each appropriation bill has had a half hundred mute, inglorious Shearers smoothing the ways for it.

[From the American Federationist for October 1940]

DOLLARS *vs.* DEFENSE

Billions for defense. Steel, aircraft, shipbuilding. Guns, munitions, and explosives. Airplanes and engines. Ships, turbines, and armor plate. Tanks and trucks. Powder and bullets. One appropriation after another is sped through Congress. Thoughts of economy are thrust aside. The Nation is mobilizing its every resource in a single effort for a single purpose—defense.

Decision follows decision and is translated into action. National Guard called into service. Conscription: Hundreds of thousands of men to be called to the colors each year for 5 years. Personal plans shattered? Careers interrupted? Families broken up? Yes; but what of it? America is arming for defense. The defense must

be impregnable. Democracy must be protected against all threats. It is the one thing that matters above all else.

May, June, July, August, September. For 5 months the American people intensely and feverishly devoted themselves to the most urgent task of their generation. Time was most important and, therefore, speed most vital.

Everyone knew that. Everyone knew also that the first and foremost requirement in modern defense was to produce and to make available supplies and equipment with which defenses were to be reared.

Yet at the end of 5 months much of our production and distribution machinery was paralyzed by relative inactivity. Earnestly determined to act, industry seemed to be slowed down, its activity palsied.

Although $2,000,000,000 in defense orders were given clearance, contracts awarded, loan agreements negotiated and approved, most of this production was still on paper, not yet translated into real action in mills, plants, shops.

Of the $2,000,000,000 of cleared defense orders, only a third—$670,000,000—was shown in the cash flow from May through August which reflected defense production actually "working."

What was the trouble? The slowdown in our defense orders could not be charged to delays of bureaucracy or red tape. Punctilious procedural rules and exacting record-keeping requirements were swept aside and short cuts taken to avoid every circuit of action which appeared too long.

Was it because the Government was high-handed and arbitrary with business and industry? No. The Defense Commission and the President had met about every condition and agreed to every demand made by industry since the defense program was launched.

Was labor the bottleneck? No. Labor cooperated from the start, and no delays had been charged either to labor disputes or to labor shortages.

What happened was that in many lines of production which served as keys to defense, industry refused to move until it would receive full assurance of clear and unimpaired profit without risk.

Ships and armor plate? The Newport News Shipbuilding Co. had not been able to procure armor plate when it was scheduled to be ready. As the result the aircraft carrier *Hornet* had to be launched without its armor plate. This was due to the refusal of United States Steel and Midvale Steel to do business with the Navy under the existing profit limitation.

Powder and explosives? Well, perhaps, but only on pretty definite conditions. In the case of Du Pont de Nemours the condition was that the Government would build $20,000,000 worth of new powder plants for which the public would pay and which Du Pont would operate.

Airplanes? The Boeing Aircraft Corporation refused to sign a $32,000,000 contract for four-engined bombers until it could be quite sure that Congress would pass profit legislation which suited it.

As reported by the Associated Press: "One of the major obstacles is that the Boeing officials are unwilling to undertake a large plant expansion. * * * The exact amount of the ultimate contract cannot be determined pending final adjustment for amortization, tax, and profits purposes."

HARD BARGAIN DRIVEN

The Packard Co. would be willing to produce 9,000 Rolls-Royce Merlin motors but only if the Government would let it have $30,000,000 for a plant plus guaranteed profits on the subsequent output. That was a hard bargain, but the Defense Commission agreed to it. Even then, Packard, in line with other defense manufacturers, preferred to wait until Congress had approved the amortization and excess-profits legislation demanded by industry.

Curtiss-Wright, Pratt & Whitney, and Douglas Aircraft were also among the companies which were willing to do their part for national defense, but only as, if, and when they could do it on their own terms.

A high pace was set by some of these companies, but not so much in terms of actual production as in terms of jockeying for the position of greatest advantage.

Curtiss-Wright was one of the companies that went off to an early start in the race for defense profits. While Curtiss-Wright's manufacturing facilities were valued at only $18,291,000 at the beginning of 1940 the company completed successful negotiations for R. F. C. loans amounting to $92,000,000 to be used in the construction of plants for the manufacture of airplane engines.

With this public money the Wright Aeronautical Corporation was to construct a plant in Cincinnati with capacity to produce 12,000 air-cooled radial engines a year and a new assembly plant. The condition was that these two plants would be amortized in 8 years.

The Government was to provide the Wright company with enough engine contracts to repay the loan within the 8-year period. At that time the company would either have a cost-free plant or it could sell the plant back to the Government, in which case the Government would pay for the plant twice.

If the company failed to repay the loan under the terms of the contract, the Government would have no recourse against the company other than to take over the plant for which it had paid anyhow.

According to the Wall Street Journal, the cost of the proposed plant and its equipment was to be not more than $38,000,000. When queried by this newspaper about the "apparent discrepancy" between this cost and the amount of the loan, the Federal Loan Administrator, Jesse Jones, said that it would not "be in the public interest" to make the answer known.

In the meantime, Curtiss-Wright's profits increased almost 100 percent for 1940 over 1939 and by June 30 it had $248,668,000 of unfilled orders on its books.

In the light of these facts it is startling to note that some of the aircraft plants were operating at as low as 40-percent capacity as late as August and that the bulk of the defense aviation contracts were still in a log jam.

Industry's slow-down strike meant that the protection of armed wings against the sky raider would be delayed by months. It also meant that industry would get the asking price for the implements of defense and keep the profit, no matter how large.

What were the conditions demanded by industry as its price for helping the Government in the defense of the Nation? They were (1) amortization of new plants and equipment needed for defense production, and (2) profits-tax legislation which would leave the bulk of defense profits intact.

The demand for amortization simply called for an arrangement whereby companies building new plants or installing new equipment would be allowed to amortize these additions—or deduct their cost from tax-free earnings—within 5 years.

In other words, each year one-fifth of the cost of new plant and equipment could be deducted by defense producers from their income, before arriving at the net income on which excess-profits taxes as well as income taxes must be paid.

At the end of 5 years the plants would be completely paid off with the money received from the Government for defense orders and owned by the company outright for the company's own future production or available for resale to the Government if the Government were willing to pay twice for the same plant.

INDUSTRY DEMANDS A LAW

Although the plan obviously did not protect the public interest, speed was of the essence and the amortization policy was fully agreed to by the administration on July 10. Contrary to the administration's hopes, however, this acquiescence to industry's demands failed to produce the desired results.

What industry now demanded was legislation duly enacted by Congress, printed in black and white, and signed by the President on the dotted line. The minimum demand for settlement was an excess-profits-tax law satisfactory to industry. Until the passage of such law was fully assured, industry was determined to continue its slow-down strike.

Much of the World War profiteering was made possible by placing orders through directly negotiated contracts on the basis of cost plus a specified percentage of profit. In 1934 Congress placed a profit limit on plane and ship contracts of 12 and 10 percent, respectively.

When the Senate Naval Affairs Committee, on June 18, discovered that the Navy had let $1,000,000,000 worth of shipbuilding contracts without competitive bidding on the old basis of cost plus 10 percent, Congress acted quickly and by the "Navy Speed-Up Act" of June 28 reduced the profit limitation to 8 percent on the cost of competitively bid contracts and 7 percent on those negotiated privately.

With the new tax law on the books, the tax legislation had reached a patchwork stage and was clearly inequitable. The profits were limited only on contracts for naval vessels and airplanes, reaching the contractors as well as subcontractors, but placing no limit on profits derived from other defense contracts.

Thus, a gun manufacturer had no profit limitation on a contract for the Army but had to submit to an 8-percent profit limit to be able to deliver the same gun to the Navy.

This was bad business for the Government as well as industry, because clearly the manufacturer would prefer to devote all his attention to Army guns, and find the prospects of naval contracts to be dull and unexciting by comparison.

SEEK REPEAL OF PROFIT LIMITS

Finding this situation advantageous, industry began to press for outright repeal of profit limits on planes and ships. Having received some backing from the Defense Commission as well as the War and Navy Departments, industry was given encouragement by the House, which wrote the repeal of the 8- and 7-percent profit limitation into its version of the excess-profits-tax bill.

But the last round of the fight remained to be won on the provisions of the excess-profits-tax bill itself.

The profits-tax issue was joined in H. R. 10413, the second revenue bill of 1940, drafted by the House Ways and Means Committee and passed by the House under a gag-rule procedure on August 29.

As reported by the House, the bill contained three major provisions: (1) It suspended the 8 and 7 percent profit limitations of the Vinson-Trammell Act applicable to aircraft and naval contracts; (2) it gave statutory sanction to industry's 5-year amortization proposals; and (3) it provided for a corporate excess-profits tax, allowing two methods of exemption from the tax which the taxpayer could choose to his advantage.

The bill imposed an excess-profits tax on current profits which are over and above an exemption provided in the bill.

A corporation subject to the tax may take as its exemption (1) the amount of its average profits for the years 1936–39 or (2) a percentage figured on the basis of invested capital by means of a complex formula.

The Senate Finance Committee modified and simplified the methods of calculating the allowed exemptions, but left open to industry the choice of submitting to the least burdensome taxation.

The bill was reported to the Senate on September 12 with this alternative choice, which, in the apt language of Senator LA FOLLETTE, gives to all corporations subject to the excess-profits tax a heads-they-win, tails-the-Treasury-loses proposition.

The Senate committee also increased the regular corporation tax by 3⅒ percent, making this applicable to all corporate incomes regardless of the size or nature of the business and regardless of the source or rate of the profits. As reported by the Senate committee, the bill largely reflected the wishes of big business.

Under its provisions, the large, prosperous corporation which consistently earns substantial profits and is most able to pay an excess-profits tax would pay little or nothing in excess taxes. Under the average-earnings method of the bill such a corporation could continue to earn 50, 100, or 1,000 percent on the invested capital without paying any additional tax on such profits.

At the same time competitors of the prosperous, established corporations would be heavily penalized by the inequitable incidence of the proposed tax. Most important of all, the proposal failed to meet the test proposed by the President in his message to Congress on July 1, when he urged Congress to enact an excess-profits tax bill to help pay for the defense program because "it is our duty to see that the burden is equitably distributed according to ability to pay, so that a few do not gain from the sacrifices of the many."

By failing to place a ceiling upon excess profits the bill failed in its purpose as a taxation measure, but apparently met the wishes of the defense contractors.

It was well-nigh miraculous to see the tax bill clear the hurdle of the Senate committee on September 11, and to find contracts long tied up in negotiations suddenly move with such speed that the War Department alone was able to announce the award and clearance of contracts for 6,800 planes by September 16.

Defense industries are entitled to a fair and equitable return on their investment incidental to defense production. They would be justified in seeking a measure of protection for expanded plants and added equipment against the risk of disuse and bankruptcy when the emergency is over. But when the whole Nation is called upon to make sacrifices, these sacrifices must be shared epually by all.

Our Government would be derelict in its duty to the American people if it wrote a rule of special privilege into our national-defense policy and into our national laws.

By yielding to speculative pressures of those who would profit from the threat of common disaster facing our entire Nation, our Government would be betraying the public interest and serving to deepen the economic inequalities, opening a way for the ultimate destruction of the system in which the American people have firm faith.

LEHMAN FAVORS INVOLVEMENT

Mr. HOLT. Mr. President, again I say, "Governor Lehman, when you were going through New York making these speeches for conscription, for aid to Great Britain, and when you were in Chicago trying to get the Democratic platform changed"—

I stop there. Many of my hearers did not know it, but they may have seen in the paper that Governor Lehman was in Chicago in connection with the foreign-affairs plank. Why? To get stricken out of the platform anything which would stop America from being involved in the war.

"Governor Lehman, I would like to know, when you were doing those things, if you did not know that the Lehman Corporation, owned and controlled by your family, was making hundreds of thousands and maybe millions of dollars out of defense contracts. Was your patriotism spelled 'p-a-y-t-r-i-o-t-i-s-m' or was it 'p-a-t-r-i-o-t-i-s-m'? Time will record, and your good strong right arm will be shown to be a good strong right arm grabbing contracts, and sticking that arm into the pocketbook of its country."

Mr. President, I ask unanimous consent to have inserted in the RECORD following my remarks certain exhibits.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

EXHIBIT B

EARNINGS OF CORPORATIONS

Comparison of the earnings of corporations (whose stock was acquired by Lehman Corporation and which were making war profits) as shown in reports for 1938 and 1939, as well as the first 6 months of 1939, with the same period in 1940:

Earnings for years 1938–39

	1939	1938
EARNINGS		
Air Reduction	$5,076,825	$3,769,337
Dow Chemical	4,178,485	3,895,269
Du Pont	93,218,664	50,190,827
Hercules Powder	5,324,992	3,039,017
Monsanto Chemical	5,428,914	3,150,593
Bendix Aviation	4,485,972	156,048
Chrysler	36,879,829	18,798,294
Electric Auto Lite	5,653,840	1,836,150
General Motors	183,403,399	102,310,036
Yellow Truck & Coach	3,276,473	514,984
Borg-Warner	5,683,801	[1] 19,966
Bell Aircraft	9,203	65,488

[1] Deficit.

Earnings for years 1938–39—Continued

Earnings	1940	1939
Consolidated Aircraft	$1,104,327	$1,535,110
Lockheed Aircraft	3,132,918	442,111
Glen Martin	4,108,285	2,349,355
United Aircraft	9,375,473	5,426,275
NET INCOME		
Allis-Chalmers	3,719,546	2,553,946
General Electric	41,235,664	27,729,329
Westinghouse	13,854,365	9,052,774
Bridgeport Brass	459,058	[1] 251,900
Fairbanks-Morse	2,469,884	558,539
Mueller Brass	690,224	265,920
Aluminum Co. of America	36,633,389	15,563,145
Aluminum Co., Ltd	15,799,927	11,216,959
Freeport Sulphur	2,200,762	1,506,060
Hudson Bay Mining	5,249,914	4,435,432
International Nickel	36,847,466	32,399,471
Kennecott Copper	33,947,443	22,689,660
Phelps Dodge	12,278,601	8,656,824
St. Joseph Lead	5,292,907	1,331,256
Texas Gulf Sulphur	7,847,483	6,963,633
Bethlehem Steel	24,638,384	5,250,239
Republic Steel	10,671,343	[1] 7,997,825
United States Steel	41,119,934	[1] 7,717,454
Youngstown	5,004,485	[1] 658,934
American Locomotive	[1] 950,376	[1] 1,302,195
American Steel Foundries	1,368,514	[1] 1,750,235
Baldwin Locomotive	542,027	[1] 1,032,641

Earnings for 6 months 1939–40

Earnings	1940	1939
Air Reduction	$3,106,096	$2,232,595
Dow Chemical (May 31)	3,714,057	2,750,113
Du Pont	46,853,695	39,871,535
Hercules	3,293,066	2,269,470
Monsanto Chemical	3,356,475	2,217,267
Bendix Aviation	4,295,419	2,168,210
Chrysler	30,494,274	25,345,771
Electric Auto Lite	3,878,666	2,830,936
General Motors	113,575,460	100,992,531
Yellow Truck	2,721,109	1,419,861
Borg Warner	2,830,983	2,416,050
Lockheed Aircraft	2,022,619	508,861
Glenn Martin	4,291,490	967,624
United Aircraft	6,228,106	3,678,689
Allis-Chalmers	2,609,758	1,700,422
General Electric	25,981,572	16,370,192
Westinghouse	9,837,012	6,338,787
Bridgeport Brass	506,167	67,840
Fairbanks-Morse	948,177	718,397
Mueller Brass	373,544	281,536
Freeport Sulphur	1,497,811	654,995
Hudson Bay Mining	2,610,732	2,243,591
International Nickel	18,060,293	17,773,438
Kennecott Copper	24,787,364	10,112,169
Phelps Dodge	5,804,583	4,601,038
St. Joseph Lead	2,576,820	1,415,028
Texas Gulf Sulphur	4,500,973	3,264,826
Bethlehem Steel	21,698,457	6,231,986
Republic Steel	6,449,453	1,083,311
United States Steel	36,315,003	1,970,311
Youngstown	2,423,212	546,193
American Locomotive	1,178,470	[1] 931,710
American Steel Foundries	1,666,525	114,342
Baldwin Locomotive (3 months to June 30)	1,169,283	329,086

[1] Deficit.

EXHIBIT C

On October 4, 1940, there appeared in the newspapers a summary of the Army and Navy plane contracts. These showed only the contracts awarded from July 1, 1940. Note the corporations and then refer to the ownership of the stock in these companies by the individuals mentioned in speech:

A summary of Army plane orders, totaling $928,374,073, since July 1 showed that the business went to 17 concerns:

Aviation Manufacturing Corporation, Stinson Aircraft division, Nashville, Tenn., $527,517; Cessna Aircraft Co., Wichita, Kans., $900,378; North American Aviation, Inc., Inglewood, Calif., $84,192,680; Fairchild Engine and Airplane Corporation, Hagerstown, Md., $7,710,500; Consolidated Aircraft Corporation, San Diego, Calif., $100,661,342; Beech Aircraft Corporation, Wichita, Kans, $21,373,101; Stearman Aircraft Division, Boeing Airplane Co., Wichita, Kans., $8,976,043; Ryan Aeronautical Corporation, San Diego, Calif., $7,429,321; Vultee Aircraft, Inc., Downey, Calif, $36,983,415; Lockheed Aircraft Co., Burbank, Calif., $45,925,237; Boeing Aircraft Co., Seattle, Wash., $130,212,805; Bell Aircraft Corporation, Buffalo, N. Y., $19,896,668; Republic Aviation Corporation, Farmingdale, N. Y., $56,499,924; Glenn L. Martin Co., Baltimore, Md., $113,911,526; Douglas Aircraft Co., Inc., Santa Monica, Calif., $199,011,915; Curtiss-Wright Corporation, Buffalo, N. Y., $48,514,891.

AIRCRAFT ENGINES

During the same period, the Army bought $75,492,958 of aircraft engines from three concerns: Wright Aeronautical Corp., Paterson, N. J., $8,277,416; Packard Motor Car Co., Detroit, $62,448,000, and Continental Motors Corp., Muskegon, Mich., $4,727,542.

The Navy's plane program shows $262,353,172 of orders for aircraft and engines, including the $38,551,966 contracted for prior to July 1. The $75,129,763 of orders for planes went to: Spartan Airplane Co., Tulsa, Okla, $1,859,880; Stearman, $3,779,628; Naval Aircraft Factory, Philadelphia, $6,759,042; Consolidated, $20,016,699; Grumman Aircraft Engineering Co., New York, $10,584,240; Lockheed, $290,179; North American, $1,134,504; Curtiss-Wright, Buffalo, $12,598,528; Douglas, $12,743,672; Beech, $324,775, and Vought-Sikorsky Aircraft Co., New York, $324,775.

The Navy's $187,223,409 for engines went to: Continental, $1,442,272; Lycoming Motor Co., $1,527,084; Ranger Engine Corporation, $5,437,960; Wright, $2,457,060, and Pratt & Whitney, of United Aircraft Corporation, Hartford, Conn., $172,993,590.

On August 21, 1940, the Investors Service showed this interesting information on unfilled orders of certain aircraft companies: Consolidated Aircraft, $111,000,000; Douglas Aircraft, $135,000,000; Lockheed Aircraft, $137,000,000; North American Aviation, $93,000,000.

EXHIBIT D

PARTIAL LIST OF STOCK OWNED BY LEHMAN CORPORATION

Note stocks of corporations which have increased profits as result of war orders:

3,000 Bendix Aviation.
12,500 Chrysler.
5,000 Electro Auto-Lite.
35,000 General Motors.
10,000 Yellow Truck & Coach Manufacturing.
8,000 Borg-Warner.
76,200 Aviation & Transportation.
8,100 Bell Aircraft.
5,700 Consolidated Aircraft.
7,600 Lockheed Aircraft.
3,700 Glenn Martin Aircraft.
20,300 United Aircraft.

CHEMICALS

3,200 Air Reduction Co.
2,000 Dow Chemical.
5,000 Du Pont.
1,200 Hercules.
7,500 Monsanto Chemical.

MACHINERY

8,000 Allis-Chalmers.
31,000 General Electric.
12,500 Westinghouse Electric Manufacturing Co.

MANUFACTURING

3,000 Bridgeport Brass.
1,500 Colt Patent Fire Arms.
2,700 Fairbanks-Morse.
5,000 Mueller Brass.

METALS AND MINING

2,500 Aluminum, Ltd.
7,000 Aluminum of America.
5,000 Freeport Sulphur.
2,300 Hudson Bay Mining & Smelting.
12,300 International Nickel.
6,000 Kennecott Copper.
21,300 Phelps Dodge.
9,200 St. Joseph Lead.
4,500 Texas Gulf Sulphur.

OILS

240,000 shares of different corporations.

STEEL

10,000 Bethlehem.
6,000 Republic.
19,000 United States Steel.
4,000 Youngstown.

OTHER STOCKS

9,000 American Locomotive.
6,000 American Steel Foundries.
3,600 Baldwin Locomotive.

EXHIBIT E

Negotiated naval contracts from January 1, 1940, to September 1, 1940, built by corporations referred to in speech:

BETHLEHEM STEEL CO.

Four heavy cruisers, at $21,746,600 each, with a negotiated profit of $1,871,400 each.

Four light cruisers, at $17,101,400 each, with a negotiated profit of $1,471,600 each.

Two destroyers, at $6,842,200 each, with a negotiated profit of $588,800 each.

Two destroyers, at $5,503,400 each, with a negotiated profit of $473,600 each.

BATH IRON WORKS

Six destroyers, at $6,267,900 each, with a negotiated profit of $545,300 each.

GENERAL MOTORS CORPORATION

Propelling machinery amounting to $8,545,700, with a negotiated profit of $814,300.

FAIRBANKS-MORSE

Propelling machinery amounting to $3,971,500, with a negotiated profit of $378,450.

NEW YORK SHIPBUILDING CORPORATION

Three cruisers, at $17,164,500 each, with a negotiated profit of $1,493,300 each.

SPECIAL FACILITIES 11 PERCENT PROGRAM

One million four hundred thousand dollars to Bath Iron Works and $6,100,000 to Bethlehem Steel Co.

EXHIBIT F

[Editorial from Ohio Valley (W. Va.) Labor News]

CASKETS FOR WHOM, WHEN, AND WHERE

Quite by accident there slipped out the fact the other day that the United States Army is making a survey of the supply of caskets in the country and is checking up on the production facilities of casket manufacturers. This announcement did not come, of course, from the Army officers themselves. No, indeed. When the story of the survey was brought to them by newspapermen they tut-tutted it as of no moment whatever.

The fact came out at a meeting of the board of the Advertising Funeral Directors of America at the Hotel Mayflower in the Nation's Capital. Maj. A. Robert Ginsburgh in the Office of Assistant Secretary of War was asked about it. Major Ginsburgh has long had the role in the Army of handling ticklish and embarrassing problems with the press. When Patrick Hurley was Secretary of War back in the dim distant Herbert Hoover days it was Major Ginsburgh who skillfully wove the Irish wit into Pat Hurley's speeches for which they became famous. Discovery of that service by Major Ginsburgh to the debonair Irishman, Mr. Hurley, caused many a chuckle in official circles but the major came through the kidding unscathed.

So, when a newsman was directed to him on the casket-survey story, Major Ginsburgh was equal to the occasion. "Why," said the Major as reported in the Washington News of September 20, "we haven't stopped surveying the casket industry for 20 years. It is just part of our routine survey of Army necessities. We have surveyed caskets as we have artillery, airplanes, and other materials of war."

Then, apparently realizing the reporter was not falling for that line, the facile officer moved a little closer to the actualities of the situation. "After all," he said, "if you have 1,000,000 men under arms, even in peacetime you are going to have some casualties; some men are going to fall off trucks and have other accidents and illnesses." Enough fall off trucks to warrant a survey of the casket supply, Major? Surely now, Major, you don't expect us to swallow that one, do you?

Pressed in this manner, Major Ginsburgh finally popped out the truth. "Then, too," he admitted, "when you have an army you have to figure that it's going to fight some day. Fighting means casualties, and casualties call for caskets. That's all there is to it. Just simple matter of being prepared with essentials. We survey everything from armor plate to underwear." So there it is, perfectly simple, as the major says—"when you have an army you have to figure that it's going to fight some day." That's the whole military philosophy in a nutshell. That's one of the basic reasons why labor—C. I. O., brotherhoods, and most of A. F. of L.—was so earnestly opposed to the setting up of a conscript army—that and the fact that no substantial evidence has ever been presented of possibilities of military invasion of this country.

What labor and the common people of the land want to know is where and when the Army officers expect this big conscription army to fight. There have been solemn assurances from the President that no American soldier will be sent to European soil to fight. These assurances have been repeated often in Congress. Then, where? Latin America? The Orient? Labor has grounds to be worried and should keep asking questions and insisting on answers.

EXHIBIT G

Comments by the Magazine of Wall Street on some of the corporations referred to in speech as having been purchased by Lehman Corporation in their war stocks:

Allis-Chalmers: "Sizable backlog hold operation at profitable level. Will make defense equipment."

Fairbanks-Morse: "Earningse and divisions helped by naval program."

General Electric: "Orders sharply higher and arms program will boost further."

Westinghouse Electric: "Record unfilled orders to be further boosted by arms program."

American Locomotive: "Rail business improving, armament orders ahead."

Baldwin Locomotive: "Large backlog, supplemented by present and future war orders."

Hercules Powder: "A war baby and growth stock."

Monsanto Chemical: "Lower returns from English subsidiary being offset by improved domestic results."

Bethlehem Steel: "Huge shipbuilding order backlog and armament will hold operations at high levels."

Chrysler: "Handling some ordnance business."

Yellow Truck "B": "Greater foreign and domestic military demand a major factor in larger sales volume."

Freeport Sulphur: "The sharp upsurge in demand for American sulphur is in great part war-engendered."

PROPOSED RECESS ARRANGEMENT

Mr. JOHNSON of Colorado obtained the floor.

Mr. McNARY. Mr. President, will the Senator from Colorado be courteous enough to yield to me for just a moment so that I may propound an inquiry to the able Senator from Kentucky regarding what he intends to do during the remainder of the week?

Mr. JOHNSON of Colorado. I yield.

Mr. BARKLEY. Mr. President, it is my purpose to move to adjourn until Friday, and then to adjourn until Monday, and then from then on until the end of the period which has been discussed today, adjourn every 3 days from Monday to Thursday, and from Thursday until the following Monday, which is customary.

Mr. McNARY. Mr. President, I may say that I read the colloquy between the able leader and the able assistant minority leader [Mr. AUSTIN], and there has been no agreement reached at any time. I am not in accord with the position taken by the leader on the Democratic side. As I interpret his statement, while he would give notice to the minority party, or to the representative of the minority party, he, the majority leader, would be the sole judge as to whether there should be a return of the legislators to Washington, or, I may say, of the Senators to the Chamber. I would not want it to rest in that fashion. Conditions may arise, as I look across the Pacific, and they may occur earlier than we anticipate, and I think the minority should be represented with equal authority with the majority. While there was no agreement reached, from reading the colloquy I concluded that the whole matter would rest with the Senator from Kentucky. I think that is too much authority to give to one man, however able and fair he is, and I should object to that proposal. I think we ought to stay here now for a time without entering into any agreement. I shall be very happy to be coming back on Friday and again on Monday, but I would not consent on Monday to any agreement in the form in which it has been proposed. I think in fairness I should make that statement to the Senator. In the meantime we may, by discussion, come to some agreement.

Mr. BARKLEY. Apparently the minority leader does not agree with his delegated assistant.

Mr. McNARY. I think the Senator from Vermont is precisely in accord with my view, but I am speaking my own view, and that is the attitude I am taking.

Mr. BARKLEY. Very well, Mr. President. I have tried the best I could to enter into a gentleman's agreement as to our procedure in the near future. It had been my purpose, and it is my purpose now, to move to adjourn today until Friday. It was my purpose originally to move to adjourn until tomorrow in order that we might adjourn until Monday, and the change was made at the request of the Senator from Vermont [Mr. AUSTIN]. Instead of adjourning until tomorrow, we shall adjourn until Friday and then adjourn until Monday, and, following the understanding which I think we reached in the colloquy, adjourn every 3 days thereafter until the 18th of November, subject to certain exigencies that might arise. It is still my purpose to move to adjourn until Friday and then to move to adjourn until Monday, and then to move to adjourn until Thursday, and thereafter, unless some exigency arises, as suggested in the colloquy which at some length took place here this morning, to move to adjourn every 3 days.

Mr. McNARY. Mr. President, the RECORD will speak for itself. My very able assistant [Mr. AUSTIN] can speak for himself. But as I read the RECORD a few moments ago when I entered the Chamber, there was no agreement entered into that I could see.

Mr. BARKLEY. There was no order entered on the Journal of the Senate with respect to any agreement. It was a gentleman's agreement, which is frequently entered into here, and which has been entered into from time immemorial.

I wish to say to the Senator from Oregon that I have no desire or intention to act in any arbitrary way in this matter.

Mr. McNARY. I appreciate that.

Mr. BARKLEY. I would not assume the responsibility of calling the Members of the Senate back to Washington under any emergency or exigency without conferring with the Senator from Oregon or his delegated assistant. Yet I will say frankly that I do not think the minority ought to be given the power to determine whether the Senate shall be called back for the consideration of measures.

Mr. McNARY. That is a splendid courtesy, but it is not coupled with sufficient authority resting and vested in the minority.

Mr. BARKLEY. What is the authority the Senator thinks the minority ought to have over the reconvening of the Senate?

Mr. McNARY. I think any considerable group, if in their judgment a situation existed that ought to receive the attention of Congress, should have the power to do so without reposing that power arbitrarily in one person. I think if I, as the minority leader, or if the able Senator from Vermont, as assistant leader, believed that conditions existed which required our presence in this Chamber we should have the authority to call the Senate back. I stand on that. That is my personal conviction.

Mr. BARKLEY. I think there is nothing I can add to what I have said on that subject.

Mr. McNARY. I shall be very happy to agree to having the Senate adjourn to Friday, and then again adjourn to Monday, but I am opposed to the proposition that a Senator, however fair or able he is, should have the sole authority to decide that the Senate should meet, after adjournment, on Monday next, and then adjourn every 3 days thereafter until November 18.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BYRD. I understand the Senator from Kentucky desires that an agreement be entered into that 3-day recesses shall be taken until the 18th of November, and that the Senator from Kentucky himself shall decide what legislation can be considered during this period.

Mr. BARKLEY. I will say to the Senator that there has been no formal order entered on the Journal of the Senate with respect to our procedure during this period, and it is not customary to have a formal entry on the Journal with respect to these 3-day recesses which we frequently take. It would be rather difficult to formulate an order.

Mr. BYRD. The Senator has a very different situation here now confronting him. He is attempting to adjourn for 6 weeks in the form of 3-day recesses under a gentlemen's agreement as to legislation to be considered, and I for one wish to voice my disapproval of that method, and to say that I, as an individual Senator, will not be a party to any gentlemen's agreement that may be arrived at giving to the Senator from Kentucky the sole power to determine what legislation can be considered between now and November 18.

Mr. BARKLEY. The Senator from Virginia can pursue such course as to him seems wise, and as to him may seem to be his duty in that regard.

Mr. BYRD. I merely wanted to ask the question of the Senator because I wish clearly to understand the exact effect of his proposal when it is made. It is not a matter of record. It is proposed that it shall be a gentlemen's agreement.

Mr. BARKLEY. It is a matter of record in the discussion and colloquy which has occurred heretofore.

Mr. BYRD. If it is a matter of record, I want to have a vote on it.

Mr. BARKLEY. It is not a matter on which there can be a vote. Of course, the Senate cannot vote formally here on a matter of that sort.

Mr. BYRD. Does not the Senator appreciate that the Senate is making an important decision? Certainly the individual Senators ought to know the effect and purpose of what is being done, and I think we can vote definitely upon it.

Mr. BARKLEY. No; I do not think it is a matter on which the Senate can vote formally upon a roll call, as to whether we shall meet every 3 days, and whether when we do meet every 3 days there shall be any business transacted.

Mr. BYRD. What can be done then? The Senator makes the statement that no business will be considered except such as he thinks should be considered? Is that an obligation upon the Senate?

Mr. BARKLEY. In the first place I have made no suggestion that no business should be considered except what I consider ought to be considered. I said that during this period, unless the Senate were called back because of some exigency, there would be no business transacted.

Mr. BYRD. Unless the Senator called us back. Now I asked the Senator the question and he said he was the one with this great power, and I assume that if any one Senator is selected, he should be the one. I am not willing to leave that to any one Senator. Please understand that I am not criticizing the Senator from Kentucky, for whom I have a great regard and admiration.

Mr. BARKLEY. Mr. President, it is a very unpleasant thing for me to assume the responsibility of undertaking to call the Senate back here in case the Senate needed to be called back. But I suppose that it goes along with the position that I occupy, and it is regrettable, I suppose, that I am in that situation.

Mr. BYRD. Is it going to be the motion, or rather is it the purpose of the Senator, that no business is to be considered whatever unless he issues the call?

Mr. BARKLEY. No; the gentleman's agreement, which has always prevailed under similar circumstances would be that during these 3-day recesses no business should be transacted. On one occasion a formal order was made providing that no business should be transacted except the introduction of bills and the receipt of messages from the House, or from the President which, of course, had to be accepted and received and properly referred. But an order of that sort would be ironclad, and it would even prevent anyone from reconvening the Senate if an emergency should arise. For that reason it has seemed to me unwise to make an order on the Journal here recessing the Senate every 3 days until a given time.

Mr. BYRD. Mr. President, will the Senator answer this question? Is the proposal that he will make the same that he made originally earlier in the day? Is there no change in it?

Mr. BARKLEY. Yes; it is substantially the same.

Mr. BYRD. I will say that I intend to vote against it.

Mr. BARKLEY. I will say to the Senator there is not going to be a vote on it.

Mr. BYRD. I will ask for a quorum call.

Mr. BARKLEY. The Senator has the right to do that, and the Senator has the right to be here every 3 days from now on until the Senate is reconvened, and make a point of no quorum, and have a roll call to determine whether there is a quorum here, if the Senator wants to pursue that course.

Mr. BYRD.. I am only pursuing that course because the Senator persists in the proposal that he shall be the one to notify the Senate to reconvene to perform business and to consider some legislation which in his judgment is important.

Mr. BARKLEY. No; Mr. President, I assume no such thing. The thing we discussed this morning I think is thoroughly understood. It is an arrangement which has been frequently entered into.

If any Senator feels that the authority or responsibility I have assumed will be abused——

Mr. BYRD. Please understand that I do not assume that.

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. There has been much talk about a gentlemen's agreement. I should like to know what the Senator from Kentucky understands by a gentlemen's agreement.

Mr. BARKLEY. I understand that a gentlemen's agreement is an agreement entered into among gentlemen.

Mr. CLARK of Missouri. Does the Senator mean to say that he would regard it as a violation of the so-called gentlemen's agreement—and, if so, I wish now to save my exception to the gentlemen's agreement—if at any time during the period between now and November 18 any Senator should conclude that an emergency had arisen requiring the presence of a quorum of the Senate, and should make the point of order of no quorum? That is what it really is. It is called a "suggestion" in the Senate, but it is really a point of order. If any Senator should suggest the absence of a quorum and force a quorum call, disclosing the absence of a quorum, and should then move that the Sergeant at Arms be directed to request the presence of absent Senators, does the Senator think that would be a violation of the gentlemen's agreement?

Mr. BARKLEY. The question of whether or not any Senator has violated a gentlemen's agreement is a matter for the Senator himself to determine.

Mr. CLARK of Missouri. I am merely trying to find out what the gentlemen's agreement is. I claim to be a gentleman, but I do not wish to enter into any agreement——

Mr. BARKLEY. I do not undertake in advance to pass upon whether or not any gentleman has violated a gentlemen's agreement.

Mr. CLARK of Missouri. Certainly a gentleman ought to know what a gentlemen's agreement is.

Mr. BARKLEY. I think I announced earlier in the day that neither I nor anyone else could prevent any Senator from making the point of no quorum if he should desire to make it, and that under those circumstances the only thing the Senate could do would be either to send for those absent or adjourn, which may always be done in the absence of a quorum.

Mr. CLARK of Missouri. As I suggested to the Senator earlier, it is entirely possible that a Senator might make the point of no quorum, disclosing the absence of a quorum, which would make it impossible for the Senate to recess. It would then be possible only to adjourn. If such Senator should do the same thing at each succeeding meeting of the Senate, he would probably be able finally to obtain a quorum of the Senate, because most Senators who might be roaming around in their own constituencies would find it very uncomfortable to have that sort of procedure going on. What I wish to find out is whether or not, if such a situation should develop that any Senator should think a quorum ought to be present, the Senator from Kentucky considers that the Senator would be precluded from making the point of no quorum, which course is undoubtedly authorized under the Constitution of the United States.

Mr. BARKLEY. I do not interpret the arrangement into which I thought we had entered as precluding any Senator from making the point of no quorum, if he should see fit to do so.

Mr. CLARK of Missouri. That was my understanding. I merely wished to make it perfectly clear, because if there were any other implication in the understanding or gentlemen's agreement, I should not be able to agree to it.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DANAHER. The Senator has just this moment put his finger on the crux of the whole discussion. He referred to the arrangement into which he thought we had entered. I submit that the RECORD will show that after the Senator from Kentucky had stated the proposal, he and the Senator from Vermont engaged in a colloquy lasting about 10 minutes, while they were undertaking to understand each other. Far from concluding an agreement, the Senator from Vermont, who is present in the Chamber at this moment, will tell the Senator from Kentucky that he did not enter into any agreement with the Senator from Kentucky; and there is no gentlemen's agreement.

Mr. BARKLEY. The Senator from Vermont is able to speak for himself.

Mr. DANAHER. I call upon him to do so.

Mr. BARKLEY. I have not been informed that the Senator from Vermont has delegated the Senator from Connecticut to speak for him.

Mr. DANAHER. I call upon the Senator from Vermont to speak for himself.

Mr. AUSTIN. Mr. President, no agreement has been concluded. I have never assumed that I could conclude an agreement about this matter. All I could do was to clarify the proposal and have it interpreted, so that when the Senate should act upon it, whatever action should be taken should be based upon the proposal as interpreted and clarified by our colloquy.

Is not that the exact situation?

Mr. BARKLEY. I think the Senator has fairly stated the situation. I thought our colloquy had clarified it so that every Senator understood what to expect.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. NORRIS. It seems to me it ought to be perfectly clear to every Member of the Senate that any Member of this body has the constitutional right to avail himself of the privilege of making the point of no quorum if he desires to take that course, gentlemen's agreement or no gentlemen's agreement. Even if every Senator present should enter into a gentlemen's agreement, and even though we should put that gentlemen's agreement on the Journal as a record of the Senate, it would not preclude any Senator, at any meeting of the Senate, from taking any course he desired to take—such, for instance, as making the point of no quorum. Such an agreement could not preclude the right of any Senator to do so. We have had such agreements before.

As I understand, a gentlemen's agreement would mean that we should agree to a certain course. Any Senator entering into the gentlemen's agreement might go back on it the next minute if he so desired. It is like a pair. We announce pairs, and let the RECORD show with whom we are paired, but neither the law nor the rules of the Senate recognize such a thing; and a Senator has a perfect right to make an agreement about a pair today, and violate it tomorrow if he wishes to do so.

It is apparent that we cannot make a gentlemen's agreement unless we can have an understanding that someone is to decide something when it comes up. So far as I personally am concerned, I do not care whether anyone is to decide it, or whether it is to be left undecided. We have certain rights which we cannot legally agree to set aside. It seems to me that it is all nonsense to continue this discussion in regard to an agreement which we have no constitutional right to make, and which, if we should make it, we could violate the next day if we so desired.

Under the circumstances, it seems to me that what we ought to do is to let the Senator from Kentucky or some other Senator make a motion to adjourn or a motion to recess. Then we may vote upon it. If we choose, we may vote it down, and not adjourn until 5 o'clock, and meet at 10 in the morning every day, if we have the votes to do so. We cannot agree that the constitutional procedure shall be abolished. It seems to me we are wasting time talking about such a proposal.

So far as I personally am concerned, I have never believed that it is necessary for the Senate to stay in session every day, or to meet every 3 days; but a majority of the Senate will determine that question. If the majority should vote the other way, no matter what I think of the action, I must abide by the result, and I shall do so cheerfully, even though it goes contrary to my own views as to what we ought to do.

I do not see any sense in staying here; but we are elected to stay here, and if the majority of the Senate shall vote to stay here every day, we must do so.

Mr. BARKLEY. Mr. President, during this whole colloquy I have never contended or suggested that any Senator was to be deprived of his constitutional rights. We all know that at any time any Senator has the right to make a point of no quorum and have a roll call to determine whether or not a quorum is present. I do not recall a single sentence which was uttered on my part or on the part of the Senator from Vermont which contemplated precluding the right of any Senator to make the point of no quorum.

Mr. NORRIS. Mr. President, will the Senator further yield?

Mr. BARKLEY. I yield.

Mr. NORRIS. I do not wish to be understood as finding fault with anything the Senator from Kentucky has said or anything the Senator from Vermont has said. I think there may be a difference of opinion about the matter; but if there is, we must go ahead in the usual way, as we do in connection with other matters.

Mr. BARKLEY. Furthermore, I wish to state that never at any time have I made the suggestion that I wanted to be the person charged with the responsibility of advising the Senate that it ought to come back. That suggestion was made to me by Senators who wanted some assurance that if an emergency should arise during the recess or adjournment of the Senate the Senate would be reconvened and a majority asked to come back to Washington.

Manifestly, under this sort of an arrangement the President could not call Congress back, because it would not be in adjournment or in recess. The Vice President would have no authority to call the Senate back into session. The proposed understanding was that if such a situation should arise that the Senate ought to be reconvened, some Member of the Senate should have some responsibility bearing on the subject to advise Senators that their presence is needed in Washington. I assured the Senator from Vermont that before taking such action I should consult either the Senator from Oregon or the Senator from Vermont, who is his very able assistant.

So far as I am concerned, if any Senator is better qualified than I to determine that matter after consultation, I am willing to designate any such Senator as the person to do it. Someone must do it if a situation should arise requiring the presence of the Senate. We cannot have a town meeting to determine whether or not such a situation shall have arisen. We cannot ask all Senators to come back to Washington to determine whether or not they ought to be here. Someone must have some judgment, discretion, and responsibility in the matter. If Senators do not wish me to assume that responsibility I am glad to yield it to anyone else who is better qualified.

Mr. McNARY. Mr. President, I stated earlier in the afternoon that I would oppose the proposition made by the able Senator from Kentucky for the reason that it vested too much power in one person to determine, upon his own fiat, whether an emergency existed. I would consider it if the minority had an equal voice, but under the circumstances I said we had better adjourn until Friday, and then on Monday probably continue in that fashion.

Mr. BARKLEY. Mr. President, I wish merely to state that I think every Member of the Senate understands the situation. It is not entirely devoid of politics, to be perfectly frank about it. It is my purpose, and Senators may govern themselves accordingly, to move to recess or adjourn until Friday; then, to move to adjourn until Monday; then to move to adjourn until Thursday, and on the following Thursday move to adjourn until the following Monday, and to proceed with that sort of course, unless some exigency arises that requires the presence of Senators. Based upon that suggestion, Senators are at liberty to pursue whatever course they desire to pursue in regard to the sessions of the Senate.

Mr. McNARY. I am glad to hear the Senator is now following my suggestion. We could have saved an hour if that had been the statement of the Senator from Kentucky at 2 o'clock. That is satisfactory. It will all depend upon the majority of the votes; if the Senator moves on Monday to adjourn until Thursday and a majority wants to meet again on Tuesday, that will be the order.

Mr. BARKLEY. Well, Mr. President, it is too bad the Senator from Oregon was not here at 2 o'clock instead of being away. I realize that the exigencies of the situation require his absence frequently from the Chamber now.

Mr. McNARY. Not so often.

Mr. BARKLEY. And I am glad to welcome him back to the Chamber so that he may register his objection to an

arrangement which had previously been entered into by his designated assistant. But I only made the suggestion with respect to the responsibilities to which he now objects on the suggestion of members of the Senate from his own side of the Chamber.

Mr. McNARY. Mr. President, I never like to carry on a running debate indefinitely, but I read the RECORD and there was no understanding entered into between the Senator from Kentucky and the Senator from Vermont. The whole thing was nebulous, uncertain, without an ending place. When I read the RECORD, I repeat, with the greatest courtesy and affection for the able Senator from Kentucky, I reached the conclusion that too much power would rest in one man to determine what is an emergency during these emergent times.

Mr. BARKLEY. Mr. President, I inquire if the Senate has concluded its business?

The ACTING PRESIDENT pro tempore. The Senator from Colorado still has the floor. He yielded for the colloquy which has taken place.

Mr. BARKLEY. It has been so long since he yielded I had forgotten about it.

Mr. JOHNSON of Colorado. I yielded temporarily.

The ACTING PRESIDENT pro tempore. The Senator from Colorado has the floor.

AVIATION CADETS IN REGULAR ARMY AIR CORPS

Mr. JOHNSON of Colorado. Mr. President, on September 16 last, after a long controversial debate, the Congress enacted the so-called Burke-Wadsworth peacetime conscription bill. Few pieces of legislation ever to come before the Congress have received the attention and interest that was accorded this legislation by the Congress and the people. While I was bitterly opposed to the principles upon which it was based, nevertheless I labored diligently day after day through many long weeks in committee in an effort to improve its provisions and make it more workable and more acceptable. I am certain that every member of the Senate Military Affairs Committee and every Member of Congress did his utmost to make it the best measure possible. On this floor on August 27 I pointed out many of its bad provisions and said that it gave us a miserable defense. The American people in time will be convinced of its utter futility. However, for the present, it is the law of the land and entitled to the support of every good citizen.

I desire to call attention now to another measure which passed the Senate by a unanimous vote on Monday, September 30. I refer to S. 4365, an act to create the grade of aviation cadet in the Air Corps of the Regular Army. It fell to my lot also to serve on the subcommittee of the Senate Military Affairs Committee whose duty it was to study and perfect this measure. For reasons which to me appear to be consistent, I find myself as enthusiastic in its support as I was in opposition to the Burke-Wadsworth bill.

When I opposed peacetime conscription, some of my constituents and friends pointed out that one should not oppose a program unless he had a better program to offer in its place. S. 4365 is my complete answer to that pertinent suggestion. The conscription bill is costing the Treasury a billion dollars a year, and will not give us one soldier skilled, trained, and capable of operating any one of our modern implements of war. On the other hand, S. 4365, at an estimated cost to the Treasury of $300,000,000 a year will give the United States 100,000 young, alert, skilled, and thoroughly trained aviators.

The Burke-Wadsworth Act represents a mossback approach to our military necessities. Twenty-five years ago a huge civilian army of foot soldiers meant great military strength, but the science of war has not stood still with the present head of our War Department; and today deadly machines of great speed and invincible power directed by a few men have replaced the big army. Modern warfare requires men of unusual skill and broad experience to operate her costly and complex machines of wholesale destruction. Progress is the most difficult thing to accept. Our reactionary Secretary of War apparently does not know it, but the bayonet is obsolete, and the Springfield rifle is on its way out. His conscripts, trained in the use of hand weapons once upon a time indispensable, will not stop a "blitzkrieg" of planes and tanks. The United States needs 100,000 first-class aviators and she does not need a million foot soldiers armed with Springfield rifles and bayonets.

This bill creates the grade of aviation cadet, and authorizes and directs the Secretary of War to establish and maintain schools for the instruction and training of aviation cadets. The cadet is to be paid a salary of $75 a month, plus a dollar a day for subsistence, and traveling expenses, while in training. He is furnished with quarters, medical care, hospitalization, his uniform, other clothing, and equipment. In addition, he is given a Government life-insurance policy in the amount of $10,000, upon which the premium is paid by the Government during the duration of his training, which will require from 6 to 9 months. After his period of training has been completed he is to be commissioned a second lieutenant in the Air Corps Reserve and automatically called to active service for a period of 7 years. While in active service he is to receive the regular pay and subsistence of a commissioned officer, and $150 clothing allowance in addition. As a commissioned officer his insurance continues if he elects to have it continue, but he must now pay the premium out of his salary. He is also paid a $500 bonus for each completed year of active service. This is in addition to any pay allowance, compensation, or benefit which he may otherwise be entitled to receive as a commissioned officer.

The opportunity to learn a useful vocation, the adequate compensation, and the promotion features of this bill will appeal to ambitious young Americans who do not relish the idea of serving in the Army for $21 or $30 a month, with no opportunity to learn anything useful. Ambitious young Americans want to learn to do important things. This modern vocational training, therefore, will prove very attractive to them, and will challenge their best efforts. I fear that the advocates of compulsory peacetime conscription completely underestimate the patriotism, courage, intelligence, daring, and especially the realistic ambition of our present-day youth.

Under this bill the Secretary of War is authorized to prescribe the regulations for the enlistment of male citizens of the United States as aviation cadets, and he may appoint enlisted men who are in the Regular Army as aviation cadets if they be otherwise qualified. The Secretary of War may at any time discharge an aviation cadet or relieve from active duty an aviation cadet holding a commission in the Air Corps Reserve, but the candidate, at the time of his appointment, must agree to serve at least 3 years on active duty, unless he is sooner relieved. After serving 3 years as a second lieutenant he will be promoted to the grade of first lieutenant, Air Corps Reserve, just as second lieutenants in the Regular Army are promoted.

I like this legislation because men enter it of their own free will and accord. They are not drafted or conscripted. In fact, there is no need for conscription, because there will be a thousand applications for every enlistment. The pay will be fairly good and the service attractive. Men have to be conscripted for bayonet service because the pay is low, and the service not attractive. Congress does not always keep in mind the realistic attitude of young America. Our young folks are not easily deceived. They are not afraid of anything and they are not gullible. They know what they want. They do not look with favor upon a year's waste of their time learning something that they do not want to learn. Anyone who has kept up with the science of war in these modern times should know the importance of aviation to the Military Establishment. Our young men know it. They understand its implications. They have a desire to have a part in it. They are challenged by its possibilities. There may be skeptics who will say that American youth will not voluntarily respond to an opportunity of this kind. As an indication and assurance that I am not too optimistic in my appraisal of what the youth of this country will do, may I give you some

pertinent statistics? There were more than 50,000 applications in our colleges last year for elementary pilot training and we could only give 25,000 of these youths training because of a shortage of facilities. Give the young men of America a chance in keeping with their ideals and ideas and they will respond magnificently.

I am indebted to The Adjutant General of the Army for the general information concerning aviation and the operation of this measure, which I shall now give you. Portions of it will be quoted directly from a statement issued by him.

Aviation, both military and civil, has made tremendous strides in the 35 years since its beginning, and has developed to such an extent that it now offers splendid opportunities to the young man about to choose a career or profession.

The great advance in the science of flying is strikingly shown by the successful trans-Atlantic, trans-Pacific, pan-American, and world flights, and by the constantly increasing use of airplanes for commercial purposes. Air mail and the commercial air-lines require the services of a considerable number of pilots, engineers, and technical personnel; the design and construction of airplanes and their accessories require competent designers, craftsmen, mechanics, and the like. These positions pay good salaries, and the specialized positions require education and training equivalent to that essential for the learned professions.

The average individual in considering aviation is likely to think of what it has to offer the pilot. At present, air-line pilots receive an average of $600 a month, and the pay of co-pilots ranges between $190 and $350 a month. This phase of aviation is not only interesting but serves as excellent training for administrative and executive positions in the industry. Aviation leaders agree that the best foundation for the majority of positions in the field of aeronautics is thorough pilot training.

A young man who decides to follow aviation as his career, and who receives the benefits of Army Air Corps flying training, will find himself in a most favorable position to seek employment in civil life either in one of the many remunerative positions in the field of aviation itself, or with one of the growing number of commercial concerns which are becoming more and more interwoven, in one way or another, with this rapidly expanding industry.

The course of instruction for an aviation cadet will require approximately 9 months, including 3 months' elementary, 3 months' basic, and 3 months' advanced training. This instruction, in addition to the flying training, includes courses in navigation, meteorology, radio, and other subjects allied with military aviation.

Upon completion of the 3 months of elementary training, the aviation cadet will be sent to Randolph Field, Tex., for 3 months' additional instruction, and, upon graduation therefrom, will be sent to Kelly Field, Tex., for the final 3 months of training.

The course of training will include approximately 215 hours in the air, during which time the student will receive instruction in all maneuvers necessary to pilot military airplanes. In addition to the pilot training, the student will also pursue academic work in specialized military subjects.

Mr. BRIDGES. Mr. President, will the Senator yield for a question?

The ACTING PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. JOHNSON of Colorado. I gladly yield.

Mr. BRIDGES. I understand the Senator is discussing now the training of aviation cadets?

Mr. JOHNSON of Colorado. That is correct.

Mr. BRIDGES. I should like to ask the distinguished Senator from Colorado in the training of cadets and bringing them into the Army whether he intends to provide they shall enter the service as captains or whether some of them will start below that rank, and, if so, why?

Mr. JOHNSON of Colorado. I will say to the Senator that under the provisions of the bill to which I have referred a boy who has had 2 years of college would enlist for 9 months of very intensive training. If, after the 9 months of intensive training, he has proved that he is qualified he is automatically made a second lieutenant in the Reserve Corps, and serves 3 years' active service in the Reserve Corps; then he is promoted to a first lieutenant in the Reserve Corps, and, after he has served his time as first lieutenant, he retires in the Reserve Corps. That is as far as his promotion goes. So he never reaches the grade of captain.

Mr. BRIDGES. How long would it take, under the Senator's plan, for a man who enlisted in the service to reach the rank of first lieutenant, which, as I understand is a grade below a captaincy? How long would it take him to reach the grade next below a captain, which some of us thought was the rank the men who were going to enlist would attain.

Mr. JOHNSON of Colorado. He would have to have 2 years' college work, then it would take 9 months of intensive training; then, it would take 3 years as a second lieutenant; then, if he wanted to go on up, it would take him 7 years as a first lieutenant. Before he would be eligible to the grade of captain it would take, under this bill, 12 years and 9 months.

Mr. BRIDGES. I thank the Senator. It would take, then, under the Senator's bill, 12 years and 9 months for a man starting at scratch to attain the grade of captain? I think that ought to be perfectly plain to the Senate and to the country, because in the case of certain other enlistments of which we know it has not seemed to take 12 years and 9 months to attain that rank. I do not think I need to mention any names, but the short cuts to promotion and attainment certainly must be rather discouraging to the American youth who, as the Senator has pointed out in this bill, must serve 13 years to attain the grade of captain. I thank the Senator.

Mr. JOHNSON of Colorado. Mr. President, as the physical condition of flyers is of primary importance, special attention will be paid to the health of the aviation cadet. Not only will physical exercise be a part of the curriculum, but facilities will be provided for aviation cadets to engage in various forms of recreation to enable them to maintain a good physical condition.

The requirements for appointment as aviation cadets, under the rules prescribed by the Secretary of War, probably will be that candidates must be unmarried-male citizens of the United States who at the time of application have reached their twentieth but who have not reached their twenty-seventh birthday. No candidate will be appointed an aviation cadet after he has reached his twenty-seventh birthday. An applicant must present a certified document from the office of the registrar of a recognized college or university showing that he has completed satisfactorily at least 2 years of the necessary credits leading to a degree. To me the 2 years' college-work requirement is absolutely asinine and without a sound basis. There are a million boys in these United States who have never been to college but who would make exceptionally fine pilots. Why the privilege of becoming an aviation cadet should be limited to college men is beyond my comprehension—it is arbitrary and silly. Applicants must, of course, be of excellent character and must present evidence of that fact. They must be of sound physique and in excellent health.

The physical standard for flying training will be higher than that for enlistment in the Regular Army, and the examination itself will be somewhat different, particular attention will be given to those factors and functions of greatest importance in flying. In general, physical defects which disqualify for enlistment in the Regular Army will also disqualify for flying training. In addition candidates for appointment as aviation cadets will have to meet the following physical and mental requirements:

Vision 20/20 bilateral, without glasses; unimpaired ocular muscle balance; unimpaired optical organism, anatomically and mechanically; good respiratory ventilation and vital capacity; hearing 20/20 bilateral; a stable equilibrium; a sound cardio-vascular system, nervous and organic; a well-formed, well-adjusted, and coordinated physique; height, minimum 64 inches, maximum 74 inches; and integrated and stable central nervous system, combined with a temperamental constitution suitable for military flying.

It is only natural that in training of this nature involving, as it will, hazards to the individual, to other students, and to property and equipment, a number of aviation cadets will, especially in the early stages of training, be found unsuited to become military pilots, and they will be dropped. It is reasonable to anticipate that many will fail from one cause or another since the qualifications of an Army pilot are indeed very high.

During the first part of his training following the completion of the course at the Air Corps Training Center, emphasis will be placed on the graduate's flying training in a tactical squadron equipped with modern aircraft. He will go with his squadron on maneuvers in various parts of the United States, or he may receive this training in the Panama Canal, Hawaiian, Philippine, or Puerto Rican Departments, during which time he will have the opportunity to familiarize himself with Army stations outside the continental limits of the United States.

The Air Corps Reserve officer, during the period of training with tactical units of the Air Corps will have the opportunity to observe all the various phases of aviation and, in addition, to build up his flying experience toward the objective of every Air Corps Reserve officer—a total of 1,200 hours' flying time. This accomplished, he will be eligible to secure a rating from the Civil Aeronautics Authority as an air-line transport pilot.

In addition to intensive flying training, the Air Corps Reserve officer, during his tour of extended active duty, will receive instruction in air navigation, engineering, radio, and armament, and will have ample opportunity to specialize in one or more of these subjects.

After completion of extended active duty, the Reserve officer will be free to return to his normal civilian pursuits, retaining his commission in the Reserve Corps so long as he is qualified to do so. With the inevitable expansion of aviation, many positions will be available to graduates of the Air Corps in the various classes of civilian flying and with commercial companies. While in an inactive status, Reserve officers will be assigned to Reserve units in their localities, and will be eligible for assignment to active-duty training for 2 weeks each year, if they so desire.

The expansion of the Air Corps requires a number of additional Regular Army Air Corps officers, and under existing law a limited number of vacancies in the Regular Army Air Corps are available each year. Aviation cadets who possess the necessary qualifications and meet the requirements for a commission in the Regular Army Air Corps are eligible to compete in the examinations held from time to time when vacancies are available and have some chance of receiving a commission in the Regular Army and thus continuing their flying career.

There was not one vote against S. 4365 when it passed the Senate. Every Senator understood the necessity for it, and every Senator favored its wholesome and constructive provisions. The Air Corps is keen for it because it provides the trained pilots so desperately required in a good, modern, and sensible national defense. I congratulate the Senate upon its foresight and wisdom in enacting this measure. I feel very certain of the wholehearted enthusiasm with which it will be received by the youth of the country and by the public generally.

I have noted with great satisfaction that the New York Daily News, one of the world's most powerful newspapers, has been advocating for several months the military training of aviators and skilled mechanics.

Early in the next session I shall introduce and push a companion bill to provide for 100,000 mechanic sergeants along the general lines of this measure. Well-paid, skilled, and thoroughly trained career men are what we must have to operate our implements of war. It takes a long time to develop such men, and we should be at it without further delay. Drumbeats and marching soldiers stir men's souls, but if every male citizen of the United States were armed with a bayonet mounted on a Springfield rifle we still would have no defense worthy of the name. Insofar as manpower is concerned, lack of proficient pilots and skilled mechanics are the bottle necks and the weaknesses in our defenses.

When the November election is out of the way and the present period of war hysteria has passed and men return to straight thinking again, Congress will get down to business and begin training men on a large scale to perform the technical work required in our national defense. In that day the obnoxious peacetime compulsory conscription bill will be repealed and our defenses will become real and not imaginary.

ADDRESS BY HON. HENRY A. WALLACE AT PORTLAND, OREG.

Mr. BRIDGES. Mr. President, I hold in my hand a copy of the Oregon Journal of Wednesday, October 2, 1940. The headline reads:

Wallace says East foots bill.

With the following subhead:

Oregon money "free"—nominee says industries only one needing to worry about spending.

I mention that, Mr. President—and I shall take only a moment of the Senates' time—to indicate that Mr. Wallace has sounded the "hymn of hate." If there is anything we need in this country today, in the tragic time through which we are passing, it is a united America, a united Nation. The fair and able majority leader and the able Acting President pro tempore of the Senate at the moment know full well that we should have no North, no South, no East, and no West, but should have a united Nation, a united America.

Here is a man, the Vice Presidential candidate on the New Deal Democratic ticket, who is going forth today preaching the "hymn of hate" and advocating sectional division in the country. I say it should be condemned, and I am very sorry that he has fallen to this level. I ask, as part of my remarks, in order to save time of the Senate, that the complete article be inserted in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The article referred to is as follows:

[From the Oregon Journal of October 2, 1940]

OREGON MONEY "FREE"—NOMINEE SAYS INDUSTRIES ONLY ONES NEEDING TO WORRY ABOUT SPENDING

(By Ralph Watson)

Henry A. Wallace, Democratic Vice Presidential nominee and formerly Secretary of Agriculture, reached Portland late Tuesday afternoon for a formal campaign speech in the auditorium Tuesday night.

Wallace does not see any reason why anyone in Oregon, except the person who might have a large income from industrial operation, should have any worry about the national debt or the amount of money that the Roosevelt administration has spent during the last 7 years. It will not come back upon the farmer or the lands of the Willamette Valley, or of the State, he told an audience of around 1,000 gathered to hear a rear-platform address at Eugene, Tuesday afternoon.

Wallace recalled that approximately half a billion dollars of Federal money had been spent in Oregon during the last years of the Roosevelt era through W. P. A., farm payments, crop loans, and other Federal agencies. Then he assured his audience that this sum would lay no burden on the land of Oregonians.

LANDS UNTOUCHED

"It is not Democratic money we are spending," Wallace told his audience, "nor is it Republican money. It is the people's money. We collect it and we spend it. We collect it from the incomes of the big industrialists in the East as they earn it, and we distribute it, and then we collect it again and distribute it again. It will not mean an added dollar of taxes laid on your lands or your people here in the Willamette Valley unless," he qualified, "there are some industrialists here whose incomes would contribute."

Wallace spoke to between 200 and 300 people at Klamath Falls early in the morning. He was greeted by around 1,000 at Eugene, while at Salem between 1,500 and 2,000 citizens were gathered at the station to greet him, headed by the Salem High School band and a flock of banners. In the crowd were about half a hundred Portland Democrats who had motored to Salem and some of whom rode the train back to Portland, where he was received at the union station by a crowd of 1,000 persons.

DASHES FOR TRAIN

At Salem, Wallace stepped down from the train halfway up front from his rear car and when half through his address the train started and a wild dash ensued to get on board again. The train slowed down after a few feet and Wallace attempted to conclude his address but had lost his microphone, so waved his adieus as he rode slowly past.

At Salem, however, he said he would like to change the name of the Willamette Valley to Friendly Valley. He had been given a kindly welcome on his journey, he said, and he was not surprised, because it was the home of his good friend, "CHARLEY MAC, best loved of all in the United States Senate."

He had been pleased to work with MCNARY in the past, he said. Together they had secured relief for the hop men, for flax, but they had discovered that the "all-powerful eastern wing of the Republican Party would not aid us."

Salem was the city of churches and as such wanted peace above everything else.

WALLACE PAYS COMPLIMENT TO MCNARY IN ADDRESS

KLAMATH FALLS, October 1.—Carefully polite references to his Republican Vice-Presidential opponent, Senator CHARLES L. MCNARY, of Oregon, marked the first public remarks in this State made by Democratic Vice-Presidential Nominee Henry A. Wallace, in a rear-platform appearance at the Southern Pacific depot here this morning.

A crowd of about 300 persons was on hand to greet the former Secretary of Agriculture as his north-bound train pulled into the station at 6:40 a. m. The local people cheered and applauded as Wallace, looking fresh and rested, came on the rear platform of his special car, a wine-colored Pullman named Leif Ericson.

Introduced by Democratic National Committeeman Howard Latourette, the candidate addressed the group briefly in a conversational tone.

He remarked upon the early hour and the size of the crowd welcoming him into Oregon. He asked for the hands of Democrats present and when nearly all hands went up he said it was going to be necessary to do a "little work" on Republicans in this campaign.

Republicans, he said, are not a bad lot, and he recalled that he himself had once been a member of the G. O. P.

"My father," he said, "was a Republican Secretary of Agriculture and worked on farm problems with the senior Senator from this State, as I have."

He added that he would except from his favorable comment on Republicans those who are "hooked up" with big financial interests of the East. "But I want to be fair," he hastened to add, "and state that your senior Senator has no such connections."

Wallace said there was no time for political discussion and he would prefer to spend the time shaking hands with the early risers who turned out to see him. He got down from the rear platform and shook hands with many.

NATIONAL ECONOMIC AND DEFENSE PROBLEMS

Mr. MURRAY. Mr. President, I ask unanimous consent to address the Senate briefly.

The ACTING PRESIDENT pro tempore. Without objection, the Senator will proceed.

Mr. MURRAY. Mr. President, the serious problems confronting our country and threatening to undermine American democracy are not of recent origin. They have developed through a long period of years. In 1929 they were brought forcefully to the attention of our people by the catastrophic collapse of our economic system. That the evil economic and social conditions which brought about this collapse had been growing over a long period of our history was well known to every thoughtful person in the country.

Woodrow Wilson, in his first inaugural speech on March 3, 1913, pointed in clear and vigorous terms to the necessity of a program for the correction of these evils infesting our economy. At that time he said:

> We shall deal with our economic system as it is and as it may be modified, not as it might be if we had a clean sheet of paper to write upon; and step by step we shall make it what it should be.

And he concluded:

> Justice, and only justice, shall always be our motto.

That program of economic reform announced by Woodrow Wilson was, as we all know, interrupted by the first World War. Following that war and the wild inflation of the twenties, which ignored all protests and warnings, we were suddenly shocked by the virtual collapse of our entire American system of economy, creating widespread bankruptcy and destitution throughout the country. For 3 years thereafter a reactionary government, then in power, failed to meet the situation. It declined to intervene for the relief of the people, and permitted still further dangerous conditions to develop and continue unabated until our democratic system itself was actually endangered.

On March 4, 1933, when President Roosevelt was called to assume direction of our Government, we were in the depths of the most serious depression our country had ever experienced. Fifteen million jobless men challenged his wisdom, his courage, and his conscience. They were the victims of all these evils which had grown up in our economic system over the years. They were, of course, in nowise responsible for the position in which they found themselves. They were without work and without means of livelihood. The whole country was experiencing a panic. Industry offered no solution, and, indeed, undertook to wash its hands of the resulting dangers, taking the easy position that it was an inevitable and incurable weakness of our economic system which could not be avoided; that it would have to run its course until the downward spiral was exhausted, leaving in its wake millions of wrecked lives and broken fortunes.

This, as I say, was the situation which confronted Franklin D. Roosevelt when he took over the reins of government on March 4, 1933. He found our economic system in exactly this state of chaos. In truth, the country was dangerously close to a state of revolution, with farmers of the Nation opposing the processes of courts and threatening the lives of mortgage holders and judicial officers who sought enforcement of foreclosure decrees. He found our system of banking in a critical condition. Banks were failing by the thousands in every section of the country, with new runs commencing daily. Six thousand and thirty-five had already suspended operations, and 3,413 failed to reopen following the emergency banking holiday proclaimed by the President in an effort to save the Nation from complete financial collapse.

The desperate conditions which threatened our country 7 years ago have been vividly described by Turner Catledge in the New York Times, America's leading conservative newspaper. He said:

> Few people who live in Washington will ever forget the New Deal's natal day. That day dawned a dark one in every respect. The great depression hung over the country like a darkening cloud. Banks were closing literally by the hundreds. Life savings in banks and in securities were being blown away like so much dust. Homes and farms were going on the auction block in ever-increasing numbers. Citizens were beginning to grow desperate. Word reached Washington that morning of hungry people raiding a food store in a community of the Southwest. In another State irate citizens had forcibly stopped a foreclosure sale, and in another had actually dragged a judge from the bench and threatened to tar and feather him for decreeing the forfeit of a farmer's mortgage.

We all know the story of the intervening period, a courageous struggle by a courageous government to salvage a nation. For 7 trying years President Roosevelt has been meeting and overcoming these threatening social and economic problems. At the outset he quickly restored the confidence of the people.

As BRUCE BARTON, the Republican candidate for the United States Senate from New York, truthfully acknowledged in a statement he published in Collier's, November 5, 1938—

> Franklin Roosevelt was pretty much all right in 1932, and there was certainly nothing the matter with him on March 4, 1933. Terrified and desperate people bent their ears to the radio to hear his vibrant voice proclaiming, "The only thing we have to fear is fear itself." I remember—

Says Mr. BARTON—

> how the members of our entire office staff quit work to listen to that speech and were thrilled to the fingertips. The Almighty had raised up for America again a man in her hour of need.

Almost overnight conditions began to improve as a result of his resolute and constructive leadership. To the task of providing for the millions of destitute unemployed of the country he immediately applied himself. Within 1 month after his inauguration he asked Congress for an appropriation of $3,300,000,000 to carry out his inauguration pledge to the American people that no one in the Nation should be allowed to starve.

I take particular interest in this phase of the accomplishments of the New Deal administration. I have supported legislation for all these relief activities because I firmly believed that in time of peace or in time of war the greatest responsibility of government is to the people of the Nation. I have little patience with those who follow a different philosophy. I shall not undertake to debate such an issue.

At times I am disappointed and saddened by the course of the present campaign. President Roosevelt and his administration are receiving some of their severest criticism solely because of the humane and enlightened attitude which has been taken toward the problems of the bankrupt farmers and

destitute workers of the country. When we realize how absolutely essential the relief policies of this administration have been, I am at a complete loss to understand the reasoning of the opposition. Because of the humane program of the President, initiated by the Congress and carried out by the various agencies of the Government, we have been called radicals, dreamers, Utopians, and sometimes railed at as Socialists and Communists bent on the destruction of the Nation.

Throughout my service in the Congress I have taken a serious attitude toward these economic and social problems. My own position has always been one of deep concern in the economic problems of the Nation.

Before taking my seat in the United States Senate, I had enjoyed a broad experience in life. I had been a lawyer in my home town of Butte, Mont. I also had been interested in business and in mining, and had served as a director of banks. Prior to these experiences I had worked as a miner in the deep copper mines of the Butte mining camp. I there became familiar with the lives of the workers of my State. I knew their problems, their fears, their hopes, and their disappointments. I had been through several depressions, and had witnessed the unequal burdens borne by the workers. I was familiar with the privation, destitution, and want always associated with industrial shut-downs. As a property owner and investor, I also had my share of contacts and experiences with the national stock markets and financial institutions of New York—on some occasions much to my regret and discouragement.

Probably because I had such a varied experience in life—close contacts with highly organized labor, industry, agriculture, and Government—because I had lived for 40 years in a western mining and agricultural State, my experience equipped me and enabled me to see and understand how vital it is to the Nation to protect and encourage the great mass of Americans who make up our country, who determine its purchasing power, and who make possible the successful operation of our economic system.

As a consequence of my experience in life, I am unable to see anything in the present administration which has been harmful either to the people, or to the economic machine, or to its owners. I feel that the policies of our present administration have been designed to preserve our American system of free enterprise. In supporting this administration, I feel that I have been able to serve my own people and the people of the Nation with a clear eye, uncontrolled and uninfluenced by political or economic ties which bind or blur the judgment.

I think it is absolutely manifest that every important New Deal program created by this administration to meet the emergency has operated to the benefit and advantage of American industry and business. Admitting that some mistakes may have been made, I believe the statement I have made can be verified by every fair-minded businessman and every independent economist and student of our Government in the country. I think it must be conceded that the New Deal saved our capitalistic economy, reinforced our wavering democratic system, and restored the confidence of the people. The best economic writers in the country take this view.

The Fortune magazine—the rich man's national periodical—in September 1938 said:

> There can be no argument with Government spending for relief from the point of view of necessity; starvation and misery in the midst of what is still the most bountiful economy on earth simply cannot be tolerated.

Many nationally known editors and economists have pointed out that the various New Deal agencies, such as Public Works Administration, Work Projects Administration, Rural Electrification Administration, Reconstruction Finance Corporation, United States Housing Authority, Home Owners' Loan Corporation, Federal Housing Administration, and perhaps other agencies which I do not at the moment recall, were all, in fact, subsidies for big business. It was through the operation of these New Deal agencies that business was revived and our economic system saved from bankruptcy.

The records of the Internal Revenue Bureau show that all the big basic corporations of the United States greatly enhanced their profits under the New Deal. In fact, a great many of them made more profits in 1937 than they had made in 1929.

In the battle against the depression, the administration did not overlook the people. It rescued the farmers and workers of the Nation from destitution and want. It stabilized agriculture, and put idle men to work. We showed them that we had a democracy in this country that works.

As I talk here today, I want the people of the country to understand me. I want to try to give them a deeper understanding of a government in Washington responsive to the people. I want particularly to show that the unfair attacks made upon President Roosevelt's work-relief program in themselves explain what is operating in the minds of these critics. Obviously, only the programs which have taken the people into consideration are the ones drawing the heaviest attacks from the opposition. We hear little, if any, criticism of the Reconstruction Finance Corporation, because it bailed out the railroads, corporations, and business interests. Attacks leveled at the Federal Deposit Insurance System at its inception have wholly ceased. Although originally opposed by big finance, it is now realized that the banks of the Nation have been strengthened, and that we have today in the United States the safest and soundest system of banking in the world.

We also hear very little adverse comment on the operations of the Public Works Administration, because this relief program was aimed at stimulating and maintaining the steel, cement, copper, lumber, building trades, and other types of heavy industry. The Public Works Administration started the wheels of industry revolving, and enabled those industries to get back to the 1929 scale of profits and production. It was in reality a subsidy for big business, and therefore is not criticized. The same thing is true of the United States Housing Authority and Federal Housing Administration. They have all materially aided industry, and therefore they are not being attacked in this campaign. We all recall, however, the great hue and cry of the last Presidential campaign over Social Security, and the bitter attacks on the Triple A programs of the Department of Agriculture, designed to relieve the distress of the American farmers. We also recall the bitter assaults on the relief agencies designed to relieve unemployment and destitution among the masses.

All this propaganda against the administration has again been revived, with more bitterness than ever. They wish to undo only what this administration has done for the people. This is all because in the past years of our history, under conservative or so-called reactionary administrations, all the advantages in legislation and governmental administration, both State and Nation, have been accorded to the big financial and industrial interests of the country, the theory being that with Government aid to those on the top of the economic pyramid sufficient of the surplus prosperity may trickle down through the strata of economic life to satisfy the masses at the bottom. This administration has reversed that philosophy. Of course our opponents do not like it. After years and years of broken Republican pledges and promises to the farmers, small-business men, and laborers of the Nation, there has finally been installed in Washington an administration which actually carries out its promises, and directly provides for the welfare of the people as a whole.

So the very fact that these New Deal programs are under attack today from the reactionary elements in the country should prove to the people that those now engaged in a desperate attempt to regain control of our National Government are not in sympathy with any program for the practical benefit of the people. It requires taxes to provide such programs; and while those to whom I refer are not opposed to subsidies to big business, they are opposed to national spending to aid the people, even though in the long run it eventually benefits the economic system as a whole. They want our National Government to be again dedicated to the interests of the big financial and industrial groups of the country.

The struggle is between Main Street and Wall Street. Make no mistake about this, because this struggle over property rights and human rights has been with us since time began, and will continue as long as we adhere to a system of capitalistic enterprise.

It so happens that the people are in the driver's seat at the moment. They must be retained there if we are to bring about in this country the necessary reforms and readjustments which Woodrow Wilson planned at the commencement of his administration, and which Franklin D. Roosevelt is now seeking to accomplish for the American people.

Today we are engaged in a great national effort to prepare this Nation for total defense against any nation or group of nations which may have designs upon our way of life. We in America, I am sure, are satisfied to go about our American way of living without infringing on the rights of other nations. We will fight for that right just as our forefathers fought for the right to establish this great democratic power.

So in this picture of our everyday fight for life and the gigantic task of national defense we are now undertaking, I want the people of the country to understand the great part our Federal relief agencies have played in strengthening our internal affairs and preparing for national defense and our right to live as a free, democratic nation.

No government can successfully prosecute a war without the support of a united people. That is a lesson which the French nation learned too late. Pertinax, the great French journalist, recently said:

> The lesson to be drawn from the dreadful sequence of events in France is that no nation can attune itself to the exacting demands of totalitarian war waged against dictatorships unless it succeeds in keeping clear from all internal disturbances.

Further, he said:

> The French people had been deeply divided ever since 1934, but when war was declared we believed that some kind of national unanimity had come into its own to face the German danger. We thought that the "seamless robe" had been effectively patched up. Alas, we were mistaken. The reconciliation of all Frenchmen was merely on the surface. Deeper, the old feelings still ran vigorously.

It is here that Franklin D. Roosevelt is entitled to the eternal gratitude and loyalty of the American people. He has given our Nation a humane, liberal government; a government that recognizes human rights as well as property rights; a government seeking to correct the injustices and inequalities which have resulted from an unbalanced industrial system. The American farmer and laborer know that through the New Deal Roosevelt has sought to overcome the dangerous economic conditions of the country, where, in the midst of plenty, we find nearly a third of our population in want. In other words, the present administration has sought to raise the purchasing power of the farmer and offset the disadvantage he has suffered through a tariff system designed to subsidize industry.

While his predecessor, President Hoover, had tried to solve our problems by further subsidizing big business through enormous loans, higher tariffs, and other devices, President Roosevelt tackled the problem from the other end. He went directly to the people and told them at the outset of his administration that no man in the country would be allowed to starve, and that he would seek to bring about a more balanced economy in the country. He set up a gigantic work and relief program, and through it and other agencies he quickly pumped into the hands of the people a purchasing power which effectively turned the tide and saved the Nation from collapse. He set up a social-security program to protect the health and the morale of the people; a home-loan program to save American homes; a national-youth program to salvage American youth; and numerous other devices to relieve the distress and panic of the people. He has completely restored the confidence of the people, and has given us a united country.

To go into the accomplishment record of our principal relief agency, the Work Projects Administration, is an exciting experience, particularly in the sense of how it has improved the well-being and morale of the American people, and how greatly it has contributed toward making this a strong, united, and virile nation. Nevertheless, our opponents viciously attack this relief program. They have constantly insinuated that the projects constructed are worthless, that the relief workers are lazy and thriftless, and that the entire program should be substituted by a policy of doles or direct relief administered by the States, with national aid. They would propose to have the unemployed remain in idleness and merely feed them. These relief workers, of course, are American citizens. They are the victims of a depression for which they are in nowise responsible. I do not think the American people will accept the philosophy expressed by the opponents of the Work Projects Administration. I am confident that W. P. A. will be retained as the permanent American way of meeting the problem of unemployment and relief.

Furthermore, the program of the Work Projects Administration has created valuable assets for the Nation. Work Projects Administration workers have constructed, reconstructed, and extensively improved 550 landing fields, more than a thousand airport buildings, and nearly two and a half million feet of runways. In fact, more than 85 percent of all airport and landing-field construction in the United States during the past 5 years has been done through Work Projects Administration projects.

Let us take a look at what Work Projects Administration workers have done in the field of facilities for automobile transportation, a major part of national defense. They have constructed or improved a total of over 470,000 miles—miles—of roads and streets in the last 4½ years. In addition, they have also built over 57,000 new bridges and viaducts and rebuilt or improved over 37,000 others.

In the field of public buildings I will select two items which are definitely in the field of national defense. Work Projects Administration workers have constructed 127 new hospitals and reconstructed 1,500 others. Work Projects Administration workers have built 216 new armories and reconstructed or improved 370 others. This has involved no neglect of America's spiritual defense, to maintain which the Work Projects Administration has built or improved over 30,000 schools and nearly a thousand libraries.

The Work Projects Administration has been doing work for the Army and Navy for the past 5 years. It has worked on barracks, rifle ranges, air-training fields, and navy-yard facilities. It has done altogether nearly half a billion dollars' worth of work on projects useful to our national defense. The work of the Work Projects Administration on defense projects is now being greatly expanded. Work Projects Administration work will be found going on at nearly every Army post, naval station, camp, arsenal, and military and naval air base in the Nation.

General Marshall, Chief of Staff of the United States Army, has said:

> In the great task of preparing for national defense, the Work Projects Administration has proved itself to be an invaluable aid.

We are now realizing that the health work done in our communities by the Work Projects Administration is of importance to national defense. Dr. Thomas Parran, Surgeon General of the United States Public Health Service, says:

> America has moved forward in improving the people's health. The cooperation of the Work Projects Administration during recent years has helped greatly. But extra effort is needed to protect the health of the people during our urgent defense preparations; defense, vigorous manpower, is a vital factor in national defense. In this effort—

Says Dr. Parran—

the Work Projects Administration will play an important part.

Dr. Parran further said:

> W. P. A. construction workers are improving the living quarters at our military camps; eliminating mosquito-breeding swamps; modernizing the sewerage and sanitary facilities both at military and naval reservations and for our cities and towns. The work being done to improve community health is, I know, of great importance to the Nation.

Donald M. Nelson, coordinator of national defense purchases, has this to say about the Work Projects Administration:

Both as a businessman and as an official of the National Defense Commission, I have come to appreciate the enormous contribution the Work Projects Administration is making to the welfare of the Nation. The work program has indeed been a good business proposition, paying dividends both in national recovery and in social betterment. I have also noted the valuable services that the army of Work Projects Administration workers has been able to perform in disaster emergencies—floods, hurricanes, droughts—when help is needed and needed quickly. Today, too, in our great emergency of national defense, the Work Projects Administration is repeating its record for quick emergency services. Work Projects Administration workers can be quickly turned to national defense work.

Charles E. Taussig, a progressive businessman and economist, has this to say:

The Work Projects Administration has been of great value in relieving unemployment and preventing needless suffering. It has been a boon to American business by helping to sustain general purchasing power, and maintaining the skills and morale of the unemployed. It has enriched our communities with every kind of needed public improvements. And now the Work Projects Administration is proving an important instrument of national defense.

In truth, there is scarcely a town in America which is not worth more physically because of the Work Projects Administration program of the New Deal. The Nation as a whole is a better nation, richer, stronger, and is today the idol of her citizens. Every community in the country has made more advancement in improving its economic and social conditions, and its educational facilities, than it could have accomplished in 50 years under the old regime.

In those fields where the works program has operated and which have become the targets of those who heckle and shout, we are again a richer nation, a happier nation, and a more cultured nation. I refer to the art programs and other "white collar" projects.

Jo Davidson, the famous sculptor, had the following to say when he returned to this country after a long absence:

Upon my return to America after several years abroad, I find, to my amazement and pleasure, that the face of the country is changed. The cities, the small towns, and the rural areas are cleaner and more beautiful. Sculpture and painting, for the first time commensurate with the vastness of our country, beautifies our public buildings. These projects—theater, music, painting, writing—small as they are in the whole program, are weaving together the various threads of our American culture for the first time in a definite program.

Is this a contribution to the welfare of our Nation, I am asked. I answer: A more basic contribution than all the airplanes and ships and armies that can ever be created. For the people who have benefited by these programs are being taught by their experiences to love this Nation of ours, and be willing to fight for it and defend it to the end.

Ned Bruce, who was directing the art program for the people of America, once said to President Roosevelt:

These pictures make me feel very comfortable about America. I do not believe that one of the artists who painted them likes either Hitler or Mussolini. I have a feeling they all know the Twenty-third Psalm. There has been—

He went on to say—

no sign of defeatism or social unrest among any of them. They have spread out before us a panorama of America, triumphant, clear-eyed, and unafraid, and I like to think that as time goes on we will continue to develop through our post offices little cultural centers where we are raising the taste of our country and helping to develop our native art.

The opposition, however, call all this art program "boondoggling." Yet it is clear to me and, I am sure, clear to you that all these programs combined under the New Deal are the things that breed loyalty and devotion to our country. A look around the world convinces us all of that premise. In Britain, where the people of the Nation repeatedly warned their leaders and masters against policies of greed, exploitation, and neglect of the masses, they are now suffering. And it is the plain people over there they must depend upon to bravely defend their Nation. In France, now fallen, discord developed over the same time-old struggle of man against property, and ended in chaos and loss of freedom because the ruling classes neglected and refused to heed the warnings of the times. In this example we see a lesson. It was a case of disunion and lack of loyalty amongst the people.

Work for the people, good housing, education, culture, vacations, health, and contentment are the first prerequisites of a strong nation. I often wonder if it ever occurred to the opposition who criticize this Government that people fighting and striving for a living might not get tired and just sit back and watch. And that is as grave a danger as revolution. When men are worn and weary of an endless struggle in which the odds are lengthened and the handicaps increased, there is danger—and great danger—to a nation.

The most terrifying question today, to me, is, What would be our present situation if there had been no New Deal? A people desperate, disillusioned, and in dire need, would have been the answer to Adolf Hitler's hopes. Instead of that, we find here a rejuvenated America. New homes, new farms, new industries, new opportunities being opened up. Safe banks, jobs for those in need, and food for those unable to work. Aid for the blind and the dependent. Salvation for the aged and pensions for workers who have contributed to industry their producing years. This is the story of the New Deal. We find the colleges filled with ambitious youth pursuing their course in life and devoted to a Nation which makes these things possible. It may not be perfect, but we want economic and social advancement—not the retrogression our Republican opponents are advocating.

I fail to see any justification in the assertions of the minority candidate for the Presidency that President Roosevelt's administration in Washington is one of defeatism and despair for America. It has been one of action, courage, and confidence in the future. Mr. Willkie asserts further that the new dealers preach a story of a nation which has reached its peak and must now level off and share the wealth that is here, neglecting the new avenues of production and prosperity. That is simply a libel against a progressive government of the people.

The record of the New Deal is not that sort of record. Our production indices in 1937 equalled those of 1929, and would have far exceeded that mark if we had had complete cooperation. Greed and avarice inspired a rapid rise in prices on behalf of industry during our fight for recovery, and finally the upward movement collapsed. This failure to continue the improved conditions in 1937 was directly caused by the fictitious price manipulations and the enormous profits exacted by industry at a time when we were seeking to spread employment. Industry had simply failed at that time to cooperate in the program. But it learned a lesson. Production today has again passed the peak of 1929, and is bound upward. Will we witness another attempt to jack up prices and destroy returning prosperity? There is a real danger, but let us hope we may find judgment and restraint in the seats of the mighty.

No; there is no truth in these attacks by Mr. Willkie. This administration has always stood for increased production and increased prosperity. But you cannot have increased production if prices go too high and people cannot afford to buy. While high prices provide more profits, they reduce production and cause unemployment. That is what happened in 1937.

It has been my good fortune to have been a member of the special committee of the United States Senate which in 1938 studied the causes of unemployment and relief. We brought before that committee some of the big industrialists, bankers, businessmen, and economists of the Nation. It was demonstrated at those hearings that these accusations, such as Mr. Willkie has made against the administration, are without any basis of fact.

There is another point I should like to touch on before I close. Mr. Willkie, the Republican candidate for the Presidency, in a frenzied effort to win votes, recently made a glaring misstatement in my home town of Butte, Mont., which I wish to consider. He flatly accused President Roosevelt of causing the recession of 1937–38. I will quote his exact lan-

guage as it appears in the Montana Standard, an Anaconda Copper Co. paper which purports to be a Democratic organ, but whose policy is controlled and directed from the Wall Street office of the company, and is advocating the election of Wendell Willkie in this campaign. Mr. Willkie in his Butte speech, said:

Many of you will remember in April 1937 that the President stated the price of commodities was too high. Bringing that point directly home to Butte, you also will remember that copper was selling at 17 cents a pound at the time and that following that statement by the President it immediately fell.

There is a direct relationship between industry and the individual and when copper fell as a result of the President's mere statement it affected the wages of every man in Butte, Mont.

The very fact that the President had enough power in his hands so that his mere statement could affect the price of copper points to the danger of centralized government.

Of course, the Republican candidate, Mr. Willkie, was very much at home with the copper interests of Montana, who have been bitter critics of the New Deal and the President. I should point out here, however, that the Anaconda Copper Co. is one of the greatest beneficiaries in the country of the New Deal program. That company was in a desperate plight when Roosevelt took over the reins of government. Its stock was selling at $3 a share, having fallen from $180. In Chicago the stock was being given away, by an enterprising merchant, with a suit of clothes to every customer. Following the New Deal, however, it was completely rehabilitated.

I am told that emissaries from the "sixth floor" headquarters in Butte met the candidate down the road and carefully prompted him in this futile attempt to deceive and befuddle the miners of Butte. But, let me say, Mr. Willkie made a grave mistake when he assumed that the miners of Montana are not familiar with the subject of commodity prices and their effect on our economy. I know miners in my home city who are better acquainted with economic realities than Mr. Willkie ostensibly appears to be, judging from his statement. I note that he slurred over this matter, seemingly in a great hurry to get over with it. Whether he was abashed by the political duplicity involved, which he had been inveigled into, or acted with entire innocence in repeating this misstatement, I am not prepared to say. Obviously, if he knew what he was talking about, he was simply engaging in an attempted deception. Under the circumstances, I must allow him the benefit of the doubt and assume that he was innocently repeating a misstatement he was furnished with.

We all know that the manipulation of commodity prices is one of the serious evils of our American economy. At the present moment the danger of a rapid price rise is seriously bothering the Government. I have adverted to this subject earlier in my remarks. It has always been difficult to restrain the natural greed for profits. In 1937, while the Government was spending billions of dollars to stimulate industry and restore employment, the big-business corporations of the country found the demand for commodities increasing rapidly. Prosperity was returning. The country was witnessing a come-back, and all that was necessary for complete recovery was honest cooperation of industry with the Government on the pump-priming experiment. It was obviously the duty of industry to maintain good wages, reasonable prices, and permit the money the Government was spending to remain in circulation. In this way we would witness increased production and increased employment. The improved industrial activity was due to Government spending, and it was unfair and noncooperative for industry to raise its prices and seek to profit out of such a program. But that is exactly what was happening.

The President, as Mr. Willkie stated, did warn industry on this matter in April 1937. He had repeatedly requested industry to hold down prices while we were fighting for recovery, but industry had gotten the start of him, and there was a rapid rise in prices in all commodities. Living costs went up and soon there was a runaway inflation on foot, which ended, as all such movements do, in collapse. Nearly all the basic corporations in the country made more profits during that brief economic spell in 1937 than they did at any time since 1929, the banner year of American prosperity. Many corporations made more profits than they did in 1929, but when the collapse came they made no effort to stem the tide or provide for the resulting unemployment. They hoarded these enormous profits, which were skimmed out of Government spending, closed down their plants and forced their workers to again join the ranks of the unemployed. Meanwhile, Wall Street rejoiced over the profits filched out of the New Deal. They had skimmed the cream off of the Government spending. By their greed they had started the whole process of inflation and brought on a serious recession with mounting unemployment throughout the country.

The President was dead right in pointing to the high price of copper in 1937, and the corporations were dead wrong in shoving prices up so high as to unbalance the essential economic equilibrium. It is clear to any intelligent person that the statement of Mr. Willkie to the effect that Roosevelt caused the recession is absolutely untrue and is a palpable effort to deceive the public. Mr. Roosevelt was attempting to stop the dangerous price advance and to induce the corporations of the country to cooperate with the Government in its carefully planned program for the stimulation of industry and reemployment of men. The miners of Butte understand this perfectly. They prefer steady, reasonable copper prices, with the mines steadily operating, providing steady employment. They are always the victims of booms and depressions. During booms they never get their fair share of the excess profits. When the depression comes they are out in the cold and get no sympathy from the profiteers. The economist of the International Union of Mine, Mill and Smelter Workers, Mr. Ben Riskin, and his staff have made a study of the recession of 1937, and he places the full blame just where the President placed it—on the Anaconda Copper Co. and other industrial organizations of the Nation who failed to cooperate with the Government.

I also wish to show that Mr. Willkie's statement was deceptive from another standpoint. He said that—

Copper was selling at 17 cents a pound at the time.

I use his exact language. He intended to leave the inference that the miners' wages were fixed upon the basis of 17-cent copper in April. That was not true at all. The price of electrolytic copper in April, according to the Department of Commerce quotations, was 0.1512—just a little above 15 cents a pound. There was a temporary flurry in the copper market in London for a few days caused by the commencement of the British armament program, and copper prices reached a temporary or momentary peak in the daily quotations in London of 17 cents. New York, being a free market, followed the English quotations; but very few sales, if any, were made at that price, and American producers realized nothing in the way of sales of copper under such quotations. Naturally, the temporary quotation had no effect whatever on wages.

Mr. Willkie is a candidate for the Presidency of the United States, and is supposed to be informed on industrial economics. Through his Butte statement he lost his reputation with the Butte miners. He proved himself not to be entitled to their confidence or support.

I am sure that the people of the country will agree that President Roosevelt is interested only in protecting and reinforcing our system of free competitive enterprise. That has been the whole theory of the New Deal. We certainly must acknowledge that his policies have constituted a sort of economic vein or artery through which new lifeblood has flowed into every phase of our national life. The very fact that all the opposition comes from a small group of well-to-do irreconcilable industrialists who spend their time in baseless abuse of the Government and organized labor is added proof that the New Deal is rejuvenating and reuniting this Nation.

The Senator from Kentucky, ALBEN W. BARKLEY, speaking in the United States Senate on the seventh anniversary of the New Deal, after reviewing the great record made by the administration in the field of human affairs, said:

And I would lose faith in America and American democracy if I did not believe that fundamentally we are all Americans first before we are partisans. But I am equally convinced—

He went on—

that when the impartial historian shall write the history of these 7 years he will say that never since the days of Lincoln has any man faced such tremendous problems, which might have bid fair to uproot and destroy the very foundations of our faith in democracy, and never has any man since Lincoln undertaken more unselfishly and more wisely to meet those problems and to master them.

Mr. President, I have no fear of the future as long as there remains a Government in Washington which understands and reckons with the problems of all the people, but I do have real fear of an administration dedicated to the policies pursued in the past and which left this Nation confused and divided. We have no assurance of any kind that the Republican Party can design any other kind of government than the one it has known and the one which is demanded by the powerful interests controlling its councils. The times are dangerous. The spokesmen of the Republican Party are giving lip service at the moment to the problems of the Nation as a whole, but their voting record in Congress and their behavior before many committees in Congress leads me to believe they are determined that the program of economic and social reform which the New Deal has given to the people will not be carried on. I say this deliberately. We must not take a chance with a party that gave us Harding and Hoover, depression and despair.

I am sure that when the smoke clears away after next November 5 this Nation will be united behind President Roosevelt. We will be united, strong, and powerful economically and able to defend our country against all the world. We will prove ourselves worthy of the trust placed in our hands more than 150 years ago when our forefathers shed their blood to the end that this Nation, under freedom, could become a reality.

PROPOSED RECESS ARRANGEMENT

Mr. BARKLEY. Mr. President, I move that the Senate take a recess until 12 o'clock noon on Friday next.

Mr. BYRD. Mr. President, I desire to make a statement.

Mr. BARKLEY. I did not know the Senator was on his feet. I withhold the motion.

Mr. BYRD. I merely wish to say that, so far as the Senator from Virginia is concerned, he recognizes no agreement, expressed or implied, with respect to legislation which may be considered between now and November 18. As the first Senator who objected to the proposal which the Senator from Virginia understood was made, that the distinguished leader of the Senate [Mr. BARKLEY] would be the sole arbiter and the sole judge of the legislation to be considered between now and November 18, I wish to say to the Senator from Kentucky that my objection was in no wise because of any lack of confidence in him. I have a high respect and admiration for him. But I did not think that the Senate of the United States should confer a responsibility of this character, at a time of acute emergency such as that which confronts this country, upon any one Senator.

I make this statement because in my judgment no agreement does exist, in view of the remarks and statements which have been made on the floor of the Senate, and I, as an individual Senator, do not recognize any gentlemen's agreement which some other Senators may later state was undertaken today in the debate in the Senate.

Mr. BARKLEY. Mr. President, it had not been my purpose to make any further statement about this situation, but in view of the statement of the Senator from Virginia and the statement of the Senator from Oregon, who is not now on the floor, I wish to say that it is my purpose to carry out the program which was discussed earlier in this session, and Senators are free to govern themselves accordingly. I intend to move a recess until Friday, and then until Monday, and then every three days to move a recess from Monday until Thursday and from Thursday until the following Monday.

I think the remarks of the Senator from Oregon [Mr. MCNARY] absolve me from any agreement or any obligation in any way which had been previously entered into as a result of the colloquy between the Senator from Vermont and myself with respect to any consultation in regard to whether Senators shall be called back to Washington or not. Any Senator is free to ignore any such arrangement if he sees fit to do so, and there is no way in which any Senator can be bound by any such arrangement. But I wish to say to Senators who desire to go to their homes or elsewhere out of Washington that they are at liberty to do so if they so wish and feel that it is their duty to do so.

Whether any quorum calls will be had in the meantime I do not know, and I wish to reiterate that I do not know. I wish also to reiterate that I did not seek the responsibility of determining whether the Senate should be recalled. I only made that suggestion in response to the remarks of the Senator from Vermont, who wanted some assurance that if any exigency arose which might demand the presence of the Senate, someone would take the responsibility of notifying Senators to return.

I do not desire to inject any political note into this matter, but in view of the interjection of the Senator from Oregon, which seems to throw out the window the understanding we had as a result of the discussions between the Senator from Vermont and myself——

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. AUSTIN. I do not think the Senator from Kentucky knows that I went to the telephone, on learning that the Senator from Oregon was here, and asked him if he would not come over and read the colloquy, and take charge.

Mr. BARKLEY. The Senator responded promptly to that telephone call, and came over and read the colloquy and took charge. But I intend to follow the program which we discussed, unless some emergency or exigency shall arise to make it impossible to do so.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WALSH. In view of the statement of the Senator and the colloquy which has taken place, is there objection to any Senator or group of Senators at any time during the recesses, coming in and organizing a quorum and proceeding to the business of the Senate?

Mr. BARKLEY. I have heard no objection to it, if a group of Senators feel that there is an emergency. How could we control that, anyway?

Mr. WALSH. I had assumed that from the colloquy which took place.

Mr. BARKLEY. I wish to say also—and I absolve the Senator from Vermont and other Senators on the Republican side from any responsibility in this connection—that many of the Senators on the other side have been coming to me for weeks wanting to know and urging me to tell whether we were going to adjourn, or, if we could not adjourn, whether we could not recess, and, if we could not recess, whether we could not enter into the very arrangement into which we have entered.

Not a day has passed within the last 3 weeks that I have not been importuned by Senators on both sides of the aisle on the subject, in spite of the fact that some 2 or 3 months ago the Republican Senators caucused on whether there should be an adjournment. We have all realized for some time that there would be no adjournment, and that situation is not before us at this time.

I said awhile ago that there was undoubtedly some politics in this matter, and I think there is. But if the opposing party in this particular situation has no issue to present to the American people more important than whether we shall take a series of 3-day recesses, it is in a desperate situation for an issue. I absolve the Senator from Vermont and most of the other Republican Senators of any responsibility for the suggestion of any politics in connection with this matter.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WILEY. I am sorry that the majority leader made that statement about politics. It seemed to me earlier today that there was not much indication of it.

Mr. BARKLEY. No, not on the surface, but under cover, under the skin, and not very deep under the skin, politics entered into this whole situation.

Mr. WILEY. Of course, some people can see what they want to see, but still be mistaken. What I have in mind, Mr. President, is simply this: The newspapers this morning, and announcers over the radio, indicated that a very serious situation exists in the East, and it is becoming more serious. I was very much impressed by the colloquy which took place on the floor earlier, and I thought it indicated a rather wholesome respect on the part of Senators for each other's views.

Mr. BARKLEY. It did, up to a certain point.

Mr. WILEY. I think that even beyond the point the Senator suggests there should have been respect for the minority leader's views in this matter. He is seriously concerned, as the Senator from Kentucky is, with the welfare of the Nation, and it seemed to me there is a meeting place. Apparently there is no real business at this time before the Senate which we think we have to consider. But it seems to me that if the colloquy developed an additional understanding we could have gone to town, and that was that the majority leader or the minority leader might have been authorized to take the initiative to call the Senate here if either one or both deemed it advisable to do so. If that were done we could have had an understanding as to recesses of 3 days at a time.

I am one of those who feel that we shall be properly guarded here and guided if we recess for 3 days at a time. I felt that the remarks made by the Senator from Vermont [Mr. AUSTIN] and by the minority leader [Mr. MCNARY] earlier today developed a basis on which we could have an understanding, and all else that was needed was the other factor, that either the majority leader or the minority leader might summon us back.

When it comes to the question of playing politics, however, I feel that there have been plenty of examples of politics in the last month on both sides, and we have used this forum almost to the disgrace of the Senate in the matter of politics.

I feel that the situation in the East is such that we will be protecting the interests of the country if we provide an arrangement such as has been suggested by me, giving the minority leader and the majority leader the right to call the Senate back in session.

Mr. BARKLEY. Mr. President, I do not think it is necessary to prolong the discussion any longer. It is the only time since I have been in the United States Senate that I have heard the suggestion made that the minority leader of any party, Democratic or Republican, should have the sole right to determine whether the Senate should reassemble. I made the proposal that before I took upon myself any such responsibility I would consult with the minority leader and with his assistant, but the proposal that the minority leader alone shall determine whether we shall reassemble and send out instructions to Senators is unheard of.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. JOHNSON of California. I think that I perhaps began the discussion of this proposition. If it is intended to infer from that that I was playing any politics——

Mr. BARKLEY. The Senator from California was not in my mind when I made that suggestion. I exonerate him entirely from any connection with it.

Mr. JOHNSON of California. I am very glad to hear that, because I was going to say——

Mr. BARKLEY. The Senator's discussion arose very largely, I think, over some remarks made by the Senator from Utah.

Mr. JOHNSON of California. That was a different discussion.

Mr. BARKLEY. Yes.

Mr. JOHNSON of California. I was simply going to remark that in June we took only a brief vacation; we had a certain sort of recess; and we did it upon the theory that an emergency confronted us. I insisted earlier today, when first I rose, that the emergency at the present time was infinitely greater than that which existed in June, and that it lent itself to our refusal to take an adjournment or a recess at this particular time. I was going to remark that if that be politics——

Mr. BARKLEY. I have already absolved the Senator from California of playing politics in any thought I had. But we know—we might as well be frank—that in this whole discussion at both ends of the Capitol the question of whether it was good politics or bad politics for Members of the Senate or of the House to go home, was uppermost in the minds of most Members.

Mr. JOHNSON of California. I did not know that.

Mr. BARKLEY. Yes; that is true.

Mr. JOHNSON of California. I was not aware that anyone either on that side or this side, would put it upon the ground that it was of value or not of value to Members to leave the Senate at this time.

Mr. BARKLEY. I doubt if the Senator from California is as naive as he now appears to be.

Mr. JOHNSON of California. Oh, I am quite naive when it comes to dealing with the Senator from Kentucky [laughter] and I confess myself wholly at a disadvantage also.

Mr. BARKLEY. No; I absolve the Senator from California from any such disadvantage in dealing with me. This is the day of absolution.

Mr. JOHNSON of California. I rose simply to say, with some bit of indignation, that there was no thought of politics on my part. There has been in the Chamber no thought of politics in anything I have ever said.

Mr. BARKLEY. Even if the Senator were inclined to have politics in his mind—which I do not even suggest, but even if he were inclined to—there would be no necessity for it, because he has all the nominations that are possible in California [laughter], so he does not have to consider the question of politics.

Mr. JOHNSON of California. Oh, yes; but I am interested in something else besides my own contest.

Mr. BARKLEY. I realize that, and it is too bad that all other human beings are not equally disinterested.

RECESS TO FRIDAY

I now move that the Senate take a recess until 12 o'clock noon on Friday next.

The motion was agreed to; and (at 3 o'clock and 45 minutes p. m.) the Senate took a recess until Friday, October 11, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 9 (legislative day of September 18), 1940

UNITED STATES PUBLIC HEALTH SERVICE

The following-named dental surgeons to be senior dental surgeons in the United States Public Health Service, to rank as such from the dates set opposite their names:

Ozias Paquin, Jr., August 10, 1940.

Daniel B. Newell, September 22, 1940.

COAST GUARD OF THE UNITED STATES

The following-named officers in the Coast Guard of the United States, to rank as such from October 1, 1940:

Boatswain Ottar Skotheim, to be a chief boatswain.

Pay Clerk Marius Nordal, to be a chief pay clerk.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 9 (legislative day of September 18), 1940

POSTMASTERS

GEORGIA

Annie L. Pound, Woodland.

INDIANA

Mabel A. Price, Griffin.

IOWA

Clarence B. Brooker, Ames.
John H. Gribben, Newton.
Joseph F. Courtney, Thornton.

LOUISIANA

William N. Nelson, Burrwood.
Claud Jones, Longleaf.
Amelie P. Woods, Lutcher.

MINNESOTA

Albert F. Klasen, Holdingford.

MISSOURI

Fred Hulston, Ash Grove.
Joe Melvin Hux, Essex.
John W. Johnson, Fisk.
Guy D. Maxwell, Irondale.
Mattie E. Christie, Qulin.

MONTANA

William M. Chapman, Wyola.

NEVADA

Virginia Castillo, Beatty.
Helen C. Thrasher, Gerlach.

NEW HAMPSHIRE

Addie F. Danforth, Danbury.

NEW JERSEY

George J. Imlay, Allenhurst.
John J. Sanders, Allentown.
Edwin Douglas Hill, Andover.
Woodrow W. Britton, Bayville.
Arthur C. King, Beach Haven.
Walter K. Bittle, Berlin.
Joseph A. Daly, Beverly.
Andrew R. Brugler, Blairstown.
Christian J. Hansen, Bloomingdale.
Sarah E. Bellis, Bloomsbury.
James P. Carey, Boonton.
Walter M. MacPherson, Bridgeton.
William J. Quinn, Caldwell.
Lemuel E. Miller, Jr., Cape May.
William J. Lawlor, Carteret.
Austin W. Thompson, Chester.
Aubrey H. Phillips, Clementon.
George A. Keenan, Clifton.
Margaret M. McKenna, Convent Station.
George D. Bruns, Coytesville.
Raymond A. McGrath, Cresskill.
Graham B. Coe, Delair.
John L. A. Gorman, Dumont.
Charles Roth, Jr., East Paterson.
Raymond P. Jones, Fair Haven.
Lewis D. Smith, Jr., Fort Hancock.
David A. Skelley, Fort Lee.
Cornelius S. Hoff, Frenchtown.
C. Stuart Tobin, Glen Ridge.
John Gilbert Stout, Hackettstown.
Lottie A. Cubberley, Hamilton Square.
Winifred E. Lindstedt, Helmetta.
Leo A. Degnan, High Bridge.
Walter F. Hoagland, Kenilworth.
Richard F. Holt, Kenvil.
William F. Ohnsman, Laurence Harbor.
William R. Creasy, Lebanon.
Francis W. Lyman, Lincoln Park.
Elizabeth B. Egan, Lyons.
Robert P. Cosgrove, Madison.
Walter D. Finch, Mahwah.
Raymond W. McGreevey, Manasquan.
John B. Graham, Mantua.
Estella L. McMurtry, Mendham.
Catherine S. E. Cullen, Millington.
Charles V. L. Booream, Milltown.
John T. Lloyd, Millville.
Floyd Smith, Montville.
Walter McCracken, Newton.
William D. Hand, Nixon.
Anne C. Smith, North Hackensack.
Matthew P. Fusco, Palisades Park.
Anthony V. Gross, Passaic.
Bessie M. Lippincott, Pemberton.
Anna Belle Willey, Pennsville.
Elah Collins, Pequannock.
Margaret H. Britton, Plainsboro.
George Nock, Pompton Plains.
Stephen W. Margerum, Princeton.
Charles A. Hildebrand, Ridgefield.
Fred Heckel, Ridgefield Park.
Herbert Schneider, Riverside.
Julia B. Hoaern, Robbinsville.
Eleanor Earling, Roebling.
Walter E. Riddle, Sayreville.
James Powers, Jr., Sewell.
Berkeley W. Moore, Somerville.
Thomas E. Downs, Jr., South Amboy.
Rose C. O'Hanlon, South Orange.
Otto F. Heinz, Springfield.
Richard R. Newman, Spring Lake.
Elizabeth C. Brill, Stewartsville.
Christof Lindenmayer, Stirling.
Frances B. Tonking, Tabor.
Charles W. Nolan, Union City.
Robert Freeman Kearse, Vauxhall.
Blanche F. Erricson, Villas.
James McQuilken, Jr., Waldwick.
Susan L. Kenworthy, Wanaque.
John H. Traynor, Westfield.
Edward Williams, West Point Pleasant.
Thomas H. Heslin, Wharton.
Libert A. Martinelli, Williamstown.
Martha H. Davis, Wrightstown.
Peter H. Larkins, Yardville.

NEW YORK

Harry J. Sagendorph, Claverack.
Samuel J. Hand, Genoa.
Frank E. Sowinski, Jamesport.
Fred Schweickhard, Rushville.

NORTH CAROLINA

Bascombe N. Allen, Blue Ridge.
Emily T. Walkingstick, Cherokee.
Robert C. Warlick, Jacksonville.
Harold W. Webb, Morehead City.
Jasper J. Smith, Pink Hill.
Dewey E. Edwards, Pisgah Forest.

PENNSYLVANIA

Mary F. Woods, Blain.
Roy D. Zimmerman, Cleona.
Stanley A. DeWitt, Tunkhannock.
Helen K. Kurtz, Vintage.

WASHINGTON

Ethel L. Baker, Des Moines.

WISCONSIN

William H. Meyer, Cecil.
Alex W. Quade, Jackson.
Charles J. McAfee, Montello.
Byron A. Delaney, Reedsville.

HOUSE OF REPRESENTATIVES

WEDNESDAY, OCTOBER 9, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we would ask with the Apostle: "Lord to whom shall we go?" Thou hast the words of eternal life. Thou art the light that strikes its pathway of gold through the ages and art still the light of the world. Heavenly

Father, the human intellect seems to be roving, like a flashlight through the night, feeling darkness everywhere. We pray for a light to guide us through the darkness, shedding its glow across a trackless desert; we beseech Thee for the mighty guiding beacon of the Christ in whom the heart and the mind of the Infinite One are revealed, who has no horizon and sees all things as they are. Do Thou endow us with the power and influence of His life—nobility of soul, purity of heart, a spirit overflowing with love, ceaseless activity in doing good, a conscience void of offense before God and man and the peace of mind that passeth all understanding, and Thine shall be the praise and glory forever. In our dear Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on October 8, 1940, the President approved and signed bills and a joint resolution of the House of the following titles:

H. R. 1183. An act for the relief of Ben L. Kessinger and M. Carlisle Minor;

H. R. 1912. An act for the relief of the estate of Alfred Batrack;

H. R. 2286. An act for the relief of Wasyl Kulmatycki;

H. R. 4815. An act for the relief of Henry J. Wise;

H. R. 5040. An act for the relief of Arthur Joseph Reiber, a minor;

H. R. 5314. An act for the relief of Paul J. Kohanik;

H. R. 5365. An act for the relief of John J. Murphy;

H. R. 5776. An act for the relief of Albert DePonti;

H. R. 5863. An act for the relief of the estate of James A. Rivera;

H. R. 6210. An act for the relief of George R. Stringer;

H. R. 6480. An act to amend the Agricultural Adjustment Act of 1933;

H. R. 6842. An act for the relief of Rufus E. Farmer;

H. R. 8069. An act to reform the lease for the Sellwood station of the Portland, Oreg., post office;

H. R. 8124. An act to provide funds for cooperation with public-school districts (organized and unorganized) in Mahnomen, Itasca, Pine, St. Louis, Clearwater, Koochiching, and Becker Counties, Minn., in the construction, improvement, and extension of school facilities to be available to both Indian and white children;

H. R. 9024. An act relating to the status of retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, and to amend section 113 of the Criminal Code;

H. R. 9636. An act authorizing the conveyance to the Commonwealth of Virginia of a portion of the naval reservation known as Naval Proving Ground, Dahlgren, Va.;

H. R. 10080. An act to amend section 3493 of the Internal Revenue Code, formerly section 404 of the Sugar Act of 1937;

H. R. 10406. An act to authorize the appointment of graduates of the Naval Reserve Officers' Training Corps to the line of the Regular Navy, and for other purposes;

H. R. 10413. An act to provide revenue, and for other purposes;

H. R. 10572. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes; and

H. J. Res. 603. Joint resolution to authorize the United States Maritime Commission to furnish to the State of Pennsylvania a vessel suitable for the use of the Pennsylvania State Nautical School, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 7784. An act for the relief of Howard R. M. Browne;

H. R. 7813. An act to safeguard the homing pigeon;

H. R. 8333. An act for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army;

H. R. 8613. An act to amend the act to provide for the retirement of disabled nurses of the Army and the Navy;

H. R. 8705. An act for the relief of Howard Mondt;

H. R. 10194. An act for the relief of the late John L. Summers, former disbursing clerk, Treasury Department;

H. R. 10354. An act for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 10527. An act to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States; and

H. J. Res. 614. Joint resolution making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3240. An act for the relief of the St. Nicholas Park Co.;

S. 4215. An act for the relief of Caffey Robertson-Smith, Inc.;

S. 4218. An act to extend to the Virgin Islands the provisions of certain laws relating to vocational education and civilian rehabilitation; and

S. 4240. An act to authorize the sale, under the provisions of the act of March 12, 1926 (44 Stat. 203), of surplus War Department real property.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 8930. An act to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes; and

H. R. 9982. An act to amend section 4551 of Revised Statutes, as amended, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2627) entitled "An act to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 3619. An act relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, and so forth.

PERMISSION TO ADDRESS THE HOUSE

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent that after the completion of the legislative business of today and any other special orders, I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to speak for 10 minutes at the close of the legislative business of today and following any other special orders.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes at the close of the legislative business and following any other special orders.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXTENSION OF REMARKS

Mr. AUGUST H. ANDRESEN asked and was given permission to revise and extend his own remarks in the RECORD.

"DEACON WILL" M'KECHNIE

Mr. McDOWELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McDOWELL. Mr. Speaker, my home town of Wilkinsburg, in the last 150 years, has turned out a great many men of whom we are very proud, but Wilkinsburg has never been any prouder of any of them than it is at this minute of my old friend and neighbor, "Deacon Will" McKechnie, of the Cincinnati Reds, who lives up in my hills, world champion baseball manager and world champion all-round American citizen.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANGELL. Mr. Speaker, at the conclusion of today's business and following any previous special order, I ask unanimous consent to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a radio address.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. SABATH asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARTER] may have permission to extend his own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CROWE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein an article by Dorothy Thompson in the Washington Post of today.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address by the president of Colgate University.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 10 minutes tomorrow, after the disposition of the business on the Speaker's desk and following the legislative program of the day.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I have been seeing red for some time and I want all of you to see red. The danger signal of a defunct Treasury. I see red in this Government's statement that is being published every day in black by the white-faced Mr. Morgenthau. The great red deficit we are having in our daily black statements is appalling to the American people and we are not going to do anything but see red if we continue breaking down our financial structure. Then the whole Nation will be black. The reason we see red is because we have in the White House a green man in business experience who is trying to handle the affairs of this Government, and because of the fact that he has brought every New Deal Member into submission in voting for all the great expenditures of funds, and it is about time we changed the color from red to some other color if we want to keep this country of ours in a sound position where it can financially take care of national defense, of national welfare, and the happiness and contentment of the American people.

Our appropriations and contract authorizations have amounted to over $23,626,330,154 at this session, and where are you going to get the money to balance our Budget when our income will only be about $7,500,000,000, or we will be so far in the red in July 1940 and July 1941 that our very financial structure will crumble. It will be as a building builded on sand. If the winds of war materialize as we are preparing for them our house will fall. Our happiness will be gone, our Nation will be lost in poverty and trouble and what will our people then think? It is time we Americans wake up. Stop the dictatorship movement. Stop the third-term movement. Stop the war movement. It can be done on November 5 if the Americans elect Wendell Willkie as President—a man of ability, an honest American citizen whose word is good and who will respect his oath and obligation by preserving our Constitution, by enforcing our laws and by giving a sound, sensible business administration of Government affairs.

[Here the gavel fell.]

VOLUNTARY ENLISTMENTS, KOSSE, TEX.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, during recent months the subject of voluntary enlistment in the Army has been frequently discussed in the House, by the press, and throughout the country generally.

The town of Kosse, Limestone County, Tex., in the district which I have the honor to represent, has made a record of which I am proud. Over 50 young men living in that town and community have, within recent months, voluntarily enlisted in the Army and Navy of the United States for the defense of their country.

According to the preliminary estimate of the 1940 census, the population of Kosse is 879. I doubt if any other town that size in the United States can match that record of patriotism in enlistments. [Applause.]

I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a news item containing the names of these patriotic young men.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONGRESS SHOULD NOT ADJOURN

Mr. HULL. Mr. Speaker, I ask unanimous consent to address the House for one-half minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. HULL addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an article by Tino Santella.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARKS

Mr. HILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8512) to provide for

the acquisition of additional lands for the Chickamauga and Chattanooga National Military Parks, and for other purposes, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 8, after "appropriated", insert "a sum not to exceed $125,000."

Page 2, lines 9 and 10, strike out "such sums as the Congress may from time to time determine."

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. RICH. Mr. Speaker, reserving the right to object, may I make a parliamentary inquiry? If we object to this unanimous-consent request, will this prohibit going ahead with the expending of this money for this particular park at this time?

The SPEAKER. That is hardly a parliamentary inquiry. The gentleman knows if money is not appropriated it cannot be spent.

Mr. RICH. Then let me ask the gentleman a question. Is the spending of this money for this Chickamauga Park necessary, in the gentleman's judgment, for national defense, or for the promotion of the welfare of the American people to the extent that it is absolutely necessary at this time?

Mr. HILL. I will answer that indirectly by saying that we passed the bill without any limitation. The Senate put on a limitation, and it seems to me we ought to agree to that limitation, because it is better than it was when it passed here.

Mr. RICH. We certainly must have been asleep at the switch when we let a bill like that go through the House.

Mr. HILL. I may say it is strange if the gentleman from Pennsylvania was asleep at the switch, because he is always awake.

Mr. TARVER. Will the gentleman yield?

Mr. RICH. I yield.

Mr. TARVER. The bill was introduced by myself. It is to provide additional land for a national park that is within my district, within which there is a reservation known as Fort Oglethorpe. There is necessity for additional acreage for military purposes in that locality. While the bill carries no appropriation whatever, and is simply an authorization, it is one which is connected with national-defense considerations. The effect of the amendment to which concurrence is being asked would simply be to modify the provision in the bill already agreed to by the House, which leaves the amount which may be appropriated unlimited, by placing what the Senate believes to be a reasonable limit.

Mr. RICH. Even though this bill does not carry an appropriation, it is the intention of the gentleman to ask for the money from the Appropriation Committee?

Mr. TARVER. Oh, to be sure. I have tried to explain to the gentleman why, in my judgment, the bill is essential to the national defense.

Mr. RICH. There is nobody I would rather favor than the gentleman from Georgia, but I cannot permit this unanimous-consent request to go through now.

Therefore, Mr. Speaker, I object.

ADMINISTRATIVE PROVISIONS IN VETERANS' LAWS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8930) to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 12, strike out "or" where it appears the first time.

Page 2, lines 12 and 13, strike out "compensation" and insert "compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability."

Page 4, line 17, strike out all after "*Provided*," down to and including "met" in line 24, and insert "That where the death of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed, the Administrator of Veterans' Affairs is hereby authorized and directed to receive and adjudicate a claim filed within 2 years after the date of enactment of this act and to grant burial allowance under the provisions of laws and regulations governing such allowance as amended by this act."

Page 8, line 6, strike out all after "to" down to and including "loans" in line 9, and insert "indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness be in the form of liens to secure unpaid premiums, or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits."

Page 9, strike out lines 8 to 13, inclusive, and insert:

"SEC. 8. Except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, approved August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by section 7 of this act shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration, and in no event shall compensation therein authorized be effective prior to the date of enactment of this act."

Page 10, line 3, strike out "The" and insert "Forfeiture of benefits by a veteran under the."

Page 10, after line 12, insert:

"SEC. 10. Veterans Regulation No. 11 (U. S. C., title 38, ch. 12, appendix), promulgated under the act of March 20, 1933 (Public, No. 2, 73d Cong.), is hereby amended by adding a new paragraph thereto numbered "III", to read as follows:

" 'III. The provisions of Veterans Regulation No. 11 shall apply to all claims under any of the laws administered by the Veterans' Administration: *Provided*, That the Administrator of Veterans' Affairs may release information, statistics, or reports, to individuals or organizations when in his judgment such release would serve a useful purpose.'

"SEC. 11. Notwithstanding any other provisions of law, except as provided in section 19 of the World War Veterans' Act, 1924, as amended, and in section 817 of the National Service Life Insurance Act of 1940, the decisions of the Administrator of Veterans' Affairs on any question of law or fact concerning a claim for benefits or payments under this or any other act administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decisions.

"SEC. 12. Where any veteran suffers or has suffered an injury, or an aggravation of any existing injury, as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, and not the result of his misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, the veteran or his dependents shall be entitled to the same benefits as are provided for those who suffer an injury or an aggravation of any existing injury as a result of training, hospitalization, or medical or surgical treatment under the provisions of section 31 of Public Law No. 141, Seventy-third Congress, March 28, 1934. No benefits under this section shall be awarded unless application be made therefor within 2 years after such injury or aggravation was suffered, or such death occurred, or after the date of enactment of this act, whichever is the later date."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. GOSSETT. Mr. Speaker, I make the point of order that there is no quorum present.

Mrs. ROGERS of Massachusetts. Will the gentleman withhold that for a moment?

Mr. GOSSETT. I will withhold it for the time being.

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, I would like very much to have that brought up later in the day. I have not seen the amendments, and other members of the committee have not seen them. We are very much in favor of this bill, but we want to be sure that the bill is not hurt by the Senate amendments. We had hoped that the Senate would add as amendments the bills that the House passed some time ago.

Mr. MICHENER. Reserving the right to object, was this long epistle just read by the Clerk the Senate amendments?

Mr. RANKIN. Those were the amendments which the Clerk was reading.

Mr. MICHENER. It certainly is a complicated amendment.

Mr. RANKIN. I will say to the gentleman from Michigan that this is largely an administrative bill and was prepared and introduced at the request of the Veterans' Administration in order to iron out certain difficulties in administering veterans' loans. These amendments were put on in the Senate. The Veterans' Administration informed me that the amendments are satisfactory. Some of the veterans' organizations have got in touch with me already and have expressed their satisfaction.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. MICHENER. If the minority members of the committee who have studied it are favorable to this highly technical bill, no one else would be hardly safe in interposing an objection. The amendments, however, are so lengthy and apparently so far reaching that the committee should at least be very careful before it asks this House to pass these amendments under unanimous consent. The mere fact the Senate has put on these amendments certainly would be no reason why per se that they should be passed.

Mr. RANKIN. If I would agree to delay the procedure for a few hours, I hope the gentleman from Michigan will kindly read these amendments.

Mr. MICHENER. No; I shall not have time, but the members of the committee charged with the task certainly will.

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, we are all very much interested in the veterans and want to be sure that what the Senate did to the bill has not injured the bill in any way.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. RANKIN. Mr. Speaker, I will withhold my request for the time being in order to allow the Members to study the Senate amendments.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—META DE RENE M'LOSKEY

The SPEAKER laid before the House the following veto message from the President of the United States which was read and together with the accompanying papers referred to the Committee on War Claims and ordered printed.

To the House of Representatives:

I am returning herewith, without approval, H. R. 554, entitled "An act for the relief of Meta De Rene McLoskey."

This bill authorizes and directs the Administrator of Veterans' Affairs to pay to Meta De Rene McLoskey, mother of Arthur Lee McLoskey, formerly a member of Company I, Forty-seventh Regiment United States Infantry, who disappeared on May 7, 1918, all such installments of money which she would be entitled to receive as beneficiary of policy T–2024764. Such installments would amount to $13,800.

Arthur Lee McLoskey entered the Army March 29, 1918, and on April 2, 1918, he made application for $10,000 of war-risk term insurance naming Meta De Rene McLosky, as mother, as beneficiary. He was recorded as a deserter May 7, 1918, from Camp Mills, Long Island, N. Y. It is alleged that he has not been heard from since that date.

At the time of the soldier's disappearance there was sufficient pay due him, together with a 31-day-grace period, to have taken care of his insurance until July 31, 1918. The bill appears to be based upon the theory that, since a presumption of death attaches when there is an unexplained absence of 7 years, the death of the policyholder may be presumed to have occurred before July 31, 1918.

Under many authorities there is no presumption as to the time of death. In those cases and jurisdictions which allow any presumption as to the time of death, since the missing person is presumed to be alive during the 7-year period, death is presumed not to have occurred prior to the expiration of the period. While evidence to the contrary is admissible, no facts are available in this case to justify a finding that death occurred prior to July 31, 1918, and thus overcome the presumption.

Meta De Rene McLoskey brought suit in the United States District Court of the District of Indiana to recover war-risk insurance applied for by Arthur Lee McLoskey on the theory that his death was to be presumed from absence. This suit was dismissed by the plaintiff on June 1, 1926, after a hearing on the merits.

The Administrator of Veterans' Affairs, in recommending that the bill be not approved, advises me that its approval might be used as a precedent for many other cases where veterans have disappeared at a time when their insurance was in force and they have not since been heard from.

The provisions of this bill are identical with H. R. 4443, Seventy-fifth Congress, from which I withheld approval for the reasons indicated in my memorandum of disapproval dated June 23, 1938. No new evidence or information has been presented that would justify my approval of the present bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 9, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

CALL OF THE HOUSE

Mr. GOSSETT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 229]

Allen, Ill.	Douglas	Jennings	Robertson
Anderson, Calif.	Drewry	Keefe	Robinson, Utah
Andrews	Duncan	Keller	Robsion, Ky.
Arnold	Dworshak	Kelly	Rockefeller
Barnes	Elliott	Kerr	Ryan
Barton, N. Y.	Faddis	Kilburn	Sandager
Bates, Mass.	Fernandez	Kirwan	Schaefer, Ill.
Beam	Fish	Kleberg	Scrugham
Bell	Fitzpatrick	Knutson	Sheppard
Boland	Flannery	Kocialkowski	Sheridan
Boren	Ford, Leland M.	Lemke	Short
Bradley, Mich.	Ford, Thomas F.	McGranery	Smith, Wash.
Brewster	Fries	McKeough	Starnes, Ala.
Brooks	Gibbs	McLean	Steagall
Buck	Gifford	Magnuson	Sullivan
Buckley, N. Y.	Gilchrist	Marcantonio	Sweeney
Burch	Green	Martin, Ill.	Thill
Byrne, N. Y.	Griffith	Martin, Mass.	Thorkelson
Caldwell	Hall, Edwin A.	May	Tolan
Cartwright	Hall, Leonard W.	Merritt	Wadsworth
Claypool	Harrington	Mills, La.	Wallgren
Cluett	Harter, Ohio	Mitchell	Warren
Collins	Havenner	Mott	Weaver
Corbett	Healey	Nelson	Welch
Creal	Hendricks	O'Brien	West
Cullen	Hook	O'Day	White, Ohio
Cummings	Hope	Parsons	Wigglesworth
Darden, Va.	Houston	Patton	Williams, Mo.
Darrow	Izac	Peterson, Ga.	Winter
DeRouen	Jacobsen	Pfeifer	Wolfenden, Pa.
Dies	Jeffries	Reece, Tenn.	Zimmerman
Ditter	Jenks, N. H.	Richards	

The SPEAKER. Three hundred and four Members have answered to their names; a quorum.

On motion of Mr. MCCORMACK, further proceedings under the call were dispensed with.

FRAME FOR PAINTING OF THE SIGNING OF THE CONSTITUTION

Mr. SECREST. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 301 to authorize the acquisition of a suitable frame for the painting of the Signing of the Constitution to be used in mounting said painting in the Capitol Building.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, how much money does this joint resolution authorize?

Mr. SECREST. It authorizes the Architect of the Capitol to secure a frame not to exceed $1,500.

Mr. WOLCOTT. A frame for the picture?

Mr. SECREST. Yes.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the Architect of the Capitol be, and he is hereby, authorized and directed to cause to be constructed or to purchase, at a price not exceeding $1,500, a suitable frame for the painting of the scene at the Signing of the Constitution by Howard Chandler Christy, now on view in the Capitol Building. Such frame shall be subject to the approval of the Joint Committee on the Library, and, when so approved, shall be used for mounting the said painting in the Capitol Building as required by Public Resolution No. 11, Seventy-sixth Congress, approved April 20, 1939.

With the following committee amendment:

Page 1, line 5, after the word "purchase", insert "without reference to section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5)."

The committee amendment was agreed to.

The resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERSONAL PRIVILEGE

Mr. HOFFMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, the question here raised is based on two statements. The first is a statement not made on the floor of the House but contained in the remarks of the gentleman from Illinois [Mr. SABATH] and found on pages 12563 and 12564 of the CONGRESSIONAL RECORD under date of September 24, 1940. The statement as printed in the RECORD is as follows:

Although the gentleman from Michigan has not a single word of complaint against the high-salaried Republican labor-hating officials of the great corporations, he complains—

I shall be pleased to send my memoranda to the Speaker's desk to let the Speaker look it over without my reading it. I send it to the Speaker.

The SPEAKER. Did the gentleman from Illinois ask and receive permission to extend his remarks in the RECORD?

Mr. HOFFMAN. I understand he did, but he also inserted in the RECORD a statement in which he said I had made certain statements, apparently made on the floor of the House, but which I did not make. There are two branches to this. There is a newspaper clipping on which the question is also raised.

Mr. Speaker, in view of the absence of the gentleman from Illinois [Mr. SABATH] I ask unanimous consent that the material I sent to the Clerk's desk may be inserted in the RECORD and that we wait until he does arrive, at which time we can call it up.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

AMENDMENT TO SECTION 4551 OF REVISED STATUTES AS AMENDED

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 9982) to amend section 4551 of the Revised Statutes, as amended, and for other purposes, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, line 1, after "them." insert: "This subsection shall not apply to any ferry or any tug used in connection with a ferry operation, if such ferry or tug is employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and is not engaged on an international voyage."

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. BLAND]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, has the gentleman taken up this amendment with the committee?

Mr. BLAND. Mr. Speaker, I have taken this matter up with the gentleman from Maine [Mr. OLIVER], the gentleman from Michigan [Mr. BRADLEY], and the gentleman from New York [Mr. CULKIN], members of the committee, and they all state that the amendment should be adopted.

Mr. MICHENER. In reality the amendment is a limitation rather than an extension of the powers granted in the bill passed the other day?

Mr. BLAND. That is true.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. BLAND]?

There was no objection.

The Senate amendment was concurred in, and a motion to reconsider was laid on the table.

AMENDMENT TO HOME OWNERS' LOAN ACT OF 1933, AS AMENDED

Mr. SPENCE. Mr. Speaker, by direction of the Committee on Banking and Currency, I ask unanimous consent for the immediate consideration of the bill (H. R. 9930) to amend the Home Owners' Loan Act of 1933, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. SPENCE]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, the gentleman from Michigan [Mr. WOLCOTT], the ranking minority member of the Committee on Banking and Currency, is present. Has the gentleman conferred with him?

Mr. SPENCE. I have conferred with him; yes.

Mr. WOLCOTT. Mr. Speaker, as I understand this bill and as I understood it when it was reported by the committee, it is to equalize a situation that exists with respect to tax exemption on Government-owned and controlled property here in the District of Columbia. In some manner the Home Loan Bank Building is not exempt, while the other buildings are and this is to equalize that situation. That is the reason it was unanimously reported by the committee.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. SPENCE]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the ninth sentence of subsection (c) of section 4 of Home Owners' Loan Act of 1933, as amended, is hereby amended by striking the period at the end thereof and adding a colon and the following: "*Provided*, That any building now or hereafter owned by the Corporation in the District of Columbia and used principally as an office building of the Corporation, together with the land upon which the same stands, and all appurtenances, buildings, and land used principally in connection therewith, shall be exempt from any and all taxation heretofore or hereafter imposed."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION TO CUSTODIAL EMPLOYEES OF CERTAIN BENEFITS

Mr. MASON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 892) to extend to custodial service employees employed by the Post Office Department certain benefits applicable to postal employees, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Line 9, after "reached", insert ": *Provided*, That no individual employee shall receive an increase in excess of $60 per year."
Line 14, strike out "1939" and insert "1941."

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MASON]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this the same bill that the gentleman called up the other day to which the gentleman from New York [Mr. TABER] objected?

Mr. MASON. It is, and while the gentleman from New York still thinks it is a bad bill, he has stated he would not object. This is the bill that the Post Office Committee reported unanimously. It passed the House without any objection. It was amended in the Senate in just two particulars, one that the $100 maximum increase provided for in the bill shall be reduced to a $60 maximum, and the other changing the date from 1939 to 1941.

Mr. MICHENER. The gentleman has talked with the gentleman from New York [Mr. TABER] since he objected?

Mr. MASON. I have.

Mr. MICHENER. Mr. TABER understands that the bill is to be brought up?

Mr. MASON. Yes; and he has consented to it.

Mr. ROMJUE. Will the gentleman yield?

Mr. MASON. I yield to the gentleman from Missouri.

Mr. ROMJUE. The judgment of the gentleman from Illinois [Mr. MASON] is that the gentleman from New York [Mr. TABER] probably was not thoroughly familiar with the facts in this case?

Mr. MASON. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MASON]?

There was no objection.

The Senate amendments were concurred in and a motion to reconsider was laid on the table.

AMENDING SECTION 204 OF THE TRANSPORTATION ACT OF 1920

Mr. PATRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10098) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide

for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce', approved February 4, 1887, as amended, and for other purposes", approved February 28, 1920.

The Clerk read as follows:

Be it enacted, etc., That section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920, as amended by the act approved March 4, 1927 (44 Stat. L. 1446), be amended and reenacted by adding thereto the following new paragraphs (i), (j), and (k), as follows:

"(i) That the term 'deficit in its railway operating income,' as that term is used in paragraph (a), shall be construed to mean a deficiency or decrease in the carrier's railway operating income for that portion (as a whole) of the period of Federal control during which it operated its own railroad as compared with its average railway operating income for the corresponding portion of the test period, as held in Construction of the Word 'Deficit' (66 I. C. C. 765, 774)."

"(j) That the Commission is hereby authorized and directed to reopen all claims heretofore filed by carriers in compliance with its orders or regulations issued under this section and to ascertain and certify to the Secretary of the Treasury such amounts, if any, as may be payable to any such carriers under said section 204 as hereby amended: *Provided*, That the aggregate of the railway operating income of any carrier during that part of the period of Federal control during which such carrier was not operated by the Director General of Railroads plus the amount certified by the Commission under this act shall not for said period be at a rate in excess of 5¾ percent per annum of the value of the carrier's property determined by the Commission under section 19a of the Interstate Commerce Act.

"(k) This act shall take effect as of March 1, 1920, but shall not be construed as extending the time for filing claims as limited by paragraph (h) of section 204, as amended by the act of March 4, 1927."

The SPEAKER. Is a second demanded?

Mr. WOLVERTON of New Jersey. Mr. Speaker, I demand a second.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER. The gentleman from Alabama [Mr. PATRICK] is recognized for 20 minutes and the gentleman from New Jersey [Mr. WOLVERTON] is recognized for 20 minutes.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield, so that I may propound a parliamentary inquiry?

Mr. PATRICK. I yield.

Mr. WOLCOTT. Mr. Speaker, according to the rules, certain days are designated on which motions to suspend the rules are in order. I surely am not opposed to this bill, but can the Chair inform the House if by any action of the House that rule has been suspended to authorize the Speaker to recognize Members to move to suspend the rules today?

The SPEAKER. Unanimous consent was granted on yesterday that the Chair may on today recognize Members to move to suspend the rules.

Mr. PATRICK. Mr. Speaker, this is a measure on which we had pretty detailed hearings before the Committee on Interstate and Foreign Commerce. The bill passed the subcommittee and the committee unanimously. This is an equitable matter that arose in 1920 and right thereafter. The purpose of the bill is simply to define the term "deficit in railway operating income" as used in the Transportation Act of 1920, and this bill is really an amendment to the Transportation Act of 1920.

When the railroads were turned back after a period of 26 months it was found that a number of short-line railroads, a few more than a hundred, had sustained a considerable loss. I shall not attempt to go into the devious causes for this, but there were a number of combined causes that brought the railroads severe losses. In writing the Transportation Act of 1920 the term "deficit in railway-operating income" became the point of decision as to whether recovery would or would not be had. Originally the Interstate Commerce Commission ruled that that would be an operating red ink deficit, and it became a technical matter as to when there was a deficit. Then they went into construction of the word "deficit," and this is reported in Sixty-sixth Interstate Commerce Commission Reports, and it was held that the word "deficit" should be construed as meaning a decrease in net railway operating income from that period. Then they receded from that interpretation, but 72 of the railroads got in under the previous interpretation and received payment of their claims.

Forty-six railroads did not get in in time and, as a result, unless they had an actual below-the-line red ink loss they got nothing. The claims they had that lapped over came to $5,417,000. The bill as now written limits the rate of return to 5¾ percent, which limits it to $1,869,353 for the whole amount involved for the 46 railways.

There perhaps are a few other points which might be mentioned, but that covers it briefly, enough to give a working idea of what is before us.

This situation has been going on all these years. Most of the railroads were in litigation on the matter. They found that all statutes of limitation had wound up, and the only door left to these short-line railways to recover what is obviously a just claim was to get legislation; therefore this amendment is now before you.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. This bill does not affect present-day rates?

Mr. PATRICK. No.

Mr. VAN ZANDT. Neither does it affect the working conditions of the employees of the railroads?

Mr. PATRICK. No; it does not do anything except pay this equitable claim that unquestionably should have been paid.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Missouri.

Mr. COCHRAN. If this bill passes, it means that $1,869,353 will be paid out of the Treasury?

Mr. PATRICK. That is right.

Mr. COCHRAN. Will interest be allowed?

Mr. PATRICK. No.

Mr. COCHRAN. This is simply opening up the old valuation cases that have already been decided?

Mr. PATRICK. No, they have all been decided except these. Everything has been decided, sealed, signed, and delivered, except these. There were 72 railroads that got in before the Interstate Commerce Commission dropped back to the original construction of the term "deficit."

Mr. COCHRAN. Were there any decisions of any courts not favorable to the lines you seek to reimburse here?

Mr. PATRICK. The only decisions I recall that came up in our hearings were where the courts held to the ruling of the Interstate Commerce Commission.

Mr. COCHRAN. The committee report contains a letter from the chairman of the legislative committee of the Interstate Commerce Commission, Mr. Eastman, which is in small type and covers practically 2 pages. Of course, we have not had time to read it, but I notice that the following sentence appears:

> For the reasons above indicated the legislative committee disapproves H. R. 10098 and recommends that it do not pass.

What are the reasons given in that letter, does the gentleman know? Of course, he must have read the letter.

Mr. PATRICK. Mr. Eastman appeared before our committee and gave us more information on this subject than any man who appeared before us. The gentleman from Texas [Mr. SOUTH], who was chairman of the committee, can throw more light on it than I can, and it may be that he would like to do so.

Mr. SOUTH rose.

Mr. COCHRAN. Mr. Eastman says in his letter that the legislative committee of the Interstate Commerce Commission recommends that the bill do not pass.

Mr. PATRICK. I will yield to the gentleman from Texas [Mr. SOUTH].

Mr. COCHRAN. Of course, there being nearly two pages of small type no one other than the committee has had an opportunity to read it, because this bill came up hurriedly.

Mr. PATRICK. He certainly did not oppose the bill.

Mr. SOUTH. I think the gentleman from Missouri will find this to be true. The bill to which Mr. Eastman's letter refers has been changed and the matter that the House is now asked to pass upon involves a great deal less money; it has certain limitations that the original bill did not have and, therefore, the objections that Mr. Eastman raised to the original bill probably would not apply to the pending bill.

Mr. COCHRAN. I have the bill in my hand that Mr. Eastman refers to, H. R. 10098, and it is beyond me to see anything in the three pages of this bill to show that there is one amendment of any kind.

Mr. SOUTH. I will say to the gentleman that it has been amended just as I have told him.

Mr. COCHRAN. I have the bill right here and there is no amendment indicated.

Mr. SOUTH. Just a minute now—the bill as originally introduced provided for several million dollars.

Mr. PATRICK. Five million four hundred seventeen thousand four hundred and eighty dollars.

Mr. SOUTH. It provided further that certain roads that had already earned 15 percent might recover further. The pending bill is less than $2,000,000 and fixes a definite maximum of 5¾ percent.

Mr. PATRICK. And that brings it to $1,869,353.

Mr. COCHRAN. The number of the pending bill is 10098.

Mr. SOUTH. I care nothing about the number.

Mr. COCHRAN. And Mr. Eastman speaks of the pending bill as 10098.

Mr. SOUTH. What is the date of Mr. Eastman's communication?

Mr. COCHRAN. It is dated June 24, 1940, and this bill was introduced June 17, 1940, and reported by the committee on August 22, 1940, without an amendment of any kind.

Mr. SOUTH. I believe the changes I am referring to have been made since that time.

Mr. COCHRAN. I may say to the gentleman from Texas that I have the bill as reported by the committee without any change whatever.

Mr. SOUTH. What is the date of it?

Mr. COCHRAN. It was reported on August 22, 1940, without one change or amendment of any kind.

Mr. SOUTH. What is the date of Mr. Eastman's letter? It is before that, is it not?

Mr. COCHRAN. Mr. Eastman's letter was written 7 days after the bill, which I hold in my hand and which we are considering, was introduced in the House.

Mr. SOUTH. Check that again—I think the gentleman may be mistaken about that.

Mr. COCHRAN. The letter is dated June 24, 1940. I read from the report. The gentleman from California [Mr. LEA] introduced the bill 7 days before that, and Mr. Eastman writes the gentleman from California [Mr. LEA] in response to Mr. LEA's letter of June 18, a day following the date when the gentleman from California [Mr. LEA] introduced the bill, in reference to the bill, H. R. 10098, and he offers objections to this measure in that letter and in the concluding paragraph states, "for the reasons above indicated the legislative committee disapproves H. R. 10098 and recommends that it do not pass," and nobody can find in this bill one amendment of any kind or any kind of a change that has been made since the gentleman from California [Mr. LEA] introduced the bill on June 17.

Mr. LEA. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from California.

Mr. LEA. I think there is a misapprehension about the situation. The Interstate Commerce Commission rendered two decisions, in fact, three decisions. In 1922 the Commission rendered an exhaustive decision in which they approved of exactly what is in this bill as we now have it; that is, in the main part of the bill, and they held that the roads were entitled to be paid in proportion to what they earned during the test period. In 1924, they reviewed that decision and again reached the same conclusion. In 1925, after they had settled for 72 claims, some more claims were presented, which involved excessive amounts, and in that decision they held that a road was not entitled to recover unless it was in the red during the Federal control period. So, the Eastman statement conforms to the last decision of the Interstate Commerce Commission, but years before that the Commission recommended that the proper way to take care of this problem and settle all doubt about the law was for Congress to clarify the decisions, and that is what we are trying to do here.

Mr. COCHRAN. But let us take the last four paragraphs of Mr. Eastman's letter:

> It should be borne in mind that these claimants were not under Federal control during the period for which this compensation is sought. They were managing their own properties and their claims are based on the allegation that the control of the other railroads by the Government had an unfavorable effect on them.
>
> The payments authorized by section 204 may be regarded as a gratuity, and there is good reason to believe that Congress intended to limit them to compensation for actual loss. In any event, as above stated, there was no intention on the part of Congress in 1920 to provide any given rate of return on their investment.
>
> In conclusion, a few practical aspects of the matter should be mentioned. Quite a number of these railroad companies have abandoned their lines and gone out of business. In such instances the records would be hard to check. Furthermore, the Commission's staff of employees which handled these claims has long since been disbanded, and some of those employees are no longer in the service of the Commission. It would be difficult under present conditions to rebuild the organization necessary to a reconsideration of these claims.

Then in the final paragraph he says:

> For the reasons above indicated the legislative committee disapproves H. R. 10098 and recommends that it do not pass.

Mr. PATRICK. We can only say that Mr. Eastman appeared before the committee and testified, and it was largely the testimony that he gave which brought the whole matter to a final conclusion.

Mr. Speaker, I would like to reserve the balance of my time and hear from the minority leader of our committee, who has 20 minutes.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the purpose of this bill is to correct an injustice which has resulted to certain short-line railroads as a result of the definition which has been given to the word "deficit" by the Interstate Commerce Commission.

In 1920 legislation was enacted to enable the Interstate Commerce Commission to make adjustments with the railroads of the country growing out of the Federal control of railroads during the World War. All of these adjustments with large class I railroads have been made and settled. Adjustments have also been made with most of the short lines. However, there are approximately 42 such railroads which have not as yet had any adjustment or settlement.

The difficulty with respect to these latter railroads grows out of the fact that the Interstate Commerce Commission has reversed the ruling which was the basis for the adjustments already made. The short-line railroads which would benefit by the passage of this bill are those which had filed claims, within the time required by the act, but, which had not been adjusted prior to the time when the Interstate Commerce Commission reversed itself.

It would seem fair and just that the claims of these railroads, which through no fault of their own have not been adjusted, should be adjusted on the basis of the same interpretation of the law by the Interstate Commerce Commission as originally prevailed, and, on the basis of which other adjustments of similar character were made.

If adjustments were to be made on the exact basis as previously prevailed it would require the expenditure of approximately $5,000,000. However, the Committee on Interstate and Foreign Commerce has reported the bill now under consideration which limits the recovery of losses to a 5¾-percent

basis. This method of compensation of losses decreases the amount payable to an aggregate of approximately $1,800,000.

While I am inclined to the belief that these short-line railroads, still unpaid, have much justification for the claim that they should be paid upon the same basis as the others already settled with, yet, I understand that they are willing to accept payment, on the basis provided for in this bill, as full settlement. Justice and fair dealing require that some settlement be made of this long drawn-out controversy, and I recommend the passage of this bill to accomplish the purpose.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. COCHRAN. The gentleman says the Interstate Commerce Commission reversed itself. Did it not reverse itself only insofar as the definition of the word "deficit" was concerned?

Mr. WOLVERTON of New Jersey. That is true, and that is what made the difficulty in the case and necessitates this legislation. Under the construction that the Interstate Commerce Commission now gives to the word "deficit," it precludes the payment of the claims which this bill seeks to adjust and settle. Previously the Commission defined "deficit," in a manner that has enabled all class I railroads and 70 or more short line railroads to receive payment of their claims. Then the Commission at a later date reversed its previous decision. This had the effect of preventing the short line roads, whose claims had not been adjusted, from receiving compensation on the same basis as other railroads, large and small, whose claims had been adjusted and settled before the Commission reversed itself.

Mr. COCHRAN. One more short question, please. The gentleman says this is a unanimous report from the Committee on Interstate and Foreign Commerce?

Mr. WOLVERTON of New Jersey. That is correct.

Mr. COCHRAN. This unanimous report comes in face of the adverse report of the legislative committee of the Interstate Commerce Commission upon this very bill. Is that not correct?

Mr. WOLVERTON of New Jersey. The recommendation for favorable consideration of this bill is opposite to the recommendation of the legislative committee of the Commission. Our committee cannot see justice in a position that enables the Interstate Commerce Commission to pay claims of all the large roads and most of the small roads and then reverse itself and thereby preclude other short lines, with similar claims and whose claims had not been heard, from receiving any compensation for losses sustained. Cases that are similar in character should have similarity of treatment. It is a question of equity. I assume the Interstate Commerce Commission has not recommended the passage of this bill because it wishes to stand on the reasoning contained in the opinion which reversed its first decision. The House Committee on Interstate and Foreign Commerce feels that the interpretation that made possible payment to others should apply to all, and that all should be treated alike, and that there should be no different treatment as between them.

Mr. COCHRAN. As a matter of fact, the big roads were under control of the Government, and it is a further fact that these very roads to which you want the taxpayers of the United States now to contribute over $1,800,000 were never under control of the Government. Is that not true?

Mr. WOLVERTON of New Jersey. That is not the situation.

Mr. COCHRAN. That is what the report from the Interstate Commerce Commission says.

Mr. WOLVERTON of New Jersey. That is not exactly the situation. The hearings developed that, notwithstanding the fact that some short lines may not have been under direct control of the Government, yet nevertheless they were tied in with roads that were under Federal control, and this produced conditions that caused short lines a loss of revenue, which they are entitled to be paid for, the same as the other roads which have had their claims adjusted and settled.

Mr. COCHRAN. Will the gentleman admit that this is purely a gratuity and not even a moral obligation on the part of the Government?

Mr. WOLVERTON of New Jersey. My opinion is just the opposite. I am of the opinion that it is not only a moral obligation but that it also has a legal status, based upon the interpretation given to the word "deficit" by the Interstate Commerce Commission when it originally decided the cases where payments have already been made. The cases to which this bill applies are no different in principle from those already settled.

This is not a gratuity, unless the payment of a claim rightly due is to be considered a gratuity.

Mr. COCHRAN. The gentleman's opinion, then, is in direct contrast to that of the representatives of the legislative committee of the Interstate Commerce Commission.

Mr. WOLVERTON of New Jersey. I am of the opinion that equity and justice should prevail to all alike. If the recommendation of the Interstate Commerce Commission should prevail, it would have the effect of denying the right of settlement to numerous short lines of claims that are just and should be paid.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield myself 7 additional minutes.

Mr. VAN ZANDT. Is it not true that although these short lines were not under the control of the Government during the World War, yet they were participants in the rates in effect at that time with the results they should be accorded the same treatment as accorded other roads taken over by the Government during the World War?

Mr. WOLVERTON of New Jersey. The gentleman is correct. He has stated the situation as it actually was in many of the cases where loss was sustained.

Mr. KEAN. Mr. Speaker, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. KEAN. Why did they wait 15 years to attend to this?

Mr. WOLVERTON of New Jersey. It has not been a case of waiting 15 years before they presented their claims. There has been an effort all through the years to obtain relief from the I. C. C. This relief has not been obtained, and it has been determined that the only certain way of doing justice to the companies which have been precluded from obtaining adjustment of their claims because of a reversal of the opinion originally rendered by the Interstate Commerce Commission, is to bring before Congress legislation to enable these lines to be paid on the basis of the opinion as originally rendered by the Interstate Commerce Commission. That is all this bill seeks to do.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. PATRICK. As I remember the testimony it was to the effect that each of these railroads here involved was itself then pursuing a claim of some nature or was depending upon another similarly situated claim. The railroads had nothing to do with the claims which were pending. The Interstate Commerce Commission decided 72 cases and then changed their opinion. Forty-six companies were left out, although they were in the same class with the others. That is the reason this legislation is introduced to relieve them.

Mr. WOLVERTON of New Jersey. The statement that has been made by the gentleman from Alabama is a correct review of the situation. I wish to say in addition to what my friend has just said that the door is not opened by this bill for new claims to be filed. The claims are specifically held to those claims which were filed within the time fixed by the provisions of the original bill. The claims to be adjusted under the terms of this bill are only those which had not been acted upon by the Commission before it reversed itself.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. LEWIS of Colorado. What method is provided for the ascertainment of the amount due to the railroads under these claims?

Mr. WOLVERTON of New Jersey. The method of ascertaining the amount to be paid has been determined by the Commission. It was applied with respect to the many railroad companies, both large and small, whose claims have already been adjusted, settled, and paid. It is merely the application of the same principles that have already been applied by the Commission in previous cases, before the Commission reversed itself, except that this bill limits the recovery to a 5¾-percent basis.

Mr. LEWIS of Colorado. So the Government will have its rights protected by an ascertainment of the amount. This is not just the arbitrary payment of a certain amount.

Mr. WOLVERTON of New Jersey. The gentleman is correct. The amount payable to any short-line railroad coming within the provisions of this bill will be ascertained upon the facts as they apply to each individual case. It is not an arbitrary amount to be paid.

Mr. LEA. Mr. Speaker, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. LEA. I call attention to the fact that the act of 1920 directed the Interstate Commerce Commission to assemble all the information so they would be in position to certify to the Treasury the exact amount to which each road was entitled. That was done. What is proposed here is to put these railroads on the same general basis of compensation, based on the same type of computation as applied to railroads to which several hundreds of millions of dollars were paid.

Mr. WOLVERTON of New Jersey. The chairman of the committee has correctly stated the situation with respect to the matter.

Mr. KEAN. Mr. Speaker, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. KEAN. What is the reason for limiting it to 5¾ percent? Did not the other railroads get more than the 5¾ percent? It seems to me the railroads either ought to get what they are entitled to or else nothing; it is one or the other.

Mr. WOLVERTON of New Jersey. I am of the same opinion as the gentleman from New Jersey so far as he has stated that all should be treated alike. I think as a matter of principle they should all be paid on the same basis. I assume, however, they are willing to take less than was received by the others in an effort to get some settlement of a debt the payment of which has been too long delayed. Evidently they are discouraged and would rather take a small amount and have something than to continue trying for the full amount, that they are really entitled to, and possibly get nothing. It is a case where payment of a just claim has been too long delayed and the claimants are glad to get almost anything in settlement.

Mr. KEAN. In the hope of getting the bill through.

Mr. WOLVERTON of New Jersey. I think it is unfortunate that it has to be dealt with in that way.

[Here the gavel fell.]

Mr. LEA. Mr. Speaker, a brief review of the facts concerning this question will justify the bill presented to the House today.

The Federal Government took over the railroads into Federal control on the 1st of January 1918, and released them 26 months later.

Congress passed an act providing for the compensation of the owners of the roads for the period of Federal control under a plan which, roughly speaking, provided that the carriers would be given an income equal to the average they had received for a 3-year test period covering a specified time before Government control.

Within 6 months from the beginning of Federal control the Director General of Railroads made an order for the release of the short lines from Federal control. Congress then passed a resolution which would have prevented release of any short line without its consent. This clearly indicated the purpose of Congress to treat the short lines the same as other roads.

The President vetoed the resolution, properly enough, because it took in lines not directly affected by Federal control.

When the Transportation Act of 1920 was passed it provided for including the short lines in competition with, or connected with, roads under Federal control. Section 204 was enacted for this purpose. It made section 209 and section 1 of the Federal Control Act, in part, applicable in determining the compensation to be provided for the short lines.

Though these provisions are not free from doubt, it seems fairly clear that Congress intended to give the short lines a compensation generally comparable to that already afforded the class I roads. These three sections must be read together. Parts of section 204 have little pertinent meaning except on the general theory that the short lines were to be compensated on a comparable basis to their earnings during the test period.

The short lines covered by this bill helped to carry their part of the transportation burdens of the war, proportionately, as the standard lines. That they had burdens and handicaps due to the Federal control has been generally conceded. This is attested from the decision of the Interstate Commerce Commission of February 1, 1922.

The interpretation of the present law, as construed by the Interstate Commerce Commission in that decision, is embodied in the exact language of subsection (i) of this bill. Following that decision, the Interstate Commerce Commission made settlements with 72 roads, to which $2,836,000 was paid on the basis defined in this bill so far as subsection (i) is concerned. Broadly speaking, that meant that the short-line railroads of the class mentioned in this bill were paid a compensation for the period of Federal control—an amount equivalent to their operating income during the test period. That they were paid that amount notwithstanding the earnings of the road in the test period may have been excessively above a fair return.

This decision of the Commission was reviewed and reconfirmed in 1924. In 1925, without any further hearing, the Commission reversed its decision of 1922. It denied settlement to 46 or more roads who had claims of over $4,500,000 on the ground that only roads which operated in the red during the Federal-control period were entitled to compensation.

The decision of 1922 was to the direct contrary. That decision declared, in substance, that to deny a road compensation because it had a meager return during Federal control, notwithstanding a much more favorable return during the test period, would result in unfair discriminations against the roads of small returns during Federal control.

In the decision of 1925 the Commission expressed the decided view that roads which had large earnings in the Federal-control period should not be given increased amounts because of greater operating income during the test period.

These two decisions are, of course, conflicting. Together they indicate two possible interpretations of the existing law. They indicate that either of the interpretations leads to an unjust, if not an absurd result. The interpretation which would hold that a road must be in the "red" under the control period before it can receive a compensation comparable to the test period would have the effect of denying any return to the road which made a mere nominal return in the control period. For instance, a road which in 20 months made a profit of $10 on a $5,000,000 investment would be entitled to no return, while the same road in the "red" to the extent of $10 during the Federal control would be entitled to a return equal to its operating income of the test period regardless of how large that income might have been. On the other hand, it would be unjust, if not absurd, to hold that a road which made 12 percent in the test period should be entitled to 12 percent during the period of Federal control. In fixing railroad rates on a plane basis some individual road may make much more than a fair rate. When the Government takes over that road it should not be entitled, in my judgment, to more than a fair return.

In the decision of 1925 it was pointed out that one of the roads that had applied for compensation had an operating income of about 18 percent during the test period, which was greater than its income during the control period. It sought to equal its 18-percent return made during the test period. Rightfully enough, the Commission found fault with the charge against the Government for that amount.

So it clearly appears that either of the two interpretations lead to unjust and undesirable results. In one instance, the injustice is against the claimant who had a reduced and meager return during the Federal-control period. In the other case the injustice is against the Government in compelling it to pay excessive amounts to equalize the operating income with excessive returns received during the test period.

Some years ago the Commission very properly recommended to Congress that the proper remedy for the situation was legislation which would clarify and correct the language of existing law. That is what should have been done years ago. That is what is done by this bill.

The bill before us provides, in substance, that these claimants shall be entitled to an income equaling only that received by them during their test period. It is further provided in section (j) that the compensation thus paid shall not, with the operating income received during the period of Federal control, exceed 5¾ percent per annum.

In other words, the road will not be paid an income exceeding that it received during its test period. In any event, it will not be paid an amount more than is sufficient to make its net operating income 5¾ percent per annum.

The practical effect of these provisions on the claims affected by this bill is that the claims for over $5,400,000 will be reduced to $1,869,000. This reduction is made by excluding applicants from participation whose operating income during the Federal-control period exceeded 5¾ percent per annum. In other words, this bill reduces the claims by almost two-thirds of their original amount. It gives a fair compensation to the roads which had favorable returns during the test period and meager returns during the control period; it eliminates compensation to roads which had excessive earnings during the control period, regardless of their larger earnings during the test period.

CRITICISMS BY THE COMMISSION

Objection is made that the Interstate Commerce Commission, consistent with its last decision, did not approve the passage of this bill. The Interstate Commerce Commission is composed of men of fine ability and purpose, but they are only agents of Congress in deciding questions like this. Their recommendations are not better than their reasons. The Interstate Commerce Commission performs its correct function when it advises Congress, and it does not, and does not desire to, dominate congressional action.

The recommendation of the Interstate Commerce Commission is discounted by its own record in this case. Its last decision was based on technical grounds. Its first decision attempted to carry out what was manifestly the purpose of Congress.

As to the merits of the existing law the Commission directed only two substantial criticisms. In the first decision, it was pointed out that to deny roads any compensation because they made a meager return during the period of Federal control would result in "unjust discriminations." In other words, there would be an absurdity in denying a road any compensation comparable to the test period because it made a very meager return in the Federal-controlled period. In the final decision, the Commission justly criticized the law because it would require excessive compensation to roads which made excessive returns during the test period. The bill before us positively corrects each of these substantive criticisms of the Commission. To the roads of meager returns, we give a modest return but not exceeding their test period operating income.

As to the roads which had excessive earnings, we eliminate them from any compensation whatsoever by providing nothing for the road which had an operating income exceeding 5¾ percent during Federal control, regardless of how much larger its returns may have been during the test period. In other words, here we have a bill that meets every substantive criticism of the Interstate Commerce Commission.

The additional reasons suggested in the report of the legislative committee of the Commission can hardly be regarded as persuasive. Twenty years ago Congress determined specifically in section 204 to compensate roads of the general class included in this bill. That is not a question now. Seventy-two roads of this class were compensated by the action of the Commission itself. After such a settlement, the Commission is not in a tenable position to recommend against this much more modest basis of compensation to the roads which have not received any compensation. These roads were under the same type of management as the roads which have been compensated.

As pointed out in the earlier decision of the Commission itself, they suffered the unfavorable burdens of Federal control. There is just as much reason to compensate the roads provided for in this bill as to compensate any other road affected by section 204.

This bill, as it is drawn, gives no compensation above the test period operating income; it limits and reduces the amount now provided by section 204 so far as the prosperous roads are concerned.

The Commission was directed to assemble all the information necessary to make these adjustments in the act of 1920 and those records are doubtless available for use at the present time.

The Commission, in its two decisions, attempted to reach conclusions to avoid the absurdities in the present law which are cured by this bill. The Commission recommended legislation for this purpose several years ago. The whole record of the Commission would be better justified by supporting this bill than by any adverse reasons now advanced.

In my judgment, the bill is a just compromise of the complicated uncertainties of the present act. It does justice for the roads and justice for the Government.

Technical analysis can unquestionably create doubts as to the interpretation of this law. It seems to me, looking at the substantive case, the original intent of Congress is fairly clear. Former Congressman Esch, who was chairman of the Committee on Interstate and Foreign Commerce, and had charge of this legislation in the House when it was enacted, was a member of the Commission when the decision of 1922 was made. Mr. Esch said, "It seems clear that the purpose and the intent of Congress was to reimburse carriers for losses sustained because of Federal control."

I submit this is a just bill which should be enacted.

Mr. PATRICK. Mr. Speaker, I yield myself one-half minute.

I may say that representatives of the railroad company stated to me—I do not know who else was present—that they decided they would rather take a small loaf than to get no bread at all.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SOUTH] chairman of the subcommittee.

Mr. SOUTH. Mr. Speaker, I was in error in assuming that the letter from Mr. Eastman had been written before this particular bill had been drafted. I was not in error, however, in saying that the bill as originally introduced and when first considered by our committee provided for some $5,000,000 as against less than $2,000,000 here, and also provided that certain roads which had earned 14 or 15 percent would be entitled to more money; that is, they would be entitled to their earnings during the so-called test period.

So far as I know, I have no railroad in my district that would be benefited by the passage of this bill. So far as I know, there is no railroad in my State that would benefit under its provisions.

The chairman of our committee the gentleman from California [Mr. LEA] wrote Commissioner Eastman and asked him if the Commission would be in any way embarrassed by this legislation which, as already stated, means a different interpretation of the term "deficit."

Mr. Eastman replied, as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, April 29, 1940.

Hon. CLARENCE F. LEA,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D. C.

MY DEAR CHAIRMAN LEA: In accordance with your request, I have examined H. R. 4103 for the purpose of considering whether the definition of the term "deficit in railway operating income" which it establishes for the purposes of section 204 (a) of the Transportation Act, 1920, would cause any embarrassment with respect to the future use of that term in our connections. While this question is not free from doubt, my best judgment is that such embarrassment would not be likely to arise. I suggest, however, that the provision in question, on page 2 of H. R. 4103, might well be rephrased to read as follows:

"(i) That the term 'deficit in its railway operating income,' as that term is used in paragraph (a), shall be construed to mean a deficiency or decrease in the carrier's railway operating income for that portion (as a whole) of the period of Federal control during which it operated its own railroad as compared with its average railway-operating income for the corresponding portion of the test period, as held in Construction of the word 'deficit' (66 I. C. C. 765, 774)."

Very sincerely yours,

JOSEPH B. EASTMAN.

The exact language which he recommended was substituted. The term "deficit" was first interpreted by the I. C. C. in a manner that would permit recovery by these roads. It was later interpreted by the Commission in a way that precluded recovery. This bill, it seem to me, is a fair compromise. These short lines were not under Government supervision in the true sense of the word, neither were they entirely free from the effect of Government supervision. Anyone who has studied the question, I think, will admit that. This bill has been pending in the courts and before the Congress for a great many years. The committee that conducted the hearings, and later the full committee that heard the report, reached a unanimous decision that this bill would be a pretty fair compromise. The roads are entitled to something. Under this bill no road will receive in excess of 5¾ percent, whereas some of the roads that have heretofore recovered received several times that amount. As I say, it is almost immaterial to me, and certainly from a personal standpoint it is entirely immaterial, but I believe this bill is a fair compromise and I think it ought to pass.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. CURTIS]?

There was no objection.

Mr. WOLVERTON of New Jersey asked and was given permission to revise and extend his own remarks in the RECORD.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 77, noes 4.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ACQUISITION OF ADDITIONAL LANDS FOR CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK

Mr. TARVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8512) to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 8, after "appropriated", insert "a sum not to exceed $125,000."

Page 2, lines 9 and 10, strike out "such sums as the Congress may from time to time determine."

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

Mr. REED of New York. Mr. Speaker, reserving the right to object, is this the bill that was objected to yesterday?

Mr. TARVER. Yes; it was objected to yesterday by the gentleman from New York [Mr. TABER], who is present now and, I understand, does not propose to further urge his objection.

Mr. REED of New York. Has he withdrawn his objection?

Mr. TARVER. Yes.

Mr. MICHENER. Mr. Speaker, reserving the right to object, this bill was called up and was objected to previously?

Mr. TARVER. Yes.

Mr. MICHENER. The gentleman from Michigan [Mr. ENGEL] has talked to me about this, and I yield to him for any statement he desires to make.

Mr. ENGEL. Mr. Speaker, as I understand the bill as it passed the House, it contained an authorization without limitation?

Mr. TARVER. That is right.

Mr. ENGEL. And as amended by the Senate, the authorization is limited to $125,000?

Mr. TARVER. That is correct.

Mr. ENGEL. Should the House not adopt the Senate amendment, and should the Senate recede, which, of course, might happen, then the bill would stand as the House passed it without any limitation whatever?

Mr. TARVER. The authorization would be unlimited, and there should be a limitation.

Mr. ARENDS. Did the gentleman who objected a while ago withdraw his objection?

Mr. TARVER. I have not conferred with that gentleman, but the gentleman from Michigan [Mr. ENGEL] has. I understand there was some misunderstanding about the matter and that there is no objection now.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDMENT TO AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. FLANNAGAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4374) to amend the Agricultural Adjustment Act of 1938.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (15) of subsection (b) of section 301 of subtitle A of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words—

"Fire-cured and dark air-cured tobacco, comprising types 21, 22, 23, 24, 35, 36, and 37;" and inserting in lieu thereof the following:

"Fire-cured tobacco, comprising types 21, 22, 23, and 24;

"Dark air-cured tobacco, comprising types 35 and 36;

"Virginia sun-cured tobacco, comprising types 37;"

SEC. 2. That section 312 of subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out subsections (b), (d), (e), and (f) of such section, by striking out all of the second sentence in subsection (c) of such section, and by changing the subsection designation "(c)" therein to "(b)."

SEC. 3. The last sentence of section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, is hereby amended to read as follows:

"The base period in case of all agricultural commodities except tobacco shall be the period August 1909 to July 1914. In the case of all kinds of tobacco except burley and flue-cured such base period shall be the period August 1919 to July 1929, and, in the case of burley and flue-cured tobacco, shall be the period August 1934 to July 1939; except that the August 1919–July 1929 base period shall be used in allocating any funds appropriated prior to September 1, 1940."

SEC. 4. That section 301 (b) (15) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of the last sentence thereof and adding a colon and the following: "*Provided*, That any one or more of the types comprising any such kind of tobacco shall be treated as a 'kind of tobacco' for the purposes of this act if the Secretary finds there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand."

SEC. 5. That section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out subsection (b) thereof.

The SPEAKER. Is a second demanded?

Mr. AUGUST H. ANDRESEN. I demand a second, Mr. Speaker.

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. The gentleman from Virginia [Mr. FLANNAGAN] is recognized for 20 minutes, and the gentleman from Minnesota [Mr. ANDRESEN] is recognized for 20 minutes.

Mr. FLANNAGAN. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the tobacco representatives in the House, as I understand, are unanimously in favor of this piece of legislation. It has been considered and passed by the Senate. The same bill has been considered by the House Committee on Agriculture and unanimously reported to the House.

In presenting the merits of this bill, I desire to preface my remarks by calling attention to the fact that the tobacco growers of America during the depression have never called upon the Federal Government to contribute one penny in the way of parity or benefit payments. The tobacco program has been self-sustaining, and it is the only farm program that has been self-sustaining. We have appropriated millions of dollars to take care of the wheat growers and the corn growers but not one penny to take care of the tobacco growers of America, and this in spite of the fact that the tobacco growers of this country contribute to the Federal Treasury more than half a billion dollars in the way of taxes each year.

Now, we are faced with a rather serious situation due to the European conflict. A great part of some of our types of tobacco is exported. We find that some of the types that have been heretofore grouped together are demanding that they be given the right to hold a separate referendum, due to the fact that the export trade has reduced the probable amount of tobacco that can be sold in a particular type more than it has that of another type heretofore grouped with it. We are only asking that the tobacco growers of each particular type be permitted to pass upon whether or not they desire to establish quotas, and if so, at what poundage the quota shall be fixed. No one can object to that amendment. It is only fair and right to bring this question back to the growers of the particular type to be affected and let them pass upon what they think would be a fair quota. As I have stated, I understand, there is no objection to that provision of the bill.

When we originally passed the A. A. A. Act back in 1933 we found it impossible to find a base period that would give the tobacco growers in the flue-cured and burley types parity. We figured out at that time the best period we could. The general provision in the original A. A. A. Act was from 1909 to 1914. At that time the tobacco base period was fixed from 1919 to 1929, in order to bring the price nearer to parity. Since that time we have made a marked success, in my opinion, of the tobacco program.

However, due to the European conflict and the further fact that the cost of producing burley and flue-cured tobacco has greatly increased by reason of the fact that a greater percentage of the crop goes into cigarettes, and it takes more labor, time, and effort to produce a leaf that will go into the cigarette trade—we find that the base period from 1919 to 1929 is now manifestly unfair.

Let me give you a few figures showing just how the cigarette industry has developed in the last few years. In this country the percentage of flue-cured tobacco consumed in the form of cigarettes increased from 19 percent in the years 1909 to 1913, to 70 percent in the 10 years 1920 to 1929, and to 79 percent during the years 1935 to 1939. Practically the same increase has taken place in burley. In order to produce a cigarette tobacco, we have to space the plants closer together in order to produce a thinner leaf. This involves a good deal more work. Moreover, the tobacco is lighter, and you get less poundage per acre.

We find today that under the base period from 1919 to 1929, originally established in the A. A. A. legislation, the parity price is away below the cost price. We are only asking that we be given a more favorable period, the period from 1934 to 1939, so we will be able to participate in some of the benefit payments if our tobacco prices tumble. It is estimated by the Department of Agriculture that not more than 1 or 2 percent of the funds available for this purpose will ever be used for tobacco. We do believe, in justice to the tobacco growers, that we are entitled to this piece of legislation at this time because we are confronted with an emergency. I believe this House should show the tobacco growers every consideration in view of the fact that we contribute to the Federal Government over $500,000,000 each year and have never received one penny in return in the way of benefit or parity payments. [Applause.]

[Here the gavel fell.]

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, this bill establishes a bad precedent. It establishes the precedent of setting up special and preferential treatment for one commodity, without having committee hearings on the proposition, and without giving an opportunity to the House to amend the bill after consideration. In bringing this bill up under suspension the bill is not open to amendment. All we can do is to point out the effects of this bill.

I am interested in the bill not because I am particularly interested in tobacco but because I am interested in what this bill does to the Agricultural Adjustment Act. The effect of this bill is to set up separate classifications for types of tobaccos, and the effect also is to transfer to tobacco about $2,500,000 that would otherwise be available for the payment of benefits to other commodities which have not enjoyed parity prices.

In the consideration of the Agricultural Adjustment Act of 1938, and in the consideration of some amendments to it, we of the Northwestern States have brought out the injustice of classifying all wheats simply as wheat and of not setting up separate classifications for the types or kinds of wheat which are grown. Anyone at all familiar with the wheat market knows that wheat is not just simply wheat, but that there are different prices for different types or different grades of wheat, and that the demand of the millers is for the hard spring wheats. They command the better prices, and yet the production of wheat that is responsible for the so-called surplus are the soft wheats. The hard wheats do not create the surplus. More than that, the history of the acreage planted to wheat over a period of 10 years shows conclusively that the increase in wheat acreage has not been due to the hard wheats, but due to the expansion in the production of the soft wheats.

The result is that when you set up a limitation on the production of wheats and apply it equally to all types of wheat, the penalty falls disproportionately upon those acres devoted to the production of hard wheat. When the Agricultural Adjustment Act was originally adopted, the act of 1938, the wheat acreage was set at 52,000,000 acres. A bill was brought before the House to fix it permanently at fifty-two million. I remember objecting to the bill at that time, and a compromise proposal was brought in to fix it for 1 year at 55,000,000 acres. Subsequently, we adopted an amendment to the act which raised the acreage to 62,000,000. That helped some, and yet that sixty-two million being distributed to all wheat without setting up the separate types of wheat left the restriction of acreage falling disproportionately heavy on the hard-wheat grower.

Now, about all we can do today is to vote against this bill as a protest against bringing in a bill without consideration by the House Committee on Agriculture, and as a protest against setting up a special or preferential type of treatment for one commodity by admitting tobacco to different types of classification without extending that same privilege of classification to another commodity, namely, wheat.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. COOLEY. Did not the gentleman just hear the gentleman from Virginia [Mr. FLANNAGAN] state that this bill was reported unanimously by the Committee on Agriculture of the House?

Mr. CASE of South Dakota. If this bill were reported unanimously by the Committee on Agriculture of the House following a hearing, you would have a report here on the

bill, and the only thing you have in the nature of a report is a report to the Senate committee embracing a letter from the Department on two sections of a five-section bill.

Mr. COOLEY. Mr. Speaker, will the gentleman yield further?

Mr. CASE of South Dakota. The gentleman does not mean to say that this bill came up and had the deliberate consideration of the Committee on Agriculture with an opportunity for Members to be heard upon the bill?

Mr. COOLEY. I mean to say exactly that. It was brought up in an open meeting, and it did not meet with any opposition. The report has been prepared and is now in the hands of the printer.

Mr. CASE of South Dakota. Which will do us no good here today. The gentleman who demanded a second on this bill is a member of the Committee on Agriculture.

Mr. COOLEY. And that gentleman was not present at the meeting of the committee.

Mr. CASE of South Dakota. Then the bill was not reported unanimously.

Mr. COOLEY. Of course not, if you include the absent Members.

[Here the gavel fell.]

Mr. FLANNAGAN. Mr. Speaker, at this point I would like to insert in the RECORD a copy of the letter from the Secretary of Agriculture to the chairman of the Committee on Agriculture approving this piece of legislation and a letter from the president of the American Farm Bureau Federation approving this piece of legislation and a short, prepared statement showing just what the legislation will accomplish.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The matter referred to follows:

SEPTEMBER 21, 1940.

Hon. MARVIN JONES,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. JONES: This is in reply to your request of September 10 for a report on the bill H. R. 10317.

This bill would change the base period for burley and for flue-cured tobacco from the 10 years, August 1919–July 1929 to the 5 years, August 1934–July 1939, and would provide thereby for determination of parity prices for these kinds of tobacco on the basis of price relationships which have existed in recent years.

Over a period of about 30 years there has been an increasing demand for those grades of tobacco used in the manufacture of cigarettes, and this demand in turn has led to significant modifications of farming practices in order to produce a crop having a greater proportion of the cigarette grades of tobacco. The proposed change in the base period, which would mean an increase of about 20 percent in the parity price, would provide for establishing parity prices so as to reflect recent price relationships for burley and flue-cured types of tobacco which have accompanied changes in the grades of tobacco required by the industry. Moreover, it appears to be reasonable and desirable with these changed conditions to maintain farm prices for these types of tobacco at this level.

The changing conditions in the tobacco industry were recognized by Congress when the Agricultural Adjustment Act of 1933 was enacted. At that time Congress provided for the use of the more recent August 1919–July 1929 base period for tobacco rather than the 1909–1914 period, which was used for other commodities. The 1919–1929 period also was used for tobacco in the Agricultural Adjustment Act of 1938. Since the changes which originally led to the use of the 1919–1929 base period for tobacco have been continuing in recent years, it now appears to be appropriate to adopt a later base period in order to reflect more accurately present price relationships.

As indicated above, the changes in the industry which have tended to lead to different price relationships for burley and flue-cured tobacco are associated with the increased proportion of these types of tobacco used in the manufacture of cigarettes. In this country the percentage of flue-cured tobacco consumed in the form of cigarettes increased from 19.7 percent in the 5 years 1909–13, to 70 percent in the 10 years 1920–29, to 79.7 percent in the 5 years 1935–39, and to 81.1 percent in 1939. For burley tobacco the similar increases were from 1.5 percent in the 5 years 1909–13, to 40.1 percent in the 10 years 1920–29, to 57.4 percent in the 5 years 1935–39, and to 59.4 percent in 1939.

In order to produce a greater proportion of tobacco suitable for use in cigarettes farmers have changed their practices materially. These changes involve the closer spacing of tobacco in the field with the production of a larger number of lighter leaves of tobacco as contrasted with the production of a smaller number of larger, heavier leaves in the earlier years. A farmer has to handle each leaf of flue-cured tobacco separately four times before it is placed on the market, and in addition has to handle several leaves bunched together a number of other times. This means a material increase in the labor required to place a pound of tobacco on the market, and of necessity tends to limit the quantity of tobacco handled by the average farm family. In addition to this increased labor cost, farmers generally have been required to incur added expense in adopting practices to prevent or check diseases and insects which have affected tobacco more seriously in recent years.

In view of the foregoing discussion it seems clear that there is a problem which should be corrected, and this bill would be one way of making this correction. However, in view of the fact that the legislation would have the effect of causing between 2 and 3 percent of the funds already appropriated for parity payments at this session of Congress to be shifted to tobacco from other commodities, it is suggested, since such a shift was not contemplated when the funds were appropriated, that the committee may wish to provide that the 1919–29 base period be used in any calculations relating to appropriations made prior to the enactment of the bill. This could be accomplished by striking out the period at the end of the last sentence in section 1 of the bill and adding the following: "; except that the August 1919–July 1929 base period shall be used in allocating any funds appropriated prior to September 1, 1940."

As required by Budget Circular 344, this matter was referred to the Bureau of the Budget, and under date of September 19, 1940, the Director thereof advised this Department that there would be no objection to the submission of this report to the committee with the understanding that no commitment would thereby be made as to the relationship of this proposed legislation to the program of the President.

Sincerely yours,

CLAUDE R. WICKARD,
Secretary.

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., September 24, 1940.

Hon. JOHN W. FLANNAGAN, JR.,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I am writing to convey to you our support of the Flannagan bill, H. R. 10317, which changes the base period of the parity goal for flue-cured and burley tobacco from 1919–29 to 1934–39. I understand the effect of this would be to increase the parity goal for flue-cured tobacco from about 18 cents per pound to 22.4 cents, and to increase the parity goal for burley tobacco from 17 cents to 21.8 cents.

This change in the parity goal is made necessary by reason of the very large shift in consumption from smoking and chewing grades of tobacco to cigarette tobacco that has taken place since 1921. As a result, farmers have shifted to the production of a thinner leafed tobacco which is more expensive to produce. This readjustment in the parity goal will help offset these increased production costs and will provide a more equitable parity goal for the producers of these types of tobacco.

The loss of our export markets for tobacco, due to the European war, has placed an added burden upon the tobacco growers, as they find it necessary to reduce their acreage to bring about a readjustment of supplies. It is therefore especially urgent that Congress provide this additional relief at an early date.

At the meeting in Chicago on September 9–10 of the board of directors of the American Farm Bureau Federation, which is composed of representatives from all sections of the Nation, this bill was unanimously endorsed. I am informed that this legislation also has the approval of the Department of Agriculture.

As there is no objection, so far as I know, to this legislation, we respectfully urge your help in getting this bill enacted before adjournment in order to assist the tobacco growers in coping with a very difficult situation.

Sincerely yours,

EDW. A. O'NEAL, *President.*

PROPOSED AMENDMENTS TO TOBACCO QUOTA PROVISIONS OF AGRICULTURAL ADJUSTMENT ACT OF 1938

1. Change of the base period for burley and flue-cured tobacco from August 1919–July 1929 to August 1934–July 1939, section 301 (a) (1).

Over a period of 30 years the proportion of burley and flue-cured tobacco used in cigarettes has been steadily increasing.

In order to produce from each crop a greater proportion of grades suitable for use in cigarettes, farmers have materially changed their practices. These changes require the handling of a larger number of lighter, smaller leaves of tobacco in order to place a pound of tobacco on the market, thus reducing the quantity of tobacco which the average farm family handles.

These changing conditions in the industry have been accompanied by changing price relationships, and it appears to be sound from an economic viewpoint to bring the base period more nearly up to date. This situation in the tobacco industry was recognized originally in the Agricultural Adjustment Act of 1933 when the 1919–29 base period was used for tobacco in lieu of the 1909–14 base period which was used for other commodities.

The change of the base period would mean about a 20-percent increase in the parity price for burley and flue-cured tobacco. The change should have the effect of strengthening market prices and make possible the more effective use of loans in maintaining market prices in temporary emergency situations.

The market situation for flue-cured and burley tobacco is different from that for most other commodities since farmers receive for

their tobacco only about 10 percent of the price of cigarettes retailing at 15 cents.

To remove any question about the effect of the amendment upon the allocation of parity funds, the amendment provides that the change of base period shall not affect any funds already appropriated for the making of parity payments. The maximum shift over a period of years in parity payments to tobacco from other commodities likely would fall between 1 and 2 percent. In this connection it is noted that no parity payments have been made thus far on tobacco.

2. Separation of dark types of tobacco now grouped as one kind under the act (sec. 301 (b) (15)):

In 1938 demand conditions for the several fire-cured and dark air-cured tobacco types were relatively stable. Administratively under these conditions it appeared to be most practical to group all of the fire-cured and dark air-cured types together for the purposes of the marketing quota program, and this was done under the act.

Because of the war in Europe demand conditions for the fire-cured types of tobacco now are materially different from demand conditions for the dark air-cured types. A greater portion of fire-cured tobacco normally is exported to continental Europe than is the case for the air-cured types, and these exports have been almost completely stopped as a result of the war. Therefore, it appears essential now to separate the fire-cured and dark air-cured types of tobacco so that appropriate adjustments can be made in the marketings of the different types of tobacco in view of the variable demand conditions therefor.

3. Elimination of provision under which referenda on quotas may be held after crop is produced (sec. 312 (b)):

When the Agricultural Adjustment Act of 1938 was enacted provision was made for referenda on marketing quotas with respect to any crop of tobacco after it had been produced. Administrative experience thus far indicates that this provision is not desirable. Further, the possibility of approval of marketing quotas for a 3-year period, as authorized by recent amendments to the act, makes it seem desirable to allow any particular crop of tobacco to move into market channels and to provide for adjustments which may be needed to eliminate any surplus in connection with the marketings of later crops of tobacco.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. Speaker, I wanted a little time on this bill because I want information as to how it affects the entire farm program. I have been trying to get the information for the past few days, and would like to interrogate the gentleman from Virginia. I want to know the answer to two questions before I make up my mind on this bill. I want to know if it affects the entire acreage allotment of the Triple A of the United States, either in this year or in future years.

Mr. FLANNAGAN. It does not.

Mr. CARLSON. Does it affect the distribution of the funds this year or in future years?

Mr. FLANNAGAN. It does not affect the distribution of the funds for this year. It expressly provides to the contrary. If the tobacco price tumbles next year, we would participate, I hope, in the parity payments, something we have never done as yet; and it is estimated by the Secretary of Agriculture that it would probably take from 1 to 2 percent of the funds allocated for parity payments in the event we are unable to maintain parity prices under the program.

Mr. CARLSON. I wanted to be sure we did not affect the present set-up of the Triple A base in the United States. We have had one or two changes in the past, and I think we should not pass a bill today under suspension that would do that.

Mr. Speaker, I appreciate very much the information that has just been given me by the gentleman from Virginia [Mr. FLANNAGAN]. My sympathy is with the farmers generally and therefore I want to be fair in my consideration of this bill. I want it distinctly understood that it would not affect the base acreage as established by the Agricultural Adjustment Act. I have no objection to tobacco securing parity payments under this program. In fact, I believe we must give consideration to every farm commodity. It is true that tobacco has been in a more favorable position than other farm commodities, and as present indications point to a reduced income for future years I want to approach this matter with that in mind. While we are discussing this parity price of farm commodities, I think it well to consider the present farm prices in comparison with parity prices. Following is a table recently issued by the Department of Agriculture giving this information:

Prices of farm products

[Estimates of average prices received by farmers at local farm markets based on reports to the Agricultural Marketing Service. Average of reports covering the United States weighted according to relative importance of district and States]

Product	5-year average, August 1909-July 1914	August average, 1909-13	August 1939	July 1940	August 1940	Parity price August 1940
Cotton, pound.....cents	12.4	12.3	.8.70	9.54	9.23	15.75
Corn, bushel.....do	64.2	70.9	45.7	63.1	63.1	81.5
Wheat, bushel.....do	88.4	89.5	54.5	61.4	60.1	112.3
Hay, ton.....dollars	11.87	11.35	6.77	7.10	7.10	15.07
Potatoes, bushel.....cents	69.7	84.0	[1] 69.3	82.1	68.0	[2] 81.5
Oats, bushel.....do	39.9	40.9	25.4	28.3	26.7	50.7
Soybeans, bushel.....dollars	[3]	[3]	.64	.73	.67	[4] 1.73
Peanuts, pound.....cents	4.8	4.8	3.39	3.42	3.44	6.10
Apples, bushel.....dollars	.96	.72	.66	1.08	.79	1.22
Oranges, box.....do	[3]	[3]	1.53	1.50	1.75	[4] 2.46
Grapefruit, box.....do	[3]	[3]	.89	.94	1.35	[4] 1.54
Lemons, California, box dollars	[3]	[3]	2.20	1.95	2.90	[4] 2.49
Beef cattle, hundredweight dollars	5.21	5.08	6.50	7.26	7.21	6.62
Hogs, hundredweight.....do	7.22	7.30	5.47	5.78	5.83	9.17
Chickens, pound.....cents	11.4	11.7	13.0	13.6	13.4	14.5
Eggs, dozen.....do	21.5	18.1	17.5	16.4	17.2	[2] 25.5
Butterfat, pound.....do	26.3	24.1	22.4	25.9	26.7	[2] 31.1
Wool, pound.....do	18.3	18.8	22.0	27.9	27.3	23.2
Veal calves, hundredweight dollars	6.75	6.59	8.13	8.56	8.59	8.57
Lambs, hundredweight dollars	5.87	5.51	6.94	7.85	7.52	7.45
Horses, each.....do	136.60	137.30	78.00	74.50	72.50	173.50

[1] Revised.
[2] Adjusted for seasonality.
[3] Prices not available.
Post-war base.

This bill, as I understand it, changes the base year for securing the parity base. Statements already made indicate that the years selected under the original A. A. A. were rather unfair to tobacco, therefore I think this provision might well be adopted. However, I do object to bringing this bill in under suspension of the rules with no copy of the bill under consideration available except the one at the Speaker's desk. I trust this will not happen again.

Mr. PACE. Will the gentleman yield?

Mr. CARLSON. I yield.

Mr. PACE. But it is time to guarantee the farmers of this Nation parity prices, is it not?

Mr. CARLSON. It has always been my contention that we will not have permanent prosperity in the United States until agriculture and industry are more nearly on a parity. This, of course, is the purpose of the A. A. A., but the preceding table shows how far we have failed in reaching this desired objective, despite several years of this program.

I have just received the following figures, which I believe are interesting:

Measures of business conditions, Thursday, Oct. 3, 1940

	Latest period	Preceding period	Year ago	1938 low	1939 high
Production:					
Steel output, week of Sept. 28	92.5	93.5	85.0	25.0	95
Automobile output, week of Sept. 28	95,990	78,820	64,255	13,900	117,800
Movement of goods:					
Freight carloadings, week of Sept. 21	813	804	815	512	861
Department store sales, Sept. 21, percent change from a year ago	+10	+10	-----	-----	-----
Prices (Sept. 21):					
Wholesale prices, percent of 1926	77.7	77.9	79.5	77.4	79.5
Farm prices, percent of 1926	65.7	66.8	69.5	65.9	69.7
Business activity:					
Barron's Index, Sept. 21, percent of 1923-25	85.4	84.8	84.8	50.0	90.4
Factory pay rolls, August, percent of 1923-25	103.7	96.5	89.7	69.4	101.8
Building contracts, August, in millions of dollars	414	399	312	195	330

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker, this committee report states, "The proposed amendment is needed because the war in Europe has adversely affected the demand for the dark air-cured types of tobacco to a lesser extent than for the fire-cured type."

Mr. Speaker, we have this bill before us because our New Deal brethren repealed the arms embargo provision of our former neutrality act with the Baruch-Bloom fake neutrality act. As a result, foreign purchasers who formerly purchased about $89,000,000 worth of American tobacco annually, stopped purchasing that tobacco in order that they could use more of their money to purchase munitions, arms, implements of war, and war supplies. I was not a party to that double-cross and sell-out of our American tobacco farmers. I am glad that I was not. Our New Deal Democratic brethren are now asking for the enactment of this bill to cure a condition which is the result of the enactment of the Baruch-Bloom fake neutrality bill which brought about this condition——

Mr. BLOOM. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLOOM. I think it is about time that the Members of this House should be acquainted with the fact that they cannot use the names of any of the Members of the House, especially when they are using it in the manner the gentleman from Wisconsin is using my name.

Mr. SCHAFER of Wisconsin. I have not referred to the gentleman's name at all.

Mr. BLOOM. A point of order, Mr. Speaker. I am speaking to the Speaker and not to the gentleman who occupies the floor.

The SPEAKER. The gentleman from Wisconsin will proceed in order and the rules provide that Members must be referred to as "the gentleman from" a certain State.

Mr. SCHAFER of Wisconsin. I am proceeding in order, Mr. Speaker. I may be referring to some flower blooms or many Blooms whose names appear in the Washington and New York directories.

Mr. BLOOM. Mr. Speaker, a point of order.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I am clearly proceeding in order under the rules of the House.

Mr. BLOOM. I ask, Mr. Speaker, that the gentleman's words be taken down.

The SPEAKER. The Clerk will report the words objected to.

Mr. BLOOM. Mr. Speaker——

The SPEAKER. The gentleman from New York.

Mr. BLOOM. Is it not according to the rules that the gentleman from Wisconsin should be made to take his seat while this matter is being considered?

The SPEAKER. The gentleman from Wisconsin will take his seat.

The Clerk read as follows:

I may be referring to some flower blooms or many Blooms whose names appear in the Washington and New York directories.

The SPEAKER. The gentleman from Wisconsin has heard the words read. Was he referring to the gentleman from New York as one of the Blooms?

Mr. SCHAFER of Wisconsin. No; I was not. I may say to the Speaker that the gentleman from New York made the point of order that I was not within the rules of the House because I was discussing his name. I have not been discussing his name as a Member of the House. I have not identified his name and in explanation——

The SPEAKER. Did the gentleman intend to refer to the gentleman from New York?

Mr. SCHAFER of Wisconsin. No; I intended only to indicate that I was not referring to a Member of this House.

Mr. BLOOM. Mr. Speaker I would like to be heard. The gentleman from Wisconsin referred to the Bloom——

The SPEAKER. There is nothing to be heard on. If the gentleman from Wisconsin states that he did not intend in this statement to refer to the gentleman from New York, a Representative in the House, his words are not out of order.

Mr. SCHAFER of Wisconsin. Will the Speaker read the language again? I want to be absolutely correct.

The SPEAKER (reading):

I may be referring to some flower blooms or many Blooms whose names appear in the Washington and New York directories.

Mr. SCHAFER of Wisconsin. I will say positively that I did not directly or indirectly intend to refer to any Member of this House but merely mentioned the words I did mention in order to indicate to the House that I was proceeding under the rules of the House.

Mr. BLOOM. Mr. Speaker may I be heard on the allegation?

The SPEAKER. The gentleman has not answered the question. Did the gentleman intend to refer to the gentleman from New York?

Mr. SCHAFER of Wisconsin. Oh, absolutely not; not in the words which the Speaker has mentioned.

The SPEAKER. These are the words that were taken down.

Mr. SCHAFER of Wisconsin. Yes; with reference to the words taken down, I was not, as the words indicate, referring to the gentleman from New York or to any other Member of the House.

The SPEAKER. The gentleman from Wisconsin will proceed in order.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I shall support and vote for this bill. One of the Members from my side stated that this bill should not be passed because it did not include another commodity. All I have to say about that is that is not the way to legislate. If this bill does not go the whole way in the proper direction but does go halfway, then let us take the half step. It is claimed that this bill must be enacted to protect many of our American tobacco farmers because foreign countries have stopped purchasing much of their tobacco. Therefore, let us take care of our American tobacco farmers. America first, last, and forever! [Applause.]

[Here the gavel fell.]

Mr. FLANNAGAN. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Speaker, this is a bill of vital interest to thousands of tobacco growers in this country. The membership of the House will recall that when the original Agricultural Adjustment Act was passed in 1933 it was found that because of different conditions existing in the production of tobacco as compared with other basic farm crops, it was necessary to establish a different base period for tobacco than was established for these other commodities. The period agreed upon for the other commodities was a prewar period of 5 years, but we set up a 10-year post-war base period for tobacco; otherwise the A. A. A. would have been inoperative on burley and flue-cured tobacco. The result has been that the growers of the burley and flue-cured types have never received one penny of parity payments, but the very existence of this base period has had a considerable effect on the market price of those types of tobacco. In our advocacy of this measure to determine still another base period for burley and flue-cured tobacco we are not expecting to receive parity payments. We hope there will be no need for parity payments. We do hope, however, for the effect which we believe this new base period will have on the market price of tobacco. It is expressly provided in this bill that no parity payments shall be made on tobacco out of any funds appropriated for the fiscal year ending June 30, 1941.

There has been a vast change in conditions surrounding the production of these types of tobacco, in the purposes for which they are used, and in the tobacco industry generally, since the period 1909–14, the base period of other farm products. That was a period when a comparatively small proportion of these burley and flue-cured types of tobacco went into the manufacture of cigarettes. The cigarette as a great commercial product began to expand about 1910. At that time less than 2 percent of burley tobacco and less than 20 percent of flue-cured tobacco went into the manufacture of cigarettes. But now approximately 60 percent of the burley tobacco and more than 80 percent of the flue-cured tobacco goes into the manufacture of cigarettes. The production of cigarette tobacco requires a smaller, lighter, finer tobacco plant and more of them, than the production of tobacco used for other purposes. The result has been a tremendous increase in the cost of producing

these types. In order to balance the whole situation, to bring the parity price of these two types of cigarette tobacco to what it should be, this legislation is necessary. These tobaccos are the foundation of the American cigarette. From them are blended billions of cigarettes, which pay more than a half billion dollars annually into the Federal Treasury. It is necessary to change the base period now to give us a parity price commensurate with the cost of production to thousands of American farmers. The same reasons that justified the Congress in 1933 in giving tobacco a base period different from that of other products now justify our appeal for still another base period, as provided in this bill.

We have no desire to discriminate against any other farm product. We are not here opposing any change in the classification for wheat as mentioned by the gentleman from Kansas. All we are asking is this change of base period as a measure of justice to growers of tobacco, a crop which extracts more fertility from the soil than any other farm product, and which requires the hardest kind of labor known to farm life. This is not a special concession we are asking; we are asking it simply in order to balance these types of tobacco with other farm products and bring them up to a proper parity price. [Applause.]

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. MURRAY.]

Mr. MURRAY. Mr. Speaker, I would like to say to my colleagues during this little guerilla warfare we have had here that we ought to act somewhere near our age and get the facts in connection with this proposition. I attended the committee meeting when this matter was brought up. Just so the Members understand what it is, may I say that this is part of the money that comes from parity payments. Now, I voted against parity payments and I probably will hear a lot about that during the next 3 or 4 weeks, but I voted against it because it did not include enough of the crops produced in this country. The question involved here today is altogether different. The tobacco farmers have not had any parity payments. I have in my pocket at the present time a table showing that Kentucky has only received $3 per farm per year for the 3 years that parity payments have been paid. That has been due to the fact that tobacco has been at a pretty fair price up until the last few months. To me this looks a good deal like we are having a little disturbance here over how to divide the spoils.

Mr. FLANNAGAN. Will the gentleman yield?

Mr. MURRAY. I yield to the gentleman from Virginia.

Mr. FLANNAGAN. The gentleman does not want to make the statement that tobacco growers have received one penny in parity payments?

Mr. MURRAY. No.

Mr. FLANNAGAN. I understood the gentleman to say that they received $3 per farm.

Mr. MURRAY. I said that in fairness to the tobacco farmers it should be stated they have not had this money on account of the price of tobacco. It has not been necessary. The $3 per farm is from parity funds. The only thing we are discussing here today is whether you are going to take some of the money that has gone into cotton and pay it for tobacco. It might be well for the country to know that cotton has had 68 percent of the parity payments up to January 1, 1940, and they would have had all of it this year if the Members had not been a little careful.

Mr. COOLEY. Will the gentleman yield?

Mr. MURRAY. I yield to the gentleman from North Carolina.

Mr. COOLEY. Does the gentleman know what percentage of parity payments wheat has received?

Mr. MURRAY. I cannot remember all of them.

Mr. COOLEY. Quite a large sum of money.

Mr. MURRAY. Oh, yes; and also corn.

Mr. PACE. Will the gentleman yield?

Mr. MURRAY. I yield to the gentleman from Georgia.

Mr. PACE. The gentleman's figures include the special price adjustment appropriation that was made in 1937. Otherwise cotton has not received anywhere near the major portion or over half of the money.

Mr. MURRAY. All I can do is take the figures I get from the Department of Agriculture and according to those figures cotton has received 68 percent of the money during all of that time.

Mr. PACE. In 1937 the Congress appropriated a special price adjustment for cotton, which was not at that time appropriated for any other commodity and the gentleman's figures have been raised on account of that special appropriation. Since that time the money has been fairly distributed among all commodities. I appreciate the gentleman's concern about dairying. I realize he has not been able to go along with parity payments because he wants the same treatment for the dairy producers of his district. I appreciate that position.

Mr. MURRAY. Let us get that straight. The gentleman from Wisconsin [Mr. HULL] has a dairy bill pending, H. R. 6500, by which he desires to get a little of this money for the dairy farmers, but we have not been able to get the bill voted on in the committee. I try not to make this a personal matter at this time. All we are doing today is to take some of the money that has been going to cotton, wheat, and corn, and giving it to the tobacco farmers who have not had the benefit of any parity payments up until the present time. That is all there is to this. It is simply a matter of dividing the spoils.

Mr. GEHRMANN. Will the gentleman yield?

Mr. MURRAY. I yield to the gentleman from Wisconsin.

Mr. GEHRMANN. I was wondering what reason there was in the Agricultural Committee why the dairying industry, which is the largest of all, should not be included and should not receive some benefit if there are any benefits in parity payments. What were the reasons given?

[Here the gavel fell.]

Mr. FLANNAGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Speaker, I am well aware of the fact that we who represent agricultural districts must hold together to maintain the gains we have made in the last 7 or 8 years. Nevertheless, I regret that a bill of this importance should come up in this way. A bill of this kind should have had hearings. There should have been real discussion in the Agricultural Committee. I signed the round robin when it was presented asking that this bill should be considered in this manner. It did come before a formal meeting of the Agricultural Committee a few days ago and was approved without discussion.

I am going to vote for this bill because it has been amended so as not to affect the parity payments of 1941, which I think is fair. I hope we will never have to ask for parity payments again. I trust we may devise some method by which we can make various users of the commodities pay the necessary amounts to the people who produce the commodities so that there will be no necessity for further parity payments. However, if we do have to provide parity payments, tobacco should be in the position where it can get its share. It should not participate the same as corn, wheat, and cotton in 1941, because that appropriation has already been made. This bill has been amended, so the sponsor informs us, so that it will not cover that year. That is why it gets my vote.

I remember well when we first considered in the Agricultural Committee the difficulty of finding a base period for tobacco. If I recall correctly, I was the first one that suggested that we go outside the 1909–14 base.

[Here the gavel fell.]

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that a letter addressed to me by Secretary Wickard be inserted at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The letter referred to follows:

DEPARTMENT OF AGRICULTURE,
Washington, September 21, 1940.

Hon. WALTER M. PIERCE,
House of Representatives.

DEAR MR. PIERCE: This is in reply to your letter of September 13 requesting information as to the effect of the bill H. R. 10317

upon the distribution of parity payments for wheat, corn, cotton, rice, and tobacco.

The bill H. R. 10317 changes the base period only for flue-cured and burley tobacco and does not affect the base period for other kinds of tobacco. A copy of the report by the Department on the proposed legislation is attached for your convenience.

Thus far no parity payments have been made on tobacco, and it is my understanding that the farm leaders who have proposed the change in the base period for flue-cured and burley tobacco are interested mainly in the effect which the change may have in maintaining market prices at recent levels, and, in the event of any decline of market prices, in the possibility of using loans more effectively to maintain prices at reasonable levels. Their reasoning seems to be that the market situation is such that prices for the flue-cured and burley types of tobacco, which are used mainly in cigarettes, can readily be maintained in line with prices during the proposed base period. Actually, the market situation for these types of tobacco is different from that for most other commodities mainly because of the fact that the amount which the farmer receives for his tobacco (at prices prevailing in the proposed base period) represents only about 10 percent of the price of a package of cigarettes retailing at 15 cents.

Flue-cured tobacco growers recently approved marketing quotas for the next 3 years (1941 to 1943) and burley growers will vote on marketing quotas this fall for 3 years. With quotas in effect for 3 years, it seems that prices for tobacco should improve to such an extent that tobacco growers would share in any parity payments to a smaller extent in later years than in 1941.

In line with my understanding of the object of the proposed legislation, the enclosed report contains a suggestion that the bill be modified so as to provide for use of the base period of August 1919–July 1929 (as now fixed in the Agricultural Adjustment Act of 1938, as amended) in allocating any funds already appropriated for the making of parity payments for 1941. If this suggested change in the bill is adopted the legislation will have no effect upon the distribution of parity payments for 1941. Without the suggestion there would be a shift of 2 to 3 percent of the parity funds to tobacco from the other commodities, this shift being made pro rata from each of the other commodities. This shift for 1941 probably is near a maximum. For 1940, had the proposed legislation been in effect, the shift would have been about 1½ percent, and over a period of years any shift likely would not average above the figure of 1½ percent. The distribution of the parity-payment funds among commodities is based upon the extent to which the proceeds of production fall below the parity income, and, therefore, no parity payments would be made on burley or flue-cured tobacco in any year in which the price was sufficiently high to bring the proceeds of production up to the parity income.

Sincerely,

CLAUDE R. WICKARD, *Secretary.*

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, this bill as we have it before us, S. 4374, contains two sections. It seems to me the Clerk read five or six sections. I am just wondering why the additional sections of the bill read by the Clerk are kept from the Members of the House. We have not had an opportunity to study the bill that was read by the Clerk. There must be some reason why the Members are not being permitted to see the additional sections.

Mr. FLANNAGAN. I hope the gentleman does not intimate that anyone is trying to keep from the Members of the House the provisions of the bill S. 4374. It is a public document.

Mr. AUGUST H. ANDRESEN. I am simply showing that the Members of the House do not have the bill before them in printed form as read by the Clerk.

Mr. FLANNAGAN. It has been printed, however, and it is available.

Mr. AUGUST H. ANDRESEN. I am sorry, I cannot yield to the gentleman. He can explain that in his own time. I have been trying to get a copy of the bill, which is up for consideration under suspension, to find out what it really means before I cast my vote either for or against it.

I want to be fair on this matter, but, as a matter of fact, tobacco has received closer to parity prices than any other farm commodity. Tobacco has had special treatment for the past 7 years, all through the farm legislation. The Representatives of the tobacco districts have written their own ticket and have always had preferential treatment to handle the problems concerning their industry. Now they come before us and want to change the base period, which, in my opinion, throws the entire A. A. A. program out of kilter, because the base period for virtually all the basic farm commodities is the 1909–14 period. In order to improve the situation for tobacco they are taking the 1934–39 period, where the prices are at parity or above parity, and changing its relationship to the general scheme of price levels and parity for other basic commodities.

No hearings were held on this bill before our Committee on Agriculture. It is true that the bill was brought before the committee and reported out without any discussion on the basis of a poll that was circulated by the author of the bill among the Members. I did not sign that poll that was taken of the members of the committee, because I do not believe a piece of important legislation should come out of the Committee on Agriculture without hearings and without due consideration.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I have just examined the copy of the bill which is at the Clerk's desk, and it carries five sections. This is the bill that was passed by the Senate. The only copies that are available at the desk for the Members are of the bill as it was originally introduced in the Senate, and it carries only two sections. There are three sections of the bill that have been inserted in addition to those that anyone is able to read unless he goes to the Clerk's desk.

Mr. AUGUST H. ANDRESEN. The gentleman is correct in substantiating what I have already said. This letter from the Secretary of Agriculture states that this bill has not been approved by the Bureau of the Budget. There is no report from the House Committee on Agriculture. We do not know if the administration favors this bill, for lack of approval by the Bureau of the Budget, and, therefore, we cannot help but assume that the President may veto the bill when it comes to him for consideration.

One reason given for the passage of this measure is the fact that the shipment of tobacco has been retarded in the world markets due to the war. I have just learned today from my good friend the gentleman from North Carolina [Mr. COOLEY] that England is again buying tobacco produced in this country.

Every farm commodity, wheat, cotton, and other basic commodities, and every surplus farm commodity, has slumped in the export market on account of the war in Europe. There are no shipments of wheat from the United States, very few shipments of cotton, and none of rice. The gentleman from North Carolina states that usual sales of tobacco are now being made to England.

Mr. COOLEY. Mr. Speaker, will the gentleman yield? I have not made any such statement.

Mr. AUGUST H. ANDRESEN. I am sorry if I misunderstood the gentleman.

It seems to me that we are giving such special treatment to this product that the legislation before us should go back to the Committee on Agriculture to have full and complete hearings where witnesses may come before our committee from the Department and give their testimony and be subject to cross-examination, so that we may get all the facts.

The Department now advises us that this will take around $2,500,000 out of the parity payment fund. This is not a very great deal, but you are taking it away from other basic commodities to give it to another, and that is hardly fair without its having had consideration before the proper legislative committee.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Minnesota.

Mr. PITTENGER. Does the gentleman know of any reason why we cannot have hearings not only on this matter but on other matters before the Committee on Agriculture in which the people of the country are interested? We have not recessed or adjourned yet.

Mr. AUGUST H. ANDRESEN. There are no doubt a good many bills on which we could hold hearings.

Mr. PITTENGER. I call the gentleman's attention to the Harrison-Colmer bill, in which a great many people are interested.

Mr. AUGUST H. ANDRESEN. This bill should be returned to the Committee on Agriculture. [Applause.]

[Here the gavel fell.]

Mr. FLANNAGAN. Mr. Speaker, I yield the balance of the time to the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I know that the distinguished gentleman who has just preceded me did not intend to misquote me a moment ago when he said that I had stated to him that the British embargo had been lifted and that we were selling tobacco to the British Empire. I made no such statement.

Mr. AUGUST H. ANDRESEN. I beg the gentleman's pardon if I misunderstood him. I understood the gentleman to tell me out here that we are now selling tobacco to the British Empire.

Mr. COOLEY. No; the gentleman thoroughly misunderstood me.

Mr. AUGUST H. ANDRESEN. I beg the gentleman's pardon.

Mr. COOLEY. What I said was that we had an arrangement with the British buyers under which they are buying tobacco on the market in the usual way under an option. The British companies are furnishing their redrying plants and storage facilities in this transaction and they are purchasing somewhere near their usual requirements, but all of the tobacco purchased by the British buyers last year is still stored in this country, and to that tremendous stock of tobacco is being added the tobacco they are purchasing this year.

The necessity for this bill is pointed out in letters from the Secretary of Agriculture, one of which was addressed to Senator SMITH on September 19, and the other addressed to the gentleman from Texas, Hon. MARVIN JONES, chairman of the Committee on Agriculture, on September 21, and I would like to read just a few excerpts from the letter of September 19th to Senator SMITH, in which the Secretary of Agriculture stated this:

> Because of emergency conditions which have arisen with respect to the fire-cured and dark-air-cured types of tobacco, as a result of the war in Europe, it appears urgent that this bill be enacted in time to make the amendment provided therein effective prior to the holding of a referendum on marketing quotas on these kinds of tobacco in October or November of this year.

This is from the Secretary's letter, and after discussing the bill further, the letter ends up with this statement:

> The Department urges immediate enactment of this bill for the reasons stated above.

I may say to the membership of the House that I am not particularly interested in that phase of the bill which deals with dark-air-cured and fire-cured tobacco, but I am tremendously interested in the second section of the bill which deals with parity payments.

Mr. FLANNAGAN. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I shall be glad to yield to the gentleman from Virginia.

Mr. FLANNAGAN. This bill does not in any way affect the parity payments for 1941.

Mr. COOLEY. The gentleman is correct.

Mr. FLANNAGAN. I want the membership to thoroughly understand that.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. H. CARL ANDERSEN. How about parity payments for 1942?

Mr. COOLEY. We do not have any parity payments for 1942.

Mr. H. CARL ANDERSEN. There will naturally be one in due course of time.

Mr. COOLEY. We hope that will not be necessary.

Now, with reference to parity payments, I hope the membership of the House knows this one thing, and clearly knows it, and that is that tobacco, one of the biggest industries in the country, has received not one red penny in parity payments. Now, you ask me why? It is because the tobacco farmer has been willing to take it on the chin, so to speak, and to curtail production and try to cope with the law of supply and demand, to such an extent that last year we produced 1,200,000,000 pounds of flue-cured tobacco and this year we have cut that production in half, and we will only produce 600,000,000 pounds, and, unfortunately, tobacco today is selling for slightly more than it sold for last year, and it is plain to see that the income of the tobacco farmer is substantially curtailed. Now, instead of having these tobacco buyers go along under the belief that parity for tobacco is 16 or 18 cents, we want them to know that under the calculations made by the experts in the Department, that the parity price for tobacco today should be 22 cents a pound, and that is all this bill, or the latter part of it, does. Its only effect in the current year will be entirely psychological. It cannot materially influence the price of tobacco, but we hope it will have a favorable influence upon the market for the remainder of the season.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman.

Mr. CASE of South Dakota. Personally, I have no objection to the latter part of the measure. I have no objection to the extension of parity payments, and if the gentlemen would incorporate in their motion a motion to amend by striking out the first portion of the bill, I would not object.

Mr. COOLEY. On the question of parity payments, this does not mean we are going to take any money for parity payments. We hope we will be able to maintain prices so it will not be necessary for us to ask for anything for parity. We have not received one red copper in the past, and we hope we will not have to ask for one in the future.

With reference to the first part of the bill, I cannot for the life of me see how the gentleman from South Dakota or the gentleman from Minnesota or anyone else can object to the growers of fire-cured and dark-air-cured tobacco having this legislation when the Department of Agriculture states it is absolutely necessary and that it should be enacted immediately so it would be in effect before the referendum which is to be held in October or November.

I want to call your attention to the letter dated September 21, 1940, written by the Secretary of Agriculture to the Chairman of the House Committee on Agriculture, Mr. JONES of Texas, a copy of which was sent to Senator SMITH, chairman of the Senate Committee on Agriculture:

SEPTEMBER 21, 1940.

HON. MARVIN JONES,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. JONES: This is in reply to your request of September 10 for a report on the bill H. R. 10317.

This bill would change the base period for burley and for flue-cured tobacco from the 10 years August 1919–July 1929 to the 5 years August 1934–July 1939, and would provide thereby for determination of parity prices for these kinds of tobacco on the basis of price relationships which have existed in recent years.

Over a period of about 30 years there has been an increasing demand for those grades of tobacco used in the manufacture of cigarettes and this demand in turn has led to significant modifications of farming practices in order to produce a crop having a greater proportion of the cigarette grades of tobacco. The proposed change in the base period, which would mean an increase of about 20 percent in the parity price, would provide for establishing parity prices so as to reflect recent price relationships for burley and flue-cured types of tobacco which have accompanied changes in the grades of tobacco required by the industry. Moreover, it appears to be reasonable and desirable with these changed conditions to maintain farm prices for these types of tobacco at this level.

The changing conditions in the tobacco industry were recognized by Congress when the Agricultural Adjustment Act of 1933 was enacted. At that time Congress provided for the use of the more recent August 1919–July 1929 base period for tobacco, rather than the 1909–1914 period which was used for other commodities. The 1919–1929 period also was used for tobacco in the Agricultural Adjustment Act of 1938. Since the changes which originally led to the use of the 1919–1929 base period for tobacco have been continuing in recent years, it now appears to be appropriate to adopt a later base period in order to reflect more accurately present price relationships.

As indicated above, the changes in the industry which have tended to lead to different price relationships for burley and flue-cured tobacco are associated with the increased proportion of these types of tobacco used in the manufacture of cigarettes. In this country the percentage of flue-cured tobacco consumed in the form of cigarettes increased from 19.7 percent in the 5 years 1909–13, to 70 percent in the 10 years 1920–29, to 79.7 percent in the 5 years 1935–39, and to 81.1 percent in 1939. For burley tobacco the similar increases were from 1.5 percent in the 5 years 1909–13, to 40.1 percent in the 10 years 1920–29, to 57.4 percent in the 5 years 1935–39, and to 59.4 percent in 1939.

In order to produce a greater proportion of tobacco suitable for use in cigarettes, farmers have changed their practices materially. These changes involve the closer spacing of tobacco in the field with the production of a larger number of lighter leaves of tobacco as contrasted with the production of a smaller number of larger, heavier leaves in the earlier years. A farmer has to handle each leaf of flue-cured tobacco separately four times before it is placed on the market, and in addition has to handle several leaves bunched together a number of other times. This means a material increase in the labor required to place a pound of tobacco on the market, and of necessity tends to limit the quantity of tobacco handled by the average farm family. In addition to this increased labor cost farmers generally have been required to incur added expense in adopting practices to prevent or check diseases and insects which have affected tobacco more seriously in recent years.

In view of the foregoing discussion it seems clear that there is a problem which should be corrected and this bill would be one way of making this correction. However, in view of the fact that the legislation would have the effect of causing between 2 and 3 percent of the funds already appropriated for parity payments at this session of Congress to be shifted to tobacco from other commodities, it is suggested, since such a shift was not contemplated when the funds were appropriated, that the committee may wish to provide that the 1919–29 base period be used in any calculations relating to appropriations made prior to the enactment of the bill. This could be accomplished by striking out the period at the end of the last sentence in section 1 of the bill and adding the following: "; except that the August 1919–July 1929 base period shall be used in allocating any funds appropriated prior to September 1, 1940."

As required by Budget Circular 344, this matter was referred to the Bureau of the Budget, and under date of September 19, 1940, the Director thereof advised this Department that there would be no objection to the submission of this report to the committee with the understanding that no commitment would thereby be made as to the relationship of this proposed legislation to the program of the President.

Sincerely yours,

CLAUDE R. WICKARD, *Secretary.*

This bill not only has the approval of the Department but of farmers and farm leaders generally and of every Member of the House representing districts in which tobacco is grown. I hope that you will vote for the bill. [Applause.]

The SPEAKER. All time has expired.

The question is on the motion of the gentleman from Virginia [Mr. FLANNAGAN] to suspend the rules and pass the bill.

The question was taken; and there were on a division (demanded by Mr. H. CARL ANDERSEN)—ayes 74, noes 42.

Mr. FLANNAGAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 165, nays 107, not voting 157, as follows:

[Roll No. 230]

YEAS—165

Alexander	Carlson	Doxey	Hawks
Allen, La.	Chapman	Dunn	Hill
Allen, Pa.	Clark	Durham	Hinshaw
Anderson, Mo.	Clason	Eberharter	Hobbs
Angell	Cochran	Edelstein	Holmes
Austin	Coffee, Nebr.	Edmiston	Hunter
Ball	Coffee, Wash.	Evans	Jarman
Barden, N. C.	Cole, Md.	Fay	Jarrett
Barry	Colmer	Ferguson	Johnson, Ill.
Bates, Ky.	Connery	Flannagan	Johnson, Ind.
Beckworth	Cooley	Folger	Johnson, LutherA.
Bland	Cooper	Ford, Miss.	Johnson, Lyndon
Bloom	Costello	Fulmer	Johnson, Okla.
Boehne	Courtney	Garrett	Johnson, W. Va.
Boykin	Cox	Gathings	Jones, Tex.
Bradley, Pa.	Cravens	Gavagan	Kee
Brown, Ga.	Crosser	Geyer, Calif.	Kennedy, Martin
Bryson	Crowe	Gore	Kennedy, Md.
Buckler, Minn.	D'Alesandro	Gossett	Kennedy, Michael
Bulwinkle	Davis	Grant, Ala.	Kilday
Burch	Delaney	Gregory	Kinzer
Burgin	Dempsey	Hare	Lanham
Byrns, Tenn.	Dingell	Hart	Larrabee
Cannon, Fla.	Doughton	Hartley	Lea
Leavy	Mouton	Poage	South
Lesinski	Murdock, Ariz.	Polk	Sparkman
Lewis, Colo.	Murdock, Utah	Ramspeck	Spence
Ludlow	Murray	Randolph	Sumners, Tex.
Lynch	Nichols	Rankin	Taylor
McArdle	Norrell	Romjue	Tenerowicz
McCormack	Norton	Sacks	Terry
McGehee	O'Connor	Satterfield	Thomas, Tex.
McMillan, Clara	O'Leary	Schafer, Wis.	Thomason
McMillan, John L.	O'Neal	Schulte	Treadway
Mahon	O'Toole	Secrest	Vincent, Ky.
Maloney	Pace	Shannon	Voorhis, Calif.
Mansfield	Patman	Sheridan	Walter
Miller	Patrick	Smith, Conn.	Ward
Mills, Ark.	Pearson	Smith, Va.	Woodrum, Va.
Monkiewicz	Peterson, Fla.	Smith, W. Va.	
Monroney	Pierce	Snyder	
Moser	Pittenger	Somers, N. Y.	

NAYS—107

Andersen, H. Carl	Gearhart	Lewis, Ohio	Schiffler
Andresen, A. H.	Gehrmann	Luce	Schwert
Arends	Gerlach	McDowell	Seccombe
Bender	Gillie	McGregor	Shafer, Mich.
Blackney	Goodwin	McLean	Simpson
Bolles	Grant, Ind.	McLeod	Smith, Maine
Bolton	Gross	Maas	Smith, Ohio
Brown, Ohio	Guyer, Kans.	Marshall	Springer
Burdick	Gwynne	Martin, Iowa	Stefan
Cannon, Mo.	Hall, Leonard W.	Mason	Sumner, Ill.
Carter	Halleck	Massingale	Sweet
Case, S. Dak.	Harness	Michener	Talle
Chiperfield	Harter, N. Y.	Mundt	Tarver
Church	Hess	Oliver	Tibbott
Clevenger	Hoffman	Osmers	Tinkham
Crawford	Horton	Plumley	Van Zandt
Crowther	Hull	Powers	Vorys, Ohio
Culkin	Jenkins, Ohio	Rabaut	Vreeland
Curtis	Jensen	Reed, Ill.	Wheat
Dirksen	Johns	Reed, N. Y.	Whelchel
Dondero	Jones, Ohio	Rees, Kans.	Whittington
Elston	Jonkman	Rich	Wolcott
Engel	Kean	Risk	Wolverton, N. J.
Englebright	Kunkel	Rodgers, Pa.	Woodruff, Mich.
Fenton	Lambertson	Rogers, Mass.	Youngdahl
Gamble	Landis	Routzohn	Zimmerman
Gartner	LeCompte	Rutherford	

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Allen, Ill.	Duncan	Keogh	Sabath
Anderson, Calif.	Dworshak	Kerr	Sandager
Andrews	Eaton	Kilburn	Sasscer
Arnold	Elliott	Kirwan	Schaefer, Ill.
Barnes	Ellis	Kitchens	Schuetz
Barton, N. Y.	Faddis	Kleberg	Scrugham
Bates, Mass.	Fernandez	Knutson	Shanley
Beam	Fish	Kocialkowski	Sheppard
Bell	Fitzpatrick	Kramer	Short
Boland	Flaherty	Lemke	Smith, Ill.
Boren	Flannery	McAndrews	Smith, Wash.
Bradley, Mich.	Ford, Leland M.	McGranery	Starnes, Ala.
Brewster	Ford, Thomas F.	McKeough	Steagall
Brooks	Fries	McLaughlin	Stearns, N. H.
Buck	Gibbs	Maciejewski	Sullivan
Buckley, N. Y.	Gifford	Magnuson	Sutphin
Byrne, N. Y.	Gilchrist	Marcantonio	Sweeney
Byron	Graham	Martin, Ill.	Taber
Caldwell	Green	Martin, Mass.	Thill
Camp	Griffith	May	Thomas, N. J.
Cartwright	Hall, Edwin A.	Merritt	Thorkelson
Casey, Mass.	Hancock	Mills, La.	Tolan
Celler	Harrington	Mitchell	Vinson, Ga.
Claypool	Harter, Ohio	Mott	Wadsworth
Cluett	Havenner	Myers	Wallgren
Cole, N. Y.	Healey	Nelson	Warren
Collins	Hendricks	O'Brien	Weaver
Corbett	Hennings	O'Day	Welch
Creal	Hook	Parsons	West
Cullen	Hope	Patton	White, Idaho
Cummings	Houston	Peterson, Ga.	White, Ohio
Darden, Va.	Izac	Pfeifer	Wigglesworth
Darrow	Jacobsen	Reece, Tenn.	Williams, Del.
DeRouen	Jeffries	Richards	Williams, Mo.
Dickstein	Jenks, N. H.	Robertson	Winter
Dies	Jennings	Robinson, Utah	Wolfenden, Pa.
Disney	Keefe	Robsion, Ky.	Wood
Ditter	Kefauver	Rockefeller	
Douglas	Keller	Rogers, Okla.	
Drewry	Kelly	Ryan	

So two-thirds not having voted in favor thereof, the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Darden of Virginia and Mr. Cullen (for) with Mr. Graham (against).

Mr. Warren and Mr. Drewry (for) with Mr. Wolfenden of Pennsylvania (against).

Mr. Boland and Mr. Robertson (for) with Mr. Short (against).

Mr. Celler and Mr. Pfeifer (for) with Mr. Keefe (against).

Mr. Byrne of New York and Mr. Dickstein (for) with Mr. Ditter (against).

Mr. Harter of Ohio and Mr. McAndrews (for) with Mr. Cole of New York (against).
Mr. Hennings and Mr. Claypool (for) with Mr. Thomas of New Jersey (against).
Mr. Sheppard and Mr. Merritt (for) with Mr. Eaton (against).
Mr. Fitzpatrick and Mr. Weaver (for) with Mr. Knutson (against).

General pairs:

Mr. Collins with Mr. Martin of Massachusetts.
Mr. Nelson with Mr. Cluett.
Mr. Parsons with Mr. Williams of Delaware.
Mr. Cartwright with Mr. Mott.
Mr. Patton with Mr. Douglas.
Mr. Richards with Mr. Hope.
Mr. Creal with Mr. Jeffries.
Mr. Peterson of Georgia with Mr. Hancock.
Mr. Schuetz with Mr. Allen of Illinois.
Mr. Disney with Mr. Wadsworth.
Mr. Starnes of Alabama with Mr. Robsion of Kentucky.
Mr. Ellis with Mr. Dworshak.
Mr. Steagall with Mr. Gifford.
Mr. Vinson of Georgia with Mr. Corbett.
Mr. Bell with Mr. Taber.
Mr. Williams of Missouri with Mr. Jennings.
Mr. Kefauver with Mr. Fish.
Mr. Sullivan with Mr. Anderson of California.
Mr. Kerr with Mr. Winter.
Mr. Mills of Louisiana with Mr. O'Brien.
Mr. Kleberg with Mr. Darrow.
Mr. Magnuson with Mr. Jenks of New Hampshire.
Mr. Beam with Mr. Andrews.
Mr. Camp with Mr. Welch.
Mr. Boren with Mr. Brewster.
Mr. Arnold with Mr. Bates of Massachusetts.
Mr. Brooks with Mr. Thill.
Mr. McKeough with Mr. Bradley of Michigan.
Mr. Maciejewski with Mr. Reece of Tennessee.
Mr. Buckley of New York with Mr. Leland M. Ford.
Mr. West with Mr. Gilchrist.
Mr. Barnes with Mr. Edwin A. Hall.
Mrs. O'Day with Mr. Lemke.
Mr. Shanley with Mr. Rockefeller.
Mr. Kitchens with Mr. Sandager.
Mr. Kirwan with Mr. Thorkelson.
Mr. Smith of Washington with Mr. Wigglesworth.
Mr. Kelly with Mr. Stearns of New Hampshire.
Mr. Hendricks with Mr. White of Ohio.
Mr. Harrington with Mr. Marcantonio.
Mr. Havenner with Mr. Kilburn.
Mr. Smith of Illinois with Mr. Buck.
Mr. Granery with Mr. Mitchell.
Mr. Ryan with Mr. Cummings.
Mr. Faddis with Mr. Sweeney.
Mr. Flannery with Mr. Tolan.
Mr. Green with Mr. Wood.
Mr. Wallgren with Mr. Hook.
Mr. Fries with Mr. Jacobsen.
Mr. Sutphin with Mr. Fernandez.
Mr. Duncan with Mr. Robinson of Utah.
Mr. Byron with Mr. Caldwell.
Mr. May with Mr. McLaughlin.
Mr. Sasscer with Mr. Izac.
Mr. Keller with Mr. Casey of Massachusetts.
Mr. Martin of Illinois with Mr. Dies.
Mr. Elliott with Mr. Flaherty.
Mr. Scrugham with Mr. Thomas F. Ford.
Mr. Griffith with Mr. Houston.
Mr. Gibbs with Mr. Healey.
Mr. Kramer with Mr. Myers.
Mr. White of Idaho with Mr. DeRouen.

Mr. HOBBS changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix on two subjects and to include tables and excerpts in each case.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent, Mr. SMITH and Mr. MICHENER were granted permission to revise and extend their own remarks in the RECORD.

SECOND EXCESS PROFITS TAX ACT OF 1940

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report (H. Rept. No. 3049) an original privileged concurrent resolution (H. Con. Res. 91) authorizing the printing of additional copies of Public Law No. 801, entitled "Second Excess Profits Tax Act of 1940," and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 65,000 additional copies of Public Law No. 801, current session, entitled "Second Excess Profits Tax Act of 1940," of which 10,000 copies shall be for the use of the Senate document room, 50,000 copies shall be for the use of the House document room, 3,000 for the Committee on Ways and Means of the House, and 2,000 for the Committee on Finance of the Senate.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL PRIVILEGE

The SPEAKER. The gentleman from Michigan [Mr. HOFFMAN] is entitled to recognition at this time if he so desires.

Mr. HOFFMAN. Mr. Speaker, I yield to the various Members who have unanimous-consent requests to proffer at this time.

EXTENSION OF REMARKS

Mr. HARTER of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks on General Pulaski.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks and include two brief editorials.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein an article written by one of my constituents.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend the remarks I made this afternoon and include two tables.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TINKHAM. Mr. Speaker, I desire to extend my remarks and include a statement published by the Associated Press in relation to the free press.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks and include a speech delivered today by Mrs. Maloney, wife of a former member of the Coal Commission.

The SPEAKER. Is there objection?

There was no objection.

CONDITION OF FARMERS HAS IMPROVED UNDER THE ROOSEVELT ADMINISTRATION—FACTS AND FIGURES

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PIERCE. Mr. Speaker, knowing full well how difficult it is for a busy farmer to take time to analyze a series of tables and figures, how extremely hard it is to reach conclusions from a mass of figures and in order to impress the lessons they teach, I present herewith a condensed method of comparison which will, I hope, be valuable in discussing the position of American farmers. This method will be applied as a comparison of farm financial conditions today with those of the days before this administration assumed responsibility in March 1933. Previous to that time, Congress had passed various types of farm legislation; for instance, providing for tariffs on imported agricultural products and for the creation of a farm board which was expensive and useless. However, no basic agricultural legislation was really effective and helpful to the farmers until after March 1933. I now present a summary of the improvements which have resulted from this constructive farm legislation which launched a Nation-wide farm program and put farmers on the road to progress. These figures have all been carefully checked. These are facts.

CASH FARM INCOME

In 1932 the farmers had the lowest cash income of recent years. We all remember that. I am not going to quote those dismal figures; interested investigators can easily ascertain them from the statistical records. Since 1932 the cash farm

income has risen 82 percent; that is, it has almost doubled. My farmer friends surely understand this from their own experiences and they know it applies in many localities, as well as in the national average.

In 1932 the cash farm income was one-third of parity. In 1939 it was more than three-fourths of parity with nonfarm income. Remember that parity is based on the farm income from 1909 to 1914, which is known as the base period. Parity prices mean that the farmer can buy, under his price level and proportionately to what he sells, the same amount of goods he was able to buy in the base period. By this simple comparison it is shown that in the years from 1909 to 1914 the farmer could purchase three times as much as he could in 1932, the last year of the Hoover administration. In 1939 parity had risen to over three-fourths of the proportionate figure that farmers received in the base period. Farm income is steadily advancing toward full parity.

FARM BUYING POWER

Farm buying power in 1932 was, of course, low, very low. That buying power increased 72 percent from 1932 to 1939, becoming approximately the same as in 1929. This increased purchasing power covers all materials bought by the farmers and includes interest and taxes.

AGRICULTURE'S SHARE OF NATIONAL INCOME

Politicians have talked long and loud about agriculture securing its share of the national income. Has this share improved under the Roosevelt administration? The answer is "Yes." In 1932 agriculture's share of the national income was 6 percent. In 1939 it had risen to 9 percent, or an increase of 50 percent. This represents a decided improvement, under a rapidly rising national income.

AVERAGE FARM PRICES

Average farm prices gained 43 percent between 1932 and 1939. What does this mean to the producers of American food? It means that more money is coming into the farmers' hands under the Roosevelt administration.

RURAL RETAIL SALES

In 1932 the farmers purchased only what they were forced to buy. They had no money nor credit to pay for many commodities that they needed. In 1939 the farmers purchased 102 percent more than they did in 1932. In other words, retail sales to farmers more than doubled in this period. Does this increased purchasing ability, gained under this administration, mean anything to the farmer? It surely does.

FARM FORECLOSURES

I shall never forget when, in the campaign of 1932, a visitor told me of attending a sale of a farmer's personal property in an eastern State. A mortgage, amounting to $2,200 was being foreclosed on his cattle, farm machinery, and horses. This entire property was bought by his daughter for $56, her savings from teaching school. A good horse sold for $1, good milk cows for 50 cents each. The mortgagee, when he saw the attending farmers were not bidding on that man's property, wanted to call off the sale, but the auctioneer was informed that he had to sell as he had advertised to do, and he proceeded. When that story was told to me, I said, "That is the break-down of the morale and standard of honesty in our country, and I fear trouble in the days that lie ahead." Before the campaign of 1932 was closed, I saw the same thing repeated in Oregon in one of the counties I now represent in Congress. Foreclosures and forced sales were going on everywhere in 1932. They decreased 69 percent from March 1933 to March 1939. Pitchfork government is over.

PROGRESSIVE FARM LEGISLATION

The last 7 years have seen a series of progressive farm legislative enactments, one following another through the Agricultural Committee, to the floor of the House, the Senate, the White House, and becoming a part of the law of the land. Here are a few of these achievements:

AGRICULTURAL ADJUSTMENT ADMINISTRATION, THE TRIPLE A

The original Triple A was hammered out in the Agricultural Committee room of the House in the spring of 1933. I took part in the process. I watched the benefits the farmers received from it, until, 2½ years later the Supreme Court of the United States decided that the law was unconstitutional. Six Justices voted "unconstitutional," and three "constitutional."

SOIL CONSERVATION ACT

Out of the dying embers of the old Triple A arose the Soil Conservation and Domestic Allotment Act of 1936. This act rewarded farmers financially for carrying out soil-building practices. Farmers were rewarded for turning acreage from soil-depleting to soil-conserving crops. It is estimated that there are about 6,500,000 farmers in the United States. More than 6,000,000 farmers are now carrying out the 1940 agricultural program, on 82 percent of the Nation's croplands.

PARITY INCOME

Farm income has been increased and brought closer to parity by reason of the Federal rental and benefit payments. These payments, through December 31, 1937, amounted to $1,465,921,786.02, including the programs from 1933 to 1936. This sum includes county association expenses. Such payments ceased when the act was declared unconstitutional.

We have been brought closer to parity by the partial parity program payments, which amounted to $359,260,966.75 for the 1937–40 programs. This also includes county association expenses, and 1937 cotton price adjustment payments.

Conservation payments, including the 1937 Sugar Act, for the programs of 1936 through June 30, 1940, have been $1,772,370,003.23.

Total of all benefit payments for agriculture since March 1933 have been $3,597,552,756.

The imposing totals are:

Rental and benefit payments	$1,465,921,786.02
Parity payments	359,260,966.75
Conservation payments	1,772,370,003.23
Total	3,597,552,756.00

A PROGRAM OF ABUNDANCE

This is not a program of scarcity. It is a program of abundance. The farmers have learned how to produce more on less acres. In 1939, the acres planted in soil-depleting crops were twenty-eight and one-half millions less than in the 5-year average before the Triple A. One of the greatest achievements of this program was that it taught the farmer how to produce more abundantly with less land under cultivation. Farmers were taught how to store up soil fertility, and to produce more efficiently.

Last, but not least, the farmers were kept from piling up price-reducing surpluses when no markets existed for such soil-depleting excess crops. Production has met all needs—domestic, export, and carry-over.

STABILITY

Through the Wallace ever normal granary program, our farmers have now been able to store wheat, cotton, corn, and other commodities, under loans. Loans have been made by the United States upon these staple commodities. The country is thus assured of steady supplies through lean years and fat years. The Government supports the price at stable levels. Farmers, rather than speculators, have been given the advantage of rising farm prices. Speculators have been relegated to the rear. I come from a wheat section. The wheat farmers of America have gained at least $80,000,000 annually in cash income because they have been able to hold wheat off the market long enough to profit from the price raise which occurs between the time of the harvest and the following spring. I feel particularly gratified over the loans on wheat, for this was my special contribution to the act.

DEMOCRACY

The organization of the groups that locally administer the Triple A is the finest illustration of practical democracy in operation of which I have knowledge. About 135,000 farmers, elected by their own neighbors, are carrying out this program. Politics do not enter into their calculations. They show what democracy can and must do if it is to maintain its place in world affairs, in spite of the rapid rise of totalitarian governments now so dominant in the world. Indeed, the wheat program is popular. Recent votes on the applica-

tion of marketing quotas show, overwhelmingly, that the Triple A program is popular with the farmers of the Nation. As an example, on July 20, 1940, flue cured tobacco producers voted more than 86 percent for marketing quotas for the next 3 years. It is my opinion that if the wheat producers of the Pacific Northwest were called upon to vote, they would vote practically 100 percent for the present wheat program.

CERTIFICATE PLAN

Many of the farmers, chiefly in the wheat sections, will recall that I have a bill now pending in the Congress that would put into effect what is known as the certificate plan. Under this plan, those who use certain basic commodities, named in the bill, will be called upon to pay parity prices for the proportion of the commodity that is used in the United States. For instance, if wheat is selling on the market for 75 cents a bushel, and conservation and other payments amount to 15 cents a bushel, resulting in the farmer realizing 90 cents per bushel, then under the plan of my bill the consumer of the produced wheat will be called upon to pay the difference so as to give the farmer parity, which at this time is estimated to be about $1.12 per bushel. Under the certificate plan the farmer would receive 22 cents a bushel additional, less expense of operation. It would not cost the Government a single dollar, but would be a permanent method of procedure under an extended farm program, resulting in stable prices on the specified farm commodities.

The farmers of America know these things, and they are not going to be fooled by the flood of propaganda and false statistics now being fed to the American people in such abundance. The men who wear the overalls, the women who cook the food for the workingmen, can vividly recall the dark and dismal days of 1932, when no light broke through on the agricultural world. We who lived on farms can too well remember those gloomy days. No one claims we even now have a perfect set-up in America. Nor can we have an ideal government as long as the hand of special privilege controls in so many governmental activities, as it does in Washington today and always has controlled. Great advances have been made, as the above figures have shown. The American farmer knows full well that he is decidedly better off under the present administration, and I believe that on the 5th of November, he will show his approval by an overwhelming vote in favor of the continuation of the Roosevelt administration.

MRS. E. V. MAKI

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1874) for the relief of Mrs. E. V. Maki, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, strike out "$5,000" and insert "$2,500."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that on tomorrow I may have 10 minutes in which to address the House, after any other special orders and the work of the day are disposed of.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL PRIVILEGE

The SPEAKER. The gentleman from Michigan [Mr. HOFFMAN] is recognized to present a question of personal privilege.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend and revise my remarks and to include therein excerpts from certain letters.

The SPEAKER. Without objection, it is so ordered.

Mr. HOFFMAN. Mr. Speaker, the question of personal privilege raised earlier today is based upon two statements.

I

The first is a statement not made on the floor of the House but is a statement contained in the remarks of the gentleman from Illinois [Mr. SABATH] and found on pages 12563 and 12564 of the CONGRESSIONAL RECORD under date of September 24, 1940. The statement, as printed in the RECORD, is as follows:

Although the gentleman from Michigan has not a single word of complaint against the high-salaried Republican labor-hating officials of the great corporations, he complains because organized labor is supporting Franklin Roosevelt for reelection, and because the salary of President Tobin of the teamsters union has been increased to $20,000 a year.

The words, of which complaint is here made and which were not uttered on the floor, are as follows:

He (the reference is to the Member from the Fourth District of Michigan) complains * * * because the salary of President Tobin of the teamsters union has been increased to $20,000 a year.

No such statement was made by me. What was said will be found on page 12562 of the RECORD under date of September 24, in the first paragraph at the top of the right-hand column, and these are the words:

A few days ago another union announced that it would contribute $20,000 to purchase radio time for Candidate Roosevelt's campaign speech.

The result of the insertion of the words of the gentleman from Illinois [Mr. SABATH] in the RECORD on page 12564 is to charge the Member from the Fourth District of Michigan with the making of a statement against the official of a labor union, which he never made.

II

Apparently based upon the remarks of the gentleman from Illinois [Mr. SABATH], there was published in Labor, a newspaper of wide circulation, in the issue of October 1, 1940, among other things, the following:

[From Labor, a national weekly newspaper, October 1, 1940]

HOFFMAN SOUNDLY SPANKED FOR BITTER ATTACK ON LABOR—SABATH TAKES MICHIGANDER "TO CLEANERS" FOR CHARGING UNIONS SABOTAGE DEFENSE PROGRAM AND SLANDERING F. D.

Scarcely a day passes that Congressman CLARE E. HOFFMAN (Republican, Michigan), does not rise in the House and make a bitter attack on organized labor. He reached the limit of vindictiveness this week and so exasperated Congressman ADOLPH J. SABATH (Democrat, Illinois) that he broke into the debate and took the Michigander to "the cleaners."

SABATH, who is "father" of the House and chairman of the powerful Rules Committee, resented HOFFMAN'S statement that organized labor, in insisting on the maintenance of wage and hour standards, is hindering the national-defense program, and that President Roosevelt, in demanding that labor's rights must be safeguarded, is guilty of something like treason and is giving aid and comfort to Hitler.

"Of course," SABATH said, "we know HOFFMAN is at all times opposed to organized labor. He will criticize unions in spite of the fact that the laboring people earn barely enough to exist on. Very few of them earn enough to justify the luxury of ever getting sick and laying off.

"While denouncing the workers, the gentleman from Michigan has only praise for industrialists who draw from $100,000 to $150,000 a year, and then up to $300,000 as bonuses. He is not interested in that. He berates laboring men who might get 75 cents an hour and belong to a union. That is against his convictions.

"The gentleman has no bone to pick with Ernest T. Weir, head of Weirton Steel, one of the worst enemies of organized labor in all the United States. Perhaps this is because Mr. Weir is treasurer of the Republican National Committee and is now working overtime collecting contributions from big business in the hope of getting his friend Willkie into the White House.

"The very corporations which the gentleman from Michigan upholds and whose officials are the most critical of the Roosevelt administration and of labor have made the most staggering profits in recent years.

"All honest, intelligent working men and women recognize the fact that Roosevelt has been the most consistent friend that labor ever had in the White House, and they will not forget the fact on election day.

"To charge labor with sabotage and the President with aiding Hitler is a vile slander."

A search of the RECORD and of the official transcript of the stenographer fails to show that the Member from Illinois [Mr. SABATH] made the statement: "To charge labor with sabotage and the President with aiding Hitler is a vile slander," on the floor of the House. Yet it appears as a quotation from his remarks in this newspaper publication.

As a matter of fact, the Member from Michigan did not charge labor with sabotage, but did charge certain so-called organizers, certain racketeers, with sabotage of the national-defense program, and did ask whether or not the President was not, by his acts of commission and omission, slowing up the national-defense program and so giving aid to Hitler.

The insertion in the RECORD, by way of a revision and extension, of the statement:

He complains * * * because the salary of President Tobin of the teamsters union has been increased to $20,000 a year—

Was the insertion of a statement attributed to the Member from Michigan, which he had not made.

The quotations from the newspaper falsely charge that the Member from Michigan charged organized labor with hindering the national-defense program by insisting on the maintenance of wage and hour standards, and the newspaper article and the purported quotation from the RECORD charged the Member from Michigan with having, on the floor of the House, uttered an untruth, and these statements, each in itself and taken together, reflect upon the character and the reputation, the ability, and the patriotism, of the Member from Michigan in his representative capacity and tend to impair the value of his service as a Representative.

The SPEAKER. The question of privilege rises on the language in the article appearing in the paper, Labor, whether it is the language of the gentleman from Illinois or the language of the paper:

To charge labor with sabotage and the President with aiding Hitler is a vile slander.

The gentleman from Michigan is recognized.

Mr. HOFFMAN. Mr. Speaker, on two occasions recently the gentleman from Illinois has taken occasion on the floor to charge, after remarks made by me, that I was against organized labor, and that statement was picked up by a C. I. O. newspaper, enlarged upon, and to it was added the statement just read by the Speaker. The gentleman from Illinois did not make the statement contained in the C. I. O. paper, Labor. The newspaper nevertheless carried it as a quotation made on the floor of the House. It is my purpose, however, to answer in that same connection the other statement which was made by the gentleman from Illinois [Mr. SABATH] in substance and to the effect that I was against organized labor and had said or intimated at least that labor was holding up the defense program.

Several times on the floor I have spoken to the effect that our defense program was being delayed. Always have I been careful to show in that connection that it was not the workers themselves who were delaying our preparations for defense, that it was the organizers or racketeers who attempt to act for organized labor, who prey upon the worker. The subject of labor racketeers has been discussed several times by Westbrook Pegler in the newspapers of the country and his articles are commended to your attention.

The gentleman from Illinois, in replying to my argument, instead of answering my charge retaliates with a statement that I am defending the industrialists of the country. If you will go through the RECORD for the last 2 years you will see that I have not discussed the methods or procedure of American industrialists. Anyone desiring a prejudiced, biased view of American industry can get it by reading the reports of the Senate Civil Liberties Committee. Anyone desiring a fair and an unbiased view of the activities of American industrialists can easily get it by going into towns and cities where these industries exist and either view for himself conditions as they are or ascertain those conditions from residents of the various communities.

The gentleman from Illinois has no more ground for his charge that I am standing behind reprehensible practices on the part of manufacturers, if there be such, than I would have to charge that he is championing the cause of Scalise who has been sentenced to the penitentiary for a term of years and who got his money out of trafficking in or as a tribute from vice. As well might I say that the gentleman from Illinois [Mr. SABATH] defends and champions the cause of Bioff, who has also served time on a pandering charge, the labor organizer or union official who became wealthy from dues collected from scrubwomen. I say there is no more justification for the gentleman from Illinois [Mr. SABATH] making the charge that I am defending these industrialists, who are guilty of violations of the law, than there would be for me to make the charge that he is defending Scalise and Bioff, convicted criminals, labor-union officials, and racketeers. I am not making any such charge against him because it would be absurd.

His charge that I am opposed to organized labor is equally absurd. The other day, when talking about the situation at Fort Custer, I made the following remarks. See page 12562 of the RECORD of September 24, 1940.

I do not believe that the rank and file of organized labor—honest, patriotic men and women as they are—nor will I believe until they so state themselves that either William Green, president of the A. F. of L., or John L. Lewis, head of the C. I. O., will go before the American people with the announced policy that only members of a labor organization shall be permitted to work at the lucrative jobs supplied by the national-defense program.

I am asking the presidents of those two great organizations whether they are back of the program which declares that, before an American citizen can work in an industry geared to national defense, on a project, for example, the building of cantonments for shelter for conscripted soldiers, that man must pay a fee fixed by some union official.

I ask these two great leaders: Would not such a policy substitute for our government of, by, and for the people, a government of, by, and for union officials?

I ask the president of the American Federation of Labor and the president of the Congress of Industrial Organizations: Are you or your organizations permitting men who are acting, or assuming to act, as representatives of your organizations to require the payment of fifty, one hundred, or more dollars, by a patriotic American who wants to assist, through his labor, in the national-defense program before he will be permitted to pick up his tools and go to work?

In common with most Members of this House, I came up—if I am up—the hard way. Most of us know what manual labor means. In my judgment, there is not a Member of the House whose sympathy is not with organized labor. Our condemnation of racketeers, wearing the false label of union organizers and union officials, should be equally unanimous. Unfortunately, we fail at times to recognize them and are led to give them support because of our lack of diligence in ascertaining their real purpose, becoming familiar with the methods which they follow.

The point which I desired to make the other day and which I reiterate now is that—

THE C. I. O. DEMANDS WORKERS PAY TRIBUTE FOR NATIONAL DEFENSE JOBS

On the 24th of September, on the floor of the House, I made the direct charge that our national-defense program was being hindered and delayed by the acts and the omissions of Candidate Roosevelt. On that occasion I challenged the Democratic Party to dispute my claim.

No one arose to defend the President or dispute the charges made, except the gentleman from Illinois [Mr. SABATH], who confined his remarks to an attack upon industrialists and upon me. He in no way, nor, so far as I know, has anyone else on the floor of the House, disputed the facts which I narrated; nor has anyone disputed the conclusions drawn from those indisputable facts.

Proof that we cannot adequately prepare for defense so long as the President permits the Labor Department, the National Labor Relations Board, and officials of a certain union to openly defy the War and Navy Departments and sabotage industrial production is now available.

The Smith committee, investigating the activities of the N. L. R. B., produced evidence from the files of the Board itself showing conclusively that the Board had aided the C. I. O. in its organizing drive and in its attack on industry.

It appeared in at least one case, that of Inland Steel, that the Board's secretary was instrumental in instigating a strike.

The C. I. O. has insisted over a period of years that it was entitled to collect tribute from every man who worked in industry. The Nation now being engaged in a preparedness program, it still maintains that attitude. It now insists that, although young American manhood is drafted for military service—yes; to fight in South America if the President so wills—that members of its organization must have a monopoly of those jobs which would supply those young men, called in Government service, wearing the country's uniform, with guns, munitions—in fact, all of those things which go to prepare our Nation against invasion.

Let me repeat that statement: The C. I. O. now insists that no one can work on Government orders having to do with national defense unless that man joins and pays tribute to its officials.

Why have an army, why have a navy, why have a defense council, if the C. I. O., sitting at the source of the production of all those things which are absolutely necessary for national defense, can prevent this Nation's preparing for war?

Why appropriate billions of dollars to purchase munitions of war? Why should the Army or the Navy enter into contracts for the production of planes, artillery, ships, if outside the Government there sits a group of men who have, or who assume, the authority to say, as they have said, that that money shall only be spent, that those orders shall only be executed, if and when and in the manner that certain union officials determine?

In any other government on earth such acts would be characterized as treason and the perpetrators thrown into prison or executed. But here in America, because a President of the United States is a candidate for reelection and desires the vote of the members of this particular organization, they are permitted to get away with it.

Proof of this is found in the opinion of Attorney General Jackson, who has ruled, in effect, that if the Labor Board has found a company guilty of an unfair labor practice, that company can no longer work on Government orders, even though the production of the material called for by the order is absolutely essential to our national defense.

The viciousness, as well as the absurdity, of this ruling and proof that, if it stands and is complied with, Congress has wasted its time, the Army and the Navy are at the mercy of a small group which is more interested in promulgating the doctrines of Soviet Russia than it is in the preservation of our union, is found in two cases which I will cite.

In the Waumbec Mills, Inc., case, the Board held, and its decision was affirmed by the Circuit Court of Appeals of the First Circuit that, if a company refused, because they were members of a union, to employ two men who never had worked for it it was guilty of an unfair labor practice.

It has been the practice of the Board, and the courts have approved that practice, where there was conflicting testimony as to the reason for the discharge of an employee, to accept the version offered by the employee and the union; that is to say, if a man seeking a job or a man having a job testified, or if a union representative testified, that he was refused employment or was discharged from a job by the company because he belonged to a union, and if, on the other hand, the foreman or the company officials testified that he was discharged because of some other reason, almost without exception the Board has found, and because of the provisions of the law that finding has been upheld by the courts, that he was denied employment or discharged because of union activities.

The company in those cases was held to be guilty of an unfair labor practice.

The practical result is that, if an applicant for work, who never, under the common acceptation of that term, was an employee, is refused work or is discharged for any reason other than that he belongs to a union, if he can produce a witness or if he is willing to testify that the refusal to give him work or the discharge is because of union activities, the Board orders him reinstated and holds the company guilty of an unfair labor practice.

Under the opinion of Attorney General Jackson, after such a holding has been made and until it has been reversed by the courts, and that procedure may require months, the company cannot work on a Government contract.

Nor is the situation remedied, if it be held that the policy shall not be followed until the holding of the Board is affirmed by the court. The Wagner law carries its own penalty for a violation.

As well might it be said that a man should not be permitted nor required to serve in the Army if he had been convicted of drunkenness as to say that a company shall not be permitted nor required to work on a Government contract if it violated the N. L. R. A. or any other law.

The Board has reached the height of absurdity in a recent decision involving the Nevada Consolidated Copper Co. Let me quote from a press account of that decision, and I do that because the N. L. R. B. has advised me that it could not furnish me with a copy of the decision. The press report is as follows:

> Four union members who did not apply for work when employer's mine resumed operations were discriminatorily refused employment where such persons refused to apply upon being advised by other employees that it was useless for union men to apply for work. Such persons' names appeared on employer's blacklist of union members whom superintendent admittedly would not employ, and it is clear that such persons would have been refused employment even though they had applied.

The Board ordered that the company pay these men who had not even applied for jobs—which is one step further than the holding of the Board in the Waumbec Mills, Inc., case.

Now, if this holding of the Board in the Copper Co. case stands, then men who never applied for jobs, but whose names appeared on a list of union members, whom it was admitted the company would not employ, must be paid; must be offered employment. The result is that the company is deprived of its day in court, of its opportunity to show that the names were on the list for reasons other than they belonged to a union and the company, because of the listing of the names, is held to be guilty of an unfair labor practice and cannot be awarded a Government defense contract.

Let me put it this way: If John Smith is a member of a union and has also been convicted of damaging the company's property, inciting riots or destroying machinery necessary to the manufacture of munitions of war, the company may be ordered, merely because his name is on this list of men who will not be employed, to pay him back wages, offer him employment, and may be held guilty of an unfair labor practice.

If the ruling of Attorney General Jackson stands, that company, which never employed the man and which may know that he is the agent of a foreign government, may be required, because he belonged to the union, to pay him back pay, give him employment, even though he be a convicted criminal, and may be held guilty of an unfair labor practice and can no longer work on Government defense contracts.

All the Communists need to do to sabotage our whole national-defense program is to have active members of their organization join a union. If the company then lists their names with those whom it will not employ, it becomes, without a hearing, guilty of an unfair labor practice and it cannot be granted, by the Army or the Navy, a contract to produce munitions of war.

Another result of this absurd ruling of the Board is that all a Communist, a man who believes in the overthrow of this Government, needs to do to secure a place where he can effectively carry out his destructive work is to join a union. If he joins the union, then, although he may be a traitor to our country, a thief, a robber, a kidnaper, the Board can hold, even before he seeks employment, that the company who so lists his name among the names of those it will not employ is guilty of an unfair labor practice and cannot work on a Government contract.

I challenge the Democratic Party to take a definite stand as to whether it will continue, as a party, through its national administration, to protect the Communists who are sabotaging our national-defense program, or whether it will bring in legislation to outlaw such decisions, such activities.

Yesterday's press carries this headline, "Grace will confer or get no steel, union head says." It is over a Buffalo, N. Y., date line, and continues with the statement that Eugene C. Grace, Bethlehem Steel Corporation president, "is either going to sit down at a conference table with us or he will get no steel."

That statement is attributed to Smile Chatak, a representative of the Steel Workers Organizing Committee. The Bethlehem Steel Corporation, according to the press, has 12 plants; it employs some 70,000 workers and has defense orders of more than a billion dollars.

The apparent purpose of the activities of Sidney Hillman and the opinion of Attorney General Jackson is to aid the C. I. O. in its organizing drive; give it control of industries where production is essential to national defense and furnish the excuse for the administration, if it can win the election, to take over private industry.

Again, Congress having appropriated billions of dollars for national defense, the Army and the Navy having entered into contracts for the construction of camps to house the National Guard and conscripted men and for the production of munitions of war, does the administration and the party in power intend to continue the practice which now prevails of permitting a group of men who have been granted no authority by the people of the United States, who occupy no municipal, State, or Federal official positions, to paralyze all Government activities by determining who shall and who shall not carry out this Government program? By fixing the terms on which, and only under which, men can carry on the defense program ordered by the people's Government?

In days gone by, the Republican Party was charged with being subservient to "an invisible government." Today, although it is said that our Nation is in grave peril of invasion, although war stares us in the face, the administration and the party in power accepts the dictation of men who hold no commission from the people.

By privileged resolutions, I asked the Navy Department and the War Department to give me information as to whether there was any requirement in the contracts let by the Government which limited those who might be employed by the Government to certain organizations. The answer was that there was not.

But to my further inquiry as to whether contractors and subcontractors engaged on Government work limited employees to members of certain organizations, the answer was that neither the War Department nor the Navy Department had the information.

I have some information on that subject and I will give it to you first-hand from letters which I received, omitting, for obvious reasons, the names of the writers and such parts as would identify them. The original letters are on file in my office.

Like and more complete information can be obtained by a half day's investigation by the F. B. I. or any Government agency.

I quote excerpts from some of those letters:

UNITED STATES POST OFFICE,
———, MICH., *October 1, 1940.*

Hon. CLARE HOFFMAN,
Member of Congress, Washington, D. C.

MY DEAR SIR: Perhaps you have been acquainted with this situation prior to receipt of this notice, but anyway it has leaked out that the carpenters' union of Calhoun County has taken upon itself the dictatorship of handling the labor situation at Fort Custer.

It is reported in this city, this mentioned union is demanding a fee (so reported from $25 to $50) of every man attempting to go to work on that project.

Knowing your attitude toward situations of this nature, also knowing you are not afraid to voice your opinion, I am trying to horn in and advise you of the fact, if it is true; in my opinion it looks like the labor day we enjoyed in this city 3 years ago in June.

If it is not true, which I hope is the fact, the major portion of the sane public would appreciate being advised of the fact. I for one fail to see how this can be allowed by a Government who is attempting to get somewhere by allowing a disgraceful thing of this kind to go on.

Don't take me that I am opposed to organized labor if it is not in the anarchist class, which this has all the earmarks of, if it is so.

Perhaps you may have other correspondence pertaining to this matter, thinking you would appreciate being advised of this,

I am, respectfully,

———.

———, MICH, *October 3.*

DEAR REPRESENTATIVE HOFFMAN: Just a note, as I know you are a very busy man. I cut this [clipping enclosed] out of the Kalamazoo Gazette so you could see. This is the truth, as my husband has to pay the $1 per day besides the $45 to join the union; you notice the comment on the ones that complained were ones who joined the union just to get in on the big pay. Yes; my husband has been registered at Holland for 7 years, and this is the first job he has gotten * * * is pretty outspoken in his views. This was so good I could not resist sending. The next day after this came out his boss came to him and talked with him real friendly and said he would get his $17.50 he had paid in Holland transferred to Battle Creek so that he would not have to pay the full $45 there.

Thanking you for a bit of bother I have been, we are,

———.

The clipping enclosed with the foregoing letter was as follows:

PAY NO TRIBUTE FOR CUSTER JOBS, CARPENTERS REPLY TO REPRESENTATIVE HOFFMAN

Orlo Westgate, business agent of the Kalamazoo carpenters' union, said "It's not the truth," in reply to Representative CLARE E. HOFFMAN, Allegan Republican, who yesterday charged on the floor of the House of Representatives that laborers seeking work on national-defense projects are required to "pay tribute" for the jobs and join unions.

In his charges HOFFMAN laid the blame for the alleged condition directly upon President Roosevelt, whom he said influences the National Labor Relations Board. HOFFMAN likened this to giving aid and comfort to the enemy.

"Into my offices have come letters, and to me have been made statements by responsible men, that carpenters seeking jobs at Fort Custer, in Calhoun County, Mich., are required to pay a union membership fee of $55," HOFFMAN said.

"The membership fee in the adjoining county of Kalamazoo, according to this information, is $37.50. When a Kalamazoo County union man in good standing applies for a job in the adjoining county of Calhoun, at Battle Creek, the Calhoun County union officials insist that the difference between the $55 and $37.50 be paid to it," HOFFMAN charged.

"Here is an instance of a union man in good standing, with his membership card in order, if this information be true—and it comes from a reliable source—required to pay an additional $17.50 before he can go to work on a Government project. Is this union being exploited, and, if so, by whom?"

In reply to HOFFMAN, Orlo Westgate, business agent of the Kalamazoo carpenters' union, commented that "It's not the truth."

"The initiation fee for membership in the carpenters' union in Battle Creek is $45," Westgate said. "The initiation fee in Kalamazoo is $25.

"Under the carpenters' rule in the United States," Westgate said, "if a man joins the carpenters' union and wishes to transfer his membership from that local into a local where the initiation fee is higher, he must pay the difference unless he has been a member for 2 years. If his (membership) card is 2 years old, he can clear it in any place in North America. If his card is less than 2 years old he must pay the difference in the membership fees of the locals concerned.

"This carpenters' rule has been in effect for the last 8 or 10 years. For the last 30 years the transfer could be made after a card had been carried 1 year. At the time of the Century of Progress in Chicago this was changed to 2 years.

"To the best of my knowledge and belief," Westgate said, "Battle Creek is handling the entire job in very nice shape and very reasonably. They are not asking any more than has been asked for years and are just following the constitution of the carpenters' union.

"I think the men are getting a fair deal in every way to the best of my knowledge and belief."

Westgate said "about 25 carpenters" from Kalamazoo are working at Fort Custer. He estimated that "about four or five" of that number had not had a membership card for 2 years and were required to pay the difference in membership fees.

Westgate expressed the opinion that the complaints had come from men who "had never carried a card, and were not first-class carpenters and wanted to slide in on the big money."

In his charges on the floor of the House of Representatives, HOFFMAN said further:

"By a Member of this House I was informed yesterday that where men applied for work on a Massachusetts defense project, which needed men, they were told by the contractor that they could not be employed unless they joined the union. From the

same source came the information that the union fee was $75 per man," he said.

HOFFMAN proposed resolutions, one of which would set up a five-man House committee to investigate the conditions he alleged to exist, and another of which would call upon the Secretaries of War and the Navy to report on this condition.

KALAMAZOO, MICH., *September 29, 1940.*

Representative HOFFMAN,
Washington, D. C.

DEAR SIR: I have carefully read the article in paper, Pay No Tribute For Fort Custer Jobs. I would like to say, I wrote you 2 years ago about what I call racketeer or shake-down money for a job on P. W. A. projects. I still ask why taxpayers or any citizens were forced to pay to work on post offices, bridges, schools, or any other P. W. A. project?

The Fort Custer work is nothing different than P. W. A.

* * * * * * *

I understand there are signs up at Camp Custer instructing workers they would have to go to their local union to get jobs. This was also done on P. W. A. projects.

I also ask who is going to war for the country? Labor racketeers or honest citizens?

We, the people, pay taxes for protection. Does the Constitution of the United States read that we also have to pay some labor organization for the right to work?

Is that either a free country or living up to the Constitution of the United States? Why should workers have to pay for a job or pay $1 a day to work on a job in case the worker does not live in that location? Why are labor racketeers allowed to force the likes of this? I supposed Michigan had a law against coercion. Ask people to write you and tell what they know.

When a contractor or industry puts up a notice saying see your local union before you can go to work, is that nothing more than coercion by the contractor? Why are these contractors so interested in making workers pay a labor order for a job? I personally think these contractors get a cut out of it. Suppose the Federal Government investigate the income taxes on these people, also labor shake-downers. Who knows but the most of this money will be used for political purposes. Especial help keep the political party in power that allows them to practice such rotten stuff. It is sure a stinking affair. This is what a neighbor of mine done. He paid $28 back dues to a union with a promise he would be put to work at Fort Custer. When he went to Fort Custer he was told he would have to go to Battle Creek to get a permit to work on the job. When he went to Battle Creek he was told he would have to pay for it. They got his money, he did not get a job. After your article came out in the paper he went after them about it. He may be put to work this week. Well they got his money, they don't need him. We will see how long he lasts. They are after some other sucker's money.

How long since the Battle Creek labor shake-downers took over Fort Custer? I would like to make a few suggestions:

1. All Government workers be declared open-shop work; that is, either union or nonunion have equal right to it.

2. To forbid a contractor to use a labor union for an employment agency—that is coercion.

3. The Army service set up an application office on the project and see each worker get his rights and just reason for a discharge. The Army service agency should take no considerations whether a union or nonunion.

I am 100 percent back of you for the piece you had in the paper. I do not believe you know within 90 percent of the dirty work that is going on.

I do not see any constitutional form of government or sign of a free country under this administration. We are free for one thing, that is pay shake-down money. I wrote you about 2 years ago about this dirty work on P. W. A.

* * * * * * *

There is one thing I hope Mr. Willkie will be elected. I feel he will stop rotten work. I hope he will free work so everybody will have a free right to work.

Organized labor is not for the workers, they are for their own members only. They have a monopoly on jobs. As long as they have a monopoly on work their organization will be working overtime while others are out of work or living on Government expenses.

Overtime work should be stopped on defense work, let them put on workers and extra shift till the unemployed has been put to work. There is no need of overtime work at Fort Custer, there are plenty looking for work.

Yours truly,

——— ———.

BATTLE CREEK, MICH., *September 25, 1940.*

MR. CLARE HOFFMAN.

DEAR SIR: I was very much pleased to read in tonight's Battle Creek Enquirer and News that you had taken up the labor case at Fort Custer, and I sincerely hope you follow it through. Personally I am not working there nor do I expect to, but as an American-born citizen, a taxpayer in Battle Creek for 25 years, I am disgusted with the rotten way the labor situation is handled and the fact that the contracting firm is given additional contracts.

I have no criticism to make if a man wants to join any union of his own free will, but this idea of having to pay tribute to labor racketeers to work for the Government is absolutely rotten from start to finish.

Everyone is paying taxes, union and nonunion alike, and everyone should be allowed to work when jobs are available regardless of union, politics, or color, or, in other words, I think anyone has a right to work for one's self, which in fact is the case of a Government project.

From the pieces in our paper it seems to me the contracting firm has made it very plain that they are 100 percent in favor of the plan they are following so zealously in the labor line. I have talked this over with many of my neighbors, shopmates, and business acquaintances, and all heartily agree that it is time something should be done to stomp down on it, but about all admit what can you do about it when the present administration don't want to see such things and won't do anything about them, as is the case of Harry Bridges, so I sincerely hope your investigation really means something and more than that, and may I hope it gets results. While I am writing this of my own free will, may I ask that you keep my name out, but you are welcome to use the letter as you see fit. In the shop where I work I have been in and out of the union, and in fairness to the men, union and nonunion alike, they have used me fine, and I hope the remaining 10 years to pension time will be as congenial. There is a possible chance that if you used my name in public it might cause me to have more or less trouble in so many ways that radical union men can devise and use, and at my age jobs are not so plentiful as years ago, so I wouldn't want to lose the position I have held for over 24 years. So I am sure you will see why I request you to omit my name in connection with this letter. In closing I wish you all success and anything else you desire within reason.

Sincerely yours,

——— ———.

KALAMAZOO, MICH., *September 26, 1940.*

Representative in Congress CLARE E. HOFFMAN,
Washington, D. C.

DEAR SIR: Enclosed you will find clipping from the Kalamazoo Gazette of September 25. God give us more men like you, who dare to take issue with these racketeers.

I am business agent for the Building Trades Local No. 32, Christian Labor Association of America. I am sure you are acquainted with us. I have been instructed to give the following information to you.

Mr. Orlo Westgate denies these charges made by you on floor of the House—but labor does pay tribute. Common laborers, I understand, are required to pay an initiation fee of $25 * * * carpenters $45. There being a shortage of good carpenters the * * * has agreed to allow men, members of good standing in the Christian Labor Association to work at Fort Custer if they will buy a work permit from the Battle Creek carpenters' local at $1 per day. We are absolutely not in accord with this racket! We think that the project, being paid for by the taxpayers of this country * * * should hire all able-bodied, qualified, American citizens.

There must not be a monopoly of this work by any one organization. That the Battle Creek * * * union desires this policy to continue can readily be understood, especially now during their drive for $25,000 with which to buy a "temple for labor."

We would like to see the job at Fort Custer made an open job or that the * * * be forced to honor memberships in other unions. They are not the only people who have to eat.

In closing, the Christian Labor Association thanks you for the stand you have taken and for what you have done for us in the past, and hopes that you may succeed in your fight for justice.

Sincerely yours,

PETER SMIT,
Business Agent, Christian Labor Association.

VICKSBURG, MICH., *September 25, 1940.*

Hon. CLARE E. HOFFMAN,
Washington, D. C.

DEAR SIR: Have just finished reading in the Kalamazoo Gazette a denial of your charges of tribute being paid by workers at Fort Custer, by Orlo Westgate, business agent of the Kalamazoo Carpenters' Union. Your charges are absolutely correct except that the fee in Kalamazoo is $25 and in Battle Creek $45, and they have been collecting the difference of $20, unless one had carried a card 2 or more years.

A week ago, however, they quit taking men into the carpenters' union, and it is now necessary to pay tribute of $6.75 per week for a working permit in order to work there as a carpenter. This permit has to be renewed every Monday night. Common labor has to join the union for $25.

Respectfully yours,

——— ———.

BATTLE CREEK, MICH., *September 26, 1940.*

Representative HOFFMAN: I see our Enquirer News has your name in connection with wages at Fort Custer. Perhaps you should know.

Labor wages for directly under Captain Hayden, also Colonel Wilkinson, is 45 cents per hour. Carpenters, 62½ cents per hour; and these laborers and several carpenters are putting in sewers, manholes, and so forth, around and with the $1 per hour for 8 hours; $1.50 for the ninth hour. No extra time and one-half for the ones working direct for the United States.

Now, find an answer to this; we are not allowed to hire a man who is employed by W. P. A. Now, you may wonder how I know these facts. I've been at Fort Custer for some time as carpenter for Colonel Wilkinson and Major Hahn before.

I am supposed to be loaned to Captain Hayden—and there is any number of men required. I am supposed to sort out the ones we want, as I really know the ones who are O. K. My orders are to take no one off W. P. A. Only Thursday I required four carpenters, one knew he was to be laid off—I knew that—but I am not allowed to put him at work.

Respectfully,

———.

I ask the President of the United States, as I asked him once before a year or two ago, who is the boss in this country? Is it the Chief Executive or is it the head of some union who is interested in his own political advancement?

Congress, at the President's request, will, when it adjourns, have appropriated something like $15,000,000,000, most of it for national defense. At the President's request, the National Guard, hundreds of thousands of men, have been called from their homes and from their businesses to serve their country at any point in the Western Hemisphere to which the President's fancy may send them.

Millions of American citizens are being called upon to register and millions will be conscripted, drafted, into the Government service to repel, according to the President, threatened invasion.

Yet here in America, after all of these preparations for defense or for war have been made, an organization in which it is admitted Communists are active, is permitted, prior to the election, to defy the Army and the Navy, as it did once before at Detroit in the Bohn Aluminum & Brass Corporation strike, to hinder and delay our national-defense program.

The organization which does this is the same as that which, in a prior campaign, contributed more than a half million dollars to the President's campaign fund. It is an organization which is supporting him openly and actively.

The foregoing facts show, Candidate Roosevelt, that, while you have talked for national defense, called upon the Nation and the citizens of the Nation to make supreme sacrifices for national defense, you are, for the purpose of securing votes, permitting officials of this organization, the vast majority of whose members are loyal and patriotic, to interfere with and delay the program which you have called upon the Nation to complete.

I challenge the majority party, if they believe in national defense, if they believe in preparedness, to bring forth, before we adjourn, legislation which will remedy that situation and which will prevent that kind of sabotage. [Applause.]

VETERANS' ADMINISTRATION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8930) to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 12, strike out "or", where it appears the first time.

Page 2, lines 12 and 13, strike out "compensation" and insert "compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability."

Page 4, line 17, strike out all after *"Provided,"* down to and including "met", in line 24, and insert "That where the death of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed, the Administrator of Veterans' Affairs is hereby authorized and directed to receive and adjudicate a claim filed within 2 years after the date of enactment of this act and to grant burial allowance under the provisions of laws and regulations governing such allowance as amended by this act."

Page 8, line 6, strike out all after "to" down to and including "loans" in line 9, and insert "indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness be in the form of liens to secure unpaid premiums, or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits."

Page 9, strike out lines 8 to 13, inclusive, and insert:

"SEC. 8. Except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, approved August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by section 7 of this act shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration, and in no event shall compensation therein authorized be effective prior to the date of enactment of this act."

Page 10, line 3, strike out "The" and insert "Forfeiture of benefits by a veteran under the."

Page 10, after line 12, insert:

"SEC. 10. Veterans Regulation No. 11 (U. S. C., title 38, ch. 12, appendix), promulgated under the act of March 20, 1933 (Public, No. 2, 73d Cong.), is hereby amended by adding a new paragraph thereto numbered 'III,' to read as follows:

"'III. The provisions of Veterans Regulation No. 11 shall apply to all claims under any of the laws administered by the Veterans' Administration: *Provided,* That the Administrator of Veterans' Affairs may release information, statistics, or reports, to individuals or organizations when in his judgment such release would serve a useful purpose.'

"SEC. 11. Notwithstanding any other provisions of law, except as provided in section 19 of the World War Veterans' Act, 1924, as amended, and in section 817 of the National Service Life Insurance Act of 1940, the decisions of the Administrator of Veterans' Affairs on any question of law or fact concerning a claim for benefits or payments under this or any other act administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decisions.

"SEC. 12. Where any veteran suffers or has suffered an injury, or an aggravation of any existing injury, as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, and not the result of his misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, the veteran or his dependents shall be entitled to the same benefits as are provided for those who suffer an injury or an aggravation of any existing injury as a result of training, hospitalization, or medical or surgical treatment under the provisions of section 31 of Public Law No. 141, Seventy-third Congress, March 28, 1934. No benefits under this section shall be awarded unless application be made therefor within 2 years after such injury or aggravation was suffered, or such death occurred, or after the date of enactment of this act, whichever is the later date."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, is this the same bill the gentleman called up earlier in the day?

Mr. RANKIN. Yes; it is the same bill that was called up earlier in the day. I see that the gentlewoman from Massachusetts [Mrs. ROGERS], the ranking minority member of the committee, is present. We sent down to the Veterans' Administration and got a statement on these amendments, and I ask unanimous consent, Mr. Speaker, that this statement be inserted in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The matter referred to follows:

SENATE AMENDMENTS TO H. R. 8930, SEVENTY-SIXTH CONGRESS

1. Section 2 of H. R. 8930, which would amend the burial provisions of Veterans Regulation No. 9 (a), paragraph II, is amended to enlarge the scope of eligibility for the $100 burial allowance to include veterans discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for a service-connected disability.

This amendment was found advisable because of the passage by both Houses of Congress of H. R. 7731 which granted such eligibility and which was approved by the President October 5, 1940, Public, No. 796, Seventy-sixth Congress. To omit this particular provision would in effect repeal Public, No. 796.

2. This amendment also appears in section 2 of the bill which would amend paragraph IV of Veterans Regulation No. 9 (a), as amended, to permit of the adjudication of a larger number of claims where the death of the veteran occurred on or after March 20, 1933. The prior language would not have permitted the payment of claims previously filed within the regulatory period and denied. The new language will permit the adjudication of claims under the amendatory provisions where the death of the veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed, if claim is filed within 2 years after the date of enactment of the act.

3. This amendment would amend section 3 of H. R. 8930, which has to do with the probihition of collection of indebtedness due the

United States by set-off or otherwise due of benefits payable under laws administered by the Veterans' Administration. The amendment would have the effect of clarifying the provisions in the particular section which provides that the exemption provided in the section shall be inapplicable to indebtedness existing against the particular insurance contract upon the maturity of which the claim is based. The amendment is for the purpose of removing any doubt as to the types of indebtedness relating to insurance.

4. This amendment substitutes a new section for section 8 of the bill. Section 8 provided for the effective dates of payments under section 7 of the bill.

This amendment would substitute a new section for section 8 which provides for the effective dates of payments of compensation provided in section 7 of the bill relating to service-connected misconduct cases. The Senate amendment is for the purpose of making the effective dates uniform with the present law and is liberalizing in its effect by permitting the payment from date of death if claim is filed within 1 year from date of death, except, of course, in no event shall compensation be therein authorized to be effective prior to the date of the enactment of the act.

5. This amendment would amend section 9 of the bill pertaining to payment of benefits in certain forfeiture cases to clarify the reference to the provisions of section 504 World War Veterans' Act, 1924, as amended. This is a clarifying amendment.

6. This amendment would add a new section to the bill to be known as section 10. It would amend Veterans Regulation No. 11 by adding a new paragraph III providing for the application of that regulation under any of the laws administered by the Veterans' Administration, and to provide that the Administrator may release information, statistics, or reports to individuals or organizations when in his judgment such release would serve a useful purpose. The first part of the new paragraph is to establish uniformity and remove administrative complications resulting from the present necessity of administering Veterans Regulation No. 11 and certain provisions of the pension laws concurrently as to the different groups. As to the proviso, the restrictions contained in existing regulation have precluded the Administrator from releasing information, statistics, or reports to individuals or organizations where it was apparent the release would serve a useful purpose. The provision is to provide a necessary discretion governing the release of information and to facilitate better administration.

7. This amendment would add a new section to the bill to be known as section 11. The purpose of this amendment is to establish uniformity with reference to finality of decisions of the Administrator of Veterans' Affairs on questions of law and fact in existing law, the provision being similar to that contained in section 5, Public, No. 2, Seventy-third Congress.

8. This amendment would add a new section to the bill to be known as section 12. This section has to do with the payment of compensation to a veteran who suffers injury or aggravation of an existing injury as result of having submitted to an examination under authority of any laws granting monetary or other benefits to World War veterans, and such injury or aggravation results in additional disability to or the death of the veteran. Under the existing provisions of Public, No. 141, Seventy-third Congress, compensation is restricted to injuries or aggravation resulting from examinations under the War Risk Insurance Act or the World War Veterans' Act, 1924, as amended. The section would extend the right to benefits in connection with examinations under existing laws other than those heretofore specified.

Mrs. ROGERS of Massachusetts. Reserving the right to object—and I shall not object—to the gentleman's original request, Mr. Speaker, I believe we are placed in a very uncomfortable and a very unfortunate position in the House because, as I understand, the Senate has begun 3-day recesses; there is no quorum present there, and no more work will be done for some time, so we must accept these amendments or get nothing. We were very much disappointed, and I know the House was, that the bills we passed in the House that added quite a good deal to the veterans' benefits were not placed in this bill as amendments in spite of the efforts of the distinguished gentleman from Connecticut, Senator DANAHER, and the distinguished gentleman from Louisiana, Senator ELLENDER. The veterans certainly are getting very little out of this Congress, with all the millions that have been spent. It is obvious that veterans' legislation is not regarded as "must" legislation by this administration. I know the chairman has worked tremendously hard, as has every other member of the World War Veterans' Committee, to help the veterans this year. The previous bill also passed the House, as you know, but the Senate has not passed it.

Mr. RANKIN. I will say in response to that statement that I was very much in hope the Senate would add, as an amendment, H. R. 9000, the widows and orphans bill, and I was also in hope they would add the bill introduced by the gentleman from California [Mr. VOORHIS] which we passed a few days ago, that would have protected service-connected cases of World War veterans and placed the burden of proof on the Government when they had made out a prima facie case, but, of course, we cannot govern the body at the other end of the Capitol. They have sent this bill back with amendments and after reading the amendments carefully I am of the opinion that they ought to be adopted; but in order to be on the safe side, I took this proposition up, as did the gentlewoman from Massachusetts, with the Veterans' Administration, and we have the assurance that these amendments will all be beneficial, and the majority of them will be for the benefit of the veterans, and the others, while not injuring the veterans, will assist the administration in administering the laws and regulations they now have.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mrs. ROGERS of Massachusetts. And, obviously, it is accept this or have no legislation.

Mr. RANKIN. If we do not accept it, we will not get any legislation at least until after the 18th of November. As I understand it, the Senate has agreed to take 3-day recesses from now until the 18th of November, which means there will be no legislation enacted during that time.

Mrs. ROGERS of Massachusetts. I understand there is no quorum there today, so if anyone wanted to object to any bill it would not go through. We all feel very bitterly disappointed about this, Mr. Speaker.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Minnesota.

Mr. PITTENGER. I noticed in the reading of one of the amendments language to the effect that the decision of the Administrator of the Veterans' Bureau is final and that there can be no appeal. Is not that correct?

Mr. RANKIN. Yes.

Mr. PITTENGER. I do not like that sort of language. Why cannot we disagree to the amendment——

Mr. RANKIN. That does not change existing law.

Mr. PITTENGER. Well, it ought to; and why can we not disagree to the Senate amendments and have it go to conference.

Mr. RANKIN. No; it ought not to change existing law, because you have nobody to whom to appeal. You would have to go back and try the suit in the court. You do not appeal from the Veterans' Administration directly to the courts, at any rate.

Mr. PITTENGER. I am not sure that is a wise policy, but what is wrong with disagreeing to the Senate amendments and sending this to conference?

Mr. RANKIN. I will tell the gentleman exactly what is wrong with it. If the gentleman wants to kill the bill, that would be the way to do it.

Mr. PITTENGER. No; I do not want to kill the bill, neither do I want the Senate to legislate for the House.

Mr. RANKIN. The members of the Veterans' Committee have looked over that amendment and they find no objection to it.

Mr. MICHENER. Mr. Speaker, further reserving the right to object, the House should not establish the precedent of passing legislation about which it knows little, because, perchance, the Senate has recessed. I believe, as a matter of fact, the Senate will be in session Monday. I presume they will recess from Thursday or Friday until Monday, but they have not precluded themselves from the right to do business on Monday.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. BULWINKLE. It is my understanding there is an agreement that nothing would be taken up that is controversial.

Mr. MICHENER. That is an agreement backstage, but I understand the record will show that if anyone wanted to be ugly enough to take up controversial business on Monday he could do so, but that is no excuse for passing important legislation in this way.

I shall not object if the committee states that this bill is proper legislation, but I shall object if the committee feels that this measure should have more consideration. The expediency of the hour is no excuse for placing doubtful laws on the statute books.

Mr. RANKIN. Let me say to the gentleman from Michigan that at any rate this is an administrative measure. It does not provide compensation for disabled veterans or for their dependents. To object to this request and send it to conference would make it doubtful whether we would get any conference, and I do not know how long it would stay in conference if we did. I am reasonably sure it would not get back here for sometime at least.

Mr. MICHENER. If the Veterans' Committee favors this amendment I shall not object, Mr. Speaker.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield further?

Mr. RANKIN. Yes.

Mrs. ROGERS of Massachusetts. I would like to state to the House that, regarding insurance cases, this does not do away with any rights in a court case on an insurance matter and so far as the Comptroller General is concerned he will not have the power to hurt the veteran as much as at present.

Mr. RANKIN. Not at all.

Mrs. ROGERS of Massachusetts. I cannot tell just how far the other provision goes, but I think it is either this or nothing. I am sure the Senate is not going to do any work during this recess, if I can trust the reports I have heard.

Mr. RANKIN. I have read carefully the other provision and I cannot see where the veterans would lose a single right under this amendment.

Mrs. ROGERS of Massachusetts. But in the bill there are several provisions in the veterans' favor in compensation, such as a 10-dollar increase in compensation for the loss of an arm or a leg or both arms and both legs or both eyes. Section 8, for instance, gives additional rights to the veterans.

A question has been raised as to the effect of and the need of section 11 added to H. R. 8930 and I understand the Veterans' Administration took the point of view that primarily it provides that except in the event of a suit on an insurance contract under section 19 of the World War Veterans' Act, 1924, as amended, whether such suit be on a policy of war-risk term, United States Government life—converted, or National Service Life Insurance, the decisions of the Administrator of Veterans' Affairs on any question of fact or law arising under the acts administered by the Veterans' Administration shall be final and conclusive and not subject to review by any other official or any court of the United States.

Fundamentally, with the exception noted, all of the benefits payable under acts administered by the Veterans' Administration constitute gratuities as to which it lies within the constitutional power of the Congress to prescribe whether the Government may be sued, and without which specific provision of law consent to be sued does not exist. This is entirely separate and apart from the former action known as mandamus, which action, under the present rules, pertaining to suits in the courts of the United States is preserved essentially although under another form. But this remedy which is very restricted in its nature and scope exists, if at all, in a given instance only to require that ministerial action be taken and may not and never could be availed of to control discretionary action. Therefore, the declaration in a statute that such discretionary decisions are final insofar as may concern court action does not affect any existing remedy. Such finality does, however, preclude review of the decision by any other Government official who otherwise might have the power or authority to make such review.

The Congress has seen fit to insert this provision in several of the more important and complete acts granting gratuities, including the World War Veterans' Act, section 5, the World War Adjusted Compensation Act, section 310, and Public, No. 2, Seventy-third Congress, section 5. Clearly such provisions would also be held to apply to amendments to such acts but the Congress has enacted a number of supplemental laws which are not directly amendatory to said primary enactments. It would be legislatively inapt to reenact all desirable general provisions in each of these supplemental or independent laws. To avoid this difficulty, general enactments have been placed in effect, such as Public, No. 262, Seventy-fourth Congress, providing uniform procedure relative to guardianship matters, embezzlements, and exemptions. Similarly, in this bill under consideration a like general provision is contained respecting apportionments of compensation or pension payable under any law administered by the Veterans' Administration. From this point of view it would seem that the amendment contained in section 11 is desirable for the purpose of uniformity and to make clear what is believed to be the intention of Congress that the various laws shall be uniformly administered in accordance with the liberal policies governing the Veterans' Administration. I believe that the Veterans' Administration should be more liberal and I should be much better satisfied if this bill with the Senate amendments could go to conference, but with the situation in the Senate as it is today, with so many Members away, I believe it would be impossible to secure any veterans' legislation. There are benefits amounting to $300,000 in this bill which I do not wish to see jeopardized. It is a tragedy that this bill comes to the House so late and that so little has been done for our disabled veterans.

Mr. RANKIN. Yes; they get some benefit out of it.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. In answer to the statement of our colleague the gentleman from Minnesota [Mr. PITTENGER], is it not a fact that the existing law with reference to compensation provides that the decision of the Administrator is final?

Mr. RANKIN. Yes.

Mr. SCHAFER of Wisconsin. And nothing is taken away from the veterans under the language of this bill. On the other hand, there are a number of benefits extended to the veterans under this bill, and if we do not accept the Senate amendments those veterans will be denied the additional benefits because we will not be able to get a conference report considered at least until after November 18.

Mr. RANKIN. The gentleman is entirely correct.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

THE LATE HON. WILLIAM B. BANKHEAD

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, at the time of the death of our beloved Speaker I had to leave town because of death in my own family.

I came here in the Sixty-sixth Congress. Speaker BANKHEAD came here in the Sixty-fifth Congress. We worked together for many years on legislation for the youth of our country and for the rehabilitation of the disabled in which I know he had a most sympathetic interest, and so did I. We were fast friends for 22 years. Not very long before he passed away I was in his office and I remember the one thing in particular he said, "I am so tired."

While this may be a little belated, I felt I would like to say something in the nature of a tribute to this great man. I know of no man in public life for whom I have had more profound respect and affection than I had for our beloved Speaker, Hon. WILLIAM B. BANKHEAD. I might liken him to one of the weavers described by Anson Chester in his beautiful poem. He told the story of those weavers who make those wonderful tapestries in Persia that often appear on

the walls of museums and palaces in the capitals of various countries. He said they never see anything but a blueprint, because they work on a loom where they always work from the underside and they tie thousands of knots to the square inch and work from sunrise to sunset in the most awkward and painful positions. They would at times feel like rebelling against the work because they were unable to see the beauty of the top of the tapestry, but at the end, after 2 or 3 years, the master weaver would come, because the last knot had been tied; the tapestry would be lowered, and the weavers would gather around and see the product of their work. They would weep and leap with joy as they saw its perfection. That was their reward.

I can think of the interest and satisfaction of our tenderhearted Speaker as he here with his toil and ability wove the tapestry of life for the crippled and for the blind and for other afflicted groups.

I like to think of my friends with that faith inspired by the observation of some practical experiences in life. We go down to the dock to see some friend depart, and we watch the ship sail away. Beyond the horizon of the natural we cannot see. Faith only can take us beyond it. We watch that ship disappear—first the hull and gradually the last tip of the mast disappears, and we say, "Well, she has gone." But I like to think of another shore, where people are watching the horizon and first they see a speck. It is the top of the mast, then the whole mast, and then the hull. Friends cry out, "Here she comes." Our Speaker has arrived among his friends. He has left us, but he has left a great work. Perhaps the greatest work of all kind can be described in the words, "There is no act of man in this life which is not the beginning of a chain of circumstances so great as that no human providence can give us the prospect to the end." His influence will be immortal among the young of this country and will increase their respect for this great Republic for which he labored so arduously and so well.

[Here the gavel fell.]

The SPEAKER. Under previous order of the House the gentleman from Missouri [Mr. SHANNON] is recognized for 10 minutes.

THE VOICE OF THOMAS JEFFERSON ON WAR

Mr. SHANNON. Mr. Speaker, we are told that great voices such as those of Patrick Henry, Demosthenes, Cicero, and others, are still floating around. Some day someone will harness them, the fugitive fermentation of the brain of man will produce a device to capture them; and immediately monopoly will take over the patent and use it as a profit-making something to plunder the public.

I today wish to quote from a man, a thinker, who was loath to speak, who seldom made a speech, but oh how he did write. He wrote beautiful things and left them for mankind. He was a superstatesman. He was the kind of man who tells you of something that is to happen in the years to come. Not only does he tell you of things that are to be but likewise you can go back to his writings and find them as fresh, as true, and as applicable to today as the day he penned them.

Mr. Speaker, I call to your attention four quotations from Thomas Jefferson to men of his period. Every one of these Jefferson quotations is as appropriate today as it was when written. They should be read by everyone, and everyone who is charged with any part in government should give heed. They should stop, look, and listen.

Is there a world revolution on? And if so, is not the paramount issue, so far as America is concerned, the preservation of the Republic and the welfare of the American boy first, last, and all the time?

War, one enough: I have seen enough of one war never to wish to see another.—To John Adams.

One war, such as that of our Revolution, is enough for one life.—To M. Correa.

The cannibals of Europe are going to eating one another again. A war between Russia and Turkey is like the battle of the kite and snake. Whichever destroys the other leaves a destroyer the less for the world. This pugnacious humor of mankind seems to be the law of his nature, one of the obstacles to too great multiplication provided in the mechanism of the universe. The cocks of the henyard kill one another up. Bears, bulls, rams do the same. And the horse, in his wild state, kills all the young males, until, worn down with age and war, some vigorous youth kills him and takes to himself the harem of females. I hope we shall prove how much happier for man the Quaker policy is, and that the life of the feeder is better than that of the fighter; and it is some consolation that the desolation by these maniacs of one part of the earth is the means of improving it in other parts. Let the latter be our office, and let us milk the cow, while the Russian holds her by the horns and the Turk by the tail.—To John Adams.

War, quixotic: War against Bedlam would be just as rational as against Europe, in its present condition of total demoralization. When peace becomes more losing than war, we may prefer the latter on principles of pecuniary calculation. But for us to attempt by war to reform all Europe, and bring them back to principles of morality and a respect for the equal rights of nations, would show us to be only maniacs of another character. We should, indeed, have the merit of the good intentions as well as of the folly of the hero of La Mancha.—To William Wirt.

[Applause.]

SPECIAL ORDER

The SPEAKER. Under the previous order of the House, the gentleman from California [Mr. HINSHAW] is recognized for 5 minutes.

Mr. HINSHAW. Mr. Speaker, for some time we have been receiving propaganda from an organization known as the American Committee for Non-Participation in Japanese Aggression. Under date of September 25, 1940, I have a note from them, signed by the executive secretary, Mr. Henry B. Price, and I presume every other Member of the House has also received one, as a cover to a 16-page document entitled "Pacific Strategy: A Key to American Defense."

For the purpose of the RECORD I call attention to the fact that on the left side of the letterhead we find the name of Hon. Henry L. Stimson as the honorary chairman, and then that is crossed out by a line through his name and his title. I assume that his name was crossed out upon his accepting the Secretaryship of War in the Cabinet of the President. Under his name appear those of Henry I. Harriman, A. Lawrence Lowell, Robert E. Speer, William Allen White, and H. E. Yarnell as honorary chairmen.

I have read this document with a great deal of interest, but particularly the last sentence, which I read to you:

The United States can make no greater contribution toward a turning of the tide than by moving promptly, without further delay, to end Japanese military aggression and to restore peace in the Pacific—a peace which, it can be hoped, might serve in its principles as a forerunner and prototype for a more universal peace later.

I do not want to comment now on this article except to state that to me this last sentence can mean two things. The words "moving promptly, without further delay, to end Japanese military aggression" may mean that we move promptly with our Navy and ultimately with our Army. It may also mean that we simply take economic measures to prevent her further aggression. I do not know which of these two things this language may have intended, but at all events it would seem from the newpapers and the radio that the United States is in a most hostile position. We have seen this coming for a long time and some of us have wondered how it might be avoided and averted. I for one cherish a somewhat faded hope that it can yet be averted. As I said a moment ago, I am not going to comment extensively on this article except to say further that as this action will occur in the Pacific if it does occur, the defenses of the Pacific coast are not yet in order. They are in order in certain portions, but in the portion in which I live, southern California, the defenses are not yet in order. It has not been planned, as I understand it, that they will be in order for another 2 years. If the United States is to follow the words in this document and "move promptly without further delay," and if that language expresses the views of Hon. Henry L. Stimson, the Secretary of War, then I ask you, and the Secretary of War, Should not the completion of the defenses of the Pacific Coast be attended to with the greatest possible dispatch? [Applause.]

[Here the gavel fell.]

The SPEAKER. Under a previous order of the House, the gentleman from California [Mr. VOORHIS] is recognized for 10 minutes.

ANTITRUST ENFORCEMENT IS OF PRIMARY IMPORTANCE TO TRUE NATIONAL DEFENSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include a patriotic poem written by one of my constituents.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, vigorous enforcement of our antitrust laws, far from being an obstacle to the attainment of adequate national defense, is one of the most necessary elements in achieving the balanced strength which we all desire for our country. The purpose of this short speech is to demonstrate the truth of that statement.

When, a few months ago, I offered an amendment to the Justice Department appropriation bill to increase by $500,000 the appropriation for the Antitrust Division I believed it was important to forward the work of that Division in breaking up artificial monopoly controls of production and of price. But, until I began to look carefully into some of the facts connected with vital industries, I had little realization at that time how basically necessary this work was going to turn out to be from the standpoint of achieving full production of specific defense materials.

Every American recognizes that the success of the defense program of our country depends upon two things: First, the effective cooperation of all elements in our society, industry, labor, and Government; second, the removal of obstacles to the free flow of production, particularly the production of such items as are vital to the national defense.

There have been disturbing reports in recent months that antitrust activity might be suspended in order to secure cooperation of certain powerful industrial groups in the national-defense effort. Indeed, at least one suit was delayed for a period of 2 months and then modified in certain respects before it was instituted, because of concern by some officials outside the Department of Justice that the suit as originally planned might interfere with the cooperation of industry.

Since one of the central aims and purposes of our whole defense effort is the protection of our system of free enterprise, it seems to me important to present to the House the other side of the picture with respect to the enforcement of the antitrust laws. I believe that the enforcement of the antitrust laws is more than ever important during a crisis like the present. Not only is the vigorous prosecution of antitrust suits and the breaking of monopolistic power over American industry important from the standpoint of the preservation of American institutions, the achievement of parity for agriculture, and the maintenance of opportunity for small business, but it is also important from the standpoint of obtaining a full volume of production of essential defense materials at a price which is fair and just to the Government of the United States and the American people.

In the stresses and excitement of the last few months I think that not enough attention has been paid to the revelations of some of the Department of Justice investigations of collusive arrangements, and artificial production and price restrictions, in respect to defense materials and vital consumers goods. These disclosures are, however, highly significant and indicate the need of constant governmental vigilance in the antitrust field if we are to carry through successfully our defense program on a reasonably economic and efficient basis, and if we are to accomplish the very difficult task of protecting our consumers from exploitation during the period of emergency.

Let me cite a few examples of what I mean. Military optical instruments such as range finders, height finders, torpedo directors, and high-quality glass lenses are absolutely essential to effective armament. The Department of Justice in a recent indictment, to which the defendants pleaded nolo contendere and paid fines, charged an American company with monopolistic practices in this industry, the effect of which was to restrict the source of supply for these very necessary instruments. In this indictment the Government alleged that our Army and Navy were charged arbitrary and unreasonable prices on account of the artificial restrictions on production imposed in violation of the antitrust laws. Whether or not the productive capacity which was lost to this country through the restrictive contracts and agreements of the company in question can be regained in time to offset the harm done is a question. But at least the elimination of these practices by consent decree entered into by the company will assure an open market in the future.

Tungsten carbide is a metal composition which forms a vital part of certain machine tools because of its hard cutting edge. It is also the keystone of the wire industry, and is gradually becoming more important in wear resistant parts of all kinds of machinery. Its importance in national defense is obvious. Production of tungsten carbide has been controlled in a monopolistic manner since 1928. Prior to that time it was selling as low as $48 a pound, but after the monopoly went into effect it began to sell at from $205 to $453 a pound. This exorbitant price was in effect until a few weeks ago when it was exposed in an indictment by the Department of Justice. Almost immediately price reductions were put in effect. Indeed, the price of certain machine tools has more than been cut in half since the indictment was returned, and announcements have already been made that further price reductions are in sight. I need hardly emphasize the great importance of this to the national-defense program.

It is well known that no material is more important to the production of airplanes than aluminum. It is a matter of common knowledge that one corporation controls the whole field of aluminum production in the United States. The Department of Justice charges in its pending suit against the Aluminum Co. of America that through a conspiracy and combination with all the aluminum producers in the world that company has effectively limited the production and sale of aluminum in the United States. It is further charged that the Aluminum Co. has maintained a policy of restricted production and high prices which can only be accomplished in the absence of competition. If this policy has resulted in a shortage of aluminum, the importance of which to the national defense certainly cannot be denied, it is something we surely should know about.

Magnesium is also of utmost importance in aircraft production. The Minerals Yearbook for 1939 discloses, page 705, that in the world output of 22,000 metric tons, Germany contributed 12,000 tons, and the United States only 2,410 tons, and that since 1927 only one company has been producing magnesium in the United States. It is certainly of interest to this Congress to have determined the reasons why this large difference between American and German manufacture of magnesium exists and why there is only one American producer. Magnesium in many cases can replace aluminum. In addition it is one-third lighter. We ought to know precisely why it is that the price of magnesium is sufficiently high so that it does not pay producers to replace aluminum with it. Specifically, magnesium sells for 27 cents a pound, while aluminum sells for 18 cents a pound, thus eliminating any advantage in lightness which characterizes magnesium. It is important to know whether these two metals are controlled by the same interests and whether competition between them has been eliminated so that the production of magnesium has been effectively restricted. Pending Department of Justice investigations, supplemented if need be by appropriate congressional investigations, should determine this fact.

I am glad that the Senate has created a committee to investigate the extent to which foreign corporations have exercised a control over American production in vital defense industries, because in at least three of the cases I have cited so far it appears that the monopolistic controls and practices existed not on a national but on an international scale and that powerful foreign interests have been in a position to

influence if not to dictate the extent and conditions of American production. And in all three cases the foreign interests have been German.

Not only is it important that monopolies should be prevented from restricting production or artificially holding up the price of the materials essential for national defense, but particularly at a time like this is it important that no industrial combinations should be in a position to overcharge American consumers for important items of general consumption. Everyone knows that the success of this defense effort may depend in part upon the tightening of the belt of practically all groups in American society, but there is no justice in compelling consumers generally to face a situation in which they are able to afford at best a wholly inadequate diet because they are paying more than they should for other necessary goods of one kind or another. There is no reason why consumers should be made to sacrifice necessary food and clothing because they are being charged excessive and noncompetitive prices for gasoline and other petroleum products which are now necessities of life.

Free markets, free competition, and free opportunity for all business is as important or more important today than it ever was before.

It was found by the Supreme Court in the Madison oil case that the major oil companies that were defendants in that proceeding had unreasonably and arbitrarily eliminated price competition between them and fixed the prices of petroleum products at noncompetitive levels. The Court there held that the purpose of the defendants' agreements was to raise and maintain prices to jobbers and consumers. In the ethyl gasoline case the Supreme Court found that the defendants' licensing agreements covering a patented fluid compound going into most modern motor fuel were used to maintain prices to consumers. The Department of Justice in its suit against 22 major oil companies and their affiliates and subsidiaries, filed on September 30, 1940, charges various price-fixing practices and devices in the production and refining, transportation, and marketing of petroleum products which, if borne out by the evidence, certainly constitute a cause for major concern. These practices, if it is shown that they are taking place, are of the utmost importance not only to independent producers but also to consumers because of the many millions of dollars a year which they must spend for petroleum products, not only in the fuel that they must burn in their cars, but also in the heating of their homes and in many other incidental but important uses. If they are overcharged for gasoline and petroleum products they obviously have less money available for other necessary commodities; and we must remember that 19,000,000 families in this country have incomes of $1,500 a year or less.

Another monopolistic practice in the oil industry which no doubt will be thoroughly explored in the Government's suit and which also deserves the serious consideration of Congress is the control by the major oil companies of petroleum pipe lines. Surely it is to the advantage of the American people and our Government to have the means of transportation for petroleum on an open and equitable basis for the use of all producers and refiners on like terms, rather than to have such means of transportation controlled by a small number of major oil companies. It would seem to me that the national interest is obviously served better by a situation of untrammeled competition than by one in which the most important means of the transportation of oil are controlled by some of the principal shippers themselves.

I think it would also be greatly in the interest of national defense if the tin deposits of Bolivia were developed as fully as possible. I am not familiar with the reasons why these deposits have not been more fully developed, but it would seem to me that it would be important to try and find out. It has been rumored that one reason may be a centralization of control over these Bolivian deposits by some of the same interests, largely British, which are likewise interested in the tin deposits of the Far East. The Minerals Yearbook reports, page 683, that one of the strategic materials in which the United States is deficient is tin. The Bureau of Mines reports that "during the past 5 years 81 percent of the foreign purchases were obtained from Asia—69 percent from British Malaya— 18 percent from Europe, and 1 percent elsewhere." Thus, in 1937 we imported 66,709 tons from British Malaya and 112 tons from Bolivia, and in 1938 we imported 36,673 tons from British Malaya and only 25 tons from Bolivia. The reasons for this should be investigated.

I want to urge upon the Members of the House that we must not make the same mistake in this country which was made in many foreign countries of allowing free enterprise to disappear and centrally controlled private cartels to take its place. In Germany after the last war the Government permitted the self-regimentation of industries to proceed without restriction. Germany attempted in 1923 to enact by decree a regulation similar to our antitrust laws, but the tradition of free enterprise was too weak and the law was never enforced. Nineteen hundred and twenty-seven witnessed the last gasp of free enterprise in Germany, when a commission was appointed to study the monopoly problem. It produced nearly 40 volumes of reports, but there were no practical results. The cartelization had gone too far. German business regimentation drifted to its logical conclusion. The power of these cartels over the lives of the people became so great that political organization commensurate with the private economic power of these cartels was necessary. The disappearance of free enterprise in Germany certainly helped to pave the way for Hitler. Let us resolve to protect it here.

I am not suggesting that we will necessarily go along the same path in this country. The experience of one country is seldom duplicated in another, because of the many variations in the institutions and traditions of different countries. But I am saying that world-wide tendencies are the same and that, in general, where free competition disappears, political democracy goes with it. I therefore urge upon the House that in these trying times we do not overlook the urgent importance of enforcing the antitrust laws so that free enterprise may survive the present crisis and our economic system may emerge all the stronger, because our defense program and the consumers were amply protected against the dangers, restrictions, and privations resulting from private monopolistic control.

SPECIAL ORDER

The SPEAKER pro tempore (Mr. CONNERY). Under a previous special order of the House, the gentleman from Missouri [Mr. ANDERSON], is recognized for 10 minutes.

Mr. ANDERSON of Missouri. Mr. Speaker, 2 days ago I charged on this floor that Harry Bridges, alien Communist, conspired to commit the crime of murder and plotted sabotage of one of our largest liners in the Panama Canal. At that time I stated sworn evidence on file with the United States Department of Justice more than amply proved these charges.

Alien Harry Bridges, public enemy No. 1, has issued a statement in which he does not deny the charges but says, "If the F. B. I. has it, its phony and they framed it." Such a cowardly utterance is typical of this Communist thug who seeks to Sovietize America and destroy the American merchant marine. He does not deny the charges but slanders the Department of Justice and centers his attack once more upon the United States Government.

The fact that Harry Bridges is an alien should be sufficient to cause his immediate deportation. But in addition he is a Communist, a conspirator to commit the crime of murder and a plotter of sabotage. I stated to the membership of this House that the Department of Justice was in possession of evidence proving these facts. Since Mr. Bridges denies his true character, the following transcript of the evidence from official file No. 65–4632 United States Department of Justice will perhaps refresh his memory. In that file is a sworn statement of one Walter Carney, former bodyguard for Harry Bridges and Joe Curran of the national maritime union. That statement is as follows:

I, Walter Carney, was instructed by Tommie Ray to get five other gorillas as bodyguards and to arm them at the arsenal on 13th Street. Bill Cunningham, John Marciano, and three others were armed with tommy guns and revolvers and met Harry Bridges at

the Newark Airport and escorted him to the Victoria Hotel on 7th Avenue, New York City.

I, Walter Carney, was with Bridges every day and night for the length of his stay in the East. I went with Bridges to Roy Hudson's house in the village before Harry Bridges attended the International Longshoremen's Association conference on Fourteenth Street and Eighth Avenue in Joe Ryan's office where Joe Ryan, president of the I. L. A. and the executive board expelled Bridges from the International Local because of his communistic tactics and Communist Party policies.

On the return to the Victoria Hotel where Roy Hudson, George Mink, Curran, Tommie Ray, and the "Countess" and Hudson went over discussions of what happened at the meeting of Joe Ryan and Bridges, Bridges, Hudson, and Mink agreed that Joe Ryan must be eliminated from the picture in order that the waterfront section of the Communist Party could control the longshoremen. Hudson and Mink agreed to pay $5,000 to me, Walter Carney, to get somebody to do it. I, in turn, got Earl Ashton, Tommie Donohue, and three other members whose names I cannot recall at this time. A car was provided by Tommie Ray for the "goon squad." Pictures were taken of Joe Ryan's house where he resided on Twentieth Street, between Ninth and Tenth Avenues, on the uptown side. Pictures were taken of the Guardian Angel Church on Twentieth Street and Eleventh Avenue where Ryan had a habit of stopping every morning at 9 o'clock to enter the church and the office building on Fourteenth Street. The nineteenth floor of the building was "cased." Later, Earl Ashton and Tommie Donohue were caught after "sticking up" Joe Murphy an A. F. of L. seamen's organizer in the Plymouth Hotel and stealing his records and personal belongings. Upon asking payment for the return of the records Earl Ashton and Tommie Donohue were caught by the New York City police and were sentenced to the State prison. Frederick (Blackie) Meers, now an organizer of the national maritime union, and Tommie Ray, head of the waterfront section of the Communist Party, were paying these men out of the Communist Party funds and also union funds. To the best of my knowledge, Tommie Donohue is receiving between $5 and $10 a week since his incarceration in Sing Sing 3 years ago. This is being paid by the national maritime union.

The killing of Joe Ryan was not carried out because of the fact that Tommie Donohue and Earl Ashton were placed in prison.

For many years I served in the office of prosecuting attorney of the largest county in Missouri. In all my experience I have never observed a clearer, plainer, and more conclusive case of conspiracy to commit murder.

The second charge I made 2 days ago was that Harry Bridges was a coconspirator to sabotage a ship in the Panama Canal. Here is the transcript of the evidence on this point from the files of the United States Department of Justice.

In October 1936 Curran came to the west coast, to San Francisco, while I was on the steamship *Pennsylvania* in San Francisco, to see Harry Bridges and the Communist Party for action aboard the *Pennsylvania*. We went to the Lincoln Hotel on Market Street, where Curran was residing. Besides me, the following members of the union were also present:

Louis Gale, "Cokey" Louie, Mosher, Canaday, Red Szmerick, Eddie Gordon, Vandeross, and Lynn, who were the Communist Party faction members aboard the steamship *Pennsylvania*. At that conference in the Hotel Lincoln we were given orders to leave the steamship *Pennsylvania* in the middle of the Panama Canal near Culebra Cut; disconnecting steering gears; foul propellors with steel wire; set fire to the double bottoms; put powdered graphite into the lubricating system; and put out of commission the telegraph announcer that led to the bridge.

After the caucus in the Lincoln Hotel we left to go to 121 Haight Street, San Francisco, which is the Communist Party headquarters in San Francisco. There we met Harry Bridges; Schmidt, who was president of the I. L. A., San Francisco; and Jeffers, who was publicity man for the I. L. A.; Shoemaker; Hallings; and George Mink. All of these men are members of the Communist Party meeting at the Communist headquarters in San Francisco, where Curran outlined the strategy to the party assembled or what was to be done with the steamship *Pennsylvania* when the seamen's strike was called on the east coast. All agreed, and the ship's committee, through Barney Lynch—who has just been elected secretary-treasurer of the steward's department of the National Maritime Union—was to be notified by radio and cablegram in Panama, and who at that time was a member of the crew of the steamship *Pennsylvania* as a union delegate in the steward's department. On the overnight stay in Balboa, Panama, after the bananas were loaded through the cargo port, Roy Gale, Louie Canaday, Eddie Gordon—who is presently agent of the National Maritime Union in Habana, Cuba, and head of the Pan-American Conference of Seamen—were to use the extra length of cable for fouling the propellers, place two crowbars in the steering room aft to foul the steering engine. We did let fuel oil seep into the double bottoms from the fuel tanks that are located there. This fuel oil did flow into the bilges throughout the bowels of the ship and the oil was to be set afire. The valves were closed later as we proceeded out of the Panama Canal, as no word was received in Panama and as the strike was not called. In making transit through the Canal we did not take any action to sabotage the ship as orders were only to sabotage in case the strike was called. We did not get word that a strike was called until we reached Habana, Cuba.

The above quotation is from the official files of the United States Department of Justice containing a transcript of sworn testimony of Walter Carney, former bodyguard for Harry Bridges.

Mr. Speaker, what influence can this alien Communist, Harry Bridges, have in this Government of ours that enables him to go on unmolested with his plots and conspiracies to destroy this country and the ideals for which it stands? It is our duty to ascertain at once, without further delay, where and with whom this influence exists. How can we build our defense system when alien Communists imperil our vital defense links and sovietize the American merchant marine?

That Bridges is a Communist and that his Communist cohorts seek to hoist the red flag over every ship of our merchant marine and eventually over this very Capitol, is more than amply proved by the fact that many of the crack organizers and high officials of the National Maritime Union are honor graduates of the "red" Annapolis which is maintained and operated near West Point to train American seamen to sovietize American ships. One of the most effective organizers of the National Maritime Union is Hays Jones, noted Communist author, who has written the Mein Kampf or textbook for sovietizing the American merchant marine entitled "In a Soviet America, American Seamen and Longshoremen Under the Red Flag." I have here in my hand a photostatic copy of that book. The principles set forth in it are being effectively carried out throughout the American merchant marine this very day. I ask unanimous consent to conclude my remarks by inserting the text of that pamphlet at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. ANDERSON]?

There was no objection.

The matter referred to follows:

SEAMEN AND LONGSHOREMEN UNDER THE "RED" FLAG

(By Hays Jones)

The seamen and longshoremen of capitalist America have reached the point where they have decided that the Government, the shipowners, and the reactionary labor leaders are not their salvation. The seamen's act has been torn to shreds by amendments and court decisions till the seamen are now reduced to serfdom. They live in miserable fo'c'sles, and work long hours of overtime without pay because "if you don't like it there's plenty on the beach that will." And the bread lines on the beach get longer week by week. The longshoremen, 85 percent unemployed, living on 1 or 2 days' work a month, or living on home relief, are affected by the same "if you don't like it there's plenty that do" and endure the worst sort of speed-up.

The seamen and longshoremen are turning directly to struggle for the things they want. The west-coast strike gave them a first taste of the victory they have power to win. The "dirtiest strike you ever saw," as one International Seamen's Union official called it, the east-coast strike that the I. S. U. officials sold out, at least brought recognition of the I. S. U. and precipitated the drive for one union of all seamen. In spite of its reactionary officials the seamen are going to make that union a weapon to fight the shipowners.

But more and more longshoremen and seamen, and other workers suffering the same desperate conditions ashore, are wondering whether capitalism can ever give them decent houses to live in and enough food to eat—or even jobs to do again. Their eyes turn to the growing achievements of the Soviet Union and they wonder what would Soviet America be like?

We can look at what the Soviet workers and farmers have done to old Russia, the most backward of the great nations. We can estimate from this what a Soviet system in this country, starting from the high level of American capitalism, with its millions of skilled workers and technicians, its huge industrial plant and its tremendous natural resources, could achieve for the American workers in general, and for the marine workers in particular.

Not only that, but we had better take a good look and decide what we want, or our rulers will decide what they want and we will be looking at the Soviet Union through the prison bars of a Fascist dictatorship. Scores of different Fascist groups are now bidding for the favor of the ruling class and getting ready to drive us into that prison.

CAPITALIST AMERICA TODAY

Our present rulers, the capitalists of America, have made such a howling success of building this country (with our labor) that they now have to tear down what we have built for them. They have made such a "success" of production that the means of production lie rusting and rotting all around us—and we go hungry.

They built so many ships in 1917–19 that hundreds of them never went to sea, and half of them are now tied up forever. The research laboratories, which were the "pride" of American capitalism, pant for funds to carry on their researches. The source of supplies is dried up. Capitalist America sees no sense in hunting new processes when it can't make profits on what it already knows.

They have built such a great corps of skilled workers that skilled workers by the million lose their skill in unemployment and misery, while the world goes hungry for the goods they should produce. Recently an American engineering society broadcast its alarm over the fact that the apprenticeship system had broken down, and that since 1929 practically no apprentices had been trained. Capitalism could not use them immediately and turned them loose to wander the road or live in city flophouses. Not only apprentices but hundreds of thousands of young men and women from colleges and universities found their skill useless, thanks to the great "success" of capitalism.

Capitalism has had to quit training workers for the mechanical industries. This is not true in the merchant marine. The Government and shipowners together have taken advantage of unwanted youth ashore to "train" as many youngsters as possible for this war industry. But the training they receive is pitiful. They learn to steer, after a fashion, how to scrub decks or wash paint, and how to swing a paintbrush passably, but they do not learn the finer points of seamanship.

They learn enough to be profitably exploited, and that's as far as capitalism cares to teach them. Each capitalist depends on the others to train his workers for him. We will have a shortage of skilled labor in all trades when the workers get tired of starving among idle plants and plowed-under crops and decide to go to work building a classless America.

MARINE INDUSTRY

Restoring what capitalism has destroyed or allowed to fall into decay will be a big job in the marine industry. Piers, docks, ships, and gear alike are slowly going to pot. The capitalist shipowners say they need 150,000 tons of new shipping yearly for replacement of the United States merchant marine. Yet for the last 3 years they have built hardly 15,000 tons a year—actually 10,000 tons in 1933; 24,000 in 1934. Other countries are doing little better.

A large part of America's tonnage is antiquated, jerry-built ships, slapped together in the last war; bad hull design, hasty workmanship, and low speeds that rule them out of present-day competition, even with the generous "subsidies" the Government gives them for carrying a few copies of the Saturday Evening Post to outlying ports. They will lie rotting in a hundred harbors around our coasts until war puts a premium on anything that has half a chance of floating a cargo of death across the seas.

Almost no vessels have been built in the last 20 years without Government loans, at ridiculously low interest rates (as low as 1 percent), and even then private companies hesitate to build ships. Those that have been built are all "naval auxiliaries" and would not have been built if the Government had not paid their owners to build and operate them, as a war measure. Today, the Navy Department is trying to get more ships—for private owners, but paid for with public money—to have more auxiliary ships for war "needs." Private initiative will never build the ships needed for peaceful transportation.

Soviet America would not allow its seamen to sail on the ships that private companies have built, without much remodeling. The pride of the American merchant marine, the luxury ships *Manhattan* and *Washington*, are not fit for seamen to live and work on. The luxury is all on A and B decks. The seamen live down on G deck, with salt spray whipping past eternally sealed portholes, and wet socks and shirts emitting an aura of stale sweat and weariness that the artificial ventilating system never quite dispels. Soviet American seamen will move up several decks to light and air.

These things we know because the Soviet Government bought many old ships from capitalist countries to replace the ships destroyed and stolen by white guards and foreign interventionists on their retreat before the "red" army and peasant partisans. The Soviet shipyards remodeled these ships as best they could. When possible, they put all quarters midships. When they couldn't they cut big skylights in the poop deck and enlarged crews' quarters at the expense of cargo space till they could house the crew two in a room, with decent messrooms, washrooms, and clubrooms for music, games, and reading.

ABOARD A SOVIET AMERICAN SHIP

The new vessels built by the Soviet Union offer us a sample of what a workers' government would do to American ships, and any seaman who sees the Soviet ships which enter American ports knows the immeasurable superiority of conditions aboard Soviet ships.

The Soviet American seaman would go aboard his ship with a light suitcase, carrying his shoregoing gear—shirts, razor, toothbrush, and such like trifles, and maybe a book or two. He would find his working gear aboard the ship, furnished by the company—the workers' government administration of water transport. He would not have to worry about buying a new set of oilskins or seaboots, dungarees, or a heavy coat to stand watch in. He would not have the experience, common to practically all seamen, of facing a new job after a long period of unemployment "schooner rigged"—with nothing but the shoes, shirt, and dungaree pants he stood up in to get the job. The workers' government would supply—as the government of the Soviet Union does today—the work clothing he needs for the voyage, whether to the Arctic or the Tropics. And when he left the ship he'd carry the same light suitcase ashore.

The Soviet American seaman would go down to his union—the industrial union of all water transport workers—where his name was registered for his turn at sea when he left his last ship, and when his name came up, he would get the job. If he didn't want that ship, he could turn it down, or the next one. The third he would have to take, or lose his place on the list. He would go aboard the ship, put his dress clothes in the locker in his room—not a "fo'c'sle" in the capitalist sense of the word—and make himself at home. Working clothes would be kept in lockers outside the seamen's rooms. Over his berth, not a two-decker bunk, he would have a reading lamp, so he could have light when his roommate wanted darkness. And in one corner of the room would be a writing desk.

Soviet ships have these conveniences today for every member of the crew. The relatively greater development of industry in America could give us even more, if transport and industry as a whole were run by the workers to serve the needs of the people, not by bosses for their private benefit.

The Soviet American seaman would not have a clothesline draped around his bunk, with socks, shirt, towel, and dungarees drying on it in wet weather and spreading tuberculosis. Soviet ships today have bath, laundry, and drying rooms, heated by steam from the boilers or from the motor exhaust.

The Soviet American seaman would find his mess room a large, well-decorated room, with one corner divided off—a "red corner" for entertainment, study, and recreational reading. A piano and other musical instruments would be part of the furnishings—furnished out of the cultural funds assessed by the government on the industry and administered by the union. A radio would allow him to tune in the latest stuff from ashore.

SOVIET CREW HAS VOICE IN MANAGEMENT OF SHIP

The seaman of Soviet America will have a voice in the running of the ship. As in the Soviet Union today, the ship will be part of the national industrial plan. But it will have its own work plan, too, a plan covering the year and the season, estimating the cargo-ton-miles it has to make, and the work the crew is to do. Fulfillment of that plan will be the crew's task or "norm" of production, and any production over that will be "overtime" and will draw extra wages at higher wage rates. Overtime work for "safety of the ship" will be paid for. Capitalist America's seamen donate such overtime "for safety of the ship" to the company, without pay, and the reactionary officials of the International Seamen's Union approve. Only those agents of the shipowners can understand why the seaman should risk his uninsurable (under capitalism) life, to save the shipowner's insured vessel and cargo, and not be paid for it.

But this plan is not simply handed down to the skipper and mate as "orders" to be whipped out of the crew by speed-up methods. The crew of a Soviet vessel is part owner of the vessel, and of everything else in the Soviet land. They have an "interest" in their vessel, and take part in laying the plans for its operation. If the crew thinks the plan gives them too much work to do, they say so, and propose changes. If they think they can do more, they propose a "counterplan." The plans and any counterplans made are discussed by the whole crew and decisions made. If the counterplan goes through, and the crew does more work than the plan calls for, they get more wages from it.

The navigation of the vessel, and discipline on watch and in emergencies, are in the hands of the captain as executive officer of the vessel. The social discipline of the crew, discipline on the watch below, is the province of the crew itself. The ship's committee, elected by the crew, handles all such matters, subject to the will of the crew. Even the skipper is responsible to this committee of workers.

The ship's committee and the mate are responsible for the work being done. The ship's committee is responsible for the social life aboard the vessel. And that is an organized social life, not the chance association of a mixed group as on capitalist vessels.

Capitalist shipowners find it an advantage to have the crew fighting among themselves. It prevents organization and a struggle for better conditions. Since better conditions are the aim of Soviet society, organization and solidarity aboard ship are fostered, not blocked.

The ship's committee has many functions. It decides, for example, what the menus shall be. It purchases stores for the voyage, and makes purchases in foreign ports. It has the general problems of discipline to settle, and it decides what members of the crew shall go ashore to study in the schools that the workers' government provides. Those who go to these schools continue to get the same monthly wages that they were earning while working on the ship. All these powers, of course, are subject to the final decision of the crew and the union. On Soviet ships it is impossible for the skipper or the mate to fire a seaman without the consent of the crew. But the crew and the union can fire a captain, and have been known to do so.

NO UNEMPLOYMENT

The Soviet American seaman, as the workers in all industries of Soviet America, will have no fear of unemployment. To begin with, his wages would be guaranteed by the social insurance fund provided by industry and the government. But—as the experience of the Soviet Union has shown—once the working class got down to the task of running industry on a Socialist basis, while the working hours would be cut down, the industries would expand at

a rate never known under capitalism, and unemployment would be completely eliminated. This will be true also of the shipping industry.

Soviet America would need more ships than capitalist America can use. Large sections of our present population cannot afford to eat even the lowly banana, which comes to this country by ship. Not many of us ride on rubber, another tropical product. A thousand other tropical and foreign foods and industrial products would increase the need for shipping, and the unparalleled richness of the American Continent would bring those things into the diet and daily life of America's population as soon as we scrapped the profit system and set up a Soviet America. Workers would be spread over industry according to the need for them, on the basis of the national industrial plan, worked out by the National Planning Commission, to get the greatest benefit to all the population with the least effort. American shipyards would be busy for many years building these ships and replacing old ones as they wore out.

Passenger traffic would increase too. A hundred thousand Americans can afford a vacation in Europe under capitalist conditions. Wealthy parasites ride de luxe, sometimes taking a suite of three or four rooms for a man, his wife or lady friend, a maid, and a dog. And sometimes the chauffeur goes along third-class. Parsons, school teachers, and librarians, who get a vacation longer than most and a salary big enough to make the trip in "respectable" second-class cabins, go to see museums, make a "tour" of the accepted wonders of the Old World, and return to slave and save 7 years for another "cultural" tour.

The European immigrant saves for years to be able to return for a few weeks to his native village on a reduced-rate excursion to show his friends how well (or badly) he's done in America. And a horde of college students, whose middle-class parents can afford it, take a vacation in Europe.

The 59-cent dollar kicked a hole in this class of tourist trade and in the other lower groups as well. Capitalism still has some body blows to deal these middle-class groups and professionals who used to spend a vacation in Europe "cheaper than we could live in America." They will be living "cheaper" in America than they ever thought they could live anywhere—as Chicago's school teachers found when the city neglected to pay them for about 18 months.

Soviet America will make a great change in the traveling public. Shock brigaders—workers who have done better than average work in building Socialist society—will get vacations and tours in other Soviet lands as rewards. Workers will be sent on delegations, as capitalist representatives travel today. Sick workers will be sent to special climates. Workers will go to school in other lands, as the sons of the rich do today.

Soviet America will require a larger passenger service than capitalist America does. But there will be no class distinctions. Speed, comfort, and reliability will be the tests of a ship—not the luxury of de luxe travel while the passengers in third class live worse than seamen on Soviet ships today, both in food and quarters. And a different atmosphere will exist on the ships. Segregation of the crew from passengers does not exist on Soviet ships. A cordial equality exists, and passengers and crew off watch help each other with entertainment and are social equals.

Soviet America will need more seamen and longshoremen. The greater bulk of cargo, and of ships, will make America's harbors look as they did at the only time capitalism ever found it profitable to apply its full productive capacity—during the war that slaughtered 26,000,000 workers and maimed millions more for the glory of the profits.

Soviet ships will fulfill another slogan of the militant trade-unionists and the Communist Party of today: "Full crews and full longshore gangs." The Soviet American seaman will stand watch on deck with at least two other seamen. Ships will not run without a lookout while the watch is changed, or while the wheel is being relieved—or while the man on lookout goes below for a cup of coffee.

"EVERY FACTORY A SCHOOL"—SOVIET SLOGAN

One of the first results of any social revolution is the release of a tremendous sense of power and capacity among the oppressed who destroy their oppressors' power. The capitalists experienced it in their revolutions in the eighteenth and nineteenth centuries, when they destroyed feudalism. The workers of the Soviet Union have experienced it since October 1917. This sense of power raises the workers' desire for knowledge and study. The capacities of the workers have shown an amazing growth in the Soviet Union. Every factory, every collective or state farm, has become a school. And from these schools the workers and peasants rise to the technical schools, institutes, and universities that have increased a hundredfold. Nine hundred and fifty-eight thousand workers went to factory schools and seven hundred and ninety-seven thousand went to technical schools in the Soviet Union in 1933. Four hundred and sixty-nine thousand attended universities and engineering schools. This, out of a population that was almost 90 percent illiterate in 1917.

Every Soviet ship is a school. The seamen study seamanship and navigation. But their studies branch out into all spheres of learning. They study politics and economics, literature, the arts and sciences. And the crew itself decides which of its members shall go ashore to the institutions of higher learning.

The instructors in these shipboard schools are those who have already had training in the workers' schools ashore. The officers and engineers pass on their knowledge, and this is no danger to them as it is on capitalist American ships. The expanding system of Soviet industry can absorb a far higher grade of technical ability than capitalism has any use for. American officers, under capitalism, feel that if they train a man they are only training someone to jockey them out of their jobs. Soviet workers have no fear of losing their jobs. The working class, in power, needs all the intelligence and knowledge its members can acquire.

The Soviet American seaman will not find an A. M. M. L. A. (American Merchant Marine Library Association) book box filled with slushy love stories, mystery thrillers, religious tracts, and lives of famous murderers who wore gold braid—the cast-off rubbish of private libraries ashore or books bought with an eye to the interests of the shipowners by a library association which is financed by the shipowners to keep the workers' minds undefiled with any thought of the class struggle. Technical books, science texts, literature, the latest fiction, and magazines would be in the ship's library, put there by the cultural department of the union and paid for from the social funds required of every industry by the Soviet Government.

SOVIET AMERICAN SEAMEN IN FOREIGN PORTS

The United States will not go Soviet alone. We do not expect it to be the next, nor yet the last, country to abandon the miseries of capitalism for the growth and security of socialism and communism. But when America's workers clear away the rubbish of capitalist barbarism they will sweep a large part of the world into the path of revolution and carry it with them. Especially, the colonial and semicolonial possessions of American capitalism in Central and South America will go along with the giant of the north into socialism and communism, as the petty capitalism of those countries has followed the capitalist giant for generations.

Therefore, when the Soviet American seaman goes into Soviet Rosario for a cargo of flaxseed, or into Soviet Para for a consignment of rubber, he will find the International Seamen's Club there to entertain him, offer him the latest information about the workers' world, and provide him food and drinks at prices not conditioned by "what you are drunk enough to pay" but actually by the cost of the goods consumed.

When he returns to his home port he will go ashore to his union hall and Marine Workers' Club, or to the International Seamen's Club, to find rest and recreation, to renew old friendships, see the shows, and read about the latest successes of Soviet America, or of the workers' achievements in other countries.

There will be no place in Soviet America for Mme. Ropeyarn's 10-cent stews. At present practically every port has its "holy racket," a combination church, social club, hotel, and restaurant business and spy agency for the shipowners. These institutions masquerade under religious names (thus saving taxes) and do hold church services occasionally. But the reverend gentlemen who wax fat in their management do not depend on contributions from their parishioners. Very few seamen ever go to church. And those who do do not contribute. These institutions live on charity—begged by the hundreds of thousands of dollars yearly, on the pretense that they provide religion, a shore home for seamen, and care for destitute seamen.

Most famous of these is the 15-story hotel and restaurant, pool room, and saloon that calls itself the Seamen's Church Institute of New York. It was founded in 1844 as a floating church—a church on a raft. But today the only floating thing about it is the mortgage that floats unpaid in a treasury of $1,135,000. Junius Spencer Morgan plays the stock market with this treasury, while the mortgage is a swell talking point for huge contributions.

Shipowners are large contributors to these religious shore communities. The gentlemen who exploit the destitution of unemployed seamen know how to get in right with those who exploit seamen on the ships. They spy on the seamen, fight against union organization, and ship scabs when the shipowner needs them. They maintain a corps of mission mice who draw special favors from the relief (the Government puts these persons in charge of seamen's relief, quite conscious of their graft and their connection with the shipowners) in the form of an extra 10-cent meal ticket, to stool on honest seamen. They also maintain a corps of muscle men to beat and browbeat seamen into accepting whatever treatment the holy racket chooses to give them. Of course, these places have political drag. Police protection makes them the safest racket in the world.

The Government and shipowners have made these places almost unavoidable to the seamen. The S. C. I. post office is the only place where a seaman can hope to get his mail. It holds mail for 6 months, while other post offices return mail after a week or 10 days. These "holy rackets" are the only large centers where seamen can gather on the beach, except union halls. And they are modern structures, with comfortable reading rooms, while seamen's union halls, in capitalist America, are generally old loft buildings, poorly lighted and heated—the best the working class can afford.

The workers' government in the Soviet Union took over princes' palaces to make clubs for its own and for foreign seamen. Soviet America would wipe out these "holy rackets." If a seaman wanted to go to church, he could go to church. But the church would not be allowed to pose as a "club" and be a spying agency for capitalist enemies of the workers.

The club in the Soviet Union is the seaman's home ashore. Even for married men the club is the center round which the social life of the workers revolves. It is no seamen's church institute. It is run by the seamen themselves, through their union, and its contents and development depend on the seamen themselves. Funds

for it come from the government's social-insurance funds levied against the enterprises.

SOCIAL INSURANCE

Our Soviet seaman will not have to worry about sickness. The workers' government in Soviet America, like the Soviet Union today, will guarantee the worker against sickness, death, injury, and old age. The government requires every industry to turn over a definite percentage of its income to the social-insurance funds, to care for the workers in mischance. The union administers these funds for its members.

No Shyster Si will hang over the Soviet American seaman's sickbed, seeking a retainer from a man struck down by sickness or accident at sea. Shysters can't get by in Soviet lands. The Soviet American seaman will stay on the pay roll till well and able to work again. When he is sick, his union will send him to the hospital. When he needs rest or convalescent care, rest homes in the country or mountains will be his, maintained by the union out of the social-insurance funds.

The union cooperative will be his "store" instead of "tailors" and "slop chests," and there he can buy the best of everything in the market and the union will see that all his rights are observed. The union will draw its collective agreement yearly with the "management," which will not be a greedy capitalist profit grabber, but the workers' administration in charge of water transport.

The Soviet American seaman will get a month's vacation every year, with pay, and, as the industrial power of the workers expands, he will find his vacation period getting longer, keeping pace with the growth of production.

Since the life of the seaman takes him out of social contacts his status will vary from that of shore workers. His day may remain eight hours long after other workers in Soviet America have been cut to four a day. But he will be repaid for this by a longer vacation to be spent ashore, and by an earlier retiring age, so that his term of service to the working class will equal that of workers ashore.

Seamen in capitalist America are, by the very nature of their calling, denied the "right" to vote. Few of them ever establish "residence" anywhere, and if they do, chances are against them being ashore to cast a vote on election day. But Soviet seamen have not only the right to vote, but special arrangements are made for them to vote, and to serve on the Soviets. Thus, for the first time, the seaman becomes a real citizen, in the workers' republic. The Soviet seaman's vote is cast right on the job, and if the job happens to be out at sea, he casts his vote, and it is recorded. If a seaman is elected to the Soviet (elections are by industry, not district) he attends the Soviet meetings. The seaman takes part in the government of the community for the first time.

LONGSHOREMEN AND HARBOR WORKERS TODAY AND IN SOVIET AMERICA

Thus far we have said nothing about longshoremen and harbor workers. The reason is that they are, or can be considered, shore workers. Bargemen today lead desolate lives, even in the best barges. They are on call 24 hours a day, hardly daring to go ashore to buy groceries. For this they draw (in New York) the amazing sum of $60 a month if their barges are loaded. "Light" the bargeman gets either nothing at all or a dollar a day. And he is expected to live on that and keep the barge in repair and be on the job 24 hours a day.

Soviet America will put bargemen on shifts. There will not be hundreds of barges laid up, waiting for loads. The number of barges will be figured to meet the known needs, thanks to social planning. It will not depend on some capitalist's estimate that he, too, can get profits out of hauling sand and gravel, coal, flour, or grain, in spite of a 200-percent oversupply of barges in the harbor.

The towboat men will live ashore, too, and work in regular shifts. Longshoremen, of course, do not live on the water. They load and unload ships, taking goods from warehouse to ship's hold or from ship to warehouse. They live ashore and their working conditions are shore conditions, with serious modifications.

There are about 250,000 longshoremen in the United States today, and 85 percent of them are unemployed. The rest slave under conditions of intolerable speed-up and impossible hours of labor.

Under capitalism the longshoreman is a "casual" laborer. He never knows when he is going to have a job. He rises early in the morning to make a 7 o'clock "shape-up" on the street in front of a dock. Maybe he is picked to work. Maybe not. If not, he hangs around a poolroom or lunch counter, waiting for the next ship to come in, for he may be "shaped up" again at almost any hour of the day till late at night—and then perchance will be kept waiting, payless, for several hours before turning to.

When he thinks there is no more chance for work that day he can go back to the poolroom or back to his miserable dwelling in the slums. Longshore wages are "high"—95 cents an hour in New York for a 44-hour week. On the west coast the 1934 strike won the 6-hour day, 30-hour week. But they still have to fight to prevent the shipowners working all sorts of schemes to gyp them out of overtime pay and destroy other working conditions.

The west coast longshoremen have the gang-steward system, which tries to control the size of drafts (amount of cargo in one sling) and prevent other forms of speed-up. But the Government "arbitrator" has ruled that the longshoremen must do whatever the boss tells them to do—an effort to get 8 hours' work out of them in 6.

The longshoremen on the west coast fought for a system of rotary hiring direct through their union halls, controlled by committees elected from their own ranks. Their own reactionary officials opposed this effort to give every man an even break on the work. The shipowners, of course, opposed it bitterly, and the Government supported them with tear gas, guns, and militia, and with the sell-out machinery of the New Deal.

The shipowners wanted their star-gang system, whereby some men worked 70 to 80 hours a week and others got no work at all. These star gangs were made up of men who could stand a hard pace and keep it up. When one slowed down, out he went on the dump heap and fresh blood came in. Any refusal to drive at top speed sent you back to the beach, jobless. The star-gang system is a blacklist system. Yet the Government wanted to put it in effect everywhere under a "decasualization" plan.

In spite of the "high" wages, the longshoreman makes little. On the west coast the average was less than $12 a week. In eastern ports they average even less. And a vicious system of "kick-backs" has been developed by dock bosses and some union delegates. Those were the things the west coast fought against.

Longshoremen labor under the most dangerous conditions. The incidence of accident is higher among marine workers than in any other trade except structural iron working. The average longshoreman is married, and these desperate conditions bear with bitter force on his wife and children.

Soviet America would cut the longshoreman's day to 6 hours immediately, as hazardous work, and soon to 4 hours. We know from the Soviet Union that longshoremen can have good conditions.

They do not "shape up" on Soviet docks. The longshoreman has a regular job, like any other worker. He comes to work on a shift, puts in his day's work, and goes back to his wife and family.

Ships can't keep as close schedule as railroads, and even railroads are sometimes delayed by storm or unforeseen events. So the Soviet longshoreman has a warm waiting room to spend his time in when he has to wait. This is also a dressing room. The Soviet American longshoreman can have it even better, because the economic level of America will allow better conditions immediately the profit grabbers have been removed and the workers' state takes possession.

The Soviet American longshoreman will keep his working clothes in locker rooms at the docks. And the "company," the workers' government administration for water transport, will supply the working clothes. They will go to the port laundry regularly and be kept in condition by special workers. The longshoreman will not have to ride home damp with sweat from a day in the hold of a vessel, in Soviet New York subways. He will change clothes and take a shower in the port locker rooms and put on dry, clean clothes.

MODERN MACHINERY FOR SOVIET LONGSHOREMEN

Today few American docks are equipped with up-to-date shore machinery. Speed-up machines you will find on many docks—gas or electric jitneys that throw thousands of truckers out of work. But shore cranes, to handle cargo easily, are scarce. Europe goes in heavy for them. Small, crowded ports make them necessary. Here we depend on the ship's gear to discharge or load, except for a few floating cranes to handle extreme lifts.

Leningrad's lumber docks are the best mechanized docks in the world. But Leningrad's longshoremen benefit by those mechanical arms. They are extra arms for the workers, making work easier. Mechanical loaders have cut down labor till it is almost a simple matter of turning planks over. Heavy lifts do not exist for men. Such mechanical assistants can be applied in all countries, but in capitalist America every improvement in machinery has meant fewer men and harder work on the job.

Soviet America would soon apply the many mechanical principles that are already known but not applied because they are unprofitable. What cuts labor strain is profitable to the ruling working class. What gets more work out of the workers for less pay is profitable to the ruling capitalists. With present appliances we could reduce working hours in American industry to 4 a day. Soviet America would do it and make those 4 hours useful labor instead of slavery for starvation wages.

The Soviet American longshoreman would never fear unemployment. If there was no work for him, his wages would go on anyway. He would have a guaranteed yearly minimum wage. If for any reason he could no longer do longshore work, but was capable of lighter tasks, he would be given proper training for another job, and—the job. Soviet America would guarantee every worker the right to work and to live. Work would be based on what the working class needs, not on what it is profitable to our masters to have produced. We would be our own masters in Soviet America.

The longshoreman would eat his meals in the dock "factory kitchen" in the club, or other public restaurant. Or if he and his wife wanted to, they could cook and eat at home. But he would probably be as sensible as Soviet workers are today and prefer his factory kitchen, for it would remove the mass of drudgery connected with single family cooking.

HEALTH PROTECTION

This restaurant on the docks would be run by his union—the same union to which seamen, barge men, and towboat men belong. For industry is the basis of the union in Soviet America, not craft. Soviet America will do away with unsafe conditions; but nothing can ever remove all risks from a job of moving heavy loads, especially through the air. There will therefore be first-aid stations on the docks which will be run by the union.

The first-aid station on the docks will be connected with the network of hospitals, rest homes, and vacation homes for marine workers, maintained by the union and the Soviet Government. These will also be part of the whole system of rest and cure resorts of the Workers' Commissariat of Health and Recreation. Mountain, sea, and summer resorts will miss their old-time voluptuousness, dependent on the whims and fancies of the over-wealthy ruling class of capitalist America. These resorts will belong to the workers. Their health and sport facilities will be expanded a hundredfold to care for the greater demands of the workers.

The Soviet American longshoreman will not finish up his day's work ready to drop from exhaustion. He will be fresh for sport and leisure at the end of his shift on the docks or in the hold of a vessel. He will find, at his workers' club, all facilities for sport and leisure.

Game clubs, singing and dramatic groups would form in every clubhouse; the working class develops great eagerness for self-expression when revolution rips the yoke of capitalist slavery from its neck. Billiards, pool, chess, checkers, gymnasium equipment, movies, and other sports will provide indoor recreation. Tennis courts, football, baseball, and other fields would belong to the workers. You would not have public tennis courts at $1 an hour in Soviet America. All sports would be encouraged.

In capitalist America, few workers' children have a real chance to play. Especially city children, such as longshoremen's. Their playground is the city street, and you can't play many games there. If they have a club, it is a club with strings on it—tied to a political or religious kite.

In Soviet America sports would swell to tremendous proportions. One hundred and fifty thousand marched in the sports parade in Moscow on International Youth Day, 1934. As many more marched in the Leningrad parade, and all over the Soviet Union sports parades showed the way workers have taken to their new-found opportunities to have and enjoy healthful recreation.

Two and a half million "ready for labor and defense." "Ready" means physically trained for the struggle for a socialist society in industry or on the field of battle if capitalism attacks the workers' land. To be "ready for labor and defense" means you can run, swim, row, skate, jump, carry weights, shoot, and throw a hand grenade, well. When the danger of an attack from hostile capitalism dies out, in a Soviet worker's world, the hand grenade will be replaced with a more peaceable object. Today, "ready to defend" is just as important as "ready to work." In looking at Soviet America with the help of these present Soviet institutions, we can see an army of young workers, men and women, strong, healthy, building a happy life in the sports fields, factories, and homes of Soviet America.

The Soviet longshoreman will not fear destitution caused by unemployment, sickness, or injury. His children will be guarded against the loss of their father by the guaranty the Soviet Government gives every child—schooling, nourishment, proper doctor's care, and training for life in a classless Socialist society.

EQUALITY FOR NEGRO WORKERS

Negroes and colonials (Filipinos and Spanish-Americans) have always been a considerable part of the American marine industry, but they have always suffered from discrimination. Oppressors have always resorted to the policy of bringing division into the ranks of the exploited—for the benefit of the exploiters. Certain lines, running to the West Indies or the Tropics, man their ships with Negro deck hands or Filipinos, but the quartermasters and officers are whites. Otherwise Negroes especially, and to some extent Filipinos and Spanish-Americans, are restricted to jobs in the steward's department, or to the fireroom. Spanish-Americans were numerous when ships burned coal, but they are becoming fewer as oil supplants coal.

Negroes and colonials are kept down with a purpose. When the Barber Line cut wages for firemen to $37.50 a month, the Filipino seamen struck. The Barber Line announced that it was going to "give white men a chance." But as soon as the wage cut had been put across the white man's chance disappeared. The company went back to Filipinos "for efficiency in the Tropics." The seamen understand that pretty well now, and opposition to all sorts of discrimination is growing. But the leaders of the International Seamen's Union of America still foster it. Andrew Furuseth, the 86-year-old president of the I. S. U., was dragged to the platform at the A. F. of L. convention in October 1934, to defend the principle of discrimination. We quote from the official report of the convention:

"Delegate FURUSETH. Speaking for the seamen, I want to tell you something on this question that has a very serious bearing on it. The International Seamen's Union of North America has never for one moment made any distinction, but when we accept the colored man and put him on absolute equality with the white man as to wages and conditions, we create thereby a situation whereby the employers accept the white man only. We could get no employment for our colored workers if we had to pay the same wages and give them the same conditions as the white workers. The result was that the colored men, as a whole, left our organization and accepted employment with less wages."

Therefore Furuseth was willing to accept less wages for them, so long as they paid their dues. Furuseth and his fellow officials agreed too thoroughly with the whole scheme of racial discrimination to put up a fight against it. This is in line with the policy of the reactionary leaders of the I. S. U. of collaborating with the shipowners, instead of the policy of class struggle in the interests of the workers. This is the reason why the I. S. U. under the old leadership has won so little for the seamen in the 50 years of its existence.

It will take a battling rank and file to unseat these relics of a lost century and make the I. S. U. a fighting organization of all the seamen. The I. S. U. formerly classed "Asiatics and scabs" together. But the rank and file have a clearer understanding of that problem now, and know that helping the shipowners to split the seamen into groups of foreign-born, Negro, Filipino, Chinese, on different levels only helps the shipowner keep wages down and conditions rotten. A short time ago, this prejudice extended even to South European seamen, and the I. S. U. officials tried and still try to arouse every kind of race and national prejudice.

"Formerly," said ancient Andy Furuseth, "the American merchant marine was Christian and Nordic. Now we must make it Christian, Nordic, and American." But this old fossil can't perpetrate that. In spite of him and his coofficials, the I. S. U. is broadening its membership base, not narrowing it.

The Negro longshoreman always has the dirty end of the stick. In most east coast ports there are both Negro and white longshoremen. Generally they are "Jim Crowed" and, curiously enough, the part of the coast where they are not "Jim Crowed" is the coast of Texas. In Philadelphia the Negro longshoremen get such dusty work as discharging licorice root, fertilizer, and other rotten jobs. But the companies also work a "checkerboard" system, dividing the ship between Negro and white gangs so they can use each to drive the other harder. The understanding of this is the beginning of working-class wisdom.

As we said, Negro and white longshoremen are not divided in some Texas ports. There the position of "inferiority" is reserved for Mexicans, and the shipowners get the same slave-driving results from dividing the workers.

Negro longshoremen were first imported to San Francisco to scab in the 1919 strike. The shipowners' efforts to use them in the 1934 strike were spiked by the decision—inspired by class-conscious rank-and-file leaders—to admit Negroes on a basis of equality to the International Longshoremen's Association. There were no Negro scabs in the west coast strike in 1934. As long as this policy is maintained, its benefits will be seen.

In the Soviet Union, of course, such divisions of race, color, and nationality are unknown. There are 150 nationalities in the Soviet Union, and half a dozen races. Race prejudice does not divide these races, however. All workers are equal. In their own districts, each of these nationalities is the ruling power. National cultures are encouraged. But they all work together without friction. Usbeks, Tatars, Great Russians, Mongols, and Ukrainians all work together in the same factory, on the same deck harmoniously—and Czarist Russia was known as the prison house of nationalities.

When the economic rivalry between the national and racial groups disappears, race prejudice disappears with it. Prejudice is fostered and exaggerated by the capitalists to use one nationality against the other. It is done in every capitalist nation. But the Soviet Union has no need to keep wages down, therefore it has no need for these divisions. Unity to raise living standards is the desire there, and unity is raising living standards for all.

When America goes Soviet, the Negro workers will be freed of hampering oppression. They will be encouraged to develop their own culture. In the large section known as the black belt, a Negro Autonomous Socialist Soviet Republic would grow as the minority races of the Soviet Union now have their autonomous republics, and Negro national culture would develop and racial and national oppression be wiped out. They will be guaranteed a full right to any job on an equal basis with all other members of the workers' society. They will have full economic, political, and social equality.

They will never attain full equality until the workers take control and ownership, because capitalism depends on divisions in the workers' ranks to keep itself in power.

CULTURAL ADVANCEMENT

The Marine Workers Industrial Union in Soviet America will have close connections with the Government schools where the workers' children prepare themselves for life in the future society. The longshoreman would not, as today, be called in by a haughty principal because little Johnny had been a bad boy. The pioneer organization little Johnny belonged to would take care of that, supervised by the teachers and the parents' committee. The longshoreman, through his union, would keep a sharp eye on what little Johnny and his boy and girl schoolfellows learned in school. The union would be patron of the schools, kindergartens, and day nurseries where longshoremen's and seamen's children went to school. And as the child grew older the workers in their trade-unions would take an active part in his education—teaching practical courses.

The Soviet school is not a painful period in which the child is cooped up to learn how to read and write well enough to be a useful wage slave. It is not a place where he learns some very doubtful history and some very erroneous civics. It is not a place where the child learns about public utilities out of books by authors bought and paid for by the barons of gas, electricity, and traction.

The Soviet school is the road to life for the child of the worker. He learns the "three R's" all right. But he learns (what is infinitely more important) how to be a citizen of the classless society. He learns a new social code.

Capitalist society teaches the child that those who do the least work deserve the greatest rewards. He learns it by hearing bankers

and politicians, rich parasites, praised in the newspapers, books, and schools. He learns it by seeing those who do the least—the society of capitalism and the degenerate nobility of feudalism—praised and given high honor on all occasions.

Our Soviet American school child would go to a different kind of school. He would see scientists honored, and inventors, who lightened the burdens of society, instead of seeing them robbed of their inventions to make a banker's fortune. He would see the head of his father's union honored at functions where his "shock brigadier" father or big brother or sister was also honored by a triumphant working class. He would learn that "he who does not work does not deserve to eat"; that labor is the passport to all not birth or riches.

And part of his training in school would be the use of tools—all tools. He would start using tools almost as soon as he started to talk. In Soviet kindergartens, children clip out airplanes, tractors, locomotives—not fairies. A little later, the child begins to use the hammer, saw, screwdriver. Later he graduates to machine tools, and when he is through school he has mastered, not just a trade, but the essential skill in handling tools that makes a master craftsman in all trades.

Thereafter he would enter industry on a part-time basis. Half his day he would work in the factory, gaining practical knowledge. The other half he would apply to study of the theory in back of his work, till he became an expert. If he proved a good student and a good worker, he would be sent to the higher technical school and to the other institutions of learning. The union in the factory would decide his worth as a member of society—and that would be a big factor in deciding whether he graduated or not.

The Soviet Union began with a shortage of almost everything. Czarist Russia was a land of paupers, except for the few who lorded over the laboring masses. A good part of the industry which had been developed was destroyed by the White Guard and interventionist troops during the long years of the civil war when the dispossessed exploiters tried to wrest power from the triumphant workers' revolution.

There was a terrific shortage of trained forces in every field of education. In spite of that, the workers of the Soviet Union have established and maintained a compulsory 7 years' schooling for every child. In many parts of the Soviet Union the compulsory period has been increased to 10 years. It will increase again and again, as Socialist construction builds up the resources of the workers' land.

Soviet America will start on a far higher economic level. Soviet America will have the trained workers, the factories, the mills, and electric plants that the Soviet Union today is struggling to acquire; that is, we will, unless we allow capitalism deliberately to destroy, because it cannot profit from, the vast economic forces of America today. Capitalism is allowing billions of dollars' worth of our past labor, in plant and structure and training, to go to waste today, because it cannot use it. Our Soviet American school children will have the privilege of going to school freely till they are full-grown men, to get a completed knowledge that their working-class fathers under capitalism are denied. And our longshoreman, bargeman, towboatman, or seaman will have a family and a home for the first time in history. It will not be a hovel, but well-lighted, well-heated, well-ventilated quarters such as even the rich do not have today. The experiments in housing that capitalist America finds too expensive, the workers' government of Soviet America can put in mass production, simply because we will produce these quality goods for the mass of the working class, not individual samples for the few who now own and dominate the capitalist world.

The longshoreman's wife will be a worker, too, and so will the seaman's. Woman will not be the slave of the stewpot and scrubbing board in Soviet America. Neither will she be the slave of her husband. No real freedom is possible under economic dependence. The Soviet American woman will be sure of her standing. Through her working life in Soviet America she can always have a job if she wants to and be able to care for herself, regardless of a husband. And when she is unable to work, because of sickness, child bearing, or old age, she has the guaranty of the Government's social-insurance system to protect her from hunger, cold, and uncertainty. She has the freedom of her own life to live, dependent on no man, an efficient and effective member of society.

WORKERS' PART IN GOVERNMENT

The United States, we are told, is a democracy. The worker and the capitalist have equal rights. But what democracy and equality is there between J. P. Morgan and a seaman? Morgan, the multimillionaire, and a few other big capitalists own and control the finances and the industrial system of the country. If they choose, they have the power and the legal right to shut down the industries and to sentence millions of workers to starvation. The workers on the other hand, have no say at all in the running of the industries. A worker has not the slightest say even in the factory, mine, or ship where he works—if he has a job.

If workers don't like their wages, and exert their economic power in a strike—the law is against them. If the boss chooses to starve the workers because he cannot exploit them profitably—the law is with him, against the workers, and will massacre workers by the score before it will allow any violation of his property rights. The workers' right to life, liberty, and the pursuit of happiness is a grim farce when men are denied the right to eat or produce food, clothing, and shelter for themselves and their families.

In the Soviet Union, under the proletarian dictatorship, the dispossessed capitalist has no voice at all. The workers have all the say in the running of the industries. The law and the State power is with the workers, against their enemies. They deal none too gently with the enemies who attempt to sabotage the industries, which are operated solely with the view of serving the needs of the toiling people.

Under capitalist democracy the worker has the right to vote—but that right is denied to millions, and to increasing millions. His own political parties, working class parties with working class platforms, meet with every sort of trickery, repression, and actual violence to keep them off the ballot. Where they make the ballot—a blank wall of silence in the capitalist press, when that press is not slandering and misrepresenting their position. The capitalist parties, on the other hand, or a party which pretends to speak for the workers but serves against the workers' interests, gets space freely and eagerly from the owners of the press—who are part of the capitalist class.

We workers lack the finances, the press, the radio, all the means of "making public opinion" against capitalist robbery. All these propaganda weapons are owned by the capitalist class and used against the workers. As, for instance, Mr. Hearst misquotes Lenin, and refuses to correct the misquotation. It is deliberate. Mr. Hearst lies about the Soviet Union and tells lies that even his own reporters prove are lies. But he tells them over and over again, with a perfect capitalist disregard for decency, honesty, truth. Against this we have the feeble pennies of the working class, and our small press, which we must strain every nerve to keep alive.

In the Soviet Union, the papers, movies, radio, meeting halls, and political control are in the workers' hands. The workers' opinions are important; they are printed in the papers. The remnants of capitalist groups (still capitalist in sympathy but no longer exploiters of labor) have nothing to say. They cannot vote, they cannot hold office, they cannot own anything. The Soviet workers nominate and elect their political representatives, right on the ship, the dock, or right in their factory. And it is their factory, because the workers own it.

The American seaman is a ward of the Government. He has no vote, because he has no established residence. His most familiar contacts with the law are the United States shipping commissioner, the customs collector, and the "bull" on the beat. And they are all his enemies.

The shipping commissioner is supposed to enforce the law, but he always makes his first stop in the skipper's cabin for a drink or a cigar, and things flow smoothly as he logs (fines) this man and that for minor infractions of the rules. But when a seaman wants to protest a violation he must take it to the United States marshal and wait 6 or 8 months for it to come to trial—and finance the case.

The customs officer searches his bag to see if he has committed the heinous offense of bringing in a "contraband" bottle of spirits, or tried to eke out his miserable wages with a few trifles bought abroad.

The "bull" on the beat slugs him when he takes a drop too much, and protects the gang of pimps, prostitutes, and sharks who try to rob the sailor ashore. Since the seaman doesn't drink regularly, it doesn't take much to edge him, and a little slug of knockout drops always helps the shore enemy. The cop, of course, knows the gang on the beach, and the chances are even they play together.

The seaman comes still closer to the real significance of government and politics in his struggle for better wages and working conditions. Then the "law" is squarely lined up against him. You don't have to tell the seaman that the Government is the executive committee of the capitalist class. He sees clearly that politics is a class struggle for power. Maybe that combination of circumstances explains why seamen have always been militants, and are always found in the vanguard of working-class revolution.

Longshoremen, of course, face politics more familiarly. But politics dissolves itself into the class struggle for them, too. The "political club" and the graft of municipal jobs and contracts and Federal "patronage" are just a way of paying the capitalists' henchmen for their job of baiting the masses and keeping the capitalists in power.

The reactionary leaders of the American Federation of Labor have an important part to play in capitalist politics. The "nonpolitical" policy of the A. F. of L. has brought sweet plums to the officials of that organization. They have "rewarded friends and punished enemies" very effectively for themselves. Joseph P. Ryan, of the I. L. A., plays in close with whatever administration is in power in New York. Nationally he is a Democrat. Victor Olander, of the I. S. U., plays Democratic politics very successfully in Illinois, and Paul Scharrenburg plays the "rock-ribbed Republican" so successfully in California that he has held political office for 12 of the 18 years that Tom Mooney has been in prison. They all have contributed mightily to keeping capitalism in the saddle. So have Billy Green, Ed. McGrady, and Matthew Woll.

Under capitalist democracy the worker is lied to, tricked, and persuaded—and, if need be, intimidated—to vote for capitalist politicians, who make many promises and repudiate them all when they get elected to the seats of power and graft. Every capitalist politician does it. Compare Roosevelt's promises with Roosevelt's acts. He promised unemployment insurance; he gives us the Wagner-Lewis bill which leaves entirely out in the cold the 17,000,000 now unemployed. He promised "sound money"; he gives us a 40-percent wage cut by inflation. He promised to "drive the money changers out of the temple" and 46 more grabbers made million-dol-

lar incomes in the first year of the New Deal. He promised us "greater purchasing power," and wages have gone down, prices up. He promised us the right to organize, and under section 7A 45 percent of the industrial workers were forced into company unions.

Capitalist politics—regardless of capitalist party—is the technique of keeping the workers in subjection. While they can do it peacefully they keep up the mask of democracy. When they can't put that across any longer, because they have to smash demonstrations for relief, and strikes for higher wages and shorter hours, because the workers can no longer be deluded, and begin to fight for power, they drop the mask and show the real face—the open face of capitalist dictatorship.

Working-class politics under capitalism, on the other hand, is the struggle to wrest power and ownership of the means of production from the capitalists for the workers. Whether in elections or fighting criminal syndicalism laws and other antiworker laws in the courts, or in strikes for higher wages and better conditions, the worker finds the State power pitted against him. He is fighting a political battle. Every force of the law is against him. Sometimes it is an N. R. A. Mediation Board. Sometimes an injunction court, sometimes the police or troops with tear gas, bayonets, bullets, and even artillery. Sometimes it is the illegal vigilante mob defending the right of the capitalist to exploit the workers. It may take some time but the capitalists will drive this lesson home in this and every capitalist country.

In America we have a dictatorship of the plutocracy disguised as a democracy. In the Soviet Union we have the dictatorship of the proletariat—a dictatorship for the exploiters, a democracy for the toiling masses.

Stalin writes, in his Foundations of Leninism:

"Democracy under the capitalist system is capitalist democracy, the democracy of the exploiting minority based upon the restriction of the right of the exploited majority and directed against this majority. Only under the dictatorship of the proletariat is real freedom for the exploited and real participation in the administration of the country by the proletarians and peasants possible. Under the dictatorship of the proletariat democracy is proletarian democracy—the democracy of the exploited majority based upon the restriction of the rights of the exploiting minority and directed against this minority."

State power in the hands of the working class is a necessary and mighty weapon in the struggle against class enemies, within and without the country, in the struggle for greater well-being of the toiling masses, to build industry and agriculture on a Socialist basis, and to wipe out classes entirely—to achieve the classless Socialist society.

It was not enough to overthrow the capitalist class. Even after that the capitalists would not give up. It was therefore necessary for the working class to establish its state power, the dictatorship of the proletariat, in order to suppress the resistance of the capitalists, to uproot the vestiges of capitalism and capitalist influence, and the influence of capitalist ideas, in order to build socialism.

Lenin said that upon the overthrow of the capitalist class "Its resistance is increased tenfold," among other reasons, because of the strength of its international connections and the strength of international capital. This was proved correct by the experience of the Russian revolution.

The white guard and interventionist troops tried to smash the workers' revolution, to restore the capitalist power. International capital tried to defeat the revolution by an economic blockade and boycott. Spies and saboteurs tried and still try to wreck the triumphant march of the workers and peasants to the classless society and production for use—the goal of the working class. In spite of these enemies, within and without, the toiling masses, under the dictatorship of the proletariat, and led by the Communist Party, have marched steadfast toward the goal.

The collective-farm campaign, weaning the peasants from their little individually tilled strips of land, to work cooperatively and with machinery on huge areas of land, was the final crushing blow to capitalist tendencies in the Soviet Union. The great gain in producton—more bushels of wheat per acre and per man—proved to the peasants that the Bolsheviks were right. The peasant is on the road to socialism, to becoming a worker in an "agricultural factory," instead of a half-starved landowner. He has become a builder of socialism, side by side with the worker in the industries.

This process has now gone so far that the recent Congress of Soviets, the supreme governing body, admitted the peasants as full partners in the dictatorship of the proletariat—the workers' government. Thus, while capitalist democracy (the disguished rule of the capitalist class) is shrinking, the base of democracy in the Soviet Union—the democracy of the toiling masses—gets broader.

CRISIS OF THE CAPITALIST SYSTEM

This sounds good but you won't get it for nothing. The woes of the American worker today all come from one thing and one thing only. That is private ownership of the land and the means of production.

Land, mills, mines, factories, railroads, and ships—everything in America has a private owner, although the owner is most often a corporation for anything larger than a 3-acre farm.

The workers, on the other hand, own practically nothing, certainly not the tools of production. Their "tools" are the machines, factories, mines, railroads, ships. With these tools they produce all the good things of earth. Without these tools they are helpless. They have nothing but the bare force of their arms and brains. They "know how to do" things; but they have no power to do them until the owner of the means of production gives them a job.

The owner of these tools, the capitalist, refuses to hire the worker to produce goods unless the owner can sell the goods the worker makes, and get more money for them than it cost him to pay the worker his wages, pay for raw materials, and pay for the replacement of the tools and machines used in producing goods.

When the worker works, he makes for the owner many times over what he "earns" for himself in wages. This surplus value produced by the worker is split many ways. Part goes as rent to the landlord, part goes as interest to the bondholder, part goes as profit to the shareholder, and part goes as wages of management to financial wizards who sit in offices and figure out how to cut wages.

The owner uses part of this surplus to enjoy life—to eat in swell cafes, live in swank apartment houses, with strings of servants, cars and yachts, to go to theaters, and take trips to Florida, or to Europe when America bores him. But he makes more than that. Part of what the worker makes for him he turns back into industry, as an investment. In other words, he buys more tools that other workers have made for other bosses. And then he makes surplus value on more workers operating those tools. He produces nothing himself; merely buys the workers' labor power and puts it to work on tools that are themselves the stored-up labor power of other workers.

The bosses keep piling up more and more, till they have such a surplus of goods that they can't sell any more—because all the workers can't buy back the total of what all workers produce. Goods begin to pile up in the warehouses. The bosses cut down production, lay off workers. We get unemployment, people of all classes begin to feel uncertain about their income and cut down on their expenditures, there is a further shrinking in the demand for goods. The bosses get panic stricken, lay off more workers, close down factories. An industrial crisis, or depression as the capitalist spokesmen prefer to call it, is on.

Capitalism has always periodically gone through such unavoidable crises. To the working class, they meant unemployment and starvation, and a break-down of health and morale, for millions.

In former times, the capitalists managed to scramble out of the crises because capitalism was still on the up-grade, because it was operating in an expanding market. Capitalism still had the world to conquer. Capitalist nations were grabbing colonies and establishing spheres of influence in backward, undeveloped countries, to exploit as markets and fields for investment. North America was still a land of unlimited opportunity. It was being rapidly settled with immigrants from Europe. Its agricultural population was increasing. New industries were rising, old industries were expanding—offering a market for what is known as capital goods.

By the beginning of this century, however, the world was pretty well divided up. Germany came late on the scene of industrial development but forged ahead rapidly. It could not find any free countries to conquer for her surplus goods. She started taking England's foreign markets away from her by selling goods cheaper. But she also wanted colonies and spheres of influence to secure sources of raw materials and a market for her industrial goods and for investments. So the Kaiser started talking about a place in the sun. This struggle for markets brought on the World War.

Across the Atlantic, United States imperialism was also reaching out for markets. It had grabbed Cuba and the Philippines. It was pushing ahead in South America. It was fighting for the "open door" in China, that is, for an equal opportunity with the other imperialist powers to exploit the Chinese market.

The outbreak of the war in 1914 was its golden opportunity. It started taking over the foreign markets that Germany and England were too busy to think about. It had an unprecedented period of "prosperity" and expansion, supplying murder implements to the battling armies of the belligerents and selling manufactured goods on its own terms in other foreign countries. The United States became a first-rate world power.

American imperialism finally entered actively into the war, to save Morgan's loans to the Allies, to have a say and to protect its interests when the time came to "settle up" in the peace treaties.

The World War was a struggle for a redivision of the colonies and the world market. But it did not solve the difficulties of world capitalism. On the contrary, it upset the stability of the capitalist world, it brought a general crisis of the whole capitalist system. It brought the first wave of proletarian revolution in Europe and roused the oppressed peoples in the colonial and semicolonial countries.

When the first wave of proletarian revolution receded, in 1921–23, world capitalism got a breathing spell. But it did not regain its old strength and stability. It had lost one-sixth of the world to the proletarian revolution—the Soviet Union, whose very existence and growing strength on the basis of Socialist construction are a standing challenge to capitalism. It was unable to restore the pre-war standard of living to the toiling masses in Europe and the colonial world, and was forced to place a heavy taxation burden on them in the interests of the war-loans bondholders. This sharpened class conflicts in the imperialist countries and intensified the struggles of the colonial peoples. Nor were the antagonisms between the imperialist powers solved. They had to make a truce because they were not ready to fight the issues out. But actually the old antagonisms became sharper, and new antagonisms came to the fore. Thus world capitalism regained stability only as compared with the immediate post-war period.

Capitalism proceeded to lick its wounds. The European capitalist countries, especially Germany, went ahead adapting and restoring industry to a peacetime basis, with new equipment and to a considerable extent with American credits. This temporary demand for industrial equipment, a byproduct of the World War, helped to

start the wheels going. American capitalism, after deflating labor and labor costs in 1920–21, began to take care of those needs of the home market that were neglected during the war. There was a boom in the construction and household goods industries. The home market was jerked up through installment-plan sales, by swallowing future earnings—to the benefit particularly of the automobile industry. And American capitalism was still the big figure in the world market.

As European capitalism was restoring its industries and getting back into the world markets, the capitalists of Europe and America were taking steps to undersell each other by cutting the cost of production. They did this by installing more efficient, labor-saving machinery and by the new American methods—the conveyor system, efficiency, speed-up, stretch-out. The bosses use a nicer name for this—rationalization.

It was all very beautiful (on the surface) and it went on for a few years. World capitalism developed its productive forces and productive capacity to a much higher level than ever before. American industry boomed, American capitalism seemed to be in full bloom. To be sure, it had some suspicious spots—like the agricultural crisis, the sick, overexpanded coal and textile industries, the technological unemployment—but the medicine men of American capitalism refused to look too closely at these spots.

Its spokesmen, and the reformist labor leaders, claimed that it had found the way to permanent prosperity, to a chicken in every pot. Socialist leaders in Europe helped to put over rationalization and spoke of the American methods, Ford methods, as the way to raise the standard of living of the masses, the way to reform capitalism.

They forgot that capitalism did not solve its basic difficulty arising from the private ownership of the means of production, that the capitalists, by appropriating the surplus value squeezed out of the workers, restrict the market. They forgot that world capitalism was expanding its productive capacity in the face of the shrinking post-war market. That the very means the capitalists used in the struggle for the shrunken world market made it shrink more, intensified the internal and international antagonisms.

It was a fool's paradise, and it could not last. The bottom blew out in 1929. The economic crisis that followed swept the capitalist world with unexampled ferocity, affecting every corner of world capitalism, the imperialist countries and colonial countries, industry and agriculture; upsetting the credit and finance structure; undermining the international connections of world capitalism sharpening the class antagonisms within the imperialist countries, sharpening the international antagonisms.

Never had capitalism known such mass unemployment, such impoverishment of the toiling masses of city and country. The capitalists of all countries searched feverishly for new markets, and they further reduced the markets by cutting wages and raising the burden of taxes on the masses. They all agreed at international conferences that it was necessary to lift the tariff barriers, and kept on building tariff walls, higher and higher. Even England abandoned its traditional free-trade policy. And while they were raising the tariff walls to protect their home markets, they fought for foreign markets and subsidized exports to the point of developing dumping into a general system.

They said it was necessary to reduce and to balance the governmental budgets, and the governmental deficits keep rising to new heights. They were anxious to eliminate all factors of uncertainty and instability—all uncertainty disturbs business—and they were forced to abandon the gold standard, to resort to inflation and devaluation. This had its silver lining—it served as a weapon both to lower the standard of living of the masses and in the struggle for foreign markets.

They wanted to allay discontent, they preached "class peace," and they did everything to intensify discontent and to sharpen the class struggle. Never—save during the period of the first wave of proletarian revolution—had capitalism faced such mass struggles. Bitterly fought strikes; determined mass struggles of the unemployed; mutinies in the British fleet, in the Dutch fleet, in the Chilean fleet; revolution in Spain, revolution in Cuba; the spread of Soviet rule in China. They were forced to discard the "safety valve" of illusion-producing democracy, and to clamp down on the toiling masses the lid of open, terrorist dictatorship of finance capital—the Fascist regime—in Germany, Austria, etc. And in the other capitalist countries they are paving the way for fascism, resorting more and more to Fascist measures and fostering Fascist movements.

For many years they talked of disarmament and reduction of armaments. And we now have the greatest peacetime armies, the largest peacetime war appropriations, and the armaments race is more feverish than ever. Japan has upset the imperialist truce in the Far East, attacking China and seizing Manchuria—as a base for a future attack on the Soviet Union. In Europe, the mad dogs of German fascism are straining at the leash, anxious to loose a war on the Soviet Union, or a new world war.

American imperialism is rushing its war preparations. It is hurrying the building up of its Navy. It is strengthening the Army and the National Guard. Behind a screen of "taking profits out of war" it is preparing the mobilization of industry for war purposes—and conscription of the workers at low wages. It has by far the largest peacetime war budget in history. On top of this, it is using a good part of the unemployment-relief funds for war preparations, including training of the youth for future cannon fodder in the C. C. C. camps.

The stability of the capitalist world is a thing of the past. The crisis of the capitalist system is deeper than ever.

Every capitalist nation is in the same straits, and every capitalist nation tries to get out by the same method—breaking down the standards of living of the workers, and fighting for an advantage over the enemy in foreign trade. Eventually it all leads to another war—another redistribution of the world—with millions killed, and another and deeper phase of the same crisis of capitalism at its end.

All our miseries result from the private ownership of the machines and the land.

That is why we are unemployed. That is why we always risk losing our jobs—because we have produced too much. That is why the laboratories that find new processes and new products cannot continue to find new wonders for the human race. That is why machines cannot continue to turn out the goods we need to live. That is why wheat and corn, cotton and cattle are destroyed while millions of workers starve. And that is why we face the danger of being sent off to some foreign land to attack enemies whose working class population are as innocent of any crime against us as we American workers are of any crime against them. It is because the capitalist class owns the tools of production and the land, and will not let us use them unless that use is profitable to them.

If you examine capitalist thought today (like Roosevelt's campaign promises and his "revolution"), you will see that the capitalists, as well as the workers, know their system is all wrong. But every step their governments take to correct it is a step to fasten their criminal system of exploitation faster to our necks; to guarantee their profits, no matter how bad they have to make the workers' lives.

This is what capitalist government is for—to guarantee to the owning class its possession of the means of production, to regulate somewhat the struggle of the ruling class among themselves over the division of the loot, and to crush the struggles of the exploited class against this ownership and exploitation by any means necessary.

MENACE OF FASCISM

American workers today are examining the conditions of social life—politics—in a critical way they never did before. There is a growing conviction that the workers cannot live under private ownership of the means of production, and the workers are determined to live. The capitalists know this. They know that the workers are rapidly coming to the conclusion that capitalism is the enemy. That conclusion is a threat to capitalism. And the capitalists are desperate in their efforts to head it off.

In Italy there was one fascist movement. In Germany there was one. In the United States there are a hundred different fascist movements, all trying to head off this anticapitalist conviction in the workers' minds. There are veterans' movements by the score. Social justice movements by the dozen, "religious" movements in squads, and just plain rackets done up in fancy shirts by the hundred. And there's the old Ku Klux Klan, hating Negroes, Jews, Catholics, workers, and ready to rip the sheets off the bed and ride again in defense of private property.

All these "shirt and social justice" movements are basically one effort to save capitalism. All of them pretend to correct injustice but all of them stand ready to shed workers' blood for the sacred rights of private property—to defend capitalist ownership against the workers' right to live, just as Hitler and Mussolini have done.

The capitalists have given these anticapitalist movements a big hand. Many of them started their careers in Wall Street offices, like McGuire's efforts to get General Butler to lead half a million veterans to Washington to "support the President" by putting him out of office and putting "our man" in his place. That scheme was concocted by a Mr. Clark, heir to the Singer millions that lost one factory and 5,000 wealth-producing slaves when the Russian workers kicked out capitalism. Mr. Clark said he was willing to spend half his $30,000,000 to save the other half.

Father Cox, of the Catholic Church, also tried (like the Singer gang) to take over the bonus expeditionary force. He put on a blue shirt and tried to organize gangs to disrupt workers' meetings in Pittsburgh, and tried to get the miners back to work for less than the county relief gave them when unemployed.

"The church will make up the difference" said the Fascist Father. That ended Father Cox as a mass leader. Holy church had to look for someone else to lead the masses to social justice and to fascism. The church supports Hitler, although it has minor differences with the Nazis; the church supports Mussolini; the church supports Schusschnigg in Austria, and supported Dollfuss—the murderer of a thousand workers—before him. The church supports Pilsudski in Poland. In fact, fascism is the form of government the church approves most. It can always play ball with a Fascist.

The church turned to the Little Flower, whose scab church desecrates the suburbs of Detroit—Father Coughlin. This scabby little flower blares forth on a broadcast that costs $30,000 a week for social justice, including the right to exploit workers. He is supported by an inflationist clique that cleaned up (including a quarter million for the Little Flower) in Roosevelt's Dollar Devaluation and Silver Purchase Acts. One of his Committee for the Nation is Rumley, who went to jail as a German agent during the war. Rumley is still "agenting" for Hitler.

Another who wants to "save the Nation" is that great American and sterling patriot, Al Capone: "Bolshevism is knocking at our door," says Al. "We can't afford to let it in. We have got to

organize ourselves against it and put our shoulders together and hold fast. We must keep America whole and safe and unspoiled. We must keep the worker away from 'red' literature and 'red' ruses; we must see that his mind remains healthy." Otherwise, Al Capone might have to go to work. A pleasant picture: Al Capone, shoulder to shoulder with the Singer millions, holy church, and a three-K nightgown, defending "America." Hearst somehow would fit better with Capone. Gen. Smedley D. Butler exposed a few of these shirt-tail movements to save capitalism, and some "veteran" movements financed by Wall Street. Butler, apparently, didn't think they'd come across. Every one of these movements is "patriotic," bloodthirsty, capitalistic, and a racket. But if one catches hold, it won't be a racket. The big boys will grab it and make it the Government of the United States, as Fritz Thyssen made Hitler's racket the "Third Reich."

Still another "anticapitalist" move to save capitalism is Huey Long's "share the wealth" plan, which has gained much support from middle-class groups in the South. Huey wants to limit exploitation to $50,000,000 per exploiter. But he wants to guarantee the right to exploit with every piece of artillery in the State of Louisiana—and especially Huey's right to graft on every piece of business in the State. We know what becomes of these "limitations" on capitalism when they have served the purpose of putting their inventor into power. They are ignored.

All Fascist schemes are alike. They denounce the "abuses of capitalism" and attack some special phase of capitalism. Huey attacks "great wealth," Father Coughlin denounces "bankers' money," while Morgan, Vanderlip, and Rockefeller—all bankers—support him. But they all defend private property in the means of production; they all defend the right of ownership to rob the workers. And when they get power, they all use their gangsters, their police, their army, to keep the worker working for the private owner, and to drive wages lower.

Fascism attacks the abuses of capitalism with words, but it attacks the workers with knives, guns, and gas, like the Christian Father Coughlin, who wants to shoot Communists himself.

Fascism always has the police with it. Fascists kill workers, the police arrest other workers for the crime. Fascism never won power for itself. In Italy, Germany, Austria, the very state power that was supposed to be fighting against fascism handed it power. Fascists talk of their revolution, of their march on Rome, or Berlin. Mussolini marched on Rome in a sleeping car, with a special police escort.

And every Fascist movement that has won power has had the aid of labor leaders who cried to the workers: "Don't fight back, be law-abiding; the state will protect our rights," while Fascist gangsters were shooting, knifing, breaking up workers' meetings. These labor leaders, like the International Seamen's Union leaders in this country, talk about working with the employer for mutual benefits. They always shout for democracy while they rule their unions with dictatorial power, and prevent any fight against the Fascists. They teach the workers to retreat inch by inch, foot by foot, before aggression, because they want to be law-abiding, democratic, peaceful, till the workers are in full flight before Fascist assaults. Fascism never dares seize power till these leaders have paved the way by breaking the ranks of labor and spreading their poisonous doctrine that the workers are too weak, "we can't win." And when fascism strikes its final blow these leaders and their hapless followers are alike victims of Fascist terror.

In Germany, Austria, and Italy the Social-Democratic leaders (like our A. F. of L. and Socialist Party leaders) took this "peaceful road to socialism" line, defending capitalism, even when they controlled the government. They delayed, excused, apologized for, and supported capitalism until fascism had built up its army of thugs, and till the workers had become demoralized and unprepared to fight.

Austria's labor leaders did the same thing. And when the workers finally revolted at this hesitating leadership and took arms, their Socialist leaders had got them to retreat so far they couldn't fight a winning battle. The fight against fascism came 2 years too late in Austria, and the Socialist leaders made the workers delay. Now they use this defeat to claim that the workers can't win—typical cowardice.

In Germany, when the Communist Party and the "red" opposition in the trade unions were clamoring for all the workers to get together in a united front to fight Hitler's Nazis, the Socialist leaders refused. They said, "Stick to constitutional methods," while every legal right of the workers was being destroyed, with the police watching and defending the Fascist murderers.

Fascism came to Italy, Germany, Poland, Austria. It destroyed the labor unions, it made the factory owner the leader of his workers, and took away every right ever won by the workers. It cut wages, lengthened hours, and drove the unemployed, and especially the young men, into slave camps to work for nothing. Fascism murdered thousands of workers and imprisoned hundreds of thousands. All the social justice and socialism, all the Fascist promises to the workers, were forgotten. The poor dupes who insisted on socializing the banks were murdered. Fascism showed its true face—the last desperate effort of the capitalist owners of the means of production to enslave and drive down the workers.

The French workers, on the other hand, refused to listen to these legalistic leaders who urged them to yield, not to fight back. The workers formed a united front—got together regardless of their political opinions, and fought back. The Fascist drive of February 6, 1934, was smashed on this rock of working-class unity. The Fascists are not completely crushed in France. They will try again, and as French finance capitalists get more desperate, fascism will get more support. But the united power of the French workers can, and will, smash every attempt, and go forward to Soviet France, instead of to Fascist France, if the workers keep their fighting united front.

Now, fascism is trying to get a grip on America's workers. The capitalist class in America is desperate, and getting more so. They see its great industrial structure—which we built for them—tottering, unable to support the workers, unable to produce profits for them. Their solution for this situation is more crushing burdens on the workers; through the trickery and maneuvering of N. R. A. codes [1] with their company union and anti-working-class trends, and through open union smashing, and Fascist domination of the workers by their employers.

THE REVOLUTIONARY WAY OUT

The workers refuse to accept this enslavement. On every hand you see the workers fighting back—in spite of their leaders, who smoke an opium peace pipe and accept defeat time after time without putting up a fight.

The workers have put up a fight, and will continue to put up a fight, in spite of their leaders' treacherous connivance with the employers and the Roosevelt government.

Toledo, Minneapolis, San Francisco, and the textile strike last year—all show the battling spirit of American labor. And it is fitting that in San Francisco the battle of the marine workers, against the enslaving code and enslaving agreement their self-styled leaders accepted, should have risen to the highest point in that year of struggle against the slavery of capitalism. In New York longshoremen and teamsters, connected with the marine industry, built on the west coast gains and struck in 1935—a purely political strike—against an infamous injunction that tries to smash their unions and forbids them to organize.

It is fitting, because in all history the marine workers have been in the forefront of revolutionary struggle among the workers. The sailors of Cattaro, the sailors of Cuxhaven, the sailors of the "Aurora," and the sailors of the Black Sea Fleet, all stand out as heroes of the working class battles against oppression, for political power. America's seamen and longshoremen will stand out in that battle too, in spite of every attempt of fascism to break their militant spirit.

The fundamental thing about fascism is that it preserves capitalism, the private ownership of the land and the means of production, the owner's right to profit on the labor of the workers. That means less to eat, less to wear, less of everything for the worker. Besides, any political rights the worker may have go.

Reformists say "fight fascism legally," and so pave the way to fascism. Fascism is the illegal attack of the owners, backed by their political state power, to crush the workers' resistance to slavery. Reformists talk about "a peaceful road to socialism" when every force of the capitalists is leveled at the worker's throat, to smash him down into the prison of fascism, the concentration camps and forced labor.

It would be very nice if the workers could get ownership of the means of production and a Soviet America without a struggle. It would be very nice if the capitalists would say, "Boys, we have tried to run this damned thing and we can't. You take it, and we will go to work tomorrow in a ditch, doing the only honest labor we are able to do." But they won't.

A dying class never dies peacefully. Today, the capitalist class is fighting a last-ditch fight to stay alive and exploit the workers. The capitalist class sees machines rotting, sees workers losing their skill, sees workers dying of starvation. Does it give up? Does it modify its exploitation? Does it cut profits and raise wages, so the workers can buy back what they have produced, and so start industry working again? It does not.

It arms its Fascist gangs. It crushes demonstrations with police clubs. It smashes strikes with gas and gun, club and bayonet. Fifty workers murdered on the picket line last year; concentration camps for strikers in Georgia; Bloody Thursday on Rincon Hill in San Francisco; the "Battle of Pier 41" in Seattle; and workers' halls smashed and looted by Fascist mobs in every coast city (while police protected the Fascists); these are the owners' answer to our cry for the right to live.

Workers lost in wages, in buying power, in living conditions last year. But 46 new parasites made million-dollar incomes through concentration of ownership. Capitalism had a "year of recovery"—recovery of profits at the expense of the workers. The capitalist class is a dying class, but it does not die easily. The workers will have to put it out of its misery or it will make misery more acute with slavery, war, and destruction of all life and civilization.

That is what the Russian workers found out in 1917. They took the path of revolution and worker ownership of the means of production as the only escape. And eventually the American workers and farmers will take that road to worker ownership.

We will have a harder time than the Russian workers had attaining power. Our capitalist class has had generations of experience

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[1] This pamphlet was written and ready to go to press before the Supreme Court decision on the N. R. A. The decision does not invalidate the characterization of the N. R. A. as an anti-working-class measure. It only means that Wall Street is convinced that the N. R. A. had served its purpose, that the capitalists can now pass to a more open onslaught on the workers to be combined with a new kind of demagogy.

in ruling by means of "democracy." It has well learned the art of using its economic power, its state power, all the means of deception, bribery, and coercion to fool and intimidate the workers and the toiling masses. It has in its service labor leaders skilled and experienced in misleading the workers, in dividing their ranks, in spreading illusions among them, in checking and obstructing their will to struggle against exploitation. It has built itself an army of gunmen, who face the necessity of going to work if the workers abolish private property and exploitation. It has built itself an army of parasites and hangers-on to defend it. It will fight the workers to the last ditch.

But the American workers will not be fooled nor intimidated much longer. They are learning from their own bitter experience and from the example and experience of the workers of the Soviet Union. It will take a dictatorship of the proletariat (the workers) in this country, as in the Soviet Union, to defend the workers' power, to suppress the resistance of the capitalists, to crush the sabotage and terror our "white guards" will carry on in secret.

But once capitalist rule is overthrown, once the working class and its allies have discarded the capitalist state power and have established a Soviet state, a Soviet America, it will have great advantages that the Soviet Union did not have. Soviet America's progress toward socialism and communism will be fast. Our workers are trained. Millions of them have the knowledge and skill that old Russia lacked. In Russia the working class was a minority of the population. In the United States the working class is a majority of the population.

The Soviet Union started out with undeveloped resources, with an economy predominantly agricultural, a population largely illiterate and predominantly peasant, with an extremely inadequate communications system, with a shortage of skilled workers and trained engineers and technicians. Soviet America will have at its very start developed resources, highly developed industry as well as agriculture, railroad systems which crisscross the country. It will have a working class which constitutes a large majority of the fifty-three million classed as gainfully employed and the workers, millions of them, skilled and trained in the handling of machinery. It will have a large number of trained and experienced engineers and technicians.

Our farm population, too, is not the peasantry of old Russia. Our farmers know what capitalism is. They know that capitalism offers no salvation to the farmer. Our American farmer knows that ownership of the land does not solve his problems. He still faces all the terrors of the mortgage, and loses his farm to the banker. He has learned that his interests clash with the interests of the big capitalist. The American farmer has also learned something of the value of cooperation and large-scale production. We will not have so difficult a struggle against "kulakism" in this country as the workers had in the Soviet Union.

Our professionals, too, our engineers, technicians, architects, research and scientific workers—a large part of them—will be ready to line up with the working class and give loyal service in building socialism. Scores of thousands of them are learning of their own experience what capitalism spells in insecurity, unemployment, misery, in waste and destruction of natural resources and of human life and labor. Many of them are already now giving support to the struggle against capitalism and capitalist rule. An increasing number of them will be ready, as time goes by, to join in the struggle for socialism.

Only one organization has had a clear view of the developments of the world in recent years—the Communist Party. When Coolidge was President and everything was booming, the Communist Party warned the workers that capitalism, which had gotten temporarily on an even keel, was heading into heavier weather than ever, and was bound for the rocks.

In May 1929, Stalin, addressing an American delegation, said:

"You all know very well the strength and power of American capitalism. Many now think that the general crisis of world capitalism will not affect America. That, of course, is not true. The crisis of world capitalism is developing with increasing rapidity and cannot but affect American capitalism. The 3,000,000 now unemployed in America are the first swallows indicating the ripening of the economic crisis in America. The sharpening antagonism between America and England, the struggle for markets and raw materials and, finally, the colossal growth of armaments—that is the second portent of the approaching crisis."

The crash came 6 months later.

When it came, the reformists, the labor leaders, the Socialists all agreed with Hoover and the capitalist economists that all the machine needed was a little fixing. The labor leaders of the A. F. of L. agreed with Hoover on a no-strike policy. And the capitalists started slashing wages. The Communist Party called on the workers to fight, to fight against wage cuts, to fight for shorter hours without loss of pay, to fight for unemployment relief and unemployment insurance.

While labor leaders and Socialists were talking class peace, the Communists mobilized the first mass protests against unemployment and starvation. On March 6, 1930, the Communist Party organized a demonstration of 100,000 in Union Square. Other demonstrations all over the country showed the workers' demand for unemployment relief. The Communist Party has never lost leadership of the fight for relief and for unemployment insurance. It was this struggle, led by the Communists, which forced the capitalist class—for the first time in the history of the country—to extend public relief, instead of private charity, to the unemployed. The Communists have forced the capitalist parties—all of them—to do lip service to the needs of the unemployed, and to introduce various measures to sidetrack the demand for unemployment and social insurance that grows more insistent daily.

On the water front, it was Communists who organized the Waterfront Unemployment Councils, and led the seamen's battle for relief from the intolerable graft and robbery practiced by the "holy rackets" in the name of relief to seamen.

It was Communists who defied William Green's acceptance of Hoover's no strike policy, and all the truces by which Roosevelt has tried to stop the workers' fight against wage cuts and starvation. The first strikes against Hoover's wage-smashing policies in 1931 and 1932 were led by Communists. Communists led the miners, the auto workers, the steel workers, the seamen to organization and a struggle against the rotten conditions and wages in these basic industries.

The Communist Party was the only party that analyzed the New Deal and branded it from the very first for what it was and has proved itself to be—an effort to bring down wages to minimum standards, to lower the workers' living standards through inflation, and raise the profits of the exploiters; to prevent strikes through the labor boards, and to hinder the organization of the workers into genuine unions.

The "red" unions of the T. U. U. L. led the first strikes against the New Deal. The "red" members of the American Federation of Labor unions started the fire of revolt against New Deal slavery that spread till it involved millions of workers in the struggle against wage cuts and lower living standards.

The Communist Party has led the struggle against growing fascism and the growing war preparations in this country.

The Communist Party has consistently fought for the united front of all workers in their immediate struggles for better conditions, and against the menace of fascism and war. It is fighting for unity in the trade union movement, for democracy and rank and file leadership in the trade unions, for militant policies, for industrial unions. It is fighting for a united front of all workers who are ready to break away from the capitalist political parties—for the building of a mass labor party based on the trade unions and other working-class organizations.

Many workers have been deluded by the capitalist press into holding false beliefs about the Communists. They have denounced the "reds" and followed the "red" program, because their class instincts told them that those tactics were right and that their conservative leaders were playing into the hands of the enemy and helping to cut their wages when they cried out for peace and cooperation with the employer who was slaving and starving the workers.

By degrees those workers wake to the real meaning of the "reds'" campaigns. They see that it is the "reds" who fight hardest in every fight—that the Communists lead the struggle for every demand of the workers, because the Communist Party is the party of the working class and the Communist program is the program of better wages and working conditions for the working class and final freedom from exploitation for the workers.

The Communist Party leads the American workers today in spite of the mob hysteria and Fascist violence stirred up against the Communists. The Communist Party will continue to lead the working class in action, more and more consciously, to unity of all workers, to better wages and working conditions, to unemployment and social insurance, to the fight against war and fascism, to a Soviet America.

Join the Communist Party!

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from Oregon [Mr. ANGELL] is recognized for 30 minutes.

THE 76TH CONGRESS AND THE BATTLE OF AMERICA

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include certain excerpts, quotations, and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

SHOULD CONGRESS ABDICATE AND GO HOME?

Mr. ANGELL. Mr. Speaker, a little less than 3 months of the Seventy-sixth Congress remains. We should not adjourn, and we should not recess but should remain on the job and devote all of our energies and talents to keep America out of the European conflict and keep the ravages of war from our shores and to solve our domestic problems. As a Congress we have done all that we can do to this date in providing for total defense and perfecting our armaments so that we may successfully defend our possessions and our people against any and all invaders. We should make our defenses so strong that no dictator or combinations of dictators would dare to attack us. Having done this, we should devote our vast armaments to the defense of America and its

possessions. We should see to it that we make no commitments and become embroiled in no entanglements or alliances that will provoke an attack upon us and thus lead us into war through the back door. The American people are of one mind that they will fight to the last ditch to defend themselves, but they will not again make the momentous blunder of sending American soldiers overseas to fight in foreign wars.

We have passed legislation providing for such a national defense as I have outlined, but we are still confronted by an equally important problem, that of providing against the collapse of our democracy from within. Our first line of defense is a strong economic and fiscal policy. Unless we can coordinate our industrial enterprises and bring all of our manpower and industries into unison for the one definite purpose of building the armament equipment for which we have now provided, we will fail. This requires the unswerving loyalty of every single one of us devoting all that we have to the one problem of consummating our defenses at the very earliest date. We must permit of no delay, no interruptions, or no postponements.

DOMESTIC PROBLEMS UNSOLVED

Our domestic economy and our finances are in a wretched condition. This one big problem still faces the Congress. Without partisanship, without personal ambitions or desires, all of us, Republicans, Democrats, and independents should put our shoulders to the wheel and go forward with the utmost efficiency and dispatch to finish this great task which we have set for ourselves. In keeping with such a program I have from the outset urged the Congress to keep in session and give the green light to our domestic program and endeavor to find solutions for our economic and financial difficulties which have confronted us like grim specters for 10 years.

Early in June, when the President urged Congress to adjourn, I, with many of my colleagues, took the position that to adjourn would be a grievous mistake. I believe it is more important to the welfare of our country and the preservation of our democracy that we continue in session the remainder of the Seventy-sixth Congress and devote these 3 months to a sincere and patriotic effort to win the battle of America and to make America impregnable both within and without. We may prepare an impregnable defense from an attack from without but if we fail to provide against a collapse of our economic structure from within we will lose the battle. I urge upon you, my colleagues, to join with me in voting to keep the Congress in session and to complete the job which America has entrusted to us. I shall not vote to adjourn or to recess.

THE AGRICULTURAL PROBLEM UNSOLVED AFTER 10 YEARS OF FRUITLESS AND PROFLIGATE SPENDING

Mr. Speaker, I supported the A. A. A. program for the relief of agriculture. I have done so with the full realization that it is only a makeshift, stopgap program which has not given the farming industry fair and equal treatment with other industries of our country. The farmer is entitled to a fair return for his labors and to have the market price of the things he sells protected so as to give him a fair return on his investment and for the labor expended by him. He is entitled to parity prices with other American citizens receiving help from the Federal Government. Until we have perfected and adopted a plan which will place the farmer on an equality with other industries I will continue to support the A. A. A. program as the best available for temporary relief.

I join with many of my colleagues in a sincere desire to bring success to agriculture. My people were farmers. I was brought up on a farm and for years have worked in the Grange and in the legislature of my own State seeking to bring relief to this great industry. It is conceded by all that unless we have prosperity on the farms of America we will not have prosperity anywhere.

I am a member of the Unemployment Conference of the House composed of some 70 Members who for months have voluntarily been wrestling with the problem of unemployment which has hung like a millstone about the neck of America. This committee composed of Democrats, Republicans, and independents, after weeks of study and debate, among other things reached this conclusion with reference to the farming industries as it affects unemployment. I quote from the conference report, House Document 850, Seventy-sixth Congress, third session, pages 6 and 7:

That while the national income during the last 30 years has increased 250 percent, from $26,415,000,000 to $67,608,000,000, the farmers' cash income in 1939 was practically the same as it was in 1909, and instead of being 16.4 percent of the total, as in 1909, the farmers' cash income from the sale of their crops had dropped to 6.6 percent. That means that 25 percent of our total population must try to live on only 6.6 percent of the total national income. Do you wonder that they leave the farm as quickly as they can get away?

Your committee is thoroughly convinced that unemployment cannot be solved, that prosperous conditions cannot be realized merely by increasing industrial wages or merely by seeking to restore more prosperous conditions in the cities and industrial centers. Our investigation goes back over 100 years, and it appears without exception that whenever wages or conditions improve in the towns and cities there is an immediate and substantial rush from farm to city. That is but the human, the natural, thing. Today the farmer is receiving for his crops a price which returns him a wage for his labor of from 5 to 20 cents an hour. Any man who seeks to improve his condition, who has any respect for his wife, who wants an education and decent clothing for his children, will move where he is guaranteed at least 30 cents an hour and can have the benefits of unemployment insurance and old-age security.

On the other hand, your committee is convinced that the greatest potential market in the world today is the American farmer and that if given a proper return for his crops, if given the purchasing power, he will go into the markets of this Nation and will make necessary the employment of millions of additional workers in our manufacturing and industrial plants. Agriculture is the foundation of all civilization; it is the rock upon which all true progress and prosperity must build; it provides the raw materials which are the basis of all industrial employment; it is the key to many of our present-day problems, including unemployment.

This is a severe indictment of the farm program of the present administration which has spent huge sums of borrowed money which the taxpayers ultimately will have to pay. As stated by the committee, 25 percent of our total population living on our farms must try to live on only 6.6 of the total national income. In 1909 farmers received 16.4 of the total national income. And the committee asks, Do you wonder that the farmers leave the farm as quickly as they can get away? Today, as found by the committee, the farmer is receiving for his crops a price which returns him a wage for his labor of from 5 to 20 cents an hour. And yet we pride ourselves that America is one of the most progressive nations of the world in providing adequate wages and living conditions for our labor. The farmer is the forgotten man. In our zeal to protect those who earn their living with their hands we have completely ignored the farm community, which is the backbone of our Nation and which comprises 25 percent of our population.

SENATOR M'NARY'S FARM POLICY

My distinguished fellow citizen from Oregon, Senator CHARLES L. MCNARY, has proven himself to be the outstanding friend of the farmer. I support Senator MCNARY's program. For years he has labored in Congress to bring about remedial legislation that will correct this great injustice forced upon this large portion of our population and secure to our farmers adequate income for their labor and restore to them parity prices.

AMERICAN FARMER SOLD DOWN THE RIVER BY RECIPROCAL-TRADE PROGRAM

Senator MCNARY recently said:

The New Deal already has our economic borders defenseless. Because of the reciprocal-trade treaties our trade frontier is unprotected.

The trade treaties—supported by Secretary Hull and Secretary Wallace as measures to promote peace and benefit agriculture—have failed in both instances. In addition, the trade treaties, by giving us the lowest tariffs since the Democratic Underwood Act of 1913, have lowered our resistance to an after-war flood of cheap imports. * * *

The reciprocal-trade treaties, viewed as a lever for increasing exports, are fallacious—however they were intended. I propose to demonstrate that. They have deprived the American farmer of a good slice of the American market—to which he is entitled.

They have injured his prices. Actually they constitute a formula for rewriting the tariff schedules while talking about something

else; a cynical example of New Deal double talk. Mr. Hull admitted that in his Farm Bureau speech at Chicago last December. They embody the historic free-trade policy of the Democratic Party.

Moreover, they have been used too often for diplomatic, not economic, ends. Through them, we have seemed to be in the foolish business of trying to buy good will.

I do not ask that we harden our spirit against other countries. I am all for being a good neighbor, but am not in favor of being a chuckle-headed neighbor—forever turning the other cheek. No government has the right, as trustee for its people, to prefer the material interest of other countries. Yet the New Deal, under the Hull foreign-trade policies, has served alien interests. * * *

The trade treaties, as you will observe, helped the farmers. But the farmers they have helped live in Mexico, Canada, Asia, and Africa.

I would prefer helping the farmer of Clay County, Minn., pay his taxes, lighten the mortgage, educate the children—and even buy a new car. (Speech at Ulen, Minn., October 5, 1940.)

The American farmer does not want charity. There is no more loyal, hard-working, and effective member of our democracy than the farmer. He does not want to be put in the position of standing hat in hand and holding a tin cup in front of the Federal Treasury for a dole year in and year out. He wants to be placed on an equality with other American industries and to have the same protection so that his labors on the farm will be rewarded by a fair share of the Nation's income. He wants to receive a price for his products that is on an equality with the prices for the things he must buy. The farm program which has been in vogue for the last 7 years has failed miserably to give him this protection.

I favor proper and adequate laws to enable American farmers to receive parity prices and to put them on the same basis as our citizens employed in other walks of life. Any program which denies the farmer cost of production is wrong.

An examination of the payments that have been made through the A. A. A. will disclose that it has wholly failed to give this protection to the farmers of my own State of Oregon as well as most of the farmers of other communities. The following table shows the total of A. A. A. payments to each State during the years 1934–39 from the Department of Agriculture, the total number of farms in each State, and the total amount provided on the basis of all farms and the amount per farm per year for the years named.

State	Agricultural Adjustment Administration payments, 1934–39, from Department of Agriculture	Number of farms in State, 1935, from Department of Agriculture	Amount per farm on basis of total number of farms from 1934–39	Average payment per farm per year
Alabama	$94,951,204	273,455	$347	$57
Alaska	5,766	643	8	1
Arizona	9,791,046	18,824	520	86
Arkansas	101,917,206	253,013	402	67
California	48,789,240	150,360	325	54
Colorado	41,806,753	63,644	660	110
Connecticut	4,239,071	32,157	131	21
Delaware	2,140,412	10,381	206	34
Florida	11,375,696	72,857	156	26
Georgia	96,300,372	250,554	384	64
Hawaii	27,677,235	5,021	5,512	918
Idaho	27,713,891	45,113	614	102
Illinois	131,284,989	231,312	567	94
Indiana	74,854,071	200,835	372	62
Iowa	194,107,962	221,986	874	145
Kansas	179,784,388	174,559	1,029	171
Kentucky	58,134,756	278,298	208	34
Louisiana	77,418,886	170,216	454	75
Maine	3,606,330	41,907	85	14
Maryland	15,264,965	44,412	343	57
Massachusetts	4,623,206	35,091	131	21
Michigan	36,755,102	196,517	187	31
Minnesota	92,039,135	203,302	452	75
Mississippi	110,331,541	311,683	353	58
Missouri	96,626,968	278,454	347	57
Montana	49,368,089	50,564	907	151
Nebraska	123,641,274	133,616	925	154
Nevada	847,974	3,696	229	38
New Hampshire	994,562	17,695	56	9
New Jersey	3,588,635	29,375	122	20
New Mexico	13,973,099	41,369	337	56
New York	20,047,374	177,025	113	18
North Carolina	84,440,668	300,967	277	46
North Dakota	104,624,070	84,606	1,236	206
Ohio	64,886,032	255,146	254	42
Oklahoma	135,973,097	213,325	637	106
Oregon	20,895,174	64,826	322	53
Pennsylvania	16,568,734	191,284	86	14
Philippine Islands	15,853,168	1,955,276	8	1
Rhode Island	191,983	4,327	44	7
South Carolina	67,746,827	165,504	409	48
South Dakota	85,986,334	83,303	1,020	170
Tennessee	59,005,559	273,783	215	35
Texas	365,251,674	1,01,017	729	121
Utah	10,780,015	30,695	351	58
Vermont	2,083,721	27,061	76	12
Virginia	22,564,091	97,632	114	19
Washington	32,492,656	84,381	385	64
West Virginia	4,941,482	04,747	47	7
Wisconsin	47,285,575	99,877	236	39
Wyoming	11,741,172	17,487	670	111
Puerto Rico	31,094,966	56,177	553	92

One insurance company received over $254,000 in Agricultural Adjustment Administration payments in 1 year. One corporation farm received $112,000 in 1938 and $122,000 in 1939. Actual farmers received very small amounts.

States:	
Washington, D. C	$66,110,574
Undistributed	289,696,774
Total	3,294,215,571

Number of farms in the United States, 6,812,530; or $48 average per farm per year.

It will be noted from this table that the average annual payment per farm in my own State of Oregon is $53. These checks do not offset the low agricultural price received by the Oregon farmers under the program of the administration. The tax the farmer has been compelled to pay during this period has more than doubled and this miserable payment of $53 he receives has already been taken out of his own pocket in the taxes he has already paid and he will be compelled to pay huge taxes in the future. He has also had to shoulder an inordinate share of the deficit spending carried on by the administration. The public debt has been increased during these fateful years $21,000,000,000, and the farm communities, representing 25 percent of the total population, will eventually have to repay five or six billion dollars of this public debt. There is approximately 341,000,000 acres of lands devoted to crops harvested each year, upon which there is an invisible mortgage of $15 on every acre thereof for the proportionate share of this stupendous public debt. The farmers of America have received from this program approximately $3,000,000,000, and in addition to the moneys already paid by the high taxes imposed upon them they will still be required to pay an additional amount of some $6,000,000,000.

Oregon receives $53 per farm under the A. A. A., while many large corporations receive payments in excess of $50,000 each. The highest single payment for 1937—the latest figures I have available—was $257,095.

I quote from the Washington Times-Herald of March 4, 1940, showing the payments for that year under the A. A. A. program which exceed $50,000.

[From the Washington Times-Herald of March 4, 1940]

SURETY FIRM GETS BIGGEST A. A. A. PAYMENT—TOP BENEFITS TO OWNERS OF FORECLOSED FARMS

(By Fred Bailey)

The biggest single beneficiary of the New Deal's farm program in 1937 was the Metropolitan Life Insurance Co. An Agriculture Department report to Congress today revealed it was paid $257,095 in A. A. A. benefits on farms it owns.

Nearly all the top payments went to life-insurance companies and banks which have become large-scale owners of farms on which mortgages have been foreclosed.

PAYMENTS LAG A YEAR

More than 20,000 farmers and corporations received A. A. A. benefit payments of $1,000 or more for compliance with the 1937 program. Most of the checks were sent out in 1938 and 1939, since payments usually lag more than a year behind program compliance.

The report disclosed 272 farmers and corporations received more than $10,000 each, and 594 received $5,000 or more. Total payments for 1937 were $325,856,887.

The payments were obligated before Congress amended the Agricultural Adjustment Administration Act in 1938, prohibiting the payment of more than $10,000 to any person or corporation. The limitation became effective last year.

CONTINUE TO COOPERATE

Agriculture Department officials said "very few" of the large corporations had ceased cooperation in the farm program because of

the limitation. It has resulted, they said, in larger payments to small farmers.

A. A. A. officials said the average check sent 3,750,000 farmers who participated in the 1937 program was about $75. Since then the average has increased, partly because nearly $500,000,000 was provided by Congress for such payments in both 1938 and 1939.

There were 11 payments of more than $100,000 each, and 12 of between $50,000 and $100,000. After the Metropolitan Life Insurance Co., the next biggest payments went to the Prudential Insurance Co. of America, $231,158, and the Equitable Life Assurance Society of the United States, $206,962.

OTHER HIGH PAYMENTS

Other payments of more than $100,000 were:

Travelers Insurance Co., Connecticut, $211,521; Union Central Life Insurance Co., Ohio, $166,280; Mutual Benefit Life Insurance Co., New Jersey, $161,110; Northwestern Mutual Life Insurance Co., Wisconsin, $156,444; John Hancock Mutual Life Insurance Co., Massachusetts, $147,647; Federal Land Bank of Omaha, Nebr., $124,139; King Ranch, Texas, $122,140; and the Federal Land Bank of St. Paul, Minn., $103,925.

Payments of between $50,000 and $100,000 were:

Matador Land & Cattle Co., of Denver, Colo., $60,153; Delta & Pineland Co., Mississippi, $64,168; Mississippi State Penitentiary, $52,429; United States Sugar Corporation, Florida, $68,893; Bank of North Dakota, $83,411; Bankers Life of Iowa, $80,268; Equitable Life Insurance Co. of Iowa, $77,676; State of Minnesota, $74,713.

NEW DEAL DOCTRINE OF SCARCITY ANOTHER GIGANTIC FLOP

I am opposed to the doctrine of regimented scarcity designed to feed and clothe Americans in want and restore prosperity. I am opposed to killing pigs, cattle, and brood sows, and plowing under corn, cotton, and wheat, and then throwing down the bars to permit importations of these very products from abroad. It has built up foreign agriculture and brought deserted farms and farm mortgage foreclosures to American farmers.

The New Deal confuses even its own members. On March 28, 1939 one of our colleagues, the gentleman from Oklahoma [Mr. MASSINGALE], a distinguished Democrat, on the floor of the House said in part:

> Let me tell you this: I hope this will be a lesson to the American Congress, to the American farmer, and to the American people as a whole, that we are going to abandon these foolish philosophies of trying to do something by cutting down acreage, killing cattle, killing hogs, and things of that sort, and restore the American farmer to the estate of decency, at least, that he used to have. We can do that. We can give him parity and better than parity. We can give him cost of production. There is a petition on file up here, No. 5, that will give to the farmers of this country what it costs them at least to produce a pound of cotton or a bushel of wheat or any other commodity that we grow on the farms of this country. Let us give it to them. We have got to quit this. Congress cannot go on year after year appropriating five hundred million to a billion dollars a year in order to carry out this darned fool philosophy that some fellow has picked up somewhere and tries to foist on the people of the country and make the farmers endorse it in order to get an imaginary payment.

Millions of the American people have Mr. MASSINGALE'S views on this subject.

While 91,135 farmers were being driven from their farms because they could not pay $112 interest on an average $2,800 mortgage Uncle Sam was building 90,436 building units in the cities costing $4,359 a unit, with rent $193 a year for 60 years. More families were driven from their homes than were provided with these new homes and the public debt was increased $1,680,000,000.

SAVE AMERICAN MARKETS FOR AMERICANS—AMERICAN FARMERS FORCED TO COMPETE WITH CHEAP FOREIGN IMPORTS

Well we may ask why it is that American farmers are in such distress. They have as fertile lands as are found any place on the face of the globe. Under our reclamation projects we have provided ample water for irrigation. The American farmer possesses the most advanced type of farming machinery designed to save labor costs and give efficiency to operation. Our American farmers are the equal of any farmers of any country in industry, training, and resourcefulness. Yet as reported by the Congressional Committee on Unemployment, to which I have already made reference, they are receiving only five to twenty cents an hour for their efforts and only 6.6 percent of our income whereas they comprise 25 percent of our population. The answer is simple enough. We have embarked upon a program which this administration has consistently followed in opening the American markets to competitive farm products from abroad. These cheap competitive importations from abroad are produced by coolie, Hindu, and other low class labor receiving wages barely sufficient to sustain life.

Many of these products coming from abroad are subsidized by the countries in which they are produced, so as to enable the products to be laid down in the American markets at a cut-throat price with which we cannot compete and sustain our American wage scales and standard of living.

To show some of these importations and the increase in the year 1939 over 1938, I call attention to the following tables from the Department of Commerce and Agriculture:

Official Department of Commerce figures

Import items	Unit	1938	1939
Cattle	Head	424,022	753,570
Dry and malted milk	Pound	80,735	2,465,032
Canned beef	Pound	78,597,007	85,862,876
Dry beans	Pound	5,748,329	6,132,141
Potatoes	Pound	45,820,283	93,859,166
Cheese	Pound	54,432,000	59,071,000
Oats	Bushel	7,183	4,293,009
Eggs in shell	Dozen	231,784	328,523
Peppermint oil	Pound	5,466	51,460

Here is what the New Deal has done to you as a rancher from 1933 to 1939:

Department of Commerce report, 1933–39

Product	Imports, 7-year total	Gain to foreign farmers	Loss to American farmers
Cattle head	2,568,610	66,079,238	99,079,238
Beef, pork, poultry pounds	885,993,786	163,974,550	219,974,559
Dairy products do	518,067,547	97,760,243	130,313,000
Wool and mohair do	1,425,060,292	290,103,938	385,000,000
Hides and skins do	1,972,141,987	329,276,751	439,034,751
Barley, malt do	1,498,553,097	39,820,586	53,093,000
Barley bushels	119,430,020	16,855,522	22,470,000
Corn do	165,063,882	94,703,172	126,237,882
Oats do	20,327,193	6,307,511	8,407,511
Beans pounds	8,498,000	6,168,000	6,902,000
Wool, unmanufactured do	25,418,000	116,806,000	180,291,000

During the past year while the Surplus Commodity Corporation was spending $30,000,000 of your tax dollars to get rid of certain surplus farm commodities, these New Deal trade agreements permitted foreign countries to ship in $90,000,000 worth of these very same commodities. It just does not make sense.

Average farm prices covering 12 years of Republican administration, including 1932, as compared with average prices under 7 years of New Deal

[Source: Departments of Agriculture and Commerce]

Products	Average price Republican period, 1921–32	Average price New Deal period, 1933–39	Percent change
Wheat bushel	$1.017	$0.81	−20.6
Corn do	.724	.65	−9.2
Oats do	.386	.336	−12.7
Barley do	.543	.515	−5.5
Rye do	.737	.566	−22.8
Cotton pound	.167	.1027	−38.5
Butterfat do	.381	.265	−30.4
Chickens do	.192	.137	−28.6
Eggs dozen	.281	.193	−31.3
Beef cattle hundredweight	6.43	5.77	−10.3
Veal calves do	8.93	6.91	−22.6
Lambs do	9.65	7.12	−26.2
Hogs do	8.31	7.00	−15.8
Potatoes bushel	1.01	.683	−32.4
Wool pound	.297	.231	−21.9

Cash farm income for American agriculture

(Source: Department of Agriculture)

Calendar year:	
1921	$8,107,000,000
1922	8,518,000,000
1923	9,524,000,000
1924	10,150,000,000
1925	10,927,000,000

Cash farm income for American agriculture—Continued

Calendar year—Continued.	
1926	$10,529,000,000
1927	10,699,000,000
1928	11,024,000,000
1929	11,221,000,000
1930	8,883,000,000
1931	6,283,000,000
1932	4,682,000,000
Total	110,547,000,000
Average annual income under Republican administrations	9,212,250,000
Calendar year:	
1933	5,278,000,000
1934	6,273,000,000
1935	6,969,000,000
1936	8,212,000,000
1937	8,744,000,000
1938	7,599,000,000
1939	7,711,000,000
Total	50,786,000,000
Average annual income under New Deal administration	7,255,142,857
Average annual income under Republican administrations	9,212,250,000
Average annual income under New Deal administration	7,255,142,857
Difference	1,957,107,143

Mr. Speaker, the American farmer is suffering from increased farm imports and decreased farm exports. The Hull trade program lowered farm tariffs and opened our home market to the advantage of foreign farmers with low wages and cheap lands. Our farmers are asked to curtail their production and when they do their market is given to foreigners. The American farmer is entitled to the American market.

Total United States agricultural exports and imports

	January-June 1938	January-June 1939	January-June 1940
Total agricultural:			
Imports	$476,534,000	$519,662,000	$641,258,000
Exports	412,763,000	268,179,000	352,664,000
Excess of imports [1]	63,771,000	251,483,000	288,594,000

[1] This trade balance benefits the farmers of foreign countries.

The following table shows value and increase in farm imports. These may greatly increase if we vote a $500,000,000 loan to Latin American countries to be used in financing competitive farm crops:

United States imports of certain competitive agricultural products for the 6 months ending June 30, 1938, 1939, and 1940

[Source: U. S. Department of Commerce figures]

Import items	Unit	6 months ended June 30—		
		1938	1939	1940
Cattle	Head	242,584	486,497	366,784
Cattle hides	Pounds	18,033,000	68,297,000	73,303,000
Beef, canned	Pounds	38,947,000	40,996,000	38,075,000
Mutton, fresh	Pounds	43	30,035	39,463
Tallow, inedible	Pounds	695,000	452,000	789,000
Silver foxes (live)	Number	13	1	240
Silver-fox fur skins	Number	9,310	40,089	54,277
Oats	Bushels	4,995	1,006,696	7,255,629
Wheat (all)	Bushels	227,000	5,632,000	4,977,000
Wheat byproduct feeds	Tons	6,566	192,102	217,586
Hay	Tons	11,196	22,645	39,195
Cottonseed cake and meal	Pounds	2,543,000	6,596,000	32,429,000
Alfalfa seed	Pounds	2,236,000	1,896,000	2,096,000
Alsike and crimson clover	Pounds	943,000	160,000	725,000
Potatoes, white or Irish	Pounds	29,437,000	44,482,000	63,073,000
Beans, green and dried	Pounds	8,498,000	6,168,000	6,902,000
Lentils	Pounds	6,927,000	4,936,000	6,911,000
Tomatoes, fresh	Pounds	50,843,000	40,359,000	70,994,000
Apples, fresh	Bushels	9	20,734	81,900
Cherries, fresh	Pounds	262,450	93,771	704,452
Grapefruit, fresh	Pounds	1,760	None	305,852
Brazil or cream nuts	Pounds	3,084,000	3,955,000	4,118,000
Filberts	Pounds	914,000	807,000	1,157,000
Pecans	Pounds	None	55,000	115,000
Molasses, edible (table)	Gallons	7,634,138	4,708,549	7,471,634
Molasses, inedible (blackstrap)	Gallons	95,350,546	95,603,823	144,993,931
Milk, fresh	Gallons	4,949	7,309	7,592
Milk, dried and malted	Pounds	40,306	8,431	262,839
Casein	Pounds	158,000	299,000	11,817,000
Wool, unmanufactured	Pounds	25,418,000	116,806,000	180,291,000
Cotton, unmanufactured	Pounds	51,580,000	48,297,000	58,594,000
Tobacco, unmanufactured	Pounds	32,665,000	37,317,000	35,601,000
Castor beans	Pounds	62,069,000	83,102,000	116,940,000

From these tables which are from the official records of the Federal departments named, it is at once seen that the administration program as carried out by Mr. Wallace has deprived the American farmer of a fair return for his labors and has also penalized him when compared with the income he received prior to 1932. Thus, for the 12 Republican administration years prior to 1932, the average annual income for American agriculture was $9,212,250,000, whereas the average annual income under the present administration of 7 years was $7,255,142,857. This resulted in direct loss each year to the American farmers of $1,957,107,143 or for the 7-year period practically $14,000,000,000. It is clear why we who are concerned with the welfare of the farmers insist that this whole program must be revamped and the farmer allowed to receive his fair share of the Nation's income and a fair return for his labors and investment and to have farm prices put on a parity with other American prices. Everything the farmer has to buy has increased as commodity prices rose but the farm prices have either remained stationary or gone below what would be a parity price.

RECIPROCAL-TRADE PROGRAM HAS WRECKED OREGON AGRICULTURE AND LUMBER INDUSTRIES—LIVESTOCK INDUSTRY

Let us see what these trade agreements have done to the livestock interests.

Early in 1936 a trade agreement was made with Canada that reduced the duty on 175,000 heavy cattle from 3 to 2 cents, and later reduced it to 1½ cents with the quota increased to 225,000. No provision limiting the number or time when these cattle could be marketed was made. As a result, starting on March 28, 1936, and continuing through June 15, 1936, we find at the St. Paul market total receipt of 233,342 head of cattle, of which 42,575, or 18.27 percent, were Canadian. During this period, on an average, cattle prices were off $2 per head, which, applied to the total receipt of 233,342, approached a loss of $500,000 for the St. Paul market alone. Since the low bid at one market sets the price at all markets, and applying this same loss of $2 a head to the combined receipt at all of our great markets, we find that during the first 3 months after the Canadian agreements became operative the livestock interests, because of these agreements, took a loss of $25,000,000. During all of that period we read in the St. Paul livestock reports every day such statements as 80 cars of Canadians, 55 cars of Canadians, 60 cars of Canadians, 125 cars of Canadians, and so forth, as well as the continuous daily restatement that trading was dull, that the market was off, that there was a big carryover. The convincing part of the proof lies in the fact that daily the great Chicago market faithfully followed the lead of St. Paul. The receipt of Canadians oversupplied and broke the St. Paul market, and that break was reflected in every other market and definitely caused the loss of the millions referred to above. Small wonder that the farmer feels himself utterly abandoned by our Government.

Under the existing tariff, 85,862,876 pounds of canned beef entered the United States during 1939, an increase of 7,265,896 pounds over 1928. I wonder if you really realize what these figures mean? Translated into terms of cattle on the hoof, roughly 143,000 critters stampeded through the 6-cent tariff wall to our shores during the past year. For good luck and for good measure, you can add another 10,000 head in the forms of smoked, pickled, and cured products.

Again I ask, Why lower the tariff? Not only canned beef, but hides, dog food, fertilizer, and practically all other remaining parts of the critter are to be admitted under the pending agreement with Argentina in direct competition with American stock raisers.

Perhaps we do need more canned beef in this country, but, if so, it is because of the President's superb sales talk for the foreign product. Why not let the American farmer supply this market? It is interesting to note the effect of the pronouncement by the President that "Argentine canned beef was superior to the American brand," and suggesting that you take a can along so that your family could see for itself on the next picnic. I suggest you try to buy a can of American beef from your grocer. You will go hungry waiting. Here is the story:

In June 1939 Argentina exported 2,440,202 pounds of canned beef. This was about the time of the President's sales talk for Argentina. In July, 500,000 additional pounds were exported, and during August Argentina's exports reached an all-time high of 3,418,566 pounds—more than a million pounds increase in 2 months because of a few kind words by the President.

During the entire trade-agreement period, agricultural exports have declined $104,000,000 while competitive farm imports have increased $68,000,000.

In discussing this subject before the Committee for Reciprocity Information in Washington, D. C., Senator TOM CONNALLY, a Democrat, said:

> We don't feel so kindly toward Argentina that we want to hurt our own farmers to help the pampas cowboys. We don't want to build up industry which is already bloated and overextended. Congress appropriated $700,000,000 to help the farmers last year, and we don't want to do something now to harm them.

In the first 9 months of 1939 we imported foreign products for consumption in the amount of $794,700,000, while in the same period in 1938 we imported $711,600,000. During the same period our agricultural exports declined from $602,700,000 to $418,400,000.

Another striking effect of the operation of these agreements was brought to my attention recently. State Senator C. H. Zurcher, of Oregon, reported that in the Northwest he found a herd of 6,300 Canadian calves, weighing about 250 or 300 pounds each. These calves were being fattened for the American baby-beef market and were being fed, according to State Senator Zurcher, Argentine corn and East Indies molasses. A small duty had been paid on the calves, but the Argentine corn was delivered cheaper here than Iowa corn could be procured, and ships from the Orient brought molasses from the East Indies cheaper than our own sugar wastes could be obtained.

This is a striking example of the operation of the reciprocal-trade agreements and the havoc they are working upon agriculture. It shows the impossibility of American agriculture competing with cheap labor and living conditions of foreign countries as long as we maintain the American wage scale both as to agricultural employees and maritime workers. The importation of these Canadian calves and the food products for fattening them, of course, deprives the American farmer of a market for a like amount of his products. In 1934 we imported 59,000 head of cattle. In 1938, under the trade agreements, we imported 424,000. In 1934 we imported 313,000 pounds of fresh beef, and in 1937, 4,600,000 pounds. The Agriculture Department recently reported that American imports of cattle and beef during 1939 totaled 440,092,000 pounds, or approximately 30 percent more than was imported in 1938. The 1939 imports represented 8.2 percent of the cattle inspected for slaughter in the United States. Under the administration of the trade-agreement law we are allowing foreign beef or cattle to come into our country from Canada, Mexico, and South America to displace American products, thus depriving our American farmer of a market and throwing American laborers out of their jobs. It brings forcibly to our attention the fact that the American market is the best market we have for our agricultural products. Why trade it down the river to foreign countries? If we trade it away to foreign countries in order to build up the manufacturing industry in America, we are undoing the very thing that Congress has been attempting to do in solving the farm problem.

AMERICAN WOOL INDUSTRY THREATENED

Mr. Speaker, we in Oregon are especially interested in the wool industry. Many of you have a like interest. You, Mr. Speaker, in the great wool-growing State of Texas are particularly interested. The reciprocal-trade agreement with Great Britain became operative on the 1st day of January 1939. Approximately 90 percent of American products on which tariff concessions are made by Great Britain are on the prohibitive list, and export license must be obtained for any of the products to be shipped. In other words, anything Britain shall ship may come to us free from quota restrictions and currency regulations. France, Belgium, and Italy benefit equally with Great Britain by this treaty, which is further enhanced by the rate of exchange. During the first 8 months of 1939, representing the period during which the reciprocal-trade agreement with Great Britain had been in effect, our imports of woolen rags totaled 5,461,292 pounds, an increase of 4,969,167 pounds, or more than 1,000 percent, compared with the corresponding months in 1938. Imports of manufactured woolen goods also showed tremendous increases, amounting to 8,749,587 square yards, during the first 8 months of 1939, or more than 100 percent over the imports for the corresponding period of 1938. The imports of these materials amounted, in the 8-month period, to over 12,000,000 pounds, which would equal approximately 25,000,000 to 30,000,000 pounds of raw material. The combined raw materials and finished products is the equivalent of 35,000,000 pounds of raw wool. It is estimated that it amounts to twice the annual wool clip of such States as Oregon, Idaho, South Dakota, Ohio, and many other wool-producing States, and more than half of the total annual raw-wool production in the great sheep-raising State of Texas.

WEST COAST LUMBER INDUSTRY SCUTTLED

Mr. Speaker, in Oregon we have the largest body of standing timber of any State in the Nation. Over 50 percent of our pay rolls come from the forest industry. The Douglas fir forests of Oregon and Washington are the largest in the United States. The reciprocal-trade agreement with Canada has resulted in great injury to this industry in our State. In 1935 the total forest products and paper imported from Canada was $108,724,794, whereas in 1938 it had increased to $168,990,162, or an increase of 55 percent. We formerly supplied 75 percent of the north Pacific coast lumber used by the British nation. The Canadian agreement of 1935 lowered the American tariff wall one-half, but left the British Empire tariffs intact. American duties on Canadian lumber were cut 50 percent—all the law allowed, restricted to 250,000,000 feet annually. Under the most-favored-nation clause this reduced lumber duty was automatically extended to every other country in the world shipping lumber to the United States, including Soviet Russia. Lumber imports to the United States increased at once. Douglas fir and west-coast hemlock from British Columbia was practically doubled. In the first 11 months of 1938 Canada shipped 155,000,000 feet of Douglas fir and west-coast lumber into the United States while west-coast shipments to the entire British Empire, Canada included, totaled only 59,000,000 board feet—a ratio of 3 to 1. In other words, American lumber exporters have been cut off from the British market, but the home market has been opened to Canadian shipments. In 1938 in the Northwest 16 percent of the sawmills worked full time, 32 percent part time, and 52 percent were idle. We paid 76.7 cents per hour to our workers for a 40-hour week and British Columbia paid 57 cents for a 48-hour week.

FOREIGN-EXCHANGE CONTROL NULLIFIES TARIFF

There has been set up in Canada a foreign-exchange control board, with arbitrary power over rates of exchange, foreign securities, and exports and imports. This arbitrary power lodged in this board by an order-in-council of the Dominion of Canada has given the board the absolute power to stop the sale of American goods in Canada. As a result of this arbitrary action of our northern neighbor the managed depreciation of Canadian exchange has wiped out completely the small protection for American lumber provided by the reciprocal-trade treaty with Canada. I call attention to the rates of exchange fixed by this board for the 4 months of August to November, inclusive, 1939:

Comparative rates of Canadian, British, and American exchange

	Aug. 1	Sept. 1	Oct. 2	Nov. 1	Nov. 30
New York noon buying rate: Canadian dollars	0.999765	0.956718	0.894453	0.896562	0.863359
Sterling (in United States dollars)	4.680694	4.21375	4.015833	3.999305	3.8825
Canadian buying rate: Sterling (in Canadian dollars)	----------	4.44¼	[1] 4.43	[1] 4.43	[1] 4.43

[1] Fixed by the Canadian Foreign Exchange Control Board at a buying rate of $4.43 and a selling rate of $4.47.

The disastrous effect of this arbitrarily managed exchange is at once apparent when we thus see that on November 30, 1939, a British pound would only buy $3.39 worth of Oregon lumber, but $4.43 worth of Canadian lumber. Likewise, the Canadian exporter of lumber to Oregon, or to its lumber markets in the United States, would have an advantage through this favorable exchange of 13½ percent to 14 percent over Oregon lumber producers. The Canadian exporter of Douglas-fir lumber selling at $18 per thousand board feet, the current price, with a retained duty of $2 per thousand board feet, would have an advantage over Oregon producers under the exchange rate of 14 percent, or $2.50 per thousand board feet. This would more than offset the tariff under the treaty. This tells the story why cheap Canadian lumber undersells our Oregon lumber, and why our Oregon mills have been closed down much of the time while the Canadian mills run full time. It also explains why many of our loggers and sawmill workers in Oregon are on the relief rolls and W. P. A. drawing from the Federal Treasury. The American lumber industry, with high wages and costs, cannot, in the American markets, compete on a free basis with western Canada with cheap labor.

With congressional approval of trade treaties, these facts could be presented to the Congress with assurance of fair treatment. Under the present secret negotiations and consummation of trade treaties, the American producer is helpless. He not only has no voice in the procedure taken, which may ruin his industry, but likewise his duly elected representatives in Congress have no voice, having delegated their legislative power to the Executive. As a result of these conditions threatening to destroy our lumber industry, our lumber producers have appealed to the Secretary of State for relief from the trade treaty with Canada, saying:

1. The basis of commerce between Canada and the United States has been abrogated by the Dominion Government through formation of the foreign exchange control board, which has complete and arbitrary powers over foreign exchange, rates of exchange, imports, and exports.

2. The managed depreciation of Canadian currency has completely offset the existing $2-a-thousand tariff and tax protection granted American lumber producers in the trade agreement. In this connection the American producers show that the present depreciation of about 14 percent on Canadian currency amounts to around $2.50 a thousand feet on $18 lumber, or more than the total of $2 a thousand of existing tariff and import duty.

3. Canadian lumber mills operated steadily in 1939, piling up inventories estimated at more than 330,000,000 board feet of lumber as of the middle of last December. With British ships not available to move this large accumulation of lumber, there is the threat that Canadian mills will start selling to the nearby American market.

Since 1934, following the inauguration of the reciprocal-trade program, the Pacific Northwest has lost 1,000,000,000 feet of its offshore lumber trade, which means the loss of 2,000,000 days of work each year, or about $12,000,000 in wages.

TRADE-TREATY PROGRAM UNDERMINES AMERICAN LABOR

Few countries have gone as far as has the United States in protecting its wage earners. We have put a floor under wages and a ceiling over hours, and have provided minimum wages and have raised standards on a broad scale for the guaranteeing to American workmen healthful surroundings and social security. We have imposed heavy taxes on American industries and agriculture to provide these advantages to laborers and other citizens. As a result, these additional costs are reflected in the cost of American products. We cannot hope to maintain our agriculture and industries on a profitable basis, which are heavily taxed for these purposes, if we throw their products in free competition with peon, coolie, and other cheap labor of foreign countries.

FARMERS AGAINST RECIPROCAL-TRADE PROGRAM

I call your attention to the fact that the National Grange, the outstanding farm organization in the United States, is opposed to the present reciprocal-trade program. If the farmers of America were being benefited by the program it would have their whole-hearted support, and not their opposition. They know, as we know, that the reciprocal-trade program is working havoc with the farming industry, and is depriving the American producers of the best market in the world for their produce, the American market. The National Grange has adopted the following resolution:

The reciprocal trade agreements program has caused serious damage to American agriculture. It has depressed farm prices by encouraging imports of competitive products from countries where substandard labor conditions prevail. It is wrong in principle and violates the Constitution. It should not be renewed when it expires by its own limitations on June 12, 1940.

Mr. L. J. Taber, master of the National Grange, testified before the Ways and Means Committee in opposing the extension of the reciprocal-trade law:

May I make a further observation before turning from this farm question? I want to say that this Congress and the Ways and Means Committee should face the fact that, if we are going to have these reciprocal treaties, we must look forward to adding another billion dollars to farm payments because of the depressing effect of these treaties, the repercussions of even small importations, the certainty of a lowered standard of living, and world-wide poverty, which will make imports beat at our doors, so that, instead of being satisfied with what Secretary Wallace reports, I will serve notice now that if we are going to continue the reciprocal-treaty program the Grange is going to come here and ask not for hundreds of thousands of dollars, but a billion dollars additional to bring agriculture up where it ought to be. Why? We are 22 percent below parity now after 6 years of reciprocal treaties. We have not helped the surplus problem; we have not helped the farm income. The farm dollar is 22 percent below par. We have about 22 percent unemployed. We have not solved the farm problem. We have distressed it. Until we quit distressing it we cannot make progress.

EXPORT TRADE UNDER THE RECIPROCAL TRADE ACT

An examination of the official statistics of the Government discloses that the administration of the Reciprocal Trade Agreement Act and the trade pacts negotiated under it have not resulted in increasing our agricultural exports, but, on the other hand, have opened our local markets to many competitive agricultural products resulting in serious injury to our farmers.

During the fiscal year ending June 30, 1934, the last full year before the reciprocal-tariff program went into effect, our exports of farm commodities totaled $787,343,000. Our farm exports for the fiscal year ending June 30, 1939, amounted to $682,962,000. This shows a loss of farm exports of $104,381,000.

During the fiscal year ending June 30, 1934, our imports of farm commodities totaled $838,952,000. For the fiscal year ending June 30, 1939, farm imports amounted to $998,616,000. This shows an increase in imports of $159,664,000.

Speaking only of competitive imports, there was an increase of $67,625,000 in 1939 as compared with 1934.

The cash income of the farmers of the United States for 1937, including Government payments, was $8,574,000,000. In 1938 this income was $7,632,000,000, a decrease in farm income of $942,000,000. This effect of the lowering of import duties on competitive agricultural products is further disclosed by a comparison of the importations of these products as compared with the noncompetitive agricultural products.

The average imports of competitive agricultural products for the 5 years ending June 30, 1934, were $495,395,000. For the next 5 years, beginning July 1, 1934, they were $616,149,000, or an average increase in competitive imports in the last 5-year period compared with the first of $120,754,000. Then take the noncompetitive agricultural products for the first 5-year period. They averaged $536,933,000, or an average decrease of $37,210,000.

UNSOUND FISCAL POLICIES

Mr. Speaker, I have voted for all of the appropriations for the preparedness program since it was inaugurated. As I stated before, I believe we should leave nothing undone to rearm ourselves at the very earliest time so that we may make America impregnable against attack but that we should not use this immense military force for taking part in wars in the Old World. Let us use our armaments for defense and not for intervention. We must, however, adopt a sound fiscal policy

and abandon the makeshift policy we have followed for over 7 years. I append below a table showing the appropriations we have made at this session of Congress:

TABLE I

Direct appropriations	$15,768,339,250.12
Reappropriations	81,099,718.00
Permanent appropriations	3,965,049,289.00
Appropriations from R. F. C. funds	277,000,000.00
Special funds	15,869,750.00
Total cash appropriations	20,107,358,007.12
Contract authorizations	3,596,699,511.00
R. F. C. loans:	
To war industry	$1,000,000,000.00
To South America	500,000,000.00
Total available in all ways	25,204,057,518.12

This is the largest sum ever made available for the Federal Government with the exception of the World War years.

The following table shows a break-down of the amounts made available for each department in the last five sessions of Congress:

TABLE II

Title	74th Cong., 2d sess.	75th Cong., 1st sess.	75th Cong., 3d sess.	76th Cong., 1st sess.	76th Cong., 3d sess.
Agriculture	$195,565,606.00	$933,783,873.00	$1,089,219,344.00	$1,391,193,433.00	$1,189,960,963.00
District of Columbia	43,500,000.00	47,760,641.00	49,392,686.27	52,386,688.00	53,256,901.00
Independent Offices	2,934,751,000.00	1,170,770,677.00	1,596,695,182.00	2,298,240,640.00	1,409,400,314.00
Interior	116,425,195.00	187,464,006.07	869,065,496.84	223,288,005.00	175,313,170.00
Legislative	23,314,428.00	24,153,536.78	21,762,583.50	22,556,079.00	24,279,820.00
Navy	526,546,532.00	527,829,458.00	552,460,494.00	825,942,201.00	1,493,342,750.00
State, Justice, Commerce, and Labor	115,012,400.00	127,357,877.00	132,044,795.00	[1] 123,730,220.00	111,934,280.00
Treasury-Post Office	992,524,892.00	2,971,846,413.00	3,954,343,138.00	4,836,097,211.00	4,461,798,310.00
War Department	527,446,844.00	612,329,767.00	685,577,797.00	549,019,562.00	1,822,571,757.00
First deficiency	368,234,000.00	948,795,868.89	30,111,009.77	23,765,041.98	92,035,408.52
Second deficiency	2,675,397,537.96	99,737,540.14	291,673,522.50	204,420,059.89	139,466,777.23
Third deficiency		154,611,238.72		225,347,110.82	
Urgent deficiency				3,099,377.00	57,541,300.00
Interior deficiency	35,000.00				
Emergency relief		1,974,000,000.00	3,772,405,000.00	1,822,557,150.00	1,282,711,357.00
Public acts					
Public resolutions		472,271,660.00			
Private acts					
Rural Electrification Administration	50,000,000.00				
Miscellaneous	10,000,000.00				
Permanent appropriations	1,505,957,086.82	[2]			
Relief deficiency			250,000,000.00	825,000,000.00	
Insect control			2,000,000.00	1,750,000.00	
Sugar and crop loans			74,250,000.00		1,188,920,569.00
Labor Department				30,831,470.00	328,642,417.00
War Department:					
Nonmilitary				306,182,464.00	
Supplemental military				293,895,547.00	
Employees Compensation Commission				2,000,000.00	
Treasury Department, printing, etc				276,400.00	
Petroleum Commission				20,000.00	
Supplemental deficiency					254,790,776.00
First supplemental national defense					1,768,913,908.00
First supplemental civil functions					$287,590,014.35
Housing					338,263,902.00
Second supplemental national defense					4,045,102,532.00
Third supplemental national defense					1,450,483,928.00
Reconstruction Finance Corporation loansto South America					500,000,000.00
Reconstruction Finance Corporation loans to industry					1,000,000,000.00
Total	$10,129,710,521.78	$10,252,892,556.60	$13,371,001,048.88	$14,061,598,619.69	23,476,330,154.10

[1] Labor Department made a separate bill this year.
[2] From this year on, permanents carried in the total shown for the various bills.

The following table shows a break-down of the appropriations of this Congress into regular, permanent, reappropriations, contract authorizations, and special funds for each department of the Government:

TABLE III.—*Appropriations and contract authorizations incurred by the third session of the Seventy-sixth Congress (1940)*

Agriculture and farm credit:		
Regular	$918,603,918.00	
Permanent	112,052,045.00	
Reappropriations	9,305,000.00	
R. F. C. funds	150,000,000.00	
		$1,189,960,963.00
District of Columbia:		
Regular	48,765,080.00	
Permanent	3,873,821.00	
Contract authorizations	600,500.00	
Reappropriations	17,500.00	
		53,256,901.00
Independent offices:		
Regular	1,120,240,528.00	
Permanent	279,027,166.00	
Contract authorizations	2,000,000.00	
R. F. C. funds	2,000,000.00	
Reappropriations	6,141,620.00	
		1,409,409,314.00
Interior:		
Regular	135,383,330.00	
Permanent	13,505,940.00	
Reappropriations	16,203,900.00	
Contract authorizations	10,220,000.00	
		175,313,170.00
Labor-Federal Security:		
Regular	1,023,282,690.00	
Permanent trust	140,176,723.00	
Permanent annual	9,550,000.00	
Special fund	15,869,750.00	
Reappropriations	41,406.00	
		1,188,920,569.00
Legislative:		
Regular	$23,671,220.00	
Permanent	608,600.00	
		$24,279,820.00
Military:		
Regular	1,499,323,322.00	
Permanent	18,799.00	
Contract authorizations	323,229,636.00	
		1,822,571,757.00
War Department civil functions:		
Regular	222,718,717.00	
Permanent	2,423,700.00	
Contract authorizations	103,500,000.00	
		328,642,417.00
Navy:		
Regular	1,308,171,138.00	
Permanent	2,430,000.00	
Contract authorizations	182,741,612.00	
		1,493,342,750.00
State, Justice, and Commerce:		
Regular	107,149,000.00	
Permanent	4,185,280.00	
Reappropriations	600,000.00	
		111,934,280.00
Treasury and Post Office:		
Regular	1,032,801,095.00	
Permanent	3,397,997,215.00	
Reappropriations	31,000,000.00	
		4,461,798,310.00
Supplemental deficiency:		
Regular	252,340,776.00	
Contract authorizations	2,450,000.00	
		254,790,776.00
Urgent deficiency, regular		57,541,300.00
First deficiency, regular		92,035,408.52

TABLE III.—*Appropriations and contract authorizations incurred by the third session of the Seventy-sixth Congress (1940)*—Con.

Second deficiency:		
Regular	$85,891,777.23	
Contract authorizations	53,575,000.00	
		$139,466,777.23
Relief:		
Regular	1,157,711,357.00	
R. F. C. funds	125,000,000.00	
		1,282,711,357.00
Supplemental national deficiency:		
Regular	1,479,777,147.00	
Contract authorizations	289,136,761.00	
		1,768,913,908.00
First supplemental civil functions:		
Regular	227,332,013.35	
Contract authorizations	60,258,001.00	
		287,590,014.35
Housing: Regular		338,263,902.00
Second supplemental national defense:		
Regular	1,793,372,532.00	
Contract authorizations	2,251,730,000.00	
		4,045,102,532.00
Third supplemental national defense:		
Regular	1,324,193,636.00	
Contract authorizations	138,500,000.00	
Reappropriations	17,790,292.00	
		1,450,483,928.00
R. F. C. loans:		
South America	500,000,000.00	
Industry	1,000,000,000.00	
		1,500,000,000.00
Total		23,476,330,154.10

Mr. Speaker, we have appropriated in direct appropriations, including permanent appropriations, a total for this session of Congress in excess of $20,107,000,000. The following table shows a recapitulation of the appropriations and funds otherwise made available for expenditure at this session of Congress, namely:

Direct appropriations	$15,768,339,250.12
Reappropriations	81,099,718.00
Permanent appropriations	3,965,049,289.00
Appropriations out of R. F. C. funds	277,000,000.00
Special funds	15,869,750.00
Total cash appropriations	20,107,358,007.12
Contract authorizations	$3,596,699,511.00
R. F. C. loans:	
To war industry	1,000,000,000.00
To South America	500,000,000.00
Total available in all ways	25,204,057,518.12

Of which about $13,800,000,000 is for alleged national defense.

THIRTEEN BILLION SPENDING TO MAKE DEFICIT OF $5,760,000,000

The Treasury expects the current fiscal year to produce a peacetime spending record of $13,000,000,000 and a deficit of about $5,760,000,000.

The anticipated total expenditure would be the second highest in all American history, yielding only to the World War fiscal year 1919 when the outlay reached $18,522,895,000.

The expected deficit would be exceeded only by the figures in the 1918 and 1919 fiscal years.

Our distinguished colleague, the gentleman from Virginia [Mr. WOODRUM], in presenting the third deficiency bill involving the last appropriation for rearmament, said:

If we get value for the money we have appropriated, and if we get hemispheric defense, this Government will have secured a great bargain. But we had just as well face the realities. Further great appropriations are going to be necessary. The $13,000,000,000 of appropriations do not constitute full defense. We have given the Executive, the commander in chief and his experts what they asked. No one can do more than that. With the economic outlook I am terrified (September 26, 1940).

We have enacted a new tax measure. It is estimated to raise from $500,000,000 to $900,000,000 the first year and a billion dollars a year thereafter. With these added revenues the total revenues of the Federal Government will not be sufficient to pay for purely non-defense spending. Such non-defense expenditures will approximate $7,000,000,000 while the revenues with this increased taxation is estimated to be $6,600,000,000 leaving a shortage of nearly a half billion dollars in the payment of the ordinary peacetime expenditures of our Government. This means that every dollar of national-defense spending is being added directly to the public debt, notwithstanding that the public and the taxpayers have been led to believe that these emergency taxes are for national defense. These ominous facts showing the inadequacy of our financial program should deeply concern every American citizen. The Congress and the administration have not even approached a solution of the task of financing our preparedness program. We have even failed to provide sufficient revenues for current expenses. We should eliminate from our thinking the notion that by merely signing a blank check as the Congress has done, drawn upon a bank account that does not exist, to finance the defense of America, we have fulfilled the duty resting upon us. That is one of the reasons why I contend that this Congress should stay at its post of duty and use the remaining 3 months of the Seventy-sixth Congress in solving our financial and economic problems. After all, this problem now facing us is an old one. It has become chronic. For 10 years we have been facing deficits.

Mr. Speaker, I draw attention to the following table showing receipts and disbursements and the national debt for the years 1931–40.

Receipts, deficit, and national debt for 1931 to 1940, inclusive

	Receipts or taxes and fees paid to Government	Deficit	National debt
Year ended June 30—			
1931	$3,189,638,632	$901,959,080	$16,801,485,143
1932	2,005,725,437	2,942,051,451	19,487,009,766
1933	2,079,696,742	2,245,452,980	22,538,672,164
1934	3,115,554,050	3,255,393,297	27,053,085,988
1935	3,800,467,202	3,782,966,360	28,701,167,092
1936	4,115,956,615	4,952,928,957	33,545,384,622
1937	5,293,840,237	3,252,539,719	36,427,091,021
1938	6,241,661,227	4,702,165,600	37,167,487,461
1939 [1]	5,520,100,000	4,072,229,000	41,131,502,010
1940 [1]	5,669,300,000	3,426,363,200	44,457,845,210

[1] Estimated.

A comparison of the receipts and disbursements discloses that these enormous and abnormal deficits are due not to the impoverished condition of the country by reason of the depression through which we have been passing and therefore a dearth of income-tax revenues, but to an inordinate orgy of spending. Thus in 1932 and 1933 our tax receipts were little in excess of $2,000,000,000, whereas in 1937, 1938, 1939, and 1940 they will average approximately five and one-half billion dollars per year, between two and three times the amount collected during earlier years. In 1938 the total tax bill of America, national, State, and local, amounted to nearly 25 percent of the income produced during the year, and the American people will have paid during the period from February 28, 1933, to June 30, 1940, approximately $34,000,000,000 in Federal taxes alone. Our President, when a candidate for the high office he now holds, in October 1932, said:

Taxes are paid in the sweat of every man who labors because they are a burden on production and can be paid only by production. If excessive, they are reflected by idle factories, tax-sold farms, and hence in hordes of the hungry tramping the streets and seeking jobs in vain. Our workers may never see a tax bill, but they pay in deductions from wages, in increased cost of what they buy, or (as now) in broad cessation of employment. There is not an unemployed man—there is not a struggling farmer—whose interest in this subject is not direct and vital.

Mr. Roosevelt also said in Sioux City, September 29, 1932:

And on my part, I ask you very simply, to assign to me the task of reducing the annual operating expenses of your National Government.

The March American Federationist's preliminary figures show that in January 1939 there were 11,523,031 unemployed. We now have 9,600,000 unemployed. After taxing, borrowing, and appropriating more than $65,000,000,000 and going in debt over $24,000,000,000 since March 4, 1933, we have approximately the same number of unemployed and a great

many more people on relief than we had when we started this program. In considering these startling statistics, is there any reason why industry is discouraged and has lost faith in this program, and that fear dominates the businessman and the investor today? Sensible folks can only see one answer to this whole social, political, and economic muddle which threatens to wipe out the American system of private enterprise. If the incomes of all who receive $150,000 or more were divided equally among the American citizens each would get only 15 cents, and the incomes above $5,000 if equally divided would only furnish $2.32 per capita. Million dollar incomes are now taxed 84 percent, and hundred thousand dollar incomes 40 percent. No; the answer is not a socialistic division of wealth but the restoration of American industry to a normal basis, permitting a fair profit to industrial enterprise and thus restoring to private pay rolls the great army of unemployed. At the same time, the old folks of America, 60 years of age or over, who have been cast off by industry, must be cared for. Industry which has put them aside must resume the responsibility for their keep, and in so doing contribute materially toward industrial recovery.

AMERICA ONLY LEADING NATION UNABLE TO BEAT THE DEPRESSION

For over 7 years now we in America have been laboring in the throes of this crushing depression. As shown by the report of the League of Nations, of the 17 leading nations of the world we are at the bottom in recovery. We are the only one of the great family of nations of the world that has not been able to throw off the depression, and we are the only one that has piled up an immense public debt in an endeavor to beat the depression. We are the only one that has attempted to borrow and spend ourselves into prosperity. We are the only one that has attempted by the doctrine of scarcity to supply the needs of a hungry nation. As I have heretofore pointed out, during the last 7 years the annual revenue of the Federal Government has increased from $2,079,696,742 to approximately $5,669,300,000 in the last year. During that time the public debt has doubled, and the Federal appropriations have increased from $7,692,447,339 in 1934 to approximately $10,928,399,272 in 1939. The deficit during this period amounted to $20,889,000,000, which, added to the public debt, has reached the grand total of over $41,000,000,000 for the period under consideration. It is now approaching fifty billions. In addition, the Federal Government is liable on contingent liabilities guaranteed as to principal and interest in the sum of approximately $5,500,000,000. The per capita public debt has increased from $131 in 1931 to $305 in 1939. The interest on this public debt is over $1,000,000,000 a year, more than the total cost of government a few years ago. In 1913 only 6.4 percent of the total national income was required for Federal, State, and local taxes. In 1930, 14.2 percent was required for such taxes, and in 1938, 23.6 percent of the total income of the American people was handed over to the tax collectors. Approximately one-fourth of the time of everyone who labors in the United States is spent in working for the tax collectors. In 1913, 1.9 percent of the national income went for Federal taxes. In 1930, 4.8 percent was required, but in 1938 it had increased to 10.9 percent. State and local taxes in 1938 had increased to 12.7 percent.

In the campaign, on July 30, 1932, Mr. Roosevelt gave his ominous warning:

> Any government, like any family, can, for a year, spend a little more than it earns, but you and I know that a continuation of that habit means the poorhouse.

We have continued in this wild, uncontrolled spree of spending now for over 7 years, throughout the entire present administration, and have accumulated the largest debt in our history; and if we are to avoid the poorhouse, as suggested by Mr. Roosevelt, we must mend our ways. Mr. Roosevelt again said, on March 10, 1933:

> Most liberal governments are wrecked on the rocks of loose fiscal policy; and we must avoid this danger.

I most heartily agree that we are heading direct for the poorhouse, and if we are to avoid the danger of being wrecked on the rocks of loose fiscal policy we must immediately change our existing policy of reckless spending and take steps to put our house in order.

In the same address Mr. Roosevelt said:

> For 3 years the Federal Government has been on the road toward bankruptcy.

And on July 30, 1932, he said:

> Let us have the courage to stop borrowing to meet continuing deficits. Stop the deficits.

NO PANACEA WILL SAVE AMERICA

Mr. Speaker, I am not one of those who believe that we may hit upon some panacea that will solve these fundamental problems which have been on our doorstep for 10 years, bidding fair to wreck our economy and democracy. I believe that the adoption of a common sense, economic, social, and political program, based upon the great concepts of honest toil, economy, thrift, industry, and private property with the right to earn and keep an honest profit will bring the solution. Such a program was at the foundation of the great achievements America has made in the 150 years of its existence. The adoption of such a program and putting it into effect in our every-day transactions will, in my judgment, bring America back to sanity, thrift, and prosperity. As a candidate for the office which I now hold, I advocated such a course of procedure and urged the adoption of the following program:

COMMON-SENSE PROGRAM

> Restore American democracy with constitutional checks and balances. Protect labor and industry from foreign cutthroat competition. Remove the shackles from industry. Assure to industry a definite governmental program of good will and cooperation instead of antagonism and governmental dictation so that confidence and prosperity will return, giving real jobs with decent wages to the unemployed. Replace friction with cooperation between labor and capital for good of both. Maintain law and order, no compromise with racketeers. Old-age assistance equal to American standards. Unemployed relief pending restoration of industry. Adequate aid for needy children, the blind and handicapped. Armaments for defense only, no foreign wars or alliances. No Federal tax on gasoline or fuel oil. Curb unbearable Government expenses and tax-eating bureaus so Government may live within its income. Promote Oregon industries—lumber, wool, agriculture—providing pay rolls for Oregon labor. Extend and preserve civil service and promote the merit system. Square deal for veterans. Protect our youth and safeguard their interests that they may become stalwart, dependable, and clean-minded citizens. Provide adequate facilities for our schools and their teaching staffs. Less cross-word puzzles, more horse sense in government.

During my service in the Seventy-sixth Congress I have endeavored insofar as it was possible as a minority Member to bring about the adoption of legislation that would put into effect this course of action, and I will continue to adhere to such a course. I have supported the program of the administration for the P. W. A. and other relief agencies. We cannot let the American unemployed down. I contend the W. P. A. program should not be made permanent. We should adopt a plan that will permit these worthy citizens to be absorbed in private industry with standard American wages. To require them to be resigned forever to a bare subsistence wage on W. P. A. is not American.

Mr. Speaker, I have also supported wholeheartedly the program for American youth—the C. C. C. and the N. Y. A. Five hundred thousand young people are knocking each year at our doors for an opoprtunity to become a part of the American way of life—to have work in American enterprise, to marry and become the heads of families. There are 5,000,000 of them now unemployed. These projects will help to bridge the chasm between school and a life calling.

OLD-AGE SECURITY

Mr. Speaker, a sound deduction from our experience with old-age security is that the only solution of this problem is this enactment of a Nation-wide plan on a pay-as-you-go, broad tax base affording uniform adequate annuities to all citizens 60 years of age or older who are not gainfully employed.

The Townsend plan as embodied in H. R. 8264, pending in the present Congress, proposes such a solution. Funds are provided under it by the imposition of a 2-percent tax upon all gross incomes, except wages and salaries of workers up to

$250 a month, which are exempt, with a similar exemption of $3,000 annually from gross business income. The funds raised from this tax are equally divided monthly among all American citizens 60 years of age or over not gainfully employed, which funds would have to be spent under the terms of the law within 30 days from time of receipt. It is estimated that under existing conditions, this plan would provide $50 a month for each annuitant, increasing as national income increases. The tax formula set forth in the bill is subject to change or amendment when the bill is up for final passage.

Workers 60 years of age or over are unable to find employment in industry. Even younger workers are displaced. The statistics given by the Supreme Court, to which I have hereinafter referred, show these workers are discarded by industry and are forced into idleness, and that approximately 3 out of 4 persons 65 or over are dependent wholly on the public, charity, or others for support. In the main, the support comes from the public now. The tax under the proposed plan, therefore, would not shift the burden for the support of these old people to the public but would only make the care of these senior citizens more certain, uniform, and effective. The plan would bring uniformity throughout the United States which does not now exist. We now have as many plans as there are States in the Union, most of them bogged down by red tape and insufficient funds to meet payments for the bare necessities of life. State lines cause many inequalities. As pointed out by the Supreme Court in the decision hereafter referred to—

> The problem is plainly national in area and dimensions. Moreover, laws of the separate States cannot deal with it effectively. Congress, at least, had a basis for that belief. States and local governments are often lacking in the resources that are necessary to finance an adequate program of security for the aged. This is brought out with a wealth of illustration in recent studies of the problem. Apart from the failure of resources, States and local governments are at times reluctant to increase so heavily the burden of taxation to be borne by their residents for fear of placing themselves in a position of economic disadvantage as compared with neighbors or competitors. We have seen this in our study of the problem of unemployment compensation. *Steward Machine Co.* v. *Davis*, supra. A system of old-age pensions has special dangers of its own, if put in force in one State and rejected in another. The existence of such a system is a bait to the needy and dependent elsewhere, encouraging them to migrate and seek a haven of repose. Only a power that is national can serve the interests of all.

These stark facts most forcibly remind us that this problem facing America today demands the unselfish nonpartisan devotion of every American. The Supreme Court, speaking through Mr. Justice Cardozo, recently said (*Helvering* v. *Davis*, 301 U. S. 641):

> Spreading from State to State, unemployment is an ill, not particular but general, which may be checked, if Congress so determines, by the resources of the Nation. * * * But the ill is all one, or at least not greatly different, whether men are thrown out of work because there is no longer work to do or because the disabilities of age make them incapable of doing it. Rescue becomes necessary irrespective of the cause. The hope behind this statute is to save men and women from the rigors of the poorhouse as well as from the haunting fear that such a lot awaits them when journey's end is near.

We not only have 10,000,000 or more unemployed, but each year we add to the list 500,000 young men and women pouring out of our schools and universities seeking in vain a niche in the business life of America. Some 10,000,000 of our population are 60 years of age or older, many of whom have been cast off by industry and find themselves stranded without income and without hope. We should not be unmindful of the fact that these senior citizens were the workers of yesterday. They helped build our cities and clear our lands. They were the trail blazers, the pioneers. They built for us. Now that they are old, we cannot pass them by. They do not seek our charity. They only ask simple justice—a modest share in the fruits of American industry, to the production of which their labors in the past have contributed. Discussing the plight of these discarded workers, the Supreme Court, in the decision to which I have referred, said:

> Congress did not improvise a judgment when it found that the award of old-age benefits would be conducive to the general welfare. * * * The evidence is impressive that among industrial workers the younger men and women are preferred over the older. In times of retrenchment the older are commonly the first to go, and, even if retained, their wages are likely to be lowered. The plight of men and women at so low an age as 40 is hard, almost hopeless, when they are driven to seek for reemployment. Statistics are in the brief. A few illustrations will be chosen from many there collected. In 1930, out of 224 American factories investigated, 71, or almost one-third, had fixed maximum hiring-age limits; in 4 plants the limit was under 40; in 41 it was under 46. In the other 153 plants there were no fixed limits, but in practice few were hired if they were over 50 years of age. With the loss of savings inevitable in periods of idleness, the fate of workers over 65, when thrown out of work, is little less than desperate. A recent study of the Social Security Board informs us that "one-fifth of the aged in the United States were receiving old-age assistance, emergency relief, institutional care, employment under the works program, or some other form of aid from public or private funds; two-fifths to one-half were dependent on friends and relatives; one-eighth had some income from earnings; and possibly one-sixth had some savings or property. Approximately 3 out of 4 persons 65 years or over were probably dependent wholly or partially on others for support.

Mr. Speaker, I sincerely urge my colleagues to sign the petition now on the Clerk's desk and bring this bill out on the floor for final passage before we adjourn in January 1941, preparatory for the Seventy-seventh Congress.

FOOD STAMP AND A. A. A.

Mr. Speaker, Mr. Wallace, the Democratic candidate for Vice President, on his recent campaign visit to Portland, Oreg., my home city, falsely stated in a public mass meeting that I voted against the agricultural appropriation bill, which included the food-stamp plan. His exact statement, as given in the Oregonian of October 2, is as follows:

> May I remind you that Mr. ANGELL, Republican Congressman from this district, last spring voted against the agricultural appropriation bill, which included the food-stamp plan.

This statement is absolutely false. It seems unbelievable that Mr. Wallace did not know that it was false, because he was the head of the Department of Agriculture at the time and watched this legislation with the keenest of interest. He was especially interested because his agricultural program and the program of the President were opposed to each other.

The record vote on the food-stamp plan, as carried in the agricultural bill referred to, is roll call No. 104, appearing in in the CONGRESSIONAL RECORD of May 9, 1940, at page 5902, which shows that I voted against the motion of my distinguished friend from Missouri [Mr. CANNON], who led the New Deal forces in an endeavor to cut down the appropriation for food stamps from eighty-five millions to seventy-two millions, the seventy-two million being the approximate recommendation of the Budget and the President. My vote, together with many others from the Republican side and some Democrats, prevented the slash in the appropriation for the food stamps, as proposed by the President and the Budget. I also voted for the bill.

It seems apparent that the distinguished candidate for the Vice Presidency on the Democratic ticket is engaged in a little purging on his own behalf in the districts of Members of the Congress. In doing so, however, he does not seem to be circumscribed by being obliged to keep within the truth in attempting his purge.

The Democratic candidate for Vice President has no real honest reason to present to the people of my district why I should not be reelected and has therefore resorted to deliberately false statements to defeat me. I do not believe that the voters of my district will be deceived by the opponent of our beloved fellow citizen, Senator CHARLES L. MCNARY, candidate for Vice President on the Republican ticket. The people of my district will resent a carpetbagger coming into our district and attempting to regiment the voters of Oregon and telling them how to vote. Oregon does not believe in dictatorship. Such tactics may work in the districts of the machine bosses, Hague, Prendergrast, and Nash-Kelly, who are supporting Mr. Wallace, but not in Oregon.

NORTHWEST NATURAL RESOURCES AND INDUSTRIES

Mr. Speaker, I am particularly interested in the great Bonneville project situated on the Columbia River in Oregon and Washington. It not only is in my district, but I was born and raised almost within sound of the rushing waters of the Columbia River, the second largest river in the

United States, and the largest in potential hydroelectric power. My parents emigrated to this far western region with ox teams and covered wagons when the West was a wilderness inhabited only by Indians, trappers, and missionaries. I have seen this land of opportunity transformed into thriving and prosperous cities, farms, and industries. I have through the years been intensely interested in the development of the Columbia River for navigation, flood control, and irrigation, and also for the utilization of its immense energy for hydroelectric power which down through the years has been allowed to waste itself in the flow of its mighty waters from the Canadian Rockies to the Pacific Ocean.

BONNEVILLE HYDROELECTRIC POWER

Mr. Speaker, there is one resource in which the Northwest stands above all other regions of the Nation—hydroelectric power. Our mountain peaks, clothed in eternal snow and ice and extensive forests, are the sources of mighty rivers, tributaries to the Columbia River whose steady flow descends from Canadian headwaters and cleaves the Cascade Range before pouring into the blue Pacific. This, Jefferson's Columbia, and its tributaries contain the Nation's greatest source of water power, about 44 percent of the potential hydroelectric power of all the streams of the continental United States.

If we were to translate the potential annual output of the Columbia River basin in terms of use, we would obtain the fabulous figure of 90,000,000,000 kilowatt-hours, an amount equal to the output of the entire electric utility industry of the United States in 1929. This is a wealth which, unlike many resources, cannot be depleted, and which will serve the Nation for ages to come.

Our population is not large—one-thirtieth of the Nation's total—but it has been increasing at a greater rate than the Nation as a whole. The rich soil, the abundant rainfall, the alluring promises of the Northwest are drawing many earnest families from less bountiful sections of our country seeking fresh opportunities in the land of great distances and great vistas. The opportunities they seek are not to be denied them because this is still a pioneering Nation. Our physical frontiers may not be as boundless as they were 50 years ago, but human ingenuity and the desire to wrest security, happiness, and an honest livelihood from our natural resources knows no boundaries. These western citizens will furnish the manpower for the development of these vast natural resources of the Northwest.

Mr. Speaker, important as electro industries may be to our normal everyday life, they become indispensable to a defense program. If it were not for the many ferro alloys and the alloy steels, our guns would bark a few times and then remain silent—worn out, incapable of guiding the shell of destruction to its appointed mark. Our battleships would be cardboard, our tanks could not resist the fire of the antitank artillery. Our airplanes would essay the hopeful but short-lived flight of the barnyard fowl.

Similarly, in the manufacture of munitions, the product of the electro industries ranks high. Brass for shell casings, the nitrates for explosives, the chlorines for gases, are all derived from the electric furnace and the electrolytic cell.

I need not emphasize or describe further because it is fact today that electric power, guided by the genius of the scientist and the engineer is one of the most important items in our national-defense industries. I would like to point out, however, that these electro industries require very large blocks of continuous and cheap electric power. They cannot use power whose unit price is much in excess of 3 mills per kilowatt-hour, nor whose availability is limited to portions of the year or of the day. These industries need power uninterruptedly throughout the year and throughout the day.

POWER FOR DEFENSE INDUSTRIES

Mr. Speaker, the Pacific Northwest States themselves, in spite of the relative infancy of their mining industry, contribute over two-thirds of the Nation's production of antimony, one-seventh of the copper, one third of the lead, one-seventh of the zinc, one-fourth of the mercury, almost half of the manganese ore, and one-seventh of the tungsten concentrates.

There are not many places in our great Nation where such power is available or can be made available in time to meet our present crisis. Rivers like the Columbia, of the type that insure continuous flow, are rare. That is why the development of the Columbia River offers paramount advantages to electro industries. With Bonneville's generators producing thousands of kilowatts, Grand Coulee about to make its share available, and T. V. A. in operation, the Nation need not fear the acute power shortages experienced during the last World War. The facilities in the Tennessee Valley are being expanded and will be ready in some 2 or 3 years. Today, the Columbia River offers plentiful power for industries whose products are needed now in our defense program. This fact must not be overlooked by industry and our defense agencies. Let me specify. The Bonneville project will have 100,000 kilowatts of firm power available at the beginning of next year, above and over the amounts now committed and needed for reserves. In August of next year, 200,000 kilowatts will be available from Bonneville and Grand Coulee, and in January 1942, 400,000 kilowatts. These quantities result from the wisdom of Congress in providing the funds and authorizations to advance generating facilities at these projects.

The Aluminum Co. of America's western plant on the Columbia River is now in operation and will make 30,000 tons of pig aluminum a year, 60,000,000 pounds for our airplanes, our transport facilities, and other national uses of the light metal. Other important industries can be established in the Pacific Northwest for operation within a year to 18 months which will provide for shipbuilding and repair, for our west coast aircraft industry, which represents 60 percent of the dollar volume business of the national industry, for ordnance and munitions to be used in the defense of the west coast and our Pacific outposts. They would obviate choking eastern industry and would provide not only desirable decentralization, but would also diversify our sources of supplies in times of emergency. By locating these industries in this area where raw products and power are already available or obtainable, we would also be adhering to another principle in national defense; namely, locating essential defense industries away from coast areas and thus less vulnerable to attack.

These industries could produce 155,000 tons of basic materials important not only to the normal economic life of the Pacific Northwest but to our national defense:

Produce	Power requirement	Annual production
	Kilowatts	
Aluminum	65,000	30,000 tons of metal.
High-grade iron and steel	125,000	50,000 tons of metal.
Ferrochrome	30,000	20,000 tons of alloy.
Electrolytic zinc	15,000	35,000 tons of metal.
Nitrates	60,000	30,000 tons of fixed nitrogen.
Calcium carbide	10,000	20,000 tons of chemical.
Total (less Alcoa plant)	140,000	155,000 tons of products.

We cannot allow this great reservoir of power to remain without the necessary outlets to market.

BONNEVILLE APPROPRIATIONS

Mr. Speaker, I appreciate, sincerely, the support my colleagues in the House have given me in pleading for the Bonneville project. The following are the appropriations made for Bonneville for each of the four Congresses since it was begun.

Here is the record:

Seventy-third Congress	$32,440,700.00
Seventy-fourth Congress	11,868,000.00
Seventy-fifth Congress	25,432,272.85
Seventy-sixth Congress	39,042,903.45

The appropriations obtained in the Seventy-sixth Congress, in which I have served, are approximately 33 percent of the

entire funds allocated and appropriated for the entire project since its inception.

PACIFIC NORTHWEST MINERALS AND THE NATIONAL DEFENSE

Mr. Speaker, I have discussed so far the benefits of which this Nation can take immediate advantage in the huge power resources of the Pacific Northwest. I would like now to examine briefly our mineral situation.

Strategic and critical minerals are found in the West. The deposits of chrome, of manganese, antimony, tungsten, have not been fully charted, and the Pacific Northwest has not as yet been examined with the care that it deserves. Some of the minerals now known in the Oregon country are of low grade, but are particularly susceptible to treatment by electric power. Metallic chrome and manganese can be obtained from Northwest ores, magnesium—that increasingly important light metal—can be produced from Northwest magnesite and magnesitic dolomites by the electric furnace, and apparently at a price level lower than that now available. Aluminum can be made from alunite, a western ore. As far as possible we should use our own raw materials for the production of aluminum instead of depending on foreign supplies of bauxite, or on our rapidly shrinking domestic bauxite deposits. And so the list could be expanded. This development and use of our own natural deposits depends on the efforts of the scientist in his laboratory and in the pilot plant, of the geologist and mining man, of the engineer who can translate these investigations into successful commercial operations.

Mr. Speaker, the Pacific Northwest can contribute immeasurably in this emergency toward national defense through the use of its deposits of strategic and critical minerals and other materials, and through the development of the electroindustries in the Columbia River area. In this area there are immense deposits of raw materials much of them wholly undeveloped. They will replace essential products now being imported and which may be blacked out at any time. Nowhere else in the Nation is there comparable potential and existing supplies of low-cost power. The Pacific Northwest asks that these powerful resources be enlisted in strengthening our national defense and in providing for our country's welfare in time of peace, in time of emergency, and in time of war which, pray God, may never come.

AMERICA IS CONFRONTED WITH A GRIM TASK

Mr. Speaker, America is confronted with a grim task. Whether or not we succeed in its solution may determine the course of history. The welfare and preservation of this Nation of ours indeed may turn upon the course we take. As I have pointed out, this problem is a double one. First of all, we must provide for our national defense—strong, effective, and impregnable—to beat off the attacks of any nation or combination of nations. Secondly, we must take up the battle from within and solve our social, economic, and political problems so that this great democracy will not collapse from its own weight. We must prove that our democracy can and will work. For 10 years we have failed miserably to bring success to our efforts. Now, with the added burden of a preparedness program which will likely exceed $25,000,000,000 in costs, even though no American gun is ever fired in the present World War, we face a task which will tax our resources and abilities to their utmost.

This task is on the doorstep of Congress today. It should not shirk its duty. It should not give way to political or partisan considerations. It should seek unity of purpose and devote itself to the task with the grim determination to win the battle of America and save our democracy.

Mr. Speaker, we should ever keep uppermost in our minds the determination of the American people that our soldiers shall not leave our own shores to wage war in the Old World and that we shall not leave a single stone unturned to provide that the ravages of war shall not be brought to America.

As I speak, ominous events are transpiring in the Far East. The triple alliance just concluded between Germany, Italy, and Japan raises new, critical problems in the Pacific. We must not permit America to become embroiled. Congress alone can keep us out. God grant that our conscript soldier boys shall not be sent to spill their blood in these distant lands.

Let us remember that there is one thing that has caused more heartache and misery in the world than any other, and that is war. The sole objective of war is destruction. Brute force is its mainspring; the dead and the maimed are its harvest. It not only bankrupts nations in their material welfare but it robs them as well of all spiritual values. It not only sets nation against nation but breeds in the hearts of men hate and the desire to destroy and tear down. It never builds, it never ennobles. Worst of all, its fruitage is the death and maiming of the young manhood of the country. It feeds not upon the old and the maimed but devours the flower of the youth of the country and leaves the living impoverished, sickened, and spiritually weakened for generations and casts its spell and its burdens upon generations yet unborn. Over 10,000,000 soldiers were killed or died in the World War and over 20,000,000 wounded. It is estimated that it cost the United States to date over $60,000,000,000 and the nations engaged in it over three hundred and thirty-eight billions. Nothing truer was ever said than the words of Washington in his Farewell Address that America should avoid entangling alliances. America should adopt as an unalterable policy that it shall never again engage in war upon a foreign soil, that our soldier boys, if fight they must, shall spill their lifeblood only on American soil in the defense of America and the liberties of our democracy which have made us a great nation.

Mr. Speaker, I agree with our colleague in the Senate, the Honorable JOSIAH W. BAILEY, when he said:

> But what I want and what the country demands is a united Congress, not a group of Republicans seeking advantage, not a group of new dealers defending and apologizing, not a group of Socialists scheming to gain power, not a group of Democrats trying to see how they will win the next election, but a group of American Senators and Members of the House of Representatives who have a sense of responsibility to their circumstances and who are willing to unite in the common task of putting employment and business and industry in this country upon a firm foundation.

Mr. Speaker, the sun of authority should set forever for the "rubber stamp" Congressmen. We need none of them. They have wrecked our economy. They will destroy our democracy. We need Americans in Congress, Democrats and Republicans alike, who put country above party, who stand on their own feet and do their own thinking. Who are not slaves to the beck and call of the Chief Executive and his coterie of bureaucrats, selected for each passing whim.

Mr. Speaker, the biggest business anywhere is the United States Government. It spends $8,000,000,000 annually. That is almost $24,000,000 daily, or nearly $1,000,000 an hour.

Nearly a tenth of the Nation's 130,000,000 citizens are dependent on it for a living.

It has over 1,000,000 civil employees on its pay roll. It has become the largest commercial banker, the largest single creditor of the railroads, one of the biggest producers and distributors of electric power, and the biggest holder of farm products. It is the biggest single factor in the building and construction industry. It regulates and to a large extent controls the securities markets and the banks. In addition, it competes with private business directly and indirectly on many other fronts. There is nothing like it anywhere else in the world.

Clearly, our Federal Government is a big business operation. To run such an enterprise the best trained and the best qualified business brains are none too good—especially at the present time, when the machine has bogged down. For 9 years our Federal Government has been unable to balance its outgo with its income by anywhere from one to four billion dollars annually.

"Must legislation" has no place in the American system. It can only thrive in a totalitarian state. If our democracy is to be preserved we must maintain intact our independent Congress, an unpacked Supreme Court, and an executive department freed from its maze of bureaucracy and usurped unconstitutional powers.

Mr. Speaker, Mr. Roosevelt said, when a candidate for office, he would reduce the bureaus and employees 25 percent. The following table shows how well he has kept the promise, and reveals why our fiscal policy is on the rocks.

The following table gives the number of employees in the Federal Government beginning June 30, 1930. These figures indicate a steady increase, and it must stop. There has been an increase of 450,610 since the Roosevelt administration came in, an increase of nearly 100 percent.

TABLE

1930	560,456
1931	571,368
1932	570,000
1933	577,170
1934	580,181
1935	751,269
1936	810,418
1937	871,236
1938	855,210
1939	925,260
1940	1,011,066

THE BATTLE OF AMERICA

Mr. Speaker, my work here in the Nation's Capitol during the three sessions of the Seventy-sixth Congress, while the holocaust of total war has been sweeping over Europe, carrying to their doom the nations of the Old World, convinces me that our own supreme problem now is the battle of America. With feverish haste we have been building up our defenses to protect our Democracy against attacks from without. This being now provided for as far as lies within the power of the Congress, we must not overlook the danger from within. It has been well said: "We are in danger from without because we are in danger from within." We are witnessing here in Washington a gradual surrender of the rights of the people to a centralized control in the Executive. We see the growth of a huge bureaucracy with over a million employees, reaching out to control all the blood streams of our Government's life. We see an attempt to perpetuate itself. We note the loss of the independence of the Congress and its subordination to the will of the Executive. We see the lessening of the stamina of our people and their dependence upon the bounty of the Government. We see the loss of faith on the part of the leaders in power, in the abilities of our people to govern themselves, and in our democratic processes and our American way of life. In a word, we are gradually slipping down the road toward a totalitarian state where the people themselves no longer retain control over their own destinies, but look to and depend upon a super government over and above them with all power fixed in one centralized control. The American Government belongs to the American people by right of heritage. We the people must awaken from our lethargy and recapture our Government. We must halt the drift toward totalitarianism and reestablish our democracy and preserve the American way of life and free enterprise, maintained and carried forward by freemen. We do not want to be governed, we want to govern ourselves. We must foster and preserve an abiding faith in a free society and the spiritual and humanitarian values in our American life. Mere material success will not save our civilization.

"Great lives and great ages never grow from dead hopes." Life itself is a great adventure. America was built from the dreams of our torchbearers. Columbus led the way when he followed a dream across an uncharted ocean to find this New World; faith pushed our frontiers across a continent, over plains and mountain ranges to the Pacific; faith, vision, and leadership will continue to take America on new adventures into the world of prosperity and happiness. May we have the vision to follow such leadership in this grave crisis confronting America.

God, give us men! A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust for office does not kill;
  Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
  Men who have honor; men who will not lie;
Men who can stand before a demagog
  And damn his treacherous flatteries without winking;
Tall men, sun-crowned; men who live above the fog
  In public duty and in private thinking.

PERMISSION TO ADDRESS THE HOUSE

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. DONDERO]?

There was no objection.

Mr. DONDERO. Mr. Speaker, we are living in a dark hour in the history of the world. There is war and rumors of war. Human freedom seems to be disappearing from the face of the earth. The Republic of the United States is the last refuge and the last citadel of human freedom.

Mr. Speaker, within our borders exist two documents that symbolize the great principles of liberty to mankind. They stand as the hope of the world. In order to renew and revive interests and to make them better known to our people, I have introduced a bill providing that the Post Office Department of this Government shall display in a prominent place in every post office in the United States a copy of the Declaration of Independence and the Constitution of the United States.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, we have all listened with a great deal of interest to the wonderful speech on Thomas Jefferson delivered by our colleague the very distinguished and able gentleman from Missouri [Mr. SHANNON]. I want to discuss briefly Jefferson's position on an important matter which the gentleman from Missouri [Mr. SHANNON] did not mention.

Mr. Speaker, President Franklin D. Roosevelt has drafted himself for a third term after indicating that no other living American is qualified for the Presidency.

Mr. Speaker, our first President, George Washington, declined a third term and thereby set the precedent of a two-term limit for President.

Mr. Speaker, President Andrew Jackson said:

It would seem advisable to limit the service of the Chief Magistrate to a single term of either 4 or 6 years.

Mr. Speaker, Boss Frank Hague, mayor of Jersey City, N. J., a main cog in the New Deal political machine, said:

Absolutely 100 percent for a third term for Mr. Roosevelt.

Mr. Speaker, President Woodrow Wilson said:

It is intolerable that any President should be permitted to determine who should succeed him—himself or another.

Mr. Speaker, the New Deal No. 1 hatchet man, Harold L. Ickes, Secretary of the Interior, said:

But, after all, what is a "sacred tradition" among friends?

Mr. Speaker, Boss Edward J. Kelly, mayor of Chicago, Ill., a main cog in the New Deal political machine, said:

I suppose I was one of the very first to go on record for a third term.

Mr. Speaker, Thomas Jefferson said:

Should a President consent to be a candidate for a third election, I trust he would be rejected on this demonstration of ambitious views.

Mr. Speaker, I sincerely hope that the very distinguished gentleman from Missouri, and all of our countrymen who adhere to the principles of the noble and patriotic statesman, Thomas Jefferson, will, on this November 5 election day, oppose President Roosevelt for a third term.

Mr. Speaker, they will then be faithful to the memory of Thomas Jefferson, who said:

Should a President consent to be a candidate for a third election, I trust he would be rejected on this demonstration of ambitious views.

[Applause.]

Mr. Speaker, on this November 5 election day the third-term issue will be fought out. I shall take my position with George Washington, Andrew Jackson, Woodrow Wilson, and Thomas Jefferson and against Franklin D. Roosevelt, Harold L. Ickes, Boss Kelly, and Boss Hague. [Applause.]

A FARMSIDE CHAT ON "THE MIRAGE OF MR. WALLACE"

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD and include therein one page from the hearings of the Committee on Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MURRAY. Mr. Speaker, the opposition seems to be very critical of the manner in which our Republican candidate with Hoosier accent pronounces his words and openly criticizes his grammar. The criticism I have of the New Dealers is not their grammar or pronunciation but their utter disregard for simple arithmetic and their total lack of sense of proportion.

About the first question I asked Mr. Wallace before the Agricultural Committee was why the New Deal added the farm-subsidy payments to the national farm income, as shown in the hearing, page 603, serial A, February 21–March 22, 1939, as follows:

Mr. MURRAY. Not as a matter of politics, but purely as agricultural economics, Mr. Secretary, I would like to ask you this question: Why do you think there should be included in the total national farm income the benefit and other payments received from the Government by farmers? I do not see how that could be figured as farm income any more than when I go to figure my income tax I would include a loan of $1,000 I made from a bank. That surely would not be income. But in the case of the income shown by this last year I think it would be of the same line of reasoning if you add to the total income of farmers the subsidies which they received, as long as we have not balanced the Budget and as long as that remains a part of the public debt, and the rural people themselves will surely have to pay their share of the public debt.

Secretary WALLACE. Undoubtedly the Government's payments are properly a part of farm income. The taxes the farmer has to pay are local property taxes rather than income taxes. I think there has been a great deal of unnecessary worry on the part of farmers concerning statements that have been made that led them to think they are going to have to pay the taxes that pay the national debt. As a matter of fact, in the case of about 90 percent of the farmers the only taxes they will pay will be property, county, or State taxes, in the form of ad valorem taxes.

Mr. MURRAY. In the final analysis they will have to pay their pro rata part of the tax, however, will they not?

Secretary WALLACE. Well, I do not think that will amount to much.

Mr. MURRAY. Thank you.

Mr. Wallace may think the farmers will not pay their share of the public debt, but I cannot believe it. I think every living human being is going to contribute toward paying the public debt whether it is the rich, the poor, or the average individual, and this includes the widow's mite.

If the New Deal has increased the public debt $27,000,000,000, the farm people will surely have to repay over $6,000,000,000 with interest, as they represent about 25 percent of the people. Mr. Wallace may believe and may try to make this country believe that because a farmer does not pay any income tax he is not paying any taxes toward the national debt, but he surely went to a different school than most of us in order to come to this kind of a conclusion.

The New Deal has placed an invisible mortgage of $1,000 on every farm in America and other property in proportion. The sooner we make 2 and 2 equal 4, talk, think, and act accordingly, the sooner we will quit the New Deal fallacies.

I am sure Mr. Willkie's grammar excels Mr. Wallace's arithmetic.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HARE, for 10 days, on account of important business.

To Mr. CULLEN (at the request of Mr. McCORMACK), indefinitely, on account of illness.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3240. An act for the relief of the St. Nicholas Park Co.; to the Committee on Claims.

S. 4215. An act for the relief of Caffey Robertson-Smith, Inc.; to the Committee on Claims.

S. 4218. An act to extend to the Virgin Islands the provisions of certain laws relating to vocational education and civilian rehabilitation; to the Committee on Insular Affairs.

S. 4240. An act to authorize the sale, under the provisions of the act of March 12, 1926 (44 Stat. 203), of surplus War Department real property; to the Committee on Military Affairs.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3907. An act for the relief of William A. Reithel;

H. R. 6083. An act for the relief of Adolph Burstein;

H. R. 6091. An act for the relief of Samuel Roberts;

H. R. 7283. An act for the relief of Frank Hall;

H. R. 7784. An act for the relief of Howard R. M. Browne;

H. R. 7813. An act to safeguard the homing pigeon;

H. R. 8333. An act for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army;

H. R. 8613. An act to amend the act to provide for the retirement of disabled nurses of the Army and the Navy;

H. R. 8705. An act for the relief of Howard Mondt;

H. R. 9972. An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes;

H. R. 10094. An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes;

H. R. 10194. An act for the relief of the late John L. Summers, former disbursing clerk, Treasury Department;

H. R. 10354. An act for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 10412. An act to expedite the provision of housing in connection with national defense, and for other purposes;

H. J. Res. 614. Joint resolution making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes;

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 2627. An act to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties;

S. 3266. An act to provide pensions, compensation, retirement pay, and hospital benefits for certain Air Corps Reserve officers who were disabled while on active duty with the Regular Army;

S. 3619. An act relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, and so forth;

S. 4270. An act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard; and

S. J. Res. 253. Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 26 minutes p. m.) the House adjourned until tomorrow, Thursday, October 10, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1984. A communication from the President of the United States, transmitting an emergency supplemental estimate of appropriation, for the War Department, for the improvement of rivers and harbors in the interest of national defense, for the fiscal year ending June 30, 1941, totaling $10,000,000 cash, plus contract authorizations totaling $20,076,000 (H. Doc. No. 966); to the Committee on Appropriations and ordered to be printed.

1985. A letter from the Secretary of War, transmitting the draft of a proposed bill to improve the national defense by creating the grade of chief warrant officer in the Army; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. JARMAN: Committee on Printing. House Concurrent Resolution 91. Concurrent resolution authorizing printing of additional copies of the Second Excess Profits Act of 1940; without amendment (Rept. No. 3049). Ordered to be printed.

Mrs. NORTON: Committee on Labor. S. 4338. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended; without amendment (Rept. No. 3050). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII,

Mr. SUMNERS of Texas introduced a bill (H. R. 10637) to extend the provisions of the act of May 22, 1934, as amended, known as the National Stolen Property Act, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BARRY (by request) introduced a bill (H. R. 10638) for the relief of Leonidas Fotinos and wife, Uvoni, which was referred to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9353. By Mr. TENEROWICZ: Resolution of the Detroit Federation of Post Office Clerks, Local No. 295, National Federation of Post Office Clerks, requesting that a Member of Congress from the city of Detroit be placed on the House Post Office and Post Roads Committee; to the Committee on Ways and Means.

9354. By Mr. KENNEDY of Maryland: Petition of the Baltic-American Society of Washington, D. C.; to the Committee on Foreign Affairs.

9355. By Mrs. NORTON: Petition of the Board of Education of the city of Jersey City, N. J., urging the continuance and expansion of Federal reimbursement to public vocational schools; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES

THURSDAY, OCTOBER 10, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, we pray that the divine voice may penetrate the holy of holies of our breasts saying, "Man shall not live by bread alone." Today put us in possession of our best thoughts and holiest feelings. He who brings some new thought of the Christ, quickening the soul with holy love, opens within a well of water springing up into everlasting life. O God, give us to understand that life is not a dowry to be selfishly squandered, but a stewardship to be faithfully discharged; self-care for the good of others is good and right. Blessed Lord, reveal to us more and more the glory and the redeeming power of our Lord. In our vision let us see the withered hand with eager, nervous, trembling finger thrust forward to touch the hem of His garment and the light of health and peace flooding one sad life. Oh, what a breaking of day over the dark inner world of that confused and disappointed one; O Master, touch our hearts and minds and lead us in the way everlasting. In Thy Holy Name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on October 9, 1940, the President approved and signed bills and a joint resolution of the House of the following titles:

H. R. 1857. An act for the relief of Nell Mullen;

H. R. 1999. An act to confer jurisdiction upon certain United States commissioners to try petty offenses committed on Federal reservations;

H. R. 2036. An act for the relief of Umberto Tedeschi;

H. R. 2684. An act for the relief of Emma Knutson;

H. R. 3009. An act for the relief of June Thompson, a minor;

H. R. 4066. An act for the relief of Josefina Alvarado;

H. R. 4088. An act to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts;

H. R. 4441. An act for the relief of Alex Silberstein, Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, minors;

H. R. 4615. An act for the relief of Sallie Barr;

H. R. 4656. An act to record the lawful admission to the United States for permanent residence of Esther Klein;

H. R. 4954. An act for the relief of Rosa Paone;

H. R. 5264. An act for the relief of Maj. Clarence H. Greene, United States Army, retired;

H. R. 5417. An act for the relief of Isaac Surmany;

H. R. 6060. An act for the relief of John P. Hart;

H. R. 6215. An act for the relief of John E. Avery;

H. R. 6457. An act for the relief of the Wallie Motor Co.;

H. R. 6512. An act for the relief of F. W. Heaton;

H. R. 6639. An act for the relief of George F. Kermath;

H. R. 6687. An act to permit the States to extend their sales, use, and income taxes to persons residing or carrying on business, or to transactions occurring, in Federal areas, and for other purposes;

H. R. 6820. An act for the relief of Mrs. Hama Torii Emerson;

H. R. 6888. An act for the relief of Esther Jacobs;

H. R. 6946. An act for the relief of Salvatore Taras;

H. R. 7276. An act for the relief of Walter B. McDougall and Herbert Maier;

H. R. 7302. An act for the relief of Lillian Brown and Silas Young;

H. R. 7357. An act to amend section 4472 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 465) to provide for the safe carriage of explosives or other dangerous or semi-dangerous articles or substances on board vessels; to make more effective the provisions of the International Convention for Safety of Life at Sea, 1929, relating to the carriage of dangerous goods; and for other purposes;

H. R. 7425. An act for the relief of the parents of Charldean Finch;

H. R. 7747. An act for the relief of Estelle M. Corbett;

H. R. 7815. An act for the relief of Boston & Maine Railroad;

H. R. 7910. An act for the relief of Betty Jane Bear Robe;

H. R. 8150. An act providing for the barring of claims against the United States;

H. R. 8163. An act for the relief of Antonio Sabatini;

H. R. 8301. An act for the relief of Allen B. Boyer;

H. R. 8744. An act for the relief of Ernest Lyle Greenwood and Phyllis Joy Greenwood;

H. R. 8830. An act to amend the records at the port of New York to show the admission of Steve Zegura, Jr., and B. Dragomir Zegura as aliens admitted for permanent residence;

H. R. 9073. An act to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe* at Norfolk, Va., on October 27, 1939;

H. R. 9284. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. A. L. Ridings;

H. R. 9561. An act granting the consent of Congress to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Sauk Rapids, Minn.;

H. R. 9656. An act to authorize the acceptance of donations of property for the Vicksburg National Military Park, in the State of Mississippi, and for other purposes;

H. R. 9670. An act to provide an 8-hour workday and payment for overtime for dispatchers and mechanics-in-charge in the motor-vehicle service of the Postal Service;

H. R. 9722. An act to provide for the regulation of the business of fire, marine, and casualty insurance, and for other purposes;

H. R. 9736. An act to amend section 355 of the Revised Statutes, as amended, to authorize the Attorney General to approve the title to low-value lands and interests in lands acquired by or on behalf of the United States subject to infirmities, and for other purposes;

H. R. 9840. An act for the relief of Bela Karlovitz;

H. R. 9921. An act to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project;

H. R. 9942. An act authorizing the Secretary of the Interior to issue to Henry W. Shurlds and W. H. White a patent to certain lands in the State of Mississippi;

H. R. 9943. An act authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi;

H. R. 9952. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Ind.;

H. R. 10155. An act for the relief of William M. Irvine;

H. R. 10191. An act for the relief of Anthony Borsellino;

H. R. 10337. An act to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes;

H. R. 10464. An act to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts;

H. R. 10539. An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes; and

H. J. Res. 467. Joint resolution to exempt from the tax on admissions amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 6658. An act to authorize the lease or sale of certain public lands in Alaska, and for other purposes;

H. R. 7252. An act to authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska;

H. R. 7916. An act granting 6 months' pay to Lillian M. Reymonda;

H. R. 8646. An act to authorize the exchange of certain patented lands in the Death Valley National Monument for Government lands in the monument;

H. R. 9173. An act for the protection of the water supply of the town of Petersburg, Alaska;

H. R. 10322. An act to amend further the District of Columbia Unemployment Compensation Act; and

H. R. 10440. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10495. An act to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 4208. An act establishing overtime rates for compensation for employees of the field services of the War Department, and the field services of the Panama Canal, and for other purposes; and

S. J. Res. 296. Joint resolution to define common carriers by water engaged in certain commerce with the Virgin Islands of the United States, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 527) entitled "An act for the relief of J. J. Greenleaf."

The message also announced that the Presiding Officer had appointed Mr. BARKLEY and Mr. TOBEY members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of executive papers in the following departments and agencies:

1. Department of the Interior.
2. Department of Labor.
3. Department of the Treasury.
4. Federal Security Agency, Office of Education.
5. Federal Security Agency, Public Health Service.
6. The National Archives.
7. Veterans' Administration.

THE LATE GEN. JOSE FELIX ESTIGARRIBIA, OF PARAGUAY

The SPEAKER laid before the House the following communication from the Secretary of State:

DEPARTMENT OF STATE,
Washington, D. C., October 3, 1940.

The Honorable SAM RAYBURN,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: With reference to House Resolution 595, expressing the sympathy of the House of Representatives on the tragic death of His Excellency Gen. Jose Felix Estigarribia, of Para-

guay, I am enclosing a copy of despatch No. 1286 of September 18, 1940, from the American Legation at Asuncion, Paraguay. As an enclosure to this despatch the Legation has forwarded the text and a translation of a note received from the Minister for Foreign Affairs of Paraguay expressing the appreciation of the Government of Paraguay for this tribute by the House of Representatives.

Sincerely yours,

CORDELL HULL.

PARAGUAYAN FOREIGN OFFICE

(Note 280, September 12, 1940, to Legation)

MINISTRY OF FOREIGN RELATIONS,
Asuncion, September 12, 1940.

MR. MINISTER: I take pleasure in addressing Your Excellency to acknowledge the receipt of your note No. 42, dated the 11th instant, in which you inform me, in compliance with instructions received from your Government, that on the 9th of this month the House of Representatives of your friendly Nation adopted the following resolutions:

"That the House of Representatives of the United States of America has learned with profound sorrow of the death of the President of the Republic of Paraguay, Marshal Jose Felix Estigarribia, and sympathizes with the people of the Paraguayan nation in the loss of their beloved President. That the President communicate the said expression of the feelings of the House of Representatives to the Government of Paraguay. That as one more proof of respect to the memory of President Estigarribia the House adjourn."

In your above-mentioned note you communicate also, in accordance with instructions received, that, in introducing the proposal for the stated resolution, Representative JOHN ELLIOTT RANKIN, of Mississippi, expressed himself in terms transcribed by Your Excellency, which are highly honoring to the illustrious deceased and which call for the gratitude of the Paraguayan people and their Government.

I beg Your Excellency to communicate to the Presidency of the honorable House of Representatives of the United States of America the deep gratitude of my Government, which appreciates in all its high significance the tribute that the Members of the House of Representatives of our friendly sister nation resolved to accord in homage to the memory of His Excellency Marshal Estigarribia, whose personal feelings of kind sentiment and friendship toward the United States were well known.

I greet the Minister with my highest and most distinguished consideration.

TOMAS A. SALOMONI.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of matters on the Speaker's table, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. D'ALESANDRO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address I made over a national broadcasting station on national defense.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, all Members of the House at different times are deluged with mail on various subjects of importance pertaining to matters our constituents back home are interested in. Usually we are able to give them a suitable and deserved answer. However, I am up against something at the present time and concerning which I need some help. I want to read you a post card, almost 200 of the same kind having been received in one mail this morning:

DEAR CONGRESSMAN: I want to be a captain. Please use your influence to get me this commission.

Each one is signed by a constituent of mine, and I do not know how to answer it. [Laughter and applause.]

I might call the War Department and ask them if they would care to offer any suggestions as to how such communications might be answered. However, the War Department—and I place no blame on their shoulders—are not in a position to give a Member of Congress certain information.

As a member of the House Military Affairs Committee, I, as well as other members, recently asked for data as to how much aid we were furnishing to England, such as destroyers, airplanes, machine guns, rifles, and other materials of war. My constituents want such information and should have it. I was told such data was not available, following orders coming to the War Department from the White House. In other words, it appears to me that we have now arrived at the place where a Member of Congress is precluded by the White House from obtaining essential information which any Member of this House is entitled to. Is the sole purpose of Congress now to be only one of making appropriations and to leave everything to the White House?

As one Member of this body, I deplore such procedure and expect to do everything within my power to see that a change of policy is brought about.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a telegram, and also to correct the RECORDS of October 8 and October 9, in two particulars.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, on the menus for the House and Senate restaurants today will be, among other foods, some east Texas yams or sweetpotatoes which have just been shipped direct to me by the officials of the East Texas Yamboree at Gilmer, Tex. The East Texas Yamboree is an annual event held at Gilmer, the county seat of Upshur County, my home county, incidentally. The sixth annual yamboree is to be held the 24th, 25th, and 26th of this month. I hereby extend to all of you a cordial invitation to attend. In this Nation there are many fairs, but only one yamboree. Its purpose is to give appropriate recognition to the yam or sweetpotato as one of the primary foods of man, and to call attention to and emphasize the difference in an ordinary or average yam and a first-rate yam. There is a great difference.

At Gilmer, Tex., the home of the east Texas yam and the capital of all yamdom, one of the very few sweetpotato experiment stations in the Nation is located. The work there is carried on by funds made available from the State treasury and from the Federal treasury. The work of the station, we feel, is highly commendable and conducive to bettering the quality of the sweetpotato as an edible food. Furthermore, another objective of the experiment station is to develop a sweetpotato containing sufficient starch to make profitable the operation of sweetpotato starch plants on a commercial basis.

You Members have heard of Texas as a great cotton-growing State; as a great wheat-producing State, and as a great oil-producing State. I desire to acquaint you with the fact that east Texas has brought another honor and distinction to Texas in that the finest yams or sweetpotatoes of the Nation are grown there.

The managers of the House and Senate restaurants have been kind to me in permitting the farmers of east Texas and the officials of the East Texas Yamboree to demonstrate the excellence of our highly palatable food. When you sample, today, the east Texas yam, as I hope you will do when you lunch, you, too, will thank the farmers of east Texas and the officials of the East Texas Yamboree for remembering Capitol Hill with some fresh yams or sweetpotatoes from east Texas.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Speaker, I had some time on yesterday which I did not use because of a cold. I ask unanimous consent that I may be permitted to address the House next Tuesday for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. KNUTSON asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD the legislative record of the Honorable HAMILTON FISH.

The SPEAKER. Is there objection?

There was no objection.

By unanimous consent Mr. PITTENGER was granted permission to extend his own remarks in the RECORD.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a letter from a county judge in Oregon.

The SPEAKER. Is there objection?

There was no objection.

NO QUORUM

Mr. PACE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. PACE. Mr. Speaker, I withdraw the point of order at this time.

MOTIEJUS BUZAS AND BERNICE BUZAS—VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I return herewith without my approval the bill H. R. 6409, which would provide for the cancelation of deportation proceedings against Motiejus Buzas and Bernice Buzas, his wife, but would at the same time preclude them from becoming eligible to naturalization by virtue of their residence in this country.

It appears that Motiejus Buzas is a native of Russia, while his wife, Bernice Buzas, is a native of Lithuania. Both of them were originally citizens of Lithuania. Many years ago they immigrated to Canada and were naturalized in that country. About 15 years ago they entered the United States from Canada as visitors.

The legislation under consideration appears anomalous. It proposes to permit these aliens to continue their residence in the United States, but would bar them from becoming citizens of this country, even though they do not belong to a race ineligible for naturalization. It is highly questionable whether it is in the best interests of the United States to place persons living in this country in such a peculiar status as would be accorded to the beneficiaries of the instant bill.

In view of these considerations, I am constrained to return the bill without my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 10, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. DICKSTEIN. Mr. Speaker, I move that the bill and message be referred to the Committee on Immigration and Naturalization and ordered to be printed.

The motion was agreed to.

VETO MESSAGE—LOUIS D. FRIEDMAN

The SPEAKER laid before the House the following further veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I return herewith without my approval a bill, H. R. 7179, which would permit Louis D. Friedman to become a naturalized citizen of the United States merely upon the taking of the oath of allegiance and without complying with any of the requirements of the naturalization laws.

It appears that Mr. Louis D. Friedman was a native-born citizen of the United States but for business reasons became a naturalized citizen of Canada. He now desires to resume his American citizenship.

No reason is discernible why a special dispensation should be accorded him from compliance with all of the requirements of the naturalization laws.

Resort to naturalization by private act should be permitted, if at all, only in unusual and unique situations.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 10, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. DICKSTEIN. Mr. Speaker, I move that the message and bill be referred to the Committee on Immigration and Naturalization and ordered to be printed.

Mr. RANKIN. Reserving the right to object, Mr. Speaker——

The SPEAKER. There is no unanimous-consent request.

Mr. RANKIN. This bill can only be referred to a committee by unanimous consent.

The SPEAKER. No; a motion is in order.

Mr. RANKIN. I understand; but it is privileged. Any Member can demand a vote on this at any time, on a President's veto.

The SPEAKER. A motion to refer to a committee takes preference, of course.

Mr. RANKIN. I did not think a motion to refer to a committee was privileged. My understanding is that any Member can demand a vote at any time.

The SPEAKER. A motion to refer at this stage is a privileged motion and has preference, under the rule.

Mr. RANKIN. It will have to be voted on.

The SPEAKER. Certainly.

Mr. RANKIN. I rise in opposition to the motion. I wish to make a statement.

The SPEAKER. The gentleman is recognized.

Mr. RANKIN. Mr. Speaker, I expect to vote to sustain the veto. This just shows the kind of legislation that has been slipped through here with reference to immigration. This bill ought never to have passed the House. From this time on I hope that every Member will carefully scrutinize all legislation that is brought in here touching the question of immigration. I shall certainly do so. I do not propose to have our immigration laws broken down piecemeal in any such way if I can prevent it.

Mr. JENKINS of Ohio. Mr. Speaker, I ask for recognition.

The SPEAKER. The gentleman is recognized.

Mr. JENKINS of Ohio. Mr. Speaker, for fear that this may not be understood, I do not know that I understand this veto message exactly, but I think we are likely to be misled by it. As I understand it, here is the situation: We know there are many on this side and on the other side as well who scrutinize these bills carefully. Those who have the responsibility to object at this desk and at that desk over there have evolved a pretty good plan. They add an amendment to these bills providing that if we leave them here, that then they cannot become citizens. That is what I think the gentleman from Mississippi would approve. That is what I would approve. That is what the House did approve. The President is finding fault with that in his veto message. He did not want us to do that. He wanted us to let those people in as they were, and stay in here.

Mr. RANKIN. It seems that Congress attempted to let a man become a citizen by merely taking the oath of allegiance, after he had left the United States and become a citizen of another country.

Mr. JENKINS of Ohio. No. I think the gentleman will find in this veto message the fine hand of Mme. Perkins.

Mr. RANKIN. The gentleman from Ohio has this bill confused with the first veto message.

Mr. JENKINS of Ohio. Yes; I thought you were still talking about the first veto. My attention was diverted for a moment. I am sorry to have said what I said, and, of course, it does not apply to this second veto message.

Mr. DICKSTEIN. Mr. Speaker, I ask for recognition on this motion and I ask unanimous consent to proceed for 10 minutes.

Mr. LAMBERTSON. Reserving the right to object——

The SPEAKER. The gentleman is entitled to the floor, if he desires it.

Mr. DICKSTEIN. Mr. Speaker, after listening to the learned discussion between the gentleman from Mississippi [Mr. RANKIN] and the gentleman from Ohio [Mr. JENKINS] and a few more gentlemen, I am more than satisfied that they do not know what they are talking about.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. No. Let me proceed. I always had a great admiration for the gentleman from Ohio. He generally knows the immigration law. The gentleman from Mississippi on the other hand seems to have a general principle to oppose all immigration matters. If it was not an immigration bill he would not have paid any attention to it.

The objectors, in my opinion, are conscientious and usually do a good job. They go over every bill with a fine comb and of the many bills introduced in the committee less than 1 percent is voted out. Out of the 600 or 700 bills the committee has had before it only 1 or 2 percent have been voted out. The committee is pretty careful, too, as you can see from this record.

So it gets right down to the question of alien-baiting and nothing more, and everyone who has a dislike of aliens is going to get up and have something to say. What does the President do? My good friend, the gentleman from Mississippi [Mr. RANKIN], has a great knowledge on the subject of public utilities, and I have great admiration for the work he has done in that field, but his knowledge does not extend to the field of immigration. The bill the gentleman talks about concerns a man who was born in this country, a native of the United States, whose wife is an American citizen, whose family traditions go back for many years. He got into Canada and somebody over there bamboozled him, not only taking his money away from him, but making him take out citizenship in Canada. Thereby he forfeited his citizenship in his mother country, the United States. This bill would simply restore to him citizenship in his mother country. He was born here. That is all there is to the bill. It has nothing to do with aliens at all. This man is an American by birth, and his family have been Americans for years before him, but because of certain conditions under which someone in a business transaction cheated him in Canada, he lost both his money and his citizenship. The President vetoed the bill, saying that this man ought to recover his citizenship through the regular naturalization channels. I do not find any fault with it. I do not get hot about all these things.

The other question presented by the veto message is very simple, and that is the criticism that if the committee saw fit to allow these people to stay here, they should let them become citizens. That is the objection of the President. In other words, the committee did not see fit to allow them to pursue to citizenship. They only allowed them to stay in this country.

Some of the criticism possibly should be directed to the committee which adds amendments to these bills letting the people stay in the country but prohibiting them from becoming citizens. That is what the President objects to, and all these threats "from here on" and "hereafter" are needless. The committee watches these bills very closely. We table more bills in the committee than we report out. You may rest assured that when one of these bills does reach the floor it must be a meritorious and genuine bill.

I now yield to the gentleman from Ohio if he desires to ask me a question.

Mr. JENKINS of Ohio. I will get my own time.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. RICH. As I understand it, the gentleman, as a member of the committee, does not approve the veto.

Mr. RANKIN. That is alien bating, according to his statement.

Mr. DICKSTEIN. I approve of the President's stand in this instance. He may be more nearly right than the committee. I want the bill sent back to the committee and opportunity given the committee to study the bill further. We may have done something we should not have done. I do not disagree with the President or have any criticism of his veto one way or the other.

Mr. RICH. Does the gentleman mean to say that he agrees with the President over anything the President does?

Mr. DICKSTEIN. I agree in the proposition that the President is justified in exercising that which is his as a matter of right, the power of veto. He has exercised this right in this instance, and my contention is that the bill should be referred back to the committee for further consideration; that is all.

Mr. RICH. That is all right if you want to consider it, but what does the gentleman think about throwing down the bars to the admission of aliens into this country?

Mr. DICKSTEIN. We have put up the bars. No one is coming into this country unless under proper provision of law. There is nothing to this hue and cry about letting down the bars, I may say to the gentleman from Pennsylvania.

Mr. RICH. Is the gentleman interested in letting foreigners in in great numbers to take the jobs of our American laborers?

Mr. DICKSTEIN. No; I am interested in protecting this country.

Mr. RICH. That is what we want to do; keep the foreigners out unless they have business here. We do not need 200,000, a million, or 5,000,000 additional aliens at this time to become citizens.

Mr. DICKSTEIN. Keep them out; but do not persecute the minorities within our gates. Do not do that, because that is not a charitable thing for any country to do. We must be honest and fair to the people now in our country. Also, let us not make mountains out of molehills. Do not say we are letting down the bars, because we have raised the bars. No one is coming into this country other than by due process of law.

Mr. RICH. Mr. Speaker, will the gentleman yield for one further question?

Mr. DICKSTEIN. I will.

Mr. RICH. I have a list here of the names of 700 people who are in this country today who should not be here, people who have committed perjury, forgery, and other crimes, people who should be deported; yet Mme. Perkins, Secretary of Labor, has let them remain here by a loophole in her interpretation of the law. We ought to send them out. Why does not the gentleman try to use his good offices and the influence of his committee to get Mme. Perkins to hike out of this country these 700 people who have committed crimes? They have no rights here, under our law.

Mr. MASON. Mr. Speaker, will the gentleman from New York yield?

Mr. DICKSTEIN. Yes; I yield to the gentleman from Illinois.

Mr. MASON. Let me answer the gentleman from Pennsylvania by saying that no committee of this House, whether it is the Committee on Immigration and Naturalization or any other, can see to it that the executive departments enforce the law. That is a statement that should not be made. That is not the purpose of our committee.

Mr. DICKSTEIN. A lot of statements are made that should not be made. May I say that I am not in favor of keeping criminals in this country. So far as the committee is concerned, they have done everything in the line of legislation to bring about deportation of criminals. You must bear in mind that there are a number of men and women who came to this country when they were children, they became

criminals during the time that they stayed in the United States, and they have no country to go back to. Where are you going to send them? I do not know, and I do not care. But why blame Mme. Perkins and everybody else? We know we do not want them. They are undesirables. You draw a bill to get rid of them, and I will be glad to support.

Mr. RICH. Will the gentleman yield further?

Mr. DICKSTEIN. I yield.

Mr. RICH. What can we do to get Mme. Perkins to deport the 700 criminal aliens that are in this country and get them out of here? They have no right here under the law; they are a menace to our civilization, to our form of government, to our good people.

Mr. SCHULTE. What has that to do with this particular bill?

Mr. RICH. I am asking this gentleman. He is the father of immigration legislation. I would like to get his assistance to have Mme. Perkins do her duty.

Mr. MASON. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman.

Mr. MASON. I pointed out on the floor of this House when we had the bill before us to transfer the Immigration and Naturalization Bureau from the Department of Labor to the Department of Justice what should be done so far as Mme. Perkins is concerned. That is the answer to the gentleman's question.

Mr. RICH. We ought to impeach Mme. Perkins. That is the thing to do. But it cannot be done with a big New Deal Congress; that I know.

Mr. DICKSTEIN. Mr. Speaker, I do not want to get excited about nothing. That is practically what we are discussing now. The Committee on Immigration does not mind a veto of the President. He may be right, and if we find he is right we will sustain him. If we find he is wrong, we will report the bill back to the House for its action and consideration.

Mr. GEYER of California. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from California.

Mr. GEYER of California. Much has been said rather impugning certain things that the committee has done. It has been stated that the committee is probably too lenient. May I say that I have had bills before that committee involving definite hardship cases on American citizens, and I think the committee is entirely too stringent. I think there ought to be a little mercy tempered along with justice. The gentleman from Pennsylvania should worry about balancing the Budget and should worry about where we are going to get the money.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I want to say to the membership of the House that I have tried the best way I can, as chairman of that committee, to work with every Member of this House. I agree with my good friend from California that sometimes the committee is too strict, sometimes we may be a little lenient, but on the whole I think we are a strict committee. We have voted out hardly any bills at all and those that have been objected to we have gone over with a fine comb. It is not our duty to excuse anybody for violations of the law. We hope we can get rid of these criminals sooner or later if we can find a country to send them to. May I say that we should be patient and reasonable. Let us look at it in the proper American light and not from any other point of view.

Mr. Speaker, I yield back the balance of my time.

Mr. RANKIN. Mr. Speaker, I ask for recognition.

The SPEAKER. The time is in control of the gentleman from New York [Mr. DICKSTEIN]. Has the gentleman from New York [Mr. DICKSTEIN] yielded the floor?

Mr. DICKSTEIN. Yes.

The SPEAKER. The gentleman from Mississippi [Mr. RANKIN] is recognized for 1 hour.

Mr. DICKSTEIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Mississippi yield for a parliamentary inquiry?

Mr. RANKIN. I yield for a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKSTEIN. The gentleman from Mississippi asked me to give him time, which I was good enough to do. I said I would be glad to do it. Had I known I was going to surrender the floor by that, I would not have done it. I did not surrender it. I simply yielded back the balance of my time, and the RECORD will bear me out.

The SPEAKER. The Chair distinctly asked the gentleman from New York if he yielded the floor, and his answer was in the affirmative.

Mr. DICKSTEIN. I did not understand.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour, if he desires that time.

Mr. RANKIN. Mr. Speaker, I decline to yield further. I do not expect to speak an hour. You should applaud that statement. [Applause.]

Mr. Speaker, the gentleman from New York [Mr. DICKSTEIN] made the statement that my opposition to this measure was alien baiting. It sounds very much like American baiting to me for him to so accuse real Americans in this House who are trying to protect our immigration laws.

This particular man, whoever he is, I never heard of. I do not know his name, his race, his color, or nationality, except that he was at one time a citizen of the United States. I am tired of citizens of the United States going to other countries to make trouble for us. He went to Canada; he was not satisfied to remain an American citizen, which showed that he evidently regarded his American citizenship rather lightly. Real Americans do not very often change their citizenship. He took out citizenship papers in Canada and became a citizen of that country. Then when he got dissatisfied about something, probably saw the war coming, he comes back to get them to bring in this bill—that evidently passed when I was not on the floor; at least, I do not remember it—to permit him to become a citizen by simply taking the oath of allegiance. President Roosevelt vetoed the bill and I am in favor of sustaining his veto. I want to vote on the veto now.

I am opposed to permitting the Congress of the United States to be used to break down our immigration laws by passing legislation of this kind.

Who are your "fifth columnists" in America? They are these people who have crept in here, invariably in violation of law. Who are the people who have forged passports and stirred up trouble for us here and abroad? They are not the real Americans, they are those who trespass upon our generosity in this way.

I opposed the passage of the law to permit an American woman who married a foreigner to retain her citizenship in this country while also retaining her citizenship in the country of her husband. I am opposed to dual citizenship.

Let me say to the distinguished gentleman from California [Mr. GEYER] that while he is attempting to correct all the imaginary ills of the South by attacking our election laws, he has a problem confronting the people of California today more serious than any we have in the Southern States.

Mr. GEYER of California. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. When I get through telling the gentleman what he is up against.

I was for many years a member of the Committee on the Territories. Three years ago they sent me to Hawaii on a committee of Senators and Members of the House to investigate the proposition of making Hawaii a State. I brought out before that committee the fact that the Japanese in Hawaii have what they call dual citizenship. When a Japanese child is born, they register it with the Japanese consul and immediately that name is sent to Tokyo, Japan. That child is then registered as a citizen of Japan and is so re-

garded, yet he claims citizenship in this country and the protection of our flag. He can go to Japan and own land and enjoy all the other privileges a native-born Japanese can enjoy, but one who renounces Japanese citizenship and says, "I am an American citizen only," cannot go to Japan and own land or enjoy the privileges of Japanese citizenship.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Also, when that child is registered with the Japanese Government at Tokyo, he cannot of his own volition relinquish his citizenship rights in Japan. That request must be made by his parents before his citizenship can be relinquished.

Mr. RANKIN. With the result that while we were in Hawaii there were Hawaiian-born Japanese who had voted in the election the year before who were being drafted into the Japanese Army to go to Japan and engage in the war against China.

Now I am coming to the gentleman from California [Mr. GEYER]. I had a letter from California recently on this same subject, wherein they said there are 25,000 of these California-born Japanese who are registered in Japan the same way and who are claiming dual citizenship. While they can vote in this country, they can go to Japan and enjoy all the privileges and all the benefits of a Japanese citizen.

Let me say to the gentleman from California [Mr. GEYER] that while he is attacking the South about the Negro question, about something he knows nothing about, I want to tell him what a Negro said down there some time ago. A man asked him, "What do you think about our foreign relations?" He said, "Cap'n, I jes ain't got no fureign relations."

You let the Negroes and the white people in the South alone and take care of the Japanese question in California, because you have a problem on your hands compared to which our race problem in the South will likely shrink to insignificance in the years to come.

Not only that, but Hawaii is a great outpost of this country. There are numerous spies in those islands. You talk about "fifth columnists." There never has been such a well-organized "fifth column" as we find in the Hawaiian Islands and as probably exists among the same people on the Pacific coast.

Mr. SCHULTE. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Indiana.

Mr. SCHULTE. Is it not a fact that some time ago I brought out on the floor of this House the information that a "fifth column" did exist in Hawaii and that the Japanese down there who are blessed with dual citizenship could serve in the Army of Japan, in the Marine Corps, and also in the infantry; that they did serve there, and then came back to the Hawaiian Islands and were still American citizens?

Mr. RANKIN. Certainly, that is what I was referring to awhile ago. They were drafting them into the Japanese Army when we were in Hawaii. I do not care who likes it or who does not like it; I am tired of "fifth columnists" coming in here in any guise whatsoever. I am tired of the Communists, I am tired of the Fascists or the Nazis or the Japs coming into my country and undermining it in any way whatsoever. I am for deporting every human being who is not a real—I will not say a 100 percent—American, for they would jump up and object to that, but anybody who even claims a dual citizenship. If he cannot surrender his citizenship in a foreign country, let him go to that foreign country and stay there.

I know we have had an infiltration of these Communists, and they boasted they were going to overthrow this Government. Well, we are prepared to take care of them.

I have heard the gentleman from New York [Mr. DICKSTEIN] abuse the Dies committee. I do not hesitate to say that the committee of which the gentleman from Texas [Mr. DIES] is the chairman has rendered a great service to the American people by bringing to light those insidious and damnable influences that were threatening to undermine and destroy the American Republic and the American way of life. [Applause.]

I am not baiting any foreigners, but I am getting tired of the gentleman from New York [Mr. DICKSTEIN] coming on the floor and baiting us Americans for trying to keep these alien elements out who have no right to be here.

Mr. Speaker, what we need is to build more real, strong Americanism. Let them begin by speaking American at home and quit this silly prattle of foreign or alien languages in their homes. Let them teach their children to speak the language of the American people to begin with. Then, perhaps, you will not feel so offended when old-line Americans rise in this House and demand that we protect our country against such infiltrations as we have seen in the last few years.

I went through this battle in 1924 when we were passing the immigration law. We heard the same cry "alien baiting," because, forsooth, we were trying to pass a law to protect America, and if it had been properly enforced from 1924 to the present time, you would not have had all this communistic infiltration you have had for the last few years.

We are spending money to protect America. We are drafting the youth of this land to build up our defenses. To shed their blood, if necessary, to protect our institutions and preserve our way of life. We will exhaust the manhood and the resources of America, if necessary, in order to protect our Nation, to protect our form of government, and to protect our way of life. We mean to make America strong, and in order to do it we are going to expel the wormwood; we are going to wipe out those insidious, poisonous elements that threaten the very foundations of our institutions. They can form all the combinations of foreign powers they want to; they can form all the unholy alliances they please, but the American spirit, the spirit that your people and mine manifested from 1861 to 1865, when they met and grappled with each other upon the field of battle—your people fighting to prevent the spread of slavery and to save the Union, mine fighting to preserve justice and to guarantee that the white man's civilization would not perish from the earth—you and I, their sons and their nephews and their grandsons, are going to see to it that America is not destroyed by this alien element that presumes to call us alien baiters because we want to protect American institutions. [Applause.]

Mr. Speaker, this is a question that goes pretty deep with me, and I resent a Member getting on the floor of the House and challenging the patriotism of the Members who are trying to preserve and protect the integrity of American institutions by keeping out those elements that have done more to undermine and destroy it than any other one thing that has ever crept in since that flag first floated above the American armies during the Revolutionary War. We are here to speak for ourselves and our children. We are going to protect America, if it takes the last man and the last dollar. We are going to pass on down to our children a government, a nation, a country in which they will be proud to live; and before an alien shall become a citizen, he must come here and comply with the laws of the land.

Foreign powers may send all the forces of evil against us, but we will meet them as they come. We will meet them not at the water's edge, but before they can reach American shores, and we will drive back and destroy every enemy of this country that attempts to invade it; but we must not permit a continuation of this infiltration of those elements that come here boasting that they are going to overthrow our Government and destroy our way of life.

If I might borrow the words of a great Englishman, an apostrophe to his country, revise and appropriate them to my own, I would say that all past acclaims our future, Washington's sword and Jefferson's hand, the Nation's trust, the people's faith in this, our cherished and chainless land. Bear us witness, come the world against her, America yet shall stand. [Applause.]

Mr. O'CONNOR and Mr. RICH rose.

Mr. RANKIN. I yield to the gentleman from Montana for a question.

Mr. O'CONNOR. I am looking for information as to how to vote upon what is before the House.

Mr. RANKIN. It is a motion to refer the President's veto to the committee.

Mr. O'CONNOR. What circumstances are there about this case that are unusual that would justify the House in proceeding with special legislation? What are the unusual circumstances about it?

Mr. RANKIN. None at all; I am for sustaining the President's veto.

Mr. O'CONNOR. That is what I am trying to find out.

Mr. RANKIN. Mr. Speaker, I reserve the balance of my time and yield 10 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, the gentleman from Mississippi [Mr. RANKIN] has entertained us with a very brilliant speech. I daresay we all agree with everything he has said. At least, I know I do.

I took this time to bring to your attention one thing that I think is very appropriate at this time. I agree with the President's veto in this matter. It illustrates what I have been trying to say on this floor for years. I maintain that these private immigration bills and bills to admit immigrants into this country should not be considered in the House and should not be adopted. These are not proper matters of legislation. Why do I say that this is not the place to consider this sort of a bill? For many years after I came to this House, and that will be many more after the gentleman from Mississippi and others came to this House, no such bills were ever considered.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. JENKINS of Ohio. No; I would prefer not to just now.

I remember the first bill that was ever considered in this House. At least I think it was the first. It was considered under circumstances that really excited the whole House on both sides of the aisle. We had a tremendous contest here. It was not a political contest. It was just a contest as to whether we would admit a special individual through the medium of a special bill. That was waged along about 1928. Up until that time no private bills of this kind were being considered.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. JENKINS of Ohio. No. I prefer to proceed.

Mr. DICKSTEIN. I want to correct you.

Mr. JENKINS of Ohio. The gentleman cannot correct me because I am telling what is true, and I know what I am talking about. Later I will yield to the gentleman, but the gentleman ought not to break in when I have told him that I would not yield.

Mr. RANKIN. Will the gentleman yield to me?

Mr. JENKINS of Ohio. Yes; I yield if it is appropriate to my remarks at this time.

Mr. RANKIN. Let me say that I agree with the gentleman thoroughly; that we ought not pass these special bills.

Mr. JENKINS of Ohio. Let me tell you how this matter first came into Congress. There was a wealthy man from up in New England. He was a soldier in the World War. He courted a German girl while in Germany as a soldier and he wanted to marry her. He went to the American consuls in that country to see whether, if he did marry her, he could bring her into this country. They investigated her and found she had been picked up a time or two for shoplifting in stores. In other words, she had a criminal record. She was for that reason not admissible. He said, "I will marry her and bring her in anyway." He had plenty of money and he started proceedings down here in our court, and the proceedings went to the Supreme Court of the United States, trying to compel the Secretary of State to issue proper papers that would admit her. The Supreme Court spoke on it and refused it. This high court recognized a principle which we should all know and be proud of. The Court said, in effect, that no alien not yet in America has any rights in our courts. They cannot invoke jurisdiction of our courts. Why should the Supreme Court ever have been called upon to speak on something like that? You talk about an alien baiter, if the gentleman from New York [Mr. DICKSTEIN] was here at that time, he probably voted for that procedure, because he has always been wrong. I admire his consistency. He has consistently been wrong always.

What did we do in that case? Here is what we had to do: After that case went to the Supreme Court that man started in the Congress of the United States to have a special bill passed. He got attorneys and they pedalled around from place to place and office to office, and they introduced bill after bill. This was kept up for years. Finally a bill was considered and passed. But how did it come to pass? They introduced a bill with provisions that were difficult for some Members to oppose. For instance, they knew that legislation favorable to an American soldier would be popular. You know an American soldier was fresher cut of the war then than he is now. His popularity was almost irresistible, and it should have been. The bill provided that if an American soldier should marry an alien girl and want to bring her in, that girl ought to be allowed to come in even if she had been found guilty of committing a crime, if the crime she had committed was only a misdemeanor, and if she had committed it before she was 21 years of age. In other words, they built up a special bill for that one case. They said, "If he is a United States soldier and if he married a girl who, although she did have a criminal record, if the record was a misdemeanor and if she committed the crime before she was 21 years old, she should be permitted to come into this country." That bill carried by a few votes after a terrifically hard fight. The vote on that bill was responsible in a great measure for the defeat of a strong Democrat who opposed it vigorously because the gentleman interested had wealthy relatives in his district, and it contributed to the defeat of a strong man on the Republican side who supported the measure, for there were many influential men in his district who were opposed to the admission of people that way. You will be interested to know that in a few years after this bill was passed the bill was repealed with a large number of other bills that were considered as useless and inapplicable. That bill was a special bill under the guise of a general bill. It should never have been passed.

It was passed for just that one individual. I said then, and I say now, that we ought not to have this class of legislation. Why? Let me tell you why. In most cases only the rich or the crooked can press them successfully. You talk about somebody being an alien baiter. I have aliens in my section. We have them everywhere. God knows many fine honest aliens in this country have a hard time, but the worst enemy of the alien is the crooked lawyer and the crooked would-be friend who take advantage of them. Those fellows bring in these poor aliens—thousands of them have been induced to come to Cuba by crooks, and they have been robbed there and thrown into the ocean after their money had been taken away from them—poor, deluded individuals who thought they were on their way to America after they had paid their money to a bunch of smugglers. They have been kicked around. The worst enemy they have is the fellow who practices upon their ignorance and takes advantage of them. That ought not to obtain. I am a friend to them. I have been the author of much of the salutary legislation since 1924, I am proud to say, without boasting—that sort of legislation that reunited families and provided that they should be given preference within the quotas, and many other advantages. I have never said or done anything derogatory of an honest law-abiding alien, but I am against these crooks who lie to get here and then commence to tear down our country.

I say again to you that this Congress is no place to consider these private cases. Why? Because these unscrupulous fellows come in and press their cases on the ground of some great hardship, when there is not a single individual bill that I have ever seen that has not the element of fraud in it. The fraudulent press their cases when the deserving who are usually timid do not press their cases, Here is what we ought to do in Congress, everybody ought to join together to do it. Last year we passed a law that provides for the setting up a court down here made up of someone from the Department of Labor, the Department of Justice, and the Department of State. Set up a court of three men and let those men pass on these people's cases. Let all have a chance to

present their cases and give this board a chance to recommend to Congress certain cases, if any, that are deserving and that cannot get justice because of a deficiency in legal remedies.

There are a lot of fine, deserving aliens in this country who ought not to be deported. They have been here a long time, they have raised families and formed many associations. We should show compassion to them. Under the present system they do not crowd themselves forward, but the Harry Bridges kind can always find some Congressman to fight for him.

I see the gentleman from Michigan on his feet. Does the gentleman wish to ask me a question?

Mr. RABAUT. Yes. The gentleman says you cannot do it. You do not want these people to go back, but you would not vote to keep them here——

Mr. JENKINS of Ohio. No; I do not want to work any hardship on any person who has a right to stay here. The Congress of the United States cannot function as a court and it should not allow itself to be made into a justice-of-the-peace court.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. No; if you please, I should like to go on.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. RANKIN. I yield to the gentleman from Ohio 5 additional minutes.

Mr. O'CONNOR. Now, will the gentleman yield for a question?

Mr. JENKINS of Ohio. I would prefer not to yield. I have not made a speech on immigration for 5 or 6 years. I know I am right in these matters. We have been permitting the consideration of these private bills in spite of our own conviction to the effect that it is a wrong procedure. Here we are today being chastised by the President for passing a bill that not one single Member will champion. How did it pass? Who is responsible for it? Nobody knows. Nobody remembers ever having voted for it. Nobody will admit that he voted for it. That proves conclusively that we should stop considering these special bills. We ought to have a court to take these people before and give them the right consideration in a court of some kind. Let this court pass on their cases. That is the way to do it. And I will tell you this, my friends; listen to me. It ought not to be so that a poor alien has got to pay a high-priced unscrupulous lawyer to have his rights protected. It ought to be so that he in his innocence, in his illiteracy, in his lack of knowledge of the country's laws should not be compelled to do what he cannot do.

He ought not to be the prey of a lot of fellows who are going to milk him out of his money. Our laws ought not to be such that these people can be enticed into this country by such fellows and their money taken from them. He is not the friend of the alien; no, he is not the friend of the alien at all. A court should be established here in our departments composed of American citizens. Whether they be Democrats or Republicans, that will make no difference; they will all be honest when given the responsibility for the lives and happiness of human beings. That is what it means to live in a country that recognizes constitutional government. [Applause.]

Under this private bill system they can slip some bills through that seem fair on their faces, and sometimes the President himself may not stop them. Think of that. I am sure that the gentleman from New York is not proud of the action of his committee in reporting out such a bill as this. It looks as if he might take this as an insult from his President, because the President in effect says that we permitted a bill to pass that should not have been passed. This bill is absolutely unreasonable, and the President ought to be sustained, and he ought to be complimented for doing what we failed to do, and he ought to be complimented for catching this bill before it became a law. [Applause.]

CALL OF THE HOUSE

Mr. PACE. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. The Chair will count; but before beginning the count, the Chair desires to announce that there are on the Speaker's table veto messages on the bills H. R. 775, H. R. 8743, H. R. 2214, and H. R. 428, which have not been read. Evidently there is not a quorum present.

Mr. RANKIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 231]

Allen, Ill.	Douglas	Keefe	Romjue
Allen, Pa.	Drewry	Keller	Routzohn
Anderson, Calif.	Duncan	Kelly	Ryan
Andrews	Dworshak	Kennedy, Martin	Sabath
Arnold	Eaton	Kennedy, Michael	Sacks
Ball	Edelstein	Keogh	Sandager
Barden, N. C.	Elliott	Kerr	Satterfield
Barnes	Elston	Kilburn	Schaefer, Ill.
Barry	Evans	Kirwan	Schiffler
Barton, N. Y.	Faddis	Kleberg	Schwert
Bates, Mass.	Fay	Kocialkowski	Scrugham
Beam	Fenton	Lemke	Seccombe
Bell	Fernandez	Lewis, Ohio	Secrest
Bender	Fish	Luce	Sheppard
Boland	Fitzpatrick	Lynch	Sheridan
Bolton	Flaherty	McDowell	Short
Boren	Flannagan	McGranery	Smith, Ill.
Bradley, Mich.	Flannery	McKeough	Smith, Maine
Brewster	Folger	Maas	Smith, Ohio
Brooks	Ford, Leland M.	Maciejewski	Smith, Wash.
Brown, Ohio	Ford, Thomas F.	Magnuson	Smith, W. Va.
Buckley, N. Y.	Fries	Mansfield	Snyder
Burch	Garrett	Marcantonio	Starnes, Ala.
Burgin	Gartner	Marshall	Steagall
Byrne, N. Y.	Gibbs	Martin, Ill.	Stearns, N. H.
Byron	Gifford	Martin, Mass.	Sullivan
Caldwell	Gilchrist	Merritt	Sutphin
Camp	Graham	Mills, La.	Sweeney
Cannon, Fla.	Green	Mitchell	Tarver
Cannon, Mo.	Griffith	Mott	Tenerowicz
Cartwright	Hall, Edwin A.	Mouton	Thill
Casey, Mass.	Halleck	Myers	Thomas, N. J.
Celler	Hancock	Nelson	Thorkelson
Clason	Hare	O'Brien	Tolan
Claypool	Harrington	O'Day	Vincent, Ky.
Cluett	Harter, Ohio	O'Leary	Wadsworth
Coffee, Wash.	Havenner	Parsons	Wallgren
Cole, N. Y.	Healey	Patrick	Walter
Collins	Hennings	Patton	Ward
Cooley	Hess	Peterson, Ga.	Warren
Corbett	Hobbs	Pfeifer	Weaver
Creal	Hook	Plumley	Welch
Crowe	Houston	Poage	West
Cullen	Izac	Reece, Tenn	White, Ohio
Cummings	Jacobsen	Richards	Wigglesworth
Darden, Va.	Jarrett	Risk	Williams, Mo.
Darrow	Jeffries	Robertson	Winter
DeRouen	Jenks, N. H.	Robinson, Utah	Wolfenden, Pa.
Dies	Jennings	Robsion, Ky.	
Dirksen	Jones, Ohio	Rockefeller	
Dondero	Kee	Rodgers, Pa.	

The SPEAKER. On this roll call 229 Members have answered to their names. A quorum is present.

On motion of Mr. McCORMACK, further proceedings under the call were dispensed with.

SENATE BILLS REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 4208. An act establishing overtime rates for compensation for employees of the field services of the War Department and the field services of the Panama Canal, and for other purposes; to the Committee on the Civil Service.

S. J. Res. 296. Joint resolution to define common carriers by water engaged in certain commerce with the Virgin Islands of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

LOUIS D. FRIEDMAN—VETO MESSAGE FROM THE PRESIDENT

Mr. RANKIN. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. Mr. Speaker, previous to this quorum call I engaged in a colloquy on the floor of the House with the

gentleman from Ohio [Mr. JENKINS]. Out of that conversation came to me the thought that I learned at my mother's knee, "Do unto others as you would have them do unto you."

May I say that in dealing with this question of race we might well become aware of the fact that the glorification of nationalism in Germany is one of its greatest sins. It is being substituted for the Deity and we must be most careful not to fall into the same trough. An America without a sense of right or wrong cannot continue to be the America of Washington, but may overnight become as black as Russia. We have a national need for individual and social ethics. Make no mistake about that. What is right and wrong for the individual is equally right and wrong for the Nation.

Who does the gentleman take to task in his great criticism here this morning? We went far afield in talking about this bill; in fact, the conversation and the argument was not about the bill, it was an indictment of a duly constituted committee of this House, the Committee on Immigration and Naturalization. Who comprise the membership of that committee? The gentleman from New York [Mr. DICKSTEIN], the gentleman from Indiana [Mr. SCHULTE], the gentleman from California [Mr. KRAMER], the gentlewoman from New York [Mrs. O'DAY], the gentleman from Florida [Mr. GREEN], the gentleman from Texas [Mr. POAGE], the gentleman from Mississippi [Mr. MCGEHEE], the gentleman from Louisiana [Mr. ALLEN], the gentleman from Alabama [Mr. GRANT], the gentleman from South Carolina [Mr. JOHN MCMILLAN], the gentleman from Illinois [Mr. MACIEJEWSKI], the gentleman from Arkansas [Mr. GATHINGS], the gentleman from Maryland [Mr. WARD], and on the Republican side, the gentleman's own side, the gentleman from Illinois [Mr. MASON], the gentleman from Kansas [Mr. REES], the gentleman from New York [Mr. ROCKEFELLER], the gentleman from Iowa [Mr. TALLE], the gentleman from Pennsylvania [Mr. VAN ZANDT], the gentleman from Nebraska [Mr. CURTIS], the gentleman from Connecticut [Mr. AUSTIN], and the Delegate from Hawaii [Mr. KING].

Mr. SCHULTE. Will the gentleman yield?

Mr. RABAUT. I yield to the gentleman from Indiana.

Mr. SCHULTE. The gentleman in calling the roll has omitted the name of a very distinguished Member of this House and an influence, the gentleman from Michigan [Mr. LESINSKI].

Mr. RABAUT. Yes; my friend the gentleman from Michigan [Mr. LESINSKI] and I thank the gentleman from Indiana for his correction. The devotion to immigration and naturalization matters by my distinguished colleague from Michigan is well known to every Member of this House.

Mr. Speaker, we must be very careful. America has its own sense of values. It is not what you had, nor what you were in the past, but what are you today? We talk about old Americanism. I come from a family of three generations in the city of Detroit.

Old Americanism? If you would be consistent, then I say to you that the descendants of the Indians should be in this House. All the descendants of the Indians stand up. There is not one of them here.

When we are talking about this, let us be sincere. Do unto others as you would have them do unto you. Would you exclude a man like Mr. William S. Knudsen, production chief of the Defense Commission in our present emergency, who was born abroad? Why, the best blood in this country, in fact, the blood stream of this country, is an association of the bloods of the world. [Applause.]

[Here the gavel fell.]

Mr. RANKIN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. GEYER].

Mr. GEYER of California. Mr. Speaker, I wish to compliment the gentleman who just preceded me on the splendid thoughts he gave us on Americanism. I agree 100 percent with what he says.

I have had experience before the Committee on Immigration and Naturalization, and I know of at least one occasion where they leaned over backward and committed an injustice in a hardship case. I had that case myself.

I take this time to answer in part my good friend the gentleman from Mississippi [Mr. RANKIN]. I realize that he controls the time and will have the last word, nevertheless I do want to say a word about our California situation. The gentleman is very much concerned about our Japanese situation on the coast, and so am I. Even at this time I am endeavoring to do everything I can to iron out the problems there.

I am glad the gentleman from Mississippi [Mr. RANKIN] has suddenly grown out of his provincialism. I am glad he is interested in some other section than his own State. Of course, there is not a nook or a cranny in this whole United States into which he has not peeked to find out something about the power rates, yet when I become interested in something which I deem to be a problem of statesmanship, the right to vote, which happens to center in his district, he becomes very much concerned and gets very red in the face. He says I know nothing about this problem, the poll tax as a prerequisite to voting. I know this much about it, that it is not a racial problem, as he would have you believe. It is not a problem of the colored people versus the white people. There are 8,000,000 white people deprived of the vote and 3,500,000 Negroes deprived of the vote because of the poll-tax laws in those 8 Southern States.

It seems to me this poll-tax problem is Nation-wide. I hope the time never comes when my horizon is no farther away than patronage and pork. I hope I can always see things in a statesmanlike way. I am not surprised that I have a little feeling on this subject. The gentleman from Mississippi last March said before the Committee on the Census that no man in this House had more to do with defeating the reapportionment in 1920 than he. Does that interest us in California? We lost nine seats in this House by the failure of that reapportionment to pass. For 10 years, because of this gentleman from Mississippi, according to his own words, California was deprived of our proper representation here. Should I be concerned? Is this merely a local issue? It is more than that.

At another time, during the debate here on the antilynching bill, the gentleman from Mississippi rose on the floor of this House and said, "The membership of the Democratic Party from the South wields an influence far out of all proportion to its Members here." We agree that that is right. I am wondering if that is good Americanism.

The gentleman comes here with less than 5,000 votes, and tells us to look at the primaries. He did not even have an opponent in the primaries. In his State in the primaries there was only 1 person out of the 7 that was opposed at all in the primaries, yet he will tell you to look to the primary vote. I wish I had only a small group of people to please in my district. If I did not have to concern myself with the longshoremen, with all the C. I. O. people, with all the A. F. of L. people, with employers, and with the chambers of commerce, how easy it would be for me to come back year after year after year. If I had only 5,000 voters to worry about, and if I could make it possible, or if the machine could make it possible to pay enough more poll taxes so they could get the proper amount of votes in case of danger of defeat, how easy it would be for me to come back here year after year. No, I am not surprised that the gentleman from Mississippi is alarmed when the Geyer anti-poll-tax bill is mentioned. To bring so many new voters into his district might upset the status quo. Especially when he has not been too much concerned for the interests of certain groups.

The greatest injustice that has been done to this House is the refusal of the chairman of the subcommittee of the Judiciary Committee to print the hearings on the Geyer anti-poll-tax bill. These hearings were ordered printed once but that order was canceled. Wonder what power was brought to bear on the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. WALTER], to change his mind? Could it be possible that the power, "out of all proportion to its membership," as boasted of by the gentleman from Mississippi, could have been brought to bear here?

I charge that the forces in the poll-tax States dare not allow the public to know what those hearings contain. If the Nation were advised of the lack of democracy existing in the

States that charge for the right to vote, people would not sleep until these wrongs were made right. They would demand that these States complete the process of reconstruction. In conclusion, let me say that any time the gentleman from Mississippi desires to take up the fight for democracy right in his front yard, I shall be only too glad to allow him to carry the ball in his very efficient way, while I stand by and cheer. If in the meantime he can assist us in solving some of the problems that we have in California, we of that State will be only too glad to have his assistance.

He has said on this floor on another occasion that I could not be elected from his district. I believe he is right. My record here shows that I have championed the rights of the underdog too much for the overlords of his State who are the only ones who vote, to take an interest in me as their representative. I was at least elected by the truly American system, which is more than he can say. In my State we do not put a dollar-and-cents value on the franchise.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a newspaper statement.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial from the Washington Daily News of today, dealing with the subject How Congress Can Speed Defense. This is my second request.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. TALLE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by me on the occasion of the centennial celebration held at Fort Atkinson on October 6.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the Federal Power Commission.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WILLIAMS of Delaware. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert an article about the Chinese-Japanese situation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. RANKIN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Speaker, with all that has been said I still have faith in the membership of this House on both sides of the aisle to deal with any bill that may be introduced. I am pretty sure, if we go through the RECORD, we will be satisfied that every Member of this House who has had a bill before this committee has received most careful and courteous consideration.

I want also to say to you that we have in a number of instances refused relief because we felt that no such relief should be granted, but if we pursued the policy stated here by my friend from Ohio and my good friend from Mississippi, may I tell you, my friends, that a lot of good aliens that this country needs would be kept out. They are men of high integrity and character.

I want to assure this body that at no time and at no place have we attempted in any way to bring any legislation before the Congress that was not justified or would not be warranted in a democracy, and I want to assure gentlemen on both sides of the aisle that all this conversation is absolutely unnecessary, because, if you get right down to the question, what have you done to help the committee stop this so-called dual nationality? We had a rule before the Rules Committee for what was known as the Schulte resolution. It was pending there for 2 years and the purpose was to find out about dual nationality in this country. We could not get the resolution passed because it would cost $10,000, and yet you talk about the Dies committee. I still say that the Dies committee has not done the job. I am glad you like it, because it happens to have been my resolution that brought about the Dies committee. But I say that the Dies committee has not done the job that it could have done for the benefit of the country. I do not assign any ulterior motive to any Member. I regard every Member, including my colleague the gentleman from Texas [Mr. DIES], as a sincere person, but I believe that they have not had the proper investigators behind the scenes with $220,000 or $230,000 at the disposal of that committee. I want to say that the McCormack committee, that only had $25,000, did a far greater job for the benefit of this country, way back in 1934, 1935, and 1936, than the Dies committee has done with $230,000.

[Here the gavel fell.]

Mr. RANKIN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. DICKSTEIN. It is not my purpose to decide these questions. Like every other chairman of a committee—and I have the highest regard for every committee of this House—when a matter comes before you and there is merit to justify the legislation, I say to you that there is no alternative but to report such legislation out of the committee.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield for a question?

Mr. DICKSTEIN. I yield.

Mr. O'CONNOR. What I would like to find out is, What are the unusual circumstances about this case that would justify the Congress in passing a special bill?

Mr. DICKSTEIN. I have not the time to discuss it. You have got to read the RECORD. I did not ask to override the President's veto. All I asked was unanimous consent to send it back to the committee for further study, and my good friend from Mississippi objected to that request and then, in some way, obtained control of the time. I do not want to override the President. I simply ask that the bill go back to the committee. If there is any merit to it, all right, and if not, then it will be tabled.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. RANKIN. Is the gentleman willing to withdraw his motion and let us vote on the veto? We will sustain it almost unanimously.

Mr. DICKSTEIN. I will not withdraw my motion. I want it to go back to the committee.

Mr. RANKIN. I do not see what for. The President has already vetoed it, and the House is anxious to sustain the veto.

Mr. DICKSTEIN. Why should we make an exception of this particular case or treat it in a different manner than other bills that have come here under the same circumstances.

[Here the gavel fell.]

Mr. RANKIN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, I do not believe anyone wants to criticize the Committee on Immigration personally. I know I do not. I do not think any Member of the House wants to criticize the committee as a committee. We are vitally interested in immigration in this country in trying to protect our shores from a great influx of people who are liable to come to this country after this war is over. We should be vigilant. We should do everything we can to protect this country. We

are not interested in trying to keep out law abiding, good American people, who come from foreign countries, who are residents of our country. We are glad to have them. We are interested in trying to see that they become good American citizens.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a part of the official RECORD of Congress, volume 86, page 9279, of July 8, 1940.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

SEVEN HUNDRED DEPORTABLE ALIENS SHELTERED BY UNITED STATES LABOR DEPARTMENT

More than 700 unnaturalized aliens guilty of deportable offenses against the laws of the United States have been granted exemption from deportation by Secretary of Labor Frances Perkins. The list below names these exempted aliens, together with the deportable offense charged against each. This is an official list, compiled by the United States State Department in Washington and now a part of the official privileged records of Congress (vol. 86, p. 9279, July 8, 1940).

In the first place, practically all of these aliens committed a felony by entering the United States illegally. That act alone made them immediately deportable. In the second place, they have committed crimes of every nature while remaining in the United States illegally as unnaturalized aliens. These crimes, as tabulated in the formal report of the State Department, include perjury, forgery, smuggling, marriage-license fraud, registration fraud, theft, burglary, bigamy, larceny, receiving stolen goods, rape, criminal assault, procurer, conspiracy and extortion, fraudulent enlistment in the military service, shoplifting, manslaughter, embezzlement, illegal entry. In other cases heinous types of criminal conduct are shown in the official public record.

It is amazing and shocking for American citizens to learn, while official Washington is calling upon the Nation to prepare for defense against foreign enemies, while Congress is appropriating billions upon billions of dollars for national defense, and while both Congress and the administration are considering conscription of the youth of America, that over the last 5 years an executive department of the Government has been exerting unusual efforts to protect and keep within our borders hundreds of deportable foreigners branded as criminals. Instead of deporting these aliens, Secretary Perkins devised elaborate methods to keep them permanently in the United States. They were advised to move temporarily to Mexico or Canada, there to request new incoming visas, which then were approved by the Labor Department under special discretionary provisions of the Immigration Act of February 5, 1917.

Section 3 of the 1917 act provided that an alien who had lived 7 consecutive years in the United States, and had maintained his American residence during a temporary absence in a foreign land, might be readmitted to this country, in the discretion of the Secretary of Labor, without regard to certain exclusion laws. The clear purpose of this arrangement—the so-called seventh proviso of the 1917 act—was to avoid hardships to those law-abiding aliens who had lived orderly and constructive lives in this country for 7 years, but were temporarily out of the country when the 1917 law was passed.

By the gross abuse of this old and forgotten discretionary authority, the Department of Labor has contrived to prevent the deportation of criminal aliens, as specifically required by other sections of the immigration statutes.

Some of the aliens listed here, who were readmitted to the United States by this illegal device, had been deported previously as Communist agitators. Having later reentered the country illegally, these Communists now have the formal official protection of the Labor Department, by virtue of the abuse of Secretary Perkins' discretionary authority.

In commenting upon this violent application of discretionary powers in the Labor Department, Senator ROBERT R. REYNOLDS (Democrat of North Carolina) said:

"Such a perversion of our immigration laws by public servants sworn to enforce them can scarcely be conceived or realized. However, in order to make the realization effective, reference may be made to the list of more than 700 criminal aliens who were waived into the United States by the Department of Labor under the seventh proviso.

"Think of it! The Department of Labor, under the direction and in the discretion of the present Secretary of Labor, readmitted to this country 700 criminal aliens who had been apprehended, and whom we wanted to deport, but whom the Secretary of Labor did not want deported.

"One of these aliens was previously deported from the United States because of his membership in the Communist Party. He reentered illegally, thereby committing a felony, for which he has never been prosecuted. The seventh proviso was invoked to wash him clean; he was sent to Mexico to procure an immigration visa. While his case was under consideration at an American consular office in that country he was readmitted into the United States without an immigration visa."

Every country in the world now has adopted strong measures to protect its national defense and national security against sabotage and espionage by criminal aliens. The United States long has had adequate protective statutes in the Federal Code. But today we find more than 700 cases in which those mandatory statutes have been nullified by the deliberate official conduct of the Secretary of Labor. Instead of using the immigration laws to protect the United States the Department, in at least 700 cases, has distorted them to shelter deportable criminal aliens. Undoubtedly there are many other cases of this sort throughout the country which have not yet come to the notice of Congress. Those listed, however, demonstrate the spirit in which our immigration laws have been administered by Secretary Perkins. This situation probably explains the recent transfer of the Immigration Service from the Labor to the Justice Department.

The Nation was shocked by the publication last month of the names of 563 Government employees formally identified with a Communist fellow-travel organization. Many of those Federal fellow travelers were employees of the Department of Labor. We now learn that under such leadership the Department of Labor has been undermining our immigration statutes to permit the unlawful reentry of criminal aliens previously apprehended for deportation.

Unquestionably these revelations will command the immediate attention of Congress.

Leo Usher Ackerman, perjury.
Francesco Adelfio, perjury.
Antonio Aiello, perjury.
Giovanni Albano, perjury.
Crescenzo Albano, perjury and forgery.
Jose Victorio Garcia y Angelo, perjury and forgery.
Corrado Arradio, perjury and forgery.
Vasileff Atanasoff, perjury.
Stoyan Atanasoff, perjury.
Anthony Alcamo, perjury.
Leonard David Abreau, theft.
Carl A. R. Anderson, contributing to delinquency of minor.
Bonifacia Archuleta, physically defective and likely become public charge.
Natalia W. de Armenta, likely become public charge.
Pedro de Armenta, likely become public charge.
Nicola Azzolini, perjury.
Felippo Abela, contributing to the delinquency of a female minor child.
Arthur Andrade Angel, perjury.
Alexander Adler, perjury.
Steve Adamic, theft.
Sebastiano Ambroggio, perjury.
Marcelino Alba, perjury, conviction of breaking and entering, and illiteracy.
Armando Agaccio, perjury.
Aniello Amalfitano, naturalization fraud.
Ernest Allard, perjury.
Alexander Arpajian, perjury.
John L. Anthony, theft.
Antonio Attisani, perjury and forgery.
Szczepan Adamczyk, bigamy.
Frederich L. H. Amberger, embezzlement and manslaughter.
Becalel Arfa, perjury.
Salvatore Barbarino, perjury.
Andrej Baran, perjury.
Clemente Barros, perjury and forgery.
Manlio Bandel, perjury.
Francesco Batignani, perjury.
Solomon Bereshkofsky, perjury and forgery.
Fred Busiad, perjury and registration fraud.
George Bugariu, perjury and forgery.
Francesco Businelli, perjury.
Gino Bearzatto, perjury.
Ruben Bruck, perjury.
Endrea Branoff, perjury.
Giuseppe Belviso, perjury.
Joseph Bedosti, perjury.
Herman Bukrinsky, perjury.
George Bengarin, perjury.
Alexander E. Barran, perjury.
Henry Booth, theft.
Adolfo Bayko, perjury in Canadian naturalization and United States immigration proceedings.
Johan Bodrog, perjury.
Benjamin Benjaminoff, perjury.
Raimondo Bentivegna, perjury and forgery.
Efrajem Braum, perjury and forgery.
Jozefa Braska, perjury, and previously deported.
Rudolf Breede, theft.
Marie M. C. Beauvais, public charge.
Juan Basurto, theft and illiteracy.
Joseph Brajuha, perjury.
Chana Brodsky, perjury and forgery.
Calogero Bernardo, perjury and forgery.
Peter Borovina, likely become public charge.
John Benedetto, perjury in registration proceedings.
Candelaria Bencomo, illiterate and likely become public charge.
Carmine Di Benedetto, perjury.
Joseph Ballen, perjury.
Rene W. Bresett, tuberculosis.
Salvador Bracamonte, likely to become public charge.
Mariannina d'Amore Bartolo, perjury.
Hans A. Bungel, larceny.
Pranas Bulavas, perjury and forgery.
Giuseppe Brucoli, perjury and forgery.
Lilian S. Brownbill, public charge bond case.

Pearl Bennett, likely become public charge.
Julia Bodle, perjury.
Kurt Benkivitz, subornation of perjury.
Francisco J. Barboza, perjury and forgery.
Matteo M. Bursich, perjury.
Jeanne D. Breton, likely become public charge.
Joseph Bercok, perjury and forgery.
Eva M. Blackwell, public charge.
Hardenberg Bonjer, burglary.
Leo Brousseau, perjury and forgery.
Edgar Brousseau, perjury and forgery.
James Bush, perjury.
Rozalja Bius, perjury and forgery.
Giorgio Buone, perjury and forgery.
Vincenzo Consentino, perjury.
Luigi Castagna, perjury and forgery.
Edith T. Cortese, theft.
Antonio Cicotto, perjury.
Ernest O. Custer, theft.
Bernardo Canale, perjury and forgery.
Giuseppe Casola, perjury and forgery.
Giosue Cossaro, perjury.
Francisco Camara, perjury and forgery.
Maria Covi, perjury.
John N. Chicouras, perjury.
Giovanni Caruso, perjury.
Edward Cereghino, perjury.
Irene V. Cote, theft.
Serafim Carvelho, perjury.
Francesco Castelli, perjury.
Patrick F. de Coste, perjury.
Angelo Calipano, perjury.
Antonio Campos, perjury and forgery.
Giuseppe Chiarenza, perjury.
Luz R. de Clemmons, perjury, likely become public charge.
Consuelo A. De La Cruz, perjury and forgery.
Angelo Califano, perjury.
Alfredo Coppotelli, perjury and forgery.
Marya Chmura, perjury and forgery.
Joseph Csanyi, perjury.
Giuseppe Casola, perjury and forgery, carrying concealed weapons, and violating State prohibition laws.
Guadelupe Contreras, bigamy.
Ignacio Castillo, theft.
Juan Cabrera, perjury.
Aubrey Canning, physically defective and likely become public charge.
Santo C. Campana, public charge—on relief.
Guillermo Centurion, tuberculosis.
James L. Campbell, perjury.
Marjorie C. Coulter, tuberculosis.
Giacomo Cichero, perjury in deportation proceedings.
Aleksa Cvetoevic, perjury and forgery.
Felicitas Castoreno, perjury in deportation proceedings.
Felix Contreras, perjury and illiteracy.
Giulio Cons, illiteracy.
Mario de J. Corona, likely become public charge.
Erasmo Colozzi, illiteracy.
Domenic Capaldi, perjury and forgery.
Giulio Cons, perjury.
Christian Canton, likely become public charge.
Antonio Corporales, perjury and forgery.
William F. Craig, likely become public charge.
Shulik Chertein, incest and likely become public charge.
Victor Copp, bigamy.
Anselmo Cocco, perjury and forgery.
Giovanni Cusumano, perjury.
Gordon A. Campbell, fraud.
Giuseppe Colantonio, perjury.
Marianna Cinkala, perjury and forgery.
Jose P. Castaneda, illiteracy.
Eleadoro Casanova, convicted of attempted burglary.
Biagio Chiabrera, perjury.
Luigi Di Cesare, perjury.
Giuseppa Cecci, perjury and forgery.
Thomas Edward Coogan, perjury.
Francesco Collo, manslaughter.
Giuseppe Casala, perjury and forgery.
Zofia Dzierwa, perjury and forgery.
Andrew Duda, perjury.
Letterio Donato, perjury and subornation of perjury in registration fraud.
Joseph Dittiger, perjury.
Adam Dziamba, perjury and forgery.
Katerina Dubetz, perjury and forgery.
Joseph R. Dunn, public charge and assisted alien.
Ila Dellow, theft.
Christophoros Divaris, perjury and forgery.
Luigi D'Oria, perjury and forgery.
Ponciano Diaz, illiteracy.
Alice Doucette, perjury and forgery.
Caterina Rezelich, perjury and forgery.
Christophoros Divaris, perjury and registration fraud; previously deported.
Aleido Dominguez, perjury.
Francesco Di Donna, perjury.
Anna D. Dickie, physically defective and likely become public charge.
Joseph Dubois and two children, likely become public charges.
Amerigo Domestico, perjury.
Antonino Dinolfo, perjury and forgery.
Salvatore Delvino, perjury and forgery.
Hersulano Espinoza, perjury and forgery.
Salvador Elizondo, perjury.
Oke Elander, physically defective and likely become public charge.
Anna Ezykowicz, perjury and forgery.
Karl Eder, perjury.
Leo Eckermann, perjury and forgery.
Samuel Engler, perjury and forgery.
Pietro Ferrandino, perjury.
Raphael Funk, perjury and forgery.
Wasyl Fedkiw, perjury.
Joan Feiesiu, perjury and forgery.
Herman Frokers, perjury and forgery.
Sam Fatigati, perjury.
Gitta Rubin Ferman, perjury.
Oscar John Feldshau, perjury in United States Navy enlistment application.
Carlo File, perjury.
Antonio D'Oliveira Faneco, perjury and forgery.
Pietro D. Fantasia, perjury and forgery.
Herman Feinman, perjury.
Fortunato Fiore, public charge and illiteracy.
Concepcion Flores, theft.
Cristina Flores, perjury, also likely become public charge.
Mary Fellius Garcia, likely become public charge.
Clemente P. Falco, perjury and forgery.
Manoel J. Ferreira, perjury.
Jolin Furitano, perjury and forgery.
Vasilios Frondakis, likely become public charge.
Riccardo Figliolia, perjury.
Henry J. Foley, larceny.
Angelo Fort, perjury.
Teodulo Flores, perjury and illiteracy.
Joao Fernandes, perjury.
Michael Fedorko, forgery.
Lillian J. Flake, theft.
Isidor Finkelstein, perjury.
Manuel Gonzalez, smuggling.
Pietro Giacoponello, perjury and forgery.
Giuseppe Campo, perjury and forgery.
Leib Gittleman, perjury.
Max Grossman, perjury.
Giuseppe Giovanni Giceli, perjury.
Pietro di Giacinto, perjury and forgery.
Mauro Gallo, perjury and forgery.
Angeli Galliano, perjury.
Gertrude K. Greisel, perjury.
Harry C. H. Gartner, perjury.
Harry Grundhand, perjury.
Marco Gaglione, perjury.
Sarah Gomez, perjury.
Antonio Giacoponello, perjury.
Oswald Getruer, perjury.
Carmen R. de Garcia, perjury and forgery.
Morris Goldberg, fraud and uttering counterfeit immigration visa.
Menta Goutis, illegal entry with immigration visa obtained by fraud and perjury.
Jan Grosko, theft.
Guilermo Gonzalez, theft.
Francesco V. Giuffre, perjury and forgery.
Ramon Gomez, illiteracy.
Mrs. Ramon Gomez, likely become public charge.
Sebas Guerra, physically defective and likely become public charge.
Antonio Gaudio, perjury.
Joao da C. Gomes, perjury in deportation proceedings.
Michele D. Gregorio, theft, perjury, and forgery.
Jose A. Garcia, likely become public charge.
Margarita Garcia, likely become public charge.
Jose G. Goeloe, likely become public charge.
Veronica Gricunas, perjury and forgery.
Stefano C. Grano, perjury in deportation proceedings.
Umberto Giovanni, perjury.
Luke Gannon, illiteracy.
Giuseppe Galano, perjury.
Cristina Giordano, perjury.
Leone Goffredo, physically defective and likely become public charge.
Joaquim Gomes, perjury and forgery.
Maria Garcia, perjury.
Luigi Grancelli, perjury.
Ramon Gomez, perjury and forgery.
Ben Gold, forging head-tax refund certificate.
Ramon F. Gonzalez, perjury.
Gaspare Giuliano, perjury and forgery.
Gabriel Gomez, larceny and likely become public charge.
Anton Glavicich, perjury.
Peter Gluech, perjury.
Stasys Gaucas, perjury and forgery.
Eugene Grach, perjury.
Boris Ginsburg, perjury and forgery.
Mendelis Glikas, perjury.
Stanislaw Hroncich, perjury.

Anna S. Hoffman, perjury and forgery.
Harry E. Hussel, perjury.
Lena G. Hendel, perjury.
Josef Hirschowitz, perjury and forgery.
Marco A. G. Hroncich, perjury.
Joseph Belich, perjury.
Giovanni Hroncich, perjury.
Joseph Herschmann, perjury and forgery.
Henry S. Harrington, theft.
Nora Hennelly, forgery.
John D. Higgins, public charge.
George F. Hearne, perjury.
Bernard Healey, previous attack of insanity and immigration fraud.
Johann Herold, re-entry-permit fraud.
Elie Hadziangelou, perjury and forgery.
Timothy Healy, perjury.
Cenobio Herrera, prostitute procurer.
Effie Hamil, perjury.
Daniel Harry Berliner, perjury.
Angelo Innocenti, perjury.
Ivan Ivancev, perjury.
Francesco Incorvaia, illiteracy.
George Arthur Ingoldby, perjury.
Joseph Ichtertz, theft.
Herman Juristicansky, perjury and forgery.
Thomas E. Jones, perjury.
Carlos De Jesus, perjury.
Antonio Joaquim, perjury and forgery.
Winnifred T. Jordan, likely become public charge.
John Jordan, likely become public charge.
Tito Jiminez, physically defective and likely become public charge.
Augustus L. St. James, previous attack of insanity.
Christ Jurkoff, perjury.
Michele Juliana, perjury and forgery.
Katharine Just, perjury and forgery.
Oscar S. Johnson, conspiracy and extortion.
James Theodore Johnson, aiding and abetting shoplifting.
Nicolo Kanyer, perjury.
Henriette M. Kantor, perjury and forgery.
Hermann Kass, perjury.
Katarzyna Kot, perjury.
Walter Klein, perjury.
Anton Kuvac, perjury.
Chaim Kaplan, perjury and forgery.
Abraham Kotler, perjury and forgery.
August K. F. Koch, theft.
Perla Kaufman, forgery.
Berta Kraemer, perjury and forgery.
Esther Klug Wiener, perjury.
Louis Kotyuk, perjury and forgery.
Magdalena Kulifay, perjury and forgery.
Jack L. Knudsen, perjury and fraudulent claim to American citizenship in order to obtain employment.
Despina A. A. Kermetzoglous, perjury and forgery.
Frank Kovach, perjury and forgery.
Mary Pauline Kaufman, likely become public charge.
Alfred Thomas Kaufman, likely become public charge.
Patrick Kane, illiteracy.
Jan Kulik, perjury and forgery.
Enrico Kolich, perjury.
John Kopas, perjury and forgery.
Tillie Kopenhagen, perjury and forgery.
Epaminondas Kopogiannis, perjury.
Maria C. Kwasny, perjury and forgery.
Joseph Kvartek, perjury.
Nora Kickham, perjury and forgery.
Nicholas Kusmanich, perjury and forgery.
Anna Kujawa, perjury.
Lipman Kufheiser, perjury.
Shepsel Kushelewich, forgery.
Joseph H. Kendal, perjury and forgery.
John Kulla, theft.
Julja Sankowska Krause, perjury and forgery.
Isidor Katzenellenbogen, perjury and forgery; special act later passed by Congress to admit this alien.
Joseph Kirincich, perjury.
Diego Lanza, perjury and forgery.
Giuseppe Lucarelli, perjury and forgery.
Giovanni Lubicich, perjury.
Jacob Leibowitz, perjury and forgery.
Mario Lamerba, perjury.
Macek Lechtensztejn, perjury.
Elisa Del S. Lupini, perjury and forgery.
Marja Lemanski, perjury.
William Lypen, perjury.
Camille Letendre, physically defective and likely become public charge.
Diego Leo, larceny, carrying concealed weapons, and failure to pay taxes.
Sabatini Leo, perjury and forgery.
Leopold A. Lindsay, perjury.
Claudio Leal, illiteracy.
Pas Leal, likely become public charge.
Eduard Silberg, perjury.
John Logghe, perjury.
Mendl Leibick, perjury and forgery.
Jeanne Langer, perjury and forgery.
Cataldo Leo, perjury.
Apostal Lushanovic, perjury and bigamy.
Eric F. Lerch, theft.
Carmelo Leotta, perjury.
Antonio Lubich, perjury.
Giuseppe Lorusso, forgery.
Anna C. Di Liberto, physically defective, likely become public charge, and forgery.
Teodoro Leon, burglary, perjury, and subornation of perjury.
Peitro Lorusso, forgery.
Matteo Manzi, perjury and marriage-license fraud.
Stanislaw Matuszewski, perjury and illiteracy.
Nassif Mahfooz, perjury.
Julia de Marchi, forgery.
Charles F. Murchison, smuggling.
Desidero Mazzella, perjury.
Crazio Migliorata, perjury.
Aaron Miller (Muller), perjury and forgery.
August A. Meyer, perjury.
Bojka Popova Milankov, perjury and forgery.
Gerlando Mirasola, perjury and forgery.
Mariano Mirti, perjury.
Frederick V. Mauro, perjury.
Refugio Munoz, previous deportation as a prostitute.
Steven Moshluk, perjury.
Alessandro Mattioda, perjury and forgery.
Salvatore di Martino, fraud and conspiracy in obtaining relief in United States.
Eulalio Moreno, perjury and illiteracy.
Antonio de Miranda Vas, perjury and forgery.
Felicitas Morales, public charge.
William K. McDormand, theft.
Emil Milost, perjury.
Luigi Martini, perjury.
Franciszek Machnik, perjury and forgery.
Felice Musci, perjury.
Domenico Monastieri, perjury.
W. Robert Montgomery, violation of New York State banking laws.
Esperanza Q. de Morales, perjury.
Nikola Miskov, perjury.
Guadalupe Martinez, likely become public charge.
Juan Martinez, likely become public charge.
Abraham Mogolewski, perjury and forgery.
Mary McCombe, perjury and forgery.
Gittel Mart, perjury.
John Mann, perjury in deportation proceedings.
Hercule Le May, likely become public charge.
Jose M. Munoz, illiteracy.
Manuel Moncado, perjury in deportation proceedings.
Pasquale Mastroianni, perjury.
Ursula Muniza, perjury and forgery.
Salvatore Messina, perjury.
Giovanni di Meglio, perjury.
Norena B. MacKinnon, tuberculosis.
Niko Miskov, perjury.
Sora-Rywa Mostczenik, perjury and forgery.
William May McCann, perjury.
Juan Mendiola, burglary and illiteracy.
Leonard C. Moffatt, theft.
Jean C. Mummah, bigamy.
Civita Mazzella, likely become public charge.
Maria Mazzolini, perjury and forgery.
Augusto de Miranda, perjury.
Helen Moisides, perjury and forgery.
Bonfiglio Mosconi, perjury and forgery.
Pasquale Maiello, perjury and forgery.
Thomas Moore, perjury.
Santos Marchan, likely become public charge.
Edward Milnthorpe, perjury.
Giacomo Monastero, perjury and forgery.
Jack F. Malta, larceny.
Giulio Muttinelli, theft.
Pietro Marsala, forgery.
Francesco de Masi, perjury.
Sebastiano Monticciolo, perjury and forgery.
Mary S. Maddock, likely become public charge.
Vincenzo Mutolo, perjury.
Felix B. Moreno, physically defective.
Giuseppe Mazzilli, perjury.
Aldo L. Mazzoni, theft and perjury.
Archibald Edward McClarty, theft.
Lawrence Arthur McClelland, rape.
Joseph Michaud, perjury and forgery.
Russell H. Martin, theft.
Salvatore Mandala, perjury and forgery.
Leonard J. Martel, perjury.
Domingo Alvarez Morais, sodomy, larceny, and receiving stolen goods.
Demetrios Neohoritis, perjury.
Max Natenson, perjury and forgery.
Gerhard H. Nordenbrook, theft.
Charles J. Nahid, perjury.
Angela Nahid, perjury.
Edith M. Nye, pauper, likely become public charge, and assisted alien.

Goldie Novossel, perjury and forgery.
Francesco Napoli, physically defective, illiterate, and likely become public charge.
Peter Naum, perjury in deportation proceedings.
Natalia Nunez de Navarrette, perjury in immigration proceedings.
Charles J. Nahid, perjury.
Giuseppe Nacinovich, perjury.
Camille Neuenschwander, perjury.
Giovanni Notaro, perjury and forgery.
Angelo Oddo, perjury and incestuous marriage and cohabitation in the State of New York.
John Obradovic, perjury and forgery.
Elijah Opatowski, perjury.
Alberta C. Olmedo, public charge.
John J. O'Neill, perjury and forgery.
Joao M. de Oliveira, perjury.
Frank Ogrisseg, bigamy.
Heinrich Oehlke, perjury.
Nicola Palombella, perjury.
Antonio Prestigiacomo, perjury and forgery.
Joseph Plisich, perjury.
Sergio Parco, perjury.
Carlo di Pinto, perjury and forgery.
Wojciech Puzio, perjury and forgery.
Krystina Pyrcz, perjury and forgery.
Silvio Pastine, perjury and conspiracy.
Giuseppe Panico, perjury.
Giogio Pecoraro, perjury and forgery.
Zarko Popov, perjury and forgery.
Giuseppe Patinella, perjury.
Silvio Picarelli, perjury.
Antonio Pravenzano, perjury and forgery.
Constantine F. Polis, obtaining money under false pretenses.
Nicola Publiano, perjury.
Gaetano Pafumi, perjury.
Bruno Pontello, perjury.
Simon Peniowycz, perjury.
Francesco Paradino, perjury.
Jose F. Pintasilgo, theft.
Guglielmo Li Pera, forgery.
Eugenio Pupo, perjury.
Spyridon Petratos, previous attack of insanity, public charge, previously deported.
John L. Pinchus, perjury.
Gio B. Polo, perjury.
Kamila Pigill, perjury and forgery.
Attilo Picano, perjury and forgery.
Giuseppe W. Palma, illiteracy.
Helen B. Perry, mentally defective and likely become public charge.
Marcos Portillo, theft.
Victoria R. de Puentes, perjury and forgery.
Francesco Perrotta, perjury.
Enrico Paone, likely become public charge.
Edwardo Paliotti, perjury.
Paraska Powanda, perjury.
Nicholas Pellegrini, perjury and forgery.
Eugenia S. de Palencia, perjury.
Joseph L. Plasse, larceny.
Giuseppe Pinto, illiteracy.
Ladone Parascandalo, reentry permit and naturalization frauds.
Biagio Patrizio, perjury.
Fernando Pini, perjury.
Francesco Pafumi, perjury.
Agapito Di Piro, perjury.
Desidero Palermo, perjury.
Engelbert Preis, deported in 1923 as a Communist.
Francis A. Quider, theft.
Richard Carl Rigge, perjury.
Chuna Ruben Apelbaum, perjury.
Lorenz Rathje, bigamy.
Patrick J. Reilly, perjury.
Theodor Rosenberg, perjury.
Joseph Rosenwein, perjury.
Juibert De Ruiter, fraud in connection with the illegal manufacture of liquors.
Balini Recsanszki, perjury.
Sebastian Romero, perjury.
Anton Rogovic, perjury.
Giuseppe Richeda, perjury.
Sara Rivera, public charge.
Isidro Ruiz, perjury.
Helen Reiner Burger, perjury and forgery.
Corrado Rutigliano, perjury.
Joseph Ruttera, perjury.
Juan Raye, likely become public charge.
Mathilde Raya, likely become public charge.
Alice Rubenstein, perjury and forgery.
Juan Rivas, illiterate.
Atanasio Rodriguez, illiteracy.
Lazor Rubinsznajder, perjury and forgery.
Antonio Rodrigues, perjury and forgery.
Walerja Rijanowska, perjury and forgery.
Nicola Rinaldi, likely become public charge.
Susanne Rosen, perjury.
Domenico Ronzetti, perjury in registry proceedings.
Abraham J. Rosenfeld, perjury and forgery.
Bernardino Rossi, perjury.
Roberto de la Rosa, likely become public charge.
David J. Raymond, likely become public charge.
Antonio G. Rios, perjury.
Carmelo Roman, perjury.
Carlo Resta, perjury.
Bernardo Staffetta, perjury.
Victor C. Da Silva, perjury.
Francesco Sapienza, perjury.
Antonio Sgargliardich, perjury.
Antonio Soares Carinha, perjury and forgery.
Giuseppe Sciacca, perjury.
Bernard J. Springett, theft.
Simche Storch, perjury.
Jacob Steiner, perjury.
Giuseppe Sucato, perjury and forgery.
Alexander Szucs, perjury and forgery.
Evan Stoyanoff, theft.
Mandel Sztern, perjury and forgery.
Rodolfo Scopaz, perjury.
Daniel A. Sobreiro, perjury.
Kasryl Szatman, perjury.
Sam Storch, perjury.
Victor R. Stewart, theft.
Matija Sega, perjury.
Joseph Sabbath (Urjasovicius), perjury.
Benny Schmukler, perjury and forgery.
Eric Schafer, perjury.
Rachel Schildkraut, perjury.
Paolo Scarola, perjury and forgery.
Agata Szot, perjury.
Thomas Sweeney, perjury and forgery.
Peter J. Straetmans, perjury.
Robert E. Storm, perjury, several offenses, and likely to become public charge.
Giuseppe Salvatore Prestia, perjury.
Marie K. Skadra, perjury.
Andrea Sosa, likely to become public charge.
Ascencion Salinas, perjury and illiteracy.
Bernard S. A. Studentkowski, perjury.
Arthur Santangelo, larceny.
Manuel Sustaita, physically defective.
Faustino Sustaita, perjury in deportation proceedings.
Theodore Steinberg, perjury.
Chawa Chana Steinberg, perjury.
Maria Stoika, forgery.
Alexander Sykes, larceny.
Lorn C. Sears, burglary.
Dorothy M. Simpson, perjury in deportation proceedings.
Minna Blumenstein Slutzkin, conviction under section 22 (b) of Immigration Act of 1924.
Harry Schlusberg, perjury and forgery.
Eleanora Siwek, perjury and forgery.
Antonio J. da Silva, perjury and forgery.
Tomas S. Salinas, perjury.
Emilia M. M. Siordia, perjury and forgery.
Ernest H. Stahl, receiving stolen property.
Gaetano Scotti, bigamy.
Carl Wilhelm Smolka, larceny and burglary.
Mary Z. Shargabian, bigamy.
Nicholas Schneider, grand larceny.
Giovanno Strano, perjury.
Dominic Sandrelli, theft and breaking and entering.
Milburn G. H. Shier, perjury and forgery.
Efthalia J. Saitas, reentry-permit fraud.
Arron Shore, theft.
Jose Salinas, perjury.
Paul Stone (Stolnitzky), perjury, physically defective, and likely become public charge.
Friedrich Schlirf, perjury.
Herman Salinger, perjury and forgery.
Zalel Strassler, perjury.
Carlos Santaniello, perjury.
Angelo S. Scarola, perjury.
Calogero Sgaraglino, perjury and forgery.
David Tucker, theft.
Ramon de la Torre, burglary.
Polyxeni Tsoukalos, forgery.
Giovanni B. Toffolo, perjury and forgery.
Giuseppe Tominovich, perjury.
William H. Taylor, perjury.
William E. Tomlinson, perjury.
Andrea Turco, perjury.
Edwin W. Thomasson, perjury.
Soledad Tapia, likely become public charge.
Luigio Fior Dei Tos, perjury and forgery.
J. A. Tetreault, theft.
Nicola Tondo, perjury and theft and assault and assault and battery.
John Tichy, physically defective.
Manuel Taboada, perjury.
William F. Tap, likely become public charge.
Encarnacion Torres, smuggling.
Felice Tarricone, perjury and forgery.
Manuel Trueira, perjury.
Sergio Di Terlizzi, perjury.

Santo Tedesco, perjury and forgery.
Giuseppe C. Tramontin, perjury.
Antonio Tercovich, perjury.
Michele Taglich, perjury and forgery.
Domenico Tornabene, perjury.
Josel Urjeszewicz, perjury and forgery.
Pablo Uribe, perjury.
Weronika Urbanek, perjury and forgery.
Peter Vogel, theft.
Edouard Vermeiren, theft.
Franco Varisco, perjury and forgery.
Ezio de Vecchi, perjury.
Joseph Veseliza, perjury.
Joseph Vaselesky, repeated theft and other crimes.
William A. Vagt, rape.
Leon Vanooteghem, perjury.
Fernando Vela, likely become public charge.
Anna Voelker, tuberculosis.
Juan Valdez, perjury in deportation proceedings.
Giovanni Vitulli, forgery.
Ickas L. Vinikas, perjury and forgery.
Giovanni Vallar, perjury.
Angelo Vecchio, perjury.
Albin Anton Woit, perjury in deportation proceedings.
Joseph Weber, perjury.
Estelle Weiner, perjury and forgery.
Ruth Winkelstein Radin, perjury.
Bessie H. Waldman, perjury.
Max Weinrib, perjury and forgery.
Alfred J. Willis, theft.
Veronica Wojcik, perjury.
Frank A. Walden, perjury.
Romany H. Wertz, previous attack of insanity.
Helena Wojtarowicz, perjury and forgery.
Lilian Wall, bigamy.
Jose Wheeler, criminal assault.
Anton Weir, perjury.
Tomas N. Xavier, perjury.
Agatha M. Yakavonis, perjury and forgery.
Eugenio Zappa, perjury.
Carmelina R. Zacchino, perjury.
Eugene Zappa, perjury.
Domenico Zuccaro, perjury and forgery.
Calogero Zaccaria, perjury.
George Zemlan, forgery.
Innocenzo Zanlunghi, perjury and forgery.
Maria Zanlunghi, perjury and forgery.

Mr. RICH. Mr. Speaker, if we permit people to come to this country who are criminals and who have criminal records and permit them to remain in this country, then we do an injustice to America and to American laws. Whoever is responsible ought to see to it that those people are deported and that they are not ever permitted to come to this country again, because we do not want criminals here. We want law-abiding Americans.

Mr. RANKIN. Will the gentleman yield?

Mr. RICH. I yield to the gentleman.

Mr. RANKIN. Nobody is criticizing all the members of the Committee on Immigration. We are criticizing the policy that has grown up in recent years that we want to stop.

Mr. RICH. I appreciate that. I thought that some of the Members had the idea when statements were made with reference to this immigration that we were trying to criticize Members of Congress. I will criticize them if they permit these people to come to our shores unlawfully, if they are going to permit them to come here and take the jobs of American citizens. We want to protect our own American citizens. I say it is time then to get after the committee, because we owe it to our American laborers, our American farmers, and our American businessmen to take care of ourselves first. Then if we can do anything to help foreign countries, that is all right. [Applause.]

[Here the gavel fell.]

Mr. RANKIN. Mr. Speaker, in reply to the gentleman from California [Mr. GEYER], I desire to say that he misleads the House when he tells them that we from the South represent only a handful of voters. As a matter of fact, we settle our controversies in the primaries. When the general election comes along there is no competition. Therefore, very few people go to the polls.

I want to say to the gentleman from California that if he will be just as diligent in getting rid of alien Communists, such as Harry Bridges, whom he defended on this floor, as we are to maintain peace and protect the rights of the people of our section of the country, California might be proud of him in the years to come. As far as that is concerned, as I said to him before, he probably represents the only district in the United States from which he could be elected to Congress. He certainly could not be elected from mine, with the kind of speeches he has been making here on the floor.

Mr. Speaker, I want to say with reference to the Committee on Immigration, that I reserve the right to criticize any man on this floor in a legitimate way. Probably no two men on this floor have criticized each other more severely or more consistently than the gentleman from Pennsylvania [Mr. RICH] and your humble servant, but we have done it, I hope, in a way that was legitimate and was intended to redound to the common good. If a member of the Committee on Immigration does anything wrong, I have the same right to criticize him as if he were a member of my own committee, and I shall not hesitate to do so.

The gentleman from New York [Mr. DICKSTEIN] raises the question that some of these men he wants to let in by a special dispensation might help in the defense program. Let me say that we have enough Americans to take care of the defense program in America. [Applause.] I am in favor of using them and not inviting somebody in from the outside.

The gentleman from New York says he was the father of the Dies committee. Ah, we cannot forget his activity with reference to the creation of the Dies committee. He did introduce a resolution and we Members who did not agree with him, who wanted a real investigation such as the gentleman from Texas, MARTIN DIES, and his committee have put on, took it away from him, so to speak, and passed a real resolution creating the Dies committee, which is putting on a real investigation, measured by old-line American standards. We did not want a Dickstein committee.

He criticizes us for the amount of money the Dies committee has spent. Every dollar that committee has spent has been more than justified. Its good cannot be measured in dollars and cents. It has done the American people a service for which they will manifest their gratitude throughout the years to come. Yes; I was one of the men who supported the opposition when the motion of the gentleman from New York [Mr. DICKSTEIN] came up, because I could think of nothing that would be more ridiculous than to take the Dies committee away from the gentleman from Texas, MARTIN DIES, and turn it over to the gentleman from New York [Mr. DICKSTEIN]. [Applause.]

Now, Mr. Speaker, I presume it is in order. I think it will be voted down, but I move the previous question.

The previous question was ordered.

Mr. DICKSTEIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKSTEIN. There is nothing before the House except the motion I have made.

The SPEAKER. And on that the previous question has been ordered.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. If the motion to refer is voted down then the question before the House will be on the overriding of the veto. Is that correct?

The SPEAKER. The gentleman is correct.

The question is on the motion of the gentleman from New York [Mr. DICKSTEIN] that the bill and the message together with the accompanying papers be referred to the Committee on Immigration and Naturalization.

The question was taken; and on a division (demanded by Mr. DICKSTEIN) there were—ayes 17, noes 62.

Mr. HOLMES. Mr. Speaker, I object to the vote on the ground a quorum is not present.

Mr. DICKSTEIN. Mr. Speaker, I was on my feet. I object to the vote on the ground a quorum is not present.

The SPEAKER. The gentleman from New York [Mr. DICKSTEIN] objects to the vote on the ground there is not a quorum present. The gentleman from Massachusetts [Mr. HOLMES] objects to the vote on the same ground. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 108, nays 105, not voting 216, as follows:

[Roll No. 232]

YEAS—108

Alexander	Dickstein	Jenkins, Ohio	Osmers
Allen, La.	Dingell	Johnson, Ill.	O'Toole
Arends	Ditter	Johnson, Ind.	Rabaut
Austin	Dunn	Jonkman	Ramspeck
Blackney	Eberharter	Kean	Reed, N. Y.
Bloom	Engel	Kennedy, Md.	Rees, Kans.
Bolles	Fulmer	Knutson	Rich
Bradley, Pa.	Gamble	Kunkel	Rogers, Mass.
Buck	Gavagan	Lambertson	Sasscer
Camp	Gearhart	Landis	Schulte
Carlson	Gerlach	Lesinski	Shafer, Mich.
Carter	Geyer, Calif.	McArdle	Shanley
Case, S. Dak.	Grant, Ala.	McCormack	Shannon
Chiperfield	Grant, Ind.	McGranery	Smith, Conn.
Church	Gross	McLaughlin	Somers, N. Y.
Coffee, Wash.	Guyer, Kans.	McLean	Stefan
Cole, Md.	Gwynne	McMillan, Clara	Sweet
Connery	Hall, Leonard W.	Maas	Talle
Costello	Hart	Mason	Terry
Cravens	Harter, N. Y.	Michener	Tibbott
Crawford	Hinshaw	Monkiewicz	Tinkham
Crosser	Hoffman	Mundt	Treadway
Culkin	Holmes	Murray	Van Zandt
Curtis	Hope	Norton	Voorhis, Calif.
D'Alesandro	Horton	O'Connor	Wolcott
Delaney	Hunter	Oliver	Woodruff, Mich
Dempsey	Jarman	O'Neal	Youngdahl

NAYS—105

Andersen, H. Carl	Doxey	Kitchens	Reed, Ill.
Anderson, Mo.	Durham	Lanham	Rogers, Okla.
Andresen, A. H.	Ellis	Larrabee	Rutherford
Angell	Englebright	Leavy	Schafer, Wis.
Barden, N. C.	Ford, Miss.	LeCompte	Smith, Va.
Bates, Ky.	Gathings	Lewis, Colo.	South
Beckworth	Gehrmann	Ludlow	Sparkman
Bland	Gillie	McGehee	Spence
Boehne	Goodwin	McGregor	Springer
Boykin	Gore	Mahon	Sumner, Ill.
Brown, Ga.	Gossett	Maloney	Sumners, Tex.
Bryson	Gregory	Martin, Iowa	Taylor
Buckler, Minn.	Harness	Massingale	Thomason
Bulwinkle	Hawks	May	Vinson, Ga.
Burdick	Hendricks	Mills, Ark.	Vorys, Ohio
Byrns, Tenn.	Hill	Monroney	Vreeland
Chapman	Hobbs	Moser	Wheat
Clark	Hull	Murdock, Ariz.	Whelchel
Cochran	Jensen	Murdock, Utah	White, Idaho
Coffee, Nebr.	Johns	Norrell	Whittington
Colmer	Johnson, LutherA.	Patman	Williams, Del.
Cooper	Johnson, Lyndon	Pearson	Wood
Courtney	Johnson, Okla.	Peterson, Fla.	Woodrum, Va.
Crowther	Johnson, W. Va.	Pierce	Zimmerman
Davis	Jones, Tex.	Pittenger	
Disney	Kilday	Polk	
Doughton	Kinzer	Rankin	

NOT VOTING—216

Allen, Ill.	Crowe	Hall, Edwin A.	McKeough
Allen, Pa.	Cullen	Halleck	McLeod
Anderson, Calif.	Cummings	Hancock	McMillan, John L.
Andrews	Darden, Va.	Hare	Maciejewski
Arnold	Darrow	Harrington	Magnuson
Ball	DeRouen	Harter, Ohio	Mansfield
Barnes	Dies	Hartley	Marcantonio
Barry	Dirksen	Havenner	Marshall
Barton, N. Y.	Dondero	Healey	Martin, Ill.
Bates, Mass.	Douglas	Hennings	Martin, Mass.
Beam	Drewry	Hess	Merritt
Bell	Duncan	Hook	Miller
Bender	Dworshak	Houston	Mills, La.
Boland	Eaton	Izac	Mitchell
Bolton	Edelstein	Jacobsen	Mott
Boren	Edmiston	Jarrett	Mouton
Bradley, Mich.	Elliott	Jeffries	Myers
Brewster	Elston	Jenks, N. H.	Nelson
Brooks	Evans	Jennings	Nichols
Brown, Ohio	Faddis	Jones, Ohio	O'Brien
Buckley, N. Y.	Fay	Kee	O'Day
Burch	Fenton	Keefe	O'Leary
Burgin	Ferguson	Kefauver	Pace
Byrne, N. Y.	Fernandez	Keller	Parsons
Byron	Fish	Kelly	Patrick
Caldwell	Fitzpatrick	Kennedy, Martin	Patton
Cannon, Fla.	Flaherty	Kennedy, Michael	Peterson, Ga.
Cannon, Mo.	Flannagan	Keogh	Pfeifer
Cartwright	Flannery	Kerr	Plumley
Casey, Mass.	Folger	Kilburn	Poage
Celler	Ford, Leland M.	Kirwan	Powers
Clason	Ford, Thomas F.	Kleberg	Randolph
Claypool	Fries	Kocialkowski	Reece, Tenn.
Clevenger	Garrett	Kramer	Richards
Cluett	Gartner	Lea	Risk
Cole, N. Y.	Gibbs	Lemke	Robertson
Collins	Gifford	Lewis, Ohio	Robinson, Utah
Cooley	Gilchrist	Luce	Robsion, Ky.
Corbett	Graham	Lynch	Rockefeller
Cox	Green	McAndrews	Rodgers, Pa.
Creal	Griffith	McDowell	Romjue
Routzohn	Sheppard	Sullivan	Wallgren
Ryan	Sheridan	Sutphin	Walter
Sabath	Short	Sweeney	Ward
Sacks	Simpson	Taber	Warren
Sandager	Smith, Ill.	Tarver	Weaver
Satterfield	Smith, Maine	Tenerowicz	Welch
Schaefer, Ill.	Smith, Ohio	Thill	West
Schiffler	Smith, Wash.	Thomas, N. J.	White, Ohio
Schuetz	Smith, W. Va.	Thomas, Tex.	Wigglesworth
Schwert	Snyder	Thorkelson	Williams, Mo.
Scrugham	Starnes, Ala.	Tolan	Winter
Seccombe	Steagall	Vincent, Ky.	Wolfenden, Pa.
Secrest	Stearns, N. H.	Wadsworth	Wolverton, N. J.

Mr. O'NEAL, Mr. BLACKNEY, Mr. O'CONNOR, and Mr. GRANT changed their vote from "nay" to "yea."

Mr. McCORMACK. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, may I inquire the result of the roll call just taken?

The SPEAKER. On this roll call 213 Members have answered—108 yeas and 105 nays. This is 3 short of a quorum.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, in view of the situation that exists, which is obvious to all of us, and of necessity, I move that the House do now adjourn.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I demand a second to the motion.

The SPEAKER. Under the rule the demand for a second is in order. The question is on ordering a second.

The question was taken; and there were—ayes 144, noes 3.

So a second was ordered.

Mr. DICKSTEIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKSTEIN. The vote on the motion to refer the bill to the committee being yeas 108, nays 105, what will happen to the motion if the House adjourns?

The SPEAKER. The motion will be the continuing business before the House when it convenes on Monday.

The question is on the motion to adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p. m.) the House, pursuant to its previous order, adjourned until Monday, October 14, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1986. A letter from the Acting Secretary of the Interior, transmitting one copy each of the legislation passed by the Municipal Council of St. Thomas and St. John: to the Committee on Insular Affairs.

1987. A letter from the Director, Administrative Office of the United States Courts, transmitting the Annual Report of the Director of the Administrative Office of the United States Courts; to the Committee on the Judiciary.

1988. A letter from the Secretary of Agriculture, transmitting a report, pursuant to a section of the Soil Conservation and Domestic Allotment Act, as amended, of the operations under sections 7 to 14, inclusive, of the act for the fiscal year ending June 30, 1939: to the Committee on Agriculture.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 10637. A bill to extend the provisions of the act of May 22, 1934, as amended, known as the National Stolen Property Act; without amendment (Rept. No. 3051). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII,

Mr. KEE introduced a bill (H. R. 10639) to provide adequate facilities for the transportation of coal, wheat, lumber, and other bulk commodities produced in the United States to foreign ports, which was referred to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. VOORHIS of California introduced a bill (H. R. 10640) for the relief of James D. G. Alexander, which was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9356. By Mr. HARNESS: Petition of Mrs. J. A. Ludlow, of Gas City, Ind., and 59 others, requesting Congress to keep the United States out of war; to the Committee on Foreign Affairs.

9357. By the SPEAKER: Petition urging consideration of their resolution with reference to the appointment of Elliott Roosevelt to the rank of captain in the Army Air Corps procurement division; to the Committee on Military Affairs.

SENATE

FRIDAY, OCTOBER 11, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty and eternal God, who of old didst lead Thy children out of the wilderness into a promised land, and by Thy Providence didst guide Thy servant Columbus through the great deep to these shores: Grant us grace, we beseech Thee, so to cherish this land which Thou hast given us for our heritage and a haven for the peoples out of every tongue, that we may never rest until every home and every village shall have discovered the riches of peace and contentment, of the joy of labor, of the sense of responsibility of the welfare of this Nation which it is our privilege to promote to Thy greater glory and honor. Through Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Wednesday, October 9, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolutions:

On October 5, 1940:

S. 1160. An act for the relief of Roland Hanson, a minor, and Dr. E. A. Julien.

On October 10, 1940:

S. 844. An act to simplify the accounts of the Treasurer of the United States, and for other purposes;

S. 3778. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930;

S. 3920. An act to amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes;

S. 3990. An act to transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all acts inconsistent therewith to the extent of such inconsistency, and for other purposes;

S. 4341. An act to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any one day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes;

S. J. Res. 225. Joint resolution relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area; and

S. J. Res. 295. Joint resolution authorizing the participation of the United States in the celebration of a Pan American Aviation Day, to be observed on December 17 of each year, the anniversary of the first successful flight of a heavier-than-air machine.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the joint resolution (S. J. Res. 301) to authorize the acquisition of a suitable frame for the painting of the signing of the Constitution to be used in mounting said painting in the Capitol Building, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 892. An act to extend to custodial-service employees employed by the Post Office Department certain benefits applicable to postal employees;

H. R. 8512. An act to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes; and

H. R. 8930. An act to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 1874. An act for the relief of Mrs. E. V. Maki; and

H. R. 9982. An act to amend section 4551 of the Revised Statutes, as amended, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9930. An act to amend the Home Owners' Loan Act of 1933, as amended; and

H. R. 10098. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 91) authorizing the printing of additional copies of Public Law No. 801, entitled "Second Excess-Profits Tax Act of 1940," in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Acting President pro tempore:

S. 2627. An act to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties;

S. 3266. An act to provide pensions, compensation, retirement pay, and hospital benefits for certain Air Corps Reserve officers who were disabled while on active duty with the Regular Army;

S. 3619. An act relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, and so forth;

S. 4270. An act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard;

H. R. 3907. An act for the relief of William A. Reithel;

H. R. 6083. An act for the relief of Adolph Burstein;

H. R. 6091. An act for the relief of Samuel Roberts;

H. R. 7283. An act for the relief of Frank Hall;

H. R. 7784. An act for the relief of Howard R. M. Browne;

H. R. 7813. An act to safeguard the homing pigeon;

H. R. 8333. An act for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army;

H. R. 8613. An act to amend the act to provide for the retirement of disabled nurses of the Army and the Navy;

H. R. 8705. An act for the relief of Howard Mondt;

H. R. 9972. An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes;

H. R. 10094. An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes;

H. R. 10194. An act for the relief of the late John L. Summers, former disbursing clerk, Treasury Department;

H. R. 10354. An act for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 10412. An act to expedite the provision of housing in connection with national defense, and for other purposes;

S. J. Res. 258. Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes; and

H. J. Res. 614. Joint resolution making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes.

AWARDS OF CERTAIN NAVAL QUANTITY CONTRACTS

The ACTING PRESIDENT pro tempore (Mr. McKELLAR) laid before the Senate a letter from the Acting Secretary of the Navy, reporting, pursuant to the act of March 5, 1940, relative to awards of quantity contracts for aircraft, aircraft parts, and accessories entered into with more than one bidder under authority of such act, which was referred to the Committee on Naval Affairs.

BILL INTRODUCED

Mr. WHEELER introduced a bill (S. 4411) to provide for crediting military service under the Railroad Retirement Acts and to repeal sections 625 and 626 of part II of title VI of the Second Revenue Act of 1940, which was read twice by its title and referred to the Committte on Interstate Commerce.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 9930. An act to amend the Home Owners' Loan Act of 1933, as amended; to the Committee on Banking and Currency.

H. R. 10098. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920; to the Committee on Interstate Commerce.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

PRINTING OF ADDITIONAL COPIES OF EXCESS-PROFITS TAX BILL

Mr. BARKLEY. Mr. President, there has come over from the House a concurrent resolution providing for the printing of a certain number of additional copies of the excess-profits tax bill. I presume there will be no objection to acting on that resolution.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution, which will be read.

The legislative clerk read the concurrent resolution (S. Con. Res. 91), as follows:

Resolved, etc., That there be printed 65,000 additional copies of Public Law No. 801, current session, entitled "Second Excess Profits Tax Act of 1940," of which 10,000 copies shall be for the use of the Senate document room, 50,000 copies shall be for the use of the House document room, 3,000 for the Committee on Ways and Means of the House, and 2,000 for the Committee on Finance of the Senate.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

ADDRESS BY SENATOR M'NARY AT ULEN, MINN.

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD an address delivered by Senator McNARY at Ulen, Minn., on October 5, 1940, on the subject Our Undefended Economic Borders, which appears in the Appendix.]

ADDRESS BY SENATOR M'NARY AT NORTHWOOD, IOWA

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD an address delivered by Senator McNARY at Northwood, Iowa, on October 7, 1940, on the subject The American Price for the American Farmer, which appears in the Appendix.]

ATTITUDE OF DR. HENRY MERRITT WRISTON ON INTERVENTION

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD portion of an address delivered by Dr. Henry Merritt Wriston, president of Brown University, to a student convocation, warning against intervention in the European war, which appears in the Appendix.]

POSITION OF DOROTHY THOMPSON ON PRESIDENTIAL ELECTION

[Mr. BURKE asked and obtained leave to have printed in the RECORD a cablegram from Paris, France, by Miss Dorothy Thompson, urging that the election be done away with this year, a letter appearing October 10, 1940, in the New York Herald Tribune under the title "Fails To Face the Issue"; and the testimony given by Miss Thompson before the Committee on the Judiciary when considering the proposal relative to the enlargement of the Supreme Court, which appear in the Appendix.]

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 12 o'clock and 6 minutes p. m.) the Senate took a recess until Monday, October 14, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, October 11 (legislative day of September 18), 1940

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO FINANCE DEPARTMENT

Maj. Harry Donnell Ayres, Infantry, with rank from February 1, 1938.

TO SIGNAL CORPS

First Lieut. Richard Marvin Bauer, Cavalry (temporary captain, Army of the United States), with rank from June 12, 1938.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenants, with rank from date of appointment

Thomas Taylor Beeler, Jr.
Edward Virginius Swift
Frederick Joseph Frese, Jr.
Warren Jackson Barker
Robert Edward Lyons
Harold Eugene Shuey
Franklin Leo Spann
John Lynch Dixon
William Grelle Schmitz
James William Humphreys, Jr.
David Paul Ward
Leon Donald Beddow
Willard Henry Cleveland

Joseph Harold Bornstein
William Winfield Hurteau
Carl Taylor Dubuy
William Maurice Jackson
Samuel Charles Harwood
John Nicholas Furst
William Meier Moody
Charles Hudson Talbott
Raymond Arnold Lawn
Charles Augustus Isham
Eugene Linwood Kidd
Jacob Rell Till, Jr.
Spencer Amos O'Brian
Walter Anthony Butkus
Irl Richard Long
Murble Henry Pearson
Harvey George Tousignant
John Philip Harney
Vernon David Pettit
Carl Ziegler Berry
Edward Mansfield Gunn
James Howard Smith
William Blackford Look
Lee Frank Ferrell
George Sauter Bozalis
Wilbur Dwight Dice

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Thomas Jackson Grayson, adjutant general's department, Mississippi National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States, from October 9, 1940.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

Capt. Henry Williams to be a rear admiral in the Navy, to rank from the 1st day of October 1930.

Capt. Robert A. Theobald to be a rear admiral in the Navy, to rank from the 1st day of September 1940.

The following-named commanders to be captains in the Navy, to rank from the date stated opposite their names:

Adolph V. S. Pickhardt, June 1, 1940.
Arthur G. Robinson, July 1, 1940.
Charles E. Rosendahl, October 1, 1940.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

Kenneth H. Noble, July 1, 1940.
Clarence E. Olsen, July 1, 1940.
Wendell G. Switzer, September 1, 1940.
Norman O. Schwien, October 1, 1940.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 3d day of June 1940:

Richard P. Nicholson
John F. Cheney
John K. Boal
John W. King
John B. Hess
Frederick H. Schneider, Jr.
Robert B. Lander
Alfred F. Gerken
Maurice Ferrara

The following-named lieutenant commanders to be lieutenant commanders in the Navy to rank from the date stated opposite their names to correct the date of rank as previously nominated and confirmed:

Maurice M. Bradley, July 1, 1938.
Howard L. Collins, August 1, 1938.
William V. Davis, Jr., September 1, 1938.
John N. Opie 3d, September 22, 1938.
Aurelius B. Vosseller, September 22, 1938.
William D. Brown, October 1, 1938.
Warren D. Wilkin, November 1, 1938.
Wayne N. Gamet, November 2, 1938.
Everett W. Abdill, November 24, 1938.
Edwin T. Layton, December 1, 1938.
Frederick R. Furth, January 1, 1939.
Robert L. Swart, January 12, 1939.
Frank C. Layne, January 20, 1939.
Eugene C. Burchett, January 26, 1939.
Kenneth Earl, February 1, 1939.
Stephen R. Bedford, February 13, 1939.
John D. Hayes, March 1, 1939.
Max Schreiner, March 28, 1939.
Austen V. Magly, April 1, 1939.
Robert G. Lockhart, April 18, 1939.
Robert Goldthwaite, May 1, 1939.
Louis D. Sharp, Jr., June 1, 1939.
James A. McNally, July 1, 1939.
John R. van Nagell, July 22, 1939.
William J. O'Brien, August 1, 1939.
Oliver F. Naquin, September 1, 1939.
Bennett W. Wright, September 23, 1939.
Stuart S. Purves, September 23, 1939.
Howell C. Fish, September 23, 1939.
William E. Verge, October 1, 1939.
Roy W. Lajeunesse, October 1, 1939.
Charles A. Ferriter, October 1, 1939.
Philip S. Creasor, October 1, 1939.
William P. McGirr, October 1, 1939.
Clarence C. Ray, November 1, 1939.
William G. Beecher, Jr., December 8, 1939.
Andrew E. Harris, January 29, 1940.
Edwin R. Swinburne, February 1, 1940.
Martin J. Drury, February 20, 1940.
Gelzer L. Sims, April 1, 1940.
David G. Roberts, April 1, 1940.
Thomas J. Kimes, April 13, 1940.
William E. Hank, May 1, 1940.
Percy H. Lyon, May 1, 1940.
Clyde M. Jensen, June 1, 1940.
Walter C. Ford, June 21, 1940.
Paul D. Stroop, June 26, 1940.
Benjamin B. C. Lovett, June 26, 1940.

The following-named lieutenants to be lieutenants in the Navy, to rank from the date stated opposite their names to correct the date of rank as previously nominated and confirmed:

Paul W. Pfingstag, July 1, 1939.
George W. Bailey, July 1, 1939.
Sheldon W. Brown, July 1, 1939.
William D. Kelly, July 22, 1939.
James V. Reilly, August 1, 1939.
Earl T. Hydeman, September 1, 1939.
John R. Van Evera, September 8, 1939.
George R. Beardslee, September 23, 1939.
Thomas F. Williamson, September 23, 1939.
William B. Perkins, September 23, 1939.
Richard H. Blair, September 27, 1939.
Herbert J. Campbell, October 1, 1939.
George W. Kehl, October 1, 1939.
Charlton L. Murphy, Jr., October 1, 1939.
Nicholas J. Nicholas, October 1, 1939.
Archibald W. Greenlee, October 1, 1939.
Ralph C. Johnson, November 1, 1939.
Harry G. Moore, November 22, 1939.
George O. Hobbs, December 8, 1939.
John H. S. Johnson, December 8, 1939.
Daniel C. Goodman, December 8, 1939.
Max C. Mather, December 29, 1939.
Daniel S. Gothie, December 29, 1939.
Charles W. Musgrave, January 1, 1940.
George M. Ottinger, January 1, 1940.
Paul D. Williams, January 1, 1940.
Terrell A. Nisewaner, February 1, 1940.
Lindsey Williamson, April 1, 1940.
William Winter, Jr., April 1, 1940.
John S. Fahy, April 1, 1940.
Robert C. Leonard, June 1, 1940.
Malcolm T. Munger, June 1, 1940.
William C. F. Robards, June 26, 1940.
Garry W. Jewett, Jr., June 26, 1940.
Frederick W. Purdy, July 1, 1940.

Medical Inspector Franklin F. Murdoch to be a medical director in the Navy, with the rank of captain, from the 1st day of July 1940.

Passed Asst. Surg. Tilden I. Moe to be a surgeon in the Navy, with the rank of lieutenant commander, from the 26th day of June 1940.

The following to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), from the 2d day of October 1940:

William H. Druckemiller
Adolph P. Kuliesis
Eugene E. Siess
Tully T. Blalock
Donovan G. Wright
John J. Kane
William L. Janus
Miles R. Miller
John J. Cunningham
Herbert A. Markowitz
Oliver V. Renaud
John H. Keller

William F. MacKoske	William M. Snowden
Stephen M. Chasten	Evan C. Stone
James F. Fuelling.	Walter E. Brown
Peter J. Giotta	Grant F. Mollring

Passed Asst. Paymaster James P. Dowden to be a paymaster in the Navy, with the rank of lieutenant commander, from the 23d day of September 1939.

Assistant Paymaster Lawrence Smith to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 1st day of July 1940.

Acting Chaplain John R. Boslet to be a chaplain in the Navy, with the rank of lieutenant, from the 1st day of July 1940.

The following to be assistant civil engineers in the Navy, with the rank of lieutenant (junior grade), from the 2d day of October 1940:

Raymond B. Krum	Richard E. Harris
John W. Gordanier	Kenneth C. Abplanalp
Arthur P. Gardiner	Frank E. Swanson
Harry N. Wallin	John J. Albers
Martin L. Rutter	Ralph C. MacDonald

The following-named passed assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, to rank from the date stated opposite their names to correct the date of rank as previously nominated and confirmed:

J. Harry Hayes, September 23, 1939.
Thomas J. Montgomery, January 1, 1940.
Ralph M. Humes, February 1, 1940.
John C. DeWitt, Jr., June 1, 1940.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Warren W. Johnson, December 8, 1939.
Harry B. Heneberger, January 1, 1940.
George R. Phelan, May 29, 1940.
John H. Lewis, June 26, 1940.
Lewis M. Markham, Jr., June 26, 1940.
Chester L. Clement, July 1, 1940.
Walter E. Linaweaver, July 1, 1940.
Karl J. Biederman, July 1, 1940.
Etheridge Grant, July 1, 1940.
Donald L. Mills, July 1, 1940.
Louis E. French, July 1, 1940.
Jesse L. Hull, July 1, 1940.
Charles N. Day, July 1, 1940.
John F. Greenslade, July 1, 1940.
Theodore R. Frederick, July 1, 1940.
William A. Dolan, Jr., July 1, 1940.
Eugene F. May, July 1, 1940.
William Miller, Jr., July 13, 1940.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the dates stated opposite their names:

Richard S. Craighill, December 8, 1939.
Lawrence W. Smythe, June 21, 1940.
Bernard W. Freund, February 1, 1940.
Michael B. O'Connor, June 26, 1940.
James G. Marshall, April 1, 1940.
Edmond G. Konrad, July 1, 1940.
George L. Hutchinson, July 1, 1940.
Richard D. Harwood, May 1, 1940.
John A. Moore, July 1, 1940.
Robert B. Moore, July 1, 1940.
John J. McCormick, July 1, 1940.
Fred Connaway, June 26, 1940.
James A. Thomas, June 26, 1940.
Everett L. Phares, June 26, 1940.
George F. Rice, July 1, 1940.
Isador J. Schwartz, July 1, 1940.
Magruder H. Tuttle, July 1, 1940.
John D. Lamade, July 1, 1940.
Thomas W. Hopkins, July 1, 1940.
Arthur A. Goodhue, July 1, 1940.
Victor B. McCrea, July 1, 1940.
Charles M. Lyons, Jr., July 1, 1940.
Thomas P. Lowndes, July 1, 1940.
John O. Speer, July 1, 1940.
Juan P. Domenech, July 1, 1940.
Herbert C. Yost, July 1, 1940.
Vernon C. Turner, July 1, 1940.
Richard L. Kibbe, July 1, 1940.
Ward F. Hardman, July 1, 1940.
Ralph L. Shifley, July 1, 1940.
Charles E. Robertson, July 13, 1940.
John S. Coye, Jr., September 1, 1940.
Michael J. Luosey, September 1, 1940.
Earnest G. Campbell, October 1, 1940.
James H. Fortune, Jr., October 1, 1940.
Frederick H. Wahlig, October 1, 1940.
James H. Campbell, October 1, 1940.
Robert A. Keating, Jr., October 1, 1940.
William C. Fortune, October 1, 1940.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

William S. Veeder, January 1, 1940.
Richard K. Gaines, June 26, 1940.
John A. Winfrey, July 1, 1940.

SENATE

MONDAY, OCTOBER 14, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, whose rule is everlasting and power infinite, have mercy upon this whole land, and so rule the hearts of Thy servants, the President of the United States, and all others in authority—civil, military, and naval—that they, knowing whence their powers derive, may, above all things, seek to administer them to Thy glory and honor; that justice and mercy, freedom and tolerance, tempered with a solemn sense of responsibility to Thee, may flourish in our land. Through Jesus Christ our Lord. Amen.

NAMING A PRESIDING OFFICER

The legislative clerk read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., October 14, 1940

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM H. KING, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

KEY PITTMAN,
President pro Tempore.

Mr. KING thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On motion of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, October 11, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on October 9, 1940, the President had approved and signed the following acts and joint resolution:

S. 253. An act to authorize the leasing of certain Indian lands subject to the approval of the Secretary of the Interior;

S. 3437. An act for the relief of the Franco-American Construction Co.;

S. 3868. An act for the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration;

S. 4258. An act to remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, N. Y.;

S. 4316. An act to repeal sections 4588 and 4591 of the Revised Statutes of the United States;

S. 4353. An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes; and

S. J. Res. 267. Joint resolution providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts.

COAST GUARD AUXILIARY AND COAST GUARD RESERVE

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for the establishment, administration, and maintenance of a Coast Guard Auxiliary and a Coast Guard Reserve, which, with the accompanying paper, was referred to the Committee on Commerce.

RAILROAD COMBINATION IN THE EASTERN REGION

Mr. WHEELER, from the Committee on Interstate Commerce, submitted an additional report, pursuant to Senate Resolution 71, Seventy-fourth Congress, authorizing an investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, relative to railroad combination in the eastern region, which was ordered to be printed as part 5 of Report No. 1182.

BILL INTRODUCED

Mr. McNARY introduced a bill (S. 4412) for the relief of Hazel M. Lewis, which was read twice by its title and referred to the Committee on Claims.

COMPENSATION OF REDCAPS AT RAILROAD STATIONS

Mr. BARKLEY (for Mr. THOMAS of Utah) submitted the following resolution (S. Res. 325), which was referred to the Committee on Education and Labor:

Whereas prior to October 24, 1938, the effective date of the Fair Labor Standards Act of 1938, a majority of redcaps employed by railroad or railroad terminal companies derived compensation for their services solely through tips or gratuities given them by the traveling public; and

Whereas at or about the effective date of said act the companies adopted a so-called accounting and guarantee arrangement whereunder, as a condition of continued employment, each redcap was required to report daily the amount of tips received by him from the traveling public, and the company guaranteed to pay the redcap any additional sum necessary to equal the minimum wage required by the act; and

Whereas numerous complaints were received from redcaps by the Administrator of the Wage and Hour Division of the United States Department of Labor to the effect that they were required, in order to retain their jobs, to report, even though falsely, the daily receipt of tips in sums equal to or greater than the minimum wage prescribed in the act, when in fact they had received tips in sums substantially less than the minimum wage; and

Whereas upon investigation and a public hearing conducted by representatives of the Administrator it was found that the records kept by various companies were inaccurate in that they showed tips received by redcaps in sums equal to or greater than the minimum wage, when in fact many redcaps had actually received tips in sums substantially less than the minimum wage; and

Whereas an investigation by representatives of the Administrator of complaints against a major terminal company disclosed evidence of flagrant violations of the minimum-wage and record-keeping provisions of the act whether or not as a matter of law tips reported by redcaps under the accounting and guarantee arrangement became wages paid the redcaps by the company within the meaning of the act; and

Whereas after the Administrator had instituted a civil action under the act to enjoin that terminal company from such alleged violations, the defendant, after joining issue as to all of the Administrator's allegations, being served by the Administrator with a trial notice, publicly announced the adoption of a new plan whereunder, commencing February 1, 1940, redcaps would be paid wages at the rate of 30 cents per hour, the minimum rate prescribed in the act, but would be required to collect from each passenger a charge of 10 cents per bag or parcel carried; and

Whereas the new plan inaugurated by that terminal company has been gradually adopted at most of the other railroad terminals throughout the country; and

Whereas the executive branch of the Government has received numerous additional complaints that under the new plan adopted by the terminal companies many redcaps have been discharged or otherwise discriminated against because of failure to earn by said charges of 10 cents per bag or parcel sums sufficient to cover the cost to the companies of the minimum wage payments; and

Whereas redcaps, passengers, representatives of labor organizations, disinterested civic leaders, and others have urged that the Administrator take steps to ameliorate the conditions and practices of employment of redcaps by the companies; and

Whereas to this end an immediate inquiry into such conditions and practices is a matter of serious concern to the public: Now, therefore be it

Resolved, That the Administrator of the Wage and Hour Division of the United States Department of Labor or his designated representatives, is hereby directed to undertake immediately an inquiry into the new plan or practices adopted by railroad or terminal companies in view of the minimum-wage requirements of the Fair Labor Standards Act of 1938 (52 Stat. 1060), under his investigatory powers under said act, and to ascertain and report to the Senate—

(1) The extent to which the new plan or practices violate the letter or the spirit of the Fair Labor Standards Act of 1938 or other Federal statutes, if at all;

(2) The extent to which such new plan, or variations thereof, is susceptible to regulation under the Fair Labor Standards Act in its present form; and

(3) What legislation, if any, should be enacted for the purpose of regulating said new plan of compensation to redcaps under the Fair Labor Standards Act of 1938.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 527. An act for the relief of J. J. Greenleaf;

S. 3612. An act to authorize the Secretary of War to accept, as loans from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes;

S. 3786. An act to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes;

S. 4275. An act to increase the authorized number of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes;

S. 4362. An act to provide for the completion of certain local protection works at East Hartford, Conn.;

H. R. 892. An act to extend to custodial-service employees employed by the Post Office Department certain benefits applicable to postal employees;

H. R. 1874. An act for the relief of Mrs. E. V. Maki;

H. R. 6658. An act to authorize the lease or sale of certain public lands in Alaska, and for other purposes;

H. R. 7252. An act to authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska;

H. R. 7916. An act granting 6 months' pay to Lillian M. Reymonda;

H. R. 8512. An act to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes;

H. R. 8646. An act to authorize the exchange of certain patented lands in the Death Valley National Monument for Government lands in the monument;

H. R. 8930. An act to amend section 202 (3), World War Veterans' Act, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes;

H. R. 9173. An act for the protection of the water supply of the town of Petersburg, Alaska;

H. R. 9982. An act to amend section 4551 of the Revised Statutes, as amended, and for other purposes;

H. R. 10322. An act to amend further the District of Columbia Unemployment Compensation Act;

H. R. 10440. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.; and

H. R. 10527. An act to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States.

NOMINATION OF DIRECTOR OF SELECTIVE SERVICE—EXECUTIVE MESSAGE

The ACTING PRESIDENT pro tempore, as in executive session, laid before the Senate a message from the President of the United States, which was read, as follows:

To the Senate of the United States:

I nominate Clarence A. Dykstra, of Wisconsin, to be Director of Selective Service.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 14, 1940.*

Mr. BARKLEY. Mr. President, in view of the circumstances which exist in reference to this appointment, and in view of the fact that the draft registration throughout the country will take place on Wednesday, and it is very desirable that this nominee be confirmed so that he may take charge of the administration of the Selective Service Act, I ask unanimous consent that the Senate now give consideration to the nomination without further delay.

Mr. McNARY. Mr. President, the able Democratic leader very courteously spoke to me about the matter a few moments ago. It is a very unusual request; I do not recall a similar one having been made since the formation of the Cabinet by the President in 1933; but these are unusual times. It is with great reluctance that I consent to the request; but, before doing so, I desire to propound a question to the Senator from Kentucky: What is the background of the doctor that so qualifies Dr. Dykstra for this position over and above all other citizens of the country?

Mr. BARKLEY. I cannot, of course, state to the Senator or to the Senate the processes by which the President arrived at the appointment of Dr. Dykstra. I am sure I can state that a number of outstanding men were under consideration for this appointment. In the very nature of the case, it should have been and is nonpartisan. Dr. Dykstra has been and is one of the outstanding educators of the country. He was for a number of years also city manager of the city of Cincinnati, Ohio, in which position he displayed marked ability as an executive, and some 2 or 3 years ago he was made president of the University of Wisconsin, which position he now holds. I may state, and it is to his credit to say, that as city manager of the city of Cincinnati he drew $25,000 a year. He accepted the presidency of the University of Wisconsin at a considerable less salary, and in accepting this position he accepts it at a salary below what he receives as president of the university. He is recognized, I will say to the Senator, as one of the outstanding administrators and executives of the country.

I would not make this request, as I have stated to the Senator, except that the selective-service law which Congress enacted is now in force, and all over the country on Wednesday registration will take place; thereafter the draft boards are to perform their functions; and it is very urgent that this appointment be confirmed.

Mr. McNARY. I realize the urgency. I am going to speak for no one save myself when I say that, under the statement of the Senator from Kentucky, I personally shall make no objection.

Mr. HOLT. Mr. President, I wish to say that I have no personal objection to Dr. Dykstra; I think he is a very able and competent man; but I do not like to have the Senate confirm the nomination of a man without the people of the United States having an opportunity to protest, if they so desire. If it would interfere with the program, I would not object, but Dr. Dykstra could continue under a recess appointment. It will be recalled that, 2 or 3 years ago, we hurriedly confirmed the nomination of a certain individual, much to the subsequent regret of many, after finding out some things that we did not know at that time.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HOLT. I will yield in a moment. I do not think that is true of Dr. Dykstra; I think he is a very able and competent man, and I want it understood that I am not objecting from any personal standpoint whatsoever; but I think we should not confirm the nomination of a man in this fashion without any knowledge on the part of the people and without any means of reaching him after he is once confirmed.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. HOLT. I yield to the Senator from Kentucky.

Mr. BARKLEY. The Senator is mistaken in saying that Dr. Dykstra can serve under a recess appointment. The President cannot make a recess appointment when the Senate is in session.

Mr. HOLT. I misspoke; I did not mean "a recess appointment," but he can serve until such time as his nomination is rejected by the Senate.

Mr. BARKLEY. I do not think so, under the circumstances, because there is now an acting administrator who happens to be an Army officer. I do not think the President could continue Dr. Dykstra in office under what might be termed "a recess appointment" for the reason that the Senate is not in recess. Of course, I realize that action on the nomination can only be had at this time by unanimous consent, and it is a request which I should not make except under the circumstances which now prevail. If we cannot confirm Dr. Dykstra under these circumstances in this way, there being no quorum here—and probably there will not be for some weeks; we cannot tell as to that—the nomination would have to go over for a future date. I sincerely hope the Senator from West Virginia will not object to this appointment. I think the whole country, the press, and the people have recognized it as an outstanding and appropriate appointment. It has no politics in it.

Mr. HOLT. I agree thoroughly with the Senator from Kentucky as to that; and I want to say that I personally think Dr. Dykstra is a very competent man; but my objection is against the method of bringing the appointment into the Senate at this time. Suppose the Senate had adjourned or recessed under the agreement proposed last Friday, the same situation would have arisen, and the nomination could not have been confirmed, anyway. My objection is to the idea of confirmation without the people having the right to protest, because I heretofore have seen such things happen. Of course, then the question is that of reconsideration and asking the President to return the nomination. We know that is impossible in this case; I do not think that would happen so far as Dr. Dykstra is concerned. I think this is one of the good appointments of the President, much better than many others he has made.

Mr. BARKLEY. I will say to the Senator that whether we recessed or adjourned last Friday is really not very material, because we did not, and we are meeting, I suppose, until something else happens under the 3-day-recess plan. Of course, any Senator has the right to object; but these things do not happen often. I will say to the Senator that this is a rare instance; I do not recall that I have made such a request—certainly not within my recollection—since I have been in the position which I now happen to occupy.

Mr. HOLT. I hope the Senator knows that there would be no objection to any personal request of his, but it is merely a matter of principle. I regret it very much. I have in mind another confirmation that occurred 3 years ago when we elevated a man without seeing his face.

Mr. BARKLEY. If I may be facetious and use an expression in quotations—for I am not the author of it—this is an occasion where it would be well, I think, "to rise above principle," and allow this nomination to be confirmed.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. HOLT. I withhold the objection and yield to the Senator from Nebraska.

Mr. BURKE. As one interested in the passage of the selective training and service bill, it seems to me that the President has made an unusually happy choice in selecting the administrator of the program. I have known, as all people who follow public affairs have known, about Dr. Dykstra for many years. I have never met him, but from those who are well acquainted with him I have received first-hand information that convinces me that in all the country it would not have been possible for the President to have found

one better qualified to administer this most important act in a way that will bring the utmost satisfaction. While I think the general principle stated by the Senator from West Virginia is undoubtedly correct, and while I share his view with respect to some past nominations, because of the fact that Dr. Dykstra is so well known and his qualifications for this particular office are so well recognized, I firmly believe that we could very well vary the general rule and confirm the nomination by unanimous consent. It is my very earnest hope that the Senator from West Virginia and any other Senators who might be inclined to object will, upon more mature consideration, let the nomination be confirmed at this time.

One particular reason why I think Dr. Dykstra is so exceptionally well qualified for this position is that I am told the young men of the country have very great confidence in him. After all, those of us who are past the age of 35 do not have in this matter the personal interest which those who compose the younger generation have. I think it is a splendid thing to reach out to a great university and take a man who has the confidence of the young men of his progressive State, and of young men generally throughout the country. I am very hopeful that confirmation may be had without delay.

Mr. CLARK of Missouri. Mr. President, will the Senator yield.

Mr. HOLT. I yield.

Mr. CLARK of Missouri. The statement of the sponsor of the conscription legislation has somewhat shaken me in my intention to make a suggestion and what I was about to suggest to the Senator from West Virginia. I have the very greatest respect and regard for the Senator from Nebraska. But he approaches the subject from one angle and I from a different one. I appeal to the Senator from West Virginia on this ground: The Senator from Nebraska spoke as the supporter and sponsor of the conscription legislation. I speak as a bitter opponent of that legislation. However, the policy of conscription in time of peace has, by act of Congress and the signature of the President, become the policy of the United States, at least for the present. I hope it will not become the permanent policy, although I fear that the effect will be to impose that system indefinitely upon the people of the United States in time of peace. Even so, at the present time it is the policy of the United States, by act of Congress and the signature of the President.

That being true, it seems to me it is very desirable to have the supreme direction of the draft system under the President himself exercised by a civilian rather than by a professional draft expert in the War Department. I say that without any reflection on the officers of the War Department who have devoted themselves to a study of this matter. It seems to me that it is a matter of very great importance to the people of the United States to have the draft system in its inception under the control of a civilian rather than that of Army officials.

We all know that there will probably not be a quorum of the Senate present until after the 18th of November. I am not personally acquainted with Dr. Dykstra. Of course, I have known of him for many years. I have heard no criticism of him from any source. If his confirmation by the Senate is to be delayed by reason of the absence of a quorum, the Army will necessarily, in the vitally essential stages of setting up the whole machinery, be in complete control of conscription in time of peace. As I said a moment ago, I think it is very desirable that a civilian at least have something to say about it. While I agree with everything my friend from West Virginia said about the danger of this sort of practice, and while I realize that a great many mistakes have been made—and I think I recognize the one to which the Senator from West Virginia refers— nevertheless, I think it is important in this particular situation to have a civilian of unimpeachable character and attainments at the head of the draft set-up in its inception, rather than to have a civilian come in a month from now, after the professional draft experts have had a chance to work on it for a month. I think that consideration is sufficient to entitle the request of the Senator from Kentucky to favorable action; and I hope my friend from West Virginia will give consideration to these matters.

Mr. HOLT. Mr. President, I will say to the Senator from Missouri that I have no intention whatsoever of holding up confirmation until November 18, or asking that the matter be referred to a committee. That is not my intention. However, I think as a matter of principle we should not act hastily. I do not see how any harm could come by allowing the nomination to go over until Thursday, when the Senate will meet again.

I do not think any objection can be made against Dr. Dykstra. I thoroughly agree with the Senator from Missouri on that point. However, I can see no harm in allowing the nomination to go over until Thursday, in order that no one may be precluded from making an objection if he has one. I do not mean to hold up confirmation until the 18th of November.

I wish to make it absolutely clear that I have no personal objection to Dr. Dykstra. I thoroughly agree with the Senator from Missouri that a civilian should be appointed to the position. I give the President credit for making an appointment which is far superior to most of his past appointments. With not even 30 Members of the Senate in the city, and without the people knowing anything about it, I do not see why the nomination should be confirmed in a few minutes, thus precluding anyone from making an objection. I hope the Senator sees my point.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. BARKLEY. Four or five days ago the press carried the report that the President had asked Dr. Dykstra to serve. He hesitated for a while about accepting. I presume he had to obtain the consent of the University of Wisconsin for leave of absence. Three or four days' delay may not be fatal, but the situation really resolves itself into the question whether he is to be permitted to take charge and go from the ground up with this process or, as the Senator from Missouri has said, whether he is to come into the administration after somebody else has started the system and carry on as administrator with a system almost superimposed upon him.

Mr. HOLT. I do not want to be argumentative with the Senator from Kentucky, but I do not see that the difference between Monday and Thursday would make a change in the system. If Dr. Dykstra is in Wisconsin, I doubt whether he could get here before tomorrow or next day. There would be a difference of only 2 days. A principle is involved which I think is important, and I think the Senator from Kentucky recognizes the importance of the principle. I have been in the Senate only a short time. We are rapidly coming to the idea of speeding things through the Senate. I do not indict the Senator from Kentucky for that practice. It is something I do not like to see.

Mr. BARKLEY. With reference to appointments, the Senator knows that they are usually referred to a committee. That is the proper course. The proposed action cannot be regarded as a precedent, because if a similar request should be made at any time hereafter any Senator might object. The Senator from Oregon [Mr. MCNARY] nearly always objects to such requests, and very properly so.

Of course, I cannot claim any persuasive powers over the Senator from West Virginia, but I wish he would let this nomination be acted upon, because I think it is of sufficient importance to justify that course. I assure the Senator that it will not be regarded by me as a precedent in regard to any future appointments.

Mr. HOLT. I wish I could waive the principle, because I should vote for Dr. Dykstra if I were called upon to vote today; but I cannot see any harm in waiting 3 days, and I can see harm in breaking down precedent and principle in the Senate on this matter. On the Senator's personal account, as well as on Dr. Dykstra's account, I very much regret that I must object; but I think it is important to preserve the principle. I shall have no objection to confirming the nomination on Thursday.

Mr. BARKLEY. Am I to understand that the Senator is in the position of the justice of the peace who tried a case, listened to all the arguments and speeches, and then said, "The court will take this case under advisement until next Thursday, at which time he will render judgment for the plaintiff"? [Laughter.]

Mr. CAPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CAPPER. Dr. Dykstra served for 8 years in the State of Kansas as head of the political science department of the University of Kansas. His record was of the very best. I think the President made a most excellent selection when he named Dr. Dykstra for this important position.

Mr. BARKLEY. I thank the Senator.

Let me make a suggestion to the Senator from West Virginia. I do this subject to the approval of the Senator from Oregon [Mr. McNARY]. Is the Senator willing to have a short meeting tomorrow to consider this matter?

Mr. HOLT. I have no objection. I hope the Senator realizes that I have no objection to meeting tomorrow, or at any other time. The only question involved is the principle to which I have referred. I regret that it is necessary to call the Senate back in session on this matter.

Mr. BARKLEY. I appreciate the Senator's viewpoint.

Mr. HOLT. I want the Senator to realize that I think Dr. Dykstra is an exceptional appointee; but I do not like the idea of confirmation in a period of 5 minutes in the case of a man who is to have control over 16,000,000 American young men.

Mr. BARKLEY. Of course, somebody will have that control anyway.

Mr. HOLT. I realize that.

Mr. BARKLEY. It may be that his control will be more to the liking of many of us than would be the control of some others.

Mr. HOLT. I think it will be.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. I think Dr. Dykstra is an excellent selection. I think he is about as good a man as we could possibly get. I entirely agree with the Senator from West Virginia on the matter of principle. Ordinarily I should object; but under the particular circumstances I think the matter could be passed over until tomorrow.

Mr. HOLT. I have no objection. I do not think there will be any objection to Dr. Dykstra. I do not see how any objection could be made. I regret that my position makes it necessary for the Senate to be in session tomorrow.

Mr. BARKLEY. I think we understand each other.

Mr. McNARY. Mr. President, if I may make a further remark, I assume that if we are to have a session of the Senate tomorrow it will be for the distinct and sole purpose of taking up the nomination of Dr. Dykstra?

Mr. BARKLEY. Yes; that is my understanding. Then we will go over until Thursday, as we planned to do today.

Mr. McNARY. Exactly.

ARMY NOMINATIONS

As in executive session,

Mr. JOHNSON of Colorado. Mr. President, I wish to address my remarks to the Senator from Kentucky. The Senate Committee on Military Affairs has about 43 routine Army nominations to be confirmed. I am told by the War Department that unless they are confirmed this month—they do not have to be confirmed today, but they should be confirmed promptly—the failure to make these promotions will work a hardship not only upon the officers concerned but upon the War Department, and will cause a reduction in the salaries of the officers.

Mr. BARKLEY. As I understand these are routine military appointments.

Mr. JOHNSON of Colorado. That is correct.

Mr. BARKLEY. And are the type of nominations which the Senator from Texas [Mr. SHEPPARD], the chairman of the Committee on Military Affairs, usually asks be confirmed en bloc and that they be not printed on the calendar but only in the RECORD so that the reference will be shown. Is that true?

Mr. JOHNSON of Colorado. That is correct.

Mr. McNARY. Mr. President, let me ask a question. Have the names been presented to the Committee on Military Affairs?

Mr. JOHNSON of Colorado. Yes; to all members of the Committee on Military Affairs who are present in Washington.

Mr. McNARY. Let me suggest that the names be filed with the clerk and then called up on Thursday or the following Monday. That will give notice to those who are interested in the matter. There will be no objection made at that time.

Mr. JOHNSON of Colorado. I will be glad to handle the matter in that way, and I report the nominations from the Committee on Military Affairs. It is not necessary that the nominations be confirmed today, tomorrow, or Wednesday, but it is necessary, as I have said, that they be promptly confirmed.

Mr. BARKLEY. I suggest that the nominations lie on the table to be taken up later.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will lie upon the table.

Mr. BARKLEY. Mr. President, with the understanding which has been reached, we will recess a little later until tomorrow.

ADDRESS BY THE PRESIDENT AT DAYTON, OHIO, ON OCTOBER 12, 1940

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the address delivered by the President at Dayton, Ohio, on the evening of October 12, 1940, on the defense of the Western Hemisphere, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT IN BEHALF OF THE 1940 MOBILIZATION FOR HUMAN NEEDS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by the President over the radio in the interest of the 1940 mobilization for human needs, on October 13, 1940, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT TO THE DUTCHESS COUNTY DEMOCRATIC COMMITTEE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address by the President to the Dutchess County Democratic committee meeting, October 5, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR CAPPER IN DEFEND AMERICA FIRST PROGRAM

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address delivered by him on October 10, 1940, in connection with the Defend America First Program, which appears in the Appendix.]

TRIBUTE BY SENATOR SLATTERY TO THE LATE GOVERNOR HORNER

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator SLATTERY at Chicago, Ill., on Monday, October 7, paying tribute to the late Governor Horner of Illinois, which appears in the Appendix.]

STATEMENT BY SENATOR WAGNER ON MR. WILLKIE'S POSITION ON SOCIAL SECURITY ACT

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a statement issued by Senator WAGNER on October 10, 1940, relative to Mr. Willkie's references to the Social Security Act, which appears in the Appendix.]

EDITORIAL FROM LABOR IN REPLY TO HERALD TRIBUNE EDITORIAL

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an editorial published in Labor of the issue of October 8, 1940, under the heading "'Labor' replies to interesting query—a Herald Tribune editorial defending Mr. Willkie provokes a discussion of Wall Street and its methods," which appears in the Appendix.]

ADDRESS BY ATTORNEY GENERAL JACKSON AT NOTIFICATION CEREMONIES FOR SENATOR MEAD

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD the address delivered by Robert H. Jackson, Attorney General of the United States, at the notification

ceremonies for Senator MEAD at Buffalo, N. Y., on October 5, 1940, which appears in the Appendix.]

IMPLICATIONS OF THE ELECTION—ADDRESS BY ATTORNEY GENERAL JACKSON

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD a radio address by Hon. Robert H. Jackson, Attorney General of the United States, delivered on October 9, 1940, which appears in the Appendix.]

FOREIGN POLICY—ADDRESS BY GEN. ROBERT E. WOOD

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an address by Gen. Robert E. Wood before the Council of Foreign Relations Association of Chicago, Ill., on the subject of the foreign policy of the United States, which appears in the Appendix.]

EDITORIAL FROM HARTFORD TIMES ON SOCIAL SECURITY PAYMENTS

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial from the Hartford Times of October 14, relative to a statement by Mr. Willkie concerning payments under the social-security program, which appears in the Appendix.]

SECURITIES AND EXCHANGE COMMISSION—LETTER BY ARTHUR H. DEAN

[Mr. MALONEY asked and obtained leave to have printed in the RECORD a letter written by Arthur H. Dean to the editor of the New York Times, relative to the administration of Government bureaus, which appears in the Appendix.]

STATEMENT BY PROMINENT WRITERS FAVORING PRESIDENT ROOSEVELT

[Mr. BYRNES asked and obtained leave to have printed in the RECORD statements of prominent writers favoring the reelection of President Roosevelt, which appear in the Appendix.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[Mr. HERRING asked and obtained leave to have printed in the RECORD a statement as to the operations of the Federal Deposit Insurance Corporation, which appears in the Appendix.]

THIRD PRESIDENTIAL TERM

[Mr. BURKE asked and obtained leave to have printed in the RECORD excerpts from the hearings conducted by a subcommittee of the Committee on the Judiciary on proposals to limit the tenure of office of President of the United States, which appear in the Appendix.]

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 12 o'clock and 30 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, October 15, 1940, at 12 o'clock meridian.

NOMINATION

Executive nomination received October 14 (legislative day of September 18), 1940

DIRECTOR OF SELECTIVE SERVICE

Clarence A. Dykstra, of Wisconsin, to be Director of Selective Service.

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 14, 1940

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Lord, teach us to pray. Let our faith in Thee be so simple, our vision so clear, and our hold on Thee so certain that as our prayer trembles into silence we shall be inspired to do good in countless, quiet ways. Teach us that self-denial and self-surrender are the measures and worth of man's greatness. Let there be a sorrow for sin, a yearning after peace and purity, and heartfelt longings for service and usefulness. We earnestly pray Thee, blessed Lord, let not the sun set in a world's sky of lead with a scarce, single ray of light, leaving its destiny upon a stricken heart. By bravely fighting, patient endurance, and quiet suffering may its weary burden measure our heroism and chivalry of soul. Unveil the cross before the waiting eyes of our fellow countrymen and let it be magnified in our daily lives. Let us live to toil for life while others are dying for life; this is true nobility. Do Thou direct our President, our Speaker, and the Congress in all their ways; this is our humble prayer. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Thursday, October 10, 1940, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate agrees without amendment to a concurrent resolution of the House of the following title:

H. Con. Res. 91. Concurrent resolution authorizing the printing of additional copies of Public Law No. 801, entitled "Second Excess-Profits Tax Act of 1940."

APPOINTMENT OF HON. L. L. MARSHALL, OF OHIO, TO COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution and ask for its immediate adoption.

The Clerk read as follows:

House Resolution 624

Resolved, That L. L. MARSHALL, of Ohio, be, and he is hereby, elected to the Committee on Merchant Marine and Fisheries of the House of Representatives.

The resolution was agreed to.

ELECTION OF HON. FRANK C. OSMERS, JR., TO COMMITTEE ON RIVERS AND HARBORS

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a second resolution and ask for its immediate adoption.

The Clerk read the resolution, as follows:

House Resolution 625

Resolved, That FRANK C. OSMERS, Jr., of New Jersey, be, and he is hereby, elected to the Committee on Rivers and Harbors of the House of Representatives.

The resolution was agreed to.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from the Committee on Coinage, Weights, and Measures:

OCTOBER 10, 1940.

SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR SIR: I hereby tender to you my resignation as a member of the Committee on Coinage, Weights, and Measures, and the Committee on the Territories.

Sincerely yours,

FRED C. GARTNER.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the St. Louis Post-Dispatch.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. COCHRAN]?

There was no objection.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a bill I am going to introduce today, which I believe will be referred to the Committee on Education.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. SNYDER]?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short article by John T. Flynn and an editorial from the Washington Star.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOODRUFF]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today after disposition of business on the Speaker's table and at the conclusion of any special orders heretofore made.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

EXTENSION OF REMARKS

Mr. RICH. Mr. Speaker, in case the House adjourns without my addressing the House today, I ask unanimous consent to revise and extend my remarks on the subject of the third term.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief credo written by Archibald MacLeish, and I ask unanimous consent also to extend my own remarks in the RECORD and to include the fourth section of subhead of the report of the special committee on the bill of rights of the American Bar Association.

The SPEAKER. Is there objection to the request of the gentleman from Utah [Mr. MURDOCK]?

There was no objection.

Mr. CULLEN. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from New York [Mr. CELLER] may be permitted to extend his own remarks in the RECORD and to include therein a statement made by Librarian MacLeish.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CULLEN]?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include a news item from yesterday's Baltimore Sun.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. HINSHAW]?

There was no objection.

AXIS PROPAGANDA

Mr. JONKMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. JONKMAN]?

There was no objection.

Mr. JONKMAN. Mr. Speaker, Dorothy Thompson, columnist, in this morning's Washington Post expressed further the story that the Axis Powers say they want to see Roosevelt defeated. This propaganda was first disseminated by the candidate for Vice President on the New Deal ticket; next we heard it proclaimed by the Democratic Governor of New York; then President Roosevelt himself again gave it national publicity in the nature of comment on a news article from Italy in the New York Times, to which he referred at his press conference.

The pathos of this propaganda does not lie in the fact that the New Deal injects national defense into politics; the tragedy lies in the fact that our President, the Democratic candidate for Vice President, and the Governor of New York, not to mention Dorothy Thompson and others, become the dupes of the dictators in spreading axis propaganda designed to weaken our defense. The propaganda of the dictators is always designed to mislead and get other people to do the things that will weaken them and make them vulnerable. In other words, according to their system, we know, or should know, that when the Axis Powers say they want Roosevelt defeated they mean just the opposite and mean to accomplish just the opposite, knowing that the people will take an opposite position. They hope that the people will elect Roosevelt. They know he will be no stronger in a defense program that he was in his domestic program. In other words, the New Deal has again shown its incapacity for leadership by already falling into the trap of Nazi and Fascist propaganda.

EXTENSION OF REMARKS

Mr. LYNCH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an address made by me in New York.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. LYNCH]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include therein a resolution and a statement.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

[Mr. PATMAN addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two topics, that is, separate extensions.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter I have received from Mr. Wallace and my reply thereto.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an Associated Press dispatch.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent that today, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes. I ask further that I may be permitted to include in my remarks certain extracts from a prospectus prepared for the consideration of the General Staff, which may somewhat exceed the ordinary limit.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

LEAVE OF ABSENCE

Mr. BRYSON. Mr. Speaker, I ask unanimous consent that I may be granted leave of absence for 2 weeks due to important business.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] have 5 days in which to extend his remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CHIPERFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Galesburg Register Mail, of Galesburg, Ill., of October 10, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain very brief editorial comments.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. FULMER and Mr. DIMOND asked and were given permission to extend their own remarks in the RECORD.

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the transportation problem.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMERICA'S FOREIGN POLICY

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OSMERS. Mr. Speaker, On Wednesday of this week about 20,000,000 Americans will register for possible service in the armed forces of the United States. Almost without exception there is a willingness and a desire on their part to serve their country and defend it from its enemies, both without and within.

There is, however, a growing conviction on the part of the American people that the present administration has made certain commitments, particularly in the Far East, which are unknown to Congress or to the people. Some have even suggested that this administration would go to any length to use the foreign situation as a means of perpetuating itself in office.

Those of us who are being registered on Wednesday and all of the citizens of the United States are entitled to a clear statement of America's foreign policy. We should know what is to be defended and whether our services are already pledged in some futile foreign expedition. Will the President make such a statement? [Applause.]

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two newspaper articles.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short article by the past president of the State bar of California.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CORRECTION OF ROLL CALL

Mr. H. CARL ANDERSEN. Mr. Speaker, on roll call No. 136 I am recorded as being absent, whereas I was present and answered "present." I ask unanimous consent that the RECORD and Journal be corrected accordingly. May I state, further, that I have not missed a quorum call or a roll call vote during the Seventy-sixth Congress.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by Mr. Hartley W. Barclay, secretary and editorial director of the Conover-Mast Corporation of New York, entitled "Prelude to Totalitarianism?"

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

[Mr. O'CONNOR addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. On these requests for 1 minute, where permission to revise and extend is granted, do they go in at this point in the RECORD?

The SPEAKER. They do not. If the request is made, the extensions do not go into the RECORD at that point if they are more than 1 minute.

Mr. O'CONNOR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'CONNOR. When I asked unanimous consent to address the House for 1 minute, I also asked unanimous consent to extend my remarks at that point.

The SPEAKER. The Chair did not understand the gentleman to make that request or he would not have recognized him for that purpose, under the agreement under which we have been working here for several months.

Mr. O'CONNOR. Then do I understand that the extension of my remarks will appear in the Appendix of the RECORD?

The SPEAKER. That is right.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that my whole speech, including the speech I made and the reply I made to my friend from Pennsylvania, be included in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. The gentleman from Texas [Mr. PATMAN], I think, made a similar request this morning. Does that go into the RECORD "at this point"?

The SPEAKER. It does not, if it is more than a minute. The Chair cannot hear these requests because there is so much confusion in the Hall and Members become so impatient about being recognized for 1 minute that they all stand up at one time.

LEAVE OF ABSENCE AND EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that I may have leave of absence for 22 days.

I also ask unanimous consent that I may have 10 of those days in which to insert my remarks in the RECORD and to extend and revise them on three subjects—the subject of health, the subject of the situation in the Third Congressional District of Minnesota, and the subject of the Townsend plan.

Mr. McCORMACK. Mr. Speaker, reserving the right to object to the latter part of the request, I understand the gentleman asked for 10 legislative days within which to extend his remarks in the RECORD on some subject.

Mr. ALEXANDER. Assuming those 10 days are during the 22 days' leave of absence which I have just requested; if not, I will limit it to that time.

Mr. McCORMACK. Is the gentleman going to be here for the remainder of the day?

Mr. ALEXANDER. Yes.

Mr. McCORMACK. Would the gentleman withdraw the latter part of his unanimous-consent request for the time being?

Mr. ALEXANDER. The one regarding the Townsend plan?

Mr. McCORMACK. I am not concerned about the Townsend plan or anything of that sort. I am referring to the

request for 10 legislative days within which to extend his remarks.

Mr. ALEXANDER. Mr. Speaker, a parliamentary inquiry. Under the rules, as I understand it, in case of an extended recess or an adjournment, the Members have some days within which to revise and extend their remarks in the RECORD.

Mr. McCORMACK. I am sure that will be taken care of if anything of that kind is done and, of course, whatever is afforded to the membership of the House generally, the gentleman would want to be included in the general request and that is the main reason for my taking this position.

Mr. ALEXANDER. Mr. Speaker, on that basis, I will withhold my request.

Mr. McCORMACK. I shall not object, of course, but I simply suggest that if the gentleman is going to be here for the remainder of the day, that as to the latter part of the request—not on the subject of the Townsend plan, because that does not concern me, but with respect to the 10 days within which to extend his remarks, that the gentleman withhold that for the time being.

Mr. RANKIN. Mr. Speaker, reserving the right to object, let me say to the gentleman from Minnesota that when a Member gets permission to extend his remarks in the RECORD he has 30 days within which to extend them. So, if the gentleman's unanimous-consent request to extend his remarks is granted, he would not only have 10 days but 30 days if the session lasts that long.

Mr. ALEXANDER. I thank the gentleman from Mississippi.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On October 10, 1940:

H. R. 3481. An act for the relief of C. Z. Bush and W. D. Kennedy;

H. R. 4126. An act for the relief of Warren Zimmerman;

H. R. 6782. An act for the relief of James Robert Harman;

H. R. 8369. An act authorizing a per capita payment of $10 each to the members of the Red Lake Band of Chippewa Indians from any funds on deposit in the Treasury of the United States to their credit;

H. R. 9123. An act to approve Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise;

H. R. 9124. An act to approve Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii entitled "An act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai by including within said franchise the entire district of Kawaihau, island of Kauai";

H. R. 9264. An act to provide for uniformity of allowances for the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty;

H. R. 9581. An act to amend the Merchant Marine Act, 1936, as amended;

H. R. 9734. An act authorizing allocation of funds for the construction of Saco Divide unit, Milk River project, and for other purposes;

H. R. 10061. An act to consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code;

H. R. 10246. An act to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission;

H. R. 10339. An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes;

H. R. 10518. An act granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.; and

H. R. 8474. An act to further amend the Alaska game law.

On October 14, 1940:

H. R. 7515. An act for the relief of Joseph B. Rupinski and Maria Zofia Rupinski.

EXTENSION OF REMARKS

Mr. JONES of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a list of farm imports from the Department of Agriculture.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a speech made by Attorney General Jackson.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLOOM. I further request unanimous consent to extend my remarks in the RECORD and include therein a speech by Pierre Van Paasen.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GRAND COULEE DAM

Mr. HILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HILL. Mr. Speaker, I think all of us have heard of Grand Coulee Dam, the greatest thing conceived by the mind of man, and when it is finished, after they have poured 11,000,000 cubic yards of cement in it, it will be the greatest thing ever built by the hand of man. But Coulee Dam is noted for one thing more and that is that the Democrats are in strong control there. Two years ago the Republicans received only 10 percent of the votes.

I hold in my hand a picture of a place and it says, "This is the place that was made for Willkie to make his address at Grand Coulee Dam." This is the picture. On it it says at the bottom "Republican headquarters, Willkie for President Club, C. A. Riemcke, president."

Up here in just about as large letters it says "Charles A. Riemcke, funeral home." [Laughter.]

That is about what the Republicans will find politically not only in Grand Coulee, but also in the State of Washington on November 5. [Laughter and applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. MAAS, by unanimous consent, was granted permission to extend his own remarks in the RECORD.

Mr. VORYS of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include certain excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THREE-DAY RECESSES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

This unanimous-consent request is submitted with the understanding that no ordinary legislative business will be transacted or any business transacted in the future unless the Members are notified in due season.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object——

Mr. BURDICK. Mr. Speaker, I object.

Mr. McCORMACK. Will the gentleman reserve his objection for the time being?

Mr. BURDICK. Yes; I will.

Mr. MARTIN of Massachusetts. Reserving the right to object, I understand from the gentleman from Massachusetts [Mr. McCORMACK] that the business which the administration has prepared for the House is practically completed for the time being?

Mr. McCORMACK. That is correct.

Mr. MARTIN of Massachusetts. I further understand that by these 3-day recesses the House will not lose any of its privileges to come into session if any extraordinary occasion should arise?

Mr. McCORMACK. That is absolutely correct. Of course, the membership of the House has complete confidence in its leadership on both sides of the aisle. The unanimous-consent request, if granted, with no further legislation to transact, no recommendations coming from the President, will permit the Members to go home with the knowledge that there is no necessity of their being in Washington and that if anything develops the Members will be notified in proper time.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. RANKIN. That means, then, that we are to have 3-day recesses from now on until further notified?

Mr. McCORMACK. That is correct.

Mr. O'CONNOR. Will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. O'CONNOR. I would like to inquire about this situation: We Members who live long distances away from Washington, which would require about 3 days within which to return, ought to have some understanding with the leadership that we will have about 3 days' notice before the time to be here. Of course, we want to come back immediately in case there should develop an acute situation.

Mr. McCORMACK. Will the gentleman repeat his suggestion?

Mr. O'CONNOR. The situation with respect to some of us is that we live in a territory which requires at least 3 days' time to get here, or even 4 days' time, assuming that we use the train—and not very many of us care to fly. Suppose the leadership of the House decides that we should be here. I think there ought to be a general understanding that we should have 4 days', or 3 days' at least, notice within which to come if the conditions will permit of such procedure.

Mr. McCORMACK. The gentleman has made an absolutely fair statement. I think the gentleman and all Members will understand that this is a gentlemen's agreement. Such agreements are frequently entered into, not particularly on matters of this kind, but on various matters, and the Members of the House respect the obligations of a gentlemen's agreement. Should some situation hereafter arise where this gentlemen's agreement was disturbed, where it was felt necessary to call the House into session it is only natural to assume—and I assure the gentleman, speaking for myself, and I know I speak for the Speaker and also speak the sentiments of my distinguished friend the gentleman from Massachusetts, the minority leader—all Members will be given ample notice.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. MARTIN of Massachusetts. I would amplify that by saying I know the gentleman from Montana, of course, would not want us to do otherwise, if the international situation became so involved it was advisable for us to be back regardless of the 3 days, we must do so. However, except in the case of real necessity, neither the Speaker, the gentleman from Massachusetts, the majority leader, nor myself would want to bring the House together without ample notice.

Mr. McCORMACK. The gentleman from Montana and other Members similarly situated can accept this request with complete knowledge that their interests and rights, except insofar as an acute emergency might arise, will be amply protected.

Mr. O'CONNOR. I may say to the gentleman from Massachusetts that I think it is a very reasonable arrangement to make and I think it is very wise on the part of the leadership to make such an arrangement. These inflammatory speeches that we hear daily keep the country stirred and I believe the country should be given a breathing spell. I am in favor of the plan.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. COCHRAN. Is it understood that should this request be granted the unanimous-consent calendar will not be called on the days the House meets?

Mr. McCORMACK. Oh, yes; that would follow naturally, I assume.

Mr. MARTIN of Massachusetts. I understand there will be no business at all transacted during this 3-day recess period; otherwise the Members would all have to be here.

Mr. McCORMACK. There will be no business transacted. The House will meet and immediately adjourn. No business will be transacted during the period covered by the unanimous-consent request.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. RANKIN. That means no speeches will be made?

Mr. McCORMACK. I assume that will be the case under the request that the House meet and immediately adjourn.

Mr. RANKIN. There will be no speeches made?

Mr. McCORMACK. The House meets and immediately adjourns. I believe the gentleman is capable of construing that language.

Mr. BURDICK. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Yes, I yield to the gentleman from North Dakota.

Mr. BURDICK. My position is somewhat changed. I objected, but now I am reserving the right to object. I want to find out what you are trying to do. Maybe it is all right, but I have been under the impression that we have been kept here month after month because of the international situation which might break at any moment. I notice from reports in the last few days that the most dangerous part of the whole program is immediately before us. We might be into the war by tomorrow night, you do not know.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I will yield, but I am not through yet.

At this time the whole world seems to be alive to the situation that we may become involved; and we may become involved without our action at all. If any nation declares war on us we are in. Now just why do we want to leave at this time unless it is on account of the election?

Mr. McCORMACK. That is a very fair question.

Mr. BURDICK. The worst thing that can happen to any one of us in the election is that we might get beat, and as long as I know I am going to get beat anyhow I am not worried.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. MARTIN of Massachusetts. I would not agree to this recess if I thought it would imperil our right to act promptly in the case of a national crisis. I think in this agreement, however, we are adequately protected. We could revoke this whenever we wished. I am sure the gentleman from North Dakota knows I want to safeguard the situation.

Mr. BURDICK. Why was this not done a month ago? [Laughter.]

Mr. MARTIN of Massachusetts. I yield to the gentleman from Massachusetts to answer that.

Mr. McCORMACK. Now that we have the gentleman from North Dakota in a good humor——

Mr. BURDICK. I am always that way, but I still reserve the right to object.

Mr. McCORMACK. In this particular matter I know my friend will not cause any further embarrassment by pressing his objection, but the fact is that I can assure my friend that due to the exigencies of an election year—and we are all practical men and have to recognize that such exigencies exist—this is the first opportunity I, as majority leader, have had to submit such unanimous-consent request.

May I say to the gentleman that 3-day recesses meet the very situation that the gentleman has in mind, and it will also meet another situation that will confront us of the House meeting daily with no business to transact, unless a unanimous-consent request of this kind is agreed to. It also meets another practical situation that we must face with realism, and which the American public also appreciates. Individual Members in both parties are confronted with the question of their reelection, and while the Members of each party want to see its party win nationally, naturally, they are concerned with their own election, and I do not blame them. If I had a close district I know I would be very much concerned, but, fortunately, I am in the position where nomination means election. I like to think in terms of the man who is seeking reelection in a fighting district, and I know the gentleman from North Dakota wants to think in those terms. If we had business to transact, he would be here, and I would be here, but we have no further business to transact. This is only fair and proper. There is a third reason. Consideration should be extended to the necessities and the exigencies of the individual Members.

Mr. BURDICK. What will happen to those of us who have to travel 2,000 miles or more to get home?

Mr. McCORMACK. If this unanimous-consent request is granted, the Members can go home with the knowledge that they may remain there until after election day, unless something happens of an emergency nature, as has been referred to by the gentleman from Massachusetts and myself. If that should occur there would not be any difficulty on the part of the leadership. There will be a spontaneous reaction by all Members to any emergency situation that may arise.

Mr. BURDICK. The gentleman states we have wound up all the business?

Mr. McCORMACK. All legislative business, and I can assure my friend that that has been stated to me personally by President Roosevelt. He has no further recommendation. If we should recess until after election, for example, and an emergency rose, the President would call us back, but 3-day recesses meet that situation.

Mr. MARTIN of Massachusetts. In other words, the 3-day recesses puts it in the control of the House, where we all want it to be.

Mr. McCORMACK. We are continuing in an orderly way. The House continues its sessions but instead of meeting daily it meets every 3 days because of the fact there is no legislation pending which requires the action of Congress at this time.

Mr. WOODRUM of Virginia. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Virginia.

Mr. WOODRUM of Virginia. I am sympathetic with the purpose that the gentleman has in mind, but I believe the arrangement needs some clarification. I have been one of the Members of the House who felt that Congress should remain in at least a stand-by status. I see no reason now for Congress to be in daily session, but I see every reason why we should be in such a situation that we could immediately assume legislative functions if in the judgment of any considerable number of the Members of the House they felt the House should be in session. I am wondering under this arrangement if, for instance, between now and Thursday something occurs that a good many Members of the House think should be considered on Thursday, are we going to be in the situation that we cannot consider that under this agreement?

Mr. McCORMACK. The only answer I can make to that is that if the unanimous-consent request is agreed to, this would permit one recess of 3 days and we would still be in the situation where we would have to wait until the third day. So that rather than come in next Thursday and repeat the same request to recess until next Monday, then come in and repeat it next Monday for the next 3 days, we are propounding a general request. Of course, 3-day recesses are necessary under the Constitution. We cannot adjourn or recess for longer than that period without joint action.

Mr. MARTIN of Massachusetts. This is simply what we have done a dozen times during this session.

Mr. WOODRUM of Virginia. It is more than that. I think we ought to understand what we are doing. The gentleman has stated there would be no business transacted. Now, that is pretty broad.

Mr. McCORMACK. No ordinary business.

Mr. WOODRUM of Virginia. Suppose there is something that is not controversial which needs legislative action, and this may very well happen in connection with this defense program. It has happened many times since June when lots of folks wanted us to go home. We did not go home. We ought not to tie our hands so that we cannot take up a noncontroversial matter that may be brought up which requires the action of Congress next Thursday or next Monday.

Mr. McCORMACK. My answer to that is this: Rather than incumber a unanimous-consent request with a lot of conditions, that situation can certainly be met by the leadership on both sides of the aisle. I believe that is the only practical answer that can be made. In other words, the Members may go home with the knowledge that nothing controversial of a legislative nature is going to come up; but if anything urgent comes up, which is noncontroversial, the leadership can get together and iron it out between themselves. I think we may agree to that with that thought in mind.

Mr. RICH. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Pennsylvania.

Mr. RICH. Suppose some Member of Congress wants a monument or a project put over in his own district, he is here and asks unanimous consent for that, you certainly are not going to permit legislation of that kind to go through?

Mr. McCORMACK. No; it would cover only something that requires immediate consideration of an emergency nature. The gentleman from Pennsylvania will understand that this "gentlemen's agreement" means that no legislative business will be transacted as long as the 3-day recesses are in operation.

Mr. RICH. A lot of things happen that the Congress does not know anything about. For instance, we sold 50 obsolete vessels, then we sold 150 tanks. They might sell the whole Navy while we are gone.

Mr. BURDICK. Mr. Speaker, in view of the explanation made by the gentleman from Massachusetts in response to the gentleman from Virginia, I withdraw my objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I feel very strongly that our duty is to be here at Washington. The international situation is very grave, and acts may be committed that may involve us in actual war both in the Pacific and in the Atlantic. The defense program is not going ahead the way I should like to see it go. I have been talking about aviation this morning, and I know how few airplanes the United States has. I shall go into detail regarding the administration's policy in having us unprepared in aviation defense. I realize I am outnumbered, as there as so many Members on both sides of the aisle who feel that the election of the right President, each to his own choice, is more important than our being here continuously, and as I am so greatly in the minority I should be outnumbered and voted down. Of course, I should vote against recessing, even.

May I ask the gentleman what plans are being made for the passage, for instance, of veterans' legislation? We have done practically nothing for the disabled veterans during this

session of the Congress. The House has acted upon legislation but not the Senate. Does the gentleman plan to reconvene immediately after the election in order that we may pass legislation that would do justice to the veterans? I am mentioning just one or two measures that ought to be taken up; certainly, in this Congress.

Mr. McCORMACK. I do not want to get into a broadside discussion of legislation. The gentlewoman from Massachusetts knows my strong sympathy with and support of veterans' legislation.

Mrs. ROGERS of Massachusetts. I know that. The gentleman is very much interested in veterans' legislation, but nothing is being done at this session.

Mr. McCORMACK. I do not want to get into a discussion which might tend to confuse the request I have submitted. I want to keep the request in the form I intended, and which all Members may realize and appreciate without any lengthy argument on my part. This is a very practical way of meeting the state of mind of all Members, as I see it.

Mrs. ROGERS of Massachusetts. But surely the plan is to take up legislation immediately after the election?

Mr. McCORMACK. Of course, I cannot make any statement which goes to that extent. I think it would be a brave Member of the House who would dare to predict what would happen after the election. I would rather not express an opinion on that because it is very remotely pertinent to the request I have submitted, and I would rather not get into a discussion of it.

Mrs. ROGERS of Massachusetts. Public opinion will demand legislative action I believe, but today I am helpless because I am outnumbered in votes. Of course I shall be in Washington for every session of Congress. I shall stay here constantly as always.

Mr. McCORMACK. I know the gentlewoman always cooperates on everything which is reasonable and proper, and this is such an instance, I submit.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Minnesota.

Mr. ALEXANDER. As I understand, the CONGRESSIONAL RECORD will be printed on Mondays and Thursdays, and there will be an opportunity for the Members to extend in those RECORDS remarks for which permission has been granted previously?

Mr. McCORMACK. Of course, the CONGRESSIONAL RECORD will be printed to include remarks where permission has been granted. I assume that before the day is over separate consideration will be given to that feature.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. CARTER. I should like to know how this agreement may be terminated. Is it in the hands of the Speaker, is it in the hands of the majority leader, is it in the hands of the minority leader, or is it in the hands of all three of them?

Mr. McCORMACK. No, I would say that it is in the hands of the House itself, operating through the leadership, in which I assume the House has confidence.

Mr. CARTER. Some of us live a considerable distance away. Have we any assurance that on next Thursday or the Monday following or the Thursday following some Member will not object to a further continuance of the recesses? I understand that any one Member can do that.

Mr. McCORMACK. No; because by unanimous consent request is not only for the 3-day recesses but includes the provision that the House will immediately adjourn after meeting on those days. I assume the gentleman from California can have confidence in the fact that the Speaker, the minority leader, and certainly I myself will effectively carry out the gentleman's agreement that is entered into.

Mr. CARTER. The House will recess upon a unanimous-consent request to recess to the next Thursday or the next Monday?

Mr. McCORMACK. No; my unanimous-consent request is that when we adjourn we adjourn to next Thursday, and that there be a period of 3-day recesses thereafter; further, that upon the Chair's calling the House to order the House will immediately adjourn, and no business will be transacted unless the leadership agrees to it; also, that the Members of the House will be given ample notice, unless some emergency arises, as has been referred to, or unless some important legislation which does not have to do with a real emergency but relates to the national defense, and is non-controversial, comes up, and is agreed upon by the leaders.

Mr. CARTER. Is it the gentleman's understanding that the minority leader can come in on Thursday and terminate the 3-day recesses?

Mr. McCORMACK. I have such confidence in the minority leader that I know he would take no action without conferring with the Speaker or with me, and I know the gentleman from California and every Member knows that neither the Speaker nor I would take any action without conferring with the distinguished gentleman from Massachusetts.

Mr. CARTER. I am absolutely certain of that, but the point I have in mind is this. Suppose there were an honest disagreement between the Speaker and the majority leader on one side and the minority leader on the other. In what situation would that leave the minority leader?

Mr. McCORMACK. All I can say is that in trying to accomplish a practical result all anyone can do is to approximate it humanly. As human beings we cannot do everything perfectly. The situation to which the gentleman refers is one I do not believe will arise.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I do not understand from the remarks of the gentleman from Massachusetts that I am marooned in any way at all by this request.

Mr. McCORMACK. I cannot conceive of the gentleman's being marooned under those circumstances. I would not permit it, as far as I am personally able.

Mr. MARTIN of Massachusetts. It is my understanding that this request is for a 3-day recess, and we are privileged to extend it, if we wish, on the third day.

Mr. McCORMACK. No; I assume that these are continuing 3-day recesses.

Mr. MARTIN of Massachusetts. I want it thoroughly understood that I have the right, at the end of the 3 days, if the international situation becomes involved, to terminate the recess.

Mr. McCORMACK. Exactly; that is understood, but the gentleman would naturally consult with the leadership on the Democratic side prior to any termination of the gentlemen's agreement.

Mr. MARTIN of Massachusetts. Oh, I can assure the gentleman from Massachusetts I would not take a single step without notifying the gentleman and the Speaker.

Mr. McCORMACK. Of course, the gentleman would not.

Mr. MARTIN of Massachusetts. And I know the Speaker and my good friend from Massachusetts would not do so without notifying me, but I want it distinctly understood that the minority does not sacrifice its right of bringing the Congress into session if the international situation were such——

Mr. McCORMACK. No; and the majority does not either. [Applause.]

Mr. CARTER. Even though there might be a disagreement.

Mr. McCORMACK. The gentleman's statement is a fair one, and that is understood. Certainly, the majority party would no more want the minority, by a gentlemen's agreement, to abdicate its responsibility than it would want to abdicate its own responsibility.

The SPEAKER. The gentleman from Massachusetts [Mr. McCORMACK] asks unanimous consent that when the House adjourns today it adjourn to meet on Thursday next, and that is all of the request that the gentleman submits. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I think there is one question that ought to be cleared up about this 3-day recess. Under the Constitution of the United States this House can only adjourn for 3 days at a time except in conjunction with the Senate. So whatever agreement we enter into here can be terminated at the end of 3 days. Any Member of the House has the right to rise and object to a unanimous-consent request and then if we adjourn for 3 days at a time it will have to be by a motion. Of course, the leadership can agree on a program, but they cannot bind every Member of the House, and if the lady from Massachusetts [Mrs. ROGERS], who spoke a while ago about wanting legislation considered, wants to object, at any time she can hold the House in session unless the House votes her down, for a 3-day session. I think that ought to be made perfectly clear before we proceed further.

Mrs. ROGERS of Massachusetts. Mr. Speaker——

Mr. RANKIN. Now, Mr. Speaker, I am going to demand the regular order. If we are going to debate this all day, we might as well go ahead and introduce a resolution.

I demand the regular order, Mr. Speaker.

Mrs. ROGERS of Massachusetts. Mr. Speaker——

The SPEAKER. What is the request of the gentleman from Massachusetts [Mr. McCORMACK]?

Mr. McCORMACK. My request, Mr. Speaker, is that when the House adjourns today it adjourn to meet on Thursday next, and when it meets on Thursday next that no business shall be transacted and it adjourn for 3 days at a time until further notice from the Speaker or the minority leader.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I object.

Mr. RANKIN. Mr. Speaker, reserving the right to object, that agreement would not be binding on the membership of the House beyond the 3-day limit. You cannot enter into an agreement now that is binding on the membership of the House as to what you will do at the end of the 3 days, but you can state your policy or what you propose to do at the end of the 3 days.

Mr. McCORMACK. My unanimous-consent request is that when the House adjourns today it adjourn to meet on Thursday next and that no business be transacted on that day.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. CHURCH. Reserving the right to object, Mr. Speaker——

The SPEAKER. The regular order has been demanded. Is there objection?

Mr. CHURCH. Mr. Speaker, I reserve the right to object.

The SPEAKER. The regular order has been demanded, and the gentleman cannot reserve the right to object.

Mr. CHURCH. I shall object until I get an answer——

The SPEAKER. There is only one thing the gentleman can do now.

Mr. CHURCH. I shall object unless I shall get an answer to a question.

The SPEAKER. Objection is heard.

RESIGNATIONS

The SPEAKER laid before the House the following resignation:

WASHINGTON, N. C.

Hon. SAM RAYBURN,
Speaker, House of Representatives.

MY DEAR MR. SPEAKER: I herewith submit my resignation as chairman of the Committee on Accounts, effective at the close of business October 31, 1940.

Respectfully,

LINDSAY C. WARREN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER laid before the House the following resignation:

WASHINGTON, D. C.

Hon. SAM RAYBURN,
Speaker, House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I herewith submit my resignation as chairman of the Committee on Expenditures in the Executive Departments, effective at the close of business October 31.

It is my intention to retain my membership on the committee.

Sincerely yours,

JOHN J. COCHRAN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEES

Mr. CULLEN. Mr. Speaker, I offer a privileged resolution (H. Res. 626) and move its adoption.

The Clerk read as follows:

House Resolution 626

Resolved, That JOHN J. COCHRAN, of Missouri, be, and he is hereby, elected chairman of the standing committee of the House of Representatives on Accounts, effective as of November 1, 1940.

The resolution was agreed to.

Mr. CULLEN. Mr. Speaker, I offer a further privileged resolution (H. Res. 627) and move its adoption.

The Clerk read as follows:

House Resolution 627

Resolved, That JAMES A. O'LEARY, of New York, be, and he is hereby, elected chairman of the standing committee of the House of Representatives on Expenditures in the Executive Departments, effective as of November 1, 1940.

The resolution was agreed to.

ORDER OF BUSINESS

Mr. DINGELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGELL. When the House adjourned last it was because of the lack of a quorum. I hold, and I should like a ruling from the Chair, as to whether we may transact any further business without a quorum and whether it is not essential that we proceed to determine whether there is a quorum present at this time?

The SPEAKER. Not unless the question is raised.

Mr. DINGELL. Well, I raise the point of order that there is no quorum present.

Mr. PATMAN. Will the gentleman withhold that for the time being?

Mr. DINGELL. I withdraw it temporarily.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects and include certain excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent Mr. WARD was granted permission to extend his own remarks in the RECORD.

THREE-DAY RECESSES

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. REED of New York. Mr. Speaker, I am addressing the Chair. There seems to be some confusion in regard to this question of 3-day recesses. I believe it would greatly clarify the situation if the minority leader and the majority leader were to get together and formulate a resolution in such terms that the House would thoroughly understand what we were adopting. I believe if that were done the House could very quickly come to a conclusion of the matter without any serious objection.

Mr. McCORMACK. Will the gentleman yield?

Mr. REED of New York. I yield.

Mr. McCORMACK. I have made the request that by unanimous consent when the House adjourns today it adjourn to meet on Thursday, and I believe that request meets

the whole situation. We all understand, as a result of the colloquy, what will happen.

Mr. REED of New York. What I had in mind was there would be something definite before us and before the country. It will be there and it can be read and it does not provoke discussion.

Mr. McCORMACK. I know my friend is trying to help out and we only had this colloquy for that purpose. The whole colloquy was to explain my request. I simply made the unanimous consent request that when the House adjourns today it adjourn to meet on Thursday next.

Mr. REED of New York. But we have had the colloquy now and various views have been expressed. It can be very easily reduced to writing in such a way as to cover the points raised and then we will have something definite and I believe we can move along in an orderly way.

[Here the gavel fell.]

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I renew my unanimous-consent request that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. CHURCH. Mr. Speaker, reserving the right to object in order to raise the question I intended to raise a while ago, if there is even an explanation that we cannot do business on Thursday or the following Monday, if we cannot do business, then you cannot adjourn this House on that day. That is doing business. Therefore if the gentleman includes that he is doing something by his action that this Congress has no right to do. If the gentleman confines his statement to that request just now made by him, then all rights are reserved until Thursday, naturally.

Mr. McCORMACK. Whether or not the gentleman is correct, I will not pass upon, but my unanimous-consent request is that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

VETO MESSAGE—LOUIS D. FRIEDMAN

The SPEAKER. The Chair desires to state that not knowing what the situation may be in the next few minutes, there are two additional veto messages from the President of the United States on the Speaker's table.

When the House adjourned on Thursday last the unfinished business before the House, and is, the motion of the gentleman from New York [Mr. DICKSTEIN] that the bill H. R. 7179 and the veto message of the President, with the accompanying papers, be referred to the Committee on Immigration and Naturalization, and ordered to be printed.

The question was taken; and the motion was agreed to.

A motion to reconsider was laid on the table.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—W. M. HURLEY AND JOE WHITSON (H. DOC. NO. 974)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and together with the accompanying papers, was, on motion of Mr. RAMSPECK, referred to the Committee on Claims and ordered to be printed.

To the House of Representatives:

I return herewith, without my approval, H. R. 775, an act authorizing payment of the sum of $500 to W. M. Hurley, and the sum of $1,500 to Joe Whitson, for damages to their property situated in the city of North Little Rock, Ark., as a result of the alleged failure of the United States to keep in repair a dike constructed on the Arkansas River.

As shown by the reports of the Secretary of War to the Claims Committee of the House, the damage to the claimants' property resulted not from a lack of maintenance of the adjacent dike structure by the Government, but rather as a result of unprecedented high-river conditions obtaining in February, 1938, and the impingement of the floodwater due to the dumping of old automobiles and other refuse in the river.

It is true that the Government has heretofore accepted responsibility for damage due to the deepening of a canal. This case, however, involves an improvement in a natural channel in aid of navigation in pursuance of authority conferred by law, constitutional and statutory. In making this improvement for the benefit of navigation, the Government did not impliedly contract with adjoining or nearby landowners, or assume a moral obligation to keep it in repair and protect them from the consequences of a break. It has not been shown that the improvement itself, either directly or indirectly, caused the damage, although by additional expenditure of public funds for inspection, policing, and maintenance, the damage might have been prevented.

To assume responsibility in this case would imply an obligation to do so in every case of a similar nature and thus entail a financial burden which, in the aggregate, it would be difficult to estimate and improper to assume. It has been consistently held by our courts that the Government is not responsible for the consequential effects of such improvements and it is not believed that such a responsibility should now be added to the already heavy cost thereof.

I regret, therefore, that I do not feel justified, for the reasons above indicated, in approving the bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 10, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—LUTHER HADEN (H. DOC. NO. 973)

The SPEAKER laid before the House the following message from the President of the United States which was read and together with the accompanying papers was on motion of the gentleman from Georgia [Mr. RAMSPECK] referred to the Committee on Claims and ordered to be printed.

To the House of Representatives:

I return herewith, without my approval, H. R. 8743, "for the relief of Luther Haden."

It is the purpose of the bill to pay the sum of $1,500 to Luther Haden, of Columbus, Ga., in settlement of his claims against the United States for personal injuries suffered by him on October 21, 1938, as the result of an explosion in the Muscogee County jail, where he was held as a Federal prisoner.

It is a regular and lawful practice to house Federal prisoners in local jails. From aught that appears, this was a suitable and proper place in which to confine the prisoner. The Federal Government was not an insurer of the prisoner's safety. It owed him the duty of exercising reasonable care for his safety, and this duty was fully performed. If the injury was due to negligence either in permitting gas to accumulate in the furnace room or causing its ignition, the responsibility is on the local authorities for not keeping the premises in a safe condition. It may be assumed that a claim filed with the local government would receive appropriate consideration. The liability, if any, is tortious rather than contractual.

I regret, therefore, that I do not feel justified in approving the bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 10, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

STATE HOME-GUARD UNITS

Mr. THOMASON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10495) to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes, with a Senate amendment, and to concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That section 61 of the National Defense Act of June 3, 1916, be amended to read as follows:

"'No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this act: *Provided*, That nothing contained in this act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this act shall prevent the organization and maintenance of State police or constabulary: *Provided further*, That under such regulations as the Secretary of War may prescribe for discipline in training, the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of the State concerned is in active Federal service: *Provided further*, That such forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States; however, no person shall, by reason of his membership in any such unit, be exempted from military service under any Federal law: *And provided further*, That the Secretary of War in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military units, to any State, upon requisition of the Governor thereof, such arms and equipment as may be in possession of and can be spared by the War Department.'"

Mr. RICH. Mr. Speaker, reserving the right to object, as I understand, Congress voted to take over the State militia. Does this bill contemplate the establishment of another militia in the various States under the same rules and regulations that the National Guard was established?

Mr. THOMASON. If the gentleman does not mind, I will ask the gentleman from Connecticut [Mr. SMITH] to answer, as he is familiar with the details.

Mr. SMITH of Connecticut. The units established under this bill would be State units whose obligations would be to perform the duties of the National Guard while the National Guard units are outside of the States. Such units are necessary in some States for the guarding of waterworks and other public utilities against sabotage. A number of the States feel they should have some military units at hand.

The Federal Government has some equipment it can lend to the States, including, as the gentleman knows, a great number of rifles to arm such units. It is practically the same system that was used at the time of the World War when the National Guard was called from the States and the so-called State guard was set up.

Many of the States have already gone ahead and organized these units, but they need equipment and arms. These guard units have been officered in many cases by former National Guard officers who have either retired or resigned, and by World War veterans beyond the age limit for active military service.

The prohibition in the Defense Act against the maintenance of troops outside of the National Guard was held to prohibit the War Department from lending any equipment to any State unit outside of the National Guard except to those few known as the Ancient Corps under section 63 of the act. There has been a dispute as to the constitutionality of trying to prevent any militia unit from being set up by a State under this section of the Defense Act; but regardless of the question of constitutionality of the existing provision of the Defense Act there is no question but that the legislation we have here is necessary before the Federal Government could lend equipment to the States; and it is necessary in order to make effective these State units which many of the States, including New York, Connecticut, Texas, and others, are now setting up to take the place of the guard while the guard is away in the Federal service.

Mr. RICH. When the bill was passed under which the National Guard was ordered into the Regular Army service for a year I objected because I realized that the States would need some kind of organization to guard the public property and maintain order if necessary. That was my principal reason for objecting to the Federal Government's putting them into the Regular Army. We now find out that I was right, that the States do need some kind of effective military organization to deal with emergencies.

Mr. SMITH of Connecticut. We find that both are necessary.

Mr. RICH. I am glad some kind of legislation has been brought into set-up units to take the place of the National Guard. Let me ask this further question if the gentleman will permit: Is the Federal Government going to aid and assist the States in maintaining the forces to be established under this bill outside of furnishing the arms?

Mr. SMITH of Connecticut. No; there is no provision for any Federal aid in this bill beyond the furnishing of arms and equipment if the Government has them to lend.

Mr. RICH. Has the committee had request from various States seeking to establish organizations of this kind?

Mr. SMITH of Connecticut. Yes. My own State is one that is proceeding.

Mr. RICH. If we are being called upon to furnish them guns will we not also be called upon to furnish them other assistance?

Mr. SMITH of Connecticut. I do not think that follows necessarily.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. COOLEY. In the State of North Carolina every unit of the National Guard has gone into the Federal service. At the present time we do not have any National Guard in the whole State. Do I understand that under this bill the Federal Government will lend equipment to the State governments?

Mr. SMITH of Connecticut. Insofar as equipment is available, yes.

Mr. COOLEY. For the purpose of equipping the home guard?

Mr. SMITH of Connecticut. Yes, insofar as the War Department has the equipment. At the present time, as I say, we have plenty of rifles. There are over 2,000,000 rifles on hand now.

Mr. COOLEY. How about ammunition for those rifles?

Mr. SMITH of Connecticut. There will be some ammunition available.

Mr. RICH. Then do I understand that the Federal Government will not contribute anything to the maintenance of the home guard, but that is a matter that will have to be left entirely to the States?

Mr. SMITH of Connecticut. There is no provision for it in this bill. The immediate purpose of this bill is to obtain equipment for them. We have not gone any further in view of the legislative situation and the lack of time right now to go into it any more thoroughly. The National Guard, of course, is called out for only 1 year under the present situation, so that this is more or less a temporary set-up to take the place of the guard while the guard is in the Federal service.

Mr. COOLEY. Is the only purpose of the legislation that we are now considering to authorize the lending of equipment now available to the States?

Mr. SMITH of Connecticut. To authorize the States to maintain these units outside the National Guard and to lend equipment to them.

Mr. ELSTON. Mr. Speaker, reserving the right to object, as I understand it, this bill is absolutely necessary if the States are to have any units at all during the time that the National Guard is in the Federal service? It is also necessary if the States are to get any help at all from the Federal Government in the way of arms, ammunition, or equipment?

Mr. SMITH of Connecticut. Certainly it is necessary if the Federal Government is to furnish them arms, ammunition, and equipment. There is some question as to whether the present prohibition against the States maintaining units outside the National Guard, which is now in the law, is effective, but this removes any question about that. This makes it clear that the States may maintain the units and the Government may lend the States such equipment and arms as it has available.

Mr. ELSTON. This bill, as I understand it, was unanimously passed by the House and unanimously passed the Senate with certain amendments?

Mr. SMITH of Connecticut. I think there was one vote against it in the Senate, if I recall correctly. It was reported by the House committee unanimously. It passed the House and was amended in the Senate very little and these were restrictive amendments, which provided that the Secretary of War shall prescribe legislation for the training and discipline of the units, and providing that the units themselves could not be called into the Federal service as units. In other words, they would remain as State troops.

Mr. ELSTON. Is there anything in the restrictive amendment passed by the Senate which would preclude the Governor of any State from calling those troops into any kind of service the Governor may see fit?

Mr. SMITH of Connecticut. Not at all.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. THOMASON]?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—GRACE MURPHY (H. DOC. NO. 970)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 2214, Seventy-sixth Congress, third session, entitled "An act for the relief of M. Grace Murphy, administratrix of the estate of John H. Murphy, deceased."

This enactment would authorize and direct the Secretary of the Treasury to pay to M. Grace Murphy, Boston, Mass., administratrix of the estate of John H. Murphy, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, in full settlement of all claims against the United States for compensation for services performed and expenses incurred by John H. Murphy, deceased, in connection with sale to the Government of Poland of certain surplus war materials.

Shortly after the World War the United States Government was in possession of quantities of various railroad equipment of continental type, of which 7,554 railroad cars were disposed of by contracts of conditional sale to the U. S. A. International Corporation. Mr. John H. Murphy, the deceased husband of the beneficiary of this enactment, was the executive sales head and a stockholder of this corporation. As representative of the corporation he sailed for Europe and entered into negotiations with Serbia and Bulgaria for the sale of the cars, but was, for various reasons, unable to consummate the sale and returned to the United States. At this time the conditional sales contracts between the United States and the corporation had expired under their terms for nonpayment of the installments due. An initial payment of $201,318, paid under one of the contracts, was, after the cancelation of the contract, covered into the Treasury to the credit of the United States as liquidated damages.

Following conferences with the Secretary of War and other Government officials, Mr. Murphy returned to Europe in a further attempt to dispose of the cars on his own initiative, apparently in the hope of recouping the losses of the corporation. He succeeded in interesting the Polish Government in the matter and was responsible to a degree for the institution of negotiations looking to the purchase of the cars by that Government. However, this transaction was never consummated, but, on the contrary, was abandoned by the Polish Government and by the United States Government. If he had been the procuring agency in effecting this sale, it would be appropriate for the Government to compensate Mr. Murphy for efforts which resulted in a financial benefit to the United States. However, he was unable to effect a sale and thereafter the cars were offered for sale on competitive bids and the Polish Government, one of 11 bidders, was awarded 7,554 freight cars, the consideration being $1,208,640 in cash and $3,625,920 in 6-year 5-percent notes. It cannot be said, however, that the interest of the Polish Government in this purchase was due, save only in slight degree, to the efforts of Mr. Murphy, since the Polish Government had previously purchased 4,600 similar cars from the United States Government; and it was a matter of public knowledge that the cars in question were on the market.

The beneficiary of this enactment filed suit in the Court of Claims for $731,281.85, alleged to represent the commission for supplying the purchaser for the cars. The court dismissed the petition and, after fully setting forth the facts, stated in its opinion as follows:

* * * We find no precedent sustaining a contention that the department was liable for broker's commission for a sale of property conducted under its own initiative, by its own officers, and in accord with its own terms and conditions exclusively. * * * (68 Ct. Cls. 149 at 168.)

I agree with this view expressed by the Court of Claims. While it appears that Mr. Murphy was diligent and active in his efforts to effect a sale, it is clear that he was unable to do so. It also appears that he was not the procuring cause of the sale subsequently made to the Polish Government after competitive bidding. In this view approval of this enactment is objectionable, because it would mark a departure from the general law and likewise establish a precedent contrary to sound policy.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 10, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. RAMSPECK. Mr. Speaker, I move that the bill and veto message be referred to the Committee on Claims and ordered to be printed.

The motion was agreed to.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—EDWARD WORKMAN (H. DOC. NO. 969)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, a bill (H. R. 428) entitled "An act for the relief of Edward Workman."

This legislation would provide for the payment of the sum of $3,000 as compensation for the death of his 3-year-old son, who was run over by a Civilian Conservation Corps truck.

It appears that on September 2, 1936, Mr. Workman parked his car on a highway near the Wawasee State Fish Hatchery in the State of Indiana, to permit his child to get a drink from a well located nearby. The father remained seated in his car. In order to reach the well it was necessary for the child to walk across a side road which entered the main highway. The child was struck and killed by an approaching Civilian Conservation Corps truck.

While there is some dispute as to the circumstances immediately preceding and following the accident, and it is evident that the driver of the truck failed to see the child, it does not satisfactorily appear that this was due to negligence on his part or that the Government could be held legally responsible if it should waive immunity and permit an action in tort to be brought against it.

The bereaved family is entitled to our most profound sympathy. From the evidence available, however, it is not believed that an award of compensation would be justified in this case.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 10, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. RAMSPECK. Mr. Speaker, I move that the bill and message be referred to the Committee on Claims and ordered to be printed.

The motion was agreed to.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—BOLINROSS CHEMICAL CO. (H. DOC. NO. 972)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith, without my approval, H. R. 8868, a bill "Conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of the Bolinross Chemical Co., Inc."

The claims are based upon alleged destruction, wantonly and unnecessarily, of machinery, equipment, raw materials, and finished products, and the consequent loss of business, by reason of a raid on the chemical plant of the company at Newark, N. J., by prohibition agents of the United States on or about February 20, 1929. The aggregate amount of loss and damage claimed is $200,000.

The records of the Treasury Department show that on February 20, 1929, certain Federal prohibition inspectors and a Government chemist, attached to the Newark office of the Prohibition Administrator, made an inspection of the premises of the Bolinross Chemical Co. and discovered a still being used in violation of the National Prohibition Act and the internal revenue laws in the production of alcohol fit for beverage purposes by the redistillation, or "cleaning," of ethyl acetate. The practice of "cleaning" ethyl acetate, that is, the recovery of alcohol therefrom, was at this time developing throughout the country into a prolific source of frauds upon the internal revenue. Upon discovering that the National Prohibition Act and the internal-revenue laws were apparently being violated in their presence, the prohibition inspectors arrested the persons found to be involved, including certain officers and employees of the plant.

Upon arresting the persons involved, the Government officials seized certain personal property consisting of distillery equipment and contraband liquors. The seized property was removed from the premises. A libel of condemnation was filed in due course and an order of forfeiture entered against the seized property. In pursuance to the decree of condemnation, the United States marshal destroyed the seized illicit distillery apparatus and contraband liquors, and sold the junk metal recovered. The proceeds, $130, were turned over by the marshal to the collector of internal revenue and deposited into the Treasury in accordance with law.

The seizures made on the premises of this claimant were authorized under title II of the National Prohibition Act and sections 3257, 3259, 3260, 3281, and 3453 of the Revised Statutes. The Department records show that the case was handled throughout in accordance with laws and regulations in force at the time.

There is nothing to distinguish this claim from a large number of other claims of this character, which have been denied, except that part of the claim for "the loss" of claimant's "business."

As the result of an exhaustive investigation conducted by the Department, it has been ascertained that the claimant company was on the verge of receivership at the time the Government officials made the seizures above-described. At the time the seizures were made, February 20, 1929, the claimant was unable to meet its obligations as shown by the fact that it was without sufficient funds to pay its rent or the salaries of its employees.

The company had been organized and commenced operations less than 2 years before with equipment purchased from a bankrupt concern for $5,000 by one of the incorporators named Lindsley, who also provided the initial working capital amounting to $10,000 and contributed further assistance as the company needed it. Shortly before the raid and seizure in February 1929 Lindsley withdrew from the company because he was convinced it was going to fail. It went into receivership in April 1929 listing assets worth $3,000, according to an affidavit filed by one Frederick G. Ross, a stockholder and officer who had previously filed a petition for voluntary individual bankruptcy and who subequently obtained his final discharge in July 1929.

The receivership was revived in 1936 on petition of Ross who had meanwhile acquired all the stock of the company, alleging that he might have a valid claim against the United States Government for illegal entry on the company's premises. Although Ross was one of the incorporators and original stockholders, it appears unlikely that he invested any substantial amount in the company prior to the receivership in view of his then pending personal bankruptcy and the sworn statement of Lindsley that he was the only one who put money into it.

It is noted that a grand jury declined to return an indictment against the persons arrested at the time of the raid. Neither the company itself nor the receiver, however, saw fit at that time to contest the libel proceedings, or make any effort to prove that the raid and seizure of the company's property was unwarranted.

From the circumstances above recited and other facts disclosed by the investigation into the company's affairs, it is evident that the company's failure was due to natural causes rather than to the seizure and destruction of equipment by the prohibition inspectors. After a lapse of 10 years, during which records and witnesses disappear and memories become stale, the Government is hardly called upon to submit voluntarily to the risk of litigation and possible heavy damages on a claim so apparently lacking in genuine and substantial merit.

For the reasons stated herein, I withhold my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 14, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. RAMSPECK. Mr. Speaker, I move that the bill and the message be referred to the Committee on Claims and ordered to be printed.

The motion was agreed to.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—CLEVELAND NATIONAL FOREST, CALIF. (H. DOC. NO. 971)

The Speaker laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith, without my approval, H. R. 2728, entitled, "An act to add certain lands to the Cleveland National Forest in Orange County, Calif."

This enrolled bill would authorize an appropriation of not to exceed $45,000 for the purchase of a tract of approximately 1,000 acres for addition to the Cleveland National Forest. An investigation of this area indicates that the chief value of these lands is for recreational purposes.

While their use for outdoor recreation ranks high among the many public values of our national forests, I do not believe justification can be found for adding at this time to these extensive areas, by purchase, lands which are primarily recreational in character. It is my feeling that Federal land purchase activities should, for the present, be confined to the most critical areas of maladjustment in land use.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 14, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. HILL. Mr. Speaker, I move that the bill and message be referred to the Committee on Public Lands and ordered to be printed.

The motion was agreed to.

CIVILIAN CONSERVATION CORPS

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4338) to establish a Civilian Conservation Corps, and for other purposes, for immediate consideration.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

Mr. MICHENER. Reserving the right to object, I see the gentleman from Michigan [Mr. HOFFMAN], a member on the minority side of the Committee on Labor, is present. Does the gentleman wish to say anything about this bill?

Mr. HOFFMAN. Mr. Speaker, as I understand this bill there is a provision in the law with reference to C. C. C. camps on Indian reservations that prohibits the enlistment of anyone for more than 2 years except one mess cook, three other employees, and veterans, and now you are adding Indians to these exemptions.

Mrs. NORTON. May I say to the gentleman that the bill has for its purpose the removal of the restriction on the length of service of Indian enrollees in the Civilian Conservation Corps. Indian enrollees are mature men; they are not boys. The work they are doing is continuing work on conservation on Indian reservations. I would say that most of these Indians are stationed in Alaska and, although many of the States would also profit by this amendment, the condition in Alaska is very acute. I am sure the Delegate from Alaska would be very glad to explain the situation regarding Indian enrollees in Alaska.

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, I am a member of the Committee on Indian Affairs. May I inform the Members of the House that the Committee on Indian Affairs has held extensive hearings on many bills concerning Indians. We have found that many thousand American Indians are ill-housed, ill-fed, and ill-clothed—so many, in fact, that our committee unanimously reported out the O'Connor bill to authorize the appropriation of $10,000,000 to take care of those needy Indians. I understand that the passage of this bill will permit the Government to utilize and pay for the services of many of these ill-housed, ill-clothed, and ill-fed Indians. The passage of this bill will therefore be in the interest of the Federal Treasury as well as the Indians, who will be employed doing useful and necessary work on the Indian reservations.

Mr. DIMOND. The gentleman is quite right. The situation in Alaska particularly is terribly acute, although this bill has Nation-wide scope. I introduced a similar bill in the House for the purpose principally of serving the Alaskan natives. They need the help which this measure will give them, and they need it now. Their economic condition is tragically low. If some of them can be continued upon the C. C. C. work, as the gentleman from Wisconsin said, it will save the Federal Treasury money in another respect and will be a distinct benefit to them and to the whole citizenry of Alaska.

Mr. HOFFMAN. Reserving the right to object, Mr. Speaker, the law as it stands today limits the enrollment to a period of 6 months except for one mess cook and a couple of other cooks, and veterans. Now we have fixed it so the Indians can enlist for 2 years along with the veterans.

Mr. DIMOND. It removes the limitation, yes; whatever the legal limitation is.

Mr. HOFFMAN. It extends the period of enlistment for the Indians. I have Indians in my district, but we have no C. C. C. camps for them.

Mr. CASE of South Dakota. Reserving the right to object, Mr. Speaker, I believe the legislation is clarifying because in the first part of the paragraph the Indians are included, and I feel that the failure to repeat the word later was an error in drafting the bill.

Mr. HOFFMAN. Oh, no.

Mr. CASE of South Dakota. I may say also that I believe this is clearly in the interest of the Federal Treasury, because if these Indians are not permitted to work they have to be fed anyway, and you will have the expense without getting anything for it.

Mr. HOFFMAN. I shall not object, but there should not be any misunderstanding about it. This creates a new class, and that is all there is to it.

Mr. DIMOND. It exempts the Indians from the present limitation in the law with respect to continuity of employment in C. C. C. camps.

Mr. HORTON. Reserving the right to object, Mr. Speaker, do I understand this has to do with work in Civilian Conservation Corps camps only?

Mr. DIMOND. That is all.

Mr. HORTON. And through the C. C. C. it does give additional work to the Indians?

Mr. DIMOND. It may give additional work to the Indians, and, of course, it will permit them to be carried as C. C. C. enrollees beyond the time they otherwise would be obliged to go off the rolls. It particularly takes care of the older Indians who cannot get jobs anywhere else. It is one of the most beneficial things I can think of. It is true that during the summer season many of the Indians of Alaska are employed in fishing, but their income from that occupation is generally so meager that it will not support them and their families during the winter, and in the winter season no other occupation or employment is available for most of them. A few engage in trapping but ordinarily fur-bearing animals are not abundant, with the result that little income can be derived from that type of work. During the last few years the C. C. C. has supplied much needed work for a considerable number of the natives, and many of those so employed are rapidly approaching the time when they can no longer be accepted as C. C. C. enrollees. If they are cut off from the C. C. C., numbers of them will suffer severely, and, as indicated by the gentleman from South Dakota [Mr. CASE], it will be necessary to furnish them with some other form of aid. Winter is now approaching and we must have relief at once if suffering is to be avoided. Therefore, I hope and urge that this bill be passed today. It is a Senate bill, and if passed by this House will go direct to the President for his approval. The bill is recommended by the C. C. C. authorities and by the Bureau of Indian Affairs. Mr. B. Frank Heintzleman, Regional Forester for Alaska, under whose supervision C. C. C. work in Alaska is carried on, and who is intimately familiar with the needs of the natives, has written me on several occasions urging prompt action.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937 (50 Stat. 319), as amended by the act of May 12, 1938 (52 Stat. 349), is further amended by adding after the words "War veterans" in the second proviso of said section the following: "and Indians."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARLINGTON FARM, VIRGINIA

Mr. JONES of Texas. Mr. Speaker, I call up the conference report on the bill (S. 4107) to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdictions of the War Depart and the Department of the Interior, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4107) to transfer the jurisdiction of the Arlington Farm, Va., to the jurisdictions of the War Department and the Department of the Interior, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 3, and agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out by the House amendment insert the following:

"Sec. 4. The Secretary of War is hereby authorized to transfer to the Secretary of the Interior a right of way two hundred feet wide extending from a point near the southeast corner of the Arlington Cemetery in a northeasterly direction to the Boundary Channel, in order to provide an adequate approach road to the Arlington Memo-

rial Bridge, the construction of which road is hereby authorized, and, with the approval of the President, to transfer to the Secretary of the Interior until needed such other lands transferred to or acquired by the Secretary of War under this Act as may not be immediately necessary for military purposes."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title.

MARVIN JONES,
H. P. FULMER,
CLIFFORD R. HOPE,
Managers on the part of the House.

MORRIS SHEPPARD,
SHERMAN MINTON,
ELBERT D. THOMAS,
WARREN R. AUSTIN,
CHAN GURNEY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4107) to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdictions of the War Department and the Department of the Interior, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill transferred that part of Arlington Farm west of the Rosslyn connecting railroad from the Secretary of Agriculture to the Secretary of War. That part of the farm lying east of the Rosslyn connecting railroad was transferred from the Secretary of Agriculture to the Secretary of the Interior.

Under the House amendments and the conference agreement, the entire farm is transferred to the Secretary of War.

The Senate bill authorized an appropriation of $4,000,000 to enable the Secretary of War to acquire land adjacent to the land transferred to him under the bill. It also authorized an appropriation of $1,000,000 to enable the Secretary of the Interior to acquire land adjacent to the land transferred to him under the bill.

Under the House amendments and the conference agreement, an appropriation of $5,000,000 is authorized to enable the Secretary of War to acquire land adjacent to the land transferred to him, which under the House amendments and the conference agreement is the entire farm.

The House amendments and the conference agreement contain a provision, which was not in the Senate bill, under which, if the purchase of additional land meets the requirements of the War Department, the Secretary of War may allow the Secretary of Agriculture to continue the operation of the Arlington Experiment Station at its present site.

The Senate bill provided for the transfer by the Secretary of War to the Secretary of the Interior of a right of way to provide an approach road to the Arlington Memorial Bridge and authorized the construction of such road. The House amendment struck this out. The conference agreement restores this provision.

The House amendment struck out that part of the Senate bill which provided for the transfer to and acquisition by the Secretary of the Interior of land. The conference agreement authorizes the transfer, by the Secretary of War, with the approval of the President, of land to the Secretary of the Interior. Lands transferred are to be such as may not be immediately necessary for military purposes, and they are to be transferred until needed for such purposes.

To accomplish the above results, the Senate recedes on amendments numbered 1, 2, and 3, and the Senate recedes with an amendment on amendment numbered 4.

The conference agreement adopts the House title to the bill.

MARVIN JONES,
H. P. FULMER,
CLIFFORD R. HOPE,
Managers on the part of the House.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. I yield to the gentleman from Pennsylvania.

Mr. RICH. In the transfer of this property we presume the gentleman from Texas is going to carry out as nearly as he can the request that the Department of Agriculture use the experimental station it has about 10 miles out on the Baltimore Pike, rather than purchase expensive land near the District costing from $2,000 to $5,000 an acre.

Mr. JONES of Texas. I took that matter up with them and urged that they do it. I assure the gentleman, too, that I took up the other question of the purchase of expensive land, and they assured me they had an option on land that could be had for an average of about $300 an acre for such extra land as they may need, so that will handle the situation.

Mr. RICH. I congratulate the gentleman from Texas in getting them to do that.

Mr. JONES of Texas. I thank the gentleman. I am in thorough accord with the sentiment the gentleman expressed on that matter the other day.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. I yield to the gentleman from Kansas.

Mr. HOPE. I should like to have the gentleman tell the House whether or not this bill contains all the House amendments and one additional amendment.

Mr. JONES of Texas. Yes; the Senate accepted all the House amendments and all the House restrictions. Then we added one additional amendment which permits building of a road from the Arlington Cemetery to the Arlington Memorial Bridge, and also permits transfer temporarily to the Department of the Interior, until needed, of any part which may not be immediately needed for military purposes.

The conference report was agreed to.

A motion to reconsider was laid on the table.

OVERTIME COMPENSATION FOR EMPLOYEES OF THE FIELD SERVICES OF THE WAR DEPARTMENT AND THE FIELD SERVICES OF THE PANAMA CANAL

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4208) establishing overtime rates for compensation for employees of the field service of the War Department and the field service of the Panama Canal, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. RICH. Mr. Speaker, reserving the right to object, what are these services for which you are proposing to pay overtime?

Mr. RAMSPECK. The Secretary of War and the Assistant Secretary of War, Mr. Patterson, say that they have the legal authority now to pay overtime to certain employees of the War Department in the arsenals and at the Panama Canal, but as to others they have not this authority and this creates a bad administrative situation. They have recommended this bill, which has passed the Senate, and it is my understanding we have given the same authority to the Navy Department as to the Navy yards.

I have here a letter from both Secretary of War Stimson and Assistant Secretary of War Patterson urging the immediate passage of this legislation.

Mr. RICH. Is it going to be the purpose of the War Department now to continue to give greater compensation to these Government employees that work overtime instead of trying to take the people that are on the relief rolls and give them jobs? What we want to do is to put the men who are on W. P. A. and other organizations of that kind to work. That was the intent and purpose of the law, and we should not permit the Army or any other branch of the Government to do anything that would defeat that purpose.

Mr. RAMSPECK. I agree with what the gentleman has said, but at the same time there are certain vocations and certain situations where I think the War Department needs this authority, and I am certainly not going to put my judgment up against the judgment of Secretary Stimson and Assistant Secretary Patterson when they say they need this legislation to speed up national defense.

Mr. RICH. Is it going to be their purpose to try to give overtime pay to employees rather than to take men who have not jobs now and put them in these places, if they can do so?

Mr. RAMSPECK. I cannot speak for them, but I would certainly believe they would employ new people wherever they could and avoid the overtime, because the overtime costs more, of course, than straight time, and I am quite sure that is what they will do.

Mr. RICH. Can the gentleman assure us that that is what they are going to do? We cannot assume that these Government heads are going to do anything because they have done so many things in the last 7 or 8 years that they should not

have done, and the only way to stop it is to make sure that such action is not taken in legislation of this sort.

Mr. RAMSPECK. Of course, the gentleman from Pennsylvania knows that I cannot speak for the Secretary of War or the Assistant Secretary of War, but we have given this authority to the Secretary of the Navy and as to some employees they now have overtime in the War Department. We passed the act of July 2, 1940, Public, No. 703, applying to laborers and mechanics employed by the War Department, giving this authority as to those employees, and section 23 of title II of the act of March 28, 1934, applies to several trades and occupations which gives the War Department this authority.

Mr. RICH. Let me ask the gentleman this question. If we do not pass this legislation, will the Secretary have to go out and get other men to do this work?

Mr. RAMSPECK. I think there are some categories covered by this legislation where you cannot get additional men because there is a scarcity in these positions.

Mr. RICH. I can appreciate that because the same thing applies in industry.

Mr. RAMSPECK. Yes.

Mr. RICH. But we have put the screws on industry and we tell them they have got to do certain things, and now we ought to put the screws on some of these departments and make them realize that some of the legislation we have passed ought to be made a little more flexible, and if the men over in the Senate had passed the bill to give the National Labor Relations Board some powers that were granted in the House bill, rather than the legislation that was first passed, we would be a whole lot better off in this country.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. If consent is granted for the consideration of this bill, will the gentleman take a few moments of time to explain the measure to the Members of the House?

Mr. RAMSPECK. I will be glad to read the explanation that the Secretary of War and the Assistant Secretary of War have made.

Mr. MICHENER. Mr. Speaker, reserving the right to object, is it the purpose of this bill to synchronize the law so that it fits the Wages and Hours Act?

Mr. RAMSPECK. No; that has nothing to do with it so far as I know. My understanding is that the War Department finds itself in this situation: They have authority now to pay overtime for some employees in the arsenals and in the Panama Canal. There are other employees whom they cannot work overtime. Therefore it makes a bad administrative situation. It is bad for the morale and it is impeding the progress of our national defense.

The bill was introduced in the House by the gentleman from Massachusetts [Mr. CLASON]. We took up the Senate bill because it passed the Senate before we acted on the House bill. There is nothing partisan about it. It is recommended by the Secretary of War and the Assistant Secretary. It is a matter of national defense, and that is the only reason I am asking to take it up now.

Mr. HOFFMAN. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. HOFFMAN. Will you tell us whether this bill will make national defense cost more than it would otherwise?

Mr. RAMSPECK. Of course, if they pay overtime it will cost more money, but it will expedite our defense plans.

Mr. HOFFMAN. I put in the RECORD the other day some letters which show that at Fort Custer they charged all the way from $25 for common labor to $45 for membership in these organizations which are doing the work. I would like to know the gentleman's idea on the logic of the thing—paying these men who are working on this job overtime and then limiting the jobs to those who will pay for the privilege of working—and some men cannot pay.

Mr. RAMSPECK. Of course, I cannot go into a discussion now of some other matter that involves a different question entirely. As far as I know, the United States Government has never limited its employment to people who belong to any particular organization.

Mr. HOFFMAN. You say it has not?

Mr. RAMSPECK. So far as I know, it has not.

Mr. HOFFMAN. Well, that is not my understanding. Now, you want to pay overtime to these men who are working on these jobs. That will not help those men any if those who have control of the employment boost the fee for the privilege of working on the job. What you give them here they will take away from them by special assessment or in fees for membership.

Mr. RAMSPECK. Of course, I do not know of any such situation in the Government service as the gentleman has referred to.

Mr. HOFFMAN. Well, I put it in the RECORD the other day.

Mr. RAMSPECK. I have not read it.

Mr. HOFFMAN. I know, but it is in there just the same. It is a fact that there is plenty of this grafting all over the country.

Mr. RAMSPECK. The gentleman ought to be willing to trust the Secretary of War and the Assistant Secretary of War not to engage in any such bad practice as he has indicated.

Mr. HOFFMAN. No. But you do not have any idea I would get anywhere with that?

Mr. RAMSPECK. Well, they came from the gentleman's own party.

Mr. HOFFMAN. No; they are backsliders, forgotten their religion—political, at least. But if I come back and some of the conservative Democrats are back here I will discuss it right away next session after election and if the election goes the way I hope it will we will surely get some action

Mr. NICHOLS. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. NICHOLS. This does not blanket anyone in under the civil service, does it?

Mr. RAMSPECK. No. This has nothing to do with civil service.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mrs. ROGERS of Massachusetts. This is a much needed measure, as I understand, in the national defense?

Mr. RAMSPECK. That is my information.

Mrs. ROGERS of Massachusetts. We do not have enough trained workers and they wish to make some such arrangement?

Mr. RAMSPECK. That is my information from the Secretary of War and the Assistant Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of any other law, compensation for employment in excess of 40 hours in any administrative workweek computed at a rate not less than 1½ times the regular rate is hereby authorized to be paid at such places and to such monthly, per diem, hourly, and piece-work employees of the field services of the War Department and the field services of the Panama Canal whose wages are set by wage boards or other wage-fixing authorities, and also to professional and subprofessional employees, and to blueprinters, photostat and rotaprint operators, inspectors, storekeepers, toolkeepers, and shop superintendents of the CAF service, as defined by the Classification Act of March 4, 1923 (42 Stat. 1488; 5 U. S. C., ch. 13, as amended, as shall be designated from time to time by the Secretary of War or the Governor of the Panama Canal, as the case may be, and the Secretary of War and the Governor of the Panama Canal are authorized to prescribe for their respective services, regulations for overtime employment for said employees or any of them: *Provided*, That in determining the overtime compensation of the foregoing per annum Government employees the pay for 1 day shall be considered to be one three-hundred-and-sixtieth of their respective per annum salaries.

SEC. 2. The provisions of this act shall be effective during the national emergency declared by the President on September 8, 1939, to exist, and shall terminate June 30, 1942, unless the Congress shall otherwise provide.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SIUSLAW NATIONAL FOREST

Mr. DOXEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1433) to add certain lands to the Siuslaw National Forest in the State of Oregon.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to know something about this bill and what this is for?

Mr. DOXEY. I will be delighted to briefly tell the gentleman from Pennsylvania what this bill proposes. I assure him this is one bill that will not cost the Government anything. I think it is a bill that will economize for the Government. I base that on this statement: This involves about 78,000 acres of land in western Oregon. There are about 38,000 acres of this land that lies within the Siuslaw National Forest. About 38,000 acres are without the boundaries of this national forest. The title at the present time is in the Government. It was purchased under a resettlement project. This resettlement project has proven a failure for the reason that that land was adapted to timber raising and pasturage and other uses than farming uses. Now the Government has this land there and it is not being utilized and it is a fire hazard to the national forest contiguous thereto.

This is a Senate bill in which Senator McNARY is vitally interested. It was passed by the Senate and I am asking unanimous consent to pass it just as the Senate did.

All this bill does is to put this 78,000 acres of land under the jurisdiction of the Forest Service to manage and administer under the law of March 1, 1911, as they do other lands within the national forests.

Mr. RICH. Did the Public Lands Committee of the House consider this bill?

Mr. DOXEY. No. This came to the Committee on Agriculture. With all due deference to the gentleman from Pennsylvania, I may state that the Public Lands Committee considers bills authorizing the purchase of new lands to add to the national forests, but bills dealing with the administration of the forests come to the Committee on Agriculture for consideration. This bill was reported out unanimously.

Mr. RICH. Bills that deal with the public lands naturally ought to come from the Public Lands Committee. That is a function of the committee, it seems to me. It does not seem right that we should now, by unanimous consent, permit a bill to take over 78,000 acres of land and put it into a national park.

Mr. DOXEY. This is not to be placed in any national park. It is quite evident the gentleman from Pennsylvania does not know the difference between a national park and a national forest.

Mr. RICH. It is one of the Federal Housing projects, at least.

Mr. DOXEY. No.

Mr. RICH. The gentleman said that the 78,000 acres was in one of them.

Mr. DOXEY. In a resettlement area; yes.

Mr. RICH. They made a failure of them. Now you want to put it in under the Forest Service. If you can tell me how you can put this under the Forest Service and the Forest Service not spend any money on it, I wish the gentleman would. That is what always happens.

Mr. DOXEY. I do not care whether the gentleman objects or not; it is immaterial to me. I am trying to render a public service.

Mr. RICH. Then if the gentleman does not care whether I object or not, I object, Mr. Speaker, because I think the Public Lands Committee ought to act on this bill.

Mr. DOXEY. That suits me exactly. It is Senator McNary's bill. Object if you want to.

The SPEAKER. Objection is heard.

THE PRIVATE CALENDAR

The SPEAKER. If there is no objection, the Clerk will call the individual bills on the Private Calendar. The Chair understands there are only a few of them.

There was no objection.

EXTENSION OF REMARKS

The SPEAKER. The Chair will entertain requests from Members at this juncture to extend their remarks.

Mr. COLE of Maryland asked and was given permission to revise and extend his own remarks.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend the remarks which I made today with reference to the bill which was just passed, S. 4338, and to include therein a short official letter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD on two subjects.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short newspaper article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WARD. Mr. Speaker, this morning I was graciously granted unanimous consent to extend my own remarks. I now ask unanimous consent to include in those remarks excerpts taken from various speeches of the President as to the administration's policy.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE WITHDRAWN

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to withdraw the 22-day leave of absence previously granted me this morning.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my own remarks in the CONGRESSIONAL RECORD during the next 30 calendar days on 3 subjects: First, the subject of health; second, the subject of the situation in the Third Congressional District in Minnesota and in the State of Minnesota; and third, the Townsend plan; and that I be permitted to include certain letters, statistics, and statements therein.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TINKHAM. Mr. Speaker, with unanimous consent, I desire to extend my remarks in the RECORD by including therein an article in relation to the Supreme Court by David Lawrence.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TINKHAM. Mr. Speaker, with unanimous consent, I desire to extend my own remarks in the RECORD by including an article in relation to the constitutionality of the destroyer deal.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TINKHAM. With unanimous consent, Mr. Speaker, I desire to extend in the RECORD an article by the Associated Press in relation to the United States and Great Britain in alliance in the East.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL AUTHORITY FOR EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members of the House, notwithstanding any adjournment or recess of the House, may have the privilege for 30 calendar days to revise and extend their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

Mr. CHURCH. Mr. Speaker, reserving the right to object, I hope the gentleman will include the same proviso that the Speaker, then majority leader, a year ago was willing to add at the end when a similar resolution passed unanimously a year ago. Mr. Speaker, that is the proviso that quotations from reports of committees of Congress shall be from such reports only as have been submitted officially and printed as documents by order of the House, by law, or pursuant to the rules of the House.

Mr. McCORMACK. That is agreeable to me. I will incorporate that as part of my request.

Mr. RICH. Mr. Speaker, reserving the right to object, we are going to leave now until after election. Is this going to be an opportunity for the Members to make political speeches, shoot them in here to the CONGRESSIONAL RECORD, then have them printed by the thousands and franked out to the public as political propaganda? Is that the idea of a unanimous-consent request of this kind?

Mr. McCORMACK. Of course, I cannot answer that question. That is a matter up to the Members' own conscience. I saw only the other night a speech that was sent around the congressional district of a gentleman from Maryland where some remarks were made by a Republican Member of the House from Kansas attacking the Member from Maryland. There were a number of thousands of those speeches sent into that Member's district. Of course, whether that should be done is in the conscience of each individual Member.

Mr. RICH. I do not think it should be done.

Mr. McCORMACK. I agree with the gentleman.

Mr. RICH. I hope the membership of the House will confine themselves to good, sound American business and things that pertain to the Government. I do not think a lot of this hokum stuff that has been put into the RECORD ought to go in.

Mr. McCORMACK. I agree with the gentleman, but who has control over that but the Member's own conscience?

Mr. COLE of Maryland. Mr. Speaker, reserving the right to object, may I say to the gentleman that the criticism which went into Maryland about a certain Representative from Maryland has helped him, and if that type is coming from the other side of the aisle, I hope more will be forthcoming.

Mr. RICH. If the gentleman thinks the Members on this side are the ones who are throwing the mud in the RECORD, may I say there is a lot of stuff that has gone in from that side of the House that nobody will approve.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

CORRECTION OF JOURNAL

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to correct the RECORD on roll call 54, this session, in which the RECORD states I was absent. I was present at this roll call and answered "present," and I ask that the RECORD and Journal be changed to correspond to the facts.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to correct the RECORD with reference to roll call No. 120 on July 5, 1939. I am marked absent. I was present and voted "present."

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

ANNOUNCEMENT

Mr. ANGELL. Mr. Speaker, on roll call No. 10, on February 3, 1939, which appears in the permanent edition of the CONGRESSIONAL RECORD at page 1128, I am recorded as not voting, but as having a general pair with my colleague from Ohio, Mr. SWEENEY. Had I been present I would have voted "aye," as I have supported the Dies committee throughout my service in the Congress, and roll call No. 10 was with reference to an extension of this special committee to investigate un-American activities and propaganda. The reason I did not vote on this roll call was that I was with the Rivers and Harbors Committee, of which I am a member, on an inspection of a proposed Government project in Florida, coming under the jurisdiction of the Rivers and Harbors Committee.

EXTENSION OF REMARKS

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in two different particulars in the RECORD, and to include certain newspaper articles.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. MUNDT]?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first bill on the Private Calendar.

CHARLES R. WOODS

The Clerk called the first bill on the Private Calendar, (H. R. 5047) for the relief of Charles R. Woods.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles R. Wood, formerly a first lieutenant in Company A, Twenty-first Regiment United States Engineers, the sum of $288.78, in full and final settlement of all claims against the United States for loss of personal property in a fire which occurred at Camp Gerard, Sas, France, on March 10, 1918.

With the following committee amendments:

Page 1, line 5, strike out "Wood" and insert "Woods."

Page 1, line 10, after "1918", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Charles R. Woods."

ESTATE OF FRANK H. LUSSE, DECEASED

The Clerk called the next bill, H. R. 8679, for the relief of Frank H. Lusse, deceased, of Frankfort, Ky.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill S. 3489 may be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. COSTELLO]?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized and directed to allow credit in the accounts of Lt. Col. Frank H. Lusse, formerly of the Kentucky National Guard, in the sum of $4,749, representing payments made by him incident to the appointment of George (Richard) James, as caretaker, employed under section 90 of the National Defense Act, as amended (U. S. C., title 32 (Supp.), sec. 42), during the period January 1, 1927, to April 30, 1932, to the extent the payments are otherwise correct, where the services have been performed and the United States has received the full benefits of the payments, not-

withstanding the services were actually performed by another than the person appointed.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 8679) was laid on the table.

CHARLES S. LADINSKY AND MOE KANNER

The Clerk called the next bill, H. R. 10285, for the relief of Charles S. Ladinsky and Moe Kanner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles S. Ladinsky and Moe Kanner, both of St. Louis, Mo., the sum of $3,000. The payment of such sum represents reimbursement for the loss sustained by the said Charles S. Ladinsky and Moe Kanner on account of the forfeiture to the United States of a bail bond conditioned upon the appearance in court of one John A. Rosenfeld. Said bond was declared forfeited and judgment thereon against the said Charles S. Ladinsky and Moe Kanner in the full penal sum of $3,000 was made and entered by the United States Circuit Court of Appeals for the Eighth Judicial Circuit on February 26, 1940, and the amount of the bond was paid by the said Charles S. Ladinsky and Moe Kanner to the United States on July 31, 1940. Through the efforts of, and at considerable expense to, the said Charles S. Ladinsky and Moe Kanner, the said John A. Rosenfeld was apprehended on March 1, 1939, and on March 6, 1939, was sentenced to serve 4 years in the Federal penitentiary.

With the following committee amendments:

Page 1, line 7, strike out "$3,000" and insert "$2,500."

Line 7, after "sum", strike out "represents reimbursement for the" and insert "shall be in full settlement of all claims against the United States growing out of."

Page 2, beginning in line 2, insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000"; and strike out the remainder of the bill.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOU DAVIS

The Clerk called the next bill, H. R. 8665, to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice chiropractic in the District of Columbia to Lou Davis in accordance with the provisions of the act of Congress entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929, and on condition that the said Lou Davis shall be found by said Commission to be otherwise qualified to practice under the provisions of said act.

Mr. CASE of South Dakota. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: Page 1, line 6, strike out "and directed."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALOMON GEORGE KAUFMANN, HIS WIFE, DORIS KAUFMANN, AND THEIR CHILD, JOHN MICHAEL PETER KAUFMANN

The Clerk called the next bill, H. R. 10243, for the relief of Salomon George Kaufmann, his wife, Doris Kaufmann, and their child, John Michael Peter Kaufmann.

Mr. BARDEN of North Carolina and Mr. CASE of South Dakota objected, and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

GERALD M. POLLACK

The Clerk called the next bill, H. R. 10389, for the relief of Gerald M. Pollack.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That for the purposes of the immigration and naturalization laws Gerald M. Pollack, Roxbury, Mass., shall be considered to have been lawfully admitted at Newport, Vt., on July 4, 1932, to the United States for permanent residence. Upon the enactment of this act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the nonpreference category of the quota during the current quota year.

With the following committee amendment:

Page 1, line 7, after "residence", strike out the remainder of the bill.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELLIOTT L. HOVEL

The Clerk called the next bill, S. 3493, for the relief of Elliott L. Hovel.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elliott L. Hovel, the sum of $173.29, in full settlement of all claims against the United States for damages sustained as a result of an accident in which his car was struck by an Army truck being driven in a reckless manner: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after "Hovel", insert "of San Antonio, Tex."

Line 8, after "accident", insert "on June 16, 1937."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY MADELINE ZWALINSKI

The Clerk called the next bill, H. R. 10110, for the relief of Mary Madeline Zwalinski.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Madeline Zwalinski, of Ranshaw, Pa., the sum of $10,000, in full settlement of all claims against the United States for damages to her and her minor daughter, as the result of the death of her husband, caused by being struck by a rock blown from blasting operations of a Work Projects Administration project on the highway running between Shamokin and Kulpmont, Pa., on March 23, 1940: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, after "of", strike out "Ranshaw" and insert "Shamokin."

Line 7, strike out "$10,000" and insert "$3,024.70, and to the legal guardian of Ilene Mary Zwalinski, a minor, of Shamokin, Pa., the sum of $2,500."

Line 10, strike out "her and her minor daughter" and insert "the said Mary Madeline Zwalinski and Ilene Mary Zwalinski."

Page 2, line 1, strike out "her husband" and insert "John Zwalinski, husband of Mary Madeline Zwalinski, and father of Ilene Mary Zwalinski."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mary Madeline Zwalinski and Ilene Mary Zwalinski, a minor."

LILLIAN ETHEL FLEXEN AND OTHERS

The Clerk called the next bill, H. R. 10330, for the relief of Lillian Ethel Flexen and children, Beatrice Mabel Flexen, Elizabeth Amy Flexen, and Edward Oscar Flexen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of the immigration laws, the Attorney General be, and he is hereby, authorized and directed to permit Lillian Ethel Flexen and children, Beatrice Mabel Flexen, Elizabeth Amy Flexen, and Edward Oscar Flexen, the wife and children of a citizen of the United States, to remain permanently in the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KAREL LEDERER

The Clerk called the next bill, H. R. 10282, for the relief of Karel Lederer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Karel Lederer, a citizen of the Czechoslovak Republic, born in Austria, as of February 2, 1939, the date on which he was last admitted temporarily to the United States. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the German quota of the first year that the said German quota is available.

Mr. CASE of South Dakota. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: Page 1, line 9, after "United States", strike out the period and insert a colon and the following proviso: "*Provided*, That he is found to be otherwise admissible under the provisions of the immigration laws other than those relating to quotas."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAVAJO INDIANS

The Clerk called the next bill, S. 4212, for the relief of certain Navajo Indians, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the Secretary of the Interior the sum of $15,000, which amount shall be deposited as individual Indian money to the credit of the estates of the following-named deceased Navajo Indians, and in the respective amounts stated for distribution to the heirs of such deceased Indians as determined by the Secretary of the Interior in accordance with existing law: Wilson Platero, $2,500; Meguelius Sacatero, $2,500; Tom Wood, $2,500; John Apachite, $2,500; Roy Chavez, $2,500; and John Chavez, $2,500.

SEC. 2. The Secretary of the Treasury is also authorized and directed to pay to the Secretary of the Interior the sum of $2,000, which amount shall be deposited as individual Indian money to the credit of Dempsey Sacatero and Jose Mexicano, or their heirs, in the sum of $1,000 each.

SEC. 3. The amounts herein appropriated shall be in full compensation for claims for deaths or injuries sustained in an accident occurring near Gallup, N. Mex., on December 6, 1936: *Provided*, That the amounts herein appropriated shall be expended in accordance with the regulations governing the handling of individual Indian money: *Provided further*, That no part of the amount herein appropriated shall be paid to or received by any agent or attorney on account of services rendered in connection with these claims, and any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. PETER FLOREY

The Clerk called the next bill, H. R. 10418, to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Peter Florey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commissioner on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice the healing art in the District of Columbia to Dr. Peter Florey, Washington, D. C., in accordance with the provisions of the first paragraph of section 24 of the Healing Arts Practice Act, District of Columbia, 1928.

Mr. CASE of South Dakota. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: Page 1, line 6, strike out "and directed."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES B. PAYNE

The Clerk called the next bill, S. 217, for the relief of Charles B. Payne.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles B. Payne, of San Felipe, N. Mex., the sum of $1,000 in full satisfaction of all claims against the United States resulting from injuries sustained by James Wallace Payne, minor son of said Charles B. Payne, as a result of an attack made upon said James Wallace Payne on September 20, 1934, by Pedro Velasquez, an insane Indian then living on the San Felipe Pueblo Reservation: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WIDOWS OF THE LATE GEORGE A. MEFFAN AND JOHN GLENN

The Clerk called the next bill, S. 4249, for the relief of the widows of the late George A. Meffan and John Glenn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the widow of George A. Meffan, late a United States marshal for the State of Idaho, and to the widow of John Glenn, late a United States deputy marshal for the State of Idaho, the sum of $5,000 each, on account of the death of their husbands who were killed on July 31, 1940, in the State of Idaho, while in the performance of their duty: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

I. M. COOK, J. J. ALLEN, AND THE RADIATOR SPECIALTY CO.

The Clerk called the next bill, S. 4250, conferring jurisdiction upon the United States District Court for the Western District of North Carolina to hear, determine, and render judgments upon the claims against the United States of I. M. Cook, J. J. Allen, and the Radiator Specialty Co.

Mr. REES of Kansas and Mr. COSTELLO objected; and under the rule, the bill was recommitted to the Committee on Claims.

THEODORE R. TROENDLE

The Clerk called the next bill, S. 4360, to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, sole stockholder of the Dawson Springs Construction Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Theodore R. Troendle, the sole owner of the capital stock of the Dawson Springs Construction Co., a Delaware corporation, which heretofore forfeited its charter, is hereby authorized to bring suit or suits as he may respectfully

desire to so do against the United States of America, to recover damages, if any, for loss or losses suffered or sustained by said Dawson Springs Construction Co., by reason of any breach on the part of the United States of a contract dated February 22, 1920, or any modification thereof, for the construction of eight buildings for the United States Public Health Service Sanatorium at Dawson Springs, Ky. Jurisdiction is hereby conferred upon the District Court of the United States for the Western District of Kentucky to hear, consider, determine, and render judgment for the respective amounts of such damages, if any, in favor of said Theodore R. Troendle, as may be found to have been sustained or suffered by the said Dawson Springs Construction Co., with the same right of appeal as in other cases and notwithstanding any lapse of time or statute of limitations and notwithstanding the provisions of section 3477 of the Revised Statutes: *Provided*, That such action will be brought within 1 year from the date this act shall become effective.

With the following committee amendments:

Page 1, line 3, after word "Troendle", insert the word "as."
Page 1, line 8, after the word "for", insert the word "alleged."
Page 2, line 2, after the word "breach", insert the language "which may be found."
Page 2, line 3, strike out the figures "22", insert in lieu thereof the figure "2."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

T. G. RAMSEY

The Clerk called the next bill, H. R. 7965, for the relief of T. G. Ramsey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. G. Ramsey, of Roxie, Miss., the sum of $500, in full settlement and satisfaction for all damages sustained by him on account of personal injuries received by him on September 25, 1939, when the car in which he was riding collided with a Government truck owned by the Civilian Conservation Corps and driven by an employee of Camp F–26, Meadville, Miss., said collision being entirely the fault of the driver of the Government truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert:
"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Mr. T. G. Ramsey, of Roxie, Miss., and the sum of $2,000 to Mrs. T. G. Ramsey, of Roxie, Miss., in full settlement of all claims against the United States for damages sustained by them on September 25, 1939, when the truck in which they were riding was struck by a Government truck operated in connection with the Civilian Conservation Corps and driven by an employee of Camp F–26, Meadville, Miss.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mr. and Mrs. T. G. Ramsey."

THE GDYNIA AMERICA LINE, INC.

The Clerk called the next bill, H. R. 8224, for the relief of the Gdynia America Line, Inc., of New York City, N. Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Gdynia America Line, Inc., of New York City, N. Y., the sum of $2,520, in full payment for duplicate revenue stamps required to be attached to the manifests of the motorship *Batory* belonging to said corporation, the original revenue stamps having been lost or destroyed: *Provided*, That the Secretary of the Treasury shall require the said corporation to give a bond to the United States in the amount of $2,520 to idemnify the Government in the event said original revenue stamps are recovered or used, such bond to be in such form, to contain such terms and conditions, and to run for such period of time as the Secretary of the Treasury shall prescribe: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out the word "payment" and insert "settlement of all claims against the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDITH PLATT

The Clerk called the next bill, H. R. 8343, for the relief of Edith Platt.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edith Platt, Fort Crook, Nebr., the sum of $1,000. The payment of such sum shall be in full settlement of all claims against the United States by the said Edith Platt on account of personal injuries sustained by her when the automobile in which she was riding collided with a truck in the service of the Works Progress Administration on March 31, 1939, on Federal Highway No. 75, near Fort Crook, Nebr.

With the following committee amendments:

Line 6, strike out the sign and figures "$1,000" and insert in lieu thereof "$750."
Lines 8 and 9, strike out the words "personal injuries" and insert in lieu thereof the word "damages."
At the end of the bill add the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAISY FITZPATRICK

The Clerk called the next bill, H. R. 8810, for the relief of Daisy Fitzpatrick.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Daisy Fitzpatrick, Papillion, Nebr., the sum of $2,000. The payment of such sum shall be in full settlement of all claims against the United States by the said Daisy Fitzpatrick on account of personal injuries sustained by her when the automobile in which she was riding collided with a truck in the service of the Works Progress Administration on March 31, 1939, on Federal Highway No. 75, near Fort Crook, Nebr.

With the following committee amendments:

Line 6, strike out the sign and figures "$2,000" and insert in lieu thereof "$1,500."
Line 9, strike out the words "personal injuries" and insert in lieu thereof the word "damages."
At the end of the bill add the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. That completes the bills eligible for call on the Private Calendar.

PERMISSION TO ADDRESS THE HOUSE

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to address the House and for permission to revise and extend my remarks and to include therein certain clippings.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CONNERY. Mr. Speaker, on September 23, 1940, a member of the National Defense Advisory Commission, Miss Harriet Elliott, Consumer Commissioner, issued a statement of policy from the consumer's point of view as to an absolute essential consideration in the present defense program.

Her statement may well be summarized by two sentences out of the release to newspapers: First, "Hungry, undernourished people do not make for strong defense;" second, "Let us make America strong by making Americans stronger."

Mr. Speaker, in view of the above, one of the major achievements of the past 8 years has been the acceptance of a minimum-wage policy to establish a "floor" under wages and a "ceiling" over hours. The Fair Labor Standards Act of 1938 was the instrument through which this body expressed its approval of that principle. I was and am a strong advocate of that statute. I am very eager that that principle of the minimum wage be given every opportunity to succeed as an effective legislative policy in this country. I have urged and voted for adequate appropriations. I strove to prevent the weakening of the statute when many so-called friends of labor sought by every means possible to weaken its provisions or prevent their becoming a reality by adequate full enforcement.

Last fall, when Colonel Fleming was appointed Administrator of the Wage and Hour Division, I stated that I was opposed to the appointment of military men to important administrative positions because of the fact that invariably they lack experience in and knowledge of the duties they are called upon to carry out. I said at that time:

It seems to me that such executive positions call for someone with experience in dealing with labor relations, not for military disciplinarians.

Mr. Speaker, this week marks 1 full year of Colonel Fleming's administration of the Fair Labor Standards Act. Under that administration the number of complaints on hand has increased from 24,500 to approximately 64,000. The number of establishments against which complaints have been made has risen from 18,700 to over 46,000. The number of complaints obviously requiring inspection has increased from 12,000 to approximately 36,000.

Yet, in spite of this tremendous increase of unfinished business, Colonel Fleming, instead of increasing his staff adequately to handle this increased volume of business, returned to the Treasury on last July 1 the unexpended sum of $387,000 after almost a full year as Administrator of the Wage and Hour Division.

I think it would not be unfair to say that his whole approach to the problems presented by the figures cited above has been, first, to exempt the firms complained against from the provisions of the statute, in some cases even against the obviously stated congressional intent; and, secondly, to develop a quick administrative procedure for closing a case without regard to a proper evaluation of the facts in the given case which otherwise would result in actions leading to a proper enforcement of the statute.

I am sorry to have to say that these steps have been taken, even granting that officials of the Wage and Hour Division at the same time have expressed publicly what I believe is now the generally accepted viewpoint that the wage-hour law was long overdue and should be fully and adequately enforced.

The speeches have been impressive. Their actions prove to the hilt the accuracy of my statements a year ago. I have in my hand a number of newspaper clippings which have appeared in the press throughout the country which indicate the growing alarm of organized labor and industry at the inadequacies of the present policies of the Wage and Hour Administration. These items prove that this problem is a real one, which requires immediate attention.

The drive to exempt hundreds of thousands of workers who need the protection "to make America strong by making Americans stronger," those in the lowest wage levels, is given momentum every day. Almost daily the Wage and Hour Division issues a release exempting additional thousands from one or another provisions of the act. The business world is very much concerned. The present competitive advantage of the unscrupulous employers over the virtuous employers will show with telling effect upon the ledgers and business statements which will be compiled in a few weeks now that the business year approaches its end.

The less virtuous segments of the business world may well rejoice. A business magazine item recently stated

The Wage Hour Division has no authority to grant exemptions from the hourly provisions of the law, but * * *.

The article continues with a description of how it is now possible under the new regulations, issued recently to violate the hours provisions of the Fair Labor Standards Act. Last week our esteemed colleague, the gentleman from Washington [Mr. COFFEE], charged on this floor that something is amiss in the administration of the Fair Labor Standards Act, and expressed the view that organized labor should be consulted before any changes are made in the administration of labor laws. The experience of European countries should not be lost to us. It would be well to contrast the plight of those European countries which curtailed labor's powers and fell under Hitler's heel with the situation in England where labor having been taken into consultation the latter country now shows itself capable of resisting the most terrific onslaught of that barbarian who is leading Europe to destruction.

Yet, in this prolabor administration the leaders of several of our largest and most respectable labor organizations have been refused, I am told, an opportunity to discuss the details of this developing situation with either of the two highest ranking government officials charged with the administration of labor laws of this country. I am informed by some representatives of organized labor that neither Secretary of Labor Perkins nor Sidney Hillman, labor member of the Advisory Commission to the Council of National Defense, have been ready to discuss with them the effect of this emasculation of the original intent and purpose of the Fair Labor Standards Act of 1938.

Mr. Speaker, I am earnest in my desire that the enemies of organized labor be prevented from creating in this country a like situation to that which resulted in the down-fall and collapse of France. I am firmly convinced that the first step toward a collapse would be in the break-down of the wage and hour standards which were established to protect those of our population who have been ill-fed, ill-clothed, and ill-housed because they have been greatly underpaid for long hours of work.

The following clippings have a direct bearing on the situation:

[Release from National Defense Advisory Commission, Monday morning, September 23, 1940]

A call for concerted action to make America strong by wiping out undernourishment and malnutrition has been issued today by Miss Harriet Elliott, consumer commissioner on the National Defense Advisory Commission, in a special issue of Consumers' Guide, publication of the Consumers' Counsel Division of the United States Department of Agriculture.

"Forty-five million of us are living below the safety line right now because we are not getting the kinds and amounts of food necessary for strength and health. Hungry, undernourished people do not make for strong defense. We have the lands, machines, and hands it takes to produce and move and market all the food we need to assure everyone an adequate and safe diet. Let's get to work to see that everyone gets at least that," Miss Elliott said. "Let's make America strong by making Americans stronger."

Miss Elliott suggests eight different ways in which groups and individuals can work to insure better diets for everyone:

"(1) Get a municipal radio market news service started so household buyers will know what foods are good buys and cheap each day;

"(2) Start a school-lunch program and see that every school child has at least one well-balanced and adequate meal each day;

"(3) Work for low-cost ways of selling milk and fruits and vegetables so that low-income families can buy a greater abundance of these protective foods;

"(4) Set up diet clinics where families can bring their food-buying problems and talk them over with experts in nutrition and consumer buying;

"(5) Support the food stamp plan now operating in 150 cities;

"(6) Learn, if you have the land, how to grow the foods you cannot buy, preserve the foods you cannot immediately use, and plan for balanced meals throughout the year;

"(7) Urge merchants to sell Government-graded foods, and urge consumers to buy by grade so they will get the quality they want for the money they have to spend;

"(8) Know what your local, State, and National Governments are doing to help get safe meals to more people."

Copies of this special issue of Consumers' Guide, in addition to going to regular subscribers, will be distributed through national civic and consumer organizations. Miss Elliott has been assured of their desire to cooperate actively in a program designed to raise nutritional levels and promote physical fitness throughout the country. Counseling her in the development of that program are experts in various branches of the Federal Government, under the chairmanship of Dr. M. L. Wilson, Director of the Extension Service of the Department of Agriculture.

[From the Washington Post of October 14, 1940]

WAGE-HOUR RULE CUTS OFF OVERTIME PAY OF THOUSANDS—DECISION APPLIES TO $200-A-MONTH WORKERS WHO HAVE DISCRETIONARY POWER

(By William V. Nessly, Post staff writer)

In a ruling affecting "almost all establishments in interstate commerce," the Wage and Hour Administration yesterday revised some of its definitions of white-collar workers, exempting numerous workers from the hour provisions of the labor-standards law.

[From Newsweek for October 14, 1940]

WAGE-HOUR WORRIES

Expect soon to hear loud squawks about nonenforcement of the wage-hour law. Some union representatives are already circulating well-documented confidential memos. These claim that Administrator Fleming is investigating and settling many insignificant complaints so he can say: "We are settling so many cases a week," but is dodging major cases involving failure to pay overtime to thousands of workers. The reports make many more specific charges of lackadaisical enforcement. If these preliminary complaints don't get results, union leaders will start howling publicly.

[From the St. Louis Post-Dispatch of August 30, 1940]

STATE WAGE-HOUR CHIEF CLEARED OF UNION CHARGES—INQUIRY SHOWS EFFICIENT, SPEEDY WORK ON MISSOURI CASES, SAYS WASHINGTON OFFICE

WASHINGTON, August 30.—Walter King, acting regional director of the Wage and Hour Administration in Missouri, has been cleared of charges made by trade-unions, Deputy Administrator Baird Snyder said yesterday.

Locals of the Amalgamated Clothing Workers and other unions in St. Louis and Kansas City charged that King had been too hasty and inefficient in investigating complaints of wage-hour enforcement of law in the Missouri area.

C. E. Lavign, a confidential investigator for the Wage and Hour Administration, recently completed a report on King, based on an investigation conducted in Missouri. This report showed, according to Snyder, that the Missouri region was first for the country in total number of wage-hour cases closed; first in production per man of any regional office, and the office was operated at the lowest cost per case.

THIRD IN WAGES PAID TO EMPLOYEES

The region stood third in the amount of money paid back to employees following action under the wage and hour law, according to the report. In this last respect only New York and Chicago, where cases involved large sums, were ahead of Missouri.

At the same time that Lavign conducted an investigation in the field, according to Snyder, all of the cases closed by the Kansas City office were reviewed here in Washington, and it was found that the union complaints were not substantiated. In other words, Snyder said, the complaints and the subsequent investigation served to reveal the excellent work being done in the Missouri area.

For some time there have been reports of administrative confusion and inefficiency in Missouri. A former director, Charles Hersun, was sent to Boston to take charge of the New England office, and King became acting regional director in Kansas City.

DENIES INTENTION TO MAKE CHANGE

While Snyder denied that there was any intention to replace King at this time, the Post-Dispatch learned from an authoritative source that several efforts have been made in recent weeks to find someone to take that office. Hersun, according to wage-hour officials, is only temporarily placed in Boston, but he will not be returned to Missouri.

Recently George Duemler, regional attorney in Missouri, was transferred to the Cleveland office because, it was reported, he had had differences over policy with King. Before becoming acting director, King had been supervising inspector in Missouri.

Officials here said that Duemler was transferred because there was comparatively little litigation in Kansas City and a great deal in Cleveland. Later on Duemler will probably be sent back to Kansas City, it was said. At the time of Duemler's appointment there was some opposition because he had been a Socialist and had run for mayor of St. Louis on the Socialist ticket.

[From the St. Louis Post-Dispatch of September 5, 1940]

C. I. O. SHOE WORKERS ACCUSE MISSOURI WAGE ACT OFFICER—UNION TO PRESS LAX ENFORCEMENT CHARGES AGAINST WALTER KING—HERSUN ALSO ATTACKED

WASHINGTON, September 5.—The United Shoe Workers of America, through union executives here, intend to press charges against officials of the Wage and Hour Administration allegedly lax in enforcing the law, it has been learned, with their demands aimed particularly at conditions in the St. Louis area.

Locals of the C. I. O. Shoe Workers' Union along with locals of the Amalgamated Clothing Workers, have recently charged Walter King, acting regional director in the Missouri area, with haste and inefficiency in investigating cases and general laxity in enforcement of the law. But immediate goal of the shoe workers is removal of Charles Hersun, until recently director in the St. Louis region.

Hersun is now in charge in New England and pressure is being brought to bear through the highly organized shoe industry in that area to bring about his removal.

"It is especially important," a union circular recently declared, "that unionized centers not suffer in the unfair advantage of competition from unorganized centers where the minimum is not enforced and that the United Shoe Workers, members and officials, take it upon themselves to determine the facts regarding violations throughout the industry, convey them where possible to wage-hour officials, and send this office the details so that we may keep a record of which divisions of inspectors are enforcing the act and which are merely building up good records."

It was one of the charges against King that he was merely seeking to build up a record of cases, regardless of outcome. Recently the Wage-Hour Administration here sent an investigator to Missouri who reported that King was doing excellent work.

Officials of the shoe workers' union say they are preparing to present the charges to Secretary of Labor Frances Perkins, who has supervision of wage-hour personnel under recent administrative changes.

[From the St. Louis Post-Dispatch of September 11, 1940]

WAGE-HOUR STAFF "WHITEWASH" IN MISSOURI CHARGED—CLEARING OFFICIALS ON MALADMINISTRATION CHARGES SHOWS EFFORT TO HIDE FACTS, UNION MAN SAYS

WASHINGTON, September 11.—Leo Goodman, research director of the United Shoe Workers, charged today that evidence of maladministration and inefficiency in the Wage and Hour Administration in Missouri had been "whitewashed" by officials here who recently announced that an investigation of union charges had completely cleared officials in the Missouri region.

"What kind of inspector could have been sent out to that area if he did not find the evidence which, it now is apparent, has become common knowledge in trade-union circles in Missouri?" Goodman said. "Any effort to conceal this unhealthy situation will merely result in a stronger and continued campaign to bring to light facts regarding the failure to enforce the Wage and Hour Act in that district."

Goodman particularly stressed that he was unimpressed with statistics showing large sums supposedly paid in restitution on the basis, he said, of calculations made solely by the employer. He said he had called on Secretary of Labor Frances Perkins for a thorough investigation of the whole region to determine why there is such "a strenuous effort to cover the facts."

Baird Snyder, Deputy Administrator, said last week that an investigation by C. E. Lavign, confidential investigator had completely cleared Walter King, acting regional director in Missouri, of all charges brought by trade-union groups.

[From the St. Louis Post-Dispatch of September 12, 1940]

WAGE-HOUR OFFICIAL REPLIES TO "WHITEWASHING" CHARGES—J. F. KING SAYS LEO GOODMAN REFUSED TO DISCLOSE INSTANCES OF ALLEGED INEFFICIENCY

Leo Goodman, research director of the United Shoe Workers, who charged at Washington yesterday that officials of the Wage and Hour Division in Missouri had been "whitewashed" by investigators, has refused to cooperate with Washington officials by revealing any instances of alleged maladministration or inefficiency, James F. King, assistant to Col. Philip B. Fleming, Wage and Hour Administrator, said today at the close of a 4-day investigation here.

King said that, in the absence of specific charges by Goodman, he had interviewed various Government and labor officers here seeking instances of lax administration, but had been unable to find any.

"The Division is undertaking to investigate thoroughly every case in the Missouri region about which there could possibly be any question of maladministration," King asserted. "The investigation is not complete and the Division would welcome the assistance of any person who has relevant information. Anyone with such information should send it directly to Colonel Fleming at Washington." King is not related to Walter W. King, acting regional director in Missouri, who has been named in charges by labor officers.

[From the St. Louis Star-Times of September 12, 1940]

SAYS NEW QUIZ SHOWS NO PAY-HOUR PROTESTS

James F. King, of Washington, assistant to Col. Philip B. Fleming, Wage and Hour Administrator, declared here today that an investigation which he is conducting has failed to bear out charges by Leo Goodman, research director of the C. I. O. United Shoe Workers, that maladministration and inefficiency have marked enforcement of the wage-hour law in the Missouri region.

King has been here since Monday making an inquiry independent of an earlier investigation by C. E. La Vigne, an investigator for the Wage and Hour Division. On the basis of La Vigne's report wage-hour officials in Washington announced 2 weeks ago that there was no basis for complaints against Walter King, acting regional director, with headquarters in Kansas City. Walter King and James F. King are not related.

[From PM, September 19, 1940]

WAGE-HOUR DIVISION FACES LABOR ATTACK—UNIONS CHARGE ENFORCEMENT UNDER FLEMING IS LAX

(By Kenneth Crawford, Staff Correspondent)

WASHINGTON, September 19.—The Wage and Hour Division of the Labor Department is again under fire from labor unions, and this time, unless all signs fail, they mean to blow its top personnel out of office.

Their campaign against the agency is being led by the United Shoe Workers and has been taken up by John L. Lewis and other C. I. O. leaders.

Ever since the appointment of Col. Philip Fleming as Administrator about a year ago, the Wage and Hour Division's enforcement efforts have been watched with growing skepticism by unions in the low-wage industries—particularly the United Shoe Workers. During this period Colonel Fleming has issued a succession of executive orders narrowing the application of the law by exemptions and amended definitions.

This watering-down process was accepted in good part by the unions at first on the theory that such modification was necessary to forestall complete mutilation of the wage-hour law by Congress.

But now the unions are up in arms about what they consider Colonel Fleming's failure to enforce the 35-cent wage minimum in unexempted industries, even though his staff has been enlarged and his appropriations increased. Under his enforcement policy, according to critics of the Administration, inspectors are encouraged to "make a showing, by concentrating on cursory inspections of minor complaints and passing up valid complaints against large industries."

Leo Goodman, research director of the United Shoe Workers, says that this speed-up system has virtually stopped enforcement in the shoe industry. He has complained specifically about the St. Louis region, where the new policy was first applied, but Colonel Fleming has insisted that enforcement in that district is satisfactory. Secretary of Labor Perkins also has defended the Division.

However, many of Colonel Fleming's former assistants have quit in the last few months in protest against what they consider a soft enforcement policy. And it is probable that John L. Lewis, who is again on the White House visiting list after an estrangement from the President, is talking about wage-hour enforcement among other things.

[From the Brockton Enterprise of September 21, 1940]

ASK HERSUM BE TAKEN OFF WAGE-HOUR JOB

WASHINGTON, September 21.—The removal of Charles R. Hersum, acting New England wage-hour director, has been asked of Wage-Hour Administrator Fleming by the United Shoe Workers of America, Leo Goodman, research director of the union, said today.

Mr. Goodman charges Mr. Hersum, formerly director of the Kansas City office, has been lax in enforcement, and that, in the present enforcement campaign, he has sacrificed real enforcement to a fast inspection record. Mr. Hersum is now conducting an enforcement campaign in New England, and recently announced an impressive number of plants inspected in the first 2 weeks of this month, with word the drive already had secured restitution of several thousand dollars in back wages.

Officials of the Wage and Hour Division said today the record of Mr. Hersum, both in Kansas City and in Boston offices, had been surveyed and approved.

It is understood officials of the United Shoe Workers, a C. I. O. affiliate, are especially critical of the Hersum record in Kansas City. This office covers St. Louis, where is located the International Shoe Co., which the union has long accused of unfair labor practices. The union has not yet made public specific charges against Mr. Hersum.

[From the Haverhill (Mass.) Gazette of September 25, 1940]

WAGE BOARD PASSING BUCK, UNION MEN SAY—DISAPPOINTED WITH ENFORCEMENT OF LAW IN SHOE INDUSTRY

WASHINGTON, D. C.—Just why the Wage and Hour Division round-up enforcement in the shoe industry is disappointing officials of the United Shoe Workers here and elsewhere was revealed today in the peculiar wording of a letter from the acting regional director for New England, Charles R. Hersum.

Union officials said the letter in itself shows the Wage and Hour Division in the act of passing the buck two ways, first by letting the accused employers be the judge as to compliance and, second, by informing workers that they should get their relief from alleged underpay by suing the employers.

Here is the text of a letter sent to a worker who had asked for an investigation of violation of which he was a victim:

"Please be advised that no further action is being taken at this time regarding your complaint against the subject company, since they state that they have not violated the Fair Labor Standards Act of 1938.

"If you still feel that you have not been paid in accordance with the Wage and Hour Act, we call your attention to section 16 (b) of this act, a copy of which is enclosed, under which you may bring suit to recover any back pay that may be due you."

Union officials said that this letter does not even pretend that Mr. Hersum investigated the complaint other than to accept the employer's plea of not guilty. While the complainant is advised of his right to sue, the Division, union men say, leaves entirely unanswered the question as to whether Hersum will back the worker or the employer in such a suit.

This particular letter from Mr. Hersum follows directly after an announcement by Col. Philip B. Fleming, the Administrator, of a new plan for dealing with complaints. Upon receipt of the complaint, a form is sent to the employer in which he is asked questions as to compliance. This form, however, deals only with the statutory 25-cent wage from October 24, 1938, to October 24, 1939, and the 30-cent statutory wage effective since October 24, 1939, but does not make the same inquiry as to the administrative wage, which in the shoe industry has been 35 cents an hour since April 29 of this year.

Fleming explains that this form is effective in bringing pleas of guilty in cases where the questioning brings home that fact to an employer. Partly because of Hersum's attitude toward complaints and his failure, as in the letter quoted, to declare whether a direct investigation was made, the United Shoe Workers are asking for his removal as acting regional director in the important New England area.

The dissatisfaction spreads even further, and practically to the whole administration of the shoe industry. A similar situation has developed in other industries, some of which affect New England almost as much as the laxity in shoe-wage enforcement, and it was learned that John L. Lewis, head of the Congress of Industrial Organizations, is carrying this protest over the head of Colonel Fleming to the President himself.

This yes-or-no enforcement is bringing in some cases with restitution, but the union officials insist it is failing to get any result from the important chiseling fringe of the industry and to that extent is damaging to those complying employers who sell their product in competition with violators.

Now that jobs are not so hard to get, some of the wage and hour workers themselves, dissatisfied with results, are quitting the Administration, with unpleasant effect on the morale of the force, union men said.

[From Business Week of September 28, 1940]

REGULATIONS MADE ELASTIC

The Wage and Hour Division has no authority to grant exemptions from the hour provisions of the law, but by interpreting apprentice time spent in classrooms as nonworking time, the law's regulations have been made elastic enough to obviate the necessity for paying apprentices overtime wages. The average apprentice will spend over 150 hours a year in classroom work.

"Learnership," as differentiated from apprenticeship by the Wage and Hour Division, is a process requiring less than the 4,000 hours considered minimal in an apprentice-training program. Because the "learner occupations" are less skilled than the apprentice ones, wages are lower, and the Division is called upon much more frequently to grant exemptions. Out of an estimated 50,000 employers covered by the wage-hour law, about 2,000 have applied for and received permission to pay bona fide learners less than the 30 cents an hour required by statute.

[From the St. Louis Post-Dispatch of October 4, 1940]

C. I. O. HEADS PRESS WAGE AND HOUR INQUIRY DEMAND—APPEALING TO MEMBERS OF CONGRESS FOR INVESTIGATION OF CHARGES MADE BY MISSOURI SHOE UNION

WASHINGTON, October 4.—Backed by John L. Lewis, executives of C I. O. unions have taken to Members of Congress a demand for an investigation of the Wage and Hour Administration.

This demand grows out of union charges of inefficiency and maladministration in the Missouri region. These charges were made originally by executives of the United Shoe Workers and the Amalgamated Clothing Workers in Missouri.

Investigators were sent to look into these charges. and Baird Snyder, Deputy Administrator of the Wage and Hour Administration, subsequently told the Post-Dispatch that they had for the most part been without foundation. Snyder cleared Charles Hersum, former director of the Missouri region and now in charge of New England, and Walter King, at present acting director in Missouri, of charges filed against them.

Officers of the United Shoe Workers called this report a "whitewash" and have been attempting ever since to force action higher. The investigator's report was called to the attention of Secretary of Labor Perkins who conferred with Col. Philip Fleming, Wage and Hour Administrator. Fleming told Miss Perkins he had studied the report and felt the matter was closed.

With Lewis' official backing, Leo Goodman, research director of the Shoe Workers' Union, and Gardner Jackson, executive secretary of Labor's Non-Partisan League, have appealed to Members of Senate and House Labor Committees for an investigation. They have told Senators and Congressmen that the law is not being enforced, although inspectors and directors are making a "paper record."

Lewis, it is understood, has called the matter to the attention of the White House.

A spokesman for the Wage and Hour Administration said that all the Missouri shoe cases handled by the Administration had been forwarded to Washington and that Goodman had been invited to go over these files and show from the files where inspection had been at fault. Goodman, according to the spokesman, replied that he was too busy to do this.

Informed of this statement, Goodman said he had received word concerning the Missouri files only 24 hours ago and that, of course, he expected to cooperate to the fullest in studying the files.

[From the St. Louis Post-Dispatch of October 5, 1940]

C. I. O. CITES CHAFFEE CASE IN ATTACK ON WAGE-HOUR STAFF—DECISION ON COMPLAINTS AGAINST COLLINS-MORRIS SHOE CO. DELAYED YEAR AND HALF, UNION SAYS—FILE SHOWS LAG IN REPAYING WORKERS—ONLY $5,000 OF $25,000 SAID TO BE DUE EMPLOYEES IN "KICK BACK" CONTROVERSY REPORTED RETURNED

(By Marquis W. Childs, staff correspondent of the Post-Dispatch)

WASHINGTON, October 5.—The United Shoe Workers, a C. I. O. union, is basing charges of inefficiency and maladministration in the Wage and Hour Administration in part on the delay in handling of complaints against the Collins-Morris Shoe Co. factory at Chaffee, Mo.

The file of the Collins-Morris Shoe Co. case was submitted to Leo Goodman, research director of the shoe workers, by Baird Snyder, deputy administrator. Analysis shows a delay of more than a year and a half before final action was taken, Goodman said. Although inspection revealed more than a year ago that restitution of $25,000 was due to employees, to date the company had paid only $5.087.66 in five monthly installments, the file shows.

Goodman and John L. Jones, director of Labor's Non-Partisan League, with the backing of John L. Lewis, C. I. O. head, are urging Members of Congress to investigate what they maintain is an almost complete break-down of wage-hour enforcement. Jones yesterday cited a recent announcement of Col. Philip B. Fleming, Wage and Hour Administrator, that employers would be asked to fill out a questionnaire stating whether or not they had violated the law as "astounding evidence" of the failure to enforce wage-hour provisions.

CHAMBER OF COMMERCE PROTEST

The file of the Collins-Morris case shows that efforts of the Wage and Hour Administration to stop a 10-percent kick-back of wages by shoe workers had resulted in a protest from the Chaffee Chamber of Commerce made through Senator BENNETT CHAMP CLARK and Representative ORVILLE ZIMMERMAN, of Kennett. Ed. S. Villmoare, Jr., secretary to Senator CLARK, said he had merely passed on the complaint of the chamber of commerce without reference to its merits.

"I had very little to do with it," ZIMMERMAN said. "As I recall, it was an arrangement entered into by the employees to enable the plant to continue to operate. But I had almost nothing to do with it."

In response to the complaint forwarded by ZIMMERMAN, George E. McNulty, former wage-hour general counsel, wrote that if the kick-backs reduced wages below a minimum of $11 a week for a 44-hour week, the company would be in violation of the law. This was in May 1939.

TEST SUIT PROPOSED

Two months later, the file shows, Alex Elson, regional attorney at Chicago, analyzed the preliminary inspection report and recommended the filing of a civil suit in order to test the validity of the kick-back device "participated in by the company since the effective date of the act, under an agreement between the chamber of commerce and the employees which antedated the effective date of the act."

Another 4 months passed and George E. Duemler, then regional attorney in St. Louis, was asked to carry out a reinspection. He replied on November 18 that this would require 10 days. He said also that the company was continuing to make deductions but not passing them along to the chamber of commerce.

On December 7, the file shows, Duemler conferred with attorneys for the company concerning restitution of about $25,000. Duemler reported that the company attorneys insisted the deductions were legal and that even if they were not they would continue to make the deductions after the first inspection on advice of the inspector who told them to continue the status quo until Washington had rendered an opinion on the legality of the 10-percent "contributions," which were charged off on the company books to "merchandise" advances to workers.

ST. JOSEPH CASE

Another case cited by union executives critical of wage-hour enforcement is that of the Sun Manufacturing Co., of St. Joseph, Mo. Although complaints were filed nearly a year and a half ago no decision has been reached by the Wage and Hour Administration. Recently the National Labor Relations Board ordered the Sun company to reinstate seven women alleged to have been discharged for union activities and to pay back wages totaling $2,230. This was on complaint of the Amalgamated Clothing Workers who also filed the original complaints with the Wage and Hour Administration.

In his statement charging failure to enforce the law, Jones pointed out that Labor's Nonpartisan League, in reality a part of the C. I. O., and other labor groups had worked actively to obtain adequate appropriations for the Wage and Hour Administration. On July 1 of this year the administration returned an unexpected balance of $387,000 to the Treasury.

RESIGNATIONS NOTED

"Labor reads in the press," the statement said, "of numerous resignations from the wage-hour staff—resignations of men and women it had come to know as most interested in having the act enforced equitably. It sees references in the press to a report filed by Colonel Fleming's personal investigator on the Kansas City regional headquarters after a 6 weeks' investigation—references indicating the report was ignored and its recommendations rejected.

"From the field labor's own union representatives send in disquieting reports of wage-hour inspectors being ordered to build the statistical records of cases handled and closed by taking the easy, little ones or even chalking up as closed cases firms exempt from the act. Some of these say that inspectors are told they must list 'three a day' or 'eight a day' closed cases for themselves or be in danger of losing their jobs."

Reports are current here that Fleming may resign as head of the Wage and Hour Administration to become administrator of W. P. A., succeeding Col. F. C. Harrington, who died after an operation a week ago.

[From PM of October 8, 1940]

WAGE-HOUR BOARD ACCUSED OF LAXITY

WASHINGTON, October 8.—Conflict between the Wage and Hour Administration and labor groups assumed new seriousness today as Labor's Non-Partisan League leveled public charges against the administrators of the Fair Labor Standards Act.

It contended that the administrators were slackening enforcement of the act and putting the detection of violators up to the conscience of employers.

As evidence, Labor's Non-Partisan League cited the return to the Treasury of $387,000 unexpended balance from the Wage and Hour Administration's 1939-40 appropriation. A perennial complaint of both labor and Wage and Hour Administrator Fleming has been that lack of funds prevented the hiring of an adequate staff of investigators. The $387,000 which Colonel Fleming returned unused would have provided, it is estimated, 180 additional inspectors at average present salary rates.

The league also criticized a "new procedure to expedite wage-hour compliance" announced by the agency on September 22.

The new procedure asks employers to fill out form AD-85 and says: "Accurately filled out, it will put the employer through a sort of 'examination of conscience' insofar as the wage-hour law is involved. When he has completely filled out the form he will know whether or not he is complying with the law."

The Wage and Hour Administration stated that the new soul-searching formula was not intended to replace independent examination of books and records by its investigators.

LETTERS CITED

But Labor's Non-Partisan League calls attention to a letter written by Charles R. Hersum, regional wage-hour director, to a union complainant in New England. The letter is said to state that no further action in this case is contemplated "since they (complainant's employers) state that they have not violated the Fair Labor Standards Act."

An official of the Wage and Hour Administration told this reporter that he had seen a carbon copy of the Hersum letter, and that this read "no further action is contemplated at this time," etc. This, in his opinion, is an important distinction.

It is apparent that Labor's Non-Partisan League's attack on the Wage and Hour Administration is adding to the furor already raging around the issue of industry's compliance with labor laws as a condition for receiving defense contracts. Other more detailed charges against Colonel Fleming are expected.—Marion Bachrach.

EXTENSION OF REMARKS

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in two different particulars and to include certain newspaper articles in each instance.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a brief address by a former Member of Congress.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BARDEN of North Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial from the Raleigh News and Observer.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that following the other special orders today I may address the House for not to exceed 8 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include certain extraneous matter.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to extend my remarks and include a speech on Stay Out of War.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from the Washington News.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Under previous order of the House the gentleman from Pennsylvania [Mr. RICH] is recognized for 10 minutes.

THE THIRD TERM AND THEN DICTATORSHIP

Mr. RICH. Mr. Speaker, I wish to discuss for a few moments the question of the third term and dictatorship. I want to show that the third term was in the minds of the President's family 3 years before he was nominated by the Democratic Party at Chicago this year.

In a supreme crisis like this when mankind's moral, material, and cultural heritage is in grave danger, the American people are asked to sacrifice a sacred tradition that no doubt has had much to do in keeping this Nation a free republic for the past 150 years.

But more than this, how can any reasonable person, Democrat or Republican, partisan or gullible, accept the manner in which this third-term candidacy has been sought and secured?

Who says that President Roosevelt was drafted for a third term?

I charge that this administration schemed and depended on a European war to try to grab a third term.

My authority for this serious accusation comes from the inner circles of the White House itself.

Here before me are some startling facts and documents that the American people should know and ponder over in the next few weeks.

On October 24, 1937, Franklin D. Roosevelt, Jr., the President's son, wrote to Joseph Leib, founder of the first Roosevelt for President Club in the United States, and a political writer, saying:

> In the first place I think that it is not my position to make any statement concerning a third term for my father. And, furthermore, the necessity for deciding such an issue has not yet arisen since what we feel today may have to be revised 3 years from now in the light of circumstances beyond our control, such as the foreign situation. * * *

I hold in my hand the original letter from young Roosevelt.

This is a serious and important letter.

What young Roosevelt says in substance is this:

Why should my father reject a third term, 3 years before the Democratic National Convention, when there is a possibility that a war will break out in Europe and he might become another war President?

The President's son also says in this letter that the "necessity for deciding such an issue has not yet arisen."

Does this statement not show that even 3 years before the Democratic National Convention members of the Roosevelt family were looking forward to another term in the White House?

Mind you, that this letter was written 2 years before the war in Europe broke out. Remember that Hitler invaded Poland on September 1, 1939, which started the European war.

No Sherlock Holmes is needed to ascertain where young Roosevelt got these views from.

This was published on October 31, 1937, and it appeared on the front page of nearly every leading newspaper in the Nation. I hold a copy of the New York Herald Tribune in my hand of that day.

Then the very next day, November 1, 1937, the Washington Post on the front page of its first edition reported that Charles Michelson was called to the White House for a conference with the President and James Roosevelt, who was then a White House secretary.

Following this meeting, Michelson confirmed young Roosevelt's statement and issued his weekly pamphlet, which the Washington Daily News on November 8, 1937, carried under this headline: "Michelson hints F. D. may seek a third term."

Here is a copy of that paper, and the text of the article reads:

> Obviously, the President cannot in advance decline a renomination that may never be offered him. Just as obviously, with the world in such a turmoil as it is today outside of this continent, it cannot be forecasted whether the American people would permit him to lay down his burden in view of possible eventualities.

He goes on and points out that the administration critics—

> are invoking the old favorite fable of Roosevelt seeking a dictatorship and then they trot out the old bogey of a third term.

Yes, gentlemen; "the old bogey of a third term" is now a fact. I want to impress upon everyone here that Michelson and young Roosevelt wrote these opinions 3 years before the Democratic National Convention opened and 2 years before the European war broke out.

Does this not prove that this Roosevelt administration betrayed the American people on this third-term candidacy?

Does it not absolutely show that this administration was looking forward to a war in Europe in the hope of remaining in office for another term?

Why is this administration deceiving the American people with all this pretense and holiness?

What kind of democracy is this kind of trickery?

Do you gentlemen remember that famous statement that President Roosevelt made in the middle of the night, saying that he was not aspiring to be a dictator?

Do you recall the exact date that that statement was made?

It was made on April 1, 1938.

April 1—on April Fools' Day.

Why is the President of the United States fooling the American people?

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. RICH. I yield.

Mr. VORYS of Ohio. If the gentleman will remember, when the President was Governor of New York they put through the Baumes law, which provides that if an offender gets three terms it is for life. Does not the gentleman think that he feels that under that principle, if he gets three terms, it will be for life?

Mr. RICH. I will say this, that if he gets three terms he will want four terms and he will want five terms. Sure it will be for life. He intends to be a dictator, as I view it. Nothing short of that for him. Just let me show you the evolution in the past 7 years of the things we did in Congress that were leading up to the fact that he is becoming a dictator. What I am fearful of is that he will declare an emergency to exist before the election on November 5 and then call off the election. I honestly mean that. [Laughter and applause.]

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. HOFFMAN. I notice in the press that on this trip out through Ohio, this so-called nonpolitical trip, paid for at Government expense, a Member of this House made the statement that he was not only for a third term but for a fourth and a fifth term. Did you see that?

Did the gentleman see that?

Mr. RICH. I have seen so much I do not know that I saw that particular article. Most of the New Dealers are for it. I am against it, I can assure you.

Mr. HOFFMAN. I suggest that the gentleman read it.

Mr. RICH. Read it. I have read enough New Deal propaganda. I want to get rid of them. I hope all the people will vote November 5 for Willkie and McNARY and get rid of the third term and the new dealers.

Now, let me show you the things that have been done that have led to dictatorship in Germany, Italy, Russia, and Spain. They first had an extravagant public-works program, then a debauched currency, then power concentrated in the individual who was ruling the country at that time. Then they undermined the independence of the judiciary, and the following things were done: They granted excessive subsidies, there was government by decree, they encouraged subversive forces, they imposed confiscatory taxes, restricted private investment, created an unbalanced budget, imposed a planned economy, fostered class conflicts, took control of the banks, did that which would destroy the morale of industry, engaged in excessive borrowings until they built up a huge national debt, enlarged the bureaucracy, conscripted the Army, conscripted the people; and then the dictator took over everything; he conscripted the farms, he conscripted and regimented labor, and finally he was the exalted power that reigned over those countries.

The time is too short to tell the American people that we are going to have a dictator if we have a third term. America, wake up before it is too late.

[Here the gavel fell.]

SPECIAL ORDER

The SPEAKER. Under the special order of the House, the gentleman from Colorado [Mr. LEWIS] is recognized for 30 minutes.

Mr. LEWIS of Colorado. Mr. Speaker, recently I submitted to Gen. George C. Marshall, Chief of Staff, United States Army, an elaborate prospectus entitled "We Suggest a Mountain Military Training Center." This prospectus, which includes 50 exhibits, consisting of photographs and maps of the proposed site, detailed plans and elevations of suggested buildings, and so forth, was prepared by Mr. Robert S. Balch, assisted by some engineers and architects, under the direction of Mr. George E. Cranmer, manager of improvements and parks, of the city and county of Denver, Colo. Mr. Balch is superintendent of Winter Park, which is part of Denver's system of mountain parks, in the foothills and mountains to the west of Denver, outside the corporate limits of our city.

The prospectus suggests that there be established by the United States Army a center for intensive specialized training of a small number of our troops in the technique of operations in rugged high mountains and under heavy snow conditions—including training of troops for rapid movement on skis.

ONLY THOSE INURED TO HIGH ALTITUDES CAN UNDERTAKE GREAT PHYSICAL EXERTION MILES ABOVE THE SEA

We of the States spanning the Continental Divide know that carburetors in our motorcars require special adjustment in order to secure the greatest efficiency in operation in the high mountains. Experienced Army officers tell me that they have noted that even horses and mules accustomed to work near sea level lack efficiency or even fall sick when taken to high altitudes.

It is a fact familiar to everyone in Colorado that even some young men of strong physique and seemingly in perfect health, who have lived most of their lives nearer sea level, are incapacitated for any vigorous physical exertion when they go to an altitude of even 8,000 feet. This is frequently true of persons riding in motorcars or even attempting to walk very slowly. At 10,000 or 12,000, 13,000 or 14,000 feet, some persons collapse. It is true that many of those who experience severe difficulty when first going to high altitudes, become accustomed, during a period of days or weeks or months, to the thinner and more stimulating air and thereafter have no further inconvenience. But no one can tell with certainty in advance what effect the higher altitudes will have upon him. He can never be sure until he actually goes a mile or two or more above the sea.

As this is true of many who merely ride in automobiles to high altitudes or stroll leisurely about carrying no burdens, what would be the effect upon men who had always theretofore lived near sea level if they were obliged to undergo the extreme physical exertion of military combat, in deep snow, 1 or 2 or 2½ miles above the sea? What would happen to soldiers from low altitude States, trained in Southern or other sea level camps, if they should be obliged to oppose an enemy in the high mountains of Alaska or British Columbia?

The need for a high mountain military training center is indicated by the following extracts from the introduction to the prospectus:

If the United States is to have complete military defense preparedness, it must provide for every conceivable eventuality. * * * Every other nation which has either heavy winter or difficult mountain conditions, or both, has produced forces specially trained and equipped to perform competently under such conditions. * * * The possibility is at hand of having to defend such Alpine areas as Alaska and British Columbia, as well as the extensive mountain and snow areas of the United States. * * * With Russia fortifying Big Diomede Island, a mile and a half from United States soil in Bering Strait, the picture arises of a possible attempted defense of Arctic territory with troops trained in Louisiana.

It is further suggested in the prospectus that such a training center be established in an area of about 6,000 acres on the eastern slope of the Continental Divide, in a national forest, at altitudes ranging from 10,000 to 13,000 feet, accessible by an excellent highway, 50 miles west of Denver.

This prospectus, I am informed, is now being carefully studied by the General Staff.

I quote part of the text of the prospectus:

WE SUGGEST A MOUNTAIN MILITARY TRAINING CENTER

1. INTRODUCTION

A. The need

America needs mountain troops. If the United States is to have complete military defense preparedness it must provide for every conceivable eventuality. To do so it must have forces well trained and equipped in every possible type of military activity. Using foreign examples as the standard of modernization, it is apparent that valuable lessons have been learned and suitable adjustment made in such branches as aviation and mechanization. It is also apparent that every other nation which has either heavy winter, or difficult mountain conditions, or both, has produced forces specially trained and equipped to perform competently under such conditions. But America has made little or no progress in this direction.

Are we to be caught napping? The possibility is at hand of having to defend such Alpine areas as Alaska and British Columbia, as well as the extensive mountain and snow areas of the United States, and it is inconceivable that we should neglect the highly specialized preparedness essential to doing that job and doing it right. With Russia fortifying Big Diomede Island, a mile and a half from United States soil in Bering Strait, the picture arises of a possible attempted defense of Arctic territory with troops trained in Louisiana. Although Russia apparently shares with England the distinction of having learned little of ski or mountain technique from the European examples, there is no reason to suppose that conditions will remain the same.

B. The example

The example is before us clearly enough. We know something of what can be done and how essential it is to be ready when the conditions arise. Russia was unprepared in Finland. We saw pictures of Finnish soldiers laughing over captured pamphlets hastily issued by Russia, urging her soldiers to learn to ski and explaining how. We know they were laughing because it takes at least 3 years of intensive training to make an able skier of an average civilian, even without military science. The Finnish patrols had trained together all their lives.

Likewise, we felt the pity of the poor Englishman's position in Norway. When captured he was so heavily clothed that he could hardly move, bundled in long underwear, sheepskins, and mufflers, and trying to maneuver with standard infantry and artillery equipment. Yet he was up against Austrian Jager troops with special clothing, equipment, and training which made them as active as athletes in summer.

Years of study, practice, and the bitterest experience have produced magnificent ski and mountaineer troops in Europe and we should be able to profit by the example. In the course of World War No. I, Austria and Italy progressed from complete ignorance to complete science by trial and error. At the start the conception of war in Alpine areas was limited to valley operations. Where the contours thickened, blanks were left on army maps with the notation that the areas were "strategically inaccessible," and therefore need not be defended. Yet the boundary passed through this country of mighty cliffs, glaciers, and eight to twelve thousand foot peaks, and

before the war was over every peak had been fortified and great mass movements and actions had taken place.

During those years came the intensified developments that have resulted in modern Alpine technique. For instance, before the war aerial cable tramways were a rare aid to mining, yet by 1918 there were 3 kilometers of supply tramways for every kilometer of front, and the mono-cable and portable trams had been perfected. Light arms and equipment and such unheard-of specialties as the rolling time bomb developed.

Engineering was more important here than ever before. Emplacements were completed in unbelievable positions including the top of the 12,800 foot Ortler, and the batteries hidden in rock or ice caves were among the most effective weapons of the war. The art of constructing and concealing "cliff dweller" barracks among the peaks was developed including the necessary tunnels, ladders, fixed cables, and concealed access routes. Sapping and mining played a big part offensively and developed into races of tunneling skill involving hundreds of men and complicated machinery, with life or death the prize. For example, on the morning of March 13, 1918, on Monte Pasubio in the Dolomites, the Italians were completing arrangements to fire their charge of 13,000 kilograms of gelatin which they had placed under the enemy position. Unknowingly they stood over a lethal 55,000 kilograms of dynamite themselves. The Austrians were ready first.

Weather and snow conditions were the common enemy, whose mastery was acquired by miserable experience. On December 13, 1916, more men were lost in avalanches than had been killed in action on both sides in the previous year, 6,000 dead in all, 300 in one group on the Marmolata—all the result of ignorance in placing and arranging positions and in interpreting the weather.

Mountaineering technique improved to the point where troops ascended peaks previously attained only by a handful of fanatic sportsmen and guides.

And ski-troop technique advanced from the stage where volunteers were sent down from North Germany to the Alpine areas because they could skate or had been through the mountains in a train to the point where patrol actions were the determining factor and great winter campaigns such as the advance through the Carpathians could be successfully carried out.

So we visualize how the importance and attainment of mountain military science dawned on Europe. One can picture the development that must have taken place in the intervening years and note the significance of the fact that several hundred thousand men are enrolled in the mountain and ski troops of Finland, Norway, Sweden, Germany, Italy, Switzerland, France, and Spain, with a much smaller area to defend than we would have in North America.

C. The opportunity

Therefore we believe that the time has come to develop similar strength and feel that the opportunity is at hand. Information is certainly available. We have now in this country many refugees who have served in foreign Alpine corps, including the best-known ski instructor in the world, Mr. Hannes Schneider, who has advised many governments on such development as well as serving as an officer himself. In addition, Swiss official cooperation could undoubtedly be arranged.

Ample Government funds are now available for defense purposes, and we therefore suggest that constructive steps be taken at once. Obviously the first requirements are instruction and research. The ideal first move would be to establish conveniently located permanent Alpine training centers from which trainees could be sent to outlying bases, such as Alaska, as required. The location of such a center might well be based on the following major requirements:

(1) Alpine terrain of great extent and variety.
(2) High altitude.
(3) Heavy snow; long winter.
(4) Isolation from public, but accessibility for operation.
(5) Convenience to air facilities.

One place in the United States which satisfies all the requirements is this area in the Rocky Mountains, on the Continental Divide; viz, region of Jones Pass, Colo.

Since this area provides the opportunity to take constructive action, the following plan is submitted as the most logical solution:

II. PROPOSAL FOR A MOUNTAIN MILITARY TRAINING CENTER NEAR JONES PASS, CLEAR CREEK COUNTY, COLO.

A. Purpose

1. Definition

A center is to be organized to provide the highly specialized training required for successful military operations in high mountain terrain at all seasons. (Note: Program will qualify trainees automatically for winter operations in flat country as well.)

2. Suggested Program

No attempt is made here to organize the military-training routine, but it is assumed that some such program of activities as this will be followed in general.

(a) Winter

Daily field classes in downhill skiing to be held on practice slopes served by uphill tows.
Short expeditions of small groups involving climbing and snowcraft.
Short maneuvers with arms in small groups.
Target practice.
Daily indoor classes in theory of ski technique and related subjects including waxing, snow, weather, and avalanche conditions.
Daily indoor classes in equipment.
Special training with dog-team transport.
Some longer expeditions.
Daily classes in mountain and winter aspects of engineering, radio, supply, first aid, etc.
Periodical combat-team maneuvers over larger areas with auxiliary and air cooperation.

(b) Summer

Field classes in mountaineering technique. Expeditions of varying length.
Daily indoor classes in arms, equipment, engineering, radio, first aid, etc.
Special training in portable cable tramway technique.
Special training with mule transport.
Special training in sapping, mining, and mountain engineering.
Target practice.

(c) All year

Research.

B. Scope

1. Personnel

The suggested size of personnel is set at 500 for the post including trainees and staff.

2. Facilities

Complete facilities are to be provided for the carrying out of such a program by this group.

(a) Housing

The men are to be housed, fed, and provided with study and recreation facilities. Trainees and noncommissioned officers will live in barracks; higher officers, instructors, and service staff in private houses or apartments. The post will include all auxiliary facilities necessary for permanent operation, including such items as hospital, guard room, laundry, armory, work shops, garage, stable, etc.

(b) Land

The areas necessary for the post and for field training are to be provided. The post is to be part of a military reservation. This reservation will include a home practice ground for daily use. Outside the reservation, but immediately beyond, is to be a secondary training area for extended operations. In this area there is to be a landing field at the nearest suitable spot.

C. Location

1. Suitability

The location chosen for the center is an area in the main range of the Rocky Mountains, adjacent to the Continental Divide at a point where it comes nearest to Denver. Here the altitude is high and the winter long, the country wild and mountainous and difficult yet not too isolated. The terrain provides very adequately for all the requirements enumerated above. The surrounding region in general is already a popular mountain playground and includes the Denver Winter Park ski development of slopes, runs, and tows.

2. Accessibility—(a) From Denver

The military reservation site is adjacent to United States Highway No. 40, a transcontinental route, at a point 50 miles west of Denver. The main rail line from Denver to Salt Lake City is available at Winter Park Station, the West Portal of the Moffat Tunnel, 15 miles north on the same highway.

(b) From any point in the country

Denver is a central point well served by main rail and air lines, as shown on the accompanying diagram.

3. Strategic Vulnerability

The Denver area is one of the least vulnerable points in the country and any site in the mountain terrain to the west is doubly safe. The accompanying diagram shows that it is 840 air miles from the nearest Pacific coast point, 645 miles from the Canadian border, 570 miles from the Mexican border, and 370 miles west of the geographical center of the United States.

4. Convenience to Federal Activity

Denver is the western center of United States Government administration and has more Federal offices than any city except Washington, D. C. Army activity is heavily concentrated here. Note that the training center is to be in a region almost entirely Government owned, part of the 14,000,000 acres of national forests and parks in the State. There are three C. C. C. camps in the immediate vicinity.

5. Convenience to Air Facilities

Lowry Field makes the possibility of close cooperative training with the air force practicable. There is an excellent landing field site at Fraser, 20 miles north from the Jones Pass area on United States Highway No. 40, as shown on the maps.

III. PLANS

A. Terrain

1. General Region

The general map of the region shows the natural integration of the functions of the three main area units: reservation, secondary training area, and landing field. The reservation is the heart of the development, served by life lines of highway and rail. It is the focus of concentrated daily routine activity, both indoor and outdoor; living, class instruction, and field practice. When major expeditions are to be made, maneuvers to be held, or more difficult terrain is desired, activity will overflow into the surrounding secondary training area. The landing field nearby will have sporadic use for air cooperation training.

2. Area Units—(a) Reservation

The reservation site is an area of approximately 6,000 acres, located in a loop of the Continental Divide on the eastern slope. It functions perfectly as a unit since it is a natural bowl bounded on three sides by the ridge of the divide and on the fourth by a ridge of equal elevation. Altitude ranges approximately from 10,000 feet at the bottom of the bowl to 13,000 feet at the highest point of the rim, with timberline half-way between.

The only possible traffic entrance is through a narrow gap on the east. This is the only point where the area is tangent to the main highway, so it is well isolated from public interference, but not from access. The main entrance control gateway will be either directly on the highway or far enough in to avoid conflict with the mining of war material ores in the adjacent Woods Creek Valley.

The access road and highway both follow the water level of West Clear Creek, which is augmented in summer by the flow through the Jones Pass diversion tunnel. The tailings dump at the east portal of this tunnel, 1.8 miles from the highway, is to be the post site. This is the common point of convergence of the series of glacial cirques and drainages which comprise the bowl.

The surrounding terrain of the home practice ground is mountainous without being extremely difficult and includes a variety of features. There are slopes of all degrees of steepness and interest for ski practice both above and below timberline. For summer training the timbered valleys offer excellent problems, as well as the long scree slopes, sharp ridges, and small cliffs and gullies.

Daily activity in winter will be concentrated on the ski practice slopes. The beginners' slope is located on the west bank of Butler Gulch, 300 yards up the trail from the post, It is a hillside of moderate slope ending in a flat meadow. An area of approximately 2 acres of timber is to be cleared and grubbed and a manila-rope tow of 800 feet length and 200 feet rise installed.

The advanced ski-practice area is across the creek from the post and will be reached by a bridge. Ski action focuses here on daily instruction classes for advanced and expert trainees. Here will be held the competitions necessary for keenness and enthusiasm. The main slope is to be directly opposite the bridge and the barracks, on the face of the ridge dividing Butler Gulch from Red Mountain Creek. It will be a wide clearing half a mile long and six or seven hundred feet high. In the center of this the ski tramway will run up to a flat landing spot at the 11,000-foot elevation, serving in addition a ski-run down each of the side gullies. The tramway is to be the overhead mono-cable wire-rope type with 2-passenger hangers having automatic vertical compensation. This is the type found to be most successful. In this connection, note that the Swiss patentee also supplies the similar portable type for military supply. Costs of ski facilities plus portable tramway are as follows:

Hemp rope tow, 800 x 200 feet (installed)	$1,200
Swiss type tramway, 2,100 x 600 feet (installed)	19,170
Portable military tramway, ½-mile	10,000
Clearing 10 acres at $300 an acre	3,000
Total	33,370

Short expeditions will use the natural facilities of the three drainages: Butler Gulch, Jones Pass proper, and Vasquez Ski Pass. The trail from the post to Jones Pass can handle heavy traffic as it is an abandoned truck road. Safe winter passes out of the bowl are the Butler-Woods Pass and Vasquez Ski Pass.

Summer use will concentrate on the larger areas above timber line and center on the small cliffs in Butler Gulch.

(b) Secondary training area

Beyond the bowl to the north, west, and south lie long valleys between high ranges. This is the secondary training area for longer expeditions and maneuvers. Each valley is reached by one or more passes over the rim of the bowl as shown in red on the map. One of them provides a splendid secondary ski-training area, the headwaters basin of the west branch of Vasquez Creek, which is a region of moderate open slopes, mainly above timber line, with interesting variety.

The Woods Creek area is also suited to skiing, but the St. Louis Creek and Williams River areas are too exposed to avalanche danger in winter and spring. All valleys return either to the highway or to the post as follows:

Woods Creek—5 miles from rim of bowl to post.
Vasquez Creek—10 miles from rim of bowl to highway.
St. Louis Creek—15 miles from rim of bowl to highway.
Williams River—30 miles from rim of bowl to highway.

The Gore Range, 18 miles airline to the southwest, is a wilderness area of extreme ruggedness. Here are to be found the cliffs and peaks of extreme difficulty necessary for finished training in mountaineering technique. The area is accessible by main highway via Loveland Pass and Dillon, as well as by difficult cross-country trails. The Arapaho Range duplicates this on the northeast, but is more subject to conflict with the public.

(c) Landing Field

The landing field site is 20 miles away on the main highway at Fraser. It is a wide, flat valley of hay fields, which has already been used for landing in both summer and winter. It would be possible to connect with it for coordinated activity either by truck or by use of the Vasquez Creek Valley. For this purpose it would be desirable to open a trail or road through the valley to the West Vasquez Ski Pass into the reservation. This pass is easy and safe enough for winter use, while the main Vasquez Pass is not.

B. Post

1. Site

(a) Location: At east portal of Williams Fork diversion (Jones Pass) tunnel, 1.8 miles west of United States Highway No. 40.

(b) Soil: Condition loose loam with rock, varying from rock outcropping to 3 feet of soil. Soil is absorbent and excellent for top soil for tunnel dump covering and disposal absorption.

(c) Topography: Exclusive of tunnel dump, south exposure has a general usable slope from the stream varying from 5 degrees to 10 degrees horizontal angle. The tunnel dump, 1,000 feet long, and an average width of 160 feet, affords an excellent foreground for a large development. This area is to have a minimum of 2 feet of top soil for planting.

(d) Bearing: All structures on native soil shall be carried to solid rock. All those on dump fill shall be carried on mass footings below frost line.

(e) Water supply: All year daily flow of West Clear Creek, where it adjoins tunnel, approximately 50 second-feet.

2. Road

The site is approached from the highway via the existing graded dirt road which was built for hauling over Jones Pass. This road is to pass through a controlled entrance station (not shown on plans). To be relocated beginning 1 mile east of site to service higher on the north hillside and function primarily for the use of the post (clearing, grading, and oiling will constitute the construction program, as no heavy cuts or bridges will be necessary).

At the post it is to serve in series the four main traffic areas: Civilian housing, utility, headquarters parking, and officers' quarters.

Beyond the post this relocated road will continue as a minor road or trail to the point where it rejoins the original route to Jones Pass.

3. Buildings

(a) Space requirements: The total personnel of the post is assumed to consist of the following groups: Eleven classes of 33:

363 trainees.
36 noncommissioned officers.
11 instructors.
20 administrative and executive officers.
70 civilian staff employees.

500 men.

This break-down is based on the ideal maximum class size of 33 and the usual proportion of noncommissioned officers to men of 1 to 10. Barracks will house the 399 trainees and noncommissioned officers. The nonbarrack housing of instructors, officers, and employees is too problematical for solution here, so this proposal does not include any specific provision for it except site.

Minimum standard Army requirements form the basis of space design for the post.

Mr. Speaker, there is then set forth in the prospectus a detailed description of the five proposed buildings with designation of the purposes of each, statement of the floor areas and capacity of each building for enlisted men and officers, and description of the several rooms in each building; description of the architecture; outline of materials and equipment and specifications and cost estimate. A stable for 22 mules, a garage for trucks and combat car, storage for supplies and food, blacksmith shop, and so forth—none of these necessary features are overlooked. This detailed statement in the text of the prospectus is supplemented by carefully prepared detailed plans and elevations, photographs of the site, and sketches showing how the proposed buildings would appear on the site—all of which are included among the 50 exhibits in the prospectus.

The estimated cost of the installation—including all buildings, heating system, electric power and lighting system, sewage-disposal system, ski facilities and portable tramway—is given in the prospectus as totaling $758,770.

This prospectus certainly makes a strong case in support of the need for intensive specialized training of a small body of seasoned troops in the technique of operations in rugged high mountains and under conditions of heavy snow, including training in rapid movement of troops on skis. I am gratified that the suggestion for the establishment of a mountain military training center and the site proposed are being given careful consideration by the General Staff.

The SPEAKER. Under the previous order of the House the gentleman from Wisconsin [Mr. SCHAFER] is recognized for 8 minutes.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to proceed for an additional 3 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, the pamphlet recently issued by the Colored Division of the Democratic

National Committee, which directs attention to the ancestry of Wendell L. Willkie, vilifies him, attempts to brand and smear him as un-American and is reprehensible. In the year 1917, on the day that the United States declared war against Germany, Wendell L. Willkie enlisted as a soldier and was sent overseas where he bared his breast to the enemy while his opponent President Franklin D. Roosevelt, who is supported by the colored division of the Democratic National Committee had a soft civilian berth in Washington, 3,000 miles away from the shot and shell which Willkie was facing while fighting for our country and our countrymen under the Stars and Stripes. [Applause.]

Mr. Speaker, Charles Michelson, the $25,000-a-year New Deal smear man, who is responsible for putting out this slanderous political-campaign document attacking the Americanism of Comrade Wendell L. Willkie, was originally put in charge of the Democratic National Campaign Committee publicity and propaganda division and subsidized with many thousand dollars of bloody world-war profits by John Jacob Raskob, of the war-munitions house of Du Pont.

Mr. Speaker, the dastardly attempt of venal, viperous New Deal political poison-peddling character assassins to deliberately and maliciously slander Wendell L. Willkie as unpatriotic, is most reprehensible in view of the fact that in April 1917, when our country declared war against Germany, Comrade Willkie enlisted for active service in the United States Army. He was later promoted and commissioned as a captain and served overseas with the Three Hundred and Twenty-fifth Field Artillery. [Applause.]

Comrade Wendell L. Willkie did not have a soft swivel-chair berth in the civil branch of the Government 3,000 miles away from the battle front as did President Roosevelt, his political opponent in behalf of whose candidacy the colored division of the Democratic National Committee disseminated their indefensible attack which questioned Comrade Willkie's patriotism.

Mr. Speaker, may I repeat that the day upon which the United States declared war against Germany, Wendell L. Willkie enlisted for active service in the United States Army and served overseas on the battle front and was promoted and commissioned a captain by reason of his exceptional ability and faithful service as a soldier. [Applause.] He did not receive a captain's commission with a soft, swivel-chair job in the purchasing division of the Army as did Elliott Roosevelt, the multimillionaire son of President Roosevelt, his multimillionaire political opponent in behalf of whose candidacy the libelous pamphlet has been extensively circulated by the colored division of the Democratic National Committee. [Applause.]

Mr. Speaker, it would have been far more appropriate for the colored division of the Democratic National Committee to have informed our colored brethren in the North that the heart of the Democratic Party is below the Mason and Dixon's line where they count colored people in the census for apportionment of Congressmen and Presidential electors and generally deny them the right to vote in violation of the fourteenth amendment to the Constitution of the United States and also deny them other sacred rights and liberties guaranteed to our citizens under the fourteenth and fifteenth amendments to the Constitution. Mr. Speaker, in the State of Mississippi in the last congressional election 7 New Deal Mississippi Democratic Congressmen received a total of only 36,000 votes, which is less than half of the votes cast in most of the individual northern congressional districts. The colored division of the Democratic National Committee should have told our colored countrymen that in the New Deal Democratic-controlled South below the Mason and Dixon's line the colored people's living quarters are segregated and they must ride in Jim Crow cars and are compelled to patronize colored hotels, restaurants, theaters, public parks, and so forth, and can only attend colored churches.

Mr. Speaker, the record reveals that our New Deal Democrats render lip service to our colored countrymen north of the Mason and Dixon's line while they hit them below the belt, burn and lynch them in the solid Democratic South below the Mason and Dixon's line.

Mr. Speaker, this slanderous Democratic campaign document attempts to put the Ku Klux Klan nightshirt on Mr. Willkie. It must be remembered that the citadel of the Ku Klux Klan is in the New Deal Democratic-controlled South below the Mason and Dixon's line and that the imperial wizard of the Klu Klux Klan has his national headquarters on Peachtree Road in the city of Atlanta and the State of Georgia, which are both in complete control of the Democratic Party and whose citizens are main cogs in the New Deal Democratic political machine. The record also shows that Comrade Wendell L. Willkie led a successful battle in Akron, Ohio, against the Ku Klux Klan in the years 1924, 1925, and 1926.

Mr. Speaker, the un-American, subversive, and slanderous pamphlet recently issued by the Democratic National Committee through its colored division is indefensible, reprehensible, contemptible, and indicative that our New Deal Democratic brethren are hard pressed and will resort to any and all foul means in order to retain control of our Federal Government and continue their nefarious work to sabotage the Constitution of the United States, spend Uncle Sam into bankruptcy, plunge him into the new European war, and establish a New Deal soviet dictatorship in our Republic. [Applause.]

Mr. Speaker, in view of the active overseas World War military service of Comrade Wendell L. Willkie during the war between the United States and Germany in 1917, 1918, and 1919, all of those who are responsible for putting out the scurrilous smear pamphlet by the colored division of the Democratic National Committee can certainly qualify as members of a political polecat club. They seem to be emulating their leader, President Roosevelt, who repeatedly says, "Ah hate wah," while his record clearly demonstrates that he is a war fomenter and a war interventionist who does hate "wah" veterans. [Applause.]

Mr. Speaker, in view of this Democratic National Committee smear document, our Democratic brethren should remove the ancient and honorable donkey insignia from all of their political party headquarters and replace them with insignia of a well-known American nocturnal carniverous bushy-tail animal which Webster defines as a skunk.

Mr. Speaker, I call upon the millions of our Nation's war veterans, their families and their friends, to take cognizance of the dastardly attack upon our overseas comrade, Wendell L. Willkie, whose record reveals that he is an outstanding, noble American patriot, and not an enemy of our country as our New Deal political mercenaries attempt to portray him. Wendell L. Willkie, the Republican candidate for President, is a volunteer soldier and a patriot. Let us unite and go over the top on November 5 behind Capt. Wendell L. Willkie, who will drive the New Deal international money changers, Wall Street sharks and barracudas, war fomenters, war interventionists, warmongers, and Benedict Arnold chosen tribe of Karl Marx disciples from the temple of our Federal Government. [Applause.]

Mr. Speaker, Comrade Wendell L. Willkie is leading the forces of those who want to uphold, defend, and preserve our American constitutional system of government under the Stars and Stripes against those who desire to replace it with a soviet conception of governmental autocracy imported direct from Moscow by our New Deal brethren.

Mr. Speaker, this November 5 is the day on which the battle of America will be fought. Our countrymen must choose on which side they will stand. Our good Lord and Saviour said, "No man can serve two masters." He also said, "He who is not with Me is against Me." I choose to stand with and go over the top on November 5 behind Capt. Wendell L. Willkie in order that I might best serve my country and my countrymen, to the end—

That this Nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

[Applause.]

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. NORTON. Mr. Speaker, I call the attention of the House to two telegrams that were sent in my name on Saturday from the Western Union office in the Senate Office Building. The telegrams were sent, one to T. J. Tumulty, and the other to the Jersey Journal. The first one to T. J. Tumulty reads as follows:

To T. JAMES TUMULTY,
Jewett Avenue, Jersey City:
Accept challenge to debate, arrange details Commissioner Potterton, October 23, Jersey City.

MARY T. NORTON.

The second one reads as follows:

To JERSEY JOURNAL,
Journal Square, Jersey City, N. J.:
Accepted challenge debate with T. James Tumulty October 23, Jersey City.

MARY T. NORTON.

This morning the young lady in charge of the Senate Western Union office called my attention to these telegrams and sent copies to me. Attached she sent a memorandum reading:

In reference attached wires. I accepted these two wires over the counter Saturday, October 12, at 12.22 p. m., by two young men, age about 25, dark hair and smooth complexions.

MAUD BLAINE,
Western Union Telegraph Co., Senate Office.

Apparently she was suspicious of the telegrams. She was quite right as I not only did not send the telegrams but had no knowledge of any challenge to debate with Mr. Tumulty or anyone else.

When I talked to the Western Union operator at the Senate office I asked her why she sent telegrams in my name without my authority. She said she could not reach my office, which was true, because my office was closed at that time. As the telegrams were paid for, and as Members frequently send telegrams by boys, she explained, there was nothing else she could do but accept the telegrams. But she was so suspicious she called up my office this morning to report the matter to me.

Apparently the telegrams were a plant, as on Saturday night a telegram came to my home in Washington, which I did not receive until late Sunday night on my return home, reading as follows:

JERSEY CITY, *October 12, 1940.*

MARY T. NORTON,
Kennedy-Warren Apartments:
Your acceptance of my debate challenge to Commissioner Potterton received. Glad that you assumed the burden of this debate. Will arrange details for October 23, as you suggest, with Commissioner Potterton on Monday.

T. JAMES TUMULTY.

At first I thought that the telegram was a joke. Then I was called up by some newspapermen and asked about an article that appeared in the Sunday New York Times about this debate. I then decided it was not a joke and sent the following telegram to Mr. Tumulty, collect:

OCTOBER 14, 1940.

Mr. T. JAMES TUMULTY,
Jersey City, N. J.:
Your mysterious telegram received. Don't know anything about any debate challenge. You know you never received any kind of communication from me. I dare you to produce the acceptance you mention. If this is your method of getting free publicity, it is a stupid and cheap political trick.

MARY T. NORTON.

The key to the situation came with the message from the telegraph operator in the Senate Office Building this morning.

My purpose in calling this matter to your attention is because I feel it is absolutely necessary in order to protect the membership of the House. Any Member may have a telegram sent in his or her name about which she or he knows nothing. If this sort of practice is to continue, it is treacherous and could be very unfair and embarrassing to Members. I intend to investigate the matter further to find out who is responsible for sending those two telegrams in my name.

Mr. McCORMACK. Will the gentlewoman yield?

Mrs. NORTON. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. As I understand the gentlewoman, whoever sent these telegrams also paid for them?

Mrs. NORTON. The telegraph operator informed me they paid for the telegrams.

Mr. McCORMACK. It simply shows what can happen to any one of us. This is nothing but a plot.

Mrs. NORTON. That is true, and it seems a very stupid plot.

Mr. McCORMACK. It is an attempt to embarrass the gentlewoman from New Jersey.

Mr. CASE of South Dakota. Will the gentlewoman yield?

Mrs. NORTON. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I certainly want to have it said, and I think I can speak for the minority Members, that such tactics are not countenanced or supported by us, because that kind of politics and that kind of tactics are to be classed with the circulation of this scurrilous attack on Mr. Wendell Willkie's ancestry about which we heard today. That entire class of politics is reprehensible and has no place in the United States.

Mrs. NORTON. I do not think any fair-minded person would resort to such petty politics.

Mr. HOFFMAN. Will the gentlewoman yield?

Mrs. NORTON. I yield to the gentleman from Michigan.

Mr. HOFFMAN. May I call the gentlewoman's attention to the fact that unless there has been some recent change in the law there is nothing she can do about it. I had a speaking engagement at Reading, Pa. On my way, I was stopped at Baltimore by a wire purporting to come from the chairman of the meeting, but it was sent by a C. I. O. member, telling me that the meeting had been canceled. I took it up with the company and after investigation and the offer of a reward, I learned the name of the man who sent it. I took the matter up with the Federal authorities here and with the prosecuting officer of the county up there as well as with the Western Union, and I was advised I had no remedy.

Mrs. NORTON. Is it not a criminal offense to sign another person's name to a telegram?

Mr. HOFFMAN. They tell me it is not.

[Here the gavel fell.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MAY, indefinitely, on account of critical illness of his wife.

To Mr. VINSON of Georgia, indefinitely, on account of sickness in family.

To Mr. CLUETT, for an indefinite period, on account of illness.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 892. An act to extend to custodial-service employees employed by the Post Office Department certain benefits applicable to postal employees;

H. R. 1874. An act for the relief of Mrs. E. V. Maki;

H. R. 6658. An act to authorize the lease or sale of certain public lands in Alaska, and for other purposes;

H. R. 7252. An act to authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska;

H. R. 7916. An act granting 6 months' pay to Lillian M. Reymonda;

H. R. 8512. An act to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes;

H. R. 8646. An act to authorize the exchange of certain patented lands in the Death Valley National Monument for Government lands in the monument;

H. R. 8930. An act to amend section 202 (3), World War Veterans' Act, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes;

H. R. 9173. An act for the protection of the water supply of the town of Petersburg, Alaska;

H. R. 9982. An act to amend section 4551 of the Revised Statutes, as amended, and for other purposes;

H. R. 10322. An act to amend further the District of Columbia Unemployment Compensation Act;

H. R. 10440. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.; and

H. R. 10527. An act to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain commissioned officers of the Army of the United States.

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 527. An act for the relief of J. J. Greenleaf;

S. 3612. An act to authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes;

S. 3786. An act to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes;

S. 4275. An act to increase the authorized number of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes; and

S. 4362. An act to provide for the completion of certain local-protection works at East Hartford, Conn.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Friday, October 11, 1940, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 3907. An act for the relief of William A. Reithel;

H. R. 6083. An act for the relief of Adolph Burstein.

H. R. 6091. An act for the relief of Samuel Roberts.

H. R. 7283. An act for the relief of Frank Hall;

H. R. 7784. An act for the relief of Howard R. M. Browne;

H. R. 7813. An act to safeguard the homing pigeon;

H. R. 8333. An act for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps;

H. R. 8613. An act to amend the act to provide for the retirement of disabled nurses of the Army and the Navy;

H. R. 8705. An act for the relief of Howard Mondt;

H. R. 9972. An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes;

H. R. 10094. An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes;

H. R. 10194. An act for the relief of the late John L. Summers, former disbursing clerk, Treasury Department;

H. R. 10354. An act for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 10412. An act to expedite the provision of housing in connection with national defense, and for other purposes; and

H. J. Res. 614. Joint resolution making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 40 minutes p. m.), under its previous order, the House adjourned until Thursday, October 17, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1989. A letter from the Archivist of the United States transmitting recommendation for disposition of a list of papers by the Department of the Treasury; to the Committee on the Disposition of Executive Papers.

1990. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Department of the Treasury; to the Committee on the Disposition of Executive Papers.

1991. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Department of the Interior; to the Committee on the Disposition of Executive Papers.

1992. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of motion-picture film by the Department of Labor; to the Committee on the Disposition of Executive Papers.

1993. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Office of Education, Federal Security Agency; to the Committee on the Disposition of Executive Papers.

1994. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Public Health Service; to the Committee on the Disposition of Executive Papers.

1995. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers; to the Committee on the Disposition of Executive Papers.

1996. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Veterans' Administration; to the Committee on the Disposition of Executive Papers.

1997. A letter from the Secretary of the Treasury, transmitting a proposed bill to provide for the establishment, administration, and maintenance of a Coast Guard Auxiliary and a Coast Guard Reserve; to the Committee on Merchant Marine and Fisheries.

1998. A letter from the Acting Secretary of the Navy, transmitting a report by the Secretary of the Navy, concerning cases wherein competition resulted in the award of quantity contracts under the act of March 5, 1940 (Public Law 426, 76th Cong., 3d sess.); to the Committee on Military Affairs.

1999. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to amend section 17 of the Joint Service Pay Act, approved June 10, 1922, as amended; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RAMSPECK: Committee on the Civil Service. S. 4208. A bill establishing overtime rates for compensation for employees of the War Department, its field services, the Panama Canal Zone, and for other purposes; without amendment (Rept. No. 3052). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. S. 4373. A bill to amend the act of June 25, 1938, entitled "An act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes; without amendment (Rept. No. 3053). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DIMOND:

H. R. 10641. A bill to authorize investigation of the tin resources of Alaska; to the Committee on Mines and Mining.

By Mr. LESINSKI:

H. R. 10642. A bill conferring citizenship upon alien World War veterans; to the Committee on Immigration and Naturalization.

By Mr. SNYDER:

H. R. 10643. A bill to provide for Federal assistance to the States in making surveys, studies, and recommendations for the planning, location, and enlargement of vocational schools that will provide adequately for vocational training for defense; to the Committee on Education.

By Mr. PETERSON of Florida:

H. J. Res. 615. Joint resolution authorizing the annual issue of a series of air-mail stamps on pan-American Aviation Day; to the Committee on the Post Office and Post Roads.

By Mr. TOLAN:

H. Con. Res. 92. Concurrent resolution authorizing the Select Committee Investigating the Interstate Migration of Destitute Citizens to have printed for its use addtional copies of its hearings on interstate migration; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DIMOND:

H. R. 10644. A bill for the relief of Doc Silvers; to the Committee on Claims.

By Mr. LECOMPTE:

H. R. 10645. A bill granting a pension to Mary Herod; to the Committee on Invalid Pensions.

By Mr. PETERSON of Florida:

H. J. Res. 616. Joint resolution for the relief of Mrs. Lillie Clemons; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9359. By Mr. FULMER: Resolution adopted by the South Carolina Council for National Defense, submitted by Mr. Heyward Mahon, director, urging that the Federal Power Commission and other agencies of the Federal Government be urged by the South Carolina delegation in Congress, by the Governor of South Carolina, and by the South Carolina Council for National Defense to immediately declare the Santee Cooper project, the Clark's mill project, and the Lyles-Ford tricounty development project be necessary to the national-defense program, and that the completion of the Santee Cooper and the authorization of the Clark's mill project be expedited; to the Committee on Military Affairs.

9358. By Mr. COFFEE of Washington: Petition of Tacoma Industrial Union Council, Congress of Industrial Organizations, Freeman L. Cochran, secretary, Tacoma, Wash., pointing out that the Bethlehem Steel Corporation has consistently followed an antilabor policy; that such attitude has culminated in a strike at their Bethlehem fabricating plant, at Alameda, Calif.; deploring the fact that, nevertheless, the Federal Government has given orders for material to such corporation; and urging that the United States Government immediately cease giving orders for defense materials to the Bethlehem Steel Corporation and not resume such business until such corporation reforms and enters into contractual relations with organized labor in good faith; to the Committee on Appropriations.

SENATE

TUESDAY, OCTOBER 15, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God of wisdom and truth, in whose sight we, like sheep, have all gone astray: Forgive in us whatsoever is amiss; establish us in Thy goodness, that, purified from every petty sin that so easily besets us, we may walk in Thy light and run the race that is set before us, fearless and without reproach, until the fever of life is over and our work is done. Then, by Thy mercy, grant us a safe lodging and a holy rest, and peace at the last. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On motion of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, October 14, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on October 14, 1940, the President had approved and signed the following acts:

S. 162. An act to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes;

S. 2627. An act to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties;

S. 3550. An act to make unlawful the transportation of convict-made goods in interstate commerce, and for other purposes;

S. 3619. An act relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, and so forth; and

S. 3636. An act to amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 217. An act for the relief of Charles B. Payne;

S. 3489. An act authorizing and directing the Comptroller General of the United States to allow credit in the accounts of Lt. Col. Frank H. Lusse, formerly of the Kentucky National Guard;

S. 4208. An act establishing overtime rates for compensation for employees of the field services of the War Department and the field services of the Panama Canal, and for other purposes;

S. 4212. An act for the relief of certain Navajo Indians, and for other purposes;

S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn; and

S. 4338. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 3493. An act for the relief of Elliott L. Hovel; and

S. 4360. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, sole stockholder of the Dawson Springs Construction Co.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4107) to transfer the jurisdiction of the Arlington Farm, Va., to the jurisdictions of the War Department and the Department of the Interior, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10495) to amend section 61 of the National Defense Act of June 3, 1916,

by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5047. An act for the relief of Charles R. Woods;

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey;

H. R. 8224. An act for the relief of the Gdynia America Line, Inc., of New York City, N. Y.;

H. R. 8343. An act for the relief of Edith Platt;

H. R. 8665. An act to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis;

H. R. 8810. An act for the relief of Daisy Fitzpatrick;

H. R. 10110. An act for the relief of Mary Madeline Zwalinski and Ilene Mary Zwalinski, a minor;

H. R. 10282. An act for the relief of Karel Lederer;

H. R. 10285. An act for the relief of Charles S. Ladinsky and Moe Kanner;

H. R. 10330. An act for the relief of Lillian Ethel Flexen and children Beatrice Mabel Flexen, Elizabeth Amy Flexen, and Edward Oscar Flexen;

H. R. 10389. An act for the relief of Gerald M. Pollack; and

H. R. 10418. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Peter Florey.

TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON

The ACTING PRESIDENT pro tempore (Mr. KING). The Chair appoints the senior and junior Senators from Virginia [Mr. GLASS and Mr. BYRD], the Senator from Kentucky [Mr. BARKLEY], and the Senator from Indiana [Mr. VAN NUYS] members, on the part of the Senate, of the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson, established by Public Resolution No. 100, approved September 24, 1940.

MEMORIAL OF LEGISLATURE OF NEW MEXICO

The ACTING PRESIDENT pro tempore laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Indian Affairs:

A resolution memorializing the President of the United States of America, the Bureau of Reclamation of the United States of America, and the Congress of the United States of America pertaining to relief of farmers and landowners holding lands under the Middle Rio Grande Conservancy District in the State of New Mexico

Be it resolved by the Legislature of the State of New Mexico, That whereas approximately 9,000 home owners and farmers under the Middle Rio Grande Conservancy District of the State of New Mexico are faced with the loss of their homes by virtue of benefit and administration assessments in connection with the conservancy district's irrigation and flood-control projects; and

Whereas most of these home owners, with their fathers, for more than 300 years have occupied, owned, cultivated, and earned a livelihood under local irrigation ditches and diversion dams upon the property now embraced within the conservancy district against which assessments for flood control and irrigation maintenance are now levied; and

Whereas the obligations of the district, requiring the levy of special benefit taxes to pay the outstanding indebtedness for construction and maintain the present flood-control and irrigation projects, are so great as to make it impossible under the present annual charges for these people to pay the same and provide a reasonable living for themselves and their families from the products of the land under irrigation; and

Whereas other projects, to wit, the Elephant Butte Dam project, and, to wit, other irrigation projects upon the lower Rio Grande, not only in New Mexico but in Texas and in the Republic of Mexico, using water from the upper Rio Grande under contracts and treaties with the United States of America, are greatly benefited by the flood-control projects and dams constructed by the district; and

Whereas projects now being operated by the Reclamation Service in connection with certain water users' associations upon the lower Rio Grande pay and are bound for none of the advantages and benefits of flood control or soil conservation provided by the works of the Middle Rio Grande Conservancy District; and

Whereas it is unjust and unfair for the landowners of the district to bear the entire cost thereof at such a rate of charge per acre upon their lands as to make, under climatic conditions existing in the Middle Rio Grande Conservancy District, agricultural operations unprofitable and the net returns therefrom so small as to deny them a reasonable living for themselves and their families; and

Whereas the assessments and taxation for the purposes and uses of the Middle Rio Grande Conservancy District, taken together with the necessary local, county, and school-district taxes, are so great as to place these people in a position where their lands must be lost to them unless some adequate relief is furnished; and

Whereas one-sixth of the lands which benefit by the works constructed by the conservancy district is owned by Indians, wards of the United States Government, who pay no taxes and against whose property no assessments can be levied; and

Whereas it is unfair and unjust that the other owners of property in the district should pay for the bentfit resulting therefrom to the wards of the United States Government and others as aforesaid; and

Whereas a very large percentage of the moneys of the reclamation fund used by the Reclamation Service of the United States is derived from revenue produced by the lands of the United States within the State of New Mexico in oil and mineral royalties and other sources of income; and

Whereas other projects within the State of New Mexico are being successfully operated by contracts with the Reclamation Service, as provided by the laws of the State of New Mexico, without confiscation of the property of the farmers and home owners; and

Whereas it appears necessary, in order that the homes of the citizens of this State who reside with their families upon the lands of the Middle Rio Grande Conservancy District and have so resided for generations may be preserved to them, that the present indebtedness of the district to be taken over by the United States Reclamation Service or some other governmental agency authorized thereunto, and that the entire indebtedness of the district be amortized through a sufficient number of years and at a sufficiently small rate of interest to enable these home owners to continue to live in their homes and meet their obligations, which appears to be impossible under present conditions or conditions which appear probable in the future; and

Whereas the government of the State of New Mexico is without constitutional power and authority to further aid these people: Now, therefore, be it

Resolved by the Legislature of the State of New Mexico, in special session assembled, That His Excellency the President of the United States of America, the Reclamation Service, and the Congress of the United States be, and they are, memorialized, petitioned, and requested to take such steps as may be necessary to effectually, equitably, and justly enable the farmers and home owners operating under the Middle Rio Grande Conservancy District of the State of New Mexico to meet their obligations in such a manner as will prevent the loss of their property, and to take such action as will provide for the payment of the present obligations of the district, and enable the sums to be repaid without such annual assessments and payments as will result in the confiscation of property, and that such grant of funds for this purpose be made by the United States of America as will equitably care for the portion of such indebtedness as would properly be charged to the Indian lands within the district, and as the lands under the southern Rio Grande projects and in the Republic of Mexico are reasonably benefited from control of the flood waters of the Rio Grande, and irrigation storage resulting from the works constructed by the Middle Rio Grande Conservancy District of the State of New Mexico; and be it further

Resolved, That a certified copy of this memorial be mailed forthwith by the Speaker of the House and Chief Clerk to His Excellency the President of the United States, the Chief of the Reclamation Service of the United States, the Right Honorable JOHN NANCE GARNER, Vice President of the United States, the Right Honorable SAM RAYBURN, Speaker of the House of Representatives, and to Hon. Dennis Chavez and Hon. Carl A. Hatch, Senators from New Mexico, and to Hon. John J. Dempsey, Representative in Congress from the State of New Mexico.

Approved by me this 3d day of October 1940.

JOHN E. MILES,
Governor of New Mexico.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

Mr. BYRNES, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Donald W. McNeil to be postmaster at Park Rapids, Minn., in place of S. D. Wilcox, removed.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolution:

On October 11, 1940:

S. 2627. An act to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties;

S. 3266. An act to provide pensions, compensation, retirement pay, and hospital benefits for certain Air Corps Reserve officers who were disabled while on active duty with the Regular Army;

S. 3619. An act relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, etc.;

S. 4270. An act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard; and

S. J. Res. 258. Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes.

On October 14, 1940:

S. 527. An act for the relief of J. J. Greenleaf;

S. 3612. An act to authorize the Secretary of War to accept, as loans from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes;

S. 3786. An act to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes;

S. 4275. An act to increase the authorized number of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes; and

S. 4362. An act to provide for the completion of certain local protection works at East Hartford, Conn.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or ordered to be placed on the calendar, as follows:

H. R. 5047. An act for the relief of Charles R. Woods;

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey;

H. R. 8224. An act for the relief of the Gdynia America Line, Inc., of New York, N. Y.;

H. R. 8343. An act for the relief of Edith Platt;

H. R. 8810. An act for the relief of Daisy Fitzpatrick; and

H. R. 10110. An act for the relief of Mary Madeline Zwalinski and Ilene Mary Zwalinski, a minor; to the Committee on Claims.

H. R. 10282. An act for the relief of Karel Lederer;

H. R. 10330. An act for the relief of Lillian Ethel Flexen and children, Beatrice Mabel Flexen, Elizabeth Amy Flexen, and Edward Oscar Flexen; and

H. R. 10389. An act for the relief of Gerald M. Pollack; to the Committee on Immigration.

H. R. 8665. An act to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis; and

H. R. 10418. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Peter Florey; to the Committee on the District of Columbia.

H. R. 10285. An act for the relief of Charles S. Ladinsky and Moe Kanner; to the calendar.

EXECUTIVE MESSAGES—REFERENCE AND WITHDRAWAL OF NOMINATIONS

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States nominating Carl R. Grenager to be a chief boatswain in the Coast Guard, which was referred to the Committee on Commerce.

He also laid before the Senate a message from the President of the United States withdrawing the nomination of Thad H. Brown, of Ohio, to be a member of the Federal Communications Commission (sent to the Senate on June 5, 1940).

DIRECTOR OF SELECTIVE SERVICE

Mr. BARKLEY. Mr. President, I ask, as in executive session, that the nomination which was discussed yesterday be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair is of the opinion that under the unanimous-consent agreement entered into yesterday it is not imperative that the Senate shall resolve itself into executive session but may, in the regular proceedings, take up for consideration the nomination of Clarence A. Dykstra, of Wisconsin, to be Director of Selective Service. If there is no dissent from that view, the Chair will assume that that is the correct position, and he lays before the Senate the nomination of Clarence A. Dykstra, of Wisconsin, to be Director of Selective Service. The question is, Will the Senate advise and consent to this nomination?

Mr. HOLT. Mr. President, for the same reason I stated yesterday, I shall not interpose any objection to the confirmation of the nomination of Dr. Dykstra, but I desire to say that when I made objection yesterday I did what the Constitution provides shall be done. The Senate has a right to pass on appointments. It has gotten so now that many individuals feel that the United States Senate should accept a Presidential nomination without any question. I do not agree with that view. I think, since the Constitution provides that the Senate shall confirm or reject the nominees of the President, that certainly I was not doing more than my constitutional duty.

So far as delay in the program is concerned, the Selective Service Act was passed almost a month ago. The President of the United States has been busy, I realize; he has been busy going over the country on defense tours—of course, I would not imply that they were connected with the campaign at all—but I realize he has been a busy man at Hyde Park.

He has, however, taken almost a month to consider whom he should name as Director of Selective Service. I do not condemn him for that, but I do not think that the Senate should be criticized for taking at least 1 legislative day to give consideration to the nomination of an official who will have charge of 16,000,000 American young men.

I did not make objection yesterday, as I have said, because of any personal ill will or any feeling that the nomination of Dr. Dykstra should not be confirmed; but I do not think that the delay in connection with Dr. Dykstra's appointment lies with the Senate; I think that the delay, if there is any, is directly at the door of the President of the United States, who took time out from his defense tours for a few minutes to appoint Dr. Dykstra.

That is all I care to say, but I would do the same thing again. I am getting tired of sitting in the Senate, and when the President snaps his finger having the Senate jump like a little boy who has to jump when fingers are snapped at him. I do not like this type of procedure, and, so long as I am a Member of the Senate, which will not be long, I intend to protest against it.

Mr. BARKLEY. Mr. President, I wish merely to make a brief statement in connection with this appointment.

I did not criticize the Senator from West Virginia for objecting yesterday, though I regretted that he did, but I realized then, and so stated, that he was within his rights. He indicated that he would not object if the nomination went over until today, and he has not done so; but I regret that the Senator has taken occasion, because of this nomination, to criticize the President with respect to it. Many men were considered by the President in deciding whom to appoint. Among them were Army officers, some of whom had rendered distinguished service, and others were civilians. I think, without knowing anything about the details as to all the men who were under consideration, that the President desired to appoint an outstanding civilian in order that nobody in the country might get the impression that it was purely and strictly a military proposition which faced the country. It did require some time to sift all the names which were under consideration, and I think everyone agrees that this appointment is a most excellent one for this particular service to the country.

Therefore, I think the President is not subject to criticism because the nomination did not come before the Senate sooner. If he had been in a hurry about it, he might not have made so good an appointment as he has made. I congratulate him and the country on the appointment of Dr. Dykstra, and I congratulate the Senate on the confirmation of his nomination today. That is all I have to say about it.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Clarence A. Dykstra to be Director of Selective Service?

The nomination was confirmed.

Mr. BARKLEY. I move that the President be immediately notified of the confirmation of Dr. Dykstra's nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified of the confirmation of the nomination.

PENSIONS, ETC., FOR CERTAIN AIR CORPS RESERVE OFFICERS—VETO MESSAGE

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate:

I return herewith, without approval, Senate bill No. 3266, entitled "An act to provide pensions, compensation, retirement pay, and hospital benefits for certain Air Corps Reserve officers who were disabled while on active duty with the Regular Army."

Any member of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army, who is physically injured in line of duty while on active duty, or when engaged in authorized travel to and from such duty, or when engaged in authorized training without pay, or dies as the result of such injury is now entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in line of duty or die as a result thereof.

All officers, warrant officers, or enlisted men of the Army of the United States, other than members of the Regular Army, who suffer disability or death in line of duty from disease or injury incurred subsequent to April 3, 1939, while on active duty in the service of the United States for periods in excess of 30 days may receive, in lieu of benefits prescribed for civil employees, the same pensions, compensation, retirement pay, and hospital benefits provided for the Regular Army, act of April 3, 1939 (53 Stat. 557).

The effect of this bill would be to extend the provisions of the act of April 3, 1939, to Air Corps Reserve officers who were disabled while on extended active duty subsequent to July 1, 1928. By extending these benefits retroactively for a limited period to Air Corps officers only, the measure would afford relief to a relatively small group, and would unjustly discriminate against Reserve personnel of other arms and services who may have suffered similar disabilities while on extended active duty between July 1, 1928, and April 3, 1939. The War Department, the Veterans' Administration, and the Bureau of the Budget, all recommend that this measure be not approved.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 15, 1940.*

MOVEMENT OF NEW ENGLAND INDUSTRIES TO THE SOUTH

Mr. MALONEY. Mr. President, in view of statements made by the Republican Presidential nominee, Mr. Willkie, during his recent visit to Connecticut, in view of the sympathy which he expressed for the workmen of that part of the country, and in view of several references to his position on the matter of aiding working people and small business in New England, I desire to quote from a speech which Mr. Willkie delivered in Birmingham, Ala., on November 7, 1934. It refers to New England industries and his somewhat successful effort in prevailing upon some of those industries to move to the South. The quotation from Mr. Willkie's speech follows:

> The Alabama Power Co. can remove industries from the North, because it is a business concern, but the T. V. A. cannot remove them, because it is a part of our Government, and therefore has to think of the political effect on the community from which the industry is removed. * * *
>
> I can tell you why we maintain an office in New York. It is solely because of two reasons: First, to have a convenient and advantageous point from which we can work with the Alabama Power Co. and other companies to secure the removal of northern industries to this area. How successfully we have done this, perhaps you can judge by the fact that in the past decade the new industries division of the Alabama Power Co. aided directly or indirectly in the location of 245 industries in 129 different communities in your State.

In this connection, Mr. President, I should like to say that while the Republican Presidential nominee would take credit for bringing industries to the South, certain members of his party in New England are taking great credit, or endeavoring to take great credit, for attracting industries from other sections of the country to the New England area.

OIL IMPORTS

Mr. CAPPER. Mr. President, I am in receipt of a letter from Mr. J. E. Missimer, president of the Russell-Farmers State Bank, of Russell, Kans., calling attention to the distressful plight of the Kansas oil industry. Kansas ranks fifth among the States in oil production. Kansas, along with other States in the Southwest oil field, is prorating its production in the interest of conservation of natural resources.

But it goes against the grain, Mr. President, to see imports of more petroleum from foreign nations month after month than Kansas is allowed to produce under its proration agreement with other States. The following comparison for the first 6 months of this year tells the story:

Month	Daily average imports	Daily average Kansas production
	Barrels	*Barrels*
January	142,000	171,000
February	211,000	176,000
March	228,000	180,000
April	217,000	161,000
May	197,000	168,000
June	194,000	178,000
July	206,000	188,000

Last December a reciprocal trade agreement with Venezuela became effective, reducing by 50 percent the excise tax on imports of petroleum. Note what happened. The results were almost immediate. The importations of petroleum for the next 6 months—the first 6 months of this year—were 30 percent greater than for the first 6 months of 1939. The reciprocal-trade agreements are advantageous for foreign producers of oil and for the farmers of other nations, but are decidedly disastrous for American oil producers and for the American farmers.

I do not intend to take the time of the Senate to discuss again how the reciprocal-trade agreements have sold the American farmer and the American oil producer "down the river." I merely call attention to the fact that imports of petroleum, month after month, are larger than the total production allowed to Kansas, the fifth oil-producing State in the Union; and that since the latest reciprocal-trade agreement affecting petroleum became effective imports of oil from Venezuela have increased 32 percent; from the Netherlands West Indies, 127 percent; and from old Mexico, 3,770 percent. Mexico's imports jumped from a daily average of less than 800 barrels to an average of 30,000 barrels a day. Imports of petroleum during the first half of 1940 amounted to 38,449,347 barrels.

I ask unanimous consent to have printed in the RECORD at this point as part of my remarks the letter from Mr. Missimer to which I referred in my opening statement.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RUSSELL, KANS., *October 12, 1940.*

Hon. Senator CAPPER,
Washington, D. C.

DEAR SENATOR: While in Washington a few weeks ago, I talked to you slightly about the condition of our oil-development progress in this part of Kansas, and you requested that I write you fully regarding the same at my convenience. In accordance with your request I shall endeavor to give you what information I have at hand regarding our situation.

In a general way we are producing more oil at the present time than the market will consume, and the State of Kansas is prorated very heavily in an attempt to keep the oil in the ground until market demand will absorb it. This part of Kansas has come into its own in a very substantial way during the last 6 or 7 years, and Kansas has at this time 6,421 prorated wells with a potential (established by the corporation commission) in the total amount of

6,647,550 barrels. You can readily see from these figures that Kansas could produce, if permitted, a very large portion of the daily consumption of the United States at the present time. In fact, our total potential is almost twice the daily consumption of the Nation at this time.

A large number of our major pools have been prorated well below 1 percent of the amount they are capable of producing. For an illustration, the Bemis pool of Ellis County produces seventy-nine one-hundredths of 1 percent; the Barnholdt pool produces on a basis of sixty-seven one-hundredths of 1 percent; the Trapp pool of Russell County produces on a basis of eighty-eight one-hundredths of 1 percent; and various pools, other than those mentioned, slightly more than these major pools. The fact that this State has been allotted in the neighborhood of from 180,000 to 190,000 barrels daily by the Bureau of Mines necessitates the low percentage of production allowed. A great many operators attempt to drill just as little as possible for the reason that the runs are so small under this heavy proration that it takes them too long to get their money back. In fact, I know of a number of major companies in this area that are considerably behind in the drilling of wells which are due to offset producing properties at the present time.

Some years ago I was a member of the State legislature, and during that time the proration laws of Kansas were materially strengthened. At that time, the major companies were very much interested in strengthening the proration laws; in fact, the laws that we have on our statute books at this time met entirely with their approval. We have operated several years under this proration system, and so far Kansas has not fared very well. I am not positive that the major companies are responsible for this situation, but I am inclined to think that they do have a part in the matter for the reason that the Bureau of Mines does not allow to Kansas her just proportion of the market in a midcontinent area. To illustrate that to you more clearly, Kansas was allowed to produce and sell from 150,000 to 175,000 barrels daily before the Illinois play really took place, and then, during the last 3 years, Illinois produced up to one-half million barrels daily, and the Bureau of Mines recognized their production and allotted to them almost one-half million barrels daily, while Kansas increased her production very materially during the same period of time, and 20,000 barrels daily has been the maximum increase of runs allowed by the Bureau of Mines.

I simply mention these different phases in order that you might get the picture; if you can contact Mr. R. R. Brown, of the Independent Petroleum Association, he can clarify these different things that I have mentioned herein.

I know that we are not getting our portion of the market, and it is retarding development to a great extent at this time. How to remedy that situation, or just who is responsible for our present situation I am unable to say. I shall be glad to furnish you with any other information you may request that is within my power to obtain, and I assure you that it is for the benefit of Kansas and the industry of Kansas that I am interested.

Thanking you very kindly for your interest in the matter, I am,

Very truly yours,

J. E. MISSIMER, *President.*

P. S.—Certainly no excuse for the large increase in crude oil importations in recent months.

THE LATE SENATOR ERNEST LUNDEEN

Mr. JOHNSON of California. Mr. President, the junior Senator from Nevada [Mr. McCARRAN], who is ill at this time, has handed me a letter dated October 10, 1940, addressed to Mrs. Ernest Lundeen by the Attorney General, and has asked me to have it read aloud at this gathering.

The ACTING PRESIDENT pro tempore. Without objection, the letter will be read.

The legislative clerk read as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., October 10, 1940.

MRS. ERNEST LUNDEEN,
6221 Twenty-ninth Street, Washington, D. C.

DEAR MRS. LUNDEEN: I am glad to comply with your request for information as to statements made about your husband, the late Senator Ernest Lundeen.

No investigation of Senator Lundeen was pending or contemplated by this Department at the time of his death. The men from the F. B. I. and from the Department of Justice were on the same plane with him by pure coincidence, and their presence had no connection whatever with each other or with the Senator. They had taken passage before the Senator obtained passage on the plane and would have been on it had he not made the trip at all.

After statements and rumors in reference to this matter came to my attention I issued on September 16, 1940, the following statement to the press:

"I wish to deny emphatically recently published press reports to the effect that the late Senator Ernest Lundeen, of Minnesota, at the time of his death in an airplane accident on August 31 was under investigation by the Department of Justice. No inquiry into the affairs of Senator Lundeen has ever been instituted or contemplated, either by the Federal Bureau of Investigation or by any other agency of the Department of Justice, and any statement or report to the contrary is untrue."

I have also advised colleagues of Senator Lundeen who were concerned about the matter about these facts and regret the light in which rumor has placed both Senator Lundeen and this Department.

Sincerely yours,

ROBERT H. JACKSON,
Attorney General.

THE TOWNSEND PLAN IN FRANCE

Mr. THOMAS of Oklahoma. Mr. President, there has come to my attention a news item printed in some of the newspapers of the country entitled "France To Try Townsend Plan." The heading carries the subhead "Will pension aged to help jobless." This news story comes from one of the great news services stationed at the present site of the French Government. The article is dated October 13. I ask unanimous consent to have the article printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRANCE TO TRY TOWNSEND PLAN—WILL PENSION AGED TO HELP JOBLESS

VICHY, October 13.—A legislative project somewhat resembling the Townsend pension plan has been worked out by the Minister of Industrial Production as a measure to help reduce unemployment in France this winter.

The plan proposes modification in the present social insurance laws here and will give each French worker over 60 years of age 3,000 francs annually on condition that he does no work. It is provided that after October 15 no worker who has reached 60 may be carried on the lists at labor exchanges as seeking work.

In this way it is estimated that the elderly will be pensioned off and at the same time more jobs made available for the enormous mass of people now unemployed in this country. The project is only part of the general program on which the Petain government is centering its attention to cope with unemployment, which threatens to become worse as winter advances.

Other important features of the program are big expenditures on public works and elimination of women workers, especially married women, from public administration offices. The number of unemployed now runs far beyond the million mark, whereas before the war unemployment was practically nonexistent.

SPANISH AND ITALIAN TRANSLATIONS OF THE PRESIDENT'S PAN-AMERICAN UNITY ADDRESS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD Spanish and Italian translations of the address delivered by the President at Dayton, Ohio, on the evening of October 12, 1940, on the defense of the Western Hemisphere, which appear in the Appendix.]

LETTER FROM THE PRESIDENT TO CONFERENCE OF MAYORS

[Mr. BARKLEY (for Mr. WAGNER) asked and obtained leave to have printed in the RECORD a letter dated September 12, 1940, from the President of the United States to the United States Conference of Mayors, which appears in the Appendix.]

A PROMISING CANDIDATE—ADDRESS BY SENATOR BYRNES

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator BYRNES on October 14, 1940, on the subject A Promising Candidate, which appears in the Appendix.]

SECTION 11 OF THE PUBLIC UTILITY HOLDING COMPANY ACT—ADDRESS BY ROBERT E. HEALY

[Mr. BARKLEY (for Mr. WAGNER) asked and obtained leave to have printed in the RECORD an address by Commissioner Robert E. Healy, of the Securities and Exchange Commission, before the section of public utility law at the convention of the American Bar Association on September 10, 1940, on section 11 of the Public Utility Holding Company Act, which appears in the Appendix.]

ADDRESS BY HON. J. HOWARD M'GRATH

[Mr. BARKLEY (for Mr. GREEN) asked and obtained leave to have printed in the RECORD a radio address by Hon. J. Howard McGrath, Democratic candidate for Governor of Rhode Island, on October 11, 1940, which appears in the Appendix.]

INVOLVEMENT IN WAR—ADDRESS BY PRESIDENT WRISTON, OF BROWN UNIVERSITY

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an address by President Henry M. Wriston, of Brown University, at the opening of the one hundred

and seventy-sixth academic year at that university, which appears in the Appendix.]

THE SECURITIES AND EXCHANGE COMMISSION

[Mr. STEWART asked and obtained leave to have printed in the RECORD a statement relative to the operations of the Securities and Exchange Commission, which appears in the Appendix.]

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 12 o'clock and 20 minutes p. m.) the Senate took a recess until Thursday, October 17, 1940, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate October 15 (legislative day of September 18), 1940

COAST GUARD OF THE UNITED STATES

Boatswain Carl R. Grenager to be a chief boatswain in the Coast Guard of the United States, to rank as such from November 1, 1940.

CONFIRMATION

Executive nomination confirmed by the Senate October 15 (legislative day of September 18), 1940

SELECTIVE SERVICE DIRECTOR

Clarence A. Dykstra to be Director of Selective Service.

WITHDRAWAL

Executive nomination withdrawn from the Senate October 15 (legislative day of September 18), 1940

FEDERAL COMMUNICATIONS COMMISSION

Thad H. Brown, of Ohio, to be a member of the Federal Communications Commission.

SENATE

THURSDAY, OCTOBER 17, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, who through Thy Son hast built Thyself a city which hath foundations, and hast compassed it about with the armor of righteousness: Grant Thy grace, we humbly beseech Thee, to all those who are set apart to defend this land, that they may grow strong not only in mind and body but also in those Christian virtues without which a just might degenerates to brute force and becomes intolerable in Thine eyes. Through the same, Thy Son, Jesus Christ our Lord. Amen.

THE JOURNAL

On motion of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, October 15, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

SENATOR FROM MINNESOTA

Mr. SHIPSTEAD. Mr. President, I send to the desk the credentials of JOSEPH HURST BALL, appointed by the Governor of Minnesota to be a Senator of the United States from that State to fill the vacancy created by the death of the late Senator Ernest Lundeen. I ask that the credentials be read.

The ACTING PRESIDENT pro tempore. The clerk will read the credentials.

The legislative clerk read as follows:

STATE OF MINNESOTA, EXECUTIVE DEPARTMENT

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power invested in me by the Constitution of the United States and the laws of the State of Minnesota, I, Harold E. Stassen, the Governor of said State, do hereby appoint JOSEPH HURST BALL a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Ernest Lundeen, is filled by election, as provided by law.

Witness: His Excellency our Governor, Harold E. Stassen, and our seal hereto affixed at St. Paul, Minn., this 14th day of October in the year of our Lord 1940.

By the Governor:

HAROLD E. STASSEN, *Governor.*

[SEAL] MIKE HOLM, *Secretary of State.*

The ACTING PRESIDENT pro tempore. The credentials will be placed on file.

Mr. SHIPSTEAD. Mr. President, the Senator-designate is present and ready to take the oath.

Mr. BARKLEY. Mr. President, before the Senator-designate takes the oath of office, I wish to make a brief observation.

I have received from the State of Minnesota a protest against seating the Senator who has just been appointed by the Governor on the ground that the Governor deliberately delayed making an appointment until it was too late to elect a Senator on November 5, which is the next biennial election held in the State of Minnesota.

Being interested in the question from the standpoint of law and the constitutional requirements, I have looked into the legality of this appointment, and if the Senator from Minnesota will permit me I should like to have read from the desk a memorandum which I have prepared with reference to it so that the Senate and the people of Minnesota may understand the situation as I have found it to be.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

THE FILLING OF THE VACANCY CAUSED BY SENATOR LUNDEEN'S DEATH

The laws of Minnesota provide that in case a vacancy occurs in the office of United States Senator, such vacancy shall be filled for the unexpired term at the following biennial State election, provided such vacancy occurs at least 60 days prior to the primaries. If the vacancy occurs subsequently to the last-mentioned date, then it is to be filled at the biennial State election next following. Pending such election, the Governor is to make a temporary appointment to fill the vacancy, the appointee to serve until the election and qualification of the person subsequently elected to fill the vacancy.

This statutory provision is found in the act of the State of Minnesota, approved on April 21, 1939, chapter 345, part 6, chapter 2, section 1, and forms sections 601–606 (2) of Mason's Minnesota Statutes, 1940 supplement. This statute reads, as follows:

"Special election to fill vacancy in office of United States Senate: Upon failure to choose a Senator in Congress or upon a vacancy in said office the vacancy shall be filled for the unexpired term at the following biennial State election, provided said vacancy occurs not less than 60 days prior to the date of the primaries for nominating candidates to be voted for at such election, otherwise at the biennial State election next following. Pending such election the Governor shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person duly elected to fill such vacancy."

The date of the primary election is fixed as the second Tuesday in September preceding any general election (Id. sec. 601–603 (1)). This provision of law reads, as follows:

"On the second Tuesday in September preceding any general election, and 7 weeks preceding any city election in cities of the first and second class, held for the purpose of electing city officers only, an election of nominees hereinafter designated as the 'primary election' shall be held in each election district for the selection of party and other candidates for all elective offices within the State, to be filled at such election, except officers of towns, villages, and cities of the third and fourth class, and members of school, park, and library boards, in cities having less than 100,000 inhabitants, and except Presidential electors."

In 1940, the second Tuesday of September was September 10. Sixty days prior to that would be July 10. Consequently, unless the vacancy in the office of United States Senator occurred prior to July 10, 1940, no successor to fill the balance of the unexpired term may be chosen at the general election this year. He may be chosen only at the general election held in 1942. As Senator Lundeen was killed on August 31, 1940, clearly a successor to fill the unexpired term may not be elected this year. The Governor, under the provisions first quoted above may, however, make a temporary appointment to fill the vacancy, and the person so appointed will serve until after the 1942 election.

Mr. BARKLEY. Mr. President, I had that memorandum read because, in view of the communications I have received from Minnesota, I wanted the RECORD to show the situation as it seems to me to exist.

In many of the States the laws provide that when a vacancy in the United States Senate occurs 60 days, or any other number of days fixed in the law, prior to the general election, the next biennial election, the people shall have the right to elect the Senator, and the party authorities in such States are authorized, if it is too late to hold a primary election, to choose candidates, to provide for conventions where candidates may be nominated, one of whom is elected the following November.

It seems to me that the constitutional amendment providing for the direct election of Senators contemplated that at the very next available election the people should be given an opportunity to select a Senator to fill out an unexpired term. However, under the laws of Minnesota, instead of providing that a Senator shall be elected if the vacancy occurs 60 days prior to the November election, it is provided that the vacancy must have occurred 60 days prior to the primary election at which candidates might be chosen, and because of that provision of the Minnesota law the Governor had the right to make the appointment which he has made. But, without any criticism of the Legislature of Minnesota or the people of that State, I feel that it is unfortunate that the appointment of the Governor to fill a vacancy may be made so that the occupant may hold for 2 years or more without the intervention of an election.

I say that with no reflection whatever upon the appointee, whom I have not yet had the opportunity to meet, but I think that that was the spirit of the amendment to the Constitution of the United States, and I have a feeling that the provision of the Minnesota law, while it was within the constitutional powers of the State to enact it, is not precisely in harmony with the spirit of the amendment to the Constitution of the United States, which undertook to give to the people of each State the right to choose a Senator to fill a vacancy at the earliest possible biennial election.

With this statement, I have nothing further to say with regard to the matter.

The ACTING PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the oath will be administered.

Mr. BALL, accompanied by Mr. SHIPSTEAD, advanced to the desk, and the oath of office having been administered to him by the Acting President pro tempore, he took his seat in the Senate.

DEVELOPMENT OF INTERNATIONAL RAPIDS SECTION OF ST. LAWRENCE RIVER FOR POWER PURPOSES

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Commerce:

To the Congress of the United States:

The surveys of the Federal Power Commission and the National Power Policy Committee have convinced me that the development of the International Rapids section of the St. Lawrence River should be undertaken at the earliest possible date as a part of adequate provision to meet the continuing power requirements of the defense program in certain essential centers of war-material production in the Northeastern States.

The potential power at this site is best adapted to meet the requirements of expansion in certain essential defense industries, including aluminum, magnesium, ferroalloys, chemicals, etc. Actually, the Aluminum Co. of America has recently arranged for the import of 30,000 kilowatts of additional power from Canada to meet the pressing requirements of its existing plant located at the very site of the proposed St. Lawrence project and, I am reliably informed, is seeking additional supplies from across the border. Such imported supplies are, in effect, on an annual basis, subject to being withdrawn if required by the Canadian power market.

It is urgent that this project be undertaken at the present time, not only from the point of view of our own defense but also in terms of those of our neighbor, Canada. The Province of Ontario needs to be able to count upon the early availability of this power to meet its growing load. The project may, therefore, be considered as an essential part of the program of continental defense which is being actively worked out by representatives of the two peoples.

I am informed that if the potential power of the International Rapids is to be available to carry the peak load of 1945, preliminary investigations, particularly engineering surveys of the site, including core borings, test pits, soil analyses, etc., must be undertaken immediately. I have, therefore, allocated $1,000,000 of the special defense fund to the Federal Power Commission and Corps of Engineers, United States Army, for this preliminary work and have appointed a committee of four to advise me in planning the work and to cooperate with appropriate agencies of the Canadian Government. The members of this committee are Leland Olds, chairman of the Federal Power Commission, as chairman; A. A. Berle, Assistant Secretary of State; Brig. Gen. Thomas M. Robins, of the Board of Engineers for Rivers and Harbors, Corps of Engineers, United States Army; and Gerald V. Cruise, representative of the trustees of the Power Authority of the State of New York. I have directed the United States Corps of Engineers to begin the necessary investigations immediately.

The preliminary investigations which I have authorized involve no actual construction or commitment to construct. In taking this means of advising Congress of the surveys I am having made, I wish to make it clear that Congress will be kept advised of such further steps as may be necessary.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 17, 1940.*

SENATOR FROM MINNESOTA

The ACTING PRESIDENT pro tempore laid before the Senate a letter from Guy V. Howard, of Minneapolis, Minn., relative to the matter of his filing a petition as a candidate for the office of United States Senator to fill the vacancy occasioned by the death of the late Senator Lundeen, of Minnesota, on August 31, 1940, together with copy of an opinion by the Supreme Court of Minnesota in regard to petition of the said Guy V. Howard, relator, against Mike Holm, secretary of state of Minnesota, respondent, to the effect that relator was not entitled to become a candidate, and so forth, and discharging order to show cause, which, with the accompanying paper, was referred to the Committee on Privileges and Elections.

CLAIM OF THEODORE R. TROENDLE

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4360) to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, sole stockholder of the Dawson Springs Construction Co., which were, on page 1, line 3, after the name "Troendle", to insert "as"; in line 8, after the word "for", to insert "alleged"; on page 2, line 2, after the word "breach", to insert "which may be found"; and in line 3, to strike out "22" and insert "2."

Mr. BARKLEY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

FRAME FOR PAINTING OF THE SIGNING OF THE CONSTITUTION

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 301) to authorize the acquisition of a suitable frame for the painting of the Signing of the Constitution, to be used in mounting said painting in the Capitol Building, which was, in line 5, after the word "purchase", to insert "without reference to section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5)".

Mr. BARKLEY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ELLIOTT L. HOVEL

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3493) for the relief of Elliott L. Hovel, which were, on page 1, line 5, after the name "Hovel", to insert a comma and "of San Antonio, Tex.", and in line 8, after the word "accident", to insert "on June 16, 1937."

Mr. SHEPPARD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PETITIONS

Mr. TYDINGS presented a petition of sundry citizens of Annapolis, Md., praying that every possible aid be rendered to Great Britain in the present critical situation, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens, being members and friends of the Epiphany Lutheran Church, Baltimore, Md., praying that an embargo be placed on the shipment of all war materials to Japan, including aviation gasoline, which was referred to the Committee on Foreign Relations.

BILLS INTRODUCED

Mr. CLARK of Missouri introduced the following bills, which were each read twice by their titles and referred to the Committee on Commerce:

S. 4413. A bill to provide for the establishment, administration, and maintenance of a Coast Guard Auxiliary and a Coast Guard Reserve; and

S. 4414. A bill to authorize a preliminary examination and survey of certain rivers and their tributaries on the islands of St. Croix and St. Thomas, V. I., for flood control, for run-off and water-flow retardation, and for soil-erosion prevention.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore.

S. 217. An act for the relief of Charles B. Payne;

S. 3489. An act authorizing and directing the Comptroller General of the United States to allow credit in the accounts of Lt. Col. Frank H. Lusse, formerly of the Kentucky National Guard;

S. 4208. An act establishing overtime rates for compensation for employees of the field services of the War Department and the field services of the Panama Canal, and for other purposes;

S. 4212. An act for the relief of certain Navajo Indians, and for other purposes;

S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn;

S. 4338. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended; and

H. R. 10495. An act to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes.

ADDRESS BY THE PRESIDENT ON REGISTRATION DAY

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the radio address delivered by the President on registration day, October 16, 1940, which appears in the Appendix.]

INFORMAL REMARKS OF THE PRESIDENT AT PITTSBURGH, PA.

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the informal remarks of the President on the occasion of the dedication of the one hundred thousandth housing unit in Terrace Village, Pittsburgh, Pa., on October 11, 1940, which appear in the Appendix.]

INFORMAL REMARKS OF THE PRESIDENT AT AKRON, OHIO

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the informal remarks of the President from the rear platform of his special train at Akron, Ohio, on October 11, 1940, which appear in the Appendix.]

ADDRESS BY SENATOR NORRIS ON THE CHOICE OF A PRESIDENT

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator NORRIS on October 15, 1940, on the subject The Choice of a President in the Coming Election, which appears in the Appendix.]

ADDRESS BY SENATOR BYRNES ON INADVISABILITY OF CHANGING LEADERSHIP

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator BYRNES on October 15, 1940, entitled "How Did We Get in the Middle of the Stream?" which appears in the Appendix.]

ON HAND AND ON ORDER—ADDRESS BY SENATOR BYRNES

[Mr. MALONEY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator BYRNES on the subject On Hand and On Order, which appears in the Appendix.]

ADDRESS BY HON. PAUL V. M'NUTT AT KANSAS CITY

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD an address on the subject The Question of Dictatorship, delivered by Hon. Paul V. McNutt at Kansas City, Mo., October 16, 1940, which appears in the Appendix.]

FACTUAL STUDY OF WENDELL L. WILLKIE

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a Factual Study of Wendell Willkie, by State Senator H. Jerome Jaspan, of Pennsylvania, which appears in the Appendix.]

EDITORIAL FROM THE BOSTON POST ON THE THIRD TERM

[Mr. BURKE asked and obtained leave to have printed in the RECORD an editorial from the Boston Post of October 8, 1940, on the third term, which appears in the Appendix.]

PERSONAL STATEMENT BY SENATOR BARKLEY

Mr. BARKLEY. Mr. President, I desire to make a brief statement under the head of what might be called personal privilege.

I think all my friends in the Senate and those who know me throughout the country, and especially the people of my State, know that I am a man of peace and good will toward everybody. I do not like to indulge in bitter controversies over anything; and I like to assume that all men, regardless of their condition or their views, are actuated by honorable motives in what they do toward or say concerning their fellow men.

From time to time in the local press in Washington and in other newspapers willing to buy the contemptible stuff which is disseminated by certain alleged newspapermen in Washington, my name has been mentioned. By certain of these individuals a studied, systematic, and consistent effort has been made to belittle and discredit me as a member of the United States Senate and as majority leader of this body. I suppose that nobody recognizes more acutely than I do the difficult position in which I have been placed, and which I have attempted to the best of my ability to occupy during the past 3 years. I have paid no attention to such scurrilous and contemptible attacks. I have felt that they would fall of their own weight, because everybody who knew the facts knew them to be contemptible, scurrilous, and intentionally false.

However, on last Tuesday, in the Evening Star, of Washington, there appeared an article written by a couple of men whom I do not know, with whom I have never conversed, with whom I have never had any dealings, and to whom, so far as I recall, I have never been introduced, except that I have a faint recollection that recently at a social gathering I was introduced to one of them. I do not know which one. The names of these two men are Joseph Alsop and Robert Kintner. In last Tuesday's edition of the Washington Evening Star—and I presume in all the newspapers of the United

States willing to buy the article from them—there appeared an article written by these two individuals under the heading "The Capital Parade."

I ask that the clerk read from the desk the article to which I refer.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read.

The legislative clerk read as follows:

THE CAPITAL PARADE—DEMOCRATS ARE ALARMED BY REPUBLICAN PLAN FOR CONGRESSIONAL CAMPAIGN

(By Joseph Alsop and Robert Kintner)

The Democratic congressional leaders are much alarmed by confidential reports of a Republican plan to concentrate money and energy on the congressional campaigns in the last weeks of the election. They have warned the President that even if he is reelected by a fairly substantial margin, he may find his House majority reduced to, or possibly below, the vanishing point. A big drive is on to obtain an emergency fund for Representative PAT DREWRY'S Democratic congressional campaign committee.

Ordinarily, this would be a bad sign for Wendell L. Willkie. In a Presidential year party bosses generally decide to feature their local candidates only when they have despaired of national success. But although Republican National Chairman JOSEPH W. MARTIN is also chieftain of the House Republicans, and might thus be tempted by the strategy of saving the House at all costs, this case is a little different.

It is not the Republican bosses who have decided to let the devil take their Presidential nominee. If the Democratic leaders are correctly informed, it is a small group of prominent businessmen. According to the reports received here, these men have independently decided that while Willkie may be a poor bet, money spent in congressional fights is likely to prove a pretty good investment. Acting on their own, therefore, they are collecting an impressive kitty, which will be divided among the doubtful districts when the campaign reaches its climax and cash money is at a premium of political usefulness.

REPUBLICAN KITTY

If the kitty is lavish enough, and if the election is not a Roosevelt landslide, the Democratic leaders are wise to be worried by the news of what is up. In the first place, the Democrats' prospects in the House fights are obviously less good than in the national voting.

Because of the prolonged session, sitting Members have been able to escape only briefly from Washington. While it was an advantage to seem preoccupied with the Nation's business during the summer, it has been hard on them to be absent while their opponents have been getting in their final licks. Then, too, many people talk of voting for Roosevelt because of the emergency, but putting a check on him in Congress, which may mean much ticket splitting in favor of Republican House nominees. For these reasons, although the Democratic majority in the present House is slightly over 90, the leaders place at least 70 and perhaps 90 seats in the dangerous class.

As one shrewd and highly professional politician told the President. "You can do a hell of a lot more than you'd think with $10,000 or $15,000 put into a district in the last weeks of a congressional campaign." Thus the kitty will not have to be of astronomical proportions. Only $200,000 would damage a great many Democrats, and $400,000 would be pretty luxurious for the Republicans.

Willkie has taken a strong stand on limiting Republican expenditure in accordance with the Hatch Act, but congressional campaigns are out of Willkie's province. If subscribing to the Republican congressional campaign seems an easy way to put a check on the President, it should be possible to raise far more than $400,000 among the numerous wealthy men and women who fear and dislike the Roosevelt policies.

SPECIAL GIFTS AND MR. QUAYLE

This may seem a trifle cynical, but such, unfortunately, are the realities of politics. In collecting their emergency fund the Democrats will have to go to precisely the same sort of contributors as the Republicans, except that the current Democratic "fat cats" commonly have some sort of personal interest in the administration.

The wind will be raised in two ways. Special gifts will be sought, particularly in the South, where a Democratic Congress means much to the people, and where many "fat cats," though unfriendly to the President, are willing to stump up to keep their party in control on the Hill. And as much as possible will be extracted, with the President's help, from the Democratic National Committee.

So far, however, the wind does not seem to have been raised very successfully. There has been bad feeling between the House Democrats and the treasurer of the Democratic National Committee, Oliver Quayle, Jr., ever since the 1938 campaign. On that occasion Quayle promised that by the September before the voting there would be $100,000 for House fights, and then is said to have explained, when September rolled around, that the two big brewers his eye was on had already been tapped for $50,000 apiece for Senator ALBEN W. BARKLEY'S celebrated Kentucky primary.

The bad feeling is more intense now, suggesting that Quayle has not been very generous, and Representative DREWRY is doing only a little better in the special-gifts department than with Quayle. Thus, unless DREWRY finds a gold mine, or Roosevelt comes in by a huge majority, or the Republican congressional kitty is smaller than supposed, the situation in the House may well change considerably after November 5.

Mr. BARKLEY. Mr. President, I had that entire article read in order that the members of the Senate and others interested might get the connection of the use of my name in the article.

Of course, I knew as soon as I read it that it was an infamous falsehood; I knew that Alsop and Kintner knew when they wrote it that it was an infamous falsehood, and they wrote it for the purpose of making it an infamous falsehood.

This is not the first time they have gone out of their way to attack me. They have done it in the Saturday Evening Post; they have done it in the weekly magazine called Time, to which, I understand, they are anonymous contributors; they have done it, from time to time, in the local evening newspaper, to which I have already made reference, and they have done it in other newspapers, including one which circulates almost all over the State of Kentucky.

In order that I might be assured, however, of the falsity of the statement insofar as it affects me, I called up by telephone Representative PATRICK H. DREWRY, of the State of Virginia, an honorable man who has served his country faithfully and with distinction, and is still doing so, who is now, and was in 1938, the chairman of the Democratic Congressional Committee, whose duty, of course, it is to try to help elect Democratic Congressmen from the various districts of the country, just as it is the duty of the Republican Congressional Campaign Committee to try to help elect Republicans to the House of Representatives, and just as it is the duty of the senatorial campaign committees of both parties of this body to do the same thing with reference to Senators. Representative PATRICK H. DREWRY advised me, and authorized me to say, that no such statement was ever made to him or to anybody in his presence in regard to my campaign in 1938. He said he was willing either to write me a letter or to make an affidavit that there was absolutely no truth in the statement in the article which has just been read.

I also sent a telegram to Hon. Oliver A. Quayle, Jr., treasurer of the Democratic National Committee in New York, which I ask to have read from the desk.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read as requested.

The legislative clerk read as follows:

WASHINGTON, D. C., *October 16, 1940.*

Hon. OLIVER QUAYLE, Jr.,
Treasurer, Democratic National Headquarters, Hotel Biltmore, New York City:

In the Alsop and Kintner syndicated article under the heading "The Capital Parade" appearing in the Washington Star of yesterday and explaining what they claim to have been your failure to provide a promised $100,000 to the Democratic congressional campaign committee in the November election 1938, you are represented as having said to the committee that the reason you could not provide this $100,000 was because "the two big breweries your eyes were on had already been tapped for fifty thousand apiece for Senator ALBEN W. BARKLEY'S celebrated Kentucky primary." No such sum was received by my campaign, nor was any such sum sought or expected or expended in my campaign. All the funds collected and expended in my behalf would not have amounted to that sum from all sources. I have conferred with Congressman DREWRY, chairman of the congressional committee, who states that no such statement was ever made to him and that the only time he discussed campaign funds with you was in Mr. Charley Michelson's office in New York in September 1938, and that in that conversation neither my name nor my campaign was discussed directly or indirectly in any fashion. As a matter of justice to me, I am entitled to know whether you made this statement to anybody connected with the congressional committee or anybody else; and if so, to whom you made it and the circumstances under which it was made. Please advise me at once.

ALBEN W. BARKLEY,
United States Senator.

Mr. BARKLEY. I have the following answer to that telegram from Mr. Quayle, which I ask to have read.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read.

The legislative clerk read as follows:

OCTOBER 16.

Hon. ALBEN W. BARKLEY,
Senate Office Building, Washington, D. C.:

In prompt reply to your day letter about the statement attributed to me promising $100,000 to the Democratic congressional campaign

committee of 1938. The statement by Alsop and Kintner is a barefaced and unqualified falsehood. I never said such a thing, never did such a thing, and I marvel that anybody would attribute anything of the sort to me. I don't know either of the writers, and nobody asked me if there was any basis for the story. Equally baseless is the statement that two big breweries had been tapped for $50,000 apiece for your campaign characterized as "celebrated Kentucky primary." I never said anything of the kind or even had any knowledge either directly or indirectly of such a transaction or anything resembling it. Your conference today with Congressman DREWRY substantiates my statement that I only discussed with him campaign funds on one occasion, and at that time no reference whatsoever was made by him or by me regarding your campaign. Congressman DREWRY will further corroborate my statement that I never promised him at any time any sum of money which this committee would contribute to the congressional campaign of 1938.

OLIVER A. QUAYLE, JR.,
Treasurer, Democratic National Committee.

Mr. BARKLEY. Mr. President, the truthfulness or falsity of the statement contained in the article could have been ascertained by a telephone call to me, to Mr. Quayle, or to Representative DREWRY. Any man with any sense of honor who occupies the position of a newspaper correspondent would have ascertained the true facts or the falsity of the statement before it was printed.

I have no interest in the personal opinion of Alsop and Kintner regarding me as a man or as a United States Senator, for their opinion of me, no matter how degraded it may be, cannot possibly be as low as my opinion of them. What amazes me is that newspapers which are supposed to be reputable would indulge in carrying to their readers all over the United States that sort of garbage, gathered up in the intellectual and political back alleys of Washington. Therefore, Mr. President, I have taken this opportunity to put in the CONGRESSIONAL RECORD, for the benefit of my friends in the Senate, in Kentucky, and throughout the Nation, a refutation of the scurrilous, contemptible, and indecent article which these two men have written in regard to me.

Of course, there will be no retraction by them of this false and scurrilous article, because, having known it to be false when they wrote it, and thus having convinced any reasonable man that they are bereft of honor, decency, and self-respect, they will not retract the falsehood which they have peddled all over the United States.

I regret that I am compelled to use such language toward anybody, but I denounce the entire article insofar as it relates to me—and by analogy I think all of it is equally untrue—as a willful, mendacious, contemptible, unmitigated, premeditated, scurrilous, unconscionable falsehood. I denounce the men who wrote it as scurrilous, dishonorable, unconscionable, unprincipled, premeditated, unmitigated, congenital, mercenary, and commercial purveyors of premeditated falsehood in the press of the United States. I say "mercenary and commercial" because the article was written for pay. They receive pay for disseminating that sort of stuff throughout the United States; but, in my judgment, they would rather tell a falsehood for nothing than be paid to tell the truth.

I waive all senatorial immunity for what I say here. I waive the constitutional provision which makes me and all other Senators unaccountable for what they say on the floor of the Senate. I want the Senate and the country to understand how I feel about these two journalistic scavengers who flourish in the atmosphere of falsehood and never rise from it sufficiently to get a fresh breath of pure air in the atmosphere of truth and honor.

Mr. President, that is all I have to say. I hope I have made myself clear.

Mr. CLARK of Missouri. Mr. President, I congratulate the Senator from Kentucky on his candor and courage in the statement he has just made. I should like to say, however, that I do not think such a statement is necessary insofar as any Member of the United States Senate who has served with the Senator from Kentucky is concerned, whether he agreed with him or disagreed with him on any particular matter; nor is it necessary with the multitude of people in Kentucky and throughout the United States who know him. I think it is very fortunate that the Senator from Kentucky had the courage and candor to make a statement repudiating such an outrageous attack upon his integrity.

In this connection let me refer to another article. I do not know whether it was written by the same gentlemen; but sometime ago there appeared in the magazine Time, to which, it has been suggested, these gentlemen are anonymous contributors, a statment that the Senator from Kentucky and myself are bitter enemies. It so happens that the Senator from Kentucky and myself have been friends for more than 25 years. Occasionally we have disagreed in the Senate. Probably we shall disagree in the Senate in the future; but I am certain that I have always entertained for him the very highest respect and a very great degree of affection, and I have reason to believe that he has entertained for me a certain amount of affection. It is an outrageous thing for such statements, put out by columnists over the United States, to go unchallenged; and I congratulate the Senator from Kentucky on his courage in making the statement.

Mr. WHEELER. Mr. President, I wish to join the Senator from Missouri [Mr. CLARK] in congratulating the Senator from Kentucky upon his courage in making the statement he has made. I have served with the Senator for a good many years, and, while I have disagreed at times with the Senator from Kentucky and other Senators, I think it was not necessary for the Senator to convince his colleagues and the Senate that the article was untrue. All of us who know him have the greatest respect for his ability, his courage, and his honesty. I deplore the sort of gossip mongering and key-hole-spying type of writing that is indulged in nowadays by so-called columnists, many of whom have aptly been called "calumnists." I deplore the sort of article which was written about the Senator from Kentucky just as I deplore the sort of articles written about others by these news-column scavengers. I particularly refer to the article written by Pearson and Allen about the late Senator Ernest Lundeen—after his death when the writers knew he could not defend himself. The article that was written and printed about Senator Lundeen was shocking; it was indecent and contemptible. It is inconceivable that any decent newspaper in the country would carry such a story when the subject of the piece was dead and had no redress. The reflection sought to be cast by this vicious, lying villany will rest upon his widow and their children throughout their entire lives by those people who rely on the wholly inaccurate writing of these tipster calumnists.

Mr. President, there has grown up in American journalism in recent years a new type of writing and a new type of writer. This hybrid, which is neither fish nor fowl, is the syndicated column and those who write it are columnists. These men are of two general types. Some who write newspaper columns are simply commentators on facts that are generally known, or that are available in the public records, or have appeared in previous issues of the newspapers. But the important thing is that these writers are dealing with facts. Such columns are merely the expressions of the opinion of some well-known writer on the meaning and effects of facts already known to many newspaper readers. The reader is getting exactly what he thinks he is getting. He is getting a well-known writer's opinion about public questions and events. The reader may agree or disagree with the columnists. The reader may like his general point of view, or dislike it. But the reader is not bamboozled about what he is getting.

The other type of columnist purport to give the reader inside information which he otherwise would not be able to get, something that is confidential or secret until the column appears making it public. This is the key-hole peeper, the bed-chamber attendant, the snooper. In the "inside-story" column the reader rarely has any means of knowing whether he is getting what he is told he is getting. The reader is led to believe that he is being taken behind the scenes. In another column he is duped into thinking he is seeing the inner wheels go-round. In another he thinks he has been privileged to know the inside story.

I realize that the appeal of these columns is great. Unfortunately the average reader does not know that much of the time that instead of being given the real behind-the-scenes picture, he is being deliberately duped, that he is being fed sheer propaganda, that he has read highly inaccurate infor-

mation which not even a cub reporter, not alone a reputable newspaper correspondent, could write as news without losing his reputation for accuracy and his standing among fellow newspapermen.

A sharp distinction should be made in the public mind between these shoddy purveyors of half truths and misleading innuendos and the working newspaper corps in Washington. The straight news reporters who work for the great press associations, the daily newspaper correspondents and the bureau heads are motivated by one compelling idea—get the story and get it straight. In the main their stories are accurate—amazingly accurate when you realize the handicaps under which they work. They are the unsung heroes of the newspaper world and they contribute to the esteem and public repute which a newspaper may earn.

The tipster columnist is destroying the reputation of our great daily newspapers. That is the first step toward the destruction of the newspaper itself. It is time that newspaper publishers and editors realized that it is they that are jeopardizing the freedom of the press; that license and calumny inevitably boomerangs against those who employ it. Publishers and editors hold a public trust; they, far more than their readers, realize how the reader is fooled when he relies on a tipster column.

Mr. BARKLEY. Mr. President, I wish to thank the Senator from Missouri and the Senator from Montana for the remarks which they have made following my statement.

CHARLES S. LADINSKY AND MOE KANNER

Mr. CLARK of Missouri. Mr. President, within the past week the House has passed House bill 10285. A similar Senate bill had already been unanimously reported by the Claims Committee of the Senate, and is now on the calendar. Inasmuch as there is more or less of a time element involved in the situation, and inasmuch as the distinguished chairman of the Claims Committee reported very fully about the matter, I ask unanimous consent that the House bill may be taken up and passed.

The ACTING PRESIDENT pro tempore. The House bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 10285) for the relief of Charles S. Ladinsky and Moe Kanner.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 4287 will be indefinitely postponed.

RELATIONS WITH RUSSIA

Mr. CLARK of Missouri. Mr. President, a few days ago I received a letter from the editorial board of the New Masses, a Communist newspaper published in the city of New York, requesting my reaction to the suggestion recently made by a distinguished Member of another body of the Congress, to the effect that the United States should proceed to throw itself into the arms of Soviet Russia, and asking for my answer by today. I have written an answer to the New Masses, expressing my opinion of a prospective alliance between the United States and Soviet Russia, or communistic Russia, and stating that, in my judgment, all dictators, Stalin, Hitler, and Mussolini, are equally abhorrent to the people of the United States; that they are all bloody-handed murderers, and that I regarded it as an attack on the sincerity of the general sympathy expressed by the American people less than a year ago when Stalin ruthlessly raped the gallant little Republic of Finland for the suggestion to be made, in responsible sources in the United States, that we should now form an alliance or enter into close relations with Soviet Russia.

I ask unanimous consent that the letter addressed to me by the editorial board of the New Masses and my response to it may be inserted in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The letter and reply are as follows:

OCTOBER 11, 1940.

Senator BENNETT CHAMP CLARK,
Washington, D. C.

DEAR SENATOR CLARK: The editors of New Masses are inviting a number of leading Congressmen, publicists, and churchmen to comment upon the recent proposals made by Representative SABATH in a speech before the House of Representatives urging cooperation between the United States and the Soviet Union. Mr. SABATH said, in part:

"Yesterday's leading editorial in the Washington Times-Herald emphasizes a viewpoint concerning Russia that I have suggested and recommended on several occasions, the last time as recently as September 24.

"My query has been, and still is today, 'Why should not the United States try to cultivate the good will of the Soviet Republics? It is realized now in many quarters that Great Britain made a serious if not well-nigh fatal mistake by not concluding and cementing friendly relations with Russia ahead of Germany. Should we repeat that error? * * *

" 'I know there are critics of Russia and its policies. Investigation will reveal, I sincerely believe, that a whole lot of the criticism of Russia is due to Nazi and Fascist propaganda. That is one of the subtle tricks of the leaders of these two "isms." They conduct all kinds of subversive activities and then try to escape detection and blame by pointing their fingers at the Communists. * * *

" 'And regardless of what the Nazi, Fascist, or capitalist groups in the United States may say about Russia, I reiterate that the best interest of the United States will be served not by criticizing and assailing Russia but by taking just the opposite course and seeking her friendly cooperation. The latter course will inure to the benefit of America, and it is the welfare and safety of America that in these critical days should be our sole objective.' "

Will you send us your reactions to these remarks of Mr. SABATH in a statement of from 50 to 200 words? Could we have it air mail, special delivery by Thursday, October 17?

Thanking you for your cooperation.

Sincerely,

JOSEPH NORTH,
A. B. MAGIL,
For the Editorial Board.

WASHINGTON, D. C., *October 17, 1940.*

Mr. JOSEPH NORTH and
Mr. A. B. MAGIL,
For the Editorial Board, New Masses, New York City, N. Y.

GENTLEMEN: You have asked me for my reaction to the remarks of Congressman SABATH looking toward throwing the United States into the arms of Communist Russia.

My reaction is that I am in favor of peace with all nations unless they attack us or unless we have competent evidence that they are about to attack us—either externally or internally.

I think that all ideas of dictatorship are equally abhorrent to American institutions and American ideals, no matter by what name they may be called. From our standpoint, I see no difference between Hitler and Stalin and Mussolini, all of whom are bloody-handed murderers and all of whom have committed unspeakable crimes against humanity.

I see no merit in the proposition that we should regard Mussolini and Hitler as our natural and inevitable enemies and fold to our breasts the ruthless aggressor in the brutal and unspeakable rape of Finland.

I cannot understand the claims to sincerity of Americans who only a few months ago professed to be indignant about the wanton invasion of Finland and who now advocate the appeasement of the Russian bear—with its claws still dripping from patriotic Finnish blood—by turning over to it $5,000,000 worth of machine tools now imperatively needed for the defense of the United States.

Yours very truly,

BENNETT C. CLARK,
United States Senator from Missouri.

EXECUTIVE SESSION

Mr. BARKLEY. I think there is a little executive business to be transacted, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

NAVY AND MARINE CORPS NOMINATIONS REPORTED AND CONFIRMED

Mr. GILLETTE. From the Committee on Naval Affairs I report sundry nominations in the Navy and Marine Corps.

These nominations are routine, and there is a large number of them. I ask unanimous consent that the rule be suspended, that they be presently confirmed, and that the President be notified today, because it is important that this should be done.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Iowa? The Chair hears none, and the nominations are confirmed en bloc, and the President will be notified.

If there be no further reports of committees, the nominations on the calendar will be stated.

ARMY NOMINATIONS CONFIRMED

Mr. BARKLEY. Mr. President, there are some nominations which were reported on Monday by the Senator from Colorado [Mr. JOHNSON], constituting routine promotions in the Army. They are now lying on the table. I ask that they be taken from the table and confirmed en bloc, and that the President be notified.

The ACTING PRESIDENT pro tempore. Without objection, the nominations referred to by the Senator from Kentucky are confirmed en bloc, and the President will be notified at once.

The clerk will state the nominations on the calendar.

POSTMASTER—NOMINATION PASSED OVER

The legislative clerk read the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif.

The ACTING PRESIDENT pro tempore. The Chair is advised that on a previous occasion this nomination was passed over, and, without objection, it will be passed over again.

Mr. BARKLEY. Mr. President, I do not recall why the nomination was passed over.

The ACTING PRESIDENT pro tempore. The Chair is advised that it was passed over on the objection of one of the Senators from the State who is not now present.

Mr. BARKLEY. Very well; let it be passed over again.

POSTMASTER—NOMINATION CONFIRMED

The legislative clerk read the nomination of Donald W. McNeil to be postmaster at Park Rapids, Minn.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the calendar.

RECESS TO MONDAY

Mr. BARKLEY. There is no further business to be transacted, and, as in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 12 o'clock and 47 minutes p. m.) the Senate took a recess until Monday, October 21, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 17 (legislative day of September 18), 1940

UNITED STATES PUBLIC HEALTH SERVICE

Senior Surgeon Ora H. Cox to be medical director in the United States Public Health Service, to rank as such from September 21, 1940.

The following-named doctors to be assistant surgeons in the United States Public Health Service, to take effect from date of oath:

Terrence E. Billings
Aubrey C. Gose
Stanley E. Krumbiegel

APPOINTMENTS AND PROMOTIONS IN THE NAVY

MARINE CORPS

Second Lt. Gregory Boyington to be a first lieutenant in the Marine Corps from the 1st day of July 1940.

The following-named citizens to be second lieutenants in the Marine Corps from the 1st day of October 1940:

Henry E. W. Barnes, a citizen of California.
Paul H. Bird, a citizen of Kansas.
John J. Canney, Jr., a citizen of Massachusetts.
Raymond L. Dean, a citizen of North Carolina.
George H. Ford, a citizen of Texas.
Tucker P. E. Gougelmann, a citizen of New Jersey.
Charles T. Hodges, Jr., a citizen of Georgia.
LeRoy P. Hunt, Jr., a citizen of California.
William K. Jones, a citizen of Missouri.
John P. Leonard, Jr., a citizen of Pennsylvania.
John F. Mallard, a citizen of North Carolina.
John A. McAlister, a citizen of Mississippi.
William J. McKennan, a citizen of New York.
Clay M. Murray, a citizen of Oklahoma.
John C. Petit, a citizen of California.
Charles O. Rogers, a citizen of Louisiana.
Claude S. Sanders, Jr., a citizen of Mississippi.
Clarence R. Schwenke, a citizen of Ohio.
Andrew G. Smith, Jr., a citizen of Georgia.
Walter H. Stephens, a citizen of Georgia.
Arnold D. Swartz, a citizen of Massachusetts.
George B. Thomas, a citizen of Mississippi.
Robert H. Thomas, a citizen of Maryland.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 17 (legislative day of September 18), 1940

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Maj. Harry Donnell Ayres to Finance Department.
First Lt. Richard Marvin Bauer to Signal Corps.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenants, with rank from date of appointment

Thomas Taylor Beeler, Jr.
Edward Virginius Swift
Frederick Joseph Frese, Jr.
Warren Jackson Barker
Robert Edward Lyons
Harold Eugene Shuey
Franklin Leo Spann
John Lynch Dixon
William Grelle Schmitz
James William Humphreys, Jr.
David Paul Ward
Leon Donald Beddow
Willard Henry Cleveland
Joseph Harold Bornstein
William Winfield Hurteau
Carl Taylor Dubuy
William Maurice Jackson
Samuel Charles Harwood
John Nicholas Furst
William Meier Moody
Charles Hudson Talbott
Raymond Arnold Lawn
Charles Augustus Isham
Eugene Linwood Kidd
Jacob Rell Till, Jr.
Spencer Amos O'Brian
Walter Anthony Butkus
Irl Richard Long
Murble Henry Pearson
Harvey George Tousignant
John Philip Harney
Vernon David Pettit
Carl Ziegler Berry
Edward Mansfield Gunn
James Howard Smith
William Blackford Look
Lee Frank Ferrell
George Sauter Bozalis
Wilbur Dwight Dice

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Thomas Jackson Grayson to be brigadier general, Adjutant General's Department, National Guard of the United States.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

(NOTE.—The names of the persons whose nominations for promotion in the Navy were confirmed today by the Senate will be found under the caption "Nominations" in the CONGRESSIONAL RECORD of October 11, 1940, beginning on p. 13538.)

MARINE CORPS

(NOTE.—The names of the persons whose nominations for appointment or promotion in the Marine Corps were confirmed today by the Senate will be found under the caption "Nominations" in the CONGRESSIONAL RECORD of today, on this page.)

POSTMASTER

MINNESOTA

Donald W. McNeil, Park Rapids.

HOUSE OF REPRESENTATIVES

THURSDAY, OCTOBER 17, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, who art in heaven, hallowed be Thy name, Thy kingdom come; Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Monday, October 14, 1940, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries.

DEVELOPMENT OF INTERNATIONAL RAPIDS SECTION OF THE ST. LAWRENCE RIVER—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 978)

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed:

To the Congress of the United States:

The surveys of the Federal Power Commission and the National Power Policy Committee have convinced me that the development of the International Rapids section of the St. Lawrence River should be undertaken at the earliest possible date as a part of adequate provision to meet the continuing power requirements of the defense program in certain essential centers of war-material production in the Northeastern States.

The potential power at this site is best adapted to meet the requirements of expansion in certain essential defense industries, including aluminum, magnesium, ferro-alloys, chemicals, etc. Actually, the Aluminum Co. of America has recently arranged for the import of 30,000 kilowatts of additional power from Canada to meet the pressing requirements of its existing plant located at the very site of the proposed St. Lawrence project and, I am reliably informed, is seeking additional supplies from across the border. Such imported supplies are, in effect, on an annual basis, subject to being withdrawn if required by the Canadian power market.

It is urgent that this project be undertaken at the present time not only from the point of view of our own defense, but also in terms of those of our neighbor, Canada. The Province of Ontario needs to be able to count upon the early availability of this power to meet its growing load. The project may, therefore, be considered as an essential part of the program of continental defense which is being actively worked out by representatives of the two peoples.

I am informed that if the potential power of the International Rapids is to be available to carry the peak load of 1945, preliminary investigations, particularly engineering surveys of the site, including core borings, test pits, soil analyses, etc., must be undertaken immediately. I have, therefore, allocated $1,000,000 of the special defense fund to the Federal Power Commission and Corps of Engineers, United States Army, for this preliminary work and have appointed a committee of four to advise me in planning the work and to cooperate with appropriate agencies of the Canadian Government. The members of this committee are Leland Olds, Chairman of the Federal Power Commission, as chairman; A. A. Berle, Assistant Secretary of State; Brig. Gen. Thomas M. Robins, of the Board of Engineers for Rivers and Harbors, Corps of Engineers, United States Army; and Gerald V. Cruise, representative of the trustees of the Power Authority of the State of New York. I have directed the United States Corps of Engineers to begin the necessary investigations immediately.

The preliminary investigations which I have authorized involve no actual construction or commitment to construct. In taking this means of advising Congress of the surveys I am having made I wish to make it clear that Congress will be kept advised of such further steps as may be necessary.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 17, 1940.*

HOMING PIGEONS—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H. R. 7813, "An act to safeguard the homing pigeon."

I have a feeling that this is carrying national defense a little too far in times of peace. I am inclined to think that there are no Americans, or at least very few of them, who would deliberately shoot or capture a homing pigeon. I think that there are practically no people who would deliberately remove or alter a message in the leg band of a homing pigeon. After all, homing pigeons do not closely resemble any wild-game birds.

If any real need should emerge for the enactment of such legislation, there would be plenty of time to enact it. In the meantime, this seems like a somewhat unnecessary new law.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 17, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. JONES of Texas. Mr. Speaker, I move that the message and the accompanying bill be referred to the Committee on Agriculture and ordered to be printed.

The motion was agreed to.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next, and that when the House adjourns on Monday next it adjourn to meet on the following Thursday.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. Without objection, the Chair designates the gentleman from Texas [Mr. THOMASON] to serve as Speaker pro tempore on Monday next and on Thursday next.

There was no objection.

EXTENSION OF REMARKS

Mr. MILLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. That permission has already been granted.

PERMISSION TO ADDRESS THE HOUSE

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that today, after the disposition of matters on the Speaker's desk, I be permitted to address the House for 10 minutes.

The SPEAKER. The Chair believes that that request does not come within the purview of the agreement that was entered into the other day and prefers not to entertain the request.

GENERAL AUTHORITY FOR EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. A moment ago the Speaker stated in response to a request submitted by the gentleman from Connecticut [Mr. MILLER] that the gentleman already had permission to extend his remarks in the RECORD. Do all Members have that permission?

The SPEAKER. That is correct.

Mr. RANKIN. If so, for how long?

The SPEAKER. For 30 days. The Chair will read the unanimous-consent request submitted by the gentleman from Massachusetts [Mr. McCORMACK] on October 14:

Mr. Speaker, I ask unanimous consent that all Members of the House, notwithstandng any adjournment or recess of the House, may have the privilege, for 30 calendar days, to revise and extend their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks.

Unanimous consent was granted for that.

Mr. RANKIN. On more than one subject?

The SPEAKER. Yes.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRADLEY of Pennsylvania. Under that ruling, Mr. Speaker, would it be possible for me to insert in the RECORD a letter written to me by the chairman of the Committee on Naval Affairs the gentleman from Georgia [Mr. VINSON]?

The SPEAKER. The Chair doubts if that would come in the category of a quotation that would be explanatory.

EXTENSION OF REMARKS

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to insert in the RECORD a communication addressed to me by the chairman of the Committee on Naval Affairs the gentleman from Georgia [Mr. VINSON].

Mr. McCORMACK. Mr. Speaker, I hesitate to object, but we have a gentlemen's agreement we must preserve. It is my duty as majority leader to preserve that gentlemen's agreement. It is not a question of what I should like to do personally, it is a question of what I have to do as majority leader in carrying out the gentlemen's agreement into which we have entered. I am fearful that unless the extensions are confined to what has already been agreed upon we shall be gradually extending ourselves clearly into active business. It would seem to me that if the gentleman from Pennsylvania were to place some of his own remarks in his extension, then, if the letter to which he refers were necessary to convey more completely the point he has in mind, it might come within the purview of the unanimous-consent request. However, I have to object to anything that is in violation of the agreement.

The SPEAKER. Objection is heard.

Mr. DICKSTEIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKSTEIN. Mr. Speaker, would it be in order to propound a question of personal privilege today under this agreement or would that have to stand until there is a regular session?

The SPEAKER. That would be a matter of business, and the Chair thinks it would come within the purview of the agreement.

Mr. SCHAFER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I want to know when the House will take up consideration of the veto of the homing pigeons bill, particularly, in view of the fact that anyone who served overseas in the last war knows that homing pigeons are a part of national defense and offense.

The SPEAKER. The matter has been referred to the Committee on Agriculture, and the House must await action by that committee.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10495. An act to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 217. An act for the relief of Charles B. Payne;

S. 3489. An act authorizing and directing the Comptroller General of the United States to allow credit in the accounts of Lt. Col. Frank H. Lusse, formerly of the Kentucky National Guard;

S. 4208. An act establishing overtime rates for compensation for employees of the field services of the War Department and the field services of the Panama Canal, and for other purposes;

S. 4212. An act for the relief of certain Navajo Indians, and for other purposes;

S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn;

S. 4338. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Monday, October 14, 1940, present to the President for his approval bills of the House of the following titles:

H. R. 892. An act to extend to custodial-service employees employed by the Post Office Department certain benefits applicable to postal employees;

H. R. 1874. An act for the relief of Mrs. E. V. Maki;

H. R. 6658. An act to authorize the lease or sale of certain public lands in Alaska, and for other purposes;

H. R. 7252. An act to authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska;

H. R. 7916. An act granting 6 months' pay to Lillian M. Reymonda;

H. R. 8512. An act to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes;

H. R. 8646. An act to authorize the exchange of certain patented lands in the Death Valley National Monument for Government lands in the monument;

H. R. 8930. An act to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes;

H. R. 9173. An act for the protection of the water supply of the town of Petersburg, Alaska;

H. R. 9982. An act to amend section 4551 of the Revised Statutes, as amended, and for other purposes;

H. R. 10322. An act to amend further the District of Columbia Unemployment Compensation Act;

H. R. 10440. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.; and

H. R. 10527. An act to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain commissioned officers of the Army of the United States.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 22 minutes p. m.) the House adjourned until Monday, October 21, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2000. Under clause 2 of rule XXIV a letter from the Secretary of War, transmitting, in accordance with the provisions of the act of March 5, 1940 (Public, No. 426, 76th Cong.), the following report relative to divisions of awards for aircrafts, aircraft parts, and accessories therefor, was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LEONARD W. HALL: Committee on Claims. H. R. 807. A bill for the relief of the Upham Telephone & Electric Co., Upham, N. Dak.; with amendment (Rept. No. 3054). Referred to the Committee of the Whole House.

Mr. SASSCER: Committee on Claims. H. R. 6433. A bill for the relief of Ethel Ray Sowder; with amendment (Rept. No. 3055). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 6637. A bill for the relief of E. E. Armstrong; with amendment (Rept. No. 3056). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 8194. A bill for the relief of Robert J. Tita; with amendment (Rept. No. 3057). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 8559. A bill for the relief of John De Ligter; with amendment (Rept. No. 3058). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on Claims. H. R. 6622. A bill for the relief of Roche, Connell & Laub Construction Co.; with amendment (Rept. No. 3059). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAWKS:

H. R. 10646. A bill to amend section 9 of the act of June 10, 1922, so as to provide for counting service in the National Guard of the several States, Territories, and the District of Columbia in computing longevity pay of warrant officers and enlisted men of the Army and Marine Corps; to the Committee on Military Affairs.

By Mr. KEOGH:

H. R. 10647. A bill to repeal an obsolete part of a statute and to improve the United States Code; to the Committee on Revision of the Laws.

By Mr. SHANLEY:

H. R. 10648. A bill to further amend the naturalization laws; to the Committee on Immigration and Naturalization.

By Mr. SPRINGER:

H. R. 10649. A bill further amending Public, No. 703, Seventy-sixth Congress (approved July 2, 1940); to the Committee on Military Affairs.

H. R. 10650. A bill to amend the Annual and Sick Leave Acts of March 14, 1936, as amended; to the Committee on the Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HORTON introduced a bill (H. R. 10651) granting a pension to Homer C. Chapman, which was referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9360. By Mr. KENNEDY of Maryland: Petition of the Turnverein Vorwaerts of Baltimore, Md.; to the Committee on Military Affairs.

9361. By Mr. HARNESS: Petition of Mrs. J. H. Deakin, of Marion, Ind., and 280 others, asking Congress to enact such legislation as may be necessary to completely eradicate any or all organizations whose activities are directed against our democratic form of government; to the Committee on the Judiciary.

SENATE

MONDAY, OCTOBER 21, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, Father of all mercies: We give Thee most humble and hearty thanks for all Thy goodness to us and to all men. We bless Thee for our homes, our work, and our schools, but, above all, for the privileges of citizenship in our Nation, for the continuance of peace, and the grace of concord amongst us. We beseech Thee to give us a due sense of all Thy mercies that we may be unfeignedly thankful and praise Thee not only with our lips but in our lives and so may be counted a worthy people in Thy sight. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, October 17, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On October 15, 1940:

S. 3612. An act to authorize the Secretary of War to accept, as loans from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes;

S. 4275. An act to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes; and

S. 4362. An act to provide for the completion of certain local protection works at East Hartford, Conn.

On October 17, 1940:

S. 527. An act for the relief of J. J. Greenleaf; and

S. 4270. An act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard.

PUNISHMENT OF PERSONS TRANSPORTING STOLEN ANIMALS IN INTERSTATE COMMERCE—VETO MESSAGE (S. DOC. NO. 308)

The ACTING PRESIDENT pro tempore (Mr. KING) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on the Judiciary and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 3786, a bill "to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes."

The bill would make it a Federal offense knowingly to transport in interstate or foreign commerce any stolen cattle, hog, sheep, horse, or mule, or the carcass or hide, or any part of the carcass or hide of any such stolen animal, or knowingly to receive any such animal, or the carcass or hide, or any part of the carcass or hide thereof, moving in or constituting a part of interstate or foreign commerce. The penalty for the offense would be imprisonment for not more than 5 years or a fine of not more than $5,000, or both.

The provisions of this bill are identical with those contained in S. 90, passed during the first session of the present Congress. I withheld my approval of that bill because of my belief, as set forth in my message to the Congress of May 24, 1939, that the bill represented an unjustifiable extension of the Federal police power to embrace a particular class of offenses of a petty-larcency type.

No additional information has been submitted to me which would justify action different from that which I found it necessary to take in connection with S. 90, and I am, therefore, withholding my approval of the present bill, S. 3786.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 21, 1940.*

AUGUST REPORT OF RECONSTRUCTION FINANCE CORPORATION

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of August 1940, including statement of loan and other authorizations made during the month, showing the name, amount, and rate of interest or dividend in each case, which, with the accompanying papers, was referred to the Committee on Banking and Currency.

DEVELOPMENT AND CONSERVATION OF RESOURCES OF THE PACIFIC NORTHWEST

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Secretary of Agriculture, recommending the enactment of the bill (S. 4390) to provide for the development and conservation of the resources of the Pacific Northwest through the wide distribution of electric energy generated by certain Federal projects, for the improvement of navigation, and the promotion of the national defense, and for other purposes, which was referred to the Committee on Interstate Commerce.

MATTIE E. BAUMGARTEN

The ACTING PRESIDENT pro tempore laid before the Senate a letter from Hugh P. Chandler, director of the ad- transmitting a draft of proposed legislation for the relief of Mattie E. Baumgarten, which, with the accompanying paper, was referred to the Committee on Claims.

REPORT OF DIRECTOR OF ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

The ACTING PRESIDENT pro tempore laid before the Senate a letter from Hugh P. Chandler, director of the administrative office of the United States courts, Washington, D. C., transmitting, pursuant to law, his first annual report, which, with the accompanying report, was referred to the Committee on the Judiciary.

PETITIONS

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted at Seattle, Wash., by the seventeenth national convention of the Order of Ahepa, favoring the enactment of legislation establishing a Federal Department of Education, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted at Seattle, Wash., by the seventeenth national convention of the Order of Ahepa, endorsing the efforts of Congress to bolster the national defense and favoring complete preparedness for all possible emergencies, which was referred to the Committee on Military Affairs.

He also laid before the Senate a resolution adopted at Seattle, Wash., by the seventeenth national convention of the Order of Ahepa, favoring the defense of the United States and the Western Hemisphere, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted at the biennial convention of the General Society of the War of 1812, Boston, Mass., urging Congress to remain in session during the present crisis in Europe so as to be able to deal promptly with any emergency, which was ordered to lie on the table.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On October 17, 1940:

S. 217. An act for the relief of Charles B. Payne;

S. 3489. An act authorizing and directing the Comptroller General of the United States to allow credit in the accounts of Lt. Col. Frank H. Lusse, formerly of the Kentucky National Guard;

S. 4212. An act for the relief of certain Navajo Indians, and for other purposes;

S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn; and

S. 4338. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended.

On October 21, 1940:

S. 4208. An act establishing overtime rates for compensation for employees of the field services of the War Department, and the field services of the Panama Canal, and for other purposes.

TELEGRAM FROM CHICAGO TRIBUNE RELATIVE TO GUY RICHARDS

Mr. HOLT. Mr. President, on September 24 Representative SABATH, of Illinois, placed in the CONGRESSIONAL RECORD a certain article written by Mr. Guy Richards, purporting to be from the Chicago Tribune. I wish to say that Mr. J. L. Maloney, managing editor of the Chicago Tribune, has sent me a telegram and requested that it be placed in the RECORD in order that the RECORD may be kept straight. I ask that the telegram in question be placed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *October 19, 1940.*

Senator RUSH HOLT,
Senate Office Building,
Washington, D. C.

Please be informed that Guy Richards is not employed by the Chicago Tribune or Chicago Tribune Press Service.

J. L. MALONEY, *Managing Editor.*

AMERICAN BOMB SIGHT AND FLYING FORTRESSES

Mr. HOLT. Mr. President, I also desire to say that under the terms of the agreement which has been entered into relative to procedure at this particular time I am, of course, precluded from introducing a resolution. However, I should like to direct two questions publicly to the Secretary of War.

First. Is it true that the Government of Great Britain or military authorities of Great Britain have been given access to our bomb sight, as definitely reported from official circles?

Second. Is is true that England has been promised flying fortresses as soon as the election is over?

LABOR UNDER THE NEW DEAL—ARTICLE BY SECRETARY PERKINS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article by Hon. Frances Perkins, Secretary of Labor, on the subject Labor Under the New Deal, which appears in the Appendix.]

RESIGNATION OF LAWRENCE W. (CHIP) ROBERT—EDITORIAL FROM ANNISTON (ALA.) STAR

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an editorial dealing with the resignation of Lawrence W. (Chip) Robert, of Georgia, as Secretary of the Democratic National Committee, published in the Anniston (Ala.) Star of October 3, 1940, which appears in the Appendix.]

THE NATIONAL DEFENSE—EXTRACTS FROM ADDRESS BY ELWOOD BAUMAN

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD extracts from an address made by Mr. Elwood Bauman at Harrisburg, Pa., on October 4, 1940, which appear in the Appendix.]

THE LABOR MOVEMENT IN PENNSYLVANIA—ADDRESS BY JAMES L. M'DEVITT

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address delivered by James L. McDevitt, president, Pennsylvania Federation of Labor, before the Amalgamated Clothing Workers' State conference, in Philadelphia, Pa., on September 21, 1940, which appears in the Appendix.]

KEEP OUT OF EUROPE'S WAR—STATEMENT BY GEN. ROBERT E. WOOD

[Mr. HOLT asked and obtained leave to have printed in the RECORD a statement by Gen. Robert E. Wood, head of Sears, Roebuck & Co., and acting chairman of the America First

Committee, concerning America and the present European war, which appears in the Appendix.]

ADDRESS BY SENATOR DAVIS TO CONFERENCE OF AMERICANS OF SLOVAK DESCENT

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an address delivered by Senator DAVIS to a conference of Americans of Slovak descent, sponsored by the Slovak League of America, at Washington, D. C., October 18, 1940, which appears in the Appendix.]

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States, submitting sundry nominations and a convention, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS TO THURSDAY

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 12 o'clock and 6 minutes p. m.) the Senate took a recess until Thursday, October 24, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 21 (legislative day of September 18), 1940

DEPARTMENT OF COMMERCE

Wayne C. Taylor, of Illinois, to be Under Secretary of Commerce.

UNITED STATES MARITIME COMMISSION

John J. Dempsey, of New Mexico, to be a member of the United States Maritime Commission for the term of 6 years from September 26, 1940, vice Henry A. Wiley.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO ADJUTANT GENERAL'S DEPARTMENT

Lt. Col. George Albert Hadd, Infantry, with rank from August 18, 1940.

TO QUARTERMASTER CORPS

First Lt. Raymond Horace Tiffany, Infantry (temporary captain, Army of the United States), with rank from June 12, 1939.

TO FINANCE DEPARTMENT

Maj. Frederick Pearson, Infantry, with rank from July 1, 1940.

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 21, 1940

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, the gentleman from Texas [Mr. THOMASON].

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, the Father of our Lord and Saviour Jesus Christ, we thank Thee for the light of Him, though it shines faintly in us, yet it breaks forth in full-orbed glory and arches the skies of the world. Amid the thick darkness that shrouded Calvary, His heavenly compassion is as the radiance of the sun breaking through a bank of storm clouds. It fell upon His malefactors for whom He prayed; it lingered about the bent form of Mary, His holy, grief-stricken mother, and He opened the door for the first repentant sinner of the uplifted cross. In His name we pray that beyond the night with which this world is struggling we may soon see the promise and hope of the morning. O come, blessed Christ, shine like a beacon through these stormy times and rest like a halo on the brow of groveling humanity until the scorching flames of hate are extinguished in their own tomb of darkness. Long-suffering God, Judge of all the earth, we pray Thee to chasten the proud and the intolerant which so often make life a solemn mockery and a sorrowing delusion. Bless our brothers of other lands and give them the gift of peace. The Lord God bless America with her valleys and with the dawn upon the mountains, with her winding roads, meadows, forests, and with her teeming cities where cross the crowded ways of human life; ever enable her citizens to maintain the life line of our Republic. Amen.

The Journal of the proceedings of Thursday, October 17, 1940, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed a joint resolution and bills of the House of the following titles:

On October 14, 1940:

H. J. Res. 614. Joint resolution making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes;

H. R. 3907. An act for the relief of William A. Reithel;

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.;

H. R. 7283. An act for the relief of Frank Hall;

H. R. 8295. An act for the relief of Leo Neumann and his wife, Alice Neumann;

H. R. 8846. An act to provide for the retirement of certain members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the members of the Fire Department of the District of Columbia;

H. R. 8906. An act to record the lawful admission to the United States for permanent residence of Nicholas G. Karas;

H. R. 10122. An act to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869);

H. R. 10412. An act to expedite the provision of housing in connection with national defense, and for other purposes;

H. R. 7784. An act for the relief of Howard R. M. Browne;

H. R. 8333. An act for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army;

H. R. 8621. An act to amend the Civil Service Retirement Act and other retirement acts;

H. R. 8705. An act for the relief of Howard Mondt; and

H. R. 10354. An act for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes.

On October 14, 1940:

H. R. 5053. An act for the relief of Verdie Baker and Fred Walter;

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska;

H. R. 9980. An act to revise and codify the nationality laws of the United States into a comprehensive nationality code;

H. R. 6091. An act for the relief of Samuel Roberts;

H. R. 7916. An act granting 6 months' pay to Lillian M. Reymonda;

H. R. 10194. An act for the relief of the late John L. Summers, former disbursing clerk, Treasury Department; and

H. R. 10295. An act to amend the act of June 23, 1938 (52 Stat. 944).

On October 15, 1940:

H. R. 9654. An act to extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar.

On October 17, 1940:

H. R. 1874. An act for the relief of Mrs. E. V. Maki;

H. R. 6083. An act for the relief of Adolph Burstein;

H. R. 6658. An act to authorize the lease or sale of certain public lands in Alaska, and for other purposes;

H. R. 7252. An act to authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska;

H. R. 8613. An act to amend the act to provide for the retirement of disabled nurses of the Army and the Navy;

H. R. 8646. An act to authorize the exchange of certain patented lands in the Death Valley National Monument for Government lands in the monument;

H. R. 8930. An act to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes;

H. R. 9173. An act for the protection of the water supply of the town of Petersburg, Alaska;

H. R. 9972. An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes;

H. R. 9982. An act to amend section 4551 of the Revised Statutes, as amended, and for other purposes;

H. R. 10094. An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes;

H. R. 10322. An act to amend further the District of Columbia Unemployment Compensation Act; and

H. R. 10527. An act to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10285. An act for the relief of Charles S. Ladinsky and Moe Kanner.

The message also announced that the Senate agrees to the amendments of the House to bills and a joint resolution of the Senate of the following titles:

S. 3493. An act for the relief of Elliott L. Hovel;

S. 4360. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, sole stockholder of the Dawson Springs Construction Co.; and

S. J. Res. 301. Joint resolution to authorize the acquisition of a suitable frame for the painting of the signing of the Constitution to be used in mounting said painting in the Capitol Building.

ADJOURNMENT OVER

Mr. DOXEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday next it stand adjourned until the following Monday.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CUSTODIAL SERVICE EMPLOYEES IN POST OFFICE DEPARTMENT—VETO MESSAGE (H. DOC. NO. 980)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I return herewith, without my approval, H. R. 892, "to extend to custodial-service employees employed by the Post Office Department certain benefits applicable to postal employees."

This bill proposes to provide a semiautomatic salary advancement plan for the custodial-service employees (except part-time char forces) employed by the Post Office Department. Employees concerned are occupying positions the pay scales of which are established by administrative application of the compensation schedules of the Classification Act of 1923, as amended.

The bill is objectionable, first, for the reason that it selects custodial employees of one department for preferential treatment over the custodial employees of other departments; second, because it provides a semiautomatic plan for advancing the compensation of one class of employees in one group under the Classification Act without taking into consideration the effect of such increase upon the rates of pay for other groups under the act; third, because it runs counter to the long-established policy of the Congress of including in each appropriation act for the executive branch of the Government a provision (known as the average provision) limiting the compensation of employees in each grade, which, on a per annum basis, would not be in excess of the average rate of pay of the grade to which their positions were allocated and which provision is in accord with section 7 of the Classification Act of 1923 relating to salary increases within grades; and fourth, because it would, to the extent of its applicability, negative the action which has been taken by the Congress in making appropriations for the executive branch of the Government for 1940 and 1941 in connection with which it has placed specific limitations as to the purpose and amount of funds that may be used for salary increase in grades in the interest of uniformity throughout the executive branch for positions where the compensation is fixed under the provisions of the Classification Act of 1923.

I have on a number of occasions expressed myself as not being in favor of salary legislation which would give preferential treatment to a single group of employees. Legislation of this type simply discriminates against other equally deserving groups and makes it more difficult to solve salary-administration problems from a Government-wide viewpoint.

I regret, therefore, that I do not feel justified in approving the bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 21, 1940.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal.

Mr. DOXEY. Mr. Speaker, I move that the veto message and the bill be referred to the Committee on Post Office and Post Roads and ordered to be printed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ADDITIONAL LANDS FOR CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK—VETO MESSAGE (H. DOC. NO. 981)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I am returning herewith, without my approval, H. R. 8512, entitled "An act to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes."

This enrolled bill would authorize an appropriation of not to exceed $125,000 for the purchase of a tract of approximately 2,000 acres for addition to the Chickamauga and Chattanooga National Military Park.

It has been the general policy in acquiring additional lands for national parks to require that such acquisitions be effected by donations or purchase through donated funds; and while there have been some exceptions, the general rule is, I think, a salutary one.

In withholding my approval on October 14, 1940, to H. R. 2728 authorizing an appropriation of $45,000 for the purchase of certain lands to be added to the Cleveland National Forest in Orange County, Calif., I indicated my belief that justification could not be found for the acquisition at this time, by purchase, of lands primarily recreational in character, and my feeling that Federal land-purchase activities should, for the present, be confined to the most critical areas of maladjustment in land use.

Since there does not appear to be any urgent reason for extending the boundaries of the Chickamauga and Chattanooga National Military Park at this time, I am constrained to withhold my approval of this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 21, 1940.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal.

Mr. DOXEY. Mr. Speaker, I move that the bill and veto message be referred to the Committee on the Public Lands and ordered to be printed.

The motion was agreed to.

Mr. SHANNON. Mr. Speaker, at the last meeting there were present over a hundred. There are very few here today. In the language of a very famous character who was a Member of this House at one time and whose name I cannot recall—it was not "Sunset" Cox and it was not Pvt. John Allen, but it was some great Member of this House——

Mr. RANKIN. Is the gentleman sure it was not Pvt. John Allen?

Mr. SHANNON. I am sure it was not, but some great Member cried out, "Mr. Speaker, what are we here for?"

I would like to know what are we here for? We passed a resolution that deprived us of any authority. We did it. It was not the other side. The other side still has authority to do things. I repeat, can somebody give me the name of that distinguished Member of this House who cried out frequently, "What are we here for"? [Laughter.]

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on October 18, 1940, present to the President, for his approval, a bill of the House of the following title:

H. R. 10495. An act to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes.

ADJOURNMENT

Mr. DOXEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 12 minutes p. m.) the House, pursuant to its order heretofore entered, adjourned until Thursday, October 24, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2001. A letter from the Chairman, Reconstruction Finance Corporation, transmitting a report of the activities and expenditures for the month of August 1940 of the Reconstruction Finance Corporation (H. Doc. No. 979); to the Committee on Banking and Currency and ordered to be printed.

2002. A letter from the Acting Secretary of the Interior, transmitting the draft of a proposed bill authorizing and directing the Secretary of the Treasury to pay to Mattie E. Baumgarten, widow of E. Baumgarten, the sum of $1,346.05; to the Committee on Claims.

2003. A letter from the Acting Secretary of Agriculture, transmitting the draft of a proposed bill to add certain lands to the national forest, the Salmon National Forest and the Targhee National Forest in the State of Idaho; to the Committee on the Public Lands.

2004. A letter from the Secretary of War transmitting a report relating to divisions of awards for aircraft, aircraft parts, and accessories therefor; to the Committee on Military Affairs.

2005. A letter from the Attorney General, transmitting the draft of a proposed bill relating to pandering; to the Committee on the District of Columbia.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 10652. A bill to provide for the establishment, administration, and maintenance of a Coast Guard Auxiliary and a Coast Guard Reserve; to the Committee on Merchant Marine and Fisheries.

By Mr. DISNEY:

H. R. 10653. A bill authorizing the construction of certain public works on the Arkansas River at Tulsa and West Tulsa, Okla., for flood control; to the Committee on Flood Control.

SENATE

THURSDAY, OCTOBER 24, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty and everlasting God, in whom we live and move and have our being, we thank Thee for the solemn trust of life which Thou hast committed to our keeping. Make us ever mindful of our insufficiency in this hour of the world's great need, for Thine, O Lord, is the greatness, and the power, and the glory, and the victory, and the majesty: For all that is in the heaven and in the earth is Thine; Thine is the kingdom, O Lord, and Thou art exalted as head above all.

And as Thou hast willed the restoration of all things by Thy well-beloved Son, in whom dwelleth all the fullness of the godhead bodily, graciously grant, we beseech Thee, that all the families of the world who are scattered abroad by the wounds of sin may be subdued under His most gentle rule, and that all men may come to know the height and the depth of Thy love, which passeth human knowledge. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The ACTING PRESIDENT pro tempore (Mr. KING). Without objection, the reading of the Journal of the proceedings of the calendar day of Monday, October 21, 1940, is dispensed with, and the Journal is approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

AWARDS OF ARMY AND NAVY QUANTITY CONTRACTS

The ACTING PRESIDENT pro tempore laid before the Senate two letters from the Secretary of War, reporting, pursuant to the act of March 5, 1940, relative to awards of certain quantity contracts for aircraft, aircraft parts, and accessories entered into with more than one bidder under authority of such act, which were referred to the Committee on Military Affairs.

He also laid before the Senate a letter from the Acting Secretary of the Navy, reporting, pursuant to the act of March 5, 1940, relative to awards of certain quantity contracts for aircraft, aircraft parts, and accessories entered into with more than one bidder under authority of such act, which was referred to the Committee on Naval Affairs.

PETITIONS

The ACTING PRESIDENT pro tempore laid before the Senate a resolution of the Commission of the City of Sault Ste. Marie, Mich., favoring an appropriation of $30,000,000 and an authorization of $50,000,000 for airport-expansion purposes, which was referred to the Committee on Appropriations.

He also laid before the Senate a resolution of the Sixth Ward Downtown Local Workers Alliance, of Minneapolis, Minn., favoring repeal of the Alien Registration Act, requiring the registration and fingerprinting of aliens, which was referred to the Committee on Immigration.

Mr. GILLETTE presented a resolution of the City Council of Des Moines, Iowa, endorsing the $100,000 comprehensive survey now being made by United States Army engineers of the Des Moines River Valley project and favoring the prompt construction of a great dam in the Des Moines River gorge above Des Moines, Iowa, which was referred to the Committee on Commerce.

INVESTIGATION OF RAILROADS, HOLDING COMPANIES, AND AFFILIATED COMPANIES

Mr. WHEELER, from the Committee on Interstate Commerce, pursuant to Senate Resolution 71 (74th Cong.), authorizing an investigation of interstate railroads and affiliates with respect to financing reorganizations, mergers, and certain other matters, submitted the following additional reports, which were ordered to be printed:

Control of the Chicago Great Western-Bremo Corporation (Rept. No. 25, pt. 12);

Chicago Great Western dividends (Rept. No. 25, pt. 13); and

Chicago Great Western purchases of its own stock (Rept. No. 25, pt. 14).

BILL INTRODUCED

Mr. KING introduced a bill (S. 4415) to amend the act entitled "An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof," approved June 25, 1910, which was read twice by its title and referred to the Committee on the District of Columbia.

ADDRESS BY THE PRESIDENT AT PHILADELPHIA, OCTOBER 23, 1940

[Mr. KING asked and obtained leave to have printed in the RECORD the address delivered by President Roosevelt in Convention Hall, Philadelphia, Pa., on October 23, 1940, which appears in the Appendix.]

ADDRESSES BY SENATOR M'NARY AT HUTCHINSON, KANS.; ENID, OKLA.; AND SEDALIA, MO.

[Mr. JOHNSON of California asked and obtained leave to have printed in the RECORD three addresses delivered by Senator MCNARY, Republican nominee for Vice President of the United States, at Hutchinson, Kans., October 16, 1940; Enid, Okla., October 17, 1940; and Sedalia, Mo., October 18, 1940, which appear in the Appendix.]

SENATE VOTES ON EXCESS-PROFITS TAX AND SELECTIVE-SERVICE BILLS—STATEMENT BY SENATOR GREEN

[Mr. GREEN asked and obtained leave to have printed in the RECORD a statement by him, together with the votes in the Senate on the passage of the excess-profits tax bill, the so-called Russell-Overton amendment to the selective-service bill, and the conference report on the selective-service bill, which appear in the Appendix.]

THE THIRD TERM—ADDRESSES BY SENATOR MALONEY

[Mr. GREEN asked and obtained leave to have printed in the RECORD two radio addresses delivered by Senator MALONEY on October 21 and 22, 1940, on the subject of the third term, which appear in the Appendix.]

GENERAL HEALTH LEGISLATION AND DENTISTRY—ADDRESS BY SENATOR MURRAY

[Mr. GREEN asked and obtained leave to have printed in the RECORD an address by Senator MURRAY at a general session of the American Dental Association at Cleveland, Ohio, on September 10, 1940, on the subject General Health Legislation and Dentistry, which appears in the Appendix.]

MR. FARLEY'S ANNOUNCEMENT OF HIS POSITION

[Mr. KING asked and obtained leave to have printed in the RECORD the announcement made by Hon. James A. Farley with respect to his position in the forthcoming election, published in the New York Times of October 23, 1940, which appears in the Appendix.]

THE NATIONAL DEFENSE—ADDRESS BY COL. LOUIS JOHNSON

[Mr. STEWART asked and obtained leave to have printed in the RECORD a radio address delivered by Col. Louis Johnson, formerly Assistant Secretary of War, on October 19, 1940, on the subject of the national defense, which appears in the Appendix.]

ADDRESS BY HON. PAUL V. M'NUTT AT ROCK ISLAND, ILL.

[Mr. STEWART asked and obtained leave to have printed in the RECORD an address delivered by Hon. Paul V. McNutt at a Democratic rally at Rock Island, Ill., on October 18, 1940, which appears in the Appendix.]

THE MOTION PICTURE "INFORMATION, PLEASE"—EDITORIAL FROM THE OMAHA (NEBR.) WORLD-HERALD

[Mr. BALL (for Mr. GURNEY) asked and obtained leave to have printed in the Appendix of the RECORD an editorial published in the Omaha (Nebr.) World-Herald of October 20, 1940, dealing with the proposed release of a second movie short entitled "Information, Please" featuring Wendell Willkie, which appears in the Appendix.]

THE THIRD TERM

[Mr. GREEN asked and obtained leave to have printed in the RECORD an article by Cyrus S. Eaton entitled "The Third-Term 'Tradition'," and an editorial from the Brown Daily Herald dated October 21, 1940, entitled "The Best Man," which appear in the Appendix.]

NATIONAL DEFENSE: PLAN OR PATCHWORK?—ARTICLE BY LINDSAY ROGERS

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an article by Lindsay Rogers entitled "National Defense: Plan or Patchwork?" which appears in the Appendix.]

THE KING COTTON PARTNERSHIP—ADDRESS BY CARL B. ROBBINS

[Mr. GREEN asked and obtained leave to have printed in the RECORD an address delivered by Carl B. Robbins, president, Commodity Credit Corporation, at the Pawtucket Sesquicentennial Cotton Celebration on October 12, 1940, on the subject The King Cotton Partnership, which appears in the Appendix.]

SHIPS ACQUIRED BY THE ARMY FOR TROOP TRANSPORT

Mr. HOLT. Mr. President, I noticed in yesterday's New York Herald Tribune a headline stating "Army acquires liner *Roosevelt* as a troop ship." The article reads in part:

> Basil Harris, executive vice president of the United States Lines, confirmed reports last night that the War Department has acquired the company's New York-Bermuda liner *President Roosevelt*. The reported purchase price was $700,000, and it is understood that she will be converted into a troop ship for the Army Transport Service.

Further, the article states:

> Sale of the Baltimore Mail Line's five vessels, the *City of Baltimore, City of Los Angeles, City of Newport News, City of Norfolk,* and *City of San Francisco,* to the Navy, which is expected to convert them into transports or supply ships, was rumored several days ago.

I should like to know whether or not the War Department proposes to use the ships to transport the draftees up the Mississippi River. We have been assured that no American boys will die on foreign soil. We were assured not later than last night by a very high official of the Government that such was the case, and that there would be no war unless we should be attacked. Of course, in the past we were assured of many, many things in platform promises. Last night the administration official stood by the platform, as was the case in 1932, when the platform was supposed to be upheld 100 percent. But it seems peculiar to me at this time, when they are saying that there will be no foreign war, that the United States Army is acquiring so many troop ships. Many of us are wondering about the subterfuge of just such actions as this, preaching peace while buying ships to take boys across the ocean.

Why does the Army buy troop ships for the defense of the United States? The *President Roosevelt* could not go up the Mississippi, and I know she could not go up the Monongahela in my State.

Where are the troop ships to take American soldiers if they are not to take them across the sea? Let us get rid of this subterfuge and let the American people know the truth about what is going on in Washington and what plans are being set up. I want the American people to know if they are to be taken into a foreign war. Statements will not keep them out of foreign wars. It does no good to preach peace and to practice acts of war. [Manifestations of applause in the galleries.]

The ACTING PRESIDENT pro tempore. The Chair admonishes the occupants of the galleries that no demonstrations are permitted. If they are persisted in, the galleries will be cleared.

Mr. HOLT. I am reminded of a statement I made the other day when the question was asked as to why the United States

Army was making a survey of caskets. The Army was making a survey of caskets, and when it was asked why it was making such a survey this is what Major Ginsburgh said:

After all, if you have 1,000,000 men under arms, even in peacetime, you are going to have some casualties. Some men are going to fall off trucks and have other accidents and illnesses.

Think of that. A survey of the casket industry of America to buy enough coffins for soldiers who fall off trucks.

Those are the things that arouse fear in America. It is not we who are calling for peace who are arousing fear. I object to the actions of the men who are preaching peace and who do not mean it. If we are to have war, let the American people know the truth. We know that a survey for caskets is not for men falling off trucks. We had better give them a course in how to ride trucks so that they will not fall off. We know why caskets are to be bought. We know why troop ships are to be bought, and the American people should know by this time. Troop ships and caskets do not mean peace.

I am becoming tired of the subterfuge of peace while we are going to war. The officials of the administration are not going to war. American boys, and not the fellows who are making the war, will sacrifice their blood. The Diplomatic Corps and the State Department officials are exempt from military service. They make the war, and the American boys fight and die in it. Let us reverse the tables and, for once, let the fellows who want war die in it.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS TO MONDAY

Mr. GREEN. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 12 o'clock and 10 minutes p. m.) the Senate took a recess until Monday, October 28, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 24 (legislative day of September 18), 1940

UNITED STATES PUBLIC HEALTH SERVICE

Assistant Surgeon Louis F. Cleary to be passed assistant surgeon in the United States Public Health Service, to rank as such from November 1, 1940.

STATE DIRECTORS OF SELECTIVE SERVICE

The following-named persons, adjutants general of their respective States, to be State directors of selective service, as follows:

Alabama: Brig. Gen. Benjamin M. Smith.
Arkansas: Brig. Gen. Daniel B. Byrd.
Idaho: Brig. Gen. Mervin G. McConnel.
Louisiana: Brig. Gen. Raymond H. Fleming.
Mississippi: Brig. Gen. Thomas J. Grayson.
Nebraska: Brig. Gen. Guy W. Henninger.
New Hampshire: Brig. Gen. Charles F. Bowan.
North Carolina: Brig. Gen. John Van B. Metts.
Rhode Island: Brig. Gen. Herbert R. Dean.
South Dakota: Col. Edward A. Beckwith.
Tennessee: Brig. Gen. Thomas A. Frazier.
West Virginia: Brig. Gen. William L. Hornor.
New York: Brig. Gen. Ames T. Brown.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY
GENERAL OFFICER

Maj. Gen. John Francis O'Ryan, inactive Reserve, to be major general, inactive Reserve, from December 15, 1940.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES
GENERAL OFFICER

Brig. Gen. Mervin Gilbert McConnel, National Guard of the United States, to be brigadier general, Adjutant General's Department, National Guard of the United States.

HOUSE OF REPRESENTATIVES

THURSDAY, OCTOBER 24, 1940

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. THOMASON.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, in this sacred moment, we pray that our souls may be awake to the real meaning of life and the vision of God through Christ our Saviour. The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you peace. In our dear Redeemer's name. Amen.

The Journal of the proceedings of Monday, October 21, 1940, was read and approved.

PARLIAMENTARY INQUIRY

Mr. TAYLOR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAYLOR. Mr. Speaker, I would like to know whether or not I would be violating the understanding of the gentlemen's agreement if I should state to the House that I expect today to file, as chairman of the Committee on Appropriations, the annual report with reference to the expenditures of the Government during this session of Congress.

Mr. McCORMACK. Mr. Speaker, I understand this is the gentleman's own remarks?

Mr. TAYLOR. Absolutely.

Mr. McCORMACK. Mr. Speaker, of course I would not undertake to answer what the Chair may say in reference to the parliamentary inquiry, but it is my distinct understanding that where a Member extends his own remarks he has 30 days in which to do so.

Mr. ENGLEBRIGHT. Mr. Speaker, I understood that was agreed to by unanimous consent.

Mr. McCORMACK. That is my understanding.

Mr. ENGLEBRIGHT. In other words, the individual Members may extend their own remarks in the RECORD without unanimous consent.

Mr. McCORMACK. That is my understanding.

The SPEAKER pro tempore. The statement of the gentleman from Massachusetts [Mr. McCORMACK] is correct.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 6 minutes p. m.), under its previous order, the House adjourned until Monday, October 28, 1940, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. Report No. 3060. Report on the disposition of records (useless executive papers) in the Work Projects Administration and Federal Works Agency. Ordered to be printed.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 10654. A bill for the relief of Markus Preminger, his wife, Josefa, and son, Ingwald; to the Committee on Immigration and Naturalization.

By Mr. FLANNERY:

H. R. 10655. A bill for the relief of Donald Wallace; to the Committee on Military Affairs.

H. R. 10656. A bill for the relief of Lewis J. Conahan; to the Committee on Military Affairs.

By Mr. McLEOD:

H. R. 10657. A bill for the relief of Albert Edward Whiteside; to the Committee on Immigration and Naturalization.

By Mr. SACKS:

H. R. 10658. A bill for the relief of Paula Teitelbaum-Ova; to the Committee on Immigration and Naturalization.

SENATE

MONDAY, OCTOBER 28, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God most high, Father of an infinite majesty, in the light of whose presence we would sun our souls: Breathe on us with Thy quickening breath, and meet the dull flow of our life with murmurs and scents from the infinite sea. God of hope, grant us the faith to keep alive and to sustain the flame which hope hath lit. God of consolation, visit us with the comfort which garrisons the heart against the devastating effect of sorrow and pain. God of peace, make us to follow after the things that make for peace for ourselves and for others; and have Thou us in Thy holy keeping, that we may be preserved in all truth and purity, forever plastic to the touch of Thine own shaping hand. We ask it in the name and for the sake of Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. WHEELER, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, October 24, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On October 21, 1940:

S. 3489. An act authorizing and directing the Comptroller General of the United States to allow credit in the accounts of Lt. Col. Frank H. Lusse, formerly of the Kentucky National Guard;

S. 4208. An act establishing overtime rates for compensation for employees of the field services of the War Department and the field services of the Panama Canal, and for other purposes;

S. 4212. An act for the relief of certain Navajo Indians, and for other purposes; and

S. 4338. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended.

On October 22, 1940:

S. J. Res. 258. Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes.

On October 25, 1940:

S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn.

REPORT OF PRESIDENT OF THE PHILIPPINES

The ACTING PRESIDENT pro tempore (Mr. KING) laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Affairs:

To the Congress of the United States:

As required by paragraph (3) of section 7 of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes," I transmit herewith, for the information of the Congress, the Fourth Annual Report of the President of the Philippines to the President and the Congress of the United States covering the 6-month period ended June 30, 1939.

The enclosed report covers a 6-month period instead of a full calendar year as heretofore. This change is occasioned by a provision in Commonwealth Act No. 373, under which the fiscal year as of July 1 to June 30 is established. Formerly the Commonwealth's fiscal year corresponded with the calendar year.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 28, 1940.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

CHARLES B. PAYNE—VETO MESSAGE (S. DOC. NO. 309)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the Senate:

I am returning herewith, without my approval, a bill (S. 217) for the relief of Charles B. Payne.

The bill proposes to award compensation in the sum of $1,000 to Charles B. Payne, a teacher employed in an Indian school at San Felipe, N. Mex., for personal injuries sustained by his minor son, James Wallace Payne.

It appears that on September 25, 1934, James Wallace Payne, then 12 years of age, was attacked without provocation by an insane Indian who apparently was in an insane frenzy at the time. Subsequently the Indian was immediately taken into custody, adjudged insane, and was eventually committed to an institution for the mentally afflicted. It also appears that the Indian had been suffering from mental disorders for some time previously, to the knowledge of his neighbors and friends. The other Indians at the pueblo had failed to take any steps to secure his commitment to an institution.

While this lamentable incident is to be greatly deplored, I am unable to perceive any moral or ethical obligation on the part of the Government to compensate the young man for the injuries inflicted upon him by the unfortunate insane person. Surely it can hardly be said that failure on the part of governmental authorities to take into custody a person known by his neighbors to be insane creates a moral obligation on the part of the Government to compensate anyone who is injured as a result of ravages committed by the afflicted individual. The fact that in this case the insane person was an Indian does not seem to evoke the application of any other moral principles than those just discussed.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 25, 1940.*

SETTLEMENT WITH PAYEES OF LOST OR STOLEN CHECKS

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Treasurer of the United States to make settlements with payees of lost or stolen checks, which have been paid on forged endorsements, in advance of reclamation, and for other purposes, which, with the accompanying paper, was referred to the Committee on Banking and Currency.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution of the Northwest Federation of Improvement Clubs, Chicago, Ill., favoring the granting of Federal aid in the construction of subway systems in urban areas for the dual purpose of good transportation in peacetime and adequate protection of the populace from bombing in time of war, which was referred to the Committee on Military Affairs.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. WHEELER (for Mr. BARKLEY), from the Joint Select Committee on the Disposition of Executive Papers, to which was referred, for examination and recommendation, a list of records transmitted to the Senate by the Archivist of the United States, which appeared to have no permanent value

or historical interest, submitted a report thereon pursuant to law.

INVESTIGATION OF RAILROADS, HOLDING COMPANIES, AND AFFILIATED COMPANIES

Mr. WHEELER, from the Committee on Interstate Commerce, pursuant to Senate Resolution 71 (74th Cong.), authorizing an investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, submitted an additional report relative to the Chicago Great Western Railroad Co. and Kansas City Southern stock transaction, which was ordered to be printed as part 15 of Report No. 25.

BILL INTRODUCED

Mr. TYDINGS introduced a bill (S. 4416) authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate a free highway bridge across the Potomac River at or near Sandy Hook, Md., to a point opposite in Virginia, which was read twice by its title and referred to the Committee on Commerce.

ADDRESSES BY THE PRESIDENT AT WILMINGTON, DEL., AND IN THE HERALD TRIBUNE FORUM

[Mr. WHEELER asked and obtained leave to have printed in the Appendix of the RECORD two addresses delivered by the President of the United States; one at Wilmington, Del., on October 23, 1940, and one in connection with the Herald Tribune Forum, New York City, October 24, 1940, which appear in the Appendix.]

FOREIGN POLICY ADDRESS BY SECRETARY HULL

[Mr. STEWART asked and obtained leave to have printed in the RECORD an address delivered by the Secretary of State, Hon. Cordell Hull, on Friday, October 25, 1940, dealing with the foreign policy of the United States, which appears in the Appendix.]

ADDRESS BY SENATOR M'NARY AT BLOOMINGTON, ILL.

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address delivered by Senator MCNARY at Bloomington, Ill., on October 23, 1940, on the topic Farmers Are Not for Sale, which appears in the Appendix.]

ADDRESS BY SENATOR M'NARY AT KENDALLVILLE, IND.

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address delivered by Senator MCNARY at Kendallville, Ind., on October 24, 1940, on the topic New American Markets for the American Farmer, which appears in the Appendix.]

NEW YORK FARM PROSPERITY GOES FORWARD—STATEMENT BY SENATOR MEAD

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD a statement by Senator MEAD relating to farm prosperity in New York, which appears in the Appendix.]

ADDRESSES BY SENATOR MALONEY

[Mr. WHEELER asked and obtained leave to have printed in the RECORD three radio addresses delivered by Senator MALONEY on October 23, October 24, and October 25, 1940, which appear in the Appendix.]

ALL THIS AND HEAVEN, TOO—ADDRESS BY THE HONORABLE HAROLD L. ICKES

[Mr. KING asked and obtained leave to have printed in the RECORD an address delivered by the Honorable Harold L. Ickes, Secretary of the Interior, before a meeting at Akron, Ohio, Tuesday, October 15, 1940, entitled "All This and Heaven, Too," which appears in the Appendix.]

CANDIDACY OF WENDELL WILLKIE

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an advertisement sponsored by the Committee of Regular Republicans for the Reelection of Franklin D. Roosevelt, which appears in the Appendix.]

THE PRESIDENTIAL CANDIDATES—EDITORIAL IN ST. LOUIS STAR-TIMES

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an editorial from the St. Louis Star-Times of October 25, 1940, entitled "For President, Roosevelt," which appears in the Appendix.]

OUR FAR EAST POLICY

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an editorial from the New York Daily News, also published in the Washington Times-Herald, entitled "What Is Our Far East Policy?" which appears in the Appendix.]

WENDELL WILLKIE

Mr. DAVIS. Mr. President, the attempts which have been made by those connected with the Democratic National Committee to smear the good family name of Wendell Willkie on a racial issue have received from Chairman Edward J. Flynn the condemnation rightly deserved. This unfortunate occurrence calls for increased vigilance on the part of all who desire to maintain a true American practice of toleration. The use of funds and the headquarters of the Democratic National Committee for a smear purpose is surely to be deplored. Much damage has been done, for it is always easier to start rumors, no matter how false they may be, than to stop them.

The whispering campaign which now has become public against the good family name of Wendell Willkie shows the venom, the hate, the downright malice of men who apparently are willing to stoop to the lowest depths in order to win an election. The spirit of persecution abroad in the land as a part of the third-term campaign is a wicked violation of our American traditions.

As a resident of Elwood, I knew the Willkie family. I knew Herman Willkie and his wife, the parents of Wendell Willkie. I know the strong spirit of devotion and loyalty which was so apparent in this family. The respect and admiration of that community for the Willkie family is unquestioned. It was not until the heat of a political campaign that the colored division of the Democratic National Committee saw fit to suggest that the Willkie family was intolerant of the colored race.

The New York Sun of October 12 carried a news article referring to a reported attempt on the part of the Senator from Indiana [Mr. MINTON] to have photographers take pictures of a sign said to have been found on one of the highways leading to Elwood cautioning colored persons to remain out of the city. Certainly no such sign was there during the many years I lived in Elwood. I tried to get direct word from the Senator from Indiana concerning this matter, but was not able to see him personally. Therefore I do not wish to accept what was casually mentioned in the newspapers. I cannot, however, refrain from saying that the current trend of the third-term campaign was lowered to a plane of intolerance by Henry Wallace when he opened his campaign for Vice President, declaring that the paramount issue of this election is a choice between President Roosevelt and Adolf Hitler.

I knew Elwood when it was but a struggling town of a few thousand persons. Many of the original settlers were Jeffersonian Democrats, coming from a few of our great Southern States. They were joined by a contingent of Union soldiers and their families. Elwood has always been a place with the spirit of "live and let live." The warm spirit of welcome which had been extended to the members of many racial groups was not denied the colored race. If ever the democratic spirit prevailed, it was to be found in Elwood.

This smear document charges that—

> Willkie was nominated in Philadelphia by the Hitler formula, otherwise known as the "blitzkrieg" method. Hitler grabbed power and control of Germany in this manner—"fifth columns," bribery, trickery, and false propaganda. Senator VANDENBERG was the only Presidential candidate at the Republican convention to release his delegates to Willkie or to any other candidate. VANDENBERG is the leading obstructionist to preparedness in the Senate. He leads the interference to all things that would prepare us against the invasion of Hitler.

Those are the exact words of this document as issued under the name of the colored division of the Democratic National Committee. It is small wonder that Chairman Flynn now seeks to repudiate these malicious remarks, and is said to have dismissed the persons responsible for it.

Surely the Senator from Michigan [Mr. VANDENBERG] has been unfairly mentioned in this article. The great, able,

forward-looking, American-minded Senator from Michigan has ever been a champion of our national rights and the protector of our national destinies. His record in the Senate is unimpeachable proof that he has ever sought to advance the best interests of the American people. His record in national defense cannot be questioned.

In the CONGRESSIONAL RECORD for August 30 I find that the Senator from Indiana [Mr. MINTON] is quoted as saying:

> You know Willkie comes from Elwood, Ind., and you [colored people] have to have a special permit for colored people to come there, and that is the way the Republicans can conduct their town in Indiana.

During the days when I was city clerk there were a number of Democrats, including the mayor, holding city offices; and I know that no permit was then required such as the one to which the Senator refers. Since then there have been approximately as many Democratic as Republican administrations in Elwood.

Wendell Willkie's father was a great liberal; and in a day when labor was having a great struggle for recognition he espoused the cause of the workingman, and championed it most effectively.

Mr. President, I ask unanimous consent to have printed in the RECORD, as a part of my remarks, a telegram I have received from Mayor George M. Bonham, of Elwood, and Dr. G. V. Newcomer, who has lived there for 50 years, together with other prominent citizens.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The telegram is as follows:

ELWOOD, IND., *October 15, 1940.*

Senator JAMES J. DAVIS,
Care United States Senate:

We are informed that Senator MINTON, of Indiana, charged on the floor of the Senate that signs were posted on roads leading into Elwood, Ind., warning Negroes to stay out. This is an absolute falsehood. Never at any time in the history of Elwood, Ind., have such signs been posted. Yourself a resident of Elwood for many years can also subscribe to the falsity of Senator MINTON'S statement. There has never been any demonstration of any character whatever made against the Negro race by citizens of Elwood, Ind. Negroes have worked in local homes and at various times Negroes have been employed here on construction projects. We wish you, as a Member of the Senate and former resident of Elwood, Ind., would clear the records once and for all time of this malicious and vicious charge of Senator MINTON. Affidavits are a matter of record here by old-time residents and city officials refuting the allegations of Senator MINTON and others of his ilk.

Mayor GEORGE M. BONHAM.
Police Chief MICHAEL J. FOGERTY.
Dr. G. V. NEWCOMER.
AUSTIN BRUMBAUGH.
Ex-Mayor CALVIN D. SIZELOVE.
Clerk-Treasurer MAGGIE M. HARTING.
J. H. FIHE.

Mr. DAVIS. I also ask unanimous consent to have printed in the RECORD, as a part of my remarks, an editorial from a colored newspaper in Pittsburgh, Pa., printed on Saturday, October 19, 1940. The editorial is entitled "The Smear-Willkie Negroes Do Not Represent the Race."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

THE SMEAR-WILLKIE NEGROES DO NOT REPRESENT THE RACE

Words can scarcely be found of sufficient force to condemn the foul action of those black and white members of the Democratic Party campaign committee responsible for the publication of a speakers' guide in which the racial origin of Wendell Willkie and Mrs. Willkie are attacked.

The action will turn the stomach of every one of 12,000,000 American Negroes, except the insane, the criminal, and the feeble-minded.

The responsibility is clear. The Negro American is not party to this scurrilous outrage. Neither is the white race, considered as a whole. The responsibility rests squarely on the round shoulders of not more than a dozen poison-minded whites and Negroes in the employ of the Democratic National Committee in New York City.

This tiny group of whites and blacks must bear equal guilt for this felony at heart. It was a job for only the most contemptible and vicious persons in the organization to unite in doing. It was the evil masterpiece of puny-minded whites and Negroes whose brains were addled by running sores and each of whom could find remedy in meanness only.

Certain whites with the Democratic campaign committee have sought some method to appeal to racial prejudice because of Willkie's German ancestry. Certain Negroes with the Democratic campaign committee have itched to make a public issue out of customs attributed to the candidate's home town, Elwood, Ind.

These few vultures, and these only, got together to encourage one another to the foul attack on Willkie. These few Negroes would scarcely have had the courage to commit the crime had they not received encouragement and approval from their cesspool white associates. Certainly, these Negroes had no authority or power to issue such a document without the approval of some white person.

But there were those whites who wanted to spew their own poison. They knew they didn't have a chance through their own organs. They knew that the most slattern white speakers would not use such gutter material. They, therefore, fastened upon their irresponsible Negro confederates and used them as a sewer line for their own muck.

However, the fact that these Negroes were used by these whites does not excuse them. They had their own foul notions.

The fact of Mr. Willkie's German origin has nothing to do with his fitness for the Presidency. Mrs. Willkie is not a candidate. To bring her into the campaign in such a manner was churlish.

Who is it in the great American Nation, save the Indian, whose blood does not stem from far-off lands? This is the land of the democratic ideal where men and women of all races, colors, and creeds, have striven and sacrificed and spilled their blood to forge a new nation that should be of all the people.

Who is it, if not the black man, who must wage eternal struggle against the proscriptions of color? Who is it, if not the black American, who must fight a relentless war on prejudices due to race? Each new day, come rain or sun, 12,000,000 black men and women in America must arise from their beds and renew this unending battle.

How then, can black Americans, except they be insane, criminal, or feeble-minded, join the ranks of the bigot and the intolerant?

And especially against the German. Have black men forgotten Carl Schurz and hundreds of thousands of other German-Americans who lifted a hand to them in the dead days of the past?

The Pittsburgh Courier knows that Negroes as a whole have not forgotten. It knows that a few Negroes under the influence of wicked whites can lose their heads. That is what has happened this time. They are, as Mr. Willkie properly said, "contemptible curs." We want no part of them.

WAR POLICIES OF THE ROOSEVELT ADMINISTRATION

Mr. HOLT. The President of the United States said in a speech last week that those who stated that the policies of the administration were leading toward war were seeking to create a "blitzkrieg" of fear. I am one who has made that statement, and I repeat it here—the policies of the administration are leading toward war. Certainly the fear was originally started by the executive branch of the Government, and has been carried on through the country, but the fear has reached such proportions that it is beyond what it was intended to be used for, namely, political purposes, keeping the question of indispensability to the front. The American people are afraid because the American people do not want war.

Why has there been such fear in this country? I think the question can best be answered by the President's own statements compared with his actions. The President of the United States made this statement:

> Your Government has no information which it has any thought of withholding from you.

Is that the case? Let us look at the facts. I pick up the New York Herald Tribune of Saturday, October 26, and on the front page I notice an article under this headline:

> United States censorship imposed to hide plane exports. War craft shipments abroad to be cloaked in secrecy by order of Government.

Compare that with the statement of the President that—

> Your Government has no information which it has any thought of withholding from you.

The article is as follows:

The United States Government has clamped an official censorship on all of its agencies, forbidding the disclosure of figures describing the export of American-built fighting planes to Great Britain and other nations the Government is aiding, it was learned yesterday.

From now on it will be impossible to find out how many military aircraft are being shipped abroad and how many American planes ordered originally for the Army and Navy have been or are being diverted to other sources. A publication of the Department of Commerce known as Aeronautical World News, which during the last year has published accurate details on plane exports, has been ordered to discontinue this practice, and all other Government bureaus which would have these figures have been notified to keep them confidential.

It could not be learned whether William S. Knudsen, production coordinator of the aircraft division of the National Defense Advisory Commission, who has been frank in disclosing production figures of

aircraft in the United States and the portion received by the British, has been asked to be more reticent in the future.

Since the last figures announced by the Department of Commerce on shipments abroad went only through August and would not take into consideration the rapid acceleration in shipments during the fall, the exact figures on planes shipped to Britain this year are not known. It is estimated, however, that more than 1,500 planes have been shipped to Britain, with more than twice that number delivered to British representatives in this country for shipment.

In connection with the reported intention of the administration to sell flying-fortress bombers built by the Boeing Co. to the British, it was learned that the latest type of the bomber would be equipped with power-driven machine-gun turrets, a British development. The British recently granted rights to manufacture the turret, which makes it easy to aim a machine gun in all directions during flight, to American companies.

I want that article to be considered in connection with the statement of the President—

Your Government has no information which it has any thought of withholding from you.

The question is not whether we should ship the planes; the question is the President's statements against his actions. Did he withhold from the American people a discussion of the question of the obsolescence of planes which he knew were first-class fighting planes? Was that withholding information from the American people? I should like to know.

How did we ascertain that French representatives were in this country buying planes for their Army? It was not by any action or any word of the Executive to the people, but an accident occurred and the news came out. Was that withholding the facts from the American people? That is what I should like to know.

I should like to say, relative to the question of airplane figures, that I noticed in this morning's edition of the United States News what is perhaps the answer. It states that Great Britain really is receiving nearly 80 percent of all combat war planes now being produced in this country, four planes for Great Britain to one plane for the United States, when we do not have a sufficient number of planes even to defend the United States.

PLANES ON ORDER

Representative VINSON of Georgia, chairman of the Committee on Naval Affairs of the House of Representatives, placed in the RECORD some very interesting material which escaped the notice of a number of Senators, I am sure. The information was to the effect that the United States Government in September had on order 1,300 naval airplanes during the last fiscal year, and 1,180 of them were undelivered—1,180 still on order of 1,300 ordered.

There were 2,359 engines on order, and of that number 2,031 were undelivered.

In the fiscal year 1941 there were 1,055 planes ordered by the Government, and there were 1,055 undelivered. There were 1,183 engines on order, 1,171 undelivered.

Perhaps that would answer the question why censorship has been clamped upon this particular activity, as it has been. Planes on order!

We know that Representative VAN ZANDT, former national commander of the Veterans of Foreign Wars, asked the War Department some questions relative to the military supplies in the United States. He was told that he could not get the information. But the President said, as I again repeat:

Your Government has no information which it has any thought of withholding from you.

WHY THE FEAR?

Is there any wonder that there is fear in America? Is there any wonder that the American people wonder what is going on behind the scenes? Should we wonder when the President, before he transferred the destroyers, denied a story of such transfer? It is not a question whether it was a good or a bad thing; the question is, Should not the American people be told the truth about these secret things going on behind the scenes?

Did the American people know the Executive was to make a commitment to defend Canada before the commitment was made? I do not discuss the advisability of the proposition, but I attack its secrecy. Was Congress advised? No. Were the people advised? No.

Was not the joint Canadian-United States Defense Commission set up in secrecy? The people were told about it after the agreement had been made. Was Congress advised? No. Were the people advised? No.

Were the people told about the secret mission to London of Captain Ingersoll for naval cooperation? No. Was Congress told? No. But we read in the London press the information, with the comment that—

When the general public (of the United States) comes to know of these goings-on, opinion may well take fright.

Yet, the President assured us "no information is to be withheld."

Is not that the answer to the fear in our country today? When the penalty for a mistake of secret agreements means the death of American boys, is there any wonder the people fear?

On the 3d day of September 1939 the President said:

This Nation will remain a neutral nation.

He knows, the country knows, and the world knows that the United States of America is not neutral. It is nonbelligerent. It is not in the war actively, so far as men are concerned, but the President has since shown that the United States is not neutral, and that he does not desire that it should be neutral. Yet he said solemnly on the 3d day of September 1939, as the World War started:

This Nation will remain a neutral nation.

On July 14, 1939, the President made this statement:

Both sides agree that in the event of foreign wars this Nation should maintain a status of strict neutrality and around the structure of neutrality, we should so shape our policies as to keep this country from being drawn into war.

I ask the question: Have not the actions of the President, by Executive decree, taken the United States away from the very thing he promised the American people—strict neutrality?

Mr. President, I do not desire to delay the Senate longer, but I do wish to have the facts known, and I ask to have printed in the RECORD an article in the United States News showing how secret diplomacy guides our war moves.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW "SECRET DIPLOMACY" GUIDES OUR WAR MOVES—ACTIONS VITAL TO UNITED STATES DECIDED THROUGH BACKSTAGE EXCHANGE OF VIEWS—OPEN COVENANTS OUTDATED IN WORLD OF POWER POLITICS—SOME UNDERCOVER MANEUVERS

The United States today is up to its neck in the world's power politics. Secret diplomacy, centered in the White House, extends through the State Department to American agents in the far corners of the world. Backstage pressures are applied, backstage moves are made that will determine whether America goes to war or remains at peace.

There is a hurried call by the French Ambassador to the State Department and hints are heard that, if France is to edge closer to Germany, the United States may feel compelled to strike at Martinique to recover 100 American-made warplanes on the French aircraft carrier *Bearn* and to gain custody over a reported $200,000,000 in gold. The British Ambassador, Lord Lothian, amid attempted secrecy, flies hurriedly back to London and word trickles out that this Government wants to know specifically what the British attitude will be if the United States feels impelled to stand more firmly against Japan.

SECRET DIPLOMACY IN ACTION

Up from South American capitals comes a series of reports that American diplomats are making soundings to determine if American money and American military and naval aid can be extended to build air and naval bases. Suddenly the Russian Ambassador, Constantine Oumansky, is a frequent and welcome State Department visitor in offices where he was verbally dressed down not many weeks ago. Soon thereafter, machine tools and cargoes of gasoline that had been "morally embargoed" are released for the trip to Vladivostok. The Chinese Ambassador, Dr. Hu Shih—a frequent caller at the Treasury—sits alongside Loan Administrator Jesse Jones while a new loan to China is announced.

An almost daily visitor at the State Department is Australia's Minister, Richard G. Casey. Inquiry as to the purpose of those visits draws the reply that it must be presumed that the United States and Australia have many problems in common at this time and that one of these is defense. Suddenly it is noted that Mexico is buying American scrap iron in large quantities and that Japan is seeking important oil concessions in Mexico. Just as suddenly

it is announced that Mexico, after all, isn't going to sell scrap iron to Japan nor grant the Japanese an oil concession.

Seldom has the world been so conscious of the attitude and the power of the United States. This attitude and this power are being made known and are being felt through secret moves of which the people of this Nation are little aware. President Roosevelt assures the American people, however, that:

"There is no secret treaty, no secret obligation, no secret commitment, no secret understanding in any shape or form, direct or indirect, with any other government or any other nation in any part of the world to involve this Nation in any war or for any other purpose."

This flat statement is correct. There was no agreement with Great Britain when the Burma Road into China was reopened. But Britain was aware that the United States wanted that road opened and was ready to be firm with Japan. This knowledge was transmitted through diplomatic channels. There is no agreement with Britain that enables the British Fleet to concentrate in the Atlantic while the American Fleet concentrates in the Pacific. But each navy is aware of the other's plans.

No secret understanding lay back of the exchange of 50 American destroyers for the right to create air and naval bases on British island possessions in this hemisphere. But the intent to transfer these destroyers was denied at the White House just a few days before the transfer was made. Diplomacy in this move, as in the others that are being made by this country on the chess board of the world's power politics, was secret diplomacy.

Secret diplomacy lends itself particularly well to present-day maneuvers. The reason is that formal treaties no longer are regarded as basic in relationships between nations. Much more effective are mere exchanges of ideas and of viewpoints between governments.

It is this exchange of ideas and of viewpoints that is going on in secret between this Government and other governments in many parts of the world. Australia wants to know what the United States would do in case of trouble. The United States wants to know what Russia's attitude might be in event of difficulty with Japan. Britain is interested in many things, and has made her interests known to Ambassador Joseph P. Kennedy, just back from London. Latin America wants to know what the cash consideration will be for friendship.

Midnight oil burns at the State Department, and often at the White House, in this secret game of modern power politics.

Mr. HOLT. Mr. President, there has been more secret diplomacy emanating from the White House in the past 2 months, and even today, than in the entire previous history of the United States of America—secret diplomacy for war, not peace.

Here is an exact statement from the President of the United States:

I give you this most solemn assurance: There is no secret treaty, no secret obligation, no secret commitment, no secret understanding in any shape or form, direct or indirect, with any other government or any other nation in any part of the world, to involve this Nation in any war or for any other purpose.

That is what he said. Judging by his past actions, is that what he means? I challenge that statement, and I am willing to let the history of the country, when it is written, give the answer, so the people can have the truth and know whether there have been secret understandings and secret agreements. We know there have been. We know it, and the American people have a right to know it.

I ask Senators to check the President's statement and compare it with what he has said in the past. One writer has said, and I repeat:

One man took Germany to war. One man took Italy to war.

I ask, Shall one man in America take the United States to war?

It is time for the American people to say "No."

TERMINATION OF THE EUROPEAN CONFLICT

Mr. JOHNSON of Colorado. Mr. President, on October 4, 1939, I submitted a resolution which was referred to the Committee on Foreign Relations. It was afterward given a number, and is known as Senate Resolution 191. I desire to have the resolution read by the clerk. As a matter of fact, I expect to make the request at each session of the Senate that the resolution be read.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 191), as follows:

Whereas the time is auspicious for the United States to use its best efforts to promote an immediate armistice in the war now being waged in Europe; and

Whereas it is the sincere desire of our President and the American people to see an early termination of such war; and

Whereas other neutrals are looking to us for leadership in a movement to that end; and

Whereas there is more glory and courageousness in an honorable peace than a bloody victory with its attendant ills and sorrows: Now, therefore, be it

Resolved, That it is the sense of the Senate that every effort should be made by the United States in conjunction with other neutral nations to bring about an early termination of the European conflict, and to that end the President is requested to join with other neutrals in urging the nations that are now at war to enter into an immediate armistice as a preliminary step toward negotiations looking to the complete, lasting, and peaceful settlement of the various matters about which they are in conflict.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore:

S. 3493. An act for the relief of Elliott L. Hovel;

S. 4360. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore H. Troendle, sole stockholder of the Dawson Springs Construction Co.;

H. R. 10285. An act for the relief of Charles S. Ladinsky and Moe Kanner; and

S. J. Res. 301. Joint resolution to authorize the acquisition of a suitable frame for the painting of The Signing of the Constitution to be used in mounting said painting in the Capitol Building.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS TO THURSDAY

Mr. WHEELER. Mr. President, if there is nothing further to come before the Senate, I move that the Senate take a recess until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 12 o'clock and 27 minutes p. m.) the Senate took a recess until Thursday, October 31, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 28 (legislative day of September 18), 1940

DIPLOMATIC AND FOREIGN SERVICE

Hugh S. Fullerton, of Ohio, now a Foreign Service officer of class 2 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

SELECTIVE SERVICE DIRECTORS

The following-named persons to be State directors of selective service:

Illinois: Paul G. Armstrong.
Oklahoma: Don Welch.
Wisconsin: Walter J. Wilde.

COAST GUARD OF THE UNITED STATES

The following-named officers in the Coast Guard of the United States, to rank as such from September 4, 1940:

Commander Gordon T. Finlay to be a captain.
Lt. Comdr. Edward H. Fritzsche to be a commander.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

TO SIGNAL CORPS

First Lt. Richard John Meyer, Air Corps (captain, Army of the United States), with rank from June 13, 1936.

TO COAST ARTILLERY CORPS

Lt. Col. Thomas Clyde McCormick, Field Artillery, with rank from July 1, 1940.

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

TO BE COLONELS WITH RANK FROM OCTOBER 16, 1940

Lt. Col. William Elmer Lynd, Air Corps.
Lt. Col. Rosenham Beam, Air Corps.
Lt. Col. Harry Herman Young, Air Corps.
Lt. Col. Donald Wilson, Air Corps.
Lt. Col. William Ormon Butler, Air Corps.
Lt. Col. Vernon Lee Burge, Air Corps.
Lt. Col. William Benjamin Wright, Jr., Air Corps.
Lt. Col. Raymond Edward O'Neill, Air Corps.
Lt. Col. Dudley Blanchard Howard, Air Corps.
Lt. Col. Floyd Emerson Galloway, Air Corps.
Lt. Col. Calvin Earl Giffin, Air Corps.
Lt. Col. Carl William Connell, Air Corps.
Lt. Col. Thomas Settle Voss, Air Corps.
Lt. Col. Thomas Watson Hastey, Air Corps.
Lt. Col. Morris Berman, Air Corps.
Lt. Col. Walter Bender, Air Corps.
Lt. Col. Albert Michael Guidera, Air Corps.
Lt. Col. James Francis Doherty, Air Corps.
Lt. Col. Lynwood Benjamin Jacobs, Air Corps.
Lt. Col. Frank Wilbur Wright, Air Corps.
Lt. Col. Edgar Peter Sorensen, Air Corps.
Lt. Col. Robert Olds, Air Corps.
Lt. Col. Ross Gordon Hoyt, Air Corps.
Lt. Col. William Bentley Mayer, Air Corps.
Lt. Col. Richard Henry Ballard, Air Corps.
Lt. Col. Ralph Hudson Wooten, Air Corps.

TO BE LIEUTENANT COLONELS

Maj. Harvey William Prosser, Air Corps.
Maj. Clayton Lawrence Bissell, Air Corps.
Maj. Horace Simpson Kenyon, Jr., Air Corps.
Maj. Leland Charles Hurd, Air Corps.
Maj. Robert Victor Ignico, Air Corps.
Maj. Leland Ross Hewitt, Air Corps.
Maj. Clifford Cameron Nutt, Air Corps.
Maj. Isaiah Davies, Air Corps.
Maj. Arthur William Vanaman, Air Corps.
Maj. Franklin Otis Carroll, Air Corps.
Maj. Frederick William Evans, Air Corps.
Maj. Harry Gage Montgomery, Air Corps.
Maj. Fred Cyrus Nelson, Air Corps.
Maj. Edward Moses Morris, Air Corps.
Maj. Burton Frederick Lewis, Air Corps.
Maj. Elmer John Bowling, Air Corps.
Maj. Orin Jay Bushey, Air Corps.
Maj. Fred Sidney Borum, Air Corps.
Maj. George Washington Polk, Jr., Air Corps.
Maj. Christopher William Ford, Air Corps.
Maj. Alfred Warrington Marriner, Air Corps.
Maj. Guy Harrison Gale, Air Corps.
Maj. Muir Stephen Fairchild, Air Corps.
Maj. James Gradon Taylor, Air Corps.
Maj. Leland Wilbur Miller, Air Corps.
Maj. Raphael Baez, Jr., Air Corps.

TO BE MAJORS

Capt. Joseph Cyril Augustin Denniston, Air Corps.
Capt. John Halliday McCormick, Air Corps.
Capt. Earl Walter Barnes, Air Corps.
Capt. Charles Henry Caldwell, Air Corps.
Capt. Edgar Turner Noyes, Air Corps.
Capt. James Keller De Armond, Air Corps.
Capt. Walter Llewellyn Wheeler, Air Corps.
Capt. Norme D. Frost, Air Corps.
Capt. Linus Dodge Frederick, Air Corps.
Capt. James Gordon Pratt, Air Corps.
Capt. Milton Miles Murphy, Air Corps.
Capt. Lee Quintus Wasser, Air Corps.
Capt. Benjamin Thomas Starkey, Air Corps.
Capt. George Vernon Holloman, Air Corps.
Capt. Glenn Oscar Barcus, Air Corps.
Capt. Turner Ashby Sims, Jr., Air Corps.
Capt. Samuel Wallace Van Meter, Air Corps.
Capt. Alfred Henry Johnson, Air Corps.
Capt. James Roy Andersen, Air Corps.
Capt. Samuel Russ Harris, Jr., Air Corps.
Capt. Shelton Ezra Prudhomme, Air Corps.
Capt. John Paul Doyle, Jr., Air Corps.
Capt. Leon William Johnson, Air Corps.
Capt. Guy Beasley Henderson, Air Corps.
Capt. Henry Raymond Baxter, Air Corps.
Capt. Morris Robert Nelson, Air Corps.

(NOTE.—Dates of rank not specified for officers nominated to the grades of lieutenant colonel and major, as such dates will be determined from the dates on which lieutenant colonels and majors herein nominated accept their higher grades.)

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 28, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, in the spiritual anguish and moral struggle of this world, enable us to listen to Thy teaching: Whosoever shall seek to save his life shall lose it, and whosoever shall lose it shall preserve it. Heavenly Father, we pray that the words of our Master shall root deep in the deepest places of our thought. Upon this rock rests the superstructure of a life that is truly Christian. Do Thou rest our souls upon this sublime utterance that there is no finding except by losing; no getting but by giving, and no living save through dying; in the footprints of our Redeemer lies the shadow of the cross. Gracious God, lead us in His pathway of life. In His holy name. Amen.

The Journal of the proceedings of Thursday, October 24, 1940, was read and approved.

ADJOURNMENT OVER

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it stand adjourned until Thursday next, and when it adjourns on Thursday it stand adjourned until the following Monday.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. Without objection, the Chair designates the gentleman from Maryland [Mr. COLE] to preside at the session of the House on Thursday next.

There was no objection.

FIRST NATIONAL STEAMSHIP CO., THE SECOND NATIONAL STEAMSHIP CO., AND THE THIRD NATIONAL STEAMSHIP CO.

The SPEAKER laid before the House the following communication from the Clerk of the House:

OCTOBER 25, 1940.

The SPEAKER,
The House of Representatives.

SIR: There is transmitted herewith a sealed envelope indicating on its face that it contains a message from the President of the United States, returning the bill, H. R. 10440, entitled "An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co."

This message was received by this office at 11:35 a. m., October 25, 1940.

Respectfully yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.
By H. NEWLIN MEGILL.

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, a bill (H. R. 10440) to confer jurisdiction on the Court of Claims to hear and determine the claims of the First, Second, and Third National Steamship Cos., arising out of transactions involving deposits of certain sums of money by the companies with the United States Shipping Board and for reimbursement of expenditures

made by the companies for purposes other than the operation of the vessels *Independence, Hoxie,* and *Scottsburg.*

On August 28, 1940, I returned, without my approval, a bill (H. R. 10141) covering the same subject matter on the ground that the enactment of the bill would permit the companies again to litigate their claims and might deprive the Government of the defense that the claims had been settled by mutual agreement. I refrained from approving a similar bill during the Seventy-fourth Congress.

The present bill is objectionable, first, for the reason that it would reopen a litigation that had been settled and voluntarily dismissed by the plaintiffs. It would appear that there should be some finality to a deliberate settlement such as was entered into by the claimants in this matter. Not only is the Government entitled to this protection but, in addition, unless binding effect were to be accorded to compromise agreements, other claimants would be prejudiced, since the Government would be discouraged from adjusting any claims by negotiation. Second, the transactions involved in this controversy occurred approximately 20 years ago. After the lapse of so long a period of time, during which important records disappear and the memories of witnesses become faulty, the Government should not be called upon to submit to a rehearing in the absence of compelling reasons.

Recent statements by several former officials and employees of the Shipping Board are appended to the report of the House committee which appear to support the position of the claimants. These statements are characterized in the report as newly discovered evidence. There is nothing in the report, however, to show that the authors of these statements were not available as witnesses or could not, with reasonable diligence, have been made available during the 10 years in which the case was pending in the Court of Claims. These statements, moreover, are seriously at variance with the official records of the Shipping Board, as well as with contemporaneous statements made in 1921 by two of the officials above mentioned. The present statements are substantially a reiteration of contentions made in behalf of the claimants when the litigation was settled in 1935.

The issues were thoroughly litigated for 10 years prior to that settlement. The evidence now submitted in the form of sworn statements is not materially different from the evidence then submitted in behalf of the claimants. Almost immediately after the vessels were withdrawn from the steamship companies in December 1920 disagreement arose as to whether there had been an agreement to purchase. Vessel prices meanwhile had declined. Claiming there had been no agreement to purchase, the companies sought the return of moneys advanced and deposited. On the advice of its legal staff, the Board decided there had been a sale and refused to return the money.

In 1935, with the issues and the evidence fully before the court, the claimants had an excellent opportunity to obtain a finding and determination from the Court of Claims. Because of the uncertainty attending the litigation, including the possibility of an adverse finding on the claim and a judgment in favor of the Government on its counterclaim, the companies elected to settle the controversy for $250,000. Only a brief time elapsed before they sought remedial legislation and actually secured the enactment of a Senate resolution resubmitting the controversy to the Court of Claims for a finding and report. Proceedings instituted under that resolution were recently withdrawn. It is noteworthy that in the present bill no provision is made for a possible recovery by the Government of any amount that might be due it.

A further objection is found in the language that permits any judgment against the United States to provide "full reimbursement and just compensation," followed by the provision "that such compensation shall not be in excess of 3 percent per annum." Whether so intended, the bill might be construed to permit an award of interest or its equivalent. Since no interest would have been recoverable in the original action, no good reason is discerned for including a provision under which the court might be permitted or required to allow interest or its equivalent.

Since no reason is discernible from the record why another opportunity to litigate should be extended to these claimants by special legislation, I am constrained to withhold my approval of this measure.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 24, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. RAMSPECK. Mr. Speaker, I move that the bill and the President's message be referred to the Committee on Claims and ordered to be printed.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on October 21, 1940, the President approved and signed a bill of the House of the following title:

H. R. 10495. An act to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes.

FOURTH ANNUAL REPORT OF THE PRESIDENT OF THE PHILIPPINES (H. DOC. NO. 983)

The SPEAKER laid before the House the following message from the President of the United States which was read, and, with the accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed, with the illustrations:

To the Congress of the United States:

As required by paragraph (3) of section 7 of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes," I transmit herewith, for the information of the Congress, the fourth annual report of the President of the Philippines to the President and the Congress of the United States covering the 6-month period ended June 30, 1939.

The enclosed report covers a 6-month period instead of a full calendar year as heretofore. This change is occasioned by a provision in Commonwealth Act No. 373 under which the fiscal year as of July 1 to June 30 is established. Formerly the Commonwealth's fiscal year corresponded with the calendar year.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 28, 1940.*

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10285. An act for the relief of Charles S. Ladinsky and Moe Kanner.

The SPEAKER also announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 3493. An act for the relief of Elliott L. Hovel;

S. 4360. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, sole stockholder of the Dawson Springs Construction Co.; and

S. J. Res. 301. A joint resolution to authorize the acquisition of a suitable frame for the painting of The Signing of the Constitution to be used in mounting said painting in the Capitol Building.

ADJOURNMENT

Mr. HENDRICKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p. m.) the House adjourned to meet (in accordance with its previous order) on Thursday, October 31, 1940.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2006. A letter from the Secretary of War, transmitting a report covering the cost of special additional equipment and facilities to be borne by the Government under each contract for Army aircraft or any portions thereof; to the Committee on Naval Affairs.

2007. A letter from the Acting Secretary of the Navy, transmitting a report on contracts that have been awarded under the authority of the act of March 5, 1940; to the Committee on Military Affairs.

2008. A letter from the Acting Secretary of the Interior, transmitting a proposed bill for the relief of Ervine J. Stenson, formerly senior clerk and special disbursing agent of the Navajo Indian Agency; to the Committee on Claims.

2009. A letter from the Acting Secretary of the Treasury, transmitting draft of a proposed bill to authorize the Treasurer of the United States to make prompt settlements with innocent payees or special endorsees of lost or stolen Government checks which have been paid upon forged endorsements without requiring such persons to await the outcome of reclamation proceedings; to the Committee on Expenditures in the Executive Departments.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H. R. 10659 (by request). A bill authorizing appropriation of funds for construction of a Federal highway from Fort Tilden, N. Y., to the border of Connecticut; to the Committee on Roads.

By Mr. CLUETT:

H. R. 10660. A bill granting the consent of Congress to Rensselaer and Saratoga Counties, N. Y., or either of them, or any agency representing said counties, to construct, maintain, and operate a free highway bridge across the Hudson River between the city of Mechanicville and Hemstreet Park in the town of Schaghticoke, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. COSTELLO:

H. R. 10661. A bill to provide for paying to individuals ordered into active service in, or inducted into, the land or naval forces of the United States during the present emergency the sum of $60 upon honorable discharge or transfer to inactive duty; to the Committee on Military Affairs.

By Mr. RANDOLPH:

H. R. 10662. A bill to amend the act of June 25, 1910, entitled "An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof"; to the Committee on the District of Columbia.

By Mrs. SMITH of Maine:

H. R. 10663. A bill for the relief of the State Highway Commission of the State of Maine; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CROSSER introduced a bill (H. R. 10664) for the relief of Frank Kassner, which was referred to the Committee on Claims.

SENATE

THURSDAY, OCTOBER 31, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Albert Joseph McCartney, pastor of the Covenant-First Presbyterian Church, of Washington, D. C., offered the following prayer:

The people that do know their God shall be strong and do exploits.

Let us look to God in prayer.

Eternal God and Father of us all, we seek Thy blessing upon us for this day. Thine is the power and the glory; thine the beauty and splendor of the world. Thou art our one great certainty amid all our uncertainties. Thou art to us the shadow of a great rock in a weary land; and amid toil and tribulation we are glad to hear Thy call: Come unto Me, all ye that labor and are heavy laden, and I will give you rest.

And so we offer up to Thee our prayers with glad and remembering hearts on behalf of our Nation. Open our eyes that we may see Thy light shining on the road we should take; Thy love glowing in our disunited fellowship; Thy power toiling with us for the good of all.

Remember especially, we beseech Thee, that great company of our sons and brothers who have written their names in the book of our national defense. For their sakes, we beseech Thee, guide carefully the deliberations of this assembly; direct with Thy wisdom the President of the United States; and help us all to season our public utterances with caution and with judgment. Bless all the administrators of the Nation's welfare, and guide and keep us in the way of peace.

And such blessings as we crave for ourselves we invoke upon all mankind. Our hearts go out to the millions who suffer in China, to the millions who have lost their homes and their freedom throughout Europe; and we pray that some door may open whereby we can relieve the suffering without sustaining the cause thereof. Keep our hearts from hatred. Prevent us from being overcome by evil, but help us to overcome evil with good. In Jesus' name. Amen.

THE JOURNAL

On request of Mrs. CARAWAY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, October 28, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

A message in writing from the President of the United States, submitting several nominations, was communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on October 29, 1940, the President had approved and signed the following acts and joint resolution:

S. 3493. An act for the relief of Elliott L. Hovel;

S. 4360. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, sole stockholder of the Dawson Springs Construction Co.; and

S. J. Res. 301. Joint resolution to authorize the acquisition of a suitable frame for the painting of The Signing of the Constitution to be used in mounting said painting in the Capitol Building.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The ACTING PRESIDENT pro tempore (Mr. KING) laid before the Senate a letter from the Secretary of War, reporting, pursuant to the act of March 5, 1940, relative to awards of certain quantity contracts for aircraft, aircraft parts, and accessories entered into with more than one bidder under authority of such act, which was referred to the Committee on Military Affairs.

INVESTIGATION OF RAILROADS, HOLDING COMPANIES, AND AFFILIATED COMPANIES

Mr. WHEELER (for himself and Mr. TRUMAN), from the Committee on Interstate Commerce, pursuant to Senate Resolution 71 (74th Cong.), authorizing an investigation of interstate railroads and affiliates with respect to financing reorganizations, mergers, and certain other matters, submitted the following additional reports, which were ordered to be printed:

Chesapeake & Ohio Railway Co.—$15,000,000 preference stock issue of 1937 (Rept. No. 25, pt. 16); and

Delaware & Hudson System—purchasers of Lehigh Valley and Wabash stocks (Rept. No. 25, pt. 17).

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on October 28, 1940, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 3493. An act for the relief of Elliott L. Hovel;

S. 4360. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore H. Troendle, sole stockholder of the Dawson Springs Construction Co.; and

S. J. Res. 301. Joint resolution to authorize the acquisition of a suitable frame for the painting of The Signing of the Constitution to be used in mounting said painting in the Capitol Building.

BILLS INTRODUCED

Mr. JOHNSON of California (for Mr. MCNARY) introduced the following bills, which were read twice by their titles and referred, as indicated:

S. 4417. A bill for the relief of Edgar E. Squire; to the Committee on Claims, and

S. 4418. A bill conferring jurisdiction upon the Court of Claims to hear and determine the right of occupancy with beneficial incidents to reservations due certain tribes and bands of Indians in the State of Oregon; to the Committee on Indian Affairs.

TERMINATION OF FEDERAL CONTROL OF RAILROADS—AMENDMENT

Mr. KING submitted an amendment intended to be proposed by him to the bill (S. 2300) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920, which was ordered to lie on the table and to be printed.

ADDRESS BY THE PRESIDENT AT MADISON SQUARE GARDEN

[Mr. KING asked and obtained leave to have printed in the RECORD an address delivered by the President of the United States at Madison Square Garden, New York, on October 28, 1940, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT ON THE SELECTIVE SERVICE DRAWING

[Mr. KING asked and obtained leave to have printed in the RECORD the address by the President of the United States in the Governmental Auditorium on October 29, 1940, on the occasion of the drawing of the numbers under the Selective Service Act of 1940, which appears in the Appendix.]

ADDRESS BY SENATOR CLARK OF MISSOURI ON THE POLITICAL ISSUES OF 1940

[Mr. KING asked and obtained leave to have printed in the RECORD an address on the political issues of 1940, delivered by Senator CLARK of Missouri, in St. Louis, Mo., on October 26, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR MALONEY ON NATIONAL DEFENSE

[Mrs. CARAWAY asked and obtained leave to have printed in the RECORD and address on the subject of national defense, delivered by Senator MALONEY on October 28, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR MALONEY ON THE ISSUES OF 1940

[Mrs. CARAWAY asked and obtained leave to have printed in the RECORD a radio address on the issues of 1940, delivered by Senator MALONEY on October 29, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR LUCAS

[Mrs. CARAWAY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator LUCAS on October 24, 1940, entitled "Sam Insull's Ghost Walks Again," which appears in the Appendix.]

ADDRESS BY SENATOR WAGNER IN REPLY TO JOHN L. LEWIS

[Mrs. CARAWAY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator WAGNER on October 29, 1940, entitled "A Reply to John L. Lewis," which appears in the Appendix.]

REELECTION OF PRESIDENT ROOSEVELT—ADDRESS BY HON. JOSEPH P. KENNEDY

[Mr. KING asked and obtained leave to have printed in the RECORD an address delivered by Hon. Joseph Patrick Kennedy, Ambassador to Great Britain, on October 29, 1940, urging the reelection of President Roosevelt, which appears in the Appendix.]

STATEMENT BY THE NEW REPUBLIC RELATIVE TO WENDELL WILLKIE

[Mrs. CARAWAY (for Mr. NORRIS) asked and obtained leave to have printed in the RECORD a statement by the New Republic relative to Wendell Willkie, which appears in the Appendix.]

WAR POLICIES OF THE ROOSEVELT ADMINISTRATION

Mr. HOLT. Mr. President, last night at Boston the President of the United States delivered a speech. As usual, I listened with a great deal of interest to the speech, and I heard these remarks:

I have been glad to welcome back to our own shores that Boston boy, beloved by all of Boston, my—

And I want to emphasize that word—

my Ambassador to the Court of St. James's, Joe Kennedy.

Actually on the scene where planes were fighting and bombs dropping, for many months he has been telling me just what you and I have visualized from afar—that all the smaller independent nations of Europe—Sweden, Switzerland, Greece, Ireland, and the others—have lived in terror of the destruction of their independence by Nazi military might.

My mind went back to a speech delivered in Boston in 1932 by the same man, who was not then President of the United States, but who was then a candidate for the Presidency. As you know, the recent speech in Boston was on October 30, 1940. The earlier speech in Boston which I recall was on October 31, 1932. Last night's speech was on the eve of the eighth anniversary of the first speech. This is what Mr. Roosevelt then said:

Ambassador Mellon, the representative of the United States at the Court of St. James's, an ambassador who should represent the whole American people there—every faith, the whole Nation, Democrats, Republicans and Independents alike—appeals to an English audience, on English soil, for the support of a party candidate 3,000 miles away, and invokes the same sinister threat and seeks to spread that threat to the rest of the civilized world.

I read somewhere in a history book about a Roman senator who threw himself into a chasm to save his country. These gentlemen who represent us are of a new breed. They are willing to throw their country into a chasm to save themselves.

ROOSEVELT VS. ROOSEVELT

I present for comparison these two speeches, one delivered on the 31st day of October 1932, when he criticized Ambassador Mellon for participating in a campaign, and then the one delivered on October 30, 1940, in which he praised the Ambassador to the same country, only a different entity, for coming over and participating in the campaign of 1940.

Why the difference between the Ambassador to the Court of St. James's in 1932 and the Ambassador to the Court of St. James's in 1940 participating in a campaign? I thought, as the speech was delivered last night, that I would call attention to the two statements of two seemingly different men.

SECRET PLANS TO BUILD SHIPS FOR ENGLAND

I also wish to make a further comment, briefly, because I do not desire to delay the Senate. The President said, and has been saying, that he wonders why the American people have fear. I will tell why the American people entertain fear. They fear the President, because of the secrecy and subterfuge and camouflage in our international affairs.

I picked up the Washington Post of this morning and find this article:

BRITAIN PLANS UNITED STATES SHIPYARDS

The secret—

Get that word "secret." It will be remembered that he said, when the present war started—

Your Government has no information which it will withhold from you.

Do Senators remember that? I do, at least.

This article reads:

A secret British-American deal for construction of a giant ship assembly plant to turn out freighters by mass production soon will be ready for public announcement, it was learned last night.

The British Ministry of Shipping and the United States Government—

Not private parties, but the United States Government—

have been discussing plans for the yard. * * *

Who is to finance this, as set forth in the article? Do Senators remember the firm of J. Pierpont Morgan in the last war? Some of us do. Let us see who is going to finance this yard. The article states:

J. P. Morgan & Co., fiscal agents for the British Government during the World War, and the Dawes brothers' Chicago banking firm were understood to be ready to finance construction. Failing that, it was reported that the British Government would stand the expense.

A secret deal with the United States Government to build ships in direct violation of all international law. Is there any wonder the American people entertain fear?

WHY AMERICAN PEOPLE FEAR

Why do the American people fear? They fear because of the actions of the administration in dealing in secrecy and subterfuge. The American people want things out in the open, particularly when they feel that it means the lives of their own boys, of their own people. No wonder the American people fear. They will continue to fear so long as we play such a game through the administrative circles here in Washington.

Mr. President, I will tell you why they have fear. They feared your "quarantine" speech of Chicago when you outlined your desire for America to police the world.

Mr. President, they fear because of the methods by which you defeated an honest vote on the Ludlow war amendment and your great activity against allowing the people to decide whether they would enter a foreign war.

Mr. President, they fear because of the secrecy of many of your missions to England, such as the secret mission of Captain Ingersoll, where we found not through our own country but through English sources that the mission was for naval cooperation and not what was stated by you.

PLANS FOR M DAY

Mr. President, they fear because they know you have set up plans for M day, the day when everything is controlled through and by the Federal Government in Washington. We know that M day is the day we enter war.

Mr. President, they fear your policies called "short of war" because they do not believe they are "short of" but too close to participation in war.

Mr. President, they fear because of the speeches of hatred and bitterness against foreign countries delivered by Secretary Ickes and other members of your own Cabinet.

Mr. President, they fear because they know that you endorsed an editorial in the Washington Post with hearty enthusiasm and in that editorial it was stated that there was a "virtual certainty of American involvement."

Mr. President, they fear because they know that you permitted and encouraged a secret mission of the French Army in this country that would not have been known had not an airplane accident occurred.

Mr. President, they fear because of your secret conferences with Anthony Eden, Sir Campbell Stuart, head of the British Secret Service, and others.

Mr. President, they fear because you helped create that fear with scare stories about submarines being off the Florida coast and in the vicinity of our coasts, and no submarines were found.

Mr. President, they fear because you helped create that fear by telling Congress that we were in danger of being bombed when you knew there were no air bases from which the bombers could begin such raids.

NEUTRALITY LAW

Mr. President, they fear because they remember how you told them you were asking for the amending of the neutrality law for neutrality when you knew and later stated that the purpose of amending it was to aid one belligerent against another.

Mr. President, they fear because they know the subterfuge by which you released war planes to foreign countries under the pretext that the planes were obsolete, and they and you know they were first-line planes.

Mr. President, they fear because they have heard about the secret conversations with Bullitt, Kennedy, and others to build up an "educational campaign for a strong foreign policy."

Mr. President, they fear because they know the subterfuge by which you accomplished the transfer of the destroyers to Great Britain, how you did it on your own volition without taking either Congress or the people into your confidence.

Mr. President, they fear because they remember how you were going to dispose of our fast torpedo boats until it was shown that such would be a violation of all law, domestic or international.

Mr. President, they fear because of your Ambassadors.

Mr. President, they fear because they know you refer to the Ambassador to France, Mr. Bullitt, as your chief adviser on European affairs and how this Mr. Bullitt is known to be an interventionist and a believer in our participation in the struggles of Europe.

Mr. President, they fear because of your belligerent and unnecessary attacks against foreign countries with which we are at peace.

Mr. President, they fear because of your "stab in the back" speech at Charlottesville.

PRESIDENT'S APPOINTEES

Mr. President, they fear because you have appointed men to public office whom they know to be interested in our involvement. They know of the appointment of Mr. Stacy May as chief economist of the National Defense Council only a few days after he had asked for a declaration of war.

Mr. President, they fear because of your appointment of Frank Knox as Secretary of the Navy when Mr. Knox gave an absolute pledge that "all that we have that they need to win that fight will be given."

Mr. President, they fear because of your appointment of Henry Stimson as Secretary of War when they know that for a quarter of a century Mr. Stimson was known for his jingoism and war spirit.

Mr. President, they fear because you tell them that the Government has no information that it will withhold from them; yet, you order strict and absolute censorship on many facts that are not military or naval secrets.

Mr. President, they fear because your Army and Navy under your orders are buying troop transports and they know that means there is an intention to use those transports to carry our soldiers some place across the ocean.

Mr. President, they fear because your biographer has stated that you favor an alliance with England.

Mr. President, they fear because of your foreign policy which has left our country almost without a friend in the world.

Mr. President, they fear because of your failure to impose the embargo in the Japanese-Chinese war even though the law required you to do so. They knew you justified your action on the statement there had been no declaration of war, although everyone knew there was war.

Mr. President, they fear because they have watched with much concern your changing attitude toward Soviet Russia, first friendly, then cold, again friendly.

Mr. President, they fear because they remember the incident of the ship, *American Legion*, which was sent without reason through the mine-infested area around the British Isles.

Mr. President, they fear because your inner circle of "brain trusters" call themselves in private "the war hawks."

Mr. President, they fear because they know you have discussed at the White House the possibility of a declaration of war.

"OUR FRONTIER ON THE RHINE"

Mr. President, they fear because they have been told by Senators that you have said that "our frontier is on the Rhine."

Mr. President, they fear because your endorsed American White Paper stated that you might favor sending the naval or air forces into the war.

Mr. President, I regret to say they fear even though you have promised them there will be no boys sent across the ocean. They fear because they remember other past campaign promises.

Mr. President, they fear for these and other reasons.

Can you blame them, Mr. President?

SHOULD THE NEUTRALITY LAW BE AMENDED?—ADDRESS BY FREDERIC R. COUDERT

The ACTING PRESIDENT pro tempore. In the Chair's personal capacity, he asks permission to have inserted in the body of the RECORD a most admirable address, entitled "Should the Neutrality Law Be Amended?", delivered by Hon. Frederic R. Coudert before the Section of International and Comparative Law of the American Bar Association, in Philadelphia on September 10, 1940.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

As so frequently happens, the subject that we are discussing today is one far more of policy than of law. International law is so completely a byproduct of international relations that the two cannot be discussed apart. I am tempted to think that in the long run one's opinions on this and kindred questions are determined by one's views as to national and international policy. These views may differ so widely, ranging from that of complete so-called isolationism or "going it alone for America" to international world federation, that opinions vary in wide diversity.

Let me say at the outset that I am and always have been opposed to our so-called neutrality legislation, which is, in effect, an attempt to legislate American policy in the presence of not only a European but a world-wide conflict. The policy that dictated it was the emotional state of public opinion which dreaded war. Of course, let me say here, no sane man, and least of all a lawyer, can wish for or believe in war other than if it be necessary in defense of his country, his liberty, and his most sacred institutions.

The difference of view between us is predicated upon the question of what is the best method for averting this terrific scourge. At the time the neutrality laws were passed it was believed that not only strict neutrality as heretofore defined by general international agreement but a kind of ultraneutrality in which we should de facto surrender our rights upon the high seas would prove necessary as a still more effectual safeguard against involvement in general war.

The experience of the last 4 years since the enactment of our first neutrality statutes induced by this belief has seemed to me to demonstrate pretty effectively the erroneous nature of any such hope. Norway, Belgium, Holland, and Denmark—other small but independent countries—cherished the same belief. They practiced strictest neutrality. When Belgium was attacked half of its army was on the French frontier, where it had been sent to prove to Adolf Hitler and his friends the very real neutrality of Belgium. In the words of Dr. Johnson, "Let us rid ourselves of cant." A great nation under a government believing that war is its cardinal instrument of public policy will not be deterred by any neutrality policy in other nations from effecting its objective.

The question in the light of all this is whether our policy was wise. Has it worked? Will it keep us out of war; and if so, for how long? We have but to look at the daily newspaper. We are making the most gigantic preparation for war that this Nation or almost any other nation has as yet seen. We are overwhelmingly unneutral in thought. We have not hesitated to give to Hitler's Germany far greater provocation than any other neutral would have dared to give. Have we relied at all upon our own neutrality legislation to keep us out of war? Not in the slightest degree. Why? Because we know that our laws will not protect us and that we must rely wholly upon our own preponderance of force if this hemisphere is to be kept free of the scourge of war. The instinct of the people has been far wiser than the Byzantine reasoning of those publicists who believed that our neutrality legislation could possibly keep us immune from the hideous aggression which with calculated scientific system was turning Europe and now Asia and Africa into a charnel house.

Forgetting national dignity in an ardor for peace, which is in itself praiseworthy, we surrendered the freedom of the seas, upon which we had insisted since the time when America was a little nation with three or four million people. In so doing we surrendered national rights, and in my opinion a good deal of national dignity, for less than a mess of pottage. Not only that, we encouraged the aggressors. The fact that the greatest neutral (United States of America) was the first to capitulate before the threat of war and the philosophy of organized and scientific savagery led to the surrender of neutral rights by all the lesser nations. The action of America thus encouraged aggression and turned the high seas exclusively over as a playground for belligerents. No great nation can hope to survive which surrenders before the military threats and might of nations not afraid to fight.

What is the status of our neutrality legislation at the present time? It stands in ridiculous contrast to what we are actually doing. To exclude our ships from the high seas, to insist upon the payment of cash for belligerent purchases and the other limitations upon our national rights, is a little absurd in view of the fact that we are now taking definite and positive steps to defend one of the principal belligerents—Canada. Not only that. We have obtained cessions of leases for military posts which can only be useful in the event that Great Britain is beaten. We have given in exchange a part of our Navy, and we have promised every aid in our power, qualified by the ambiguous term "short of war."

I am not disapproving of this policy. I approve it as necessary to the safety of America and the only policy in any way calculated to save us from actual war. I am merely calling attention to its utter inconsistency with our actual neutrality legislation. Can we be said in any way to be neutral when we are arranging to cooperate in the defense of one of the belligerents? Whether our attitude can be termed a state or war or not I do not propose here to discuss. This might turn upon certain subtle distinctions as to what constitute acts of war. I do say that it is in flagrant conflict with the whole spirit of our neutrality legislation, which was predicated upon a renunciation of those national rights which might possibly cause resentment in the aggressor nations.

With the encouragement of the Government, billions of dollars, worth of war material are being sent to England and to Canada. That material is being paid for in cash because our neutrality legislation demands it. Can any sane man believe that if the cash gave out and England needed credit in this hour when she alone is stopping an insanely aggressive Germany we should refuse to modify this legislation? Is it possible that we will help all we can with the right hand while we will hinder with the left? The answer may be "Yes," momentarily, but when England can buy no more planes to repel the great air invasion and Canada has insufficient rifles for the fine soldiers that she sends abroad, does anyone really believe that all this will be stopped because the United States, which is spending billions of dollars to defend itself against Britain's chief enemy, will not allow its nationals to extend any credit? Of course not. We have said "A," and he who says "A" says "B."

America believes her vital interest lies in preserving the British Fleet and Empire. Since the time of Canning and Monroe, America, together with the sea power of Great Britain, has maintained the integrity of this continent and its freedom from foreign war. Jefferson understood and pointed out to Monroe that his message could safely be delivered because of the acquiescence of Great Britain in the American policy.

It is so obvious as to seem axiomatic that if Britain is saved we need not fear the intrusion of alien systems in South America. With Britain destroyed, our Navy for the next 5 years would be inferior in strength to the sea power of the aggressors both in the Pacific and in the Atlantic. Our policy and vital interests in both of these oceans might thus be at the mercy of the conquering aggressors. Is it possible to suppose that we will take this risk in order to comply with a policy embedded in our statutes at a time when the public did not foresee the situation that has now arisen?

The experiment of renouncing rights and shutting ourselves up in our own borders, "living like lotus eaters on the hills, careless of mankind," has been one of the great legislative failures in our history. It will, to my mind, rank with the prohibition laws as something placed in the statute books by well-meaning people who did not grasp the great human elements in a situation. These laws must go into the limbo of deserved oblivion. Born of fear of war, they have encouraged war. Strictly observed in their spirit, they would make us defenseless against aggression. In the cause of continued peace and of national security, they should be repealed and forgotten.

EXECUTIVE MESSAGE REFERRED

The ACTING PRESIDENT pro tempore, as in executive session, laid before the Senate a message from the President of the United States submitting several nominations under the Work Projects Administration, which was referred to the Committee on Appropriations.

(For nominations this day received, see the end of Senate proceedings.)

RECESS TO MONDAY

Mrs. CARAWAY. Mr. President, I move that the Senate take a recess until 12 o'clock, noon, on Monday next.

The motion was agreed to; and (at 12 o'clock and 12 minutes p. m.) the Senate took a recess until Monday, November 4, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received October 31 (legislative day of September 18), 1940

WORK PROJECTS ADMINISTRATION

Robert L. MacDougall, of Georgia, to be regional director, Work Projects Administration, region V.

Charles B. Braun, of Louisiana, to be regional director, Work Projects Administration, region VI.

Harry E. Harman, Jr., of Georgia, to be work projects administrator for Georgia.

HOUSE OF REPRESENTATIVES

THURSDAY, OCTOBER 31, 1940

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. COLE of Maryland.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, teach us to love men with the Redeemer's passion, not only for the sake of their temporal welfare but for their spiritual and eternal being. Let an undefiled conscience be more to us than position, wealth, or favor. Send us forth full of tender, human sympathy, doing good in countless, unobtrusive ways. Oh, the homes we may bless, the hearts we may heal, the ignorance we may teach, and all the good we may do! Blessed Lord God, we pray Thee to give encouragement to all agencies for human welfare and touch all hearts with the compassion of the Master, that, sharing our good fortune, we may thus translate our creed into deed and truly follow Thee. In our Saviour's name. Amen.

The Journal of the proceedings of Monday, October 28, 1940, was read and approved.

RESIGNATION

The SPEAKER pro tempore laid before the House the following communication, which was read by the Clerk:

WASHINGTON, N. C., *October 31, 1940.*

HON. SAM RAYBURN,
Speaker, House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Due to my appointment and confirmation as Comptroller General of the United States, I beg to inform you that I have transmitted my resignation as a Member of the House of Representatives from the First District of North Carolina to Gov. Clyde R. Hoey, of North Carolina, effective as of the close of business October 31, 1940.

With high esteem both for you and the membership of the House, I am,

Sincerely,

LINDSAY C. WARREN.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did, on Tuesday, October 29, 1940, present to the President, for his approval, a bill of the House of the following title:

H. R. 10285. An act for the relief of Charles S. Ladinsky and Moe Kanner.

ADJOURNMENT

Mr. HENDRICKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 4 minutes p. m.) the House, pursuant to its order heretofore entered, adjourned until Monday, November 4, 1940, at 12 o'clock noon.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. EBERHARTER introduced a bill (H. R. 10665) for the relief of Antonio or Anthony Maurin, which was referred to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9362. By Mr. ANDREWS: Resolution adopted by the Niagara Frontier Planning Board on October 25, 1940, protesting against the action of the President in allocating defense funds for the St. Lawrence power project and insisting that any further appropriations, agreements, or understandings relative to this project be submitted to Congress; to the Committee on Appropriations.

9363. By Mr. BARTON of New York: Resolution of the Sons of the Revolution of the State of New York, urging that there be submitted to the people of the United States a constitutional amendment forbidding Presidential tenure of office for more than two elective terms of 4 years each; to the Committee on the Judiciary.

9364. By the SPEAKER: Petition of John Parker, relating to various national issues; to the Committee on the Judiciary.

SENATE

MONDAY, NOVEMBER 4, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, Source of all goodness which falls to our lot from day to day: We bless Thee with grateful hearts for the battles of life which strengthen and develop us, and for the hours of ease, made sweeter by the trying hours which precede and follow them. Grant to us in this moment of prayer the mind and spirit gleaned from days when high aims have been cherished; days during which we have loved and out of love have been ready to serve and to minister to others. Do Thou cleanse our thoughts and remove from our hearts all uncharitableness and the clouding of whatever cares may infest the day. And when the shades of night deepen their spell on the slumbering land bring sweet, refreshing sleep, and keep us safe till dawn, that we and all Thy other children may once more wake to the joy of serving Thee in the beauty of holiness. We ask it in our Saviour's name. Amen.

THE JOURNAL

On request of Mr. GILLETTE, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, October 31, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

COST OF SPECIAL EQUIPMENT FOR ARMY AIRCRAFT

The ACTING PRESIDENT pro tempore (Mr. KING) laid before the Senate a letter from the Secretary of War, reporting, pursuant to law, relative to the cost of special additional equipment and facilities to be borne by the Government under contracts for Army aircraft, or any portions thereof, which was referred to the Committee on Military Affairs.

AWARDS OF QUANTITY CONTRACTS FOR THE NAVY

The ACTING PRESIDENT pro tempore laid before the Senate two letters from the Acting Secretary of the Navy, reporting, pursuant to law, relative to awards of certain quantity contracts for aircraft, aircraft parts, and accessories entered into with more than one bidder under authority of law, which were referred to the Committee on Naval Affairs.

PROTECTION OF WALRUSES IN ALASKA

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation for the protection of walruses in the Territory of Alaska, which, with the accompanying paper, was referred to the Committee on Commerce.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a letter in the nature of a petition from the District of Columbia Chapter of the Rainbow Division Veterans praying for the enactment of legislation promptly to deport Harry Renton Bridges, and also to require everyone 18 years of age or more to register and at all times to carry an identification card showing fingerprints, photograph, signature, place of domicile, and such other personal information as would prove helpful in speedy identification of the bearer of such card, which was ordered to lie on the table.

ADDRESS BY THE PRESIDENT AT BOSTON, MASS.

[Mr. KING asked and obtained leave to have printed in the RECORD an address by the President of the United States in Boston Garden, Boston, Mass., October 30, 1940, which appears in the Appendix.]

NATIONAL INSTITUTE OF HEALTH—ADDRESS BY THE PRESIDENT

[Mr. KING asked and obtained leave to have printed in the RECORD an address by the President of the United States at Bethesda, Md., October 31, 1940, in connection with the dedication of the National Institute of Health, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT AT BROOKLYN, N. Y.

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an address by the President of the United States delivered in the Brooklyn Academy of Music, Brooklyn, N. Y., November 1, 1940, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT AT CLEVELAND, OHIO

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an address by the President of the United States delivered in the public auditorium, Cleveland, Ohio, November 2, 1940, which appears in the Appendix.]

NEW FRONTIERS FOR THE WEST—ADDRESS BY SENATOR M'NARY

[Mr. JOHNSON of California asked and obtained leave to have printed in the RECORD an address by Senator MCNARY at Salt Lake City, Utah, on November 1, 1940, on the subject New Frontiers for the West, which appears in the Appendix.]

TOWARD A GREATER AMERICA—ADDRESS BY SENATOR M'NARY

[Mr. JOHNSON of California asked and obtained leave to have printed in the RECORD an address by Senator MCNARY at Sacramento, Calif., November 2, 1940, on the subject Toward a Greater America, which appears in the Appendix.]

ISSUES OF THE CAMPAIGN—ADDRESS BY SENATOR MALONEY

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an address by Senator MALONEY delivered October 31, 1940, on certain issues of the campaign, which appears in the Appendix.]

PAN AMERICAN AVIATION DAY

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD a statement of Col. J. E. Meyers, United States Army, retired, president of the Aviation Defense Association, on the subject Pan American Aviation Day, which appears in the Appendix.]

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations in the Army, which were referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

RECESS TO THURSDAY

Mr. GILLETTE. Mr. President, I move that the Senate take a recess until 12 o'clock noon Thursday next.

The motion was agreed to; and (at 12 o'clock and 3 minutes p. m.) the Senate took a recess until Thursday, November 7, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 4 (legislative day of September 18), 1940

APPOINTMENTS IN THE REGULAR ARMY

TO BE CHAPLAINS WITH RANK OF FIRST LIEUTENANT, WITH RANK FROM DATE OF APPOINTMENT

Rev. Leslie Albert Thompson, of Springfield, Mo.

Chaplain Willard Graham Davis (first lieutenant), Chaplains' Reserve.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

First Lt. Alton Alexander Denton, Infantry (captain, Army of the United States), with rank from June 13, 1936.

First Lt. Edward Spalding Ehlen, Infantry (captain, Army of the United States), with rank from June 13, 1936.

First Lt. Carl William Kohls, Infantry (captain, Army of the United States), with rank from August 1, 1935.

TO ORDNANCE DEPARTMENT

Capt. Henry Randolph Westphalinger, Cavalry, with rank from August 1, 1935.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be colonel

Lt. Col. Bertram Foster Duckwall, Medical Corps, from November 15, 1940.

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lt. Joseph Carmack, Medical Administrative Corps (captain, Army of the United States), from November 1, 1940.

DENTAL CORPS

To be captain

First Lt. Walter Nicholls Graham, Dental Corps (captain, Army of the United States), from November 10, 1940.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 4, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, we praise Thee that in Christ was life, and that life was the light of men. We would seek the meaning, the purpose, the joy, and the greatness of that life touching the secrets of our hearts, stirring our noblest passions, blending His majesty with our humility, His strength with our weakness, and His forgiveness with our confession. God bless our country and lift it into the overtone of spiritual power, grant that peace and plenty may reign within her borders and happiness and contentment in her homes. In our dear Redeemer's name. Amen.

The Journal of the proceedings of Thursday, October 31, 1940, was read and approved.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following communication:

OCTOBER 30, 1940.

Hon. SAMUEL RAYBURN,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: In view of my recent appointment to the Committee on Rivers and Harbors, will you please remove me from the Committee on Education and the Committee on Election of President, Vice President, and Representatives in Congress?

With expressions of my highest esteem, I am

Sincerely,

FRANK C. OSMERS, JR.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ADJOURNMENT OVER

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it stand adjourned until Thursday next; and that when the House adjourns on Thursday next it stand adjourned until the following Monday, November 11, 1940.

Mr. CHURCH. Mr. Speaker, reserving the right to object, if the gentleman will change his request, I will not object.

Mr. HENDRICKS. I do not understand the gentleman's statement.

Mr. CHURCH. If the gentleman will modify his request and ask that when the House adjourns today it stand adjourned until Thursday next I will not object.

Mr. HENDRICKS. I have submitted the usual request. We have each Monday arranged for the adjournment from Thursday to the following Monday.

Mr. MAAS. Mr. Speaker, will the gentleman yield?

Mr. HENDRICKS. I yield.

Mr. MAAS. It is my understanding that if we adjourn today until Thursday and from Thursday to the following

Monday, that on Monday the 11th we shall be ready for business if there is any to come before the House.

Mr. HENDRICKS. The Speaker, of course, can answer that better than I.

Mr. RAYBURN. Mr. Speaker——

The SPEAKER pro tempore (Mr. THOMASON). The gentleman from Texas.

Mr. RAYBURN. Mr. Speaker, reserving the right to object to reply to the gentleman from Minnesota, I may say that if the House agrees to adjourn from today until Thursday and from Thursday until next Monday, it is the intention to have a regular session on Monday.

The request submitted by the gentleman from Florida is entirely reasonable. If we do not agree to adjourn from Thursday to Monday a great many Members might think we were going to have a regular session and begin business on Thursday. It would certainly be very inconvenient for many of them to be back here by Thursday morning. If there is an understanding that there will be no business transacted this week they could all conveniently get back here by Monday. We intend to start regular sessions on Monday, and if there is any business to come before the House at that time to take it up.

I hope the gentleman from Illinois will not object, under these circumstances. This request is made merely for the accommodation of the Members who are not here, many of them being far away. After election it will possibly be necessary for them to remain at home for a few days. The request for the understanding that no business will be transacted this week but that business will be in order on next Monday is made with the idea of accommodating the Members.

Mr. CHURCH. Further reserving the right to object, Mr. Speaker, as I understand then the former discussion we had to the effect that no business will be transacted until the 18th of November is out of the picture and that it is the intention of the leadership to start regular sessions of the House next Monday, a week from today, to do business and perhaps decide on final adjournment or whatever else may come before the House.

Mr. RAYBURN. The gentleman is correct; and I intend, in the absence of the majority leader the gentleman from Massachusetts [Mr. MCCORMACK], to make that announcement, and I do make it now: There will be a regular session of the House for the transaction of business on Monday next.

Mr. CHURCH. With that explanation I withdraw my reservation of objection.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent that when the House adjourns today it adjourn until Thursday next; and that when the House adjourns on Thursday next it stand adjourned until 12 o'clock noon on Monday, November 11, 1940. Is there objection?

There was no objection.

ADJOURNMENT

Mr. HENDRICKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 7 minutes p. m.) the House, pursuant to its previous order, adjourned until Thursday, November 7, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2010. A letter from the Acting Secretary of the Interior, transmitting the draft of a proposed bill to protect the walruses in the Territory of Alaska; to the Committee on the Territories.

2011. A letter from the Acting Secretary of the Navy, transmitting a report of contracts awarded under authority of the act of March 5, 1940; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 10666. A bill for the relief of Frederic Gruder and family; to the Committee on Immigration and Naturalization.

By Mr. COLE of Maryland:

H. R. 10667. A bill for the relief of Jay G. Engel; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII,

9365. Mr. LYNCH presented a petition of sundry citizens of Bronx and Manhattan, New York City, urging passage of House bill 892, for the relief of custodial employees of the Post Office Department, over President Roosevelt's veto, which was referred to the Committee on the Post Office and Post Roads.

SENATE

THURSDAY, NOVEMBER 7, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Lord God Almighty, in whom the souls of nations live, who turnest not away Thy face if we but seek to do Thy will: Guard Thy people still and send Thy peace on hearts that pray. Remember not the days of our unfaith, our wavering will, the baser aim, but through our lives, as men who fear not man, let love illume the path that leads the way from darkness unto light. Unite us all by the mighty throb of an eternal purpose to do justly, to love mercy, and to walk humbly with our God.

Let the unseen power of Thy protecting grace be about our President, that with divine insight and wisdom he may fulfill the exacting duties of his high and holy office. May he cast all his care upon Thee, knowing that in his Father's everlasting arms he cannot fail. We ask it in the name of Jesus Christ, our Lord and Saviour. Amen.

THE JOURNAL

On request of Mr. GUFFEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, November 4, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting nominations, was communicated to the Senate by Mr. Latta, one of his secretaries.

NEGOTIATED CONTRACTS OF THE NAVY DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. KING) laid before the Senate a letter from the Secretary of the Navy, transmitting, pursuant to law, reports of negotiated contracts entered into by the Navy Department during the period June 28–September 30, 1940, in accordance with the provisions of law, which, with the accompanying reports, was referred to the Committee on Naval Affairs.

NAVAL CONTRACTS FOR EQUIPMENT, BUILDINGS, FACILITIES, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate two letters from the Secretary of the Navy, transmitting, pursuant to law, the following reports, which, with the accompanying papers, were referred to the Committee on Naval Affairs:

Report for the quarter ended September 30, 1940, on the cost of special additional equipment and facilities to be borne by the Government in accordance with the provisions of law; and

Several reports for the quarter ended September 30, 1940, on contracts entered into for buildings, facilities, etc., in accordance with the provisions of law.

ADDRESS BY THE PRESIDENT AT POUGHKEEPSIE, N. Y., TO HIS NEIGHBORS OF DUTCHESS COUNTY

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address delivered by the President of the United States at Poughkeepsie, N. Y., November 4, 1940, to his neighbors of Dutchess County, which appears in the Appendix.]

THE VITALITY OF OUR DEMOCRACY—ADDRESS BY THE PRESIDENT AT HYDE PARK, N. Y.

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address delivered by the President of the United States from the President's home at Hyde Park, N. Y., November 4, 1940, which appears in the Appendix.]

NATIONAL UNITY—STATEMENT BY HON. JAMES A. FARLEY

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a statement of Hon. James A. Farley published in the New York Times, which appears in the Appendix.]

EXECUTIVE MESSAGE REFERRED

The ACTING PRESIDENT pro tempore, as in executive session, laid before the Senate a message from the President of the United States submitting sundry nominations in the Army, which was referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. GUFFEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 12 o'clock and 2 minutes p. m.) the Senate took a recess until tomorrow, Friday, November 8, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 7 (legislative day of September 18), 1940

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE LIEUTENANT GENERAL WITH RANK FROM OCTOBER 25, 1940

Maj. Gen. Delos Carleton Emmons, commanding general, General Headquarters, Air Force.

TO BE MAJOR GENERALS

Brig. Gen. Walter King Wilson, United States Army, with rank from October 25, 1940.

Brig. Gen. Ernest Dichmann Peek, United States Army, with rank from October 26, 1940.

Brig. Gen. Fulton Quintus Cincinnatus Gardner, United States Army, with rank from October 26, 1940.

Brig. Gen. Sanderford Jarman, United States Army, with rank from October 26, 1940.

Brig. Gen. Frank Maxwell Andrews, United States Army, with rank from October 27, 1940.

Brig. Gen. John Francis Curry (colonel, Air Corps), Army of the United States, with rank from October 27, 1940.

TO BE BRIGADIER GENERALS

Col. Benjamin Oliver Davis, Cavalry, with rank from October 25, 1940.

Col. Edward Marsh Shinkle, Ordnance Department, with rank from October 25, 1940.

Col. Gilbert Henry Stewart, Ordnance Department, with rank from October 25, 1940.

Col. William Alexander McCain, Quartermaster Corps, with rank from October 25, 1940.

Col. Ulysses Simpson Grant 3d, Corps of Engineers, with rank from October 25, 1940.

Col. Joseph Alexander Atkins, Infantry, with rank from October 25, 1940.

Col. Rolland Webster Case, Ordnance Department, with rank from October 25, 1940.

Col. Norman Foster Ramsey, Ordnance Department, with rank from October 25, 1940.

Col. Forrest Estey Williford, Coast Artillery Corps, with rank from October 25, 1940.

Col. Alexander Garfield Gillespie, Ordnance Department, with rank from October 25, 1940.

Col. Ray Longfellow Avery, Chemical Warfare Service, with rank from October 25, 1940.

Col. Walter Putney Boatwright, Ordnance Department, with rank from October 25, 1940.

Col. Arthur Griffith Campbell, Coast Artillery Corps, with rank from October 25, 1940.

Col. Robert Clifton Garrett, Coast Artillery Corps, with rank from October 25, 1940.

Col. Jack Whitehead Heard, Cavalry, with rank from October 25, 1940.

Col. John Chilton McDonnell (lieutenant colonel), Air Corps, with rank from October 25, 1940.

Col. John Bernard Brooks (lieutenant colonel), Air Corps, with rank from October 25, 1940.

Col. Clinton Warden Russell (lieutenant colonel), Air Corps, with rank from October 25, 1940.

Col. Carlyle Hilton Wash (lieutenant colonel), Air Corps, with rank from October 25, 1940.

Lt. Col. Lewis Blaine Hershey, Field Artillery, with rank from October 25, 1940.

HOUSE OF REPRESENTATIVES

THURSDAY, NOVEMBER 7, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most merciful God, our Heavenly Father, we praise Thee that while hope has its end, faith has her reward. We rejoice that Thou art eternal light, love, and peace; over us soars the eternal skies and beneath us is the Lord's earth. We pray Thee to hold us to the realization that faith is the golden thread running through the pearls of all the virtues that never die, and where intellect and character awaken to the statutes of the Lord. Do Thou make us superior to all things sordid and distrustful, opening up the rich treasures of religion and morality. Reveal the vision of a steady, united people, arresting diversity and collisions of opinion until they are fading memories. O Master who didst trample the billows into peace, set our ways toward the untrodden future, ever deepening our consciousness that the soul life of our democracy is truer than we realize and diviner than we think. Almighty God, we breathe our prayer at the throne of grace for our distinguished President, our notable Speaker, the leaders and the Members of the Congress, and for our citizenry everywhere. Let our faith and our loyalty to them be behind the stars, whispering that life in America is grandly human and our ministry will continue until the last breath of heaven-born aspiration; Oh, conquer all fears, banish all doubts, and immortalize all hopes. Grant that our fondest dreams shall ever be to raise our children in this free, Christian land, traveling on life's common way in cheerful godliness with reverence for the highest and with patience for the lowliest. In our Redeemer's name. Amen.

The Journal of the proceedings of Monday, November 4, 1940, was read and approved.

ADJOURNMENT

Mr. HENDRICKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 3 minutes p. m.) under its previous order, the House adjourned until Monday, November 11, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2012. A letter from the Secretary of the Navy, transmitting a report of contracts entered into in accordance with the provisions of section 8 (b) of Public Act No. 671, Seventy-sixth Congress, as amended by section 9 of Public Act No. 783, Seventy-sixth Congress; to the Committee on Naval Affairs.

2013. A letter from the Secretary of the Navy, transmitting a report of contracts entered into in accordance with the provisions of section 2 (a) of Public Act No. 671, Seventy-sixth Congress; to the Committee on Naval Affairs.

2014. A letter from the Secretary of the Navy, transmitting a report of the cost of special additional equipment and facilities to be borne by the Government under certifications pursuant to section 4 of Public Act No. 671, Seventy-sixth Congress; to the Committee on Naval Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States, pertaining to the relief of farmers and landowners holding land under the middle Rio Grande conservancy district in the State of New Mexico; to the Committee on Irrigation and Reclamation.

Also, memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States with reference to the payment of old-age benefits to persons engaged in or in sympathy with subversive activities; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9366. By the SPEAKER: Petition of the United Automobile Workers of America, Local No. 265, petitioning consideration of their resolution with reference to endorsing the present program inaugurated by the United States Housing Authority; to the Committee on Banking and Currency.

9367. Also, petition of the Atlantic Deeper Waterways Association, petitioning consideration of their resolution with reference to national defense; to the Committee on Rivers and Harbors.

9368. Also, petition of the New York Junior Order United American Mechanics, petitioning consideration of their resolution with reference to keeping America safe; to the Committee on Immigration and Naturalization.

9369. Also, petition of the National Federation of Settlements, Inc., petitioning consideration of their resolution with reference to low-price housing; to the Committee on Banking and Currency.

9370. Also, petition of the Sons of the Revolution, petitioning consideration of their resolution with reference to the third term; to the Committee on Election of President, Vice President, and Representatives in Congress.

9371. Also, petition of the National Association of Motor Bus Operators, petitioning consideration of their resolution with reference to passage of Senate bill 3248; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, NOVEMBER 8, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. KING].

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty and everlasting God, who dost govern all things both in heaven and earth, who knowest the weariness and sorrow of every saddened heart that comes to Thee for rest: Grant us Thy peace, as at Thy gracious word we come before Thee with the cares of today and burdens of tomorrow, with blessings implored and sins to be confessed, and lay them at Thy feet, for Thou knowest every impulse of the human heart.

We beseech Thee to confirm the faithful, visit and relieve the sick and suffering, bless and protect the children, recover the fallen, and remove all hindrances to the advancement of truth and righteousness in our beloved America, that with one heart and mind we may find the perfect sign and seal of godship in the amazing love of the Christ upon the cross, in whose name we offer up our imperfect prayers. Amen.

THE JOURNAL

On request of Mr. GEORGE, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, November 7, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Secretary of War, reporting, pursuant to law, relative to awards of certain quantity contracts for aircraft, aircraft parts, and accessories therefor entered into with more than one bidder under authority of law, which was referred to the Committee on Military Affairs.

LANDS FOR THE CENTRAL VALLEY PROJECT, CALIFORNIA

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation for the acquisition of Indian lands for the Central Valley project, and for other purposes, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

MRS. ADDIE MYERS

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation for the relief of Mrs. Addie Myers, which, with the accompanying papers, was referred to the Committee on Claims.

BILL INTRODUCED

Mr. KING introduced a bill (S. 4419) authorizing loans to foreign debtor nations for the purchase of agricultural products within the United States, which was read twice by its title and referred to the Committee on Foreign Relations.

NATIONAL UNITY—ADDRESSES AT CARNEGIE HALL, NEW YORK

Mr. GEORGE. Mr. President, on November 6, 1940, a number of addresses were made at a meeting designed to promote national unity, held in Carnegie Hall, New York, sponsored by the Council for Democracy, in cooperation with the Columbia Broadcasting System. I have here the address of the Attorney General of the United States at the meeting, which I ask to have printed in the RECORD, and I ask unanimous consent that when the other addresses delivered on that occasion arrive I may have permission to print them in the Appendix of the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

NATIONAL UNITY—ADDRESS OF ATTORNEY GENERAL JACKSON

[Mr. GEORGE asked and obtained leave to have printed in the RECORD an address by Attorney General Jackson at the American united program, sponsored by the Council for Democracy in cooperation with the Columbia Broadcasting System, at Carnegie Hall, New York City, November 6, 1940, which appears in the Appendix.]

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS TO TUESDAY

Mr. GEORGE. Mr. President, I move that the Senate take a recess until 12 o'clock noon Tuesday next.

The motion was agreed to; and (at 12 o'clock and 2 minutes p. m.) the Senate took a recess until Tuesday, November 12, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 8 (legislative day of September 18), 1940

STATE DIRECTOR OF SELECTIVE SERVICE

Brig. Gen. J. Watt Page, adjutant general of the State of Texas, to be State director of selective service for Texas.

COAST GUARD OF THE UNITED STATES

Commander (Engineering) Charles J. Odend'hal to be a captain (engineering) in the Coast Guard of the United States, to rank as such from November 1, 1940.

The following-named officers in the Coast Guard of the United States to rank as such from October 1, 1940:

Commander Louis L. Bennett to be a captain.

Lt. Comdr. Raymond J. Mauerman to be a commander.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS WITH RANK FROM NOVEMBER 1, 1940

Lt. Col. John Moore Thompson, Cavalry (colonel, Army of the United States).

Lt. Col. George Matthew Halloran, Infantry (colonel, Army of the United States).

Lt. Col. William Edward Brougher, Infantry (colonel, Army of the United States).

Lt. Col. Medorem Crawford, Jr., Infantry (colonel, Army of the United States).

Lt. Col. Sumner Waite, Infantry (colonel, Army of the United States).

Lt. Col. Albert Monmouth Jones, Infantry (colonel, Army of the United States).

Lt. Col. Harrison McAlpine, Infantry (colonel, Army of the United States).

Lt. Col. James Raymond Alfonte, Quartermaster Corps (colonel, Army of the United States).

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO FINANCE DEPARTMENT

Maj. Harry Earl Reed, Infantry, with rank from July 1, 1940.

APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

TO BE MAJOR

Capt. Kenneth Perry McNaughton, Air Corps.

(Date of rank not specified, as such date will be determined from date on which the last major nominated to the Senate on October 28, 1940, for lieutenant colonelcy accepts his appointment.)

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICERS

Maj. Gen. Robert Sprague Beightler, Ohio National Guard, to be major general, National Guard of the United States.

Brig. Gen. George Ade Davis, Oklahoma National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States.

PROMOTIONS IN THE NAVY

MARINE CORPS

Col. Charles F. B. Price to be a brigadier general in the Marine Corps from the 1st day of August 1940.

Capt. LePage Cronmiller, Jr., to be a major in the Marine Corps from the 1st day of October 1939.

Second Lt. David L. Henderson to be a first lieutenant in the Marine Corps from the 1st day of July 1940.

Quartermaster Clerk Homer Sterling to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 1st day of September 1940.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 11, 1940

The House met at 12 o'clock noon and was called to order by the Speaker, Mr. RAYBURN.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou blessed Saviour so high and lowly, so great and tender, so far away and yet so near, Thou wilt never be surpassed. Removed from greed and anxiety, from passion and hollowness, Thou givest to withering age and little children inspiration and gladness. We pray that the light of Thy truth may so shine throughout our land that justice, self-restraint, and unity of purpose shall determine and measure our influence and service. O God, we bow in shadow of our unnamed, uncalendared, and unknown soldier dead. We rejoice today that there is no dead past. Time has passed since his fateful day, yet it has not dimmed the glory of his sacrifice nor lessened our honor and reverence for his memory. We pray that he may live in the throbbing heart of the present, urging us to vaster deeds, stirring in all hearts a finer appreciation and deeper love for the opportunities and the glorious privileges of our fair Republic. His is not the throne of a king nor the shouting of royalty at the banquet table, but we rejoice that his crown symbolizes a high place in authority, in our purposes, and in the counsels of our Government. On this day may all our citizens renew their vows and pay their homage at the altar of the world we love to call our own. In the dear Redeemer's name. Amen.

The Journal of the proceedings of Thursday, November 7, 1940, was read and approved.

MEMBERS ELECT

The SPEAKER laid before the House the following communication from the Clerk of the House, which was read:

NOVEMBER 11, 1940.

The Honorable THE SPEAKER,
House of Representatives.

SIR: Certificates of election in due form of law of the following Representatives-elect to the Seventy-sixth Congress to fill vacancies have been filed in this office, viz:

District and State	Representative-elect	Predecessor
Seventh Alabama	Z. L. Weatherford	William B. Bankhead.
First North Carolina	Herbert C. Bonner	Lindsay C. Warren.

Respectfully yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives,
By H. NEWLIN MEGILL.

SWEARING IN OF MEMBERS

Members-elect Hon. Z. L. WEATHERFORD and Hon. HERBERT C. BONNER presented themselves at the bar of the House and took the oath of office.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next and that when the House adjourns on Thursday next it adjourn to meet on the following Monday.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand from the gentleman from Massachusetts [Mr. McCORMACK] that there is no business which the majority has ready at this time to transact and that, furthermore, the Senate has gone to the funeral of the late distinguished Senator Pittman, of Nevada?

Mr. McCORMACK. The statement of the gentleman from Massachusetts [Mr. MARTIN] covers the situation, particularly the unfortunate death of the late Senator Pittman. Committees will attend the funeral and, of course, it will probably be the latter part of the week—perhaps even Sunday—before they can return. On Monday next we will be ready to proceed with any business that may be presented.

Mr. MARTIN of Massachusetts. That is the understanding.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. RICH. Mr. Speaker, reserving the right to object, I read the RECORD of last week, and from a statement made by the majority leader, we understood that we were to come here today for any business that might come before the House. Can the gentleman tell us what we are going to have next Monday?

Mr. McCORMACK. Of course, I am not aware what record the gentleman from Pennsylvania read.

Mr. RICH. The CONGRESSIONAL RECORD.

Mr. McCORMACK. Did the gentleman read some statement that I purported to make?

Mr. RICH. It was a statement made by the Speaker of the House.

Mr. McCORMACK. Of course, the unfortunate death of Senator Pittman was something which nobody could anticipate and which everyone regrets. I am sure the gentleman from Pennsylvania is profoundly moved by his unfortunate death, the same as all of the Members of the House and the Senate. Of course, that is something that no one could foresee. Any statement made by anyone in the House prior to that naturally would have to be considered in the light of the unfortunate event that occurred.

The distinguished minority leader made an inquiry of me, and I think the observations made by the gentleman from Massachusetts [Mr. MARTIN] fairly cover the situation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. RICH. Mr. Speaker, reserving the right to object, we certainly appreciate the fact that we want to adjourn for the death of Senator Pittman, but I wonder whether there is any business that the Congress is going to take up; whether the majority leader or the Speaker of the House has any program?

Mr. McCORMACK. I am very sorry, but at the present moment I am unable to advise the gentleman from Pennsylvania.

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, and I do not intend to object, but I would like to ask the majority leader and the Speaker if the House would stand in silence for a moment. Today is Armistice Day. Twenty-two years ago the armistice was signed. I wish, out of memory to those men and women who fought a great crusade in order that the world might be safe for democracy, they might know that we are standing doing honor to them today. They lost their ultimate goal for the time being, but out of all the horror and filth that is war their courage, their infinite gentleness, and great heroism have kindled a grimmer determination among millions of people all over the world today to fight for democracy. Mr. Speaker, their sacrifice was not in vain. I earnestly wish that the House might stand in silence for 1 minute, and I make that unanimous-consent request.

The SPEAKER. If the gentlewoman will withhold that until the other unanimous-consent request is disposed of.

Mrs. ROGERS of Massachusetts. Yes, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

ARMISTICE DAY

Mrs. ROGERS of Massachusetts. Mr. Speaker, I renew my unanimous-consent request now.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Members of the House rose and stood in silence for 1 minute.

EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks on three subjects and to include editorials therein.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BONNER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein newspaper accounts of Lindsay C. Warren Day observed on October 25, 1940, the speech of Mr. Warren, and several editorials relative to his distinguished public service.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein an address by the Librarian of Congress.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent Mr. MITCHELL was granted permission to extend his own remarks in the RECORD.

NATIONAL UNITY

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Speaker, probably the bitterest campaign in America's political history has closed. It has been a knock-down and drag-out political fight. The people have spoken. The Nation has selected President Roosevelt to lead us for 4 more years. He faces a mighty task. He needs the support, the hopes, and prayers of all Americans. I feel confident that he will have them because history proves that in the United States when elections are over the minority respects and supports the chosen leadership regardless of how bitter or violent the battle has been.

I am sure that I convey the sentiments of my constituents when I say that we shall support the President whenever he is right and trust that he will have the vigor and courage and generosity in the days to come that he has had in the past. I hope that he will enjoy the blessings of health and strength to serve out his full 4-year term for which he has been chosen.

Nothing is so important now as national unity. This need seems to be recognized by men and women in all walks of life. I am confident that if we maintain that unity and remain strong internally we will not find oursleves involved in any wars.

I want to assure my colleagues here today that regardless of where the path of duty may lead me during the next few years I shall maintain my interest in public affairs and always give my support to those chosen by the people to represent and lead us. [Applause.]

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a sermon delivered by Dr. Peter Marshall at the New York Avenue Presbyterian Church, Washington, D. C., on September 29, 1940.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the services of our distinguished former colleague the Honorable Lindsay Warren, of North Carolina.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE LATE HONORABLE KEY PITTMAN

Mr. McCORMACK. Mr. Speaker, it is with profound sorrow and with deep regret that I announce to the House the sudden and untimely death of the distinguished senior Senator from the State of Nevada, and for nearly 8 years President pro tempore of the Senate, the Honorable KEY PITTMAN, which occurred in Reno, Nev., at 12:30 o'clock on Sunday morning last.

I realize that it is unusual to announce the death of a Senator and to adopt resolutions of regret until officially advised in a message from the Senate, but that body will not be in session until tomorrow, and today the House will adjourn until Thursday, and for these reasons this unusual procedure is imperative at this time in order that the official committee may be immediately designated so that they can join the citizens of the State of Nevada in attendance at the funeral services of the deceased Senator.

In his passing, the State of Nevada has lost an outstanding citizen and the Nation a faithful public official.

Mr. Speaker, at a more appropriate time the Congress of the United States will pay proper respect to his memory, but for the present, I offer the following resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 628

Resolved, That the House has heard with profound sorrow of the death of Hon. KEY PITTMAN, a Senator of the United States from the State of Nevada, and President pro tempore of the Senate.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 10 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following committee on the part of the House: Messrs. SCRUGHAM, BLOOM, LUTHER A. JOHNSON, IZAC, FISH, EATON, MURDOCK of Arizona, MURDOCK of Utah, ROBINSON of Utah, and KEOGH.

ADJOURNMENT

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That, as a further mark of respect to the memory of the deceased, the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 14 minutes p. m.) the House, pursuant to its previous orders, adjourned until Thursday, November 14, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2015. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acquisition of Indian lands for the Central Valley project, California, and for other purposes; to the Committee on Indian Affairs.

2016. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation for the relief of Mrs. Addie Myers; to the Committee on Claims.

2017. A letter from the Secretary of War, transmitting a report of the awards made under the act relating to divisions of awards for aircraft, aircraft parts, and accessories therefor (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII,

Mr. TOLAN introduced a resolution (H. Res. 629) to provide funds for further expenses of conducting the investigation and study authorized by House Resolution 63, Seventy-sixth Congress, incurred by the Select Committee to Investigate the Interstate Migration of Destitute Citizens, which was referred to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DIMOND:

H. R. 10668. A bill for the relief of Mrs. Lulu Heron; to the Committee on Claims.

By Mr. FITZPATRICK:

H. R. 10669. A bill for the relief of Richard Bove; to the Committee on Claims.

By Mr. GEARHART:

H. R. 10670. A bill for the relief of Leo Katz; to the Committee on Immigration and Naturalization.

H. R. 10671. A bill for the relief of Ildefons Auerbach and Charlotte Frohlich Auerbach, his wife; to the Committee on Immigration and Naturalization.

H. R. 10672. A bill for the relief of Eugen Rosengart and Berta Levi Rosengart, his wife, and Hilda Rosengart and Margot Rosengart, his daughters; to the Committee on Immigration and Naturalization.

SENATE

TUESDAY, NOVEMBER 12, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. KING].

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Lord of our life and God of our salvation, in whom we live and move and have our being, in whose will is our peace: We bless Thy holy name for all men everywhere whom Thou hast chosen to serve this Nation, especially Thy servant Key, the President pro tempore of the Senate, whom Thou hast called to Thine eternal peace. Rest eternal grant unto him, and let light perpetual shine upon him in the fellowship of Thy saints. And upon the members of his family pour the benediction of Thy grace, that in their sorrow they may know the healing comfort of Thine abiding presence, which bringeth the peace which passeth all understanding. All of which we ask through Jesus Christ our only mediator and advocate. Amen.

THE JOURNAL

On request of Mr. MINTON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, November 8, 1940, was dispensed with, and the Journal was approved.

DEATH OF SENATOR PITTMAN, OF NEVADA

The ACTING PRESIDENT pro tempore. The Chair has an announcement which he would like to make from the floor, and will ask the junior Senator from Indiana to take the chair.

Mr. MINTON thereupon took the chair.

Mr. KING. Mr. President, I bring to the Senate this day a message of sorrow. It announces the death of our honored and beloved colleague, Hon. KEY PITTMAN, the senior Senator from the State of Nevada. This announcement would have been made by the junior Senator from Nevada [Mr. MCCARRAN], except for the fact that, with many other Senators and Representatives, he will on the morrow join the citizens of the State of Nevada in paying tribute to one whom they esteemed and loved, and whose passing has caused them profound sorrow.

Before leaving for his home State, Senator PITTMAN appointed me to fill the position of Acting President pro tempore. I have therefore felt it incumbent upon me to announce to the Senate the passing of one of its most distinguished leaders, who has for 8 years served as President pro tempore of the Senate.

Upon another occasion opportunity will be given to the Members of this body to pay tribute to the life and services of this great American, who has for many years faithfully and patriotically served his State and his country, and who has earned the esteem and gratitude of his countrymen. By common consent he has been recognized as one of the foremost of American citizens, and in his passing his country has sustained an irreparable loss.

He was elected Senator in 1912, and has been reelected again and again, and but a few days before he passed away he was again chosen by the people of his State to serve for another term of 6 years. The people of his State and of our country recognized in him a man of honor, of courage, of great ability, of unwavering devotion to those principles which he believed to be right. He not only won the confidence of the people of America, but the high regard of the downtrodden and oppressed in other lands. The American people, as well as those who love liberty beyond our borders, saw in him one who incarnated the spirit of democracy, and one who unsparingly gave of his strength and of his great ability in the service of his country and in the service of humanity.

Senator PITTMAN was in every sense a leader; he understood the science of government and comprehended the political and economic problems of America. He was a member of many important committees of the Senate, and brought to

the consideration of the questions presented a profound knowledge of governmental and legislative problems. As chairman of the Committee on Foreign Relations he dealt with matters of vital importance to our Nation and exhibited a profound knowledge of international affairs.

He traveled extensively, met leaders of thought in other lands, and became familiar with international policies and questions which would affect this Republic. He represented our Government in the international conference at London, and upon many occasions participated in conferences of national and international importance which influenced, if they did not determine, the policies adopted by our Government. He has enjoyed the confidence of the President of the United States, and his intellectual honesty, his courage, and his outspoken frankness and devotion to the best interests of our country have won for him the esteem and regard of the leaders of American thought.

The Democratic leader, the Senator from Kentucky [Mr. BARKLEY], has stated that:

Senator PITTMAN was an American statesman of the highest type and had rendered outstanding service to his country in the Senate. He had piloted through that body some of the most important legislation in recent years. He will be greatly missed. I feel a deep personal loss, as he was one of my closest political friends.

Senator PITTMAN led a colorful life. He left his native State of Mississippi after receiving high honors in educational institutions and for a number of years engaged in the practice of law in the State of Washington. From there he went to Alaska, at a time when there was much of drama and romance in that remote part of the United States. There he was an outstanding figure and contributed to the development of that important part of our national domain. After spending a number of years there he took up his residence at Tonopah, Nev., and since then has been a resident of that State. He was interested in the West and in the development of its mineral resources, and aided in securing necessary legislation for the reclamation of a vast area of the public domain. Indeed, his penetrating mind, and his ambition for the development and prosperity of his State and of our country, led him into many fields which called for research, study, and statesmanship. Time does not permit me, nor would this be the appropriate occasion, to catalog his achievements.

This announcement would not be complete without reference to Senator PITTMAN'S devoted wife, his inseparable companion, who, in the years of his toil and struggle and achievement, has been in every sense a helpmeet and a spiritual leader. We extend to her profound sympathy and affectionate regard.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. NEELY. Mr. President—

We know when moons shall wane,
When summer birds from far shall cross the sea,
When autumn's hues shall tinge the golden grain—
But Death, oh, who shall teach us when to look for thee?

Is it when spring's first gale
Comes forth to whisper where the violets lie?
Is it when roses in our paths grow pale?
They have one season—all are ours to die!

When the great, loving heart of Senator KEY PITTMAN throbbed for the last time the United States Senate sacrificed to eternity and immortality one of its most illustrious sons. His life enriched the human race. His death makes poorer all mankind. He was an affectionate, devoted husband, a faithful, loved, and loving friend. He was brilliant in intellect, great in sympathy, and grand in soul. He was a patriot who loved principle more than party, a statesman who worshipped at the shrine of truth, a humanitarian who burned incense on the altar of universal good.

As a public official he knew no dictator but his conscience, no guide but his judgment, no purpose but to serve his country and promote the welfare of its people. Where duty led he followed, regardless of consequences, heedless of results, and thoughtless of rewards.

For his lofty patriotism we admired him, for his surpassing statesmanship we honored him, for his faithful service to humanity we loved him. As we admired, honored, and loved him in life, so we revere him in death, mourn his loss, and cherish his memory as a priceless possession. We wrap the spotless records of his outstanding achievements in the silver foil of affection, entwine them with the golden threads of gratitude, and store them in the vaults of our hearts, to be treasured there until we, too, return to dust.

Without a fear, a murmur, or a moan, Senator PITTMAN, "sustained and soothed by an unfaltering trust," approached his grave—

Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

Dream on, beloved and sainted dead, through seedtime and harvest, through sunshine and shadow, through winter's storm and summer's calm, until the Harbinger of the Resurrection shall arouse thee from thy slumber and usher thee, through the gates of glory—

Into the city of temples and turrets of gold
That gleam by a sapphire sea,
Like jewels more splendid than earth may behold
Or are dreamed of by you and by me.

Mr. MINTON. Mr. President, following the sad announcement by the Senator from Utah of the death of our late colleague, Senator PITTMAN, for the Senator from Nevada [Mr. MCCARRAN], I submit the resolutions which I send to the desk, and ask unanimous consent for their present consideration.

The ACTING PRESIDENT pro tempore. The resolutions will be read.

The resolutions (S. Res. 326) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. KEY PITTMAN, late a Senator from the State of Nevada and the President pro tempore of the Senate.

Resolved, That a committee of 20 Senators be appointed by the Acting President pro tempore to attend the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Under the second resolving clause the Acting President pro tempore appointed the following Senators as the committee on the part of the Senate to attend the funeral of the deceased Senator and President pro tempore of the Senate:

Mr. MCCARRAN, Mr. BARKLEY, Mr. MCNARY, Mr. HARRISON, Mr. JOHNSON of California, Mr. GEORGE, Mr. VANDENBERG, Mr. CONNALLY, Mr. BYRNES, Mrs. CARAWAY, Mr. REYNOLDS, Mr. ADAMS, Mr. CLARK of Missouri, Mr. BONE, Mr. HATCH, Mr. O'MAHONEY, Mr. MURRAY, Mr. GUFFEY, Mr. SCHWELLENBACH, and Mr. GREEN.

MESSAGE FROM THE HOUSE—RESOLUTIONS ON OCCASION OF THE DEATH OF SENATOR PITTMAN, OF NEVADA

A message from the House of Representatives by Mr. Megill, one of its clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. KEY PITTMAN, late a Senator from the State of Nevada and President pro tempore of the Senate.

The message announced that the Speaker of the House had appointed Mr. SCRUGHAM, Mr. BLOOM, Mr. LUTHER A. JOHNSON, Mr. IZAC, Mr. FISH, Mr. EATON, Mr. MURDOCK of Arizona, Mr. MURDOCK of Utah, and Mr. KEOGH a committee of the House of Representatives to be joined with the committee appointed on the part of the Senate to attend the funeral of the deceased Senator.

RECESS TO FRIDAY

Mr. MINTON. Mr. President, as a further mark of respect to the memory of our departed colleague, I move that the Senate stand in recess until 12 o'clock noon Friday next.

The motion was unanimously agreed to; and (at 12 o'clock and 15 minutes p. m.) the Senate took a recess until Friday, November 15, 1940, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, NOVEMBER 14, 1940

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and Saviour of us all, do Thou hear the whisper of every breast. Reveal unto us that Thy plan is not to lessen our duties but to enlarge our privileges, not to lighten the task but to increase our skill, not to diminish our burdens but to inspire our strength, to give contentment in adversity, and satisfaction in labor. For Thy goodness unto us our human speech has no words. Thou art our Father; enable us to trust when we cannot understand; when a dark cloud banks itself against the sky of hope, enable us to stand and believe that it is a testimony of the divine heart that still beats to the eternal in man. We praise Thee that the zone of Thy fatherhood in its sympathies and provisions is as wide as the races of earth. We rejoice that it is the fatherhood of God and human struggle, the brotherhood of man—eternity. In the name of our Redeemer. Amen.

The Journal of the proceedings of Monday, November 11, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Baldridge, one of its clerks, announced that the Senate had adopted the following resolution:

Senate Resolution 326

IN THE SENATE OF THE UNITED STATES,
November 12 (legislative day, September 18), 1940.

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. KEY PITTMAN, late a Senator from the State of Nevada and the President pro tempore of the Senate.

Resolved, That a committee of 20 Senators be appointed by the Acting President pro tempore to attend the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now take a recess until 12 o'clock m. on Friday next.

THE LATE WILLIAM B. BANKHEAD

The Chair laid before the House the following communication, which was read and, with the accompanying papers, referred to the Committee on Memorials:

NOVEMBER 11, 1940.

The Honorable THE SPEAKER,
House of Representatives.

SIR: There is herewith the letter of the Chief of the Division of Protocol of the Department of State, accompanied by copies of notes which have been sent to the Department of State by members of the Foreign Diplomatic Corps in Washington expressing condolences on the death of the late Speaker of the House of Representatives, the Honorable William B. Bankhead, together with copies of the Department's replies thereto, which accompanied this communication.

Respectfully yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.
By H. NEWLIN MEGILL.

PERMISSION TO ADDRESS THE HOUSE

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal and disposition of matters on the Speaker's desk, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. JONES]?

Mr. RICH. Mr. Speaker, reserving the right to object, may I say to my friend from Texas that nobody would think of objecting to the request of the gentleman from Texas, who is just about to conclude his term as a Member of Congress. May I say to the gentleman from Texas [Mr. JONES] that we are going to miss him a lot. I hope while on the bench your work will be pleasant and happy. We have enjoyed associating with you in Congress, and I think you are one of the finest fellows I ever met. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. JONES]?

There was no objection.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio address I made.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. COCHRAN]?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Vermont [Mr. PLUMLEY]?

There was no objection.

Mr. BARRY asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. RICH. Mr. Speaker, I note that the Secretary of the Treasury, Mr. Morgenthau, states that it is going to be necessary to increase the national debt limit by ten to twenty billion dollars. Evidently the Secretary of the Treasury thinks that the United States Congress is going to be as bad in spending money in the next Congress as the past Congress. I want to say that the incoming Congress should give consideration to the expenditure of our country's funds, and I hope they will not permit the bureaucrats in the various offices in Washington to make requests for the great sums of money that have been requested during the past few years. If they do, Congress should cut down their spending. Something must be done in order to curb the expenditures of the various bureaus if we are going to permit national defense to continue. Something has to be done or we will see one of the greatest catastrophes that ever happened to America, and we cannot permit the further ruthless expenditure of funds.

Mr. Speaker, I ask, Where are we going to get the money if you continue to spend, spend, spend? We must tax, tax, tax, and pay our way. The people of America must know that in order to spend we must earn. Money does not grow on trees, nor do we dig it out of the ground. It was said by the Chief Executive, "Taxes are paid by the sweat of every man that labors." So it is. The future of America depends on a sound Government. So we must be sound financially and sound legislation must be our course. No unethical or unsound methods can go on in our form of government if we are to maintain our liberty and freedom.

"God save America" is our prayer.

EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial by Mark Sullivan.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. PITTENGER]?

There was no objection.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article from the Troy Record of Troy, N. Y., and also one from the Atlanta Journal of October 14.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. SHANNON]?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a portion of an address of the master of the California State Grange.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 8 minutes p. m.,, under its previous order, the House adjourned until Monday, November 18, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2018. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to amend the act of May 4, 1898, as amended, to authorize the President to appoint additional acting assistant surgeons in time of national emergency; to the Committee on Naval Affairs.

2019. A letter from the Acting Secretary of the Navy, transmitting a report of contracts awarded under the authority of the act of March 5, 1940; to the Committee on Military Affairs.

2020. A letter from the Secretary of War, transmitting the draft of a bill to decrease the restriction on the number of enlisted men who may be detailed as students at educational institutions and other places; to the Committee on Military Affairs.

2021. A letter from the Clerk of the House of Representatives, transmitting a letter of the Chief of the Division of Protocol of the Department of State, accompanied by copies of notes which have been sent to the Department of State by members of the Foreign Diplomatic Corps in Washington expressing condolences on the death of the late Speaker of the House of Representatives, the Honorable William B. Bankhead, together with copies of the Department's replies thereto; to the Committee on Memorials.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII,

Mr. COCHRAN introduced a resolution (H. Res. 630) authorizing an additional assistant to the attending physician's office, which was referred to the Committee on Acounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLUETT:

H. R. 10673. A bill granting an increase of pension to Minnie L. Fitcham; to the Committee on Invalid Pensions.

By Mr. THOMASON:

H. R. 10674. A bill for the relief of Jose J. Perez; to the Committee on Claims.

By Mr. SOMERS of New York:

H. R. 10675. A bill for the relief of Marcus Moses Nathansohn, his wife, Adele Nathansohn, his brother, Jacob Lazar Nathansohn, and his mother, Bela Nathansohn; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9372. By Mr. BARTON of New York: Resolution of the Medical Society of the County of New York, deploring an Army regulation in August 1940, limiting commissions in the Medical Corps of the Regular Army and the Reserves to graduates from accredited grade A American and Canadian medical schools; to the Committee on Military Affairs.

9373. Also, petition of the National Association of Post Office Mechanics and affiliated branch, National Association of Postal Custodial Laborers, to override the President's veto of House bill 892; to the Committee on the Post Office and Post Roads.

9374. By Mr. JONKMAN: Petition of the Lithuanians of Grand Rapids, Mich., Walter J. Morris, chairman, and Frank J. Greicaitis, secretary, stating gratitude to the Government of the United States of America for not recognizing the Soviet occupation of Lithuania and for its support of the right of Lithuania to maintain its independence; condemning communistic propaganda and subversive activities of Communists in the United States and pledging assistance to the Government of the United States of America in safeguarding the principles of democracy and the independence of the United States of America; to the Committee on Foreign Affairs.

9375. By the SPEAKER: Petition of the Eastern Petroleum Co., Inc., opposing the passage of House bill 10637, a bill extending the National Stolen Property Act; to the Committee on the Judiciary.

9376. Also, petition of the Resident Commissioner of the Philippines for pension submitted by the Veterans of the Philippine Constabulary (1901–4) who served in conjunction with the Federal service of the United States Army; to the Committee on Pensions.

SENATE

FRIDAY, NOVEMBER 15, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty and everlasting God, our Heavenly Father, whose eternity outlasts all worlds, whose love and tenderness alone survive the clash of centuries: Reveal to us, by sun and candlelight, Thy purpose in each day's most quiet need, that things, both great and small, may find fulfillment in our lives in accordance with Thy mind and heart, for we know that he that doeth the will of the Eternal abideth forever. Do Thou so lead us in these uncertain days that we may never find ourselves driven at the mercy of events. In the sunny hours may we never be unmindful of the approaching shades of night. In the days of our strength may we ever remember that there is no safety save in clinging to the God of our salvation. In the present, which is ours, and in the future, whose secret is alone with Thee, let this be our constant prayer, "Cast me not away from Thy presence and take not Thy Holy Spirit from me." We ask it in our Saviour's name. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, November 12, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

TRIBUTE TO THE LATE SENATOR PITTMAN

The ACTING PRESIDENT pro tempore (Mr. KING) laid before the Senate a cablegram from His Excellency Porfirio Herrera, president of the Senate of the Dominican Republic, expressing the sincere sympathy of the senate of that Republic on the occasion of the death of Hon. Key Pittman, late a Senator from the State of Nevada and chairman of the Committee on Foreign Relations, which was ordered to lie on the table.

SURVEY OF CARTER AND ADJOINING COUNTIES, TENNESSEE

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Secretary of War, reporting, in response to Senate Resolution 302, relative to a survey of Carter and adjoining counties in Tennessee damaged by flood on August 13, 1940, which was referred to the Committee on Commerce.

MILITARY HOUSING PROGRAMS FOR DEFENSE WORKERS

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Secretary of War, submitting an advance report in response to Senate Resolution 324, requesting the Secretary of the Navy and the Secretary of War to make a full and complete study and investigation of all school facilities at or near navy yards, Army and naval

reservations, and bases at which housing programs for defense workers are being carried out or are contemplated, which, with the enclosed chart, showing the proposed projects for Presidential allocation under Public Act No. 761, Seventy-sixth Congress, was referred to the Committee on Naval Affairs.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The ACTING PRESIDENT pro tempore laid before the Senate three letters from the Secretary of War, reporting, pursuant to law, relative to awards of certain quantity contracts for aircraft, aircraft parts, and accessories therefor entered into with more than one bidder under authority of law, which were referred to the Committee on Military Affairs.

AWARDS OF QUANTITY CONTRACTS FOR THE NAVY

The ACTING PRESIDENT pro tempore laid before the Senate a letter from Acting Secretary of the Navy, reporting, pursuant to law, relative to awards of certain quantity contracts for aircraft, aircraft parts, and accessories therefor entered into with more than one bidder under authority of law, which was referred to the Committee on Naval Affairs.

TEMPORARY APPOINTMENTS UNDER FEDERAL SECURITY AGENCY

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Administrator of the Federal Security Agency, transmitting a draft of proposed legislation to amend section 702 of the Labor-Federal Security Appropriation Act, 1941, which, with the accompanying paper, was referred to the Committee on Appropriations.

REPORT OF THE NATIONAL ACADEMY OF SCIENCES

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the President of the National Academy of Sciences, transmitting, pursuant to law, the report of that Academy for the fiscal year ended June 30, 1940, which, with the accompanying report, was referred to the Committee on the Library.

DISMISSAL ORDER OF COURT OF CLAIMS—FIRST, SECOND, AND THIRD NATIONAL STEAMSHIP COS.

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Chief Clerk of the Court of Claims, transmitting certified copy of an order of the court, issued on the 12th instant, dismissing the case of the First National Steamship Co., Second National Steamship Co., Third National Steamship Co. against the United States (Cong. No. 17748), which, with the accompanying paper, was referred to the Committee on Claims.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a letter in the nature of a petition from Alfred M. Kunze, of New Rochelle, N. Y., praying for an investigation of certain activities in connection with the nonpartisan ballot system of electing the City Council of New Rochelle, which was referred to the Committee on Privileges and Elections.

INVESTIGATION OF RAILROADS, HOLDING COMPANIES, AND AFFILIATED COMPANIES

Mr. WHEELER (for himself and Mr. TRUMAN), from the Committee on Interstate Commerce, pursuant to Senate Resolution 71 (74th Cong.), authorizing an investigation of interstate railroads and affiliates with respect to financing reorganizations, mergers, and certain other matters, submitted the following additional reports, which were ordered to be printed:

Chicago, Milwaukee & St. Paul Railway Co.—1925–28 receivership and reorganization (Rept. No. 25, pt. 18);

The 1925–28 receivership and reorganization of the Chicago, Milwaukee & St. Paul Railway Co.—role of Guaranty Trust Co. of New York (Rept. No. 25, pt. 19); and

Chicago, Milwaukee & St. Paul Railway Co.—fees and expenses of 1925–28 reorganization (Rept. No. 25, pt. 20).

BILL INTRODUCED AND RESOLUTION SUBMITTED—FIRST, SECOND, AND THIRD NATIONAL STEAMSHIP COS.

Mr. DANAHER (for Mr. BARBOUR) introduced a bill (S. 4420) for the relief of the First, Second, and Third National Steamship Cos., which was read twice by its title and referred to the Committee on Claims.

He also (for Mr. BARBOUR) submitted the following resolution (S. Res. 327), which was referred to the Committee on Claims:

Resolved, That the bill (S. 4420) entitled "A bill for the relief of the First, Second, and Third National Steamship Cos.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and take such action as it may take in accordance therewith and report to the Senate; and also report specifically to the Senate (1) whether there were any sales of or valid contracts to sell the subject vessels to said companies, and whether the companies breached any contracts, and thereby damaged the United States Shipping Board to the extent of $384,256.26, or any part thereof; and (2) whether the payment to said companies on October 7, 1935, was a payment of all of the moneys due and owing said companies on account of the claims of said companies existing on December 31, 1925, notwithstanding any statute of limitations, laches, any release, settlement, accord and satisfaction, or prior adjudication; such report to be made by the Court of Claims, or action under this resolution to be taken by the Court, so as to make its action and report during the first session of the Seventy-seventh Congress, if possible.

TRIBUTES TO THE LATE SENATOR LUNDEEN

Mr. HOLT. Mr. President, I ask unanimous consent to have printed in the RECORD certain resolutions and statements from official, veteran, and labor organizations praising the late Senator LUNDEEN.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

COUNCIL RESOLUTION, CITY OF ST. PAUL

Whereas the recent and sudden death of the Honorable ERNEST LUNDEEN, United States Senator from Minnesota, has occasioned immeasurable grief and incalculable loss to the people of the State of Minnesota and to the people of the United States; and

Whereas the late Senator served with merit and distinction in the Congress of the United States, and public recognition is given to the fact that in the pursuit of his congressional duties the late Hon. ERNEST LUNDEEN ever strove faithfully and unrelentingly to preserve and defend the interests of the people of the Nation and to promote the general public welfare, and thus merited and received the recognition and gratitude of the public: Therefore be it

Resolved, That the Council of the City of St. Paul, on behalf of the council and the people of the city of St. Paul, hereby extends an expression of sympathy to the family of the late United States Senator ERNEST LUNDEEN, and expresses and records its true appreciation and that of the people of the city of St. Paul of the distinguished, valiant, and fruitful service rendered by the late Senator in the interest of all the people of the United States in the pursuit of his congressional duties; and be it further

Resolved, That the flag be flown at half staff for a period of 30 days and that a copy of this resolution be delivered to the family of the late Senator.

Resolved, That the Board of County Commissioners of Hennepin County record their deep sorrow and regret for the sudden and untimely passing from life of Hon. ERNEST LUNDEEN, United States Senator from Minnesota.

Resolved further, That the feeling of sincere sympathy of the members of this board be extended to Mrs. Lundeen and to the other members of Senator LUNDEEN's family.

MINNEAPOLIS, *September 6, 1940.*

MRS. ERNEST LUNDEEN,
Wayzata, Minn.

MY DEAR MRS. LUNDEEN: It is difficult to put my feelings into words—and I realize how futile they are at a time like this—but do want to express my deepest sympathy at the loss of your distinguished husband; it is hard to understand why he should have been taken from us so suddenly.

The Senator and I have been friends for a great many years, and I look back with pleasure on our associations, particularly in the National Guard and when he was on the Minnesota State rifle team. While we differed in our party affiliations and some of our political philosophies, there has never been a time in the almost half a century of our acquaintance that I have ever questioned his sincerity and genuineness of purpose, for which I have felt for him practically a lifetime of admiration.

Kindest personal regards.

Sincerely yours,

GEORGE E. LEACH.

MINNESOTA STATE LEGISLATIVE BOARD,
BROTHERHOOD OF RAILROAD TRAINMEN,
Minneapolis, Minn., September 5, 1940.

MRS. ERNEST LUNDEEN AND FAMILY,
1350 Rand Tower, Minneapolis, Minn.

DEAR MRS. LUNDEEN: The Minnesota State legislative board of the Brotherhood of Railroad Trainmen extends our deepest sympathy to you and your family in this hour of bereavement.

Minnesota and the Nation mourn the passing of a great patriot and statesman whose kindly efforts in behalf of mankind will indelibly leave their impress upon a contemporary period in our national existence and economy and will challenge the future to its humanitarian duties.

Our membership revere the memory of our friend, Senator Ernest Lundeen. His firm stand against war and its concomitant misery caused a universal admiration and respect for his loyalty and ability to speak for his countrymen. His willingness to assist the underprivileged, the aged, and the unemployed was characteristic of his noble life.

Very sincerely,

GOTTFRID LINDSTEN,
Chairman.
F. W. SPENCER,
Vice Chairman.
J. P. GAETZ, *Secretary.*

RESOLUTIONS ADOPTED BY THE STEUBEN SOCIETY OF AMERICA, NEW YORK, N. Y., ON THE DEATH OF SENATOR ERNEST A. LUNDEEN

Whereas it has pleased our Heavenly Father, in His infinite wisdom, on the 31st day of August, A. D. 1940, to call to His side our dearly beloved friend, ERNEST A. LUNDEEN; and

Whereas we are mindful of the fact that ERNEST A. LUNDEEN was in hearty sympathy with, and earnestly devoted to upholding the Constitution and traditions upon which our country, the United States of America, was founded, having demonstrated this by his zealous work and active cooperation whenever and wherever it was in his power so to do; and

Whereas through the untimely and tragic decease of ERNEST A. LUNDEEN the Senate of the United States has lost a worthy Member, the Steuben Society of America a true friend, the American people a fearless fighter, and the United States of America an honest, upright, and patriotic citizen; and

Whereas we, the officers and members of the tenth national convention of the Steuben Society of America, in meeting here assembled in the city of New York, N. Y., this 14th day of September 1940, deeply mourn the loss of our friend, ERNEST A. LUNDEEN, United States Senator from the State of Minnesota: Therefore be it

Resolved, That this convention, grateful for what our departed friend has done in behalf of the common cause of the American people, and mindful of the unwavering courage with which he set an example well worthy of our admiration and of being imitated, express to the bereaved widow of ERNEST A. LUNDEEN not only our heartfelt sympathy and profound sorrow but also our assurance that the memory of ERNEST A. LUNDEEN will always be cherished as that of a man who, with unshakable courage, was ever ready to carry on the fight for the principles to which we adhere;

Resolved further, That a copy of these resolutions be forwarded to the widow of our late friend, a copy to the National Council, Steuben Society of America, and a copy to the Minnesota State Council of the Steuben Society of America, and that they be spread on the records of this convention.

TENTH NATIONAL CONVENTION,
STEUBEN SOCIETY OF AMERICA,
ROBERT F. HOLOCH, *Chairman.*
Mrs. LUCIUS CLEMENT, *Secretary.*

A true copy.
Attest:
[SEAL]

THEO. H. HOFFMANN,
Chairman of the National Council.

THE SOCIETY FOR THE AMERICAS,
Brooklyn, N. Y., September 21, 1940.

Mrs. ERNEST LUNDEEN,
Care of Senate Office Building, Washington, D. C.

DEAR Mrs. LUNDEEN: The Society for the Americas was deeply shocked and grieved to learn of the tragic passing of your husband and our good friend, Senator ERNEST LUNDEEN. Of all the representatives of the people in Washington, none was more sincerely interested in the cause of inter-Americanism than Senator LUNDEEN.

Our president, D. Stockton Stevens, had the privilege and the honor of meeting and conferring with your husband at his office in Washington in April of this year. We have indeed appreciated his great interest and help in furthering the cause for which we are striving.

Mrs. Lundeen, the Society for the Americas, meeting at their September session, paused to pay tribute to a man we admired and respected for his honest and sincere efforts in the Senate. At the request of the organization, and in their behalf, I wish to convey to you and your family the profound and sincere sympathy of the Society for the Americas in the great loss suffered in your recent bereavement.

We shall endeavor to continue our efforts to perpetuate the great ideal our friend, Senator ERNEST LUNDEEN, held dear—to make the American hemisphere politically free.

Respectfully yours,

ELIZABETH R. MARTIN,
Coordinating Secretary.

Mr. HOLT. Mr. President, hundreds of organizations, veteran, official, labor groups, passed resolutions of respect. Among these were:

Resolutions from some of the labor organizations included St. Paul Women's Auxiliary to the Railway Mail Association; Lodge No. 1028, Duluth, Minn., Amalgamated Association of Iron, Steel, and Tin Workers; Winona, Minn., Trades and Labor Council; Mahing, Minn., Farmer Labor Club; Minneapolis, Minn., Railway Mail Association; Minneapolis, Minn., National Association of Letter Carriers.

Resolutions from some of the veterans' organizations included Worth Bagley Auxiliary, St. Paul, United Spanish War Veterans; Major Fredrick A. Royse Camp No. 140, United Spanish War Veterans; National Veterans' Association; Department of Minnesota National Auxiliary United Spanish War Veterans; American Legion of Minneapolis; Hennepin County Council Veterans of Foreign Wars; Department of Minnesota United Spanish War Veterans; Minnesota Soldiers' Home Board; Charles Young Camp No. 29, United Spanish War Veterans; Russell Mitchell Post Veterans of Foreign Wars of the United States; Department of Minnesota American Legion Auxiliary; William McKinley Camp, United Spanish War Veterans; Minneapolis Bearcat Post American Legion; Worth Bagley Camp, United Spanish War Veterans; Charles E. Bond Camp, United Spanish War Veterans.

Resolutions from other organizations included National Legion of Mothers of America; De Soto Committee National Society of Colonial Dames of America; Minneapolis Civil and Commerce Association; Aviation Defense Association; Hungarian Church and Society Federation; Minnesota Branch Women's International League for Peace and Freedom; St. Paul Chapter, Mothers of American Sons; St. Paul Youth Council; Northwest Grand Lodge, International Order of Good Templars; Steuben Society of America; Society for the Americas.

ELECTION OF PRESIDENT AND VICE PRESIDENT—(S. DOC. NO. 311)

Mr. MINTON. Mr. President, many inquiries have been made and much has been written in the newspapers regarding the electoral college. As we all know, the election was held on November 5 this year, and the electoral college will meet in their respective States on December 16. The votes cast by the college will be canvassed by the Members of the Senate and House of Representatives in a joint session on January 6, 1941, and the inauguration of the President and Vice-President-elect will take place on January 20, 1941.

For the convenience of the Senators and others I ask that there be printed in the RECORD a compilation of the laws and provision of the Constitution governing the election of the President and Vice President, prepared by the Secretary of the Senate, Col. Edwin A. Halsey. Also, I ask that the compilation may be printed as a Senate document.

Accompanying this compilation, I present the electoral vote as cast by the States in the last election, which I ask to have printed as a part of the document and also in the RECORD.

There being no objection, the compilation and electoral vote were ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL PROVISIONS AND LAWS GOVERNING ELECTION OF PRESIDENT AND VICE PRESIDENT

ARTICLE II

SECTION 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

AMENDMENT XII

The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the persons voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the

seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority; then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the states shall be necessary to a choice.[1] [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.]—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

AMENDMENT XX

SECTION 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

SEC. 3. If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

SEC. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission.[2]

LAWS ENACTED REGARDING ELECTION OF PRESIDENT AND VICE PRESIDENT

Meeting of electors of President and Vice President, issuance and transmission of certificates of their selection, and result of their determination

The electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December[3] next following their appointment at such place in each State as the legislature of such State shall direct.

It shall be the duty of the executives of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Secretary of State of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are herein required to meet, six duplicates original of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Secretary of State of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Secretary of State shall be preserved by him for 1 year and shall be a part of the public records of his office and shall be open to public inspection; and the Secretary of State of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the State Department.

The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution.

The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

The electors shall seal up the certificates so made by them and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice President, are contained therein.

The electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:

1. They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.

2. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for 1 year and shall be a part of the public records of his office and shall be open to public inspection.

3. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Secretary of State at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Secretary of State for 1 year and shall be a part of the public records of his office and shall be open to public inspection.

4. They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled.

When no certificate of vote and list mentioned from any State shall have been received by the President of the Senate or by the Secretary of State by the fourth Wednesday in December after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Secretary of State shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government.

When no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Secretary of State shall send a special messenger to the district judge in which custody one certificate of votes from that State has been lodged and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government. (U. S. C., 1934 edition, title 3, secs. 5a, 7a, 8, 9a, 10, 11a, 11b, and 11c.)

Counting of the electoral votes for President and Vice President

Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules herein provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been

[1] The part included in brackets has been superseded by sec. 3 of Amendment XX.

[2] Under date of February 6, 1933, the Secretary of State issued a proclamation that the twentieth amendment had been ratified by the legislatures of more than three-fourths of the several States.

[3] December 16, 1940.

received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned herein to have been appointed, if the determination provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed, to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned, is the lawful tribunal of such State, the votes regularly given of those electors, and those only of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

While the two Houses shall be in meeting, as provided, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question 5 minutes, and not more than once; but after such debate shall have lasted 2 hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the clerk's desk; for the other officers of the two Houses, in front of the clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes; or otherwise as herein provided, in which case it shall be competent for either House, acting separately in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of 10 o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House. [United States Code, 1934 edition, title 3, secs. 17, 18, 19, and 20.]

Act providing for successors to President and Vice President

That in case of removal, death, resignation, or inability of both the President and Vice President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney General, or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster General, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Interior, shall act as President until the disability of the President or Vice President is removed or a President shall be elected: *Provided*, That whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving 20 days' notice of the time of meeting.

SEC. 2. That the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively. [Act of Jan. 19, 1886, 24 Stat. 1.]

Electoral vote returns

[November 1940]

State	Indicated electoral vote	
	Roosevelt	Willkie
Alabama	11	
Arizona	3	
Arkansas	9	
California	22	
Colorado		6
Connecticut	8	
Delaware	3	
Florida	7	
Georgia	12	
Idaho	4	
Illinois	29	
Indiana		14
Iowa		11
Kansas		9
Kentucky	11	
Louisiana	10	
Maine		5
Maryland	8	
Massachusetts	17	
Michigan		19
Minnesota	11	
Mississippi	9	
Missouri	15	
Montana	4	
Nebraska		7
Nevada	3	
New Hampshire	4	
New Jersey	16	
New Mexico	3	
New York	47	
North Carolina	13	
North Dakota		4
Ohio	26	
Oklahoma	11	
Oregon	5	
Pennsylvania	36	
Rhode Island	4	
South Carolina	8	
South Dakota		4
Tennessee	11	
Texas	23	
Utah	4	
Vermont		3
Virginia	11	
Washington	8	
West Virginia	8	
Wisconsin	12	
Wyoming	3	
Total	449	82

ARMISTICE DAY ADDRESS BY THE PRESIDENT

[Mr. MINTON asked and obtained leave to have printed in the RECORD the Armistice Day address delivered by the President at Arlington National Cemetery, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT AT CORNERSTONE LAYING OF NAVAL MEDICAL CENTER

[Mr. MINTON asked and obtained leave to have printed in the RECORD the address delivered by the President on the occasion of the laying of the cornerstone of the Naval Medical Center at Bethesda, Md., on November 11, 1940, which appears in the Appendix.]

ARMISTICE DAY ADDRESS BY SENATOR WILEY

[Mr. DANAHER asked and obtained leave to have printed in the RECORD an address delivered by Senator WILEY at Menominee, Wis., on Armistice Day, November 11, 1940, which appears in the Appendix.]

RECORD OF SENATOR HOLT ON FOREIGN AFFAIRS

[Mr. HOLT asked and obtained leave to have printed in the RECORD a compilation of his record on foreign affairs, together with certain statements, speeches, and votes, which appears in the Appendix.]

IRISH NEUTRALITY AND MESSAGE OF GOOD WILL

[Mr. HOLT asked and obtained leave to have printed in the RECORD an editorial by William Griffin, under the heading "Churchill's Attack on Irish Neutrality," and also a message of good will, signed by numerous Members of the Senate and of the House of Representatives, and Governors of States, which appear in the Appendix.]

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

For nominations this day received, see the end of Senate proceedings.

ARMY NOMINATIONS REPORTED AND CONFIRMED

Mr. MINTON. As in executive session, from the Committee on Military Affairs I report favorably sundry routine Army nominations for the calendar.

Mr. HILL subsequently said: Mr. President, earlier in the session the Senator from Indiana [Mr. MINTON] reported from the Committee on Military Affairs certain routine Army nominations. I ask unanimous consent, as in executive session, that the nominations be considered at this time.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Chair hears none. Without objection, the nominations are confirmed.

Mr. HILL. I ask unanimous consent that the President be advised forthwith of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MARINE CORPS NOMINATIONS CONFIRMED

Mr. GILLETTE. As in executive session, I report favorably from the Committee on Naval Affairs several nominations for promotion in the Marine Corps and ask unanimous consent that they be presently considered.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the nominations will be read.

The Chief Clerk read as follows:

Col. Charles F. B. Price to be a brigadier general in the Marine Corps from the 1st day of August 1940.

Capt. LePage Cronmiller, Jr., to be a major in the Marine Corps from the 1st day of October 1939.

Second Lt. David L. Henderson to be a first lieutenant in the Marine Corps from the 1st day of July 1940.

Quartermaster Clerk Homer Sterling to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 1st day of September 1940.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are confirmed.

Mr. GILLETTE. I ask unanimous consent that the President be at once notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be immediately notified.

PUBLIC HEALTH NOMINATIONS CONFIRMED

Mr. KING. Mr. President, from the Committee on Finance I report a number of nominations of Public Health officers and ask for their consideration. They are routine matters.

The PRESIDING OFFICER (Mr. MINTON in the chair). Is there objection to the immediate consideration of the nominations? The Chair hears none; and, without objection, the nominations are confirmed.

Mr. KING. I ask unanimous consent that the President be notified forthwith of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR BETWEEN ITALY AND GREECE

Mr. KING. Mr. President, I have left the chair and have taken my place upon the floor for the purpose of submitting a few observations concerning the wanton, unprovoked, and cowardly attack upon Greece by Mussolini and his military forces. Evidences are accumulating that four great powers are executing a conspiracy aimed at the destruction of all democratic nations and a division of the world among the conspirators. Italy, under this plan, is to control the Mediterranean and North Africa and to have her seizure of Albania confirmed and her attack upon Greece approved.

Mussolini assembled a large military force and launched a vigorous attack upon Greece. Undoubtedly he has the support of Hitler, and expected an easy conquest; but the Greeks of today, like the Greeks of earlier days, love freedom and liberty, and though attacked by powerful foes they are courageously and heroically defending their territory against the foul and barbarous assaults of Mussolini.

I cannot help but believe that this attack upon Greece was not understood by the mass of the Italian people. They have not been the enemies of Greece; indeed, there have been friendly relations between the people of Italy and the people of Greece. During the World War Italy was attacked by the powerful military machine of the Kaiser. The Italian people repelled these assaults made upon it and welcomed the cooperation of the Greeks when they entered the conflict upon the side of the Allies. There were ties of friendship forged in that memorable conflict and there was every reason to believe, as well as to hope, that those ties would not be broken; but now Mussolini, with his military cabal, has attempted to invade Greece and has declared that his legions would speedily conquer a brave and heroic people who for centuries have defended democratic principles and have raised high the standard of culture and of civilization.

The news which comes to us of the invasion demonstrates the courage and the valor of the Greek forces. The bleak and icy hills along the Albanian and Greek border give evidence of the courage and the valor of the Greeks. They repelled the invaders whose ranks were scattered and broken, and thousands of Italian assailants met death face to face in the mountain fastnesses.

I am reminded of the words spoken by Lord Byron at Missolonghi on January 22, 1824. He, as we all know, gave support to the Greeks in the conflict in which they were then engaged in the defense of their country. We remember his words:

> The sword, the banner, and the field,
> Glory and Greece, around me see!
> The Spartan, borne upon his shield,
> Was not more free.
>
> Awake! Not Greece—she is awake!
> Awake, my spirit! Think through whom
> Thy lifeblood tracks its parent lake,
> And then strike home!
>
> Seek out—less often sought than found—
> A soldier's grave, for thee the best;
> Then look around and choose thy ground,
> And take thy rest.

This and more have come to the minds of us all during the past weeks, as the result of the unparalleled and unceasing heroism of the descendants of those of whom Byron spoke in 1824, in their brilliant defense against Mussolini's forces of aggression.

It is an inspiration to us all to know that the descendants of the fighters of Marathon have taken an irrevocable and unwavering stand, with no fear or thought of risks and dangers. The foe was at their border, invading their homes and altars; that was enough. He had to be resisted, and he is being resisted most bravely.

There is a historical parallel to that invasion. Signor Mussolini has made the same mistake that the King-Emperor of Persia made nearly two and one-half thousand years ago. The Persian King felt that the Greeks would be put to flight at the very sight of his legions; but Marathon is an eternal monument to his folly. So it is with Mussolini. He felt that the Greeks in the Pindus Mountains would fall back and raise the white flag, or that some forces within the nation would bring about an appeasement. He, too, has received a bitter lesson. There has been no appeasement in Greece. There has been no withdrawal. The voices of the counselors of defeatism have been silenced and drowned by the epic battle of the Greek soldiers in the mountain passes.

The parallel may be carried further: The triumph of the Greek armies during the Persian Wars resulted in a democracy and the development of the civilization in which we live. The struggle now going on in the mountains of Epirus may be the long-awaited favorable omen, and the dawn of the day of democracy's triumph everywhere.

As I have indicated, the invasion of Greece is but a part of the conspiracy of those who seek the destruction of demo-

cratic nations, and there are many who believe that the outcome of this almost world-wide conflagration will determine whether democracy shall continue to be a living force or whether it shall be replaced by tyranny. Democracy as never before is engaged in a life-and-death struggle, the extent of which is globe-wide. It is not only that blood is being shed on the battlefields of Greece, England, and China for the preservation of democratic ideals; sacrifices are being made everywhere, even within Germany and Italy, as well as among the people of the conquered nations.

At this crucial time, however, the Greek nation with its valiant defenders in Epirus is enhancing the morale of the forces of democracy everywhere. Each day records successful efforts to repel the assaults of the invaders and furnishes conclusive evidence of the heroic qualities and patriotic efforts of those who are defending Greece. The press carries reports of the disordered retreat of the invaders, of the demoralization of their ranks, and of the capture of large numbers of Italian combat forces, and of the large number of lifeless bodies which cover hills and valleys and mountain fastnesses.

James Aldridge, an American reporter of standing and ability, in his dispatch appearing in the New York Times, of the 14th instant, writes from the battlefield and recounts the annihilation of one of the Italian divisions. Many of the hundreds captured and killed were Italian peasants, led to a tragic end by one greedy for power and indifferent to the rights of human beings. Mr. Aldridge's dispatch is as follows:

The story of the trapped division is probably already famous in the outside world. It is known how the Greeks allowed the Alpini division to enter the pass, how a relief column was also permitted to come in, how both ends of the pass were blocked by heavy weapons, and how the Greeks from vantage points on the mountainside poured hell into the Italians strung along beneath them on the valley road.

The slaughter was terrific. Now the battlefield resembles Guadalajara. It begins on a rise, with a solitary Italian soldier stretched out in the mud. He lay right on top of the rise, with his chest and head smashed by machine-gun bullets. His tin hat had leaped off his head when he fell and lay brim down in a muddy hole yards ahead. Nobody bothered to move him for quite a while.

The Italian dead in the woods were practically always in groups and they were spread out or heaped on dry leaves in awkward shapes. Twice there were bayonet attacks by the Greeks in the earliest battle for the pass, one at the rear and one from a rocky crag that hangs over a slope in a great sweep to the road.

Most of the Italians did not even have bayonets fixed to their rifles, so they could not do much anyway, but there are unsheathed bayonets lying around everywhere.

Occasionally off to the northwest one can still hear the bark of mountain artillery. Here and there are small groups of ruddy-faced, unshaven Greek soldiers cleaning up the mess or marching with fixed bayonets. Some of these have got grenades now, which they did not have before. The captured Italian equipment is already being used by the Greeks.

* * * * * * *

They have all died with their faces in the mud, their gloved hands stretched out before them in the red, wet earth, and with smashed equipment around them. Small defensive positions made out of rock were blown sky high by shells. Great coils of field telephone wire in confusion are tied up with the sprawling figures.

One dead Roman had his arms locked around a tree as he died. Some young boys lay with their trousers still creased and their tin hats smashed in. Dead horses were under the trees. There was much paper scattered around from the soldiers' pockets and pictures of their mothers, wives, and babies were now a dirty, yellow mess in the red mud of the road.

But Greece is a small nation of 7,000,000 or so. It lacks the industrial base and material resources to effectively carry out a long and bitter campaign against Mussolini. Mussolini today—and most certainly against Hitler on the morrow—because Hitler, it may be truthfully said, is the guiding spirit in the attacks which are being made upon European nations. It was he who destroyed Austria, and Poland, and Norway, and Holland, and Belgium, and France, and who, uniting with Stalin, seeks the conquest of all democratic nations. Heroic England protects the torch of civilization from those who would extinguish it in the English Channel and the British Isles, and her assistance to the heroic Greek nation must necessarily have limitations; but it may be said that Great Britain and Greece today are courageously fighting for humanity and for civilization.

In this hour of world crisis, when the fate of democracy and those things which we hold dear are at stake, what will be the attitude of this, the world's greatest nation in industrial and moral strength and power? Greece and Great Britain are struggling against mighty foes to defend the cause of justice and freedom and liberty not only in their own lands but throughout the world. What, in this tragic hour, is the duty or the obligation of America? Certainly not to remain silent until democratic nations are destroyed and the forces of evil are directed against our shores. Are we to remain mute when words of encouragement mean much in fortifying the spirit of the defenders of freedom and democracy? Our contributions will not be merely words but material aid. Do we realize that the bitter struggle in the mountain of Epirus and the English Channel is essentially the same fight that this Republic may be called upon to continue if the gallant and heroic defenders perish?

Senators will recall the attitude of President Monroe, Webster, Clay, and Calhoun, and other great American statesmen, when Greece was fighting for independence more than a hundred years ago. Then the bravery and the heroism of the Greeks aroused the enthusiasm of the American people, who urged not only moral support but material aid in order that the Greeks might achieve independence. President Monroe, in his message to Congress on December 2, 1823, said:

A strong hope has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest and resume their equal station among the nations of the earth. It is believed that the whole civilized world take a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers which might ere this have overwhelmed any other people. The ordinary calculations of interest and of acquisition with a view to aggrandizement, which mingles so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation. That she may obtain that rank is the object of our most ardent wishes.

Greece has for years enjoyed independence and has exhibited those great qualities of mind that gave preeminence to Greece for centuries before and after the Christian era. Greece seeks no conquest; she desires peace and to occupy an honored position in the council of nations. She is guilty of no offense; and yet, as I have indicated, a greedy and ruthless dictator seeks her destruction and the enslavement of her people. Only yesterday we read in the morning press that Molotov, representing Stalin, conferred with Hitler; and doubtless representatives of other members of the Axis were in the offing. They there, as I have heretofore indicated, sought to perfect their plans for the division of the world. India is to be allocated to Stalin; Mussolini is to have a free hand in the Mediterranean; and Hitler is to be the overlord of Europe. Japan, now a silent partner, is to extend her authority over the greater part of Asia.

Mr. President, dark clouds overhang the world, and if the democratic nations should be destroyed, the Western Hemisphere would be the object against which the Axis Powers would direct their efforts.

I heartily approve of the statements made by the President in his Columbus Day address at Dayton, Ohio, on October 12. Among other things he said:

We are building a total defense on land and sea and in the air sufficient to repel attack from any part of the world. Forewarned by the deliberate attacks of the dictators upon free peoples, the United States for the first time in its history has undertaken the mustering of its men in peacetime.

He further stated:

No combination of dictator countries of Europe and Asia will halt us in the path we see ahead for ourselves and for democracy. No combination of dictator countries of Europe and Asia will stop the help we are giving to almost the last free people fighting to hold them at bay.

He further stated:

We will continue to help those who resist aggression and who now hold the aggressors far from our shores.

The President further added:

It can no longer be disputed that forces of evil which are bent on conquest of the world will destroy whomever and whenever they can

destroy. We have learned the lessons of recent years. We know now that if we seek to appease them by withholding aid from those who stand in their way we only hasten the day of their attack upon us.

Great Britain and Greece are being assailed by the Axis Powers. They stand in the way of the mad ambitions of such powers, who desire to crush every free people and destroy the democratic forces throughout the world.

I sincerely hope that the Members of this legislative body will lift their voices, as did Webster, Clay, and Calhoun, in the defense of liberty, and that they will properly appraise the responsibilities resting upon them and upon our country, and support measures that will afford assistance to those peoples and countries who are now fighting for liberty and for civilization.

It is our hope that the Greek spirit will continue undaunted before the Fascist legions, adding pages of glory to its noble history. We know that it will; but if insurmountable obstacles and forces overwhelm and crush them, then in our sorrow we will recall Tennyson's tribute to them in his immortal Ulysses:

> We are not now that strength which in old days
> Moved earth and heaven; that which we are, we are;
> One equal temper of heroic hearts,
> Made weak by time and fate, but strong in will
> To strive, to seek, to find, and not to yield.

RECESS TO MONDAY

Mr. HILL. I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 12 o'clock and 22 minutes p. m.) the Senate took a recess until Monday, November 18, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 15 (legislative day of September 18), 1940

COURT OF CLAIMS OF THE UNITED STATES

Joseph Warren Madden, of Pennsylvania, to be a judge of the United States Court of Claims, vice Green, retired.

NATIONAL LABOR RELATIONS BOARD

Harry A. Millis, of Illinois, to be a member of the National Labor Relations Board for the term of 5 years from August 27, 1940, vice Joseph Warren Madden.

STATE DIRECTORS OF SELECTIVE SERVICE

Brig. Gen. Marion Williamson to be State director of selective service for the State of Georgia.

Col. Perry M. Smoot, National Guard of the United States, to be State director of selective service for the Territory of Hawaii.

COAST GUARD OF THE UNITED STATES

The following-named officers in the Coast Guard of the United States:

TO BE COMMANDER, TO RANK AS SUCH FROM JULY 1, 1940

Lt. Comdr. Frank B. Lincoln.

TO BE LIEUTENANT, TO RANK AS SUCH FROM AUGUST 5, 1939

Lt. (Jr. Gr.) John H. Forney.

TO BE LIEUTENANT, TO RANK AS SUCH FROM AUGUST 29, 1939

Lt. (Jr. Gr.) Clarence Herbert.

TO BE LIEUTENANTS (JUNIOR GRADE), TO RANK AS SUCH FROM SEPTEMBER 20, 1940

Ensign Joseph W. Naab, Jr.
Ensign Corliss B. Lambert.
Ensign Victor E. Bakanas.
Ensign James McIntosh.
Ensign Maynard F. Young.
Ensign Harold Land.
Ensign Mark A. Whalen.
Ensign William F. Cass.
Ensign Roger M. Dudley.
Ensign Albert F. Wayne, Jr.
Ensign Clement Vaughn, Jr.
Ensign Chester I. Steele.
Ensign Clarence H. Waring, Jr.
Ensign Paul E. G. Prins.
Ensign Christian W. Peterson.
Ensign Robert J. Clark.
Ensign Edward P. Chester, Jr.
Ensign Larry L. Davis.

TO BE ENSIGN, TO RANK AS SUCH FROM DATE OF OATH

Robert Franklin Barber.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Donald Brandt Robinson, Minnesota National Guard, to be brigadier general, National Guard of the United States.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

The following-named captains to be rear admirals in the Navy to rank from the date stated opposite their names:

Raymond A. Spruance, October 1, 1940.
Charles A. Dunn, December 1, 1940.

The following-named lieutenant commanders to be commanders in the Navy to rank from the date stated opposite their names:

John B. Lyon, July 1, 1940.
Cyril A. Rumble, July 1, 1940.
Ransom K. Davis, July 1, 1940.
Paul R. Coloney, July 1, 1940.
Nealy A. Chapin, August 1, 1940.
Edward E. Roth, September 1, 1940.
Burton B. Briggs, September 1, 1940.
Charles J. Maguire, November 1, 1940.

Lt. Harry L. Ferguson, Jr., to be a lieutenant commander in the Navy to rank from the 8th day of December 1939.

The following-named lieutenants to be lieutenant commanders in the Navy to rank from the 1st day of July 1940:

Willard M. Sweetser	John J. Greytak
Clarence W. McClusky, Jr.	Henri de B. Claiborne
Clifford H. Duerfeldt	Theodore C. Aylward
Clarence O. Taff	

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Arthur L. Wilson, July 1, 1939.
Walter D. Innis, June 1, 1940.
Philip W. Cann, June 26, 1940.
Louis W. Mang, July 1, 1940.
Paul L. Stahl, July 1, 1940.
James V. Bewick, July 1, 1940.
Edwin S. Miller, July 1, 1940.
George Wendelburg, July 1, 1940.
James B. Burrow, July 1, 1940.
Enrique D. Haskins, September 1, 1940.
Wallace A. Sherrill, August 1, 1940.
Theodore R. Vogeley, September 1, 1940.
Albert L. Shepherd, October 1, 1940.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 3d day of June, 1940:

Charles W. Coker	Walter S. Reid
Robert S. Willey	Francis G. Blasdel, Jr.
Richard A. Waugh	James P. Andrea
Walter J. Stencil	Roger N. Currier

The following-named passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander, to rank from the 26th day of June, 1940:

Thomas G. Hays	William F. E. Loftin
William S. Cann	Roy F. Cantrell

Asst. Surg. Anton Zikmund to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of July 1940.

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy, with the rank of lieutenant, from the 1st day of July 1940:

Eric G. F. Pollard
Frank E. Jeffreys
George R. Tucker

Pay Director Ray Spear to be a pay director in the Navy, with the rank of rear admiral, from the 1st day of October 1929.

Passed Assistant Paymaster Thomas W. Baker to be a paymaster in the Navy, with the rank of lieutenant commander, from the 26th day of June 1940.

The following to be assistant paymasters in the Navy, with the rank of ensign, from the 5th day of November 1940:

Selden S. Hoos
Roy O. Yockey

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign, from the 20th day of October 1940:

James C. Oster
Rodney F. Snipes
Ray E. Chance

Electrician William L. Taylor to be a chief electrician in the Navy, to rank with but after ensign, from the 20th day of October 1940.

Radio Electrician Samuel H. Foster to be a chief radio electrician in the Navy, to rank with but after ensign, from the 21st day of May 1940.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 20th day of October 1940:

Carl F. Lee
Stanley R. Hammond
Virden J. Wixom
Chester C. Jones
Thorold A. Stone
Ernest Clark
Wright Brinton
John H. Newcomb
Philip C. Morris

Carpenter Marshall H. Carver to be a chief carpenter in the Navy, to rank with but after ensign, from the 20th day of October 1940.

Pharmacist Charles L. Crawford to be a chief pharmacist in the Navy, to rank with but after ensign, from the 20th day of October 1940.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 20th day of October 1940:

Goff E. Manuel
John A. Hagan
Russell C. Thurrott
Dallas E. Kellum
Paul Tasker

CONFIRMATIONS

Executive nominations confirmed by the Senate November 15 (legislative day of September 18), 1940

UNITED STATES PUBLIC HEALTH SERVICE

TO BE MEDICAL DIRECTOR

Ora H. Cox

TO BE PASSED ASSISTANT SURGEON

Louis F. Cleary

TO BE ASSISTANT SURGEONS

Terrence E. Billings
Aubrey C. Gose
Stanley E. Krumbiegel

TO BE SENIOR DENTAL SURGEONS

Ozias Paquin, Jr.
Daniel B. Newell

APPOINTMENTS IN THE REGULAR ARMY

TO BE CHAPLAINS WITH RANK OF FIRST LIEUTENANT

Leslie Albert Thompson.
Willard Graham Davis.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS

John Moore Thompson, Cavalry.
George Matthew Halloran, Infantry.
William Edward Brougher, Infantry.
Medorem Crawford, Jr., Infantry.
Sumner Waite, Infantry.
Albert Monmouth Jones, Infantry.
Harrison McAlpine, Infantry.
James Raymond Alfonte, Quartermaster Corps.
Bertram Foster Duckwall, Medical Corps.

TO BE CAPTAINS

Joseph Carmack, Medical Administrative Corps.
Walter Nicholls Graham, Dental Corps.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO FINANCE DEPARTMENT

Maj. Harry Earl Reed.

TO ADJUTANT GENERAL'S DEPARTMENT

Lt. Col. George Albert Hadd.

TO QUARTERMASTER CORPS

First Lt. Raymond Horace Tiffany.
First Lt. Alton Alexander Denton.
First Lt. Edward Spalding Ehlen.
First Lt. Carl William Kohls.

TO FINANCE DEPARTMENT

Maj. Frederick Pearson, Infantry.

TO SIGNAL CORPS

First Lt. Richard John Meyer.

TO COAST ARTILLERY CORPS

Lt. Col. Thomas Clyde McCormick.

TO ORDNANCE DEPARTMENT

Capt. Henry Randolph Westphalinger.

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS, IN THE REGULAR ARMY

TO BE COLONELS

William Elmer Lynd, Air Corps.
Rosenham Beam, Air Corps.
Harry Herman Young, Air Corps.
Donald Wilson, Air Corps.
William Ormon Butler, Air Corps.
Vernon Lee Burge, Air Corps.
William Benjamin Wright, Jr., Air Corps.
Raymond Edward O'Neill, Air Corps.
Dudley Blanchard Howard, Air Corps.
Floyd Emerson Galloway, Air Corps.
Calvin Earl Giffin, Air Corps.
Carl William Connell, Air Corps.
Thomas Settle Voss, Air Corps.
Thomas Watson Hastey, Air Corps.
Morris Berman, Air Corps.
Walter Bender, Air Corps.
Albert Michael Guidera, Air Corps.
James Francis Doherty, Air Corps.
Lynwood Benjamin Jacobs, Air Corps.
Frank Wilbur Wright, Air Corps.
Edgar Peter Sorensen, Air Corps.
Robert Olds, Air Corps.
Ross Gordon Hoyt, Air Corps.
William Bentley Mayer, Air Corps.
Richard Henry Ballard, Air Corps.
Ralph Hudson Wooten, Air Corps.

TO BE LIEUTENANT COLONELS

Harvey William Prosser, Air Corps.
Clayton Lawrence Bissell, Air Corps.
Horace Simpson Kenyon, Jr., Air Corps.
Leland Charles Hurd, Air Corps.
Robert Victor Ignico, Air Corps.
Leland Ross Hewitt, Air Corps.
Clifford Cameron Nutt, Air Corps.
Isaiah Davies, Air Corps.
Arthur William Vanaman, Air Corps.
Franklin Otis Carroll, Air Corps.
Frederick William Evans, Air Corps.
Harry Gage Montgomery, Air Corps.
Fred Cyrus Nelson, Air Corps.
Edward Moses Morris, Air Corps.
Burton Frederick Lewis, Air Corps.
Elmer John Bowling, Air Corps.
Orin Jay Bushey, Air Corps.
Fred Sidney Borum, Air Corps.
George Washington Polk, Jr., Air Corps.
Christopher William Ford, Air Corps.

Alfred Warrington Marriner, Air Corps.
Guy Harrison Gale, Air Corps.
Muir Stephen Fairchild, Air Corps.
James Gradon Taylor, Air Corps.
Leland Wilbur Miller, Air Corps.
Raphael Baez, Jr., Air Corps.

TO BE MAJORS

Joseph Cyril Augustin Denniston, Air Corps.
John Halliday McCormick, Air Corps.
Earl Walter Barnes, Air Corps.
Charles Henry Caldwell, Air Corps.
Edgar Turner Noyes, Air Corps.
James Keller De Armond, Air Corps.
Walter Llewellyn Wheeler, Air Corps.
Norme D. Frost, Air Corps.
Linus Dodge Frederick, Air Corps.
James Gordon Pratt, Air Corps.
Milton Miles Murphy, Air Corps.
Lee Quintus Wasser, Air Corps.
Benjamin Thomas Starkey, Air Corps.
George Vernon Holloman, Air Corps.
Glenn Oscar Barcus, Air Corps.
Turner Ashby Sims, Jr., Air Corps.
Samuel Wallace Van Meter, Air Corps.
Alfred Henry Johnson, Air Corps.
James Roy Andersen, Air Corps.
Samuel Russ Harris, Jr., Air Corps.
Shelton Ezra Prudhomme, Air Corps.
John Paul Doyle, Jr., Air Corps.
Leon William Johnson, Air Corps.
Guy Beasley Henderson, Air Corps.
Henry Raymond Baxter, Air Corps.
Morris Robert Nelson, Air Corps.
Kenneth Perry McNaughton, Air Corps.

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE LIEUTENANT GENERAL

Delos Carleton Emmons, commanding general, General Headquarters Air Force.

TO BE MAJOR GENERALS

Walter King Wilson
Ernest Dichmann Peek
Fulton Quintus Cincinnatus Gardner
Benjamin Oliver Davis
Sanderford Jarman
Frank Maxwell Andrews
John Francis Curry

TO BE BRIGADIER GENERALS

Edward Marsh Shinkle
Gilbert Henry Stewart
William Alexander McCain
Ulysses Simpson Grant 3d
Joseph Alexander Atkins
Rolland Webster Case
Norman Foster Ramsey
Forrest Estey Williford
Alexander Garfield Gillespie
Ray Longfellow Avery
Walter Putney Boatwright
Arthur Griffith Campbell
Robert Clifton Garrett
Jack Whitehead Heard
John Chilton McDonnell
John Bernard Brooks
Clinton Warden Russell
Carlyle Hilton Wash
Lewis Blaine Hershey

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICERS

To be major general, National Guard of the United States

Robert Sprague Beightler

To be brigadier generals, Adjutant General's Department, National Guard of the United States

George Ade Davis
Mervin Gilbert McConnel

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY OF THE UNITED STATES

GENERAL OFFICER

John Francis O'Ryan, Inactive Reserve, to be major general, Inactive Reserve.

PROMOTIONS IN THE NAVY

MARINE CORPS

To be a brigadier general

Charles F. B. Price

To be a major

LePage Cronmiller, Jr.

To be a first lieutenant

David L. Henderson

To be a chief quartermaster clerk

Homer Sterling

SENATE

MONDAY, NOVEMBER 18, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, Thou fountain of divine blessing, whose infinite mind dwells behind the shadows, and whose heart of love pulses beyond the stars: We acknowledge Thy presence in all the universe, and, with the faith that will not be quenched, we trust the infinite beneficence of Thy purpose, seeking only to order our lives in perfect harmony with Thine. Draw near to us, dear Lord, that, in the spirit of kindness and readiness to serve, we may manifest in the doing of our tasks this day a human sympathy for all suffering humanity and an active zeal for whatever may promote a wider happiness in our own beloved country and among the nations of the world.

Quicken our devotion to the highest, holiest principles of that perfect manhood revealed in our Lord and Saviour, Jesus Christ, in whose name and only for whose sake we dare to pray. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, November 15, 1940, was dispensed with and the Journal was approved.

METHOD OF NUMBERING UNITED STATES LAWS

The ACTING PRESIDENT pro tempore (Mr. KING) laid before the Senate a letter from the Acting Secretary of State, relative to a projected alteration in the method of numbering of the laws of the United States, which was referred to the Committee on Printing.

ERVINE J. STENSON

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation for the relief of Ervine J. Stenson, formerly senior clerk and special disbursing agent at the Southern Navajo Indian Agency, which, with the accompanying paper, was referred to the Committee on Claims.

TARIFF INVESTIGATION AS TO CRAB MEAT

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the United States Tariff Commission, reporting that, in accordance with the provisions of Senate Resolution 200, Seventy-sixth Congress, the Commission has instituted an investigation, under the provisions of section 336 of the Tariff Act of 1930, relative to crab meat, fresh or frozen, etc., which, with the accompanying paper, was referred to the Committee on Finance.

SEPTEMBER 1940 REPORT OF THE RECONSTRUCTION FINANCE CORPORATION

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation reporting, pursuant to law, as to the activities and expenditures of the Corporation for the month of September 1940, including statement of loan and other authorizations made during the month, etc., which, with the accompanying papers, was referred to the Committee on Banking and Currency.

REPORT ON THE FRANKLIN D. ROOSEVELT LIBRARY

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Archivist of the United States, transmitting, pursuant to law, the first annual report on the Franklin D. Roosevelt Library for the fiscal year ended June 30, 1940, which, with the accompanying report, was referred to the Committee on the Library.

PETITIONS AND MEMORIALS

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the Thirty-third Annual Convention of the Atlantic Deeper Waterways Association at Richmond, Va., favoring the taking of prompt steps for the construction of the Atlantic Intracoastal Waterway in the interest of national defense, which was referred to the Committee on Commerce.

He also laid before the Senate the petition of Hyman Walter, of New York City, praying for the creation of the salaried post of poet laureate of the United States, which was referred to the Committee on the Library.

He also laid before the Senate a letter from Derek White, chairman, advisory board, National Aircraft Training Council, Los Angeles, Calif., offering his services and those of the council to the United States for the purpose of speeding up that portion of the national defense having to do with the production of airplanes, engines, and component parts, which, with the accompanying paper, was referred to the Committee on Military Affairs.

He also laid before the Senate a resolution of the annual meeting of the Hudson River Baptist Association, North, Schenectady, N. Y., protesting against the action of the State of New York Division of Alcoholic Beverage Control in authorizing manufacturers and wholesalers "to sell and deliver alcoholic beverages to post exchanges, canteens, officers, and regional messes within Federal military and naval reservations," which was referred to the Committee on Military Affairs.

He also laid before the Senate a telegram in the nature of a petition from R. G. Allen, of Dallas, Tex., praying for the prompt enactment of the so-called Walter-Logan bill and amendment of the Wagner Labor Act, and also remonstrating against final adjournment of the Congress, which was ordered to lie on the table.

REPORT OF COMMITTEES

Mr. KING, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4415. A bill to amend the act entitled "An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof," approved June 25, 1910 (Rept. No. 2219);

H. R. 8665. A bill to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis (Rept. No. 2217); and

H. R. 10418. A bill to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Peter Florey (Rept. No. 2218).

Mr. JOHNSON of Colorado, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 10098) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920, reported it with an amendment and submitted a report (No. 2220) thereon.

CONTROL OF REORGANIZED CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO. (REPT. NO. 25, PT. 21)

Mr. WHEELER (for himself and Mr. TRUMAN), from the Committee on Interstate Commerce, submitted an additional report, pursuant to Senate Resolution 71, Seventy-fourth Congress, authorizing an investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, relative to control of the reorganized Chicago, Milwaukee, St. Paul & Pacific Railroad Co., which was ordered to be printed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PEPPER:

S. 4421. A bill for the relief of Mitchell Baryshanski; to the Committee on Immigration.

By Mr. McKELLAR:

S. 4422. A bill relating to the compensation of William J. Muse for services rendered as a clerk in the post office at Mountain City, Tenn.; to the Committee on Post Offices and Post Roads.

S. J. Res. 302. Joint resolution authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress; to the Committee on Foreign Relations.

FUNERAL EXPENSES OF THE LATE SENATOR PITTMAN

Mr. BARKLEY. Mr. President, on behalf of the Senator from Nevada [Mr. McCARRAN], I ask for the present consideration of the resolution which I send to the desk.

The ACTING PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 328) was read, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Acting President pro tempore of the Senate in arranging for and attending the funeral of Hon. Key Pittman, late a Senator from the State of Nevada, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, the rule requiring reference of the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate will be waived, and the resolution will be adopted.

ELECTION POLLS, ETC.

Mr. McKELLAR submitted the following resolution (S. Res. 329), which was referred to the Committee on Privileges and Elections:

Resolved, That a special committee of three Senators, to be appointed by the President of the Senate, is authorized and directed to make a full and complete study and investigation with respect to polls, straw ballots, and published reports which (1) have purported to indicate how persons would vote or expected to vote or were likely to vote in primary elections or other elections in which Presidential electors or Members of the Senate or Members of the House of Representatives were to be elected or in which candidates for any of such offices were to be nominated, or (2) have purported to measure or indicate the state of public opinion about matters of national importance. The committee shall report to the Senate as soon as practicable the results of its investigation, together with its recommendations for any necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-sixth and succeeding Congresses, to employ such experts, and such clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

COMMITTEE SERVICE

Mr. AUSTIN. At the request of the senior Senator from Oregon [Mr. McNARY], who is necessarily absent on public business, I ask for the adoption of the order which I send to the desk.

The ACTING PRESIDENT pro tempore. The order will be read.

The Chief Clerk read as follows:

Ordered, That the senior Senator from Minnesota [Mr. SHIPSTEAD] be excused from further service upon the Committee on Interstate Commerce, and that the junior Senator from Minnesota [Mr. BALL] be assigned to service upon said committee.

The ACTING PRESIDENT pro tempore. Without objection, the order is agreed to.

MR. WILLKIE'S LOYAL OPPOSITION ADDRESS

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD the address delivered by Hon. Wendell L. Willkie on Monday evening, November 11, 1940, on the subject of a loyal opposition, which appears in the Appendix.]

ORDER OF BUSINESS

Mr. CONNALLY. Mr. President, I wish to make an inquiry of the Senator from Kentucky as to the disposition which should be made of nominations which are pending. There are a number of nominations pending before committees, and I should like to know what the Senator has in mind. Some of them, I think, ought to be acted upon.

Mr. BARKLEY. Are they on the calendar?

Mr. CONNALLY. I do not know.

The ACTING PRESIDENT pro tempore. The Chair is informed that there are no nominations now on the calendar.

Mr. CONNALLY. There are none on the calendar. Several committees, however, have nominations before them but are not taking any action because of the situation which prevails.

Mr. BARKLEY. I think committees which have nominations before them may act on their own discretion as to whether they will report them now. If they shall report them, we will try to take action on them; otherwise I do not think we should attempt to put any pressure on the committees to make reports.

Mr. McKELLAR. Mr. President, if the Senator will yield, there are several nominations before the Appropriations Committee. We have not had time since I returned to act on them, and I should like to have the consent of the Senate to bring the nominations up a little later—tomorrow or a subsequent day—if the Senate should adjourn over.

Mr. BARKLEY. Have they been reported?

Mr. McKELLAR. They have not been reported, but are ready to be reported.

Mr. BARKLEY. We can take action on any nominations that have been reported.

Mr. SHEPPARD. Mr. President, the Committee on Military Affairs has agreed to report several nominations. They are not ready at the moment, but will be in a few minutes. I ask permission to report them when they arrive.

The ACTING PRESIDENT pro tempore. Without objection, permission is granted.

Mr. JOHNSON of California. Mr. President, can the Senator from Kentucky give us any information as to when the resolution for final adjournment will be acted upon?

Mr. BARKLEY. I will say to the Senator from California that it is understood that the House will act on such a resolution tomorrow. That, of course, assumes that a quorum of the House will be present, and I am assuming that there is or will be a quorum here tomorrow. It is understood that the House will take action tomorrow on the resolution.

Mr. JOHNSON of California. Then will the Senate, as soon as convenient, take up the resolution?

Mr. BARKLEY. That is the expectation; yes. I think if the House adopts the resolution it ought to be submitted to the Senate, and will be, as early as convenient.

Mr. BRIDGES. Mr. President, if the Senator will yield——

Mr. BARKLEY. I yield.

Mr. BRIDGES. There will be no vote in the Senate tomorrow on final adjournment, will there?

Mr. BARKLEY. I do not know as to that; I cannot say. If the House should send the resolution over tomorrow at an early hour in the afternoon, we probably would vote on it tomorrow. Otherwise, it would have to go over until Wednesday.

Mr. BRIDGES. When the vote comes in the Senate, then, will depend altogether on the action of the House?

Mr. BARKLEY. That is the way the matter looks at the present time; yes. Of course, there is no requirement that the House pass first on a resolution providing for final adjournment; but that has been the plan, and I suppose it will be carried out.

Mr. BRIDGES. Will the Senator tell us what form the resolution will take? Will it be a resolution for immediate adjournment?

Mr. BARKLEY. I cannot say at just what hour; but ordinarily the resolution provides that when the two Houses conclude their business on the day on which they act, or on some other day, they shall stand adjourned sine die.

Mr. SMITH. If the motion comes over from the House, it is a privileged motion, is it not?

Mr. BARKLEY. It is a privileged motion and is not debatable.

Mr. SMITH. And we will vote on it if we can get it up?

Mr. BARKLEY. Yes.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. BAILEY, from the Committee on Commerce, reported favorably the nomination of Wayne C. Taylor, of Illinois, to be Under Secretary of Commerce.

He also, from the same committee, reported favorably the nomination of JOHN J. DEMPSEY, of New Mexico, to be a member of the United States Maritime Commission for the term of 6 years from September 26, 1940, vice Henry A. Wiley.

He also, from the same committee, reported favorably the nominations or sundry officers for appointment or promotion in the Coast Guard.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Col. Perry M. Smoot, National Guard of the United States, to be Director of Selective Service for the Territory of Hawaii, under the provisions of law.

He also, from the same committee, reported favorably the following nominations of persons and officers to be State directors of selective service:

For Alabama: Brig. Gen. Benjamin M. Smith;
For Illinois: Paul G. Armstrong;
For Mississippi: Brig. Gen. Thomas J. Grayson;
For Nebraska: Brig. Gen. Guy W. Henninger;
For North Carolina: Brig. Gen. John Van B. Metts;
For South Dakota: Col. Edward A. Beckwith;
For Tennessee: Brig. Gen. Thomas A. Frazier;
For Texas: Brig. Gen. J. Watt Page, adjutant general of the State of Texas; and
For Wisconsin: Walter J. Wilde.

ADJOURNMENT

Mr. BARKLEY. If there is no further business for today, I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 8 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, November 19, 1940, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 18, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, with the spirit of gratitude in our hearts, we pray that with courageous endeavor we may be worthy of life's "well done"; herein is reality, simplicity, and the life splendid. Grant that we may have some token of Thy presence, being a covert for any who may be depressed, pursued, or who may be gazing to the past and refusing to behold the future with a mighty hope; help us all, dear Lord, to sing Thy praise, flaming again the lamps of a compelling faith that the cast-down shall not be forsaken, the wounded shall be healed, and those who are slain shall be brought gloriously to life. Let us harken unto Thy word: "Let no man glory in men, for all things are yours, whether Paul, or Apollas, or Cephas, or the world, or life, or death, or things present, or things to come; all are yours; and ye

are Christ's and Christ is God's. Almighty One, we humbly beseech Thee to perform a mighty miracle and command the sun of time to stand still until the armies of the Lord shall have driven afar the last Philistine and raise up the common brotherhood of man made powerful by the spirit of the Master. In His holy name. Amen.

The Journal of the proceedings of Thursday, November 14, 1940, was read and approved.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States informed the House that he had, on October 29, 1940, approved and signed a bill of the House of the following title:

H. R. 10285. An act for the relief of Charles S. Ladinsky and Moe Kanner.

SELECT COMMITTEE TO INVESTIGATE THE INTERSTATE MIGRATION OF DESTITUTE CITIZENS

Mr. COCHRAN. Mr. Speaker, by direction of the Committee on Accounts, I submit a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 629

Resolved, That further expenses of conducting the investigation and study authorized by House Resolution 63 of the present Congress, incurred by the Select Committee to Investigate the Interstate Migration of Destitute Citizens, acting as a whole or by subcommittee, not to exceed an additional $5,000, including expenditures for the employment of clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or subcommittee thereof conducting such investigation and study or any part thereof, signed by the chairman of the committee or subcommittee and approved by the Committee on Accounts.

With the following committee amendment:

Line 6, strike out "$5,000" and insert in lieu thereof "$3,000."

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Will the gentleman tell us how much was originally appropriated for this committee?

Mr. COCHRAN. Twenty thousand dollars was originally appropriated for the committee. It has a balance of about $400. The committee has 10 days of hearings set for Washington during the month of December, and without this money it cannot function. The chairman of the committee appeared before the Committee on Accounts and gave a complete and satisfactory statement. This is a unanimous report from the Committee on Accounts.

Mr. MARTIN of Massachusetts. Will the gentleman tell us the reasons for the overdraft?

Mr. COCHRAN. The committee originally asked for $25,000. The Committee on Accounts reduced that to $20,000. The committee thought they could complete their work with that. They have had so many witnesses that it has been necessary, they claim, to spend a little more money than they expected to spend. I might add the committee only had about 6 months to do its work.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ATTENDING PHYSICIAN'S OFFICE, HOUSE OF REPRESENTATIVES

Mr. COCHRAN. Mr. Speaker, I submit a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 630

Resolved, That an additional assistant in the attending physician's office of the House of Representatives shall be paid the sum of $30 per month from the contingent fund of the House until otherwise provided for by law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Christian Science Monitor.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

UNDER SECRETARY OF WAR

Mr. SMITH of Connecticut. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4370) authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman from Connecticut tell us whether this legislation is an official request from the administration?

Mr. SMITH of Connecticut. It is an official request from the War Department, with the approval of the President. The bill has passed the Senate. It would allow the appointment during any period of national emergency, including the present period of limited emergency, of an Under Secretary of War, and the delegation, in whole or in part, to the Under Secretary of duties which are at present the duties of the Assistant Secretary. The Department has requested this legislation.

Mr. MARTIN of Massachusetts. I do not quite understand the reference to emergency. What is meant by that?

Mr. SMITH of Connecticut. The language of the Senate bill is as follows:

The President of the United States is hereby authorized, in his discretion, to appoint from civil life, by and with the advice and consent of the Senate, an Under Secretary in the Department of War to serve during any national emergency declared by the President to exist, including the present limited emergency.

This is not a permanent peacetime post, but because of the tremendous procurement program which is under way it is desired by the Department that an Under Secretary be appointed so that some of the procurement responsibilities now by law confined to the Assistant Secretary may be placed in the Under Secretary within the War Department. This would not increase the powers of the Department but would allow the Secretary to have the responsibility for placing those powers so as to improve the administration.

Mr. MARTIN of Massachusetts. Does the bill say that Congress in any way is giving its approval to any declaration of an emergency?

Mr. SMITH of Connecticut. I do not see where it does give any approval with respect to any emergency beyond what we have already legislated upon. There is no change in that respect.

Mr. MARTIN of Massachusetts. I am not quite so sure about that. As it is now a national emergency has been declared by the President but has not been promulgated by the Congress at any time. I understand this proviso would be putting the stamp of approval of Congress upon the declared emergency.

Mr. SMITH of Connecticut. I do not believe it would be approving a declaration of emergency. It would simply recognize that such a declaration has been made.

Mr. WOLCOTT. If the gentleman will yield, I want to call particular attention to the last sentence in the bill, which is a recognition by Congress of a limited emergency, something which we have not done directly as yet.

Mr. MICHENER. Further reserving the right to object, Mr. Speaker, this bill has the same language in it to which I called the attention of the House day after day and time after time before we recessed, and there has been a constant effort in every bill that came up here with respect to national defense to recognize in some way this so-called limited

emergency which was declared by the President in September 1939 without any authority. Is not that true?

Mr. SMITH of Connecticut. I do not believe there is any recognition in this bill beyond what we have already done.

Mr. MARTIN of Massachusetts. The gentleman does not particularly care for that language anyway, does he?

Mr. SMITH of Connecticut. The language is in the Senate bill, and if we left the language out it would make the appointment good at any time. This is an effort to restrict it to a time such as the present one. This language does not increase the powers but is a limitation upon the powers. The power would be more general if that language was stricken out.

Mr. MARTIN of Massachusetts. There seems to be considerable objection on this side to the language as it stands in the bill at the present time. I appreciate you may need an Under Secretary of War, and I do not wish to put any obstacles in the way of the War Department functioning properly and efficiently. I would suggest the gentleman withdraw his request for the present so that we may see if we cannot reach an agreement.

Mr. MAY. Mr. Speaker, will the gentleman yield to me?

Mr. SMITH of Connecticut. I yield.

Mr. MAY. Mr. Speaker, I would like to say to the gentleman that I made an effort all during the past week to see some of the Members of the minority side on the House Military Affairs Committee, and I wired to several of them, including the gentleman from New York [Mr. ANDREWS], and I have a wire here from him.

Mr. MARTIN of Massachusetts. That is all very well, but it happens you are asking for unanimous consent, and there are a good many Members over here who are a little skeptical about the proviso I mentioned. The bill has never been before the committee, and it seems to me it would be best to withdraw it for the moment.

Mr. MAY. The matter is very urgent and it is possible we may adjourn tomorrow, and if we do——

Mr. MARTIN of Massachusetts. You have not yet appointed the Assistant Secretaries we authorized a year ago. These matters are always more urgent here than they are in the Department.

Mr. MAY. The gentleman understands that the Air Corps is not so elaborate or extensive an activity as the entire War Department.

Mr. MARTIN of Massachusetts. No; but it is quite important for our national defense.

Mr. MAY. I understand it is very important, and the purpose of this request is to meet a temporary emergency, and this is not to be a permanent appointment.

Mr. MARTIN of Massachusetts. I suggest that the gentleman might just as well withdraw the request, because there is going to be objection as the bill now reads, and I think perhaps we can iron out the matter.

Mr. EDMISTON. Would the gentleman from Massachusetts object if the language referred to by him were stricken from the bill?

Mr. McCORMACK. Mr. Speaker, will the gentleman from Massachusetts yield to me?

Mr. MARTIN of Massachusetts. Certainly.

Mr. McCORMACK. As I understand the position of the minority leader, his objection is not so much to the appointment of an Under Secretary of War, provided it was a straightout appointment?

Mr. MARTIN of Massachusetts. No; I think if the Secretary of War and the administration say they need one, they ought to have it.

Mr. McCORMACK. My inquiry of the gentleman from Massachusetts was to ascertain whether or not the objection on his side was more to the language used than to a bill authorizing directly the appointment of an Under Secretary of War.

Mr. MICHENER. Mr. Speaker, reserving the right to object, I cannot speak for anybody but myself, but I do not want this bill to go through by unanimous consent without the Congress understanding that they are in effect creating for all time an Under Secretary of War. We have never had an Under Secretary in the War Department. We never had an Under Secretary in any of the departments until the Wilson administration, when it was contended that we should have an Under Secretary in the State Department because they had such a title overseas. We could best deal with foreign governments by having an officer of like rank, who was an Under Secretary.

Mr. EDMISTON. We have an Under Secretary of the Navy.

Mr. MICHENER. Wait a minute. If we create an Under Secretary here, we create an officer who is next only to the Secretary. He outranks all Assistant Secretaries in the Department. That is something we want to think about. We are setting up a new office, with a salary. We are doing something here that is of vital importance and which should not be done by unanimous consent. I do not want to be in the position of objecting because we have national defense. Some people will say, "You are hindering national defense"; but I say you are not hindering national defense when you are giving consideration to the creation of a new Cabinet officer, so to speak, who will serve down through the years. We can just as well take this up in the ordinary way and give proper consideration to it.

Mr. ARENDS. Will the gentleman yield?

Mr. SMITH of Connecticut. I yield.

Mr. ARENDS. Since this bill has not been before our committee, why can we not take it up before the committee tomorrow morning and dispose of it?

Mr. McCORMACK. My purpose was to find out whether the objection was to the language or to the bill itself.

Mr. MICHENER. If the gentleman is asking me, I certainly object to that form of language vitalizing the President's unlawful proclamation of a limited emergency.

Mr. McCORMACK. Would the gentleman oppose a bill authorizing the appointment of an Under Secretary of War without any other language?

Mr. MICHENER. I think we would be justified in denying it, without consideration. There are not 10 Members in this House who know what this is because they have not had an opportunity and they do not know what they are doing. This speed is not necessary as a matter of national defense today.

Mr. McCORMACK. Would the gentleman oppose a bill authorizing the appointment of an Under Secretary of War?

Mr. MARTIN of Massachusetts. I would suggest that the gentleman from Massachusetts [Mr. McCORMACK] refer the bill to the Military Affairs Committee and tomorrow morning we can take it up again.

Mr. McCORMACK. I was simply trying to see how far apart we were.

Mr. MARTIN of Massachusetts. Personally, I am not opposed to the creation of the office at this time. I am only opposed to the way the bill is framed.

Mr. SMITH of Connecticut. Mr. Speaker, I ask unanimous consent to withdraw the request temporarily.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting an address delivered by me on November 15, 1940, at Chicago, Ill., before the annual convention of the United States Saving and Loan League.

The SPEAKER. Is there objection?

There was no objection.

MEMBER-ELECT

The SPEAKER laid before the House the following communication from the Clerk of the House, which was read:

NOVEMBER 18, 1940.

The Honorable the SPEAKER, HOUSE OF REPRESENTATIVES.

SIR: There is transmitted herewith a letter from the secretary of state of the State of Colorado relative to the election of Hon.

WILLIAM E. BURNEY as a Representative-elect to the Seventy-sixth Congress to fill the vacancy in the Third Congressional District of that State.

Respectfully yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives,
By H. NEWLIN MEGILL.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask that that matter be held over until tomorrow.

The SPEAKER. The matter will be deferred, then, until tomorrow.

LEAVE OF ABSENCE

Mr. RICH. Mr. Speaker, I ask unanimous consent to absent myself for several days on account of the death of George Betts, cashier of the State Bank of Avis, Avis, Pa., with whom I have been associated for 25 years in business. I have a pair against adjournment with the gentleman from New Mexico [Mr. DEMPSEY] who is now in the Chamber.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day, but at present the Chair does not see in the Chamber the Members who are usually present when that calendar is called, and if there is no objection the Chair will recognize the gentleman from Texas [Mr. JONES] for 20 minutes, under the special order heretofore entered.

Mr. CHURCH. Mr. Speaker, reserving the right to object, and I shall not object, I ask unanimous consent that following the gentleman from Texas [Mr. JONES] I may be allowed to address the House for 20 minutes.

The SPEAKER. If the gentleman will permit, several Members have spoken to the Chair asking that they be recognized to make some remarks about the gentleman from Texas [Mr. JONES] when he has concluded. The Chair would prefer that the gentleman from Illinois defer his request for a little while.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an Armistice Day address delivered by Hon. William G. Roberds.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SIDELIGHTS ON CONGRESS

The SPEAKER. The gentleman from Texas [Mr. JONES] is recognized.

Mr. JONES of Texas. Mr. Speaker, to have served nearly a quarter of a century in this body of men, selected in the contests of the open forums of our land, has been a rare privilege. To me, even the cloakroom has been like a university education. Doctors, lawyers, economists, educators, farmers, merchants, and practically every business activity in America are represented. Every kind of a philosopher may be found in the cloakroom. Ideas and views are exchanged in perfect freedom. Notwithstanding the banter and good-natured raillery, there is frequently an underlying note of seriousness. In the friction of mind upon mind the truth is brought to light.

I shall not discuss the mechanical workings of the House of Representatives nor its part in the processes of free government. These have been discussed over and over. Rather, I shall mention some of the sidelights and interesting experiences gleaned from a number of years' service in this body.

I regard the House of Representatives as the greatest legislative body in the world. It gives accurate, thorough, and detailed consideration to all important legislative proposals. Its committee system, checked by full House discussion, assures well-considered legislation. These facts are well known and I shall not dwell upon them.

Good or bad or, perhaps, good and bad, this body represents a cross section of the American people. It is frequently criticized. That is one of the happy privileges of the citizen whose business it is to select the Members of the Congress. It is one of the attributes of free government. It is interesting to note that frequently those who criticize the Congress in the severest terms make an exception of their own Representative whom they know and for whom they have a high regard. Congress being a large body, it is easy to blame it for all the ills of the economic system.

As a rule, the people in any particular district have a chance to know the character and ability and industry of their own Representative. They have a chance to be close to him. He is selected in an open contest in which every citizen of the State is permitted to enter, and in the selection of whom every resident citizen of the district is permitted to cast a ballot. If in making that selection a mistake is made in the type of the Representative chosen it is the fault of the people who live there and who make the choice. They are given an opportunity every 2 years to correct any mistake that may have been made.

Sometimes those who make criticism have a selfish motive to be served. Sometimes they do not believe in free government—at least they do not believe in representative government. Sometimes they are just chronic kickers. But in the main, I am persuaded to believe that the critics are simply exercising their prerogatives as American citizens. At any rate, it is a fine privilege to live in a country where every citizen is entitled to his free opinion and full liberty in expressing that opinion so long as he remains loyal to his country.

It has been my privilege for nearly 24 years to live with, to associate with, and to work with these chosen Representatives from every part of the Union. I have seen many of them come and go. I have served with nearly 2,000 Members. Only about 12 of the Members who were here at the time I entered the service are still Members of this body.

Based on that experience, I want to say that through these years, this has been an unusually capable body of men. To be a successful Representative, one must possess integrity, ability, courage, and industry. These qualities have been the rule and not the exception. In the rare instances in which men have been chosen who lacked in any of these qualities, they have soon been discarded as they are unable to properly serve either their districts or their country. This analysis, based on the facts, is a great tribute to the intelligence of the American people and their capacity for democratic government.

One of the noticeable things in connection with the service here is the spirit of fair play which exists among the members of the House. This, too, reflects the same spirit that in large measure prevails throughout the country. You sometimes hear a man spoken of as a good loser or a bad loser. Frequently this depends upon whether the winner is a good winner or a bad winner.

During our campaigns, sometimes in our enthusiasm we use rather strong terms. Frequently people visiting this country during campaign years wonder if there is going to be an uprising or a civil war or at least some riots. When the campaign is on and the Democrats are the majority party, I can prove by most any Republican that the Democrats are extravagant, wasteful, careless, incompetent, and in fact wholly incapable of administering the affairs of the Government. When the Republicans are in power no proof is necessary.

The next morning after a campaign is over and the votes have been counted, Bill, in walking down the street, meets his neighbor Tom. Tom says to Bill, "We licked you yesterday." Bill replies with a smile, "Yes, but we will get you next time." Tom replies, "You will never do it." They forget the contest and together they continue to build America. [Applause.] Bill is a good loser because Tom is a good winner.

In some countries, however, when an election is over, the losing party takes to the woods because they know that the winning party has guns and is likely to use them. They are poor losers because their adversaries are poor winners.

One of the basic principles of our land is the recognition of the rights of the minority and the protection of the rights of the individual. This helps to maintain the right to our free opinions without risking the loss of other things which we possess.

One of the most essential qualities of a good Representative is that of courage. Everyone loves a courageous man—one who is unafraid.

I have come to realize that there are many different kinds of courage. Frequently the one who makes a boast of his courage is not as courageous—when the pinch comes—as the one who makes little claim along this line.

The supreme test of courage is not the ability to show courage when one is given the credit for being courageous. Frequently people show so much admiration for real courage that even though they disagree with a man they still have an admiration for him and will support him, notwithstanding their difference in viewpoint. While it takes some courage to disagree even under these circumstances, this is not, in my judgment, the real test of courage.

The supreme test of any man's courage in a legislative way comes when he is required to show courage and yet be under the imputation of lacking in courage. I have seen this type of courage displayed on more than one occasion during my years of service. To be courageous when one gets credit for courage is a fine thing. To be courageous when one knows he will be misunderstood and that he will be charged in the minds of others with being a coward or lacking courage—that is the supreme test of courage and is courage in its highest form.

This body can be the most generous in the world. At other times it can be merciless. When a man deals frankly with it, when he is industrious and has something to say and will say it truthfully, no more generous audience can be found anywhere. On the other hand, if he is not informed, if he talks when he has only half-baked information, if he undertakes to deceive the House, the House can be merciless, even almost cruel.

One thing about the House, it soon gets a man's measure. It figures him out and labels him, unconscious though that classification may be.

In this body is a fine spirit of tolerance. The legislation that comes through the mill is based on the fusing of ideas and often is subject to many changes from the time of its original introduction to the time when it is finally enacted into law.

We often hear the statement made, "Why does not the Congress do this," or "Why does not the Congress do that." We are asked frequently why we do not vote for a particular measure which may include what seems to be a very desirable objective.

Like all new Members, when I first came to Congress I came with the idea of doing several things which I conceived to be worth while. I found that a Member rarely has an opportunity to vote on a measure which contains one single proposition. Rarely does he have an opportunity to vote on a measure which is written just as he would have it. Very often, from his viewpoint, there are good and bad features to any measure which is brought to a final vote, and he must determine whether the measure contains more of good or of bad.

Soon after I came to the Congress I introduced a measure in which I was very much interested. It was perhaps the only perfect measure which was ever introduced. I wrote it myself. It contained only a few lines. Not having so much else to do at that time, I buttonholed a great many Members on both sides of the aisle, and I think through sympathy as much as for any other reason, it was permitted to go through by unanimous consent. I was very happy over the result.

When it reached the Senate it was referred to a committee. They delayed several weeks while I grew impatient. Finally they struck out all after the enacting clause and inserted another bill. It went to conference and a measure was worked out that did not look like either of the other bills.

I thus early received a lesson in the fact that most all legislation is a matter of compromise and that there is a possibility of many changes before legislation is finally voted upon. In fact, that is the essence of democracy. It is not one man's opinion. It is the common sense of most. This explains, too, why it is often not wise for a Member to declare categorically whether he is for or against a measure when it is introduced. He may find that he has committed himself to a measure that may have entirely different provisions when the final vote is taken.

The processes of free government are slow. But with all its difficulties, with all the defects of a democratic government, it is the best that has been devised for a free people and is best calculated to enable them to remain free.

Behind the mechanics of government are the folks that make up the government. Behind the folks, or rather within the folks, are the attributes of character that enable a people to exercise the functions of government. What we sometimes term the government here in Washington is but the machinery or the harness of government. In the hearts, minds, and character of the people in the various communities that make up a country are the real elements of a free government.

Beyond these people, beyond these citizens, are the forces of creation and Nature's rules that are used by the people of the nation in building character and in shaping their conduct.

All about us are the hidden forces of Nature, planted there by an unseen power. Perfectly harmless elements, when chemically united, become terrific explosives capable of destroying buildings and even towns and cities. In other combinations these same elements can be made into all kinds of products that will help to build cities, save labor, produce health, and promote the happiness of the human race. In the eternal scheme of things, man is given the mastery over these elements.

These forces are a perpetual challenge to the best that is in man and a continuing temptation to the worst that is in our natures. In the conflict of these powers can be found the story of the progress and decay of man and of governments. Love and friendship are the primary building forces. Hatred and envy are the destroying forces of the world. All of these motives are the sources of power.

The songs of the ages have been about the struggle for power. The inspiring stories of the race have been about the same struggle. The fable of the wind and the sun, whether the pen is mightier than the sword, liberty and tyranny, the Hannibals and the Caesars, as contrasted with the principles of the Nazarene, are but reflections of that age-old struggle.

There is in the spiritual world, as in the material, decay and growth, and often from the ashes of decay arises the new growth in youth and joy.

Just now in many nations the material forces, the motives of hatred and envy, seem to have gained the upper hand. In these countries every effort is being made to build on material things alone and to suppress the finer motives of justice, friendship, truth, liberty, equality, manhood, and fair play. In some instances every attribute of civilization has been discarded. The dogs of war have been unleashed, and the forces of greed are preparing for a Saturnalia. If it keeps up the gaunt specters of poverty and want will stalk like hungry skeletons across the battlefields and into the broken homes of war-torn lands.

In the midst of all this apparent madness it is important that one great nation remain at peace. We can have far more effect as a stabilizing force than if we enter the insane struggle of destruction. I believe that the forces of love and friendship will finally prevail in the world.

Our Nation is based on individual opportunity, on the Bill of Rights, on freedom of speech, freedom of the press, freedom of religion, and freedom from every form of New and Old World caste and privilege. On this basic principle we have grown from simple beginnings to the proud position of freedom and power. We have had a hundred years of the richest experience that was ever crowded into a single century.

If any nation or any people from anywhere attacks us, every American worthy of the name will be willing to meet them at the water's edge and fight with every resource at our country's disposal. [Applause.] We covet the soil of no other country, but we are unwilling to surrender an inch of our own. Our Nation is at peace. We are interested in the arts of peace. Our thoughts and our hopes are forged in the atmosphere of a peaceful relationship with all of the peoples of the world.

But that does not mean that the forces of greed and avarice are not all around us. The Communists and other subversive groups of many kinds are sowing seeds of discord and unrest throughout our land. Our guaranty of free speech, free press, freedom of religion, and other rights do not extend to the border of treason. If any man on our shores, being unable to convince Americans of the wisdom of his ideas, advocates force or torch or a bomb to compel an unwilling majority to accept his opinions or theories, that man, if he is an alien, should be deported, and if he is a citizen, he should be confined where his false theories cannot be made dangerous to our country.

Un-American organizations which teach overthrow of our Government should be dissolved and forbidden. We want neither war nor revolution. We are perfectly willing for any other people to have any form of government they wish, but are unwilling for them to dictate the form of our own. [Applause.] We believe in the building forces of nature. We believe in the home, the school, the church, and the state as the four pillars of orderly civilization.

May I pause here to say that in my judgment the problem of the ownership of land is the problem of the ages. I had not intended to discuss legislation, but I do stop to express the hope that Congress will continue the provision it has made for the financing of the ownership of family-sized farm homes in the interest of the future of our country. [Applause.]

We believe in the peaceful solution of disputes between nations. No nation can win a modern war. Everyone who engages in it loses.

For thousands of years the earth has trembled beneath the tread of giant armies, and mankind has engaged in almost continuous strife. The issues have been settled beneath the smoke of battle, but the power of might does not determine the issue of right and wrong. Most of the pages of history are filled with this story.

Let America remain at peace. Let her send her white-winged messengers of commerce to all the ports of the world, carrying the message of hope to all peoples. That is the mission of America.

I entered my service here during the war session of the Sixty-fifth Congress. It is interesting to note how strangely similar are the discussions and actions of today and those of the period of 1917.

In every crisis men forget their differences of opinion in the interest of the common country. Selfish groups are largely forgotten and all seem willing to make sacrifices. So long as this remains true, our country will be safe.

It has been a proud distinction to serve as a Member of this body. I can think of no greater privilege. It will not be easy for me to leave the House of Representatives, where I have served so long and the work of which I have liked so much, but we cannot always choose the time and the place when changes are to be made.

The service here, while pleasant, is at the same time uncertain. One must cut loose from his business or profession, and the longer he remains away the more difficult it is to start over again. Even though this be true, I know of no one who regrets his service in this body. I am taking the liberty of paraphrasing and adding my own thought and expression to a parallel drawn by a great American I was privileged to know as a friend and counselor.

The sea of American politics is always interesting. The skies are rarely clear and the waters are never still. The tide ebbs and flows and the winds of controversy forbid the calm, yet there is magic in the lure of the voyage, and many craft of every type put out to sea.

Sometimes there are lights that temporarily dazzle and gleam, then vanish forever away. Sometimes a meteor, sweeping across the sky, will attract more attention and create more comment than the serene shining of a thousand stars. But the stars continue to shine long after the meteor has burned itself out.

Occasionally the skies are clear, giving happy promise of a safe voyage to all ships afloat. Then, almost without warning, the heavens become overcast and the waters become restless. Amid the flash of lightning and the rumble of distant thunder, the storm king rushes upon the scene. The surface of the sea is lashed into a fury. The compass fails and many a promising vessel, far away from the charted course, drifts helplessly, with broken rudder, into hidden dangers and onto rocks and shoals. When the light clears and the tempest is done the shores of the political sea are strewn with the wrecks which carried with them unrealized hopes and disappointed ambitions.

Sometimes we wonder why men and women will try to sail this treacherous sea, with its storms, its waves, its eddies, and its whirlpools. Yet in their willingness to do so lies the final hope of a democracy. They that go down to the sea in ships must face its dangers. A people's government cannot survive unless its citizens are willing to take an interest in its affairs.

I believe in America and her institutions. Knowing something of the storms which our ship of state has weathered, I have implicit faith in the future of our country.

May the ships of all colleagues come safely into port. [Applause, the Members rising.]

The SPEAKER. The gentleman from Kansas [Mr. HOPE] is recognized.

Mr. HOPE. Mr. Speaker, I have listened with interest and pleasure to the splendid exposition of the American philosophy of government which has been given so well and eloquently by the gentleman from Texas. My pleasure, of course, has been tempered by the fact that this is the last time our distinguished friend will address us on this floor.

I have served with MARVIN JONES on the Committee of Agriculture for approximately 14 years, and during 9 of these years under his chairmanship. During most of this latter period I happened to be the ranking Republican member on the committee. There are many here who have known MARVIN JONES longer than I, who have known him in capacities in which I have not had the privilege of knowing him, but I think I have had an opportunity to know him very well through our association in committee work together. I can say no more, than that I respect him as a colleague and as a man and dearly love him as a friend.

MARVIN JONES served as chairman of the Committee on Agriculture during a period of time when there was more important agricultural legislation considered and enacted than during any similar period in our history. During his chairmanship the Committee on Agriculture has been one of the busiest committees in this House. It is a big job and a difficult one to serve as chairman of any important committee of the Congress. MARVIN JONES, in my opinion, has done a superb job as chairman of the great Committee on Agriculture. [Applause.]

The machinery of legislation is set up in such way that almost anyone as chairman of a committee can operate it; but we all know there is a lot of difference in the way in which any piece of machinery is operated, and that one man can get a great deal more work out of any machine than another. MARVIN JONES had a way of operating the machinery of legislation in his committee so as to produce a maximum of work with a minimum of friction. That is the mark of a good engineer and a good chairman.

MARVIN JONES possessed in a superlative degree the ability to get along with people. He had that fine quality which is really an art, of getting people to work for him and with him. The Committee on Agriculture has brought very few bill before the House during the time MARVIN JONES has been chairman which were not accompanied by a unanimous report. Never in those cases where serious differences of opinion existed has there been the least ill feeling, or the slightest thought on the part of the minority that they had not had a fair opportunity to present their views in the committee.

No committee in the House has had a better record for getting legislation enacted during the last 9 years than this one. That fact reflects the confidence which Members of the House on both sides of the aisle had in MARVIN JONES. They knew that a bill reported by his committee had been thoroughly studied and considered. They knew that he was fair and that he would not misrepresent a measure. They knew that he understood it and personally believed in its merits.

I am sure that today I speak for every minority member of the committee when I say we appreciate the fairness with which we have been treated and the thoroughness with which legislation has been considered in the committee. We admire our chairman for the able way he has presided over the committee and for the effectiveness with which he has presented the committee's bills to the House.

We are sorry to lose him. However, we realize that MARVIN JONES had made his mark in the legal profession before he came to the Congress. We know that he has an exceptionally keen legal mind, and is possessed of a fine judicial temperament. We are not surprised that a recognition of these qualities has resulted in his appointment to a high judicial post nor are we surprised or disappointed that he should choose to return to his first love, the law. Furthermore we know that whatever duty he may have owed to his constituency and to his country as a Member of this House has been well discharged and carried out. [Applause.]

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. HOPE. I yield.

Mr. AUGUST H. ANDRESEN. As a Member who has served with MARVIN JONES since 1925 with the exception of 2 years, I concur in everything the gentleman has stated with reference to our colleague. I would like to call the attention of the gentleman and the House to the valuable service that the members of MARVIN JONES' office staff in the committee and in his own office have rendered to us and to the country during his years of service. [Applause.] I feel that this is a very appropriate time to express our appreciation to them and also to express the hope that they may remain here to assist in the next few years the same as they have done in the past. [Applause.]

Mr. HOPE. I am very happy to concur in the statement just made by the distinguished gentleman from Minnesota, Mr. AUGUST H. ANDRESEN.

Mr. COX. Will the gentleman yield?

Mr. HOPE. I yield to my distinguished friend from Georgia.

Mr. COX. May I say for myself that I always get a kind of moral cleansing when I mix with the gentleman from Texas, MARVIN JONES, who is going away, leaving us with a deep sense of sadness. I want to join with his colleagues and all his friends in this House in saluting him, not only as a wise and good statesman but as a gentle, sweet man. [Applause.]

Mr. HOPE. I am happy, indeed, to concur in the splendid sentiments just expressed by the gentleman from Georgia. I know from my association with the gentleman from Texas, MARVIN JONES, that in the judicial field he is going to make the same splendid, shining record that he has made in the field of legislation, and whatever loss this Congress may suffer when he leaves will be the gain of the Federal judiciary.

I am sure I speak the sentiments of every one of the minority when I say that much as we regret the departure of the gentleman from Texas, MARVIN JONES, from this body, we are happy that he is going into a field of endeavor for which he is so well qualified, and we wish him pleasure, happiness, and success in this, and in all he may undertake in the future. [Applause.]

The SPEAKER. The Chair recognizes the gentleman from Mississippi [Mr. DOXEY].

Mr. DOXEY. Mr. Speaker and my colleagues on both sides of the aisle, I, too, share with you a heart of sadness to a great extent, yet gladness, for I want MARVIN JONES to get what he wants, because he deserves the best, and the best is none too good for him. [Applause.] I, like my colleague from Kansas, CLIFFORD HOPE, listened to this speech of MARVIN JONES as I have listened to a number of speeches of his, and never have I heard him talk in public or in private that he did not leave me something wholesome and worth while to think about and meditate upon. [Applause.]

MARVIN JONES has served a long time in this House from the Eighteenth District of Texas. He has represented 28 counties in his district, but MARVIN JONES is not alone from the Eighteenth District in Texas or from the great State of Texas. MARVIN JONES is of the entire 48 States in this great Nation of ours. [Applause.]

I have sat by his side for more than 10 years as a member of the Committee on Agriculture, and, whether at work or at play, never have I found MARVIN JONES other than a true gentleman, noble in his purposes, with high ideals and altruistic tendencies. MARVIN JONES is a real friend. He is leaving an everlasting imprint on this House and in the hearts of his colleagues and on the legislative history of this great Nation.

Mr. Speaker, I will not attempt to recite the work of our great House Committee on Agriculture under his leadership, but I want to briefly say, Mr. Speaker, that you know and I know we admire many men. We respect a great number of men in private and public life, but there are few men whom we love. I believe we love MARVIN JONES, and, speaking for myself, I know that I do, not because he is MARVIN JONES but because of his fine character, his noble life, and his high ideals, his helpfulness, and his great efforts to make life better for others as he travels down life's highway. The House will experience a great loss. We as individuals will experience a great loss. The Committee on Agriculture and the cause of agriculture generally will experience an irreparable loss. But, as has been said, the field which he now goes into—the judiciary—will be ripened and enriched. I, for one, know he is going to make the great judge he is capable of making; in fact, if I had my way, instead of appointing him as a judge of the Court of Claims, I would appoint him to the Supreme Court of the United States of America. [Applause.]

Mr. Speaker, MARVIN JONES will grace any bench. When I think of his leaving the House, I regret it, but I know that our best wishes go with him, and may I say that to know him is to love him. His friendship has ennobled and broadened my life and the lives of those who have had the privilege of working and being in close contact with him.

You know a man not only when you work with him and sit side by side with him in a committee room but when you fish and play together and enjoy periods of recreation. At all times MARVIN JONES has been a man whom we all know as a fine individual, a man who will stand hitched. You do not have to tie him. That is the kind of man that makes America great. That is the kind of man we appreciate. And that is the kind of man that MARVIN JONES is.

Mr. McCORMACK. Will the gentleman yield?

Mr. DOXEY. I yield to my distinguished majority leader.

Mr. McCORMACK. The remarks made by the distinguished gentleman is concurred in by every Member of the House without regard to party. Every one of us loves MARVIN JONES. Every Member who has ever served with him has the most profound feeling of respect for him. He is one of the outstanding men, not only during his period of service in the Congress but in the entire history of this great body under constitutional government. There is no Member who has occupied a more powerful position in this body—and this is based upon the fact he has earned it in this House—than the gentleman whom we honor today; and speaking for New England, and speaking for the northeastern section of the country, I join my friends from the southern part of the country and our friends from other sections of the country in honoring our friend and in expressing our regret that our distinguished friend the gentleman from Texas [Mr. JONES] is leaving this body; but may I say that the Federal judiciary is being greatly strengthened thereby.

New England joins with the other sections of the country in paying honor to one of America's outstanding men and one of the outstanding Members of the House in the entire history of this great body. [Applause.]

Mr. DOXEY. Mr. Speaker, of course we all concur in and appreciate those words from our distinguished leader the gentleman from Massachusetts, JOHN W. McCORMACK. I know we all have the feeling toward the gentleman from Texas, MARVIN JONES, that the gentleman from Massachusetts has so beautifully, so eloquently, and so touchingly expressed.

I could say many, many more things; but with it all, all I can say is, Marvin, good luck, God bless you, and may the

happiest days of your past be the saddest of your future. We love you. We are going to miss you. We hope you will come to see us at every opportunity. You have always been an inspiration to us and you always will be. [Applause.]

Mr. GUYER of Kansas. Mr. Speaker, on an occasion similar to this in the Senate of Kansas the late Governor, Edward W. Hoch, the father of our former colleague, Justice Homer Hoch, of the Supreme Court of Kansas, said something like this about the associations of people of different political beliefs in legislative work. I am not certain I quote him correctly, but it was to this effect: "In the garden of the heart no sweeter flowers bud and bloom than those that clamber over the walls that divide political parties."

So often during my service in the House of Representatives I have thought of this sentiment of Governor Hoch and how very true it was.

And among the many friends I have known and loved on the other side of the isle I know no one to whom it applies with more force and truth than in the case of our beloved colleague from Texas [Mr. JONES]. For many years we enjoyed an early morning game of golf, and so to the associations in legislative work was added those of athletic competition and physical exercise with the exchange of sentiments covering a wide range of thought involving every subject from ethics and religion to mutual exchanges of the experiences of our lives from childhood to manhood. During these years we grew to know and understand each other in a very intimate manner. During these years I formed an exalted personal opinion of our good friend so that I have classed him among the most loved friends of my life along with my college classmate and roommate for 4 years, the late Dr. F. E. Kauffman, and my university classmate and roommate, the late Honorable E. K. Robinette.

These old college and university classmates and devoted friends have gone to the land of their dreams, and I cherish their memories among the dearest experiences of my life. Along with them I class my dear friend Congressman JONES, who is soon to become Judge JONES of the Court of Claims.

I know that the House shares my sentiments and good wishes in the new opportunity to serve his country where his even temperament, his fine balance of judgment, and legal discernment will find a rich field for exercise and usefulness. And I am sure, too, that we are all gratified that these new duties will not remove him from Washington so that our associations will not be completely severed.

I wish, in closing, to congratulate Mr. JONES upon his distinguished career in the House which marks him as one of the leaders of the Congress of the United States. I can pronounce no higher encomium. [Applause.]

Mr. MAHON. Mr. Speaker, because of the fact that I have recently had a slight throat operation, I cannot now pay tribute to my friend MARVIN JONES, but I should like the RECORD to show that I concur in all the good things that have been said about him.

As a result of the census of 1930 the congressional district of Mr. JONES was divided about in half. For many years he represented with much distinction nearly all of the 25 counties which I have represented since 1934. No words of mine could do proper credit to the brilliant record, the remarkably able leadership, and fine personal qualities of Mr. JONES. I honor him as much for his clean and wholesome personal qualities as I do for the qualities of statesmanship which have made him a national figure. [Applause.]

Mr. Speaker, I ask unanimous consent that all Members of the House may be permitted to extend their remarks at this point in the RECORD on the service in this House of the gentleman from Texas [Mr. JONES].

The SPEAKER. Is there obection to the request of the gentleman from Texas?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, the voluntary retirement from Congress of my colleague and good friend MARVIN JONES, after 24 years as a Member of this House, is a cause of deep regret to me.

True, his new duties as a judge of the Court of Claims necessitates his remaining in Washington, but we shall miss the personal association with him, and his separation from the legislative branch of the Government will cause this House to lose his valuable service where, for nearly a quarter of a century, he has been one of its outstanding leaders in shaping and molding the legislative history of his country.

While MARVIN JONES took an active interest in all legislation of major importance, he specialized in legislation for the benefit of agriculture. For about 10 years he served as the chairman of the Committee on Agriculture. It is no exaggeration to say that no single individual who ever served in Congress did more for the farmers of America than did MARVIN JONES. He originated, sponsored, supported, and secured the passage of more constructive legislation for agriculture than any other Congressman within the history of the Republic.

A State is fortunate—a nation is fortunate in having a man of MARVIN JONES' character and ability in its service, and it is no wonder that his district for so many years sent him as their Representative to Congress with each recurring election, and would have continued to do so indefinitely, had he consented to serve longer.

The judicial branch of the Government, of which he now becomes a part, is, of course, equally important with the legislative, and MARVIN JONES is prepared by ability, character, and experience to acquit himself well in both. He has the judicial temperament in a marked degree. Possessing a high sense of justice, a sound and logical mind, an unimpeachable character of honesty and integrity and being an indefatigable worker, he will adorn with distinction the judicial position which he now assumes. The Nation loses an able legislator but it gains an able judge.

Since it will be impossible for all of the Texas Members of this House to pay him tribute, as Chairman of the Texas delegation in the House, I know that I speak the sentiment of every member of that delegation when I say that we shall sorely miss his wise counsel, his comradeship, his leadership, and his good fellowship. Our best wishes and affectionate regards shall abide with him forever. [Applause].

Mr. THOMASON. Mr. Speaker, change is the inexorable law of nature, and we in this House come face to face with its results from day to day and from year to year. For one reason and another our colleagues leave through death, through defeat, through voluntary retirement. Since we must lose MARVIN JONES, I rejoice in the fact that it is the latter cause which takes him from our midst.

The loss we sustain in his retirement from Congress will be the gain of another branch of this Government. He goes to a seat on the Federal bench, where his outstanding legal talent and his unimpeachable personal integrity will bring to the problems that confront him the same ability, the same fairness, the same abundant energy that have made him a leader in Congress.

I have known Marvin longer than any other Member of this body. We came from the same county in Texas—Cook. We were boys there together. He lived at Valley View and I at Era. Our fathers were friends before us, his being a successful and intelligent farmer, mine a country doctor. It is no wonder he knows so much about agriculture for, as a boy, he did all kinds of farm work. When quite a young man he was a student of farm problems. We attended the local country schools, where both of us thought we were good baseball players. In those days he was more aristocratic than I, because he lived on the railroad and I did not. We both graduated from Southwestern University at Georgetown and later from the law school of the University of Texas. After leaving college we both went west, he to Amarillo and I to El Paso.

It is not surprising that he is a good man, for he was blessed with a fine father and mother. His mother is still living, and I take this opportunity also to wish her health and happiness.

Marvin came to Congress before I did, and when I reached Washington in 1931 he was first to welcome me and extend a hand in the work I was about to undertake. We had been

close and intimate before. We have been so since. I have had deep and lasting pleasure in this association, and my life is richer for his friendship.

His service to his district, his State, and this Nation as chairman of the important Committee on Agriculture cannot be overstated. During the time he has held this post the legislation sponsored by him which has become law has placed agriculture on a sound business basis and has brought hope and prosperity to the farmer, who theretofore had been engaged in a struggle to keep body and soul together.

Though he will be best remembered for his service to agriculture, his work in Congress comprehends all that is highest and best for the welfare, the peace, and the happiness of this Nation.

I shall miss him from my side in this House, where we have worked together for the past 10 years, but I wish him all success and contentment in that new field where he has chosen to labor. [Applause.]

Mr. FISH. Mr. Speaker, I have listened with great interest to the very remarkable speech made by the gentleman from Texas, MARVIN JONES, his farewell address to this House. For 20 years I have served with MARVIN JONES, and as a member of the minority I am glad to testify that in all these years there has never been a finer nor an abler Member of this House than he. He has rendered great service not only to his constituents but to his country as chairman of the Committee on Agriculture of the House of Representatives. What appealed to me more, perhaps, than anything else in his farewell address was his sincere and powerful plea for peace in America and keeping this country out of war. We who have served with MARVIN JONES will miss him, but at the same time we know that he is going into another important field of Federal service of his own accord. Therefore we wish him well, success, and Godspeed. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, it seems that nothing could be added to the many compliments that have been paid today to our distinguished colleague the gentleman from Texas, Hon. MARVIN JONES, who, after serving as a Member of this body some 24 years, is voluntarily giving up his place in Congress for the judiciary. But, Mr. Speaker, I cannot let this opportunity pass without joining in expressing my appreciation of the high quality and unselfish service rendered the Congress and the country by this distinguished Texan, whose home is only a few hours west of the district in Oklahoma that I have the honor to represent.

I have known MARVIN JONES for many years. I enjoyed a casual association with him before our close association together in this body. He has a host of friends and some distinguished relatives in the Sixth District of Oklahoma. When I came to Congress the gentleman from Texas was one of the first whom I sought out to ask for advice and counsel. I have found his judgment on all occasions to be sound and fair and his decisions invariably backed up by facts. He never goes off on a tangent or talks without knowing his subject or without thinking the matter through.

It has been interesting to watch him pilot much difficult and controversial farm legislation through this body. During all of the heated discussions, MARVIN JONES has never been known to lose his head or offend those who have disagreed with him. The gentleman from Texas is undoubtedly one of the ablest and most effective speakers in either House of Congress. With his good nature and even temper, sincerity of purpose, and good sense of humor, he has been able to steer legislation through this House that to others would have been a far more difficult task. His high ideals and keen sense of justice and fair play to all, under any and all circumstances, are among his outstanding characteristics.

I am sure that every Member of this body, irrespective of political affiliations, will really very much regret that MARVIN JONES has today delivered a farewell message to us and will soon relinquish the seat that he has occupied with so much distinction for nearly a quarter of a century. We shall also long cherish his invaluable advice and able counsel. In his address today, as on various previous occasions on the floor of the House, he has given us and the country much food for thought.

The long legislative career of our distinguished colleague the gentleman from Texas, Hon. MARVIN JONES, has been a real inspiration to all of us. I am sure I speak the sentiment of each Member of the delegation in Congress from Oklahoma when I say that it is our sincere desire that he may have an even fuller life in the future than in the past; and though we know not to what summits his path may lead, whatever he may do and wherever he may go, we wish him Godspeed. [Applause.]

Mr. PIERCE. Mr. Speaker, 8 years ago next spring I came into this House, becoming a Member of it later in years than most Members. My first service was in the Committee on Agriculture in the spring of 1933. I was present during all the time we worked out the original A. A. A. Act, the greatest act that had up to that time been passed in the interest of the farming world. I believe it ranks next to the Homestead Act of Lincoln's time.

I shall never forget when Lindsay Warren walked down that aisle on January 6, 1936, and announced to this House, as we sat in dead silence, that the Supreme Court of this country had declared the original A. A. A. Act unconstitutional. I shall never forget the meetings of the Committee on Agriculture that followed.

Someone has said:

> It is easy enough to be pleasant,
> When life flows along like a song;
> But the man worth while is the one who will smile,
> When everything goes dead wrong.

And things had certainly gone dead wrong in the Agricultural Committee. Our chairman smiled, and acted.

The work we had done and the hope that had entered the farming homes where they depended on surplus crops like wheat, corn, cotton, rice, and tobacco—all were gone. The other commodities under the original bill went out also, and we just wondered what would happen. Our chairman never lost his composure. He made trips to Departments and had several talks with the Committee on Appropriations. Finally, a large appropriation was made available. I have always believed that the then chairman of the Appropriations Committee, Mr. Buchanan, was largely actuated in granting that appropriation through personal friendship for the chairman of the Committee on Agriculture. He also had a firm belief that the money would be so distributed among the producing farmers that it would be a real and genuine benefit, and would not be wasted.

Out of that appropriation came the Soil Conservation and Domestic Allotment Act of 1936, followed by a similar act in the fall of that year, and the other legislation coming along in due time.

The farming world can never pay the debt it owes to the gentleman from Texas, MARVIN JONES. He is the one who has held the Committee on Agriculture to the line for its aid and assistance. We have seen him through these 8 years perform the work of a real statesman. I regard him as one of the ablest men I have met in my public life, and I want him to know that I appreciate his work and am sorry to lose his leadership on that committee. [Applause.]

Mr. KLEBERG. Mr. Speaker, you and I probably have known Marvin longer and more closely than any two Members of this House. It happens to have been my privilege to have been associated in the University of Texas with Marvin, both as a classmate in one course and under him as an instructor in another.

Having listened to those of you who have served with him here in the House speak about the natural qualities of the man, associations such as we have had grow to a point where words are utterly futile in drawing a proper picture. It has been my strange privilege to be the second member on the House Committee on Agriculture with Marvin. It has been my privilege to know him both from the standpoint of a valiant soldier fighting on the same side and also to know him as a formidable adversary. There are few men in this House that can appreciate the situation which developed on

an occasion when we were considering the passage of an agricultural act to take the place of the one so ably described by my colleague from Oregon, my distinguished friend, Governor PIERCE. The difference of opinion which occasioned that battle was so real as to have made it just about as definite a clash as could occur.

That fight was over and, in fact, had there been a change of just a few votes, I think probably I would have been more deeply wounded than Marvin in losing, because I would have realized that through me, his friend on the committee, he had lost one of his major fights on the floor. But, Marvin, God bless you, despite that battle, there has never been one single scratch on the surface of our friendship. There is not one flaw to be found throughout our long friendship.

So in the few moments when I pay tribute to my friend here I want to tell you there is not a bit of sadness in my heart, save that natural feeling of regret at being dissociated from the daily contacts we have had in our labors here on the floor, because I am going to argue with Marvin some more, and I am going to agree with him some more after he becomes a profound judge. He is one of those fellows who even in an argument gives you something. You know when you work with a real fellow you get something out of him, and when you fight against him, if you can learn something from him at the same time, you can kind of halfway understand what I am trying to tell you. So as a friend and as an opponent, statesman, and acquaintance of over half of the legitimate three score and ten that men are supposed to live, in Marvin's case I want to tell you good-bye, old pal, Godspeed, and I will be seeing you, and we will call you in that field, if we get into a jack pot, to come up and take part, and you cannot say "No." [Laughter and applause.]

Mr. PLUMLEY. Mr. Speaker, it is with a peculiar significance, as I see it, that, as the "entire delegation" from the State of Vermont, I rise at this time to say that my long-time friend, the gentleman from Texas, MARVIN JONES, representing a constituency so 100-percent American as I do, and I, are of the representatives of the two sole "independent republics" who denied to any government the right to dictate to us or to try to tell us what to do, any time, any place, or anywhere.

So all down through the years MARVIN JONES has stood here in my presence, the perfect representative of his constituency, not always with my partisan approval or appreciation but generally with my modified assent fundamentally, and has asserted the individualism of the average American. For that reason, and for many others, and since he has just told us that he is no longer to be with us—which I regret—I want to say, while I am gratified and honored by the fact that I have had an opportunity to be associated with him during these years, I am very sorry, and so is Vermont, that he is going; but I still feel that Texas and Vermont, true to their forebears, will carry on. Good luck. God bless you, Marvin. As one republic to another, I salute you. [Applause.]

Mr. FULMER. Mr. Speaker and Members of the House, I have had the privilege of serving in Congress for 20 years. During 18 of those short or long years I have had the privilege of serving with MARVIN JONES on the Committee on Agriculture.

It may be of interest to you to relate a little incident in regard to my committee assignment. When I came to Congress they gave me as my first committee appointment a place on the Committee on Indian Affairs. When I went back to South Carolina for reelection my opponent made this statement at every campaign meeting we held in the district:

> My friends, for 17 years prior to the election of Mr. FULMER we have had Frank Lever in Congress, serving on the Committee on Agriculture. Now you have FULMER up there serving on the Indian Affairs Committee, and there is not a darned Indian in the district.

[Laughter.]

When I came back for my second term I told Mr. GARNER, chairman of the Ways and Means Committee, about these charges and that I had to get on the Committee on Agriculture, and I was given that appointment for my second term.

For 10 years I served on the minority of that committee with MARVIN JONES. During the remainder of the 20 years I have had the privilege of serving with him on the committee, including the past 8 years under the Roosevelt administration, where he has served as chairman.

I want to join with other Members who have spoken in saying to you briefly that MARVIN JONES during all of these years has rendered that type of service that will be hard to match by any Member of Congress. He is a great parliamentarian.

He is the type of man who, because of his wonderful character and ability, is able and has been able to secure the cooperation of the various members of the committee, including the members of the majority as well as the members of the minority.

Because of his long service and his deep interest in agriculture, he has been able to render to his people, as well as the Nation as a whole, many years in helping to formulate and in passing many constructive agricultural bills.

His colleagues realize, out of our experience during all of these years in serving with him, that he is a lawyer of great ability.

The President of the United States has made no mistake in giving Marvin an appointment to the Federal bench. I make this statement because he is well qualified, and I am sure that history will record him as having rendered distinguished service as a judge.

On his retiring from his present position as chairman, perhaps I, as ranking member of the Agricultural Committee, more than anyone else, realize that we shall miss him, his leadership in the committee and in the House, his wonderful ability, backed by that wonderful personality and persuasive power which he possesses and which are so necessary in reporting and passing legislation in the House.

In closing I would like to make this further statement, which, no doubt, is responsible for the wonderful character and influence which he has on his colleagues. If you visit Marvin's private office, you will find on his desk a copy of the Bible, which clearly indicates to me and others who have had the privilege of visiting his office and being associated with him that certainly he must have been a reader of the Written Word, which, no doubt, has been helpful to him not only in his congressional work but in his life work.

To me this would clearly indicate that a man of this type cannot only hope to do great things in this life, but it places him in a splendid position to receive a "Well done" hereafter and that reward which is pending for those who love the Lord.

Marvin, along with others, I wish you many more happy and successful years. [Applause.]

Mr. SUMNERS of Texas. Mr. Speaker, it is not my purpose to add to the well-deserved words of compliments and of praise which we have heard from each side of the aisle and from every section of the country with reference to our distinguished friend.

On this occasion, in behalf of the Texas delegation and in behalf of Mr. JONES, I take the liberty to express the deep appreciation for the genuine words of compliment and of appreciation which have been paid to this son of Texas. In a peculiar way Texas is the child of the rest of the country. From every section of the country have come your sons and daughters who were willing to cut loose from the sustaining influence of family and to win or lose in that great section where the individual is given an opportunity and only the best man is permitted to win.

MARVIN JONES is the product of that community which has been created by the people of the Nation—that belongs to the Nation. We of the Texas delegation are grateful for these voices that come from the people of the Nation expressing appreciation for the service of this son of Texas. [Applause.]

Let me mention in particular one thing MARVIN JONES has contributed much toward, and I want to make this a part of the permanent RECORD: When I came to Congress agriculture was not regarded as a part of the economic system of this country. It was regarded as a sort of nurse animal for the rest of industry. It was not considered, speaking generally, that these 30,000,000 people whose business lay right next to the soil had the same right to make money for themselves as other people had. We were dealing then with production.

The whole program of the Department of Agriculture dealt with production regardless of what the commodity brought when production had been completed. MARVIN JONES took the position in which I shared that it was all right to make two blades of grass grow where one grew, provided that when the two blades of grass were grown they brought a higher price than the one blade brought. MARVIN JONES did much toward making the entire Nation conscious of the fact that the farmers are producing to sell for profit in order that they may obtain the things they buy, and that it is impossible, utterly impossible, to prevent economic paralysis in this country if the buying power of these 30,000,000 people is paralyzed. In the rendition of this particular specific service MARVIN JONES unquestionably made a contribution to the farmers of this country, but he made a contribution also to the Nation as a whole that entitles him to the appreciation of the entire Nation.

Again in behalf of the Texas delegation I want to thank these Members from the other sections of the country for having so generously expressed their appreciation of our colleague whom we all love, whom we all honor, and whom we all wish Godspeed. [Applause.]

The SPEAKER. The Chair recognizes the gentleman from Connecticut [Mr. SMITH].

UNDER SECRETARY OF WAR

Mr. SMITH of Connecticut. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4370) authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties.

Mr. ARENDS. Mr. Speaker, reserving the right to object, will the gentleman explain to the House the purpose of the amendment I understand he expects to offer?

Mr. SMITH of Connecticut. I expect to offer an amendment which will remove any question about the national emergency by setting a definite limit on the operation of this act January 20, 1945. I believe this meets the objection raised by the members of the minority as to the uncertainty of the language in the Senate bill.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, will the gentleman designate what his amendment does?

Mr. SMITH of Connecticut. The amendment will strike out the words "to serve during any national emergency declared by the President to exist, including the present limited emergency", and will add, "The provisions of this act shall cease to have effect on January 20, 1945, unless continued in force by a subsequent act of Congress."

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized, in his discretion, to appoint from civil life, by and with the advice and consent of the Senate, an Under Secretary in the Department of War to serve during any national emergency declared by the President to exist, including the present limited emergency. The Under Secretary of War shall perform such duties as may be prescribed by the Secretary of War or required by law and shall be next in succession to the Secretary of War during his absence or disability or in the event of a temporary vacancy in that office. In prescribing the duties to be performed by the Under Secretary of War, the Secretary of War may prescribe any of the duties now prescribed by law to be performed by The Assistant Secretary of War. The compensation of the Under Secretary of War shall be at the rate of $10,000 per annum. The Assistant Secretary of War, next after the Under Secretary of War, shall hereafter succeed to the duties of the Secretary of War during his absence or disability, or in the event of a temporary vacancy in that office.

SEC. 2. That the first two paragraphs of section 5a of the National Defense Act, as amended by the act of June 4, 1920 (41 Stat. L. 764), be, and the same are hereby, amended to read as follows:

"SEC. 5a. Hereafter the Secretary of War, in addition to other duties imposed upon him by law, shall be charged with the supervision of the procurement of all military supplies and other business of the War Department pertaining thereto and the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to wartime needs, and he may assign to the Under Secretary of War and The Assistant Secretary of War such duties in connection therewith as he may deem proper. There shall be detailed to the offices of the Secretary of War, the Under Secretary of War, and The Assistant Secretary of War from the branches engaged in procurement such numbers of officers and civilian employees as may be authorized by regulations approved by the Secretary of War.

"Chiefs of branches of the Army shall report regarding all matters of procurement direct to the Secretary of War, the Under Secretary of War, or The Assistant Secretary of War, as the Secretary of War shall have prescribed. The Secretary of War shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States all such supplies or articles needed by the War Department as said arsenals or factories are capable of manufacturing or producing upon an economical basis. All appropriations for manufacture of matériel pertaining to approved projects which are placed with arsenals, Government-owned factories, or other ordnance establishments shall remain available for such purpose until the close of the next ensuing fiscal year."

Mr. SMITH of Connecticut. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Connecticut: Page 1, line 6, after the word "War", strike out all down to and including the word "emergency" in line 8.

The amendment was agreed to.

Mr. SMITH of Connecticut. Mr. Speaker, I offer a further amendment.

The Clerk read as follows:

Page 3, after line 19, insert a new paragraph, as follows:

"The provisions of this act shall cease to have effect on January 20, 1945, unless continued in force by a subsequent act of Congress."

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Connecticut. I yield.

Mr. CHURCH. Would the gentleman mind modifying his amendment to strike out the word "subsequent"? With this modification the amendment then is clearly within the gentleman's expressed intention. The word "subsequent" might be construed to mean after 1945.

Mr. SMITH of Connecticut. Mr. Speaker, I accept the modification and ask unanimous consent to modify my amendment by striking out the word "subsequent."

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Connecticut as modified: Page 3, after line 19, insert a new paragraph, as follows:

"The provisions of this act shall cease to have effect on January 20, 1945, unless continued in force by an act of Congress."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. The gentleman from Virginia [Mr. FLANNAGAN] is recognized.

TOBACCO QUOTAS

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4374) to amend the Agricultural Adjustment Act of 1938.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the purpose of the bill?

Mr. FLANNAGAN. Mr. Speaker, this bill has two objects in view. Heretofore flue-cured and dark air-cured tobacco have been grouped together and consequently only one referendum has been held for both types. Due to the war situation, there has been a greater decrease in the exportation of fire-cured tobacco than there has been of dark air-cured tobacco and it is necessary, in fixing quotas, that separate referendums be held—that is, a separate referendum covering each type.

The other part of the bill changes the base period. When the original A. A. A. was introduced a special period was given to tobacco, due to the fact that we were unable to find a period that really reflected what we called parity price. The general provision in that bill provided a base period from 1909 to 1914 as to all farm products covered by the bill except tobacco, and as to tobacco the period was from 1919 to 1929, due to the fact that tobacco prices during that period more nearly reflected parity. During the last 15 or

20 years there has been a greater consumption of cigarette tobacco, which has resulted in changing materially the method of producing tobacco. A cigarette leaf has to be a finer leaf; you have to space your tobacco closer; and when you do that you require more labor and you get a lighter tobacco.

We are asking that the period now be changed so as to more nearly reflect parity. The bill has been approved by the Department of Agriculture and by the Senate and House committees, and it has the unanimous support of all Representatives from the tobacco districts.

Mr. MARTIN of Massachusetts. Has this been approved by the Agricultural Adjustment Administration?

Mr. FLANNAGAN. Yes.

Mr. MARTIN of Massachusetts. And by the Committee on Agriculture of the House?

Mr. FLANNAGAN. Yes.

Mr. MARTIN of Massachusetts. And there is no opposition?

Mr. FLANNAGAN. I have not heard of any.

Mr. REECE of Tennessee. Will the gentleman yield?

Mr. FLANNAGAN. I yield to the gentleman from Tennessee.

Mr. REECE of Tennessee. Mr. Speaker, in changing the base period for burley and flue-cured tobacco under the bill S. 4374, the parity price for burley tobacco will be increased from approximately 17.2 cents per pound to 21.8 cents per pound with prevailing price levels. This change is in line with changes which have been occurring in the tobacco industry. Over a period of years the proportion of our burley tobacco which is used in cigarettes has increased materially. In the 5 years 1909–13 about 1½ percent of the burley tobacco was used in the manufacture of cigarettes. This percentage increased to about 40 percent in the 10 years 1920–29, to a little over 57 percent in the 5 years 1935–39, and to a little over 59 percent in 1939. The growing of burley tobacco always has required a great deal of labor. The change in the industry under which more burley tobacco has been used in cigarettes has caused farmers to change their practices so as to have more of their tobacco suitable for use in cigarettes. In making this change they grow a lighter type of tobacco and have to handle a greater number of leaves to make a pound. Today the average acreage of burley tobacco per farm is only about 1.6 acres. Every leaf of tobacco has to be handled separately several times. Therefore, you have a situation in which farmers do more work to sell a pound of tobacco. This change has been reflected in the change in price relationships for burley tobacco as contrasted with other commodities. In order to take this change into account and to give burley farmers a fair parity price for the tobacco the proposed change in the base period seems to be needed.

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this the bill that was called up under suspension of the rules and by unanimous consent on numerous occasions during the last month?

Mr. FLANNAGAN. Yes; this is the same bill.

Mr. MICHENER. And there was much opposition to it. It was abandoned.

Mr. FLANNAGAN. I may say the opposition was due to the fact that the membership was not acquainted with the true facts. Since then we have communicated with all Members whom we thought were interested, including the gentleman from Kansas [Mr. HOPE] and the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN], and we have their approval. They have no objection to this legislation. The gentleman from Tennessee [Mr. REECE], who has just spoken, comes from a great tobacco district, and I think he will confirm the statement I am making.

Mr. MICHENER. There is no question that the people coming from the tobacco districts would be interested. That is the natural thing. This does not cost any more money, does it?

Mr. FLANNAGAN. No.

Mr. MICHENER. But it will take the money appropriated for parity payments—possibly not this year, but a reallocation will be made, and it will take something away from wheat, corn, and cotton and give it to tobacco?

Mr. FLANNAGAN. No.

Mr. MICHENER. That is what the bill does.

Mr. FLANNAGAN. I think the gentleman is mistaken in that statement. Of course, it does not apply to any appropriations that have been made. A special provision in the bill takes care of that. The gentleman surely will not take the position that tobacco is up to parity and that tobacco growers in the future should not be entitled to parity payments?

Mr. MICHENER. I do not know anything about tobacco, but where we pass a law and there are certain commodities, like tobacco, wheat, and cotton, receiving subsidies in the shape of parity payments, we should not by unanimous consent change the picture so that another commodity will receive payments that would eventually—not this year but next year possibly—go to other commodities, and take away from the other commodities the amount of money authorized for those commodities.

Mr. REECE of Tennessee. As I understand it, the enactment of this amendment will work no injustice or hardship upon any other commodity, and I may also say for the benefit particularly of the gentleman from Michigan, whose industry must be highly commended, because there is no Member of the House who looks after the interests of what he conceives to be those of the country at large any more assiduously than the gentleman from Michigan, that no parity payments have been made to tobacco growers. The chief effect of this will be to help hold up the price of the commodity in the interim. It is not anticipated that any parity payments will be made in the future, but since this inequality has developed, an injustice is being done to the industry incidentally.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (15) of subsection (b) of section 301 of subtitle A of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words—

"Fire-cured and dark air-cured tobacco, comprising types 21, 22, 23, 24, 35, 36, and 37;"

and inserting in lieu thereof the following:

"Fire-cured tobacco, comprising types 21, 22, 23, and 24;

"Dark air-cured tobacco, comprising types 35 and 36;

"Virginia sun-cured tobacco, comprising type 37;"

SEC. 2. That section 312 of subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out subsections (b), (d), (e), and (f) of such section, by striking out all of the second sentence in subsection (c) of such section, and by changing the subsection designation "(c)" therein to "(b)."

SEC. 3. The last sentence of section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, is hereby amended to read as follows:

"The base period in case of all agricultural commodities except tobacco shall be the period August 1909 to July 1914. In the case of all kinds of tobacco except burley and flue-cured such base period shall be the period August 1919 to July 1929, and, in the case of burley and flue-cured tobacco, shall be the period August 1934 to July 1939; except that the August 1919–July 1929 base period shall be used in allocating any funds appropriated prior to September 1, 1940."

SEC. 4. That section 301 (b) (15) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of the last sentence thereof and adding a colon and the following: *"Provided,* That any one or more of the types comprising any such kind of tobacco shall be treated as a 'kind of tobacco' for the purposes of this act if the Secretary finds there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand."

SEC. 5. That section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out subsection (b) thereof.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LAMBERTSON asked and was given permission to revise and extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative program today, and

following any special orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the bills on the Consent Calendar.

PASSAMAQUODDY BAY

The Clerk called the joint resolution (S. J. Res. 57) authorizing the Secretary of War to cause a completion of surveys, test borings, and foundation investigations to be made to determine the advisability and cost of putting in a small experimental plant for development of tidal power in the waters in and about Passamaquoddy Bay, the cost thereof to be paid from appropriations heretofore or hereafter made for such examinations.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Illinois?

There was no objection.

TOLL BRIDGE ACROSS THE MISSOURI RIVER, OMAHA, NEBR.

The Clerk called the next bill, H. R. 7069, authorizing Douglas County, Nebr., to construct, maintain, and operate a toll bridge across the Missouri River at or near Florence Station, in the city of Omaha, Nebr.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CROP-LOAN LAW

The Clerk called the next bill, H. R. 7878, to amend the crop-loan law relating to the lien imposed thereunder, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

UNITED STATES AGAINST DOHENY EXECUTORS

The Clerk called the next bill, H. R. 4366, to authorize the payment of additional compensation to special assistants to the Attorney General in the case of United States against Doheny Executors.

Mr. WOLCOTT. Mr. Speaker, inasmuch as there is a minority report filed on this bill, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CHANGING THE TIME OF THE APPOINTMENT OF PRESIDENTIAL ELECTORS AND THE ELECTION OF SENATORS AND REPRESENTATIVES IN CONGRESS

The Clerk called the next bill, H. R. 8700, to change the time of the appointment of Presidential electors and the election of Senators and Representatives in Congress.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRINTING OF SPEECHES AND WRITINGS OF EDMUND BURKE

The Clerk called the joint resolution (H. J. Res. 307) to provide for the printing of the speeches and writings of Edmund Burke as a House document.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS

The Clerk called the concurrent resolution (H. Con. Res. 54) authorizing the printing of a revised edition of the Biographical Directory of the American Congress up to and including the Seventy-sixth Congress.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DESIGNATING THE PERSON WHO SHALL ACT AS PRESIDENT UNDER CERTAIN CIRCUMSTANCES

The Clerk called the next bill, H. R. 9462, designating the person who shall act as President if a President shall not have been chosen before the time fixed for the beginning of his term or when neither a President-elect nor a Vice President-elect shall have qualified.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

OBLIGATIONS TO CERTAIN ENROLLED INDIANS

The Clerk called the next bill, H. R. 5944, to carry out certain obligations to certain enrolled Indians under tribal agreement.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

OLYMPIC NATIONAL PARK

The Clerk called the next bill, H. R. 6559, to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Olympic National Park, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, this bill sets up a judicial tribunal within the executive establishment, and for that reason I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FRED B. WOODARD

The Clerk called the next bill, H. R. 9432, to limit the operation of sections 109 and 113 of the Criminal Code, and section 190 of the Revised Statutes of the United States with respect to certain counsel.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PLACES OF CONFINEMENT OF PERSONS CONVICTED OF A FEDERAL OFFENSE

The Clerk called the next bill, H. R. 9954, to amend section 7 of the act of May 14, 1930 (46 Stat. 326; U. S. C., title 18, sec. 753 f), relating to places of confinement and transfers of persons convicted of an offense against the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 7 of the act of May 14, 1930 (46 Stat. 326; U. S. C., title 18, sec. 753 f), is amended to read as follows:

"SEC. 7. Hereafter all persons convicted of an offense against the United States shall be committed, for such terms of imprisonment as the court may direct, to the custody of the Attorney General of the United States or his authorized representative, who shall designate the places of confinement where the sentences of all such persons shall be served: *Provided*, That any sentence of imprisonment for an offense punishable by imprisonment for a term of 1 year or less shall not be served in a penitentiary except with the defendant's consent. The Attorney General may designate any available, suitable, and appropriate institutions, whether maintained by the Federal Government or otherwise, or whether within or without the judicial district in which the person was convicted. The Attorney General is also authorized to order the transfer of any person held under authority of any United States statute from

one institution to another if in his judgment it shall be for the well-being of the prisoner or relieve overcrowded or unhealthful conditions in the institution where such prisoner is confined, or for other reasons."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEN. ANDREW PICKENS

The Clerk called the next business, House Joint Resolution 369, to provide for the erection of a shrine or monument to the memory of Gen. Andrew Pickens.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

KELLEY HOMESTEAD NEAR ELK RIVER, MINN.

The Clerk called the next business, House Joint Resolution 376, authorizing the Secretary of Agriculture to accept from the National Grange a lease of the Kelley homestead near Elk River, Minn., and providing for its development and maintenance.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

VESSELS FOR STATE NAUTICAL SCHOOLS

The Clerk called the next bill, H. R. 10315, to authorize the United States Maritime Commission to furnish suitable vessels for the benefit of certain State nautical schools, and for other purposes.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MIAMI INDIANS OF INDIANA

The Clerk called the next bill, H. R. 2306, conferring jurisdiction upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to hear, examine, adjudicate, and enter judgment in all claims which the Miami Indians of Indiana who are organized and incorporated as the Miami Nation of Indians of Indiana may have against the United States, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I think when a man is put in the position of asking that a bill go over without prejudice or objects to the consideration of a bill, he owes the country or at least those interested an explanation.

There has come to my attention a card which was sent out rather promiscuously by the California Indian Rights Association, Inc., in respect to Indian bills. It reads as follows:

DEAR INDIAN FRIENDS: Don't be fooled by the Willkie letters. Republicans don't keep their platform promises. Republican Congressmen prevented a vote on your California Indian bill in Congress on September 30 and again on October 7. No Democrats opposed it. HARRY SHEPPARD is the one that got it on the calendar for you.

The Roosevelt administration has given us Indians work in the I. E. C. W., in the C. C. C.-I. D., and the W. P. A., and has supported our legislation in Congress for California Indians. No Republican administration ever gave us work. Don't desert your friends. Vote for Roosevelt and vote for SHEPPARD in his district. All Democratic Congressmen now in Congress have supported your bill. Vote for your friends.

Signed by the California Indian Rights Association, Inc., 321 West Third Street, Los Angeles, Calif. Postmarked at Los Angeles, Calif., dated November 1, 1940.

The remark which I made that the people interested have the right to know why we pass these bills over or object to them is made because of that post card.

Now, in this particular bill there is granted jurisdiction to the Court of Claims to hear the claims of these particular Indians. The bill provides that the court shall consider all such claims de novo, upon a legal and equitable basis and without regard to any decision, finding, or settlement heretofore had in respect to any such claim.

This is a rather novel departure in legislation, whether it be for the Indians or anyone else, and I may say that I have no purpose in denying the Indians or any other class of people or individuals the right to present their claims. This removes the statute of limitations, thereby discriminating against a great body of American citizens who are denied the right to present claims by operation of the statute of limitations.

It provides that such suits or causes of action shall be advanced on the docket of the Court of Claims and by the Supreme Court of the United States if the same shall be appealed. In other words, this bill gives a preferred status to these claims. All other Government business that is on the docket of the Court of Claims and the Supreme Court of the United States must be shunted aside to hear these cases. Now, an appeal differs from certiorari, by which suits are usually taken to the Supreme Court, in that when an appeal is taken the Court gives consideration to the facts as presented by the record, while under this bill the facts are presented de novo. In certiorari, by which all other citizens must take their grievances to the Supreme Court, only a question of law is involved. So we differentiate between these citizens, the Indians, and all other citizens of the United States in giving them a preferred status, and now let us see what the record shows further in this respect.

In this particular case, according to the letter signed by Harold L. Ickes, Secretary of the Interior, to the Honorable WILL ROGERS, Chairman of the Committee on Indian Affairs, under date of September 18, 1939, the records show that the obligations of the United States under the treaty as amended were fully discharged.

He goes on further to say:

This would recognize the Indians as being entitled to an annuity of $25,000 for each year since 1855 and would require the court to deduct from the total amount due for those years the amount paid for the release of the annuity and render a judgment for the difference. Moreover, the bill would create a liability where none now legally or equitably exists, requiring the United States to pay $25,000 annually forever to these Indians, a large if not the greater portion of whom (the Miamis of Indiana) are not tribal Indians and have not been subject to the supervision and control of the Federal Government since 1881.

Further he says:

The annuity was released and relinquished for a valuable consideration which was paid in full many years ago, and there is no justification for its reinstatement.

In this respect, if the Republicans object—and I shall object to the bill—they will merely be following the advice of the Democratic Secretary of the Interior, Harold L. Ickes.

Mr. COCHRAN. Will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. COCHRAN. I placed in the RECORD a letter that I received from the Department of Justice in reference to this bill, in which the present Attorney General voiced certain objections and stated it would be unfair to the Government to pass the bill in its present form. You will find in the report a letter from the General Accounting Office. That report was based upon the original bill. I have a letter from the General Accounting Office, in which the General Accounting Office says that subsequent to the making of that report on the original bill the Committee on Indian Affairs submitted a committee print of the bill, which was considerably different from the original bill, and there is objection taken to that bill. So it is rather misleading to find in the report a letter from the General Accounting Office approving this bill. On the contrary, it does not approve the bill that is before the House at the present time.

I will state to the gentleman that I will absolve the Republican minority of the sole responsibility of stopping all Indian claim legislation. I have objected to them for a number of years, and I am going to continue to object to resolutions that will place the Government at a disadvantage when the time comes to defend a suit.

Mr. WOLCOTT. I want to say to the gentleman from Missouri that he has worked assiduously on these bills, and, in

my opinion, there has not been any meritorious Indian bill presented on the floor of this House while I have had anything to do with this calendar, that the gentleman from Missouri did not withhold his objection, and help in its enactment. On frequent occasions I have known of the gentleman to discuss the bill in an intelligent manner, and the bill was passed which otherwise would not have been passed. As far as I am concerned, I stand not as the representative of any party but as an individual in trying to protect these colossal steals from the Treasury of the United States. At the present moment, according to the report of the Attorney General, there are over $3,000,000,000 of Indian claims now pending in the Court of Claims, under authorizations passed by Congress, going way back, in some instances, to Revolutionary War days.

Mr. MAY. Will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. MAY. Inasmuch as the question of responsibility of parties has been raised, I would like to inquire of the gentleman where he gets the idea that Mr. Ickes is a Democrat, and since when? [Laughter.]

Mr. WOLCOTT. Well, he surely is not credited as being a Republican. I want to make the very definite statement, if there is any question on the record as to whether Mr. Ickes is a Republican or not; now and forevermore, in behalf of the Republican Party, I and we repudiate him.

Mr. MAY. Well, will the gentleman admit that he opposes this bill which the gentleman says is a bad bill?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN, Mr. CHURCH, and Mr. WOLCOTT objected.

OIL AND GAS LEASES

The Clerk called the next bill, H. R. 10402, to amend the act relating to rentals in certain oil and gas leases.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SHEPPARD. Mr. Speaker, reserving the right to object, I would like an explanation of the bill by the person who filed it.

Mr. WOLCOTT. I do not know anything about it. I do not have any objection to it.

Mr. SHEPPARD. Under the circumstances, Mr. Speaker, if the gentleman who filed the bill is not here, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, I will merely say that the gentleman from California [Mr. SHEPPARD] is but inferentially mentioned in this postcard. There was no intention on my part to create any inference that the gentleman has not done a splendid job for his Indians and for the residents and citizens of his district. It just so happened—and I am sorry for it—that the gentleman's name was mentioned on the card. I know the gentleman has differed with me on matters of policy, but I cannot, for the life of me, conceive that he, in view of his record in the Congress, would subscribe to certain things which might be inferentially credited to him in this card. He is absolved from all responsibility. I want to reiterate that of all my friends and colleagues on the floor, there are none in higher esteem than the gentleman from California [Mr. SHEPPARD].

Mr. CHURCH. Mr. Speaker, reserving the right to object, will not the gentleman withdraw his request and let this bill go through?

Mr. SHEPPARD. I will withhold my request to permit the gentleman to make an explanation if he wishes, but I shall renew it.

Mr. CHURCH. I wonder if after further discussion the gentleman would not be willing to do that?

Mr. SHEPPARD. Mr. Speaker, I must request that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. CHURCH. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SHEPPARD. Mr. Speaker, I object to the present consideration of the bill.

INDIANS OF CALIFORNIA

The Clerk called the next bill, H. R. 3765, to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California," approved May 18, 1928 (45 Stat. 602).

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, when the bill, Calendar No. 919, was up, I commented upon a certain card which had been distributed in respect to this particular bill known as the California Indian claims bill. Because of that card I want to read into the RECORD at this time a paragraph from the letter of the Attorney General of the United States, the Honorable Frank Murphy, who has since been elevated to the Supreme Court bench, an opinion written by him as Attorney General under date of May 23, 1939, in commenting on this particular bill, H. R. 3765; and I might say Mr. Justice Murphy is a constituent of mine, a very good friend of mine. I respect his judgment and his opinions. I wish he might have been continued as Attorney General for I think we would have more faith in the opinions of the Attorney General of the United States had he been, but of course, we are glad to see him elevated.

Attorney General Murphy had this to say in respect to this particular bill:

> In vetoing a substantially similar bill (S. 1793, 74th Cong.), President Roosevelt said:
>
> "It appears from the report of the Senate Committee on Indian Affairs relative to this bill (S. Rept. 709, 74th Cong., 1st sess.), that the total area for which an award might probably be made under the terms of this legislation would be not less than 90,000,000 acres. Thus, the bill involves a liability of at least $100,000,000.
>
> "In addition to having the effect of imposing a very heavy financial burden on the Government, the bill would create a dangerous and undesirable precedent for similar endeavors on the part of the present descendants of other aborigines to secure payment for lands occupied by their ancestors at the time of the original settlements in the United States or the acquisition of territory by this country. Not only would such a course of action result in an incalculable financial burden to the Government, but justice to the Indians of today does not seem to require this type of reparation."
>
> Since the proposed bill does not effectively meet either of the President's objections, I am unable to recommend its enactment.

So as I urge my objection to the bill I am merely following the advice of a Democratic Attorney General of the United States and a Democratic President of the United States who vetoed a similar bill. If this bill is being used as the basis of political support then somebody is surely inconsistent in his statement.

I wanted the RECORD to show clearly that I as an individual was objecting to this bill principally upon the recommendation of a Democratic Attorney General and a Democratic President of the United States, and not as a representative of any political party.

Mr. SHEPPARD. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. SHEPPARD. I call the gentleman's attention to the fact that unfortunately I was not on the floor at the time he made his remarks pertaining to the card and I am not conversant with what that card meant or said.

Mr. WOLCOTT. As a matter of fact it was very laudatory of the gentleman.

Mr. SHEPPARD. I do want to assure the gentleman in connection with his statement pertaining to the report that I have no intention in presenting this legislation of using it as a political football either for or against my colleagues on the opposite side of the aisle. If the proposition will not stand on its own merits, if there is no justification for it I have no objection to the gentleman's expressing his sentiment along that line because I also hold a very high regard for him.

Mr. WOLCOTT. The card I read did not quote the gentleman's sentiment, it was the sentiment of the California Indian Rights Association.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, I think it is only fair, not only to the author of the bill

but also to the House, to place in the RECORD a letter from the present Attorney General. I ask unanimous consent that at this point in the RECORD I may insert a short letter from the present Attorney General voicing his objection to this bill and why he is opposed to it.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The letter referred to follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 7, 1938.

Hon. JOHN J. COCHRAN,
Chairman, Committee on Expenditures in the Executive Departments, House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This acknowledges your letter of June 4, concerning the bill (S. 1651) relating to certain claims of the Indians of California.

The purpose of the bill is to amend the act of May 18, 1928, by which jurisdiction was granted to the Court of Claims over certain claims of the Indians of California. The bill under consideration would considerably widen the scope of the original act, which limited the right to recover thereunder to those Indans who were parties to certain unratified treaties. The pending bill would extend the right of recovery of compensation to California Indians who were not parties to such treaties.

The bill contains an express provision to the effect that the loss to such Indians of their lands without compensation therefor should be sufficient ground for equitable relief. The effect of this measure might be to create a right in Indian tribes to receive compensation for lands to which they had no title recognized by law, but which were held by them solely by aboriginal occupancy. The result would be a very heavy financial burden to the United States.

The bill also contains a provision to the effect that compensation for any lands alleged to have been taken by the United States shall be at the rate of $1.25 per acre. This provision appears to be objectionable, as it is the view of this Department that the value of the lands at the pertinent date—1852—was considerably less than this amount.

The bill further proposes to grant a right of appeal to the Supreme Court from any judgment that may be rendered by the Court of Claims. Under existing law, judgments of the Court of Claims are reviewable by the Supreme Court only on certiorari, and no reason appears to extend to a particular litigant a right of appeal not accorded to others.

In view of the foregoing considerations I am unable to recommend the enactment of the bill.

Sincerely yours,

HOMER CUMMINGS,
Attorney General.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. I object to the consideration of the bill.

The SPEAKER pro tempore. Three objections are required.

Mr. TABER, Mr. WOLCOTT, and Mr. KEEFE objected.

TO REPEAL OBSOLETE STATUTES AND TO IMPROVE THE UNITED STATES CODE

The Clerk called the next bill, H. R. 9947, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

The SPEAKER pro tempore. It there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk called the next bill, H. R. 9773, to repeal obsolete statutes and improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. WOLCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WOLCOTT. Would it be in order to ask unanimous consent that the bills listed under Calendar Nos. 948 to 951, inclusive, be passed over without prejudice?

The SPEAKER pro tempore. It may be done by unanimous consent.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bills listed as Calendar Nos. 948, 949, 950, and 951 may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CHOCTAW INDIANS OF MISSISSIPPI

The Clerk called the next bill, S. 3524, conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, reserving the right to object, I had a letter from the Attorney General in which he voiced his objections to this bill. The objections were so strenuous that I feel the bill should not be on the Consent Calendar. Therefore I object to the present consideration of the bill.

Mr. TABER. Mr. Speaker, I object.

Mr. WOLCOTT. Mr. Speaker, I object.

DISCONTINUANCE OF PROFESSIONAL EXAMINATIONS FOR PROMOTION IN MEDICAL, DENTAL, AND VETERINARY CORPS OF THE REGULAR ARMY

The Clerk called the next bill, H. R. 10278, to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WADSWORTH. Mr. Speaker, reserving the right to object, may I call the attention of the gentleman from Kentucky [Mr. MAY], chairman of the Committee on Military Affairs, that this bill contains the same embarrassing question of emergency. The bill reads:

That in time of war or during an emergency declared by the President or by Congress, the Secretary of War may, in his discretion, dispense with any part of the examination for promotion in the Regular Army of officers of the Medical—

And so forth. I shall not object to the consideration of this bill if it can be agreed that in line 3 the words "in time of war or during an emergency declared by the President or by the Congress" may be stricken out, so that the bill will then read:

Be it enacted, etc., That the Secretary of War may, in his discretion, dispense with any part of the examination for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps, except those relating to physical examination.

That is all the Secretary wants. You are going to let him use his discretion, anyway. Why not let him use that discretion without making any reference to emergencies?

Mr. WOLCOTT. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Michigan.

Mr. WOLCOTT. May I suggest that all objections to the bill would be removed if it read as follows: "That in time of war declared by Congress," and so forth. Then we strike out everything with respect to emergencies, whether declared by the President or not. There have been numerous attempts made to get this Congress by indirection to declare that an emergency exists. We have stopped three or four of these bills. Sometime or other there may be such an indication contained in some other bill. We know we are not going to declare war without knowing that we are doing so.

Mr. WADSWORTH. I am in sympathy with the gentleman from Michigan in his hesitancy, in fact his declination to enact any legislation which would authorize the President to declare an emergency. But may I say to the gentleman that if we leave it discretionary with the Secretary of War, then he may meet this present situation, which is rather acute, regardless of whether or not we are now in the midst of an emergency. I hope it will not be declared as such. It is a fact, however, that a very heavy mobilization is going along and the strain put upon the Medical Corps is a heavy one. It must be expanded to take care of the health of these men who are going to the cantonments. Let us give the Secretary of War discretion to suspend in whole or in part the professional examinations for promotions in the Regular Army of Medical officers.

I may say to the Members of the House that promotion of officers in other branches of the Regular Army is not conditioned upon professional examinations. Under the act as it now exists only the Medical Department officers are promoted

upon professional examinations. They are going to have a very tough time convening medical boards to pass upon the promotion qualifications of every officer of the Medical Corps as he is wanted for promotion, in the midst of this mobilization. Will it not suffice, therefore, to leave this matter to the Secretary of War without making any reference to declarations of war or emergencies by the President or by the Congress?

Mr. MAY. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Kentucky.

Mr. MAY. I think the gentleman from New York and the gentleman from Michigan understand that this bill, along with a number of other bills with respect to procedure in the War Department, was introduced by me at the request of the War Department and the bill as presented by the War Department and as introduced by me and reported by the committee shows very clearly that the Department is not seeking to have arbitrary unlimited power or unlimited time to exercise this function; therefore, they are not subject to criticism about that and I have no inclination to want to make this permanent. But by accepting the amendment as offered by the gentleman from New York [Mr. WADSWORTH] to strike out in line 3 the words "in time of war or during an emergency declared by the President or by Congress," leaving it to read:

Be it enacted, etc., That the Secretary of War may, in his discretion, dispense with any part of the examination for promotion—

And so forth, would make it permanent legislation.

Mr. WADSWORTH. I have no objection to that.

Mr. MAY. I have no objection to that, therefore I will gladly accept the amendment offered by the gentleman from New York.

Mr. WOLCOTT. There was some rather lengthy discussion on this bill when it was called on October 7, and among other reasons I gave for asking to put it over at that time was that this created a very dangerous precedent and discriminated against line officers. I do not think we should be doing these things by unanimous consent. This seems to me altogether too important to the Nation as a whole and particularly to the officers involved, to jump in here and do something we are going to be sorry for later on. This hysteria which has gripped us in respect to national defense does not mean that we have got to just take a bill of this nature and try to amend it here without giving it more consideration than we are allowed by unanimous consent. Offhand it looks all right, but we must give consideration to the fact that if the amendment to be offered by the gentleman from New York [Mr. WADSWORTH] is accepted, it will make a permanent law of this, as the gentleman from Kentucky has suggested. Do we want to invest the Secretary of War with discretion to advance officers in the Medical, Dental, and Veterinary Corps without examination?

What about the politics in the Army? We all know there is a great deal of politics in the Army in respect to promotions.

Mr. WADSWORTH. In all the other branches of the Army the officers coming up for promotion are not required to take any professional examination. This is not a discrimination against them, therefore. This is merely allowing the Secretary of War, in his discretion, to treat medical officers as they come up for promotion in the same way that infantry, cavalry, field artillery, and ordnance officers are treated today.

Mr. WOLCOTT. The other officers are classified and they come from one class to another as there is a demand for them. This would allow the Secretary of War to take a first lieutenant in the Medical Corps and nominate him for a generalship if he wanted to.

Mr. MAY. No.

Mr. WADSWORTH. No.

Mr. WOLCOTT. Subject to confirmation, of course, by the Senate.

Mr. WADSWORTH. No; he cannot do that.

Mr. WOLCOTT. Without any confirmation whatsoever. I think we had better look this over.

Mr. MAY. The gentleman, of course, has been discussing the question of economy here in connection with Indian claims. Is the gentleman aware of the fact that if this bill goes through it will amount to a vast saving to the Government by the elimination of the sessions of these boards and these examinations, both physical and mental?

Mr. WOLCOTT. We are going to spend something like eight or nine billion dollars this year for defense, and I guess cutting out the meetings of a board here to pass on the qualifications of certain officers will not be too much of a saving in view of what we are going to spend on national defense. I would not be justified in letting this bill go through merely on the assumption that we are going to save the time of somebody down there in the Department. They are all on salary, anyway, and do not get any more for these examinations.

Mr. CRAWFORD. May I ask the gentleman from Michigan, referring back to the remarks of the gentleman from New York, if the gentleman from Michigan has any objection, in the event the bill is passed, to inserting a semicolon at the end of the first paragraph following the word "examination," and saying:

Provided, That original appointments in the Medical Corps of the Army shall be made from among graduates of reputable schools or colleges of medicine or osteopathy, under such regulations as the Secretary of War shall prescribe.

Mr. WADSWORTH. That is already the fact.

Mr. WOLCOTT. I do not know whether osteopaths are included at the present time.

Mr. MAY. Yes; they are. They are included in legislation passed by this Congress.

Mr. CRAWFORD. Under date of June 27, 1940, Maj. Gen. E. S. Adams, The Adjutant General, states:

Replying to your letter of June 18, 1940, there is no law or regulation permitting the commissioning of osteopaths in the Regular Army.

Mr. MAY. That was written into the recent bills we passed, both the National Guard bill and the soldiers' and sailors' civil-rights bill.

Mr. CRAWFORD. Under bills which are now law, then, they could select officers from the profession of osteopathy?

Mr. MAY. That is right; just the same as the others.

Mr. CRAWFORD. The gentleman is positive of that?

Mr. MAY. I wrote it into the bill in conference myself.

Mr. CRAWFORD. I was not informed on that, and I understood that it is not permissible at the present time.

Mr. MAY. If the gentleman will examine the law, he will find the word "osteopath" in it, if I am not desperately devoid of memory.

Mr. WADSWORTH. With respect to the process of promotion in the Medical Corps, may I say that officers in the Regular Army Medical Corps must be graduates of recognized medical institutions; and the gentleman from Kentucky has just explained that that field has been widened. They are commissioned as first lieutenants, not as second lieutenants, on the theory, which is proper, I believe, that they spend so many of their early years going through medical schools that they have reached an age that, when commissioned, they should be commissioned as first lieutenants instead of second lieutenants.

Mr. MAY. That is right.

Mr. WADSWORTH. Then the promotion law proceeds to state that they shall be promoted on the basis of length of service in grade from then on, not on a seniority list for promotion. A first lieutenant of the Medical Corps who has served 5 years—I think it is—comes up for promotion to the rank of captain. This bill would merely give the Secretary of War the discretion to suspend the professional examination; that is all. It does not increase the number; it does not give any power to the Secretary to hasten promotions; it does not promote anybody except in accordance with that time schedule.

Mr. MAY. It does not discriminate.

Mr. WOLCOTT. I am humbled by the information which the gentleman from New York and the gentleman from Kentucky have in respect to military affairs. I will surely bow to their will in this respect. I do think, however, that we should be forewarned that there might be an opportunity for doing the thing we want to guard against in promotions in these services.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CHURCH. Reserving the right to object, Mr. Speaker, may I ask the gentleman from New York this question: The gentleman would not want this to be permanent legislation; therefore, would the gentleman object to inserting ahead of the language of his amendment a date, say January of some subsequent year?

Mr. WADSWORTH. I speak for myself alone, and I probably should have consulted the chairman of the Committee on Military Affairs and the members of that committee, but I should be satisfied if this discretion could be exercised by the Secretary of War during a period of time which we might consider reasonably to cover the mobilization and the maintenance of this new Army, which, under the selective draft law, is 5 years.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. CHURCH. Yes; I yield.

Mr. MAY. I may say that we discussed this very question at length in the committee and the bill itself provides for the time of the present emergency or some future emergency which would mean, of course, that the legislation may terminate in 1 year or 2 years.

Mr. CHURCH. Yes; but I understand from the gentleman from New York that we are going to strike that language. The amendment of the gentleman from New York is before the House and now I am asking him if he will not insert ahead of his amendment the words "until January 20, 1945," or "January 20, 1943."

Mr. WADSWORTH. I would suggest in that respect May 15, 1945, which is the date of the expiration of the selective-service law.

Mr. CHURCH. Then the gentleman would accept that amendment to his amendment?

Mr. WADSWORTH. I would; yes.

Mr. CHURCH. Then if the gentleman's amendment is adopted there will be no objection here. That is the parliamentary situation.

The SPEAKER pro tempore. The parliamentary situation is, Is there objection to the present consideration of the bill?

Mr. WADSWORTH. I am willing to withdraw my objection if the gentleman from Kentucky is willing to liberalize the bill to that extent.

Mr. MAY. The gentleman from New York has suggested an amendment to which I shall agree.

Mr. WADSWORTH. And I withdraw my objection and offer the amendment referred to.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That in time of war or during an emergency declared by Congress, the Secretary of War may, in his discretion, dispense with any part of the examination for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps, except those relating to physical examination.

Mr. WADSWORTH. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WADSWORTH: Page 1, line 3, after the word "That", insert "until May 15, 1945", and strike out the remainder of line 3, down through the word "Congress" in line 4.

The amendment was agreed to.

The SPEAKER pro tempore. The Chair might appropriately invite the attention of the gentleman from Kentucky to the fact that a similar Senate bill is on the Speaker's table.

Mr. MAY. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill (S. 4224), and shall ask to substitute the House bill, as amended, for the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill.

The SPEAKER pro tempore. The Clerk will report the amendment to the Senate bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert the provisions of H. R. 10278, as amended.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

A similar House bill was laid on the table.

CHEROKEE INDIAN NATION OR TRIBE

The Clerk called the next bill, S. 3133, for the relief of the Cherokee Indian Nation or Tribe, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,185.72 with interest at 5 percent from June 30, 1919, to the date of the appropriation of the said sum herein authorized, which sum was appropriated by the act of June 30, 1919 (41 Stat., pp. 21, 22), and by the terms of said act was required to be "credited to the principal of the Cherokee school fund," a trust fund bearing interest at 5 percent, but which said sum was erroneously deposited in the general fund of the Treasury as miscellaneous receipt, by miscellaneous receipt covering warrant No. 122, as of August 14, 1919.

When appropriated said money shall be credited to the Cherokee school fund and the Secretary of the Treasury shall pay the said money to the surviving attorneys of the Cherokee Indian Nation or Tribe selected by them in pursuance to the act of March 19, 1924 (43 Stat., p. 27), to reimburse in part said attorneys for expenses heretofore incurred in the preparation and prosecution of the claims of the said Cherokee Indian Nation or Tribe, brought under said act of March 19, 1924, in the name of "The Cherokee Nation against the United States."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SNAKE OR PIUTE INDIANS

The Clerk called the next bill, S. 1432, authorizing the Snake or Piute Indians of the former Malheur Indian Reservation of Oregon to sue in the Court of Claims, and for other purposes.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CORONADO INTERNATIONAL MONUMENT, ARIZ.

The Clerk called the next bill, S. 4130, to provide for the establishment of the Coronado International Monument in the State of Arizona.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CHURCH. Reserving the right to object, I would like to ask the author of the bill, first, as to the cost to the Government if this bill is enacted; the annual upkeep; and if it is not true if this bill be enacted it would permit not only grazing but prospecting and mining in the proposed Coronado International Monument?

Mr. MURDOCK of Arizona. Mr. Speaker, in regard to the first item of cost there has been appropriated in another bill $10,000 to establish the monument at that point on the international border where Coronado crossed into Arizona 400 years ago this spring. No further appropriation will be required, unless perchance it be for upkeep. The proposal, however, is that the actual monument be of such nature that no appreciable amount of upkeep will be required.

In regard to the last question asked, yes; this bill does provide that in such national monument the area will be open to grazing and also to prospecting and mineral development. That ideal is only fair and just to the pioneers who dwell in that area. Part of the proposed area now is public domain. Some of it is in the national forest. Our stock

people wish to graze on that land. It is excellent for that purpose. Our mining men wish to prospect for mineral on that land, and if there is mineral there we feel they should have the privilege of prospecting.

This is not a new principle. We have extended the right of grazing and mineral prospecting on other public lands and national forests and Indian reservations. The idea has my concurrence. I believe in it.

Mr. CHURCH. Mr. Speaker, the gentleman mentioned the other bill. Does the gentleman know that bill by number and does that bill modify the provisions of this bill in any way with reference to the provisions herein with regard to grazing, prospecting, and mining in this monument area?

Mr. MURDOCK of Arizona. My bill is identical with the Senate bill. The Senate bill has already passed the Senate.

Mr. CHURCH. Will the gentleman put into the record the number of the other bill?

Mr. MURDOCK of Arizona. We are now considering S. 4130.

Mr. CHURCH. That is correct. The other bill you mentioned appropriates $10,000. You mentioned the provisions in that. For the purpose of the RECORD I would like to know the number of that bill.

Mr. MURDOCK of Arizona. I cannot recall it offhand because we passed that bill in the first session of this Congress. It was a bill which provided for an appropriation to carry on the celebration of the four hundredth anniversary of the coming of Coronado. That was passed in the spring of 1939. This bill merely provides a little more definitely for the suitable carrying out of the intent and purposes of the original appropriation.

Mr. CHURCH. Mr. Speaker, on account of the change in policy in this bill, in that it is provided that in this park area there may be prospecting and mining, I believe that is of such importance that we should not take up time on the Consent Calendar, and I am constrained to object.

I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SIUSLAW NATIONAL FOREST, OREG.

The Clerk called the next bill, S. 1433, to add certain lands to the Siuslaw National Forest in the State of Oregon.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all lands conveyed or relinquished to the United States, under the provisions of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), or the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522), within the western Oregon land project, situated in Lane, Lincoln, Tillamook, and Yamhill Counties, Oreg., are hereby added to and made parts of the Siuslaw National Forest, Oreg., and shall hereafter be subject to the rules and regulations applicable to national-forest lands acquired under the act of March 1, 1911 (36 Stat. 961), as amended, but special provisions included in conveyance of title to the United States, valid and subsisting at the date of this act and thereafter legally maintained, shall not be affected by this act: *Provided*, That this act shall not affect any revested Oregon and California railroad grant land, title to which has not passed out of the United States, or any public-domain land which is not embraced in relinquishments purchased under the acts hereinbefore mentioned.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSAL OF TOOLS AND EQUIPMENT ON THE NEW ENGLAND HURRICANE DAMAGE PROJECT

The Clerk called the next bill, S. 3991, to authorize the disposal of tools and equipment on the New England hurricane damage project.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That upon completion or discontinuance of the Federal Government's work in rehabilitating and reestablishing forest-protection improvements and in the reduction of forest-fire hazards in the various towns or other political subdivisions of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut under appropriation for New England hurricane damage in the First Deficiency Appropriation Act, fiscal year 1939, and acts amendatory thereof and supplementary thereto, the Secretary of Agriculture be, and he is hereby, authorized to transfer to the respective States so much of the fire protection and improvement tools and equipment, purchased from said appropriation for said work for use in the respective States, as in his judgment may be needed for continuance of said work and forest-fire protection by said States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AGRICULTURAL ADJUSTMENT ACT, 1938

The Clerk called the next bill, S. 4311, to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

There being no objection the Clerk read the bill as follows:

Be it enacted, etc., That subparagraph (E) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended so as to provide for the determination of farm normal yields for corn, wheat, and cotton on the basis of the same period of years used in the determination of county normal yields for those commodities, by striking out in the first sentence thereof the words "with respect to which such normal yield is used in any computation authorized under this title" and by substituting in lieu thereof the words "in which such normal yield is determined."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RENTALS IN OIL AND GAS LEASES

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that we may return to Calendar No. 931 (H. R. 10402) to amend the act relating to rentals in certain oil and gas leases.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. SHEPPARD. Mr. Speaker, reserving the right to object, that is the Horton bill, is it not?

Mr. WOLCOTT. Yes.

Mr. SHEPPARD. I objected to that previously because of the fact that I thought it had some influence on the submerged tide lands of California. I find I was in error, and at this time I wish to withdraw my objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan to return to the bill H. R. 10402?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act relating to rentals in certain oil and gas leases issued under authority of the act of February 25, 1920, as amended, and for other purposes," approved July 8, 1940, is amended by striking out "second and third" and inserting in lieu thereof "first and second."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE FEDERAL RECLAMATION LAWS

Mr. SCRUGHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10543) to make the excess-land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada.

The Clerk read the title of the bill.

Mr. TABER. Mr. Speaker, reserving the right to object, will the gentleman explain the purpose of the bill?

Mr. SCRUGHAM. In areas of high altitude and early frosts where hay for livestock is the chief crop, it has been found very difficult to limit one person's holdings to 160 acres as an economic unit. There is a precedent for enactment of this bill, a very similar situation—that of the Colorado-Big Thompson project. This bill is modeled after the exemption of that area from the 160-acre limitation, which is in the act of June 16, 1938, Fifty-second Statutes at Large, page 764. This act permits one person to hold more than 160 acres of land, under an irrigation project.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the excess land provisions of the Federal reclamation laws shall not be applicable to land in the Washoe County Water Conservation District, Nevada, irrigated from the Boca Reservoir, Truckee River storage project, Nevada, nor to the Pershing County Water Conservation District, Nevada, irrigated from the Humboldt River Reservoir, and the Secretary of the Interior is authorized to enter into a contract with said districts, amending, in accordance with this act, the contract of December 18, 1936, between the United States and the Washoe County Water Conservation District, and the contract of October 1, 1934, between the United States and the Pershing County Water Conservation District.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article written by a Rumanian organization with reference to the present situation in Transylvania.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Texas [Mr. THOMASON] may be permitted to extend his remarks in the Appendix of the RECORD in a tribute to our former colleague the Honorable Lindsay C. Warren.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement by Col. G. E. Meyers, retired, United States Army, on the national aviation defense problem.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by me to the Chicago Employers' Association.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GERLACH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CHURCH], under the special order of the House heretofore entered, is entitled to recognition at this time for 20 minutes.

Mr. CHURCH. Mr. Speaker, I have no objection to the gentleman's request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE UNIFICATION OF THE AMERICAN PEOPLE

Mr. GERLACH. Mr. Speaker, Members of the House, now that the bickering of the Presidential campaign has subsided, I believe that all the bitterness, all the wanton waste of words that may have left scars should be wiped out. We are approaching a great holiday season, and I say that we should reap the spirit of the glorious Christmastide and instill into all hearts the thought of "peace on earth, good will toward men," so that when the Seventy-seventh Congress convenes on January 3, 1941, we shall be able to work together for a more prosperous and a stronger United States of America.

The thought of every American should be for unity, and I address this not alone to my colleagues but to the Nation and to my constituents of the Ninth Congressional District of Pennsylvania. Let us forget for the time that we are Republicans and Democrats and remember that we are Americans first, last, and always. In this way we shall be able to work together for the common good of all of our 132,000,000 American people, with malice toward none, and with the future of a united country as our goal.

Certainly we have our differences. No individual, nor group of individuals, can agree upon every question. But from our differences can come constructive criticism, so long as one single individual or group does not attempt to usurp all of the power and instead respects the ideas of the minority. It was upon such principles that the foundation of our great Republic was laid, and upon these principles we have, in little more than 150 years, become the greatest nation in the world.

There are many problems before us as we look toward the new year, and they must be solved if we are to continue to be the greatest nation on earth. They will be solved if we respect the American tradition of loyalty toward our leaders, with intelligent opposition from the people should the leaders err, and the following of the principles embodied in our Declaration of Independence, our Constitution, and our Bill of Rights.

We cannot have class pitted against class and hope for a future of peace and prosperity for America. Therefore it is highly necessary that labor and industry, agriculture, business, and government work hand in hand to bring about the strengthening of our national defense and the restoration of our economic prosperity.

The question of our defense remains the paramount issue as we approach the convening of the Seventy-seventh Congress. It is not a question of where to place the blame for the lack of preparedness in the past, but a question of uniting so that together we can build that defense to such a strength that all nations will respect us, and in the shortest possible time. The Government must relieve industry from the burden of restriction through objectionable kinds of taxes and bureaucratic regulation, so that the leaders of business and industry will be able to speed the production of the equipment needed to make the defense of America impregnable. Thus the Congress must provide legislation which will not strangle private enterprise but will help it create the employment we need. For we must remember that although the heads of our military forces must advise us as to the needs for our defense, it is up to private industry to supply them. This is a tremendous task, and it cannot be accomplished when Federal regulation and control, impede the turning of the wheels of industry and the humming of mill and factory.

The cooperation of labor is vitally needed. It has come to my attention since the national-defense program has begun that a number of strikes have shut down plants engaged in defense work. I have viewed with concern the strikes that have hampered the vital work of the airplane factories in the State of Washington, the shipyards in New Jersey and Maryland, the building of cantonments for the housing of our soldiers at Fort Dix, N. J., and most recently in the Vultee airplane factories in California.

When every minute and every hour is so vitally important to the safety and security of all America, I believe that it is just as essential in case of grievances—especially in matters pertaining to national defense—that labor sit around the conference table to adjust its problems. From such unity there shall arise that defense which will be the greatest insurance for a lasting peace for our country.

Second in importance only to the defense program is that of economic recovery. We know that we still have great numbers of unemployed and partially employed people in the United States who are yet enduring privation and distress. It is necessary that this situation be corrected in order to insure our peace as well as our prosperity, for threats from within

come from fear and dissatisfaction, and when we rid our Nation of its distress we will accomplish the elimination of the seedbeds of hate and subversive activities. The Seventy-seventh Congress must provide legislation to bring this about.

This can only be accomplished through unity, through such loyal opposition as cited by Wendell Willkie in his recent address following his defeat for the Presidency. It is necessary that we give our wholehearted loyalty to the President, but at the same time we must weigh all legislative proposals with critical judgment, reserving the right to disagree and to present opposite viewpoints. In this way we shall be truly representative of all of the people of America, signifying our unity at the same time that we signify our inherent right to think and to speak for ourselves. Upon this base we built our Republic, and our national unity and the preservation of our representative democracy at this great moment in the history of human liberty depends upon the continuation of such alert watchfulness over the American way of government.

The farmer plays an important part in the domestic picture. He has been the "forgotten man" for many years, and he still remains without the measure of prosperity which is his due despite the many schemes fostered and the experiments attempted in the past years. I sincerely believe that the convening Congress in January should immediately consider the McNary-Haugen type of plan, which, to my mind, is the solution to the problem of the farmer.

This plan provides that the American farmer receive the cost of production price for the amount of more than 70 farm products sold in the domestic market. It provides further that any surplus will be sold to foreign markets at the world-market price. It also provides that no competitive farm products can be brought into this country from foreign soil unless a tariff of 10 percent above the domestic cost of production price is placed upon them. This will insure the domestic farmer of his American market. It will make him once again the captain of his own soil, a self-reliant, dependable, and prosperous producer. And, lastly, it will prove to be a means whereby the saving to the Federal Government will be one real step toward the balancing of the national Budget, for through its program the Department of Agriculture in the fiscal year of 1939–40 spent more money than any other department of the Government.

And let us not forget that when the farmer is prosperous everybody else is prosperous. The farm group represents one of the largest single groups of people in America, for almost 30,000,000 people depend upon agriculture for their livelihood. When the purchasing power is restored to so large a number, they will buy the things that are produced by mill and factory, they will engage the services of professional people, and this will be a long step toward the banishment of the depression which has been with us the past 10 years.

As we move into a period in which we need unity more than ever before, and when we work to achieve a unified America, let us not forget that to the south of us are 21 countries which are becoming increasingly important to our own present and future. We are duty bound, under the Monroe Doctrine, to protect and defend these countries. Our national defense, therefore, is also the defense of Latin America. I say to you that the little nations of Europe, such as Holland, Belgium, and Poland, would have been mighty glad to have had the protection of a Monroe Doctrine and a big-brother nation when they were overrun by the dictators. The Latin American countries should think of this, and they should show their gratitude to us for the security we afford them. Their return for this protection, I believe, should be a willingness to purchase as much of the commodities they need, and which we can supply, from us.

We use 90 percent of all that we raise and manufacture, and thus we are 90 percent self-sufficient; but we could export much of the remaining 10 percent to the South American countries and insure for ourselves, and for them, a united continent of self-sufficient and neighborly peoples.

In the early part of this year representatives of the United States and of these countries met at Habana for the purpose of studying this problem. The outcome of this meeting was that the Congress voted to increase the capitalization of the Export-Import Bank by $500,000,000, this money to be loaned to the Latin American countries to aid in the building of their defense and in the development of their countries. Twenty million dollars of this money, which comes from the pockets of the American taxpayer, has already been advanced to Brazil for the building of a steel plant. I do not believe the money should be expended in this way; I do not believe we should advance them money to build factories for the manufacture of products which compete with our own, for this will, in the end, only rob the American worker of millions of hours of man-hour labor. I do believe we should loan them the money to develop rubber plantations, to cultivate hemp, to mine manganese, nitrates, tin, antimony, zinc, and other of the strategic materials and minerals which we need but do not produce here.

These are a few of the important problems which the assembling Congress will face in January. I am sure we have, in our program of national defense, our needed unity, for it is a problem outside the realm of politics. But politics likewise must be adjourned from the problem of our economic security. We must rather unite in our energies, our courage, and our sincerity so that we can be of usefulness to the future of America.

Aside from the foremost issues of defense and recovery, we must act for the public good in many other ways. We must alleviate the conflict between the rights of man and the authority of government, and for this reason the Walter-Logan measure should be speedily passed. This measure does not attempt to limit the scope of government, nor to reduce governmental authority, but it does provide that wherever an agency of government attempts to exercise power over a citizen, that citizen shall have the right of an appeal to the courts. This will guarantee constitutional rights of every citizen and prohibit any Government agency from being the judge of its own case. I believe it proper, for I believe that the people of America would rather trust their liberty, their rights, and their interests to our courts which have functioned worthily since the founding of our great Nation, than to countless bureaucrats who issue rules and regulations, and soon come to regard themselves as a law unto themselves, safe from interference by the courts and by the Congress.

We must also improve upon the present social security legislation in order to provide for the aged who do not come under the present laws, and assure them security in the evening of life.

We must pass legislation to provide compensation for the widows and orphans of the veterans of the last World War who are not receiving compensation under the present laws. The House, in this present session, passed by an overwhelming majority a measure which provided a small pension for the needy widows and dependents of these veterans, but the bill has lain dormant in the Senate. I believe that if the Senate fails to act upon the measure in these waning days of the Seventy-sixth Congress, it should be enacted into law by the new Congress which convenes in January.

With these and other measures we must work to solidify the greatness of America into something material for all of our people of all ages. We must insure for ourselves and our posterity, through the work of the next Congress and the unification of our 132,000,000 people, an America which will go on to greater heights as the greatest Republic in the world—one Nation, indivisible, with liberty and justice for all. [Applause.]

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short article from the national magazine of the Veterans of Foreign Wars.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Illinois [Mr. CHURCH] is recognized for 20 minutes.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein two short quotations.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CHURCH. Mr. Speaker, I wish to express my unequivocal opposition to the proposed adjournment of this Congress, either today, tomorrow, next week, or at any time during this period of grave emergency.

It has been said that there is nothing for Congress to do. That has been said before. In a press conference on June 4 and in a press conference on June 11 the President said he could see no reason for Congress to remain in session except for the laudable purpose of making speeches. I shudder to think what would have been the state of our national defense had we complied with the President's wishes last June.

Since that time we have authorized a two-ocean Navy. We have authorized an expenditure of around $7,000,000,000 for defense purposes. We have increased the lending capacity of the Export-Import Bank by $500,000,000 in order to aid the countries of the Western Hemisphere. We have passed the Alien Registration Act. We have authorized the mobilization of the National Guard and Reserve Corps. We have inaugurated a military-training program. We have enacted a so-called excess-profits tax bill. We have amended our patent laws with a view to protecting inventions valuable to our defense. We have given the N. A. C. A. additional authority and it has been making commendable progress.

In short, Mr. Speaker, since the President suggested that Congress adjourn last June we have inaugurated the defense program. Much remains to be done. Tomorrow may be too late. We are living in a grave hour of fast-moving, unpredictable events. In this hour we must recognize our responsibilities and unselfishly perform our duties.

It would indeed be pleasant for each of us to return to his home, to be with his home neighbors and friends. I have no doubt that the young men entering the training camps and on the high seas would rather be with their families than hundreds or thousands of miles away. These young men recognize their duty and find joy in making sacrifices to perform that duty. Surely Members of Congress, too, who asked these boys to come to the aid of their country, are no less willing to make personal sacrifices.

No one here can rise in his place and seriously contend there is nothing more for Congress to do. Is it to be said that our whole duty is performed simply in passing bills the President recommends and in appropriating funds? The appropriation of funds is only a small part of our duty. We have the responsibility of seeing that the money appropriated is wisely spent.

As contracts are let and expenditures made, we should remain here to check continuously the progress being made. The Committees on Military Affairs, on Naval Affairs, and on Appropriations should be constantly inquiring into various phases of the defense program. Or a joint committee of the Senate and House might be established for the purpose, not with a view to interfering with the work but rather with a view to keeping our people informed as to what is going on and to make constructive suggestions in the interest of efficiency. Practically all the information many Members have with regard to the progress of the defense program is what they may have gleaned from the public press or perhaps from a personal interview with departmental officials from time to time.

In our efforts to establish an impregnable defense for this hemisphere, each of us has something constructive to offer. Some of you may recall that as long ago as March of 1938 three members of the Committee on Naval Affairs joined with me in a minority report on a naval bill. In that report we vigorously opposed the imposition, for the first time, of a limit on the number of aircraft the Navy may possess. We endeavored to emphasize the importance of aircraft.

Let me read a few paragraphs from that report. On page 5 you will find these words:

> The evidence before our committee emphasized the extreme flexibility of aircraft in the defense of the American Continent where aircraft can be available in either ocean within 24 hours.
>
> The Congress may also most profitably read the evidence before the committee as to the amazing advances in aircraft even in the past 2 years since the Inskip report was published. Each day witnesses new achievements by aircraft. * * *
>
> The proposed legislation now for the first time imposes a limit of 3,000.
>
> Yet England has just presented an air program providing 12,000 planes and placed air defenses on a parity with the Army and Navy in the amount of appropriations. This is in startling contrast to the American allocation although America seems ideally adapted to emphasize air defense.

When we wrote that report we were in the minority. Today we are in the majority. In 1938 the administration did not accept our view. Today our view is the administration's view. I only wish that the administration could have been convinced in 1938 that our suggested emphasis on aircraft was sound.

Just a few days ago we read the account in the public press of the destruction of three Italian battleships by British bombers in their raid at Taranto. Some of you will recall that only a few of us on the Naval Affairs Committee insisted that a battleship could be destroyed by aircraft. We were opposed in that view by the majority of the committee, by the Navy Department, and by the administration.

I mention these things not in the spirit of criticism. I mention them simply to point out that each of us, as individual Members of Congress, has something constructive to offer for the building up of an adequate national defense. We should remain in session in order that we may make our contribution.

Much remains to be done. If we adjourn we will be deliberately refusing to assume the responsibilities that are ours.

This morning's paper carries the story of a mysterious fire and unexplained explosion at two chemical plants in Pennsylvania. At Johnstown fire destroyed the plant of the Pennsylvania Chemical Co., which was engaged in filling a Government order for incendiary bombs.

This is only one of several successive explosions in important ammunition plants in the United States. We are confronted with the very serious problem of dealing with foreign agents in the United States, in dealing with the problem of sabotage. Are we to adjourn with this problem unsolved? Are we to adjourn without taking effective steps for dealing with this serious situation?

According to an Associated Press dispatch of November 15, our able colleague Congressman DIES has indicated that his committee will need $5,000,000 for next year if the extremely important investigation he is making is to be carried forward "as it should be." It is evident from the recent sabotage activities in our defense industries that the work of this committee should be enlarged, and we should remain here to cooperate with the committee in its work.

I say again, much remains to be done. Tomorrow may be too late.

National defense involves more than men and equipment. It involves more than enacting laws and making appropriations. It also involves placing our entire economy on a sound basis. We are confronted with a public debt of $45,000,000,000. It has been reported that the Secretary of the Treasury intends to ask Congress to increase the statutory debt limitation to $65,000,000,000 and to impose additional taxes.

We should begin to work on this problem today, not tomorrow or next week or at the next Congress opening in January. Tomorrow may be too late.

Our entire tax structure needs revision. I have stated that many times. We cannot simply continue to impose one tax and then another in a patch-quilt fashion. The Ways and Means Committee should proceed to hold hearings on the subject. It should proceed immediately to prepare necessary legislation for the raising of the revenue necessary to finance the defense program. We cannot continue deficit financing. And it is most important that the taxes imposed be levied equitably, in accordance with ability to pay and in accordance with our concerted efforts to stimulate production.

Throughout the country there is great apprehension about the future of our fiscal situation. We do not know what day

inflation panic may set in. We cannot postpone until next session this impending problem. Tomorrow may be too late.

Moreover, there are a number of important measures pending on the House or Senate Calendars and pending in committees that should receive our immediate attention. I do not propose to enumerate all of them. There is, for instance, the Walter-Logan bill. It was reported by the House Committee on the Judiciary. It has passed the House overwhelmingly. It is pending in the Senate.

If we adjourn now, all that we have done in connection with this extremely important bill will come to naught. The measure will have to be reintroduced, again considered by the House Committee on the Judiciary, again voted on in the House, and again sent to the Senate.

Exactly the same situation exists in connection with the bill to amend the National Labor Relations Act. It has passed the House by a substantial majority and is pending in the Senate.

There is also the Ramspeck civil-service bill to extend the civil-service system. That measure has passed both the House and Senate and is presently pending in conference. If we adjourn, we undo everything that has been done in this bill toward extending the civil-service system.

Mr. Speaker, I say again, much remains to be done, and it is our duty to remain in session until it is done, until this period of emergency has passed. This is not a one-man government. This is a republic. We are representatives of the people. We have responsibilities and duties to perform. It is imperative that we prove ourselves able to discharge the tasks that are ours.

We might well weigh the words of Winston Churchill, now Prime Minister of England, in his speech in Parliament in opposition to the position taken by Chamberlain that Parliament should adjourn. He said:

> After all, we are passing through a period of very rapid daily change in Europe of the most disturbing character, and it does not seem quite right that Parliament should go away for 25 days as if nothing was going on and as if it had lost interest in matters which affect the whole future of this country. It is derogatory to Parliament, it seems to me, that it should be thought unfit as it were to be attending to these grave matters, that it should be sent away upon a holiday in one of the most formidable periods through which we have lived. I know that there is a certain undercurrent of derision of Parliament even among its own members, and a feeling no doubt among ministers "what relief it will be when we have got them sent about their business and we can get on with our work." That is exactly the idea which in other countries has led to the institution of dictatorships, the same process of impatience with the parliamentary machine which has swept it away and has led to its replacement by one-man rule.

During the 6 years I have been privileged to be a Member of this body I have repeatedly emphasized the importance of Congress. I have always opposed attempts to reduce Congress to a position of subservience. We must be ever mindful that we are servants of the people. We are their voice. If we permit Congress to fall into a position of subservience, the representative Government we cherish will cease to exist. The voice of the people will be stilled. We must not, we cannot, allow Congress to fall into disrepute. If we adjourn now, refusing to assume the responsibilities that are ours and refusing to fulfill our duties, leaving unfinished tasks behind us, we will have taken a step which may very readily be a step in the ultimate destruction of our Republic.

Mr. Speaker, the proposed adjournment of Congress touches on the very future of democracy. Elsewhere in the world legislative bodies have been reduced to a mere functionary of the man at the head of the government. Elsewhere in the world legislative bodies have come to be meaningless and without purpose. We must not allow that to happen here. It will happen unless we can demonstrate that we have a purpose and that we can and will fulfill that purpose.

I repeat, for I cannot emphasize it too often: We must not adjourn. Much remains to be done. Tomorrow may be too late. I earnestly solicit your consideration of the seriousness of the adjournment proposal as it relates to the future of representative government. I earnestly solicit your opposition to adjournment.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. CHURCH. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. The gentleman has made an extremely valuable contribution, and he has made a fine fight against adjournment, and I rise to ask the gentleman if he does not think it is rather absurd to believe that we cannot meet, even if we do not meet in this Chamber? There is the caucus room; there are other rooms in the Capitol; and there are big Government auditoriums in Washington where the Congress could meet, if necessary. So the repairing of the roof of the Capitol does not constitute a real necessity for the adjournment of Congress, even if there is danger that the roof may fall upon us. I trust it will not be used as an excuse to adjourn.

Mr. CHURCH. I agree with the gentlewoman from Massachusetts. Even if there is danger of the roof falling, this Congress can meet somewhere else.

Mrs. ROGERS of Massachusetts. In England the people are carrying on in dugouts. I think the Congress of the United States, in view of the economic chaos and the international difficulties in which we find ourselves, can find some place to meet, and that meeting place need not be a dugout. But the Congress certainly should remain in session, even if we did have to meet in a dugout. These are extremely critical times in the history of our country, as the gentleman knows. I am as utterly and entirely opposed to the adjournment of the Congress as he is.

Mr. CHURCH. I thank the gentlewoman for her contribution.

Mr. STEFAN. Will the gentleman yield?

Mr. CHURCH. I yield to the gentleman from Nebraska.

Mr. STEFAN. Has there been a statement to the effect that we should vacate this Chamber because of the dangerous condition of the roof? Has there been a statement to that effect?

Mr. CHURCH. Let me yield further to the gentlewoman from Massachusetts, who is on her feet and who just referred to the roof situation.

Mrs. ROGERS of Massachusetts. I have read articles in the newspapers which state that the Architect of the Capitol, Mr. David Lynn, said it is not safe for us to meet in the House Chamber, that the roof may fall at any moment. Of course, we have been meeting all during the summer, and I suppose it was perfectly possible for the roof to have fallen during the summer.

Mr. CHURCH. The gentlewoman from Massachusetts is one of those who have been most attendant to her duties in this body, she has insisted that Congress remain in session. I recall that she opposed adjournment without enacting certain legislation desired by our veterans. Insofar as this roof matter is concerned, I think the powers that be are making much ado about this at this time, simply to provide themselves with an excuse to have Congress adjourn.

Mr. STEFAN. I am not criticizing what the gentlewoman from Massachusetts said regarding the roof. On the contrary, I wish to confirm what she has said. The Architect has made some statement to our Committee on Appropriations that the roof is in dangerous condition. Should we have a heavy snowfall we may have a repetition of what happened here in Washington some years ago when the roof of a theater caved in, killing many people. Certainly the gentleman does not mean to imply that the Congress wants to adjourn just because we have some dangerous construction in the Capitol Building?

Mr. CHURCH. I never intended to convey that impression, but I do think the administration would like to use this as an excuse for its efforts to have Congress leave Washington.

Mr. STEFAN. That is not the reason for adjournment. I compliment the gentleman on his very fine address. [Applause.]

[Here the gavel fell.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. COFFEE of Washington, indefinitely, on account of illness in family.

To Mr. BLAND (at the request of Mr. BURCH), indefinitely, on account of illness.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 11 minutes p. m.) the House adjourned until tomorrow, Tuesday, November 19, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2022. A letter from the Secretary of War, transmitting a report of contracts awarded in accordance with provisions of the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2023. A letter from the Secretary of War, transmitting a report of contracts awarded in accordance with provisions of the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2024. A letter from the Secretary of War, transmitting a report of contracts awarded in accordance with provisions of the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2025. A letter from the Administrator, Federal Security Agency, transmitting a copy of a draft of a proposed bill to amend section 702 of the Labor-Federal Security Appropriation Act, 1941; to the Committee on the Civil Service.

2026. A letter from the Chairman of the Reconstruction Finance Corporation, transmitting a report of the corporation's activities and expenditures for the month of September 1940 (H. Doc. No. 984); to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COCHRAN: Committee on Accounts. House Resolution 629. Resolution to provide funds for further expenses of conducting investigation and study authorized by House Resolution 63, Seventy-sixth Congress, incurred by the Select Committee to Investigate the Interstate Migration of Destitute Citizens; with amendment (Rept. No. 3061). Referred to the Committee of the Whole House on the state of the Union.

Mr. COCHRAN: Committee on Accounts. House Resolution 630. Resolution authorizing an additional assistant in the attending physician's office of the House of Representatives; with amendment (Rept. No. 3062). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII,

Mr. THILL introduced a bill (H. R. 10676) to prevent the spread of false information in political campaigns, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN:

H. R. 10677. A bill granting an increase of pension to Herbert B. Holloway; to the Committee on Pensions:

By Mr. HARTLEY:

H. R. 10678. A bill for the relief of Carol Popomeier, also known as Charles Meyer, and Maria Popomeier, his wife, also known as Maria Meyer; to the Committee on Immigration and Naturalization.

By Mr. PACE:

H. R. 10679. A bill for the relief of Mrs. H. C. Bivins, Miss Henrietta Bivins, and Irvin Tatum; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9377. By Mr. MERRITT: Resolution of the Medical Society of the County of Queens, N. Y., that the Selective Training and Service Act of 1940 be amended as follows: (1) Any man selected for training and service under this act who has been awarded a degree in medicine or dental surgery from (a) a grade "A" American medical or dental school, (b) or a foreign medical school, and which said individual has been licensed to practice medicine, surgery, or dentistry in any State, Territory, or possession of the United States or District of Columbia, and whose physical and mental fitness for such training and service has been satisfactorily determined, shall be commissioned as an officer in the Medical Department Reserve, Officers' Reserve Corps; to the Committee on Military Affairs.

9378. Also, resolution of the New York State League of Savings and Loan Associations, approving House bill 10573 and requesting that both Houses of Congress give this legislation favorable consideration at the same time that the amendments to the Federal Deposit Insurance Corporation Act are being considered; to the Committee on Banking and Currency.

9379. By Mr. LYNCH: Resolution of the Bronx County Medical Society, New York City, regarding the exemption of medical students and the commissioning of all those who have been awarded a degree of doctor of medicine by a recognized medical school or who hold a valid license to practice medicine and surgery in the United States under the provisions of the Selective Service Act; to the Committee on Military Affairs.

9380. By the SPEAKER: Petition requesting consideration of resolution with reference to Senate bill 591; to the Committee on Banking and Currency.

9381. Also, petition requesting consideration of resolution to take favorable action on Senate bill 4269 and House bill 10384; to the Committee on Ways and Means.

SENATE

TUESDAY, NOVEMBER 19, 1940

The Senate was called to order by the Secretary, Edwin A. Halsey.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, whose gift is length of days, who dost apportion our work according to our strength: As Thou hast pardoned our transgressions, do Thou sift the gatherings of our memory, that evil may disappear and only good may stand revealed. We call Thee holy, yet how poor is all our thought of holiness. Thy name is Love, yet how little we know of what Thy love may be. Come Thou to us in kindling thought, and open Thou our lips that we may praise Thee for Thy gifts, especially for Thy presence, for the love of friends, for new opportunities of service, and for joy in the growth and happiness of children. Grant us an ever-deepening sense of sympathy and understanding for those who bear the burdens of the world, and give to us, dear Lord, clear thought and quiet faith. Let the spirit of Thy peace abide with us through all the days to come, that we may feel Thee even as the wind upon our cheeks, as the tide about the shore, as a hand within our own. In Thy dear Son's name we ask it. Amen.

The SECRETARY. The Vice President being absent, and the office of President pro tempore being vacant by reason of the death of the late beloved Senator Key Pittman, of Nevada, the Secretary of the Senate, under authority of rule I, paragraph 2, has called the Senate to order.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1433. An act to add certain lands to the Siuslaw National Forest in the State of Oregon;

S. 3133. An act for the relief of the Cherokee Indian Nation or tribe, and for other purposes;

S. 3991. An act to authorize the disposal of tools and equipment on the New England hurricane damage project;

S. 4311. An act to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes; and

S. 4374. An act to amend the Agricultural Adjustment Act of 1938.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 4224. An act to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress; and

S. 4370. An act authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9954. An act to amend section 7 of the act of May 14, 1930 (46 Stat. 326; U. S. C., title 18, sec. 753f), relating to places of confinement and transfers of persons convicted of an offense against the United States;

H. R. 10402. An act to amend the act relating to rentals in certain oil and gas leases; and

H. R. 10543. An act to make the excess land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada.

ELECTION OF PRESIDENT PRO TEMPORE

Mr. BARKLEY submitted a resolution (S. Res. 330), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Hon. WILLIAM H. KING, a Senator from the State of Utah, be, and he is hereby, elected President of the Senate pro tempore, to hold office during the pleasure of the Senate, in accordance with the resolution of the Senate adopted on the 12th day of March 1890 on the subject.

ADMINISTRATION OF OATH TO PRESIDENT PRO TEMPORE

The SECRETARY. The Senator from Utah will present himself at the desk to take the oath of office.

Mr. KING, escorted by Mr. BARKLEY, advanced to the desk, and, the oath having been administered to him by the Secretary, he took the chair as President pro tempore.

NOTIFICATION TO THE PRESIDENT OF ELECTION OF PRESIDENT PRO TEMPORE

Mr. BARKLEY submitted the following resolution (S. Res. 331), which was considered by unanimous consent and agreed to:

Resolved, That the President of the United States be notified of the election of Hon. WILLIAM H. KING, a Senator from the State of Utah, as President of the Senate pro tempore.

NOTIFICATION TO THE HOUSE OF ELECTION OF PRESIDENT PRO TEMPORE

Mr. BARKLEY submitted the following resolution (S. Res. 332), which was considered by unanimous consent and agreed to:

Resolved, That the House of Representatives be notified of the election of Hon. WILLIAM H. KING, a Senator from the State of Utah, as President of the Senate pro tempore.

THE JOURNAL

The PRESIDENT pro tempore. Without objection, the reading of the Journal of the proceedings of the calendar day of Monday, November 18, 1940, will be dispensed with and the Journal will be approved.

PETITIONS

Mr. VANDENBERG. I present for appropriate reference certain petitions from the women of the Michigan State Grange relative to American involvement in foreign war, and ask that they be noted and the text of one of the petitions be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the petitions will be referred to the Committee on Foreign Relations and the text of one of the petitions will be printed in the RECORD.

The text of one of the petitions referred to is as follows:

To the President of the United States and to the Michigan Senators and Representatives of the Congress of the United States:

We, the women of the Michigan State Grange, ask and plead with you, the President of the United States, and to the Michigan Congressmen of the United States to withdraw all entanglements leading to wars on foreign soils.

Further: We are willing to sacrifice our lives and fortunes to protect America, but we are unalterably opposed to sacrificing the lives of our husbands and sons to protect American interests or other interests in foreign countries.

We beg of you to act before it is too late and before we have become involved in a foreign war.

THE PRESIDENTIAL TERM

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred the resolutions, with an accompanying letter, adopted unanimously at the meeting of the board of managers of the Sons of the Revolution in the State of New York, in New York City, on October 28, 1940, recommending to the Congress that there be submitted to the people of the United States a constitutional amendment forbidding Presidential tenure of office for more than two elective terms of 4 years each.

I am heartily in sympathy with the objectives sought by the members of this organization. I believe if the question could be submitted directly to the people on its merits, independent of the complications of a political campaign, the proposal, as set forth in a joint resolution I am introducing today, would be approved overwhelmingly by the American people. I think this is the time to give the question serious consideration. I shall do everything I can to secure the approval, at the earliest possible date, of the program contemplated in this joint resolution.

The PRESIDENT pro tempore. Without objection, the letter and resolutions will be received and referred to the Committee on the Judiciary.

The letter and resolutions above referred to are as follows:

SONS OF THE REVOLUTION,
IN THE STATE OF NEW YORK,
New York City, October 29, 1940.

Hon. ARTHUR CAPPER,
Senate of the United States, Washington, D. C.

MY DEAR SENATOR: In accordance with the instructions of the board of managers of this society, I hand you herewith resolutions unanimously adopted at the board meeting held yesterday.

Your cooperation along these lines, we believe, will be a material contribution toward the stability and safety of our country.

I am,

Respectfully yours,

L. LIVINGSTON SANDS, *Secretary.*

Whereas from the beginning of our American Government until now there has existed an unwritten tradition against any President of the United States holding that office for more than two consecutive terms of 4 years each; and

Whereas by their acts and their writings the greatest of our American Presidents and statesmen, from Washington down, have warned of the dangers to our democratic form of government attached to unlimited tenure of office by the President; and

Whereas the breaking of that tradition, after 150 years of unquestioned acceptance by the people, would not only destroy the tradition forever but would establish a new precedent which is fraught with great danger to our form of government and therefore our liberty; and

Whereas we believe the tradition as such might, under conceivable emotional stress, be broken, except as it is embodied in the basic law of the land—the Constitution: Therefore be it

Resolved, That the board of managers of the Sons of the Revolution in the State of New York recommend to the Congress of the United States that there be submitted to the people of the United States a constitutional amendment forbidding Presidential tenure of office for more than two elective terms of 4 years each; and be it

Resolved, That the properly constituted officers of this society be, and they hereby are, instructed to present these resolutions to the proper authorities of the United States Congress.

Mr. CAPPER. Mr. President, I also ask unanimous consent to have printed as part of my remarks a copy of the joint resolution on this subject to be introduced by me, which is as follows:

(S. J. Res. 303, introduced by Mr. CAPPER November 19, 1940, and referred to the Committee on the Judiciary.)

Joint resolution proposing an amendment to the Constitution of the United States relating to terms of President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. No person shall be chosen as President after the date this section takes effect who shall have held, or exercised the duties of, the office of President during the whole or any part of each of two separate terms.

"SEC. 2. The provisions of section 1 shall take effect on the 1st day of February following the ratification of this article.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress."

REPORTS OF THE COMMITTEE ON CLAIMS

Mr. BURKE, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 7965. A bill for the relief of Mr. and Mrs. T. G. Ramsey (Rept. No. 2221);

H. R. 8343. A bill for the relief of Edith Platt (Rept. No. 2222); and

H. R. 8810. A bill for the relief of Daisy Fitzpatrick (Rept. No. 2223).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Navy.

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of Robert L. MacDougall, of Georgia, to be regional director, Work Projects Administration, region 5.

He also, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of several officers for appointment, by transfer, or promotion in the Regular Army.

He also, from the same committee, reported favorably the nominations of several brigadier generals in the National Guard of the States to be brigadier generals in the National Guard of the United States.

He also, from the same committee, reported favorably the following nominations of a person and officers to be State directors of the selective service:

For Illinois: Don Welch;

For Idaho: Brig. Gen. Marvin G. McConnel; and

For New Hampshire: Brig. Gen. Charles F. Bowan.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ANDREWS:

S. 4423. A bill to provide that the Navy ration shall include canned or powdered fruit juices; to the Committee on Naval Affairs.

By Mr. KING:

S. 4424. A bill for the relief of Dr. Maksymillen Fabrikant; and

S. 4425. A bill for the relief of Ferdinand Gruenwald and his wife, Maria Schmidt Gruenwald; to the Committee on Immigration.

By Mr. CAPPER:

S. 4426. A bill for the relief of Karl Hirschland; to the Committee on Immigration.

By Mr. BARBOUR:

S. 4427. A bill authorizing the Secretary of the Treasury to release certain interests in certain land which adjoins the Shark River Coast Guard Station, in Monmouth County, N. J.; to the Committee on Commerce.

By Mr. CAPPER:

S. J. Res. 303. Joint resolution proposing an amendment to the Constitution of the United States, relating to terms of President of the United States; to the Committee on the Judiciary.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 10402. An act to amend the act relating to rentals in certain oil and gas leases; to the Committee on Public Lands and Surveys; and

H. R. 10543. An act to make the excess land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada; to the Committee on Irrigation and Reclamation.

EXTENSION OF SOCIAL SECURITY COVERAGE—AMENDMENT

Mr. WAGNER. Mr. President, I submit an amendment intended to be proposed by me to Senate bill 4269, and ask that it may be printed, printed in the RECORD, and referred to the Committee on Finance. I also ask unanimous consent that an explanatory statement of the amendment be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment intended to be proposed by Mr. WAGNER to the bill (S. 4269) to extend the coverage of the Social Security Act with respect to old-age and survivors' insurance and unemployment compensation, to provide for a variable basis for Federal grants to States for old-age assistance, to amend the Internal Revenue Code, and for other purposes, was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

On page 7, after line 19, and on page 17, after line 2, insert a new subdivision (5) as follows and renumber the succeeding subdivisions accordingly:

"Service performed in the employ of a State, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more States or political subdivisions, or any instrumentality or authority created and existing by virtue of legislative acts of two or more States, where the employee performing such service is a beneficiary, or a contributing member, or has an unrealized interest in, or is designated as a future beneficiary by the rules of, any pension, relief, or retirement fund established and maintained by authority of the constitution or statutes of a State, provision of a municipal charter, or ordinance of a municipality or other political subdivision: *Provided*, That such persons as are separated from said service without pension, retirement, or compensation award shall not thereafter be affected by the provisions of this paragraph."

The explanatory statement presented by Mr. WAGNER in conjunction with his amendment is as follows:

EXTENSION OF SOCIAL-SECURITY COVERAGE

The recent elections have established the objectives and principles of the Social Security Act more firmly in American life than ever before. Congress should now press forward, without delay, in the essential task of extending this act to the millions not now protected by its terms. To that end I propose to reintroduce in the next Congress, in perfected form, my bill S. 4269, which would extend coverage under the old-age and survivors insurance program to about 10,000,000 additional persons, including some 4,000,000 agricultural workers, 2,500,00 domestic servants, 750,000 employees of nonprofit institutions (excluding ordained ministers and members of religious orders), and 1,500,000 employees of States, counties, and municipalities not now covered by pension plans. In addition, the bill would cover under unemployment-insurance protection about 5,000,000 more workers, including those employed in establishments having fewer than eight employees.

As I have repeatedly stated, nothing in S. 4269 is calculated to repeal or interfere with the independent status of existing pension systems covering teachers, firemen, policemen, or other public employees to reduce the benefits thereunder or to turn over to the Federal Government the reserve funds of such systems. The bill

was introduced at the request of the American Federation of Labor and is based squarely on their traditional principle of extending pension protection to those not enjoying it and safeguarding pension protection where it exists.

While there is no possibility of action on the legislation at this session, I am introducing an amendment at this time to reinforce this original objective and to express in concrete form my complete agreement in principle with the many individuals and organizations who have written or conferred with me in the matter and offered their valuable data and suggestions, including Mr. Joseph Burkard, president of the Patrolmen's Benevolent Association of New York City and chairman of the national committee representing civil-service employees presently enjoying pension rights and privileges; Dr. Frank D. Whalen, chairman of the Joint Committee of Teacher Organizations of New York City; William Green, president of the American Federation of Labor; Dr. George Counts, president of the American Federation of Teachers; Mr. Willard E. Givens, executive secretary of the National Educational Association, among many others. The amendment, specifically and without reservation, exempts from coverage under the Social Security Act all public employees already protected by pension plans under State, county, or municipal auspices. In terms, the amendment would exempt all—

"Service performed in the employ of a State or any political subdivision thereof or any instrumentality of any one or more of the foregoing which is wholly owned by one or more States or political subdivisions, or any instrumentality or authority created and existing by virtue of legislative acts of two or more States, where the employee performing such service is a beneficiary or a contributing member or has an unrealized interest in or is designated as a future beneficiary by the rules of, any pension, relief, or retirement fund, established and maintained by authority of the constitution or statutes of a State, provision of a municipal charter or ordinance of a municipality or other political subdivision: *Provided*, That such persons as are separated from said service without pension, retirement, or compensation award shall not thereafter be affected by the provisions of this paragraph."

The Social Security Board is now conferring with interested persons and groups in a study of the technical problems involved in perfecting this phase of the legislation. The social-security committee of the American Federation of Labor is also exploring the problem fully with its affiliated organizations at the convention now in progress. It is my hope that a final draft may be worked out upon the foregoing principle, with the approval of all public-employee groups concerned, in time for consideration early in the next session by the special subcommittee of the Committee on Finance established by Senate resolution to study changes in the old-age insurance provisions of the Social Security Act.

TELEGRAM FROM SENATOR WILEY

Mr. AUSTIN. I ask to have inserted in the RECORD a telegram addressed by the Senator from Wisconsin [Mr. WILEY] to the Senator from Oregon [Mr. MCNARY] under date of November 11, 1940.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHIPPEWA FALLS, WIS., *November 11, 1940.*

HON. CHARLES MCNARY,
United States Senator, Senate Office Building, Washington, D. C.:

Would greatly appreciate advice from you relative to proposed congressional schedule for remainder of session. I believe that the reasons for remaining in session which were valid before the election are even more valid now. I believe that critical world situation today makes it imperative for the Senate to remain in session so that they can become active on short notice.

Senator ALEXANDER WILEY.

SENATE COMMITTEE ON NATIONAL DEFENSE

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day which will be read.

The Chief Clerk read the resolution (S. Res. 303) submitted by Mr. BYRD on August 26, 1940, as follows:

Resolved, That there is hereby established a special committee of nine Members of the Senate to be appointed by the President of the Senate and to be known as the Senate Committee on National Defense. Of the Members of the Senate selected for membership on the special committee, three shall be members of the Committee on Military Affairs and three shall be members of the Committee on Naval Affairs. The special committee shall select a chairman from among its members. Any vacancy in the membership of the special committee shall not affect the power of the remaining members to execute its functions and shall be filled in the same manner in which original appointments to membership on the committee are made.

The special committee shall make such investigation of the manner in which the national defense program authorized by the Congress is being executed as it may deem appropriate for the purpose of obtaining such information as will enable it to make recommendations to the Senate, in the form of proposed legislation or otherwise, for action designed to expedite the execution of such program.

For the purposes of this resolution, the special committee is authorized, whenever it may deem such action advisable during the sessions, recesses, and adjourned periods of the Senate in the Seventy-sixth and succeeding Congresses—

(1) To hold hearings;
(2) To employ clerical and other assistants;
(3) To request the departments and agencies (including the Council of National Defense and corporations owned or controlled by the United States) in the executive branch of the Government to which funds have been appropriated, allocated, or otherwise made available to be expended for any purpose connected with the national defense, to make weekly reports to the special committee with respect to the expenditure of such funds and other matters relating to the national defense;
(4) To require by subpena or otherwise the attendance of witnesses and the production of books, papers, and documents;
(5) To administer oaths;
(6) To take testimony;
(7) To make expenditures;
(8) To sit and act with any committee of the House of Representatives having functions similar to its own; and
(9) To make reports and recommendations, in the form of proposed legislation or otherwise, to the Senate.

Mr. BARKLEY. Mr. President, I think that resolution ought to go over.

The PRESIDENT pro tempore. Without objection, the resolution will be passed over for the day.

ADDRESS BY SENATOR WILEY BEFORE WISCONSIN CHEESE MAKERS' ASSOCIATION

[Mr. DANAHER asked and obtained leave to have printed in the RECORD an address delivered by Senator WILEY on November 14, 1940, at Sheboygan, Wis., before the Wisconsin Cheese Makers Association, which appears in the Appendix.]

LETTERS BY SENATOR HOLT ON FOREIGN AND DOMESTIC AFFAIRS

[Mr. HOLT asked and obtained leave to have printed in the RECORD certain letters written by him to citizens of West Virginia on foreign and domestic affairs, which appear in the Appendix.]

ARTICLE BY SENATOR HOLT ON THE WILLIAM ALLEN WHITE COMMITTEE

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article by him entitled "Is the William Allen White Committee as Pure as It Pretends?" which appears in the Appendix.)

ADDRESS BY HON. ALF M. LANDON ON UNITED WE STAND

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address delivered by Hon. Alf M. Landon on November 5, 1940, on the subject United We Stand, which appears in the Appendix.]

PAYMENT OF REDCAPS UNDER FAIR LABOR STANDARDS ACT

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a letter addressed to him under date of October 31, 1940, by Col. Philip B. Fleming, Administrator of the Wage and Hour Division of the Department of Labor on the subject of payment of redcaps under the Fair Labor Standards Act, which appears in the Appendix.]

ADMINISTRATION OF WAGE AND HOUR LAW

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a letter addressed to him by Col. Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor, setting forth certain information pertaining to the administration of the wage and hour law, which appears in the Appendix.]

AMERICA'S ACCOUNT WITH GERMANY—ADDRESS BY JUDGE SAMUEL K. DENNIS

[Mr. RADCLIFFE asked and obtained leave to have printed in the RECORD an address on the subject of The Credit Side of America's Long Account With Germany, delivered by Judge Samuel K. Dennis on November 12, 1940, before Maccabean Post, No. 32, of the American Legion, which appears in the Appendix.]

ARTICLE BY REV. DR. JAMES A. MAGNER ON DANGER IN MEXICO

[Mr. RADCLIFFE asked and obtained leave to have printed in the RECORD an article by Rev. Dr. James A. Magner, of Catholic University, entitled "Danger in Mexico," published in the October 1940 issue of The Sign, Union City, N. J., which appears in the Appendix.]

NEUTRALITY OF IRELAND—ADDRESS BY EAMON DE VALERA

[Mr. FRAZIER (for Mr. MURRAY) asked and obtained leave to have printed in the RECORD an address by Eamon de Valera before the Dail Eireann on Thursday, November 7, 1940, on the subject of the neutrality of Ireland, which appears in the Appendix.]

NEUTRALITY OF IRELAND—ADDRESS BY MARTIN CONBOY

[Mr. FRAZIER (for Mr. MURRAY) asked and obtained leave to have printed in the RECORD an address delivered by Martin Conboy on November 10, before the convention of the A. A. R. I. R., on the subject of the Neutrality of Ireland, which appears in the Appendix.]

PROPOSED FINAL ADJOURNMENT

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial from the New York World-Telegram of November 18, 1940, and an editorial from the New York Times of November 19, 1940, both dealing with the proposed final adjournment of Congress, which appear in the Appendix.]

ORDER TO DISPENSE WITH CALL OF THE CALENDAR

The PRESIDENT pro tempore. Routine morning business is closed. The calendar under rule VIII is in order.

Mr. BARKLEY. I ask unanimous consent that the call of the calendar be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MOUNTAIN JUDICIAL DISTRICT OF TENNESSEE

Mr. McKELLAR. I ask that the Chair lay before the Senate the amendments of the House of Representatives to a Senate bill.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes, which were to strike out all after the enacting clause and insert new provisions and to amend the title.

Mr. McKELLAR. Mr. President, I move that the Senate concur in the House amendments.

Mr. AUSTIN. Mr. President, I should like to ask a parliamentary question.

The PRESIDENT pro tempore. The motion is debatable.

Mr. AUSTIN. Has the Senator from Tennessee moved to consider this bill and has the bill become a proper matter of consideration?

The PRESIDENT pro tempore. The Chair will rule that he has the authority to lay before the Senate at any time a message from the House of Representatives. Pursuant to that authority the Chair felt constrained to lay before the Senate the message coming from the House under paragraph 7 of rule VII.

Mr. AUSTIN. Mr. President, I suggest that the bill be read for the information of the Senate.

The PRESIDENT pro tempore. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That section 107 of the Judicial Code, as amended, is amended to read as follows:

"SEC. 107. (a) The State of Tennessee is divided into four districts, to be known as the eastern, mountain, middle, and western districts of Tennessee.

"(b) The eastern district shall include two divisions, constituted as follows: The eastern division, which shall include the territory embraced on January 1, 1937, in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington; and the western division, which shall include the territory embraced on such date in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, and Union.

"(c) Terms of the district court for the eastern division of said district shall be held at Greeneville on the first Monday in March and the third Monday in September; and for the western division at Knoxville on the fourth Monday in May and the first Monday in December.

"(d) The mountain district shall include the territory embraced on January 1, 1937, in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, to be known as the Chattanooga division; and the Winchester division, which shall include the territory embraced on such date in the counties of Bedford, Coffee, Franklin, Grundy, Lincoln, Moore, Van Buren, and Warren.

"(e) Terms of the district court for the said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November, and at Winchester on the first Monday in March and the first Monday in October.

"(f) The middle district shall include three divisions, constituted as follows: The northeastern or Cookeville division, which shall include the territory embraced on January 1, 1937, in the counties of Clay, Cumberland, Fentress, De Kalb, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White; the Columbia division, which shall include the territory embraced on such date in the counties of Giles, Hickman, Lawrence, Lewis, Marshall, Maury, Perry, and Wayne; and the Nashville division, which shall include the territory embraced on such date in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson.

"(g) Terms of the district court for the northeastern division of said district shall be held in Cookeville on the third Monday in April and the first Monday in November; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the Nashville division at Nashville on the second Monday in March and the fourth Monday in September: *Provided*, That suitable accommodations for holding the courts at Cookeville and Winchester shall be provided by the local authorities without expense to the United States: *And provided further*, That witnesses attending court shall be paid mileage for the shortest and most direct route from the home of the witness.

"(h) The western district shall include two divisions constituted as follows: The eastern division, which shall include the territory embraced on January 1, 1937, in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, and Weakley, and the waters of the Tennessee River to the low-water mark on the eastern shore thereof wherever such river forms the boundary line between the middle and western districts of Tennessee, from the north line of the State of Alabama, north to the point in Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of said river; and the western division, which shall include the territory embraced on such date in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton.

"(i) Terms of the district court for the eastern division of said district shall be held at Jackson on the fourth Monday in March and the fourth Monday in September; and for the western division at Memphis on the first Monday in April and the first Monday in October.

"(j) The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville and at Greeneville. The clerk of the court and the marshal for the western district shall each appoint a deputy, both of whom shall reside at Jackson. The offices so maintained shall be kept open at all times for transaction of business of the court."

SEC. 2. (a) The district judges for the eastern, middle, and western districts of Tennessee in office immediately prior to enactment of this act shall be the district judges for such districts, as constituted by this act; and the district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to the enactment of this act shall be, during the remainder of their present terms of office, the district attorneys and marshals for such districts, as constituted by this act.

(b) The district judge appointed under authority of the act approved May 31, 1938 (Public, No. 555, 75th Cong., 52 Stat. L. 584), for the eastern and middle districts of Tennessee shall be the judge of the District Court for the Mountain District of Tennessee and hold court in Chattanooga and Winchester. The President is authorized to appoint, by and with the advice and consent of the Senate, a marshal and district attorney for said mountain district. The said district judge for said mountain district shall have the same right to appoint a clerk and other court officials in his district that other judges in the other districts of Tennessee now have, and the clerk of the court of said mountain district shall maintain an office in charge of himself or a deputy at Chattanooga and at Winchester.

SEC. 3. All provisions of law inconsistent with the provisions of this act are hereby repealed.

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Johnson, Calif.	Stewart
Andrews	Ellender	King	Taft
Austin	Frazier	McKellar	Thomas, Utah
Bailey	George	Maloney	Tobey
Ball	Gibson	Mead	Townsend
Barbour	Gillette	Minton	Truman
Barkley	Glass	Neely	Tydings
Bilbo	Guffey	Nye	Vandenberg
Bridges	Gurney	Radcliffe	Van Nuys
Burke	Hale	Reynolds	Wagner
Byrd	Hatch	Russell	Walsh
Byrnes	Herring	Schwartz	White
Capper	Hill	Sheppard	
Caraway	Holt	Smathers	
Connally	Hughes	Smith	

Mr. AUSTIN. I announce that the following Senators are necessarily absent:

The Senator from Oregon [Mr. MCNARY], the Senator from Pennsylvania [Mr. DAVIS], the Senator from Oregon [Mr. HOLMAN], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Massachusetts [Mr. LODGE], the Senator from Nebraska [Mr. NORRIS], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Idaho [Mr. THOMAS], and the Senator from Wisconsin [Mr. WILEY].

The PRESIDENT pro tempore. Fifty-seven Senators have answered to their names. A quorum is present.

Mr. AUSTIN. Mr. President, a parliamentary inquiry. Has the reading of the bill been finished, or is it to be concluded?

The PRESIDENT pro tempore. The reading of the text of the bill as passed by the Senate has been concluded. The clerk will read the amendment of the House.

The CHIEF CLERK. The amendment of the House is to strike out all after the enacting clause and to insert the following:

That section 107 of the Judicial Code, as amended, is amended to read as follows:

"SEC. 107. (a) The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee.

"(b) The eastern district shall include the territory embraced on the 1st day of January 1940 in the counties of Bedford, Franklin, Lincoln, Warren, Grundy, Coffee, Van Buren, and Moore, which shall constitute the Winchester division of said district; also the territory embraced on the date last mentioned in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the Winchester division shall be held at Winchester on the third Mondays in May and October; for the southern division at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; for the northeastern division at Greeneville on the first Monday in March and the third Monday in September: *Provided*, That suitable accommodations for holding court at Winchester shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"(c) The middle district shall include the territory embraced on the 1st day of January 1940 in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory on the date last mentioned in the counties of Hickman, Giles, Lawrence, Lewis, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding court at Columbia shall be provided by the local authorities, but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"(d) The western district shall include the territory embraced on the 1st day of January 1940 in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the first Mondays in April and October; and for the eastern division at Jackson on the fourth Mondays in March and September. An office of the clerk, in charge of the clerk or a deputy, shall be maintained at Memphis and Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. An office of the clerk of the court for the eastern district shall be maintained, in charge of the clerk or a deputy, at Knoxville, at Chattanooga, and at Greeneville.

"(e) The district judge for the eastern district of Tennessee in office on the date of the enactment of this act, shall hold regular and special terms of court at Knoxville and Greeneville. The said district judge shall have the power of appointment and removal of all officers and employees of the court in said district, except as herein otherwise provided, whose appointment is vested by law in a district judge or senior district judge.

"(f) The district judge for the eastern and middle districts of Tennessee, appointed under the authority of the act approved May 31, 1938 (52 Stat. 584), whose official residence shall be at Chattanooga, shall be an additional district judge for the eastern district of Tennessee as constituted by this act and shall hold regular and special terms of court at Winchester and Chattanooga. The said judge shall possess the same powers, perform the same duties, and receive the same compensation as other district judges. The said district judge shall have the power of appointment and removal of all those officers and employees of the court for the eastern district of Tennessee whose official headquarters are located in the Winchester division and in the southern division of the eastern district of Tennessee and whose appointment is vested by law in a district judge or a senior district judge. The President is authorized to appoint, by and with the consent of the Senate, a successor or successors to said judge as vacancies may occur. Nothing herein contained shall be construed to prevent said judge or his successors from becoming the senior district judge by succession, or from exercising the powers and rights of senior district judge of said district. The judge designated herein to hold regular and special terms of court at Winchester and Chattanooga shall make all necessary orders for the disposition of business and assignment of cases for trial in said divisions. The district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to the enactment of this act shall be during the remainder of their present terms of office the district attorneys and marshals for such districts as constituted by this act.

"(g) The district judge for the middle district of Tennessee shall be the district judge for the middle district of Tennessee as constituted by this act and shall hold regular and special terms of court at Nashville, Columbia, and Cookeville.

"(h) The district judge for the western district of Tennessee shall hold regular and special terms of court at Memphis and Jackson."

SEC. 2. All provisions of law inconsistent with the provisions of this act are hereby repealed.

Mr. DANAHER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DANAHER. Is the pending amendment open to amendment?

The PRESIDENT pro tempore. The Chair rules that it is.

Mr. DANAHER. I send to the desk a proposed amendment and ask that it be stated.

The PRESIDENT pro tempore. The clerk will report the proposed amendment to the House amendment.

The CHIEF CLERK. In the House amendment, it is proposed to add a new section, to read as follows:

Power of appointment of all officers of the court in each of said districts shall be vested in the Chief Justice of the United States.

Mr. DANAHER. Mr. President, anyone who has paid even scant attention in the turmoil which has prevailed——

Mr. STEWART. Mr. President, will the Senator from Connecticut yield?

Mr. DANAHER. I yield.

Mr. STEWART. Will not the Senator state the purpose of the amendment?

Mr. DANAHER. I am about to do so.

Mr. STEWART. I shall be glad to hear the Senator's statement.

Mr. VANDENBERG. Will the Senator yield before he makes his statement?

Mr. DANAHER. I yield.

Mr. VANDENBERG. Mr. President, this bill has been on the Vice President's desk for nearly 3 months. I think it is unfortunate that it should have been called up on a day when the junior Senator from Kansas [Mr. REED], who has taken a deep interest in the bill, happens to be ill and was compelled to leave a committee meeting this morning for that reason. I am sure that is only a coincidence, I hasten to say to the Senator from Tennessee.

Mr. MCKELLAR. Mr. President, I have been trying without avail, until this good day, to secure action ever since the

bill came back from the House. My intention has been known; I notified the Senator from Kansas of my purpose.

Mr. VANDENBERG. The Senator from Kansas is ill this morning and cannot be present, and I am asking the Senator——

Mr. McKELLAR. I do not think, because one Senator who happens to be against the bill is absent, the measure should be held up.

Mr. VANDENBERG. I submit to the Senator, if the Senator from Connecticut will yield further——

Mr. DANAHER. I yield.

Mr. VANDENBERG. I submit that this is a little more than the absence of one Senator. The absence happens to be that of the Senator who has led the opposition to the bill, and, inasmuch as Congress is going to remain in session for the duration of the emergency anyway, I am wondering whether the Senator from Tennessee would not be willing to have the bill laid aside at least until we can communicate with the Senator from Kansas.

Mr. McKELLAR. I am not willing to have it laid aside, for the reason that the Senator from Kansas has incessantly objected to the bill from the time it was returned to the Senate by the House. I think on every occasion he has opposed it, and has not been willing that it be brought up, and now, possibly on the last day of the session, when it is in order to bring it up, and I gave notice that I was going to bring it up, I think it should not be postponed; I think the bill should be voted upon.

Mr. TAFT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. DANAHER. I yield.

Mr. TAFT. Of course, the motion to concur in the House amendment has been in order at any time during the last 3 months, and the Senator from Kansas [Mr. REED] has watched and has been ready to meet the question if such a motion were made at any time. I have also been interested in the bill. It could have been brought up at any time since it came over from the House. According to my understanding of the rule, it is a preferential matter; there was no objection to bringing it up at any time, and it was in order at any time.

Mr. BARKLEY. Mr. President, will the Senator from Connecticut yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. I happen to be familiar with what happened with regard to this bill, before the so-called recess of the Senate, and I think the facts should be stated. I have no particular interest in the bill. The senior Senator from Tennessee [Mr. McKELLAR] and the junior Senator from Tennessee [Mr. STEWART] almost every day for weeks prior to the time when we started to take the 3-day recesses were insisting that the bill be brought up. The Senator from Kansas objected to its being brought up, and finally, at my own suggestion, the Senators from Tennessee, although reluctant about it, agreed that the bill should go over until after the recess, and should then be taken up. So, the reason why the bill has not been considered during the 3 months referred to by the Senator from Ohio was the objection of the Senator from Kansas, and his threat to speak indefinitely upon the bill if it were brought up. In order that that might be avoided, the bill went over until after the period of the 3-day recesses, with the rather reluctant consent of the Senators from Tennessee, but on the insistence of the Senator from Kansas.

Mr. VANDENBERG. Mr. President, let me ask the Senator from Kentucky whether we are to have an opportunity to pass upon all the bills which it was agreed should go over until after the election.

Mr. BARKLEY. I cannot tell the Senator about that, but I probably will be able to advise him more definitely later in the day. At least, I hope so.

Mr. DANAHER. Mr. President, I wish to propound a further parliamentary inquiry in order that the situation may be clear. I should like to ask whether or not the motion of the Senator from Tennessee, that the House provisions be substituted for the Senate provisions, is debatable.

The PRESIDENT pro tempore. It is debatable.

Mr. DANAHER. And if the amendment were not submitted as it has been stated, the pending question would be on the motion to substitute the House text for the Senate bill. Is that correct?

Mr. TAFT. The motion is to concur in the House amendment.

Mr. BARKLEY. The motion is to concur in the House amendment.

Mr. DANAHER. I understand, and I wish to make it clear what is before us.

Senators who have listened to the reading of the bill without having known the history back of it might wholly fail to realize that there is here undertaken a step which would strip an existing and sitting and senior judge of the prerogatives and powers of his office. It would substitute in lieu thereof a confirmation of those powers in a judge designated previously as a "roving" judge, for the sole and singular and particular purpose of transferring patronage from the senior judge of the district involved.

If the Senate of the United States is to engage in that kind of tactics, if we are to support that kind of action, after the measure has been before the Judiciary Committee and that committee reported the bill which the Senate previously passed, under circumstances such as those referred to by the Senator from Michigan, in the absence of the Senator from Kansas, I merely wish to call to the attention of the Senate what is involved. The amendment which I have submitted is one which would remove any question of patronage enjoyed by anyone, by any judge in the district, and would transfer the power to appoint officers of the court to the Chief Justice of the United States. If there is any Senator present who does not want to have the Chief Justice of the United States appoint the officers of the court, let him say so. But if we are to negate all existing laws and make special rules of law for the districts affected, then let us go the whole length, and put the appointing power in the Chief Justice of the United States, as to whom there can be no question.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. DANAHER. I have concluded.

Mr. STEWART. I wish to ask the Senator a question.

Mr. DANAHER. Certainly, I yield.

Mr. STEWART. Does the Senator know of any other district in the United States where the power of appointment of court officials is vested in the Chief Justice of the United States?

Mr. DANAHER. No; I do not know of any. That is why I say that if we are to undertake corrective legislation of a sort which will negate all existing law and run counter to the law affecting the districts of Tennessee let us put the power in the hands of a man as to whom there can be no question.

Mr. VANDENBERG. Mr. President, I wish to make a motion which will take precedence over the motion submitted by the Senator from Connecticut, not in any sense challenging his motion but to make the preferential motion merely to clear the situation of what I think is its major vice at the moment.

I protest again the present consideration of the measure in the absence of the Senator from Kansas, who, as the Senator from Tennessee testifies, has led the battle against the bill for 3 months, who left a committee meeting this morning ill, and is unable to return at the present time. My only recourse in order to bring this phase of the matter to the attention of the Senate is to move to refer the House amendments to the Committee on the Judiciary, which I now do, and upon that question I asked for the yeas and nays.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Michigan, on which he asks for the yeas and nays.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, I should like to speak in support of the motion of the Senator from Michigan.

Some years ago the Senate provided for a roving judge in Tennessee. There are three districts in Tennessee, and the Senate provided for a roving judge to cover the eastern and middle districts of Tennessee. The judge was appointed, and has served since that time. So far as I know, the arrangement has been satisfactory.

In May of this year the Senate passed a bill creating a fourth, or middle, district in Tennessee. There was great controversy as to whether there should be a fourth judge in Tennessee. Personally, I think a fourth judge was unnecessary. This roving judgeship was to expire with the death of the incumbent. I think all the figures show that three judges are sufficient, and that three districts are sufficient. But the Senate passed a bill creating a fourth district.

The House refused to agree to the creation of a fourth district in Tennessee, and instead of the Senate provision they substituted the very peculiar bill which we are now considering, which provides that the roving judge shall be, in effect, considered judge of the eastern district of Tennessee, that he shall sit at Chattanooga, and shall have the right to appoint the court officials in Chattanooga in that general district.

Under the law as it has existed for many years, when there are two judges in a district, and there is any dispute as to the appointment of judicial employees, the senior judge makes the appointments. If the judges can agree, they should agree. With respect to these two judges, I understand there has been at least one Democrat appointed to one of the positions, and there has been an attempt at cooperation. I do not know all the facts. However, the attempt of this bill is to abrogate that rule which applies to every district in the United States where there are two Federal judges. There is such a situation, for instance, in the southern district of Ohio. The attempt of the bill is to abrogate the rule that the senior judge, whoever he may be, and whatever his party may be, shall appoint the judicial employees in case of a dispute, and to substitute for that a new rule, that a particular judge, the roving judge, shall sit at Chattanooga, and shall appoint at least half the judicial employees of that district.

The bill goes somewhat further, because it also makes that judge permanent. Under the bill the President is authorized to appoint, by and with the consent of the Senate—

A successor or successors to said judge as vacancies may occur.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. McKELLAR. The Senator from Ohio is mistaken in the statement he made with respect to appointing half the judicial officers of that district. Only a portion of the eastern district is put in the new district, and a part of the middle district is in the new district.

Mr. TAFT. But under the House bill there is no district. The House bill does not create a new district.

Mr. McKELLAR. In effect there is a new district, and the new judge will be given only the power of appointment in the new district.

Mr. TAFT. It is not a new district. The bill does not create a new district.

Mr. McKELLAR. The House thought it did.

Mr. TAFT. The Senate bill did, and that is why I think the bill ought to go back to the Committee on the Judiciary of the Senate, because the bill establishes a principle, a new principle, which has never been considered by the Committee on the Judiciary of the Senate, and it proceeds to say—

Nothing herein contained shall be construed to prevent said judge—

The roving judge, the junior judge in the eastern district—

or his successors from becoming the senior district judge by succession, or from exercising the powers and rights of senior district judge of said district.

So that if the present senior judge should die, then this roving judge becomes the senior judge of the eastern district, and he has all the appointments. Of course, if the Republicans should come into power they would promptly introduce legislation similar to this, to give back this power of appointment to some junior judge the Republicans might appoint.

In other words, the bill throws the whole question of appointment of judicial employees into politics, where it ought not to be. For years the rule has applied that in case of dispute the senior judge of the district shall appoint the employees in his district. This is an attempt at special legislation for the eastern district of Tennessee, to abrogate that rule, and create a rule by which a junior judge shall have certain appointments, and the senior judge shall have certain other appointments.

Under those circumstances it seems to me obvious that this new principle which throws the whole judicial system of the United States frankly into open partisan politics, ought at least to be considered by the Senate Committee on the Judiciary, which has never considered the principle, and which considered a wholly different principle in the bill which was originally submitted.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Michigan [Mr. VANDENBERG] that the House amendments be referred to the Committee on the Judiciary. On that motion the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEWART (when his name was called). I have a pair with the junior Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the junior Senator from Florida [Mr. PEPPER] and will vote. I vote "nay."

The roll call was concluded.

Mr. GLASS (after having voted in the negative). I have a general pair with the senior Senator from Minnesota. [Mr. SHIPSTEAD]. I transfer that pair to the Senator from Arizona [Mr. HAYDEN], and allow my vote to stand.

The PRESIDENT pro tempore. The present occupant of the chair announces that he has a general pair with the senior Senator from Illinois [Mr. LUCAS]. If at liberty to vote the present occupant of the chair would vote "yea."

Mr. AUSTIN. I announce the absence of the Senator from Kansas [Mr. REED] because of illness. If present he would vote "yea."

I announce the following general pairs:

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. CHANDLER];

The Senator from Oregon [Mr. McNARY] with the Senator from Alabama [Mr. BANKHEAD];

The Senator from Massachusetts [Mr. LODGE] with the Senator from California [Mr. DOWNEY];

The Senator from Idaho [Mr. THOMAS] with the Senator from Louisiana [Mr. OVERTON];

The Senator from Wisconsin [Mr. WILEY] with the Senator from Rhode Island [Mr. GREEN];

The Senator from Kansas [Mr. REED] with the Senator from Washington [Mr. SCHWELLENBACH]; and

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Massachusetts [Mr. WALSH].

The following Senators are necessarily absent: the Senator from Oregon [Mr. McNARY], the Senator from Pennsylvania [Mr. DAVIS], the Senator from Oregon [Mr. HOLMAN], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Massachusetts [Mr. LODGE], the Senator from Nebraska [Mr. NORRIS], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Idaho [Mr. THOMAS], and the Senator from Wisconsin [Mr. WILEY].

Mr. HILL. I announce that the Senators from Arizona [Mr. ASHURST and Mr. HAYDEN], the Senator from Alabama [Mr. BANKHEAD], the Senators from Washington [Mr. BONE and Mr. SCHWELLENBACH], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senator from Kentucky [Mr. CHANDLER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. CLARK], the Senator from Missouri [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senators from Rhode Island [Mr. GERRY and Mr. GREEN], the Senator from Iowa [Mr. GILLETTE], the Senator from Mississippi [Mr. HARRISON], the Senator from

Colorado [Mr. JOHNSON], the Senators from Oklahoma [Mr. LEE and Mr. THOMAS], the Senators from Illinois [Mr. LUCAS and Mr. SLATTERY], the Senator from Nevada [Mr. MCCARRAN], the Senator from Arkansas [Mr. MILLER], the Senator from Indiana [Mr. MINTON], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. THOMAS], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained from the Senate.

The result was announced—yeas 22, nays 28, as follows:

YEAS—22

Austin	Byrd	Hatch	Townsend
Bailey	Capper	Holt	Tydings
Ball	Danaher	Johnson, Calif.	Vandenberg
Barbour	Gibson	Nye	White
Bridges	Gurney	Taft	
Burke	Hale	Tobey	

NAYS—28

Adams	Ellender	McKellar	Schwartz
Andrews	George	Maloney	Sheppard
Barkley	Glass	Mead	Smathers
Bilbo	Guffey	Neely	Stewart
Byrnes	Herring	Radcliffe	Truman
Caraway	Hill	Reynolds	Van Nuys
Connally	Hughes	Russell	Wagner

NOT VOTING—45

Ashurst	Frazier	Lucas	Shipstead
Bankhead	Gerry	McCarran	Slattery
Bone	Gillette	McNary	Smith
Brown	Green	Miller	Thomas, Idaho
Bulow	Harrison	Minton	Thomas, Okla.
Chandler	Hayden	Murray	Thomas, Utah
Chavez	Holman	Norris	Walsh
Clark, Idaho	Johnson, Colo.	O'Mahoney	Wheeler
Clark, Mo.	King	Overton	Wiley
Davis	La Follette	Pepper	
Donahey	Lee	Reed	
Downey	Lodge	Schwellenbach	

So Mr. VANDENBERG's motion was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the House amendment.

The amendment to the House amendment was rejected.

The PRESIDENT pro tempore. The question now is on the motion of the Senator from Tennessee [Mr. MCKELLAR] that the Senate concur in the House amendments.

The motion was agreed to.

Mr. NEELY. Mr. President, I move that the Senate reconsider the vote by which the House amendments were agreed to.

Mr. MCKELLAR. I move to lay that motion on the table.

The motion to lay on the table the motion to reconsider was agreed to.

DISCONTINUANCE OF PROFESSIONAL EXAMINATIONS FOR PROMOTION OF CERTAIN ARMY OFFICERS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4224) to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress, which were to strike out all after the enacting clause and insert "That until May 15, 1945, the Secretary of War may, in his discretion, dispense with any part of the examination for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps, except those relating to physical examination", and to amend the title so as to read "An act to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps."

Mr. BARKLEY. Mr. President, in view of the fact that the conference report on the civil-service bill must go to the House after it shall be acted on by the Senate, and inasmuch as it is a privileged matter, I suggest that the Senator from New York [Mr. MEAD] may be permitted to call up the conference report.

The PRESIDENT pro tempore. The Chair intends to recognize the Senator from New York as soon as the matter now before the Senate shall have been disposed of.

Mr. BARKLEY. It was thought that that matter might consume some little time, and that the conference report to which I referred might be considered now.

Mr. SHEPPARD. I move that the Senate concur in the amendments of the House to Senate bill 4224.

The motion was agreed to.

FIRST, SECOND, AND THIRD NATIONAL STEAMSHIP COS.

Mr. BURKE. Mr. President, from the Committee on Claims I report favorably, without amendment, Senate Resolution 327, and ask unanimous consent for its present consideration. The resolution refers to the Court of Claims for study and report to the Senate a bill which has been before this body for some time and which has been passed and has been vetoed. It is necessary that all the evidence in the matter be gathered, and it is hardly possible for the Committee on Claims to do so. Under the provisions of the act of March 3, 1911, the Senate has frequently referred such matters to the Court of Claims for study and report to the Senate. I ask unanimous consent for the present consideration of Senate Resolution 327, which aims to accomplish that purpose only.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 327) submitted by Mr. DANAHER (for Mr. BARBOUR) on November 15, 1940, was considered and agreed to, as follows:

Resolved, That the bill (S. 4420) entitled "A bill for the relief of the First, Second, and Third National Steamship Cos.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and take such action as it may take in accordance therewith and report to the Senate; and also report specifically to the Senate (1) whether there were any sales of or valid contracts to sell the subject vessels to said companies, and whether the companies breached any contracts, and thereby damaged the United States Shipping Board to the extent of $384,256.26, or any part thereof; and (2) whether the payment to said companies on October 7, 1935, was a payment of all of the moneys due and owing said companies on account of the claims of said companies existing on December 31, 1925, notwithstanding any statute of limitations, laches, any release, settlement, accord and satisfaction, or prior adjudication; such report to be made by the Court of Claims, or action under this resolution to be taken by the court, so as to make its action and report during the first session of the Seventy-seventh Congress, if possible.

FRANCES FOLSOM CLEVELAND PRESTON

Mr. BARKLEY. Mr. President, in June the House passed a bill allowing to Mrs. Frances Folsom Cleveland Preston, the widow of former President Cleveland, a pension. She is the only living wife of a former President not drawing the usual $5,000 pension.

I have conferred with the Senator from Vermont [Mr. AUSTIN], the acting minority leader, and he is entirely agreeable that this bill be considered.

I ask unanimous consent that the Committee on Pensions be discharged from the further consideration of House bill 9589, and that it be considered and passed.

Mr. AUSTIN. Mr. President, I have had this matter under consideration. I should be very pleased to have the bill acted on unanimously.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and the Committee on Pensions is discharged from the further consideration of the bill. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 9589) granting a pension to Frances Folsom Cleveland Preston was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension

roll, the name of Frances Folsom Cleveland Preston, former widow of Grover Cleveland, late a President of the United States, and pay her a pension at the rate of $5,000 per year.

TRANSFER OF JURISDICTION OF ARLINGTON FARM, VIRGINIA—CONFERENCE REPORT

Mr. SHEPPARD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4107) to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdictions of the War Department and the Department of the Interior, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 3, and agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out by the House amendment insert the following:

"SEC. 4. The Secretary of War is hereby authorized to transfer to the Secretary of the Interior a right of way two hundred feet wide extending from a point near the southeast corner of the Arlington Cemetery in a northeasterly direction to the Boundary Channel, in order to provide an adequate approach road to the Arlington Memorial Bridge, the construction of which road is hereby authorized, and, with the approval of the President, to transfer to the Secretary of the Interior until needed such other lands transferred to or acquired by the Secretary of War under this Act as may not be immediately necessary for military purposes."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title.

MORRIS SHEPPARD,
SHERMAN MINTON,
WARREN R. AUSTIN,
CHAN GURNEY,
ELBERT D. THOMAS,
Managers on the part of the Senate.

MARVIN JONES,
H. P. FULMER,
CLIFFORD R. HOPE,
Managers on the part of the House.

The report was agreed to.

EXTENSION OF CLASSIFIED CIVIL SERVICE—CONFERENCE REPORT

Mr. MEAD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960) extending the classified civil service of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 7, 8, 11, 12, 24, 30, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, and 31, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "or to any position to which appointments are made by the President by and with the advice and consent of the Senate, or to positions of assistant United States district attorney"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out by the Senate insert the following:

"The appointment of any person occupying any position covered into the apportioned civil service in the District of Columbia under the provisions of section 1 of this act shall be charged to the apportionment of his State. As used in this section 'State' includes a Territory and the District of Columbia."

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) That from and after the effective date of this act any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives and whose separation from the service is involuntary and without prejudice shall acquire, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe, a classified civil-service status for transfer to a position in the classified civil service notwithstanding any contrary provisions of the civil service laws or regulations: *Provided*, That any individual who may hold such a position in the legislative branch must obtain such transfer within one year from the date of separation, and nothing in this act shall be construed to impair any right of retransfer provided for under civil-service laws or regulations made thereunder."

And the Senate agree to the same.

JAS. M. MEAD,
WALTER F. GEORGE,
WALLACE H. WHITE, JR.,
LYNN J. FRAZIER,
Managers on the part of the Senate.

ROBERT RAMSPECK,
JENNINGS RANDOLPH,
FRANK FRIES,
Managers on the part of the House.

The report was agreed to.

REGULATION OF ADMINISTRATIVE PROCEDURE

Mr. HATCH. Mr. President, it is my purpose in rising at this time to move to proceed to the consideration of a bill which may take more or less time. The bill to which I refer is commonly called the Logan-Walter bill. As all Senators know, it relates to certain safeguards, checks, and balances on the executive departments of Government. The bill has already passed the House. I think every Senator is familiar with the purposes and objectives of the bill.

I understand full well the desire of Senators to adjourn and go home. I think no Senator has a greater desire to return home than I have, and I would not do anything to impede the adjournment of Congress. I am not one of those who feel that the Congress must remain in session to watch the President of the United States. I do not conceive that to be the duty of the legislative branch of the Government, but I do think the legislative branch of Government has a duty to perform. Its duty concerns legislation. To my mind there is no more important bill before the Congress than this bill, consideration of which I shall presently ask. It has been considered by committees of the Senate and of the House for more than 2 years. The House acted more than a year ago. The bill has been on the Senate Calendar with a favorable report from the Judiciary Committee. A similar Senate bill also has been on the calendar.

Months ago a subcommittee of the Senate Judiciary Committee was appointed further to study the House bill. On that subcommittee were the Senator from Nebraska [Mr. BURKE], the Senator from Ohio [Mr. TAFT], and myself. We worked somewhat at length on the bill, and had the assistance of men who are experts in the subject of administrative law. We think we improved the House bill. At any rate, the Judiciary Committee has authorized us to offer amendments to the House bill when the bill is taken up for consideration, and we propose to do so.

Everyone is familiar with the fact that for more than a year we have tried to obtain consideration of the bill, at a time when there would have been no limitation on debate, and when the Senate was not busy. We realize that now may not be an opportune time to ask for consideration of the bill, but some of us believe that it is the only time we shall have; and, notwithstanding our desire to adjourn, notwithstanding our desire to go home, which is equally strong with the desire of any other Member of the Congress, we believe it is the duty of the Senate to act on the bill before we adjourn.

We do not wish to prolong the discussion. Those of us who favor the measure are perfectly willing, if desired, to have a limitation on debate of 1 day or 2 days. We have already agreed among ourselves that we will take no time in presenting or discussing the merits of the bill.

The Senator from Utah [Mr. KING], who has worked hard and long on this measure, is prepared to address the Senate today on the merits of the bill. At the conclusion of his address, so far as those of us who favor the bill are concerned, we are willing to have the Senate vote. If the opponents of the bill desire to discuss it, we are perfectly willing to have them make such discussion as they desire. We are not even asking the Senate today to vote for the bill—at least, I am

not. The only thing I ask is that the bill be taken up and disposed of, one way or the other.

I know that many arguments have been made against the bill. One of them is that the President will veto the measure if it comes to him. To my mind that is not an argument at all. I have said on the floor, and I have said publicly many times, that our duty is one thing, and the President's duty is another. If we believe the bill should be passed, we ought to pass it. If the President believes it should be vetoed, he ought to veto it. That is the sum and substance of the whole matter in that regard.

I may say, without violating any confidences, that this morning I talked with the President about this particular bill, and the President expressed his sympathy with the objectives and purposes of the proposed legislation. He raised some objections to form and detail, but we discussed those matters, and I said to the President what I have said to the Senate—that if the Senate should pass the bill, and the President should think it ought to be vetoed, I should be the first to ask that he veto it. That is his duty and his function in our Government. Our duty is separate. Ours is to consider legislation and to vote either for or against it. That is all we ask. We ask that the motion be agreed to and that we have reasonable debate, and that at the conclusion of the debate Senators vote on the proposed legislation as they choose. If it is good legislation, vote for it. If it is bad, vote it down.

With that statement, Mr. President, I move that the Senate proceed to the consideration of House bill 6324.

The PRESIDING OFFICER (Mr. GEORGE in the chair). The question is on agreeing to the motion of the Senator from New Mexico [Mr. HATCH].

Mr. KING. Mr. President, a parliamentary inquiry. Is the motion subject to debate, and, if it is subject to debate, is the debate to be limited merely to the question of considering the bill, or may it deal with the merits of the measure?

The PRESIDING OFFICER. The motion to consider the bill during the morning hour is not debatable. The question is on agreeing to the motion.

Mr. HATCH. Mr. President, in order that the Senator from Utah may proceed without any limitation on his right to debate, because I want the bill fully explained, I withdraw my motion to take up the bill, and the Senator may continue his remarks at this time. At the conclusion of the Senator's remarks I shall move to take up the bill. I want the bill fully explained.

The PRESIDING OFFICER. The Senator from New Mexico withdraws the motion to consider House bill 6324. The Senator from Utah is recognized.

Mr. KING addressed the Senate. After having spoken for a minute or so,

Mr. HATCH. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. HATCH. I am very anxious that Senators be present and hear the discussion of the Senator from Utah. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Johnson, Calif.	Stewart
Andrews	Ellender	King	Taft
Austin	Frazier	McKellar	Thomas, Utah
Bailey	George	Maloney	Tobey
Ball	Gibson	Mead	Townsend
Barbour	Gillette	Minton	Truman
Barkley	Glass	Neely	Tydings
Bilbo	Guffey	Nye	Vandenberg
Bridges	Gurney	Radcliffe	Van Nuys
Burke	Hale	Reynolds	Wagner
Byrd	Hatch	Russell	Walsh
Byrnes	Herring	Schwartz	White
Capper	Hill	Sheppard	
Caraway	Holt	Smathers	
Connally	Hughes	Smith	

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. KING resumed his speech. After having spoken for about 10 minutes,

Mr. HATCH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. KING. I yield.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Johnson, Calif.	Stewart
Andrews	Ellender	King	Taft
Austin	Frazier	McKellar	Thomas, Utah
Bailey	George	Maloney	Tobey
Ball	Gibson	Mead	Townsend
Barbour	Gillette	Minton	Truman
Barkley	Glass	Neely	Tydings
Bilbo	Guffey	Nye	Vandenberg
Bridges	Gurney	Radcliffe	Van Nuys
Burke	Hale	Reynolds	Wagner
Byrd	Hatch	Russell	Walsh
Byrnes	Herring	Schwartz	White
Capper	Hill	Sheppard	
Caraway	Holt	Smathers	
Connally	Hughes	Smith	

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. KING resumed his speech. After having spoken for about 30 minutes,

Mr. HATCH. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. HATCH. I observe that the hour is now past 2 o'clock. Therefore, I renew the motion previously made that the Senate proceed to the consideration of House bill 6324.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Mexico.

Mr. HATCH. I understand that the motion is debatable.

The PRESIDING OFFICER. The Chair continues to recognize the Senator from Utah.

Mr. KING. I am willing to have a vote taken on the motion.

Mr. SMITH. Mr. President, before the vote is taken we should have a quorum present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Johnson, Calif.	Stewart
Andrews	Ellender	King	Taft
Austin	Frazier	McKellar	Thomas, Utah
Bailey	George	Maloney	Tobey
Ball	Gibson	Mead	Townsend
Barbour	Gillette	Minton	Truman
Barkley	Glass	Neely	Tydings
Bilbo	Guffey	Nye	Vandenberg
Bridges	Gurney	Radcliffe	Van Nuys
Burke	Hale	Reynolds	Wagner
Byrd	Hatch	Russell	Walsh
Byrnes	Herring	Schwartz	White
Capper	Hill	Sheppard	
Caraway	Holt	Smathers	
Connally	Hughes	Smith	

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from New Mexico [Mr. HATCH].

Mr. KING having concluded, his speech is printed entire herewith.

Mr. KING. Mr. President, the Senator from New Mexico [Mr. HATCH] has indicated some of the preliminary steps which have been taken and which have resulted in bringing this measure to the Senate for consideration today. This bill, as indicated by the Senator, has been the subject of years of study and profound consideration not only by Congress but by many lawyers of ability and organizations in every field of business and industry. It bears the name of one of the ablest and most distinguished Senators who has occupied a seat in this Chamber. I should add that the able Representative from the State of Pennsylvania [Mr. WALTER] introduced and piloted through the House of Representatives a bill containing substantially the same provisions as the so-called Logan-Walter bill.

The bill offered by Senator Logan was studied for several years by the Judiciary Committee, and was given careful and

earnest consideration, after which it was unanimously approved by the Committee on the Judiciary, and passed the Senate shortly thereafter. A motion to reconsider was submitted, and the bill was restored to the calendar with the express understanding that it would receive consideration at a later date during the session. Up to the present hour, efforts to secure consideration of the bill have been blocked, and there are indications that the consideration of the bill will be opposed and its passage, if possible, prevented.

First, may I pay tribute to our deceased colleague, Hon. M. M. Logan, Senator from the State of Kentucky, who for more than 2 years considered various proposals dealing with the broad question of administrative law. Senator Logan was a profound student of our Constitution and of our Federal Government. He did not accept the view which, unfortunately, is becoming current, that we do not have a Federal Government such as provided by the Constitution of the United States but a powerful National Government. He believed in constitutional limitations, and was unwilling that the States should lose their identity and be swallowed up by an increasingly powerful National Government. He believed in the tripartite division of governmental power and recognized the vital necessity of maintaining unimpaired the authority of the Federal judiciary. He looked with deep concern upon the gravitational forces which were not only undermining the authority of the judiciary but unduly expanding the power of the executive and legislative departments. He enjoyed the confidence of the people of the Commonwealth of Kentucky. He had served with distinction as attorney general and as a judge of the highest tribunal of the State, and came to the Senate armed and equipped—because of ability and integrity and knowledge of public questions and of problems of government—to render important service to the people of his State and of the United States. His death was a loss to Kentucky and to our country.

As I have indicated, the bill before us did not spring Jovelike from the brow of Minerva, but it was the product of days and months of serious and profound study upon the part of Senator Logan, members of the Committees on the Judiciary of the House and of the Senate, and of leading lawyers and students of constitutional government in various parts of the United States. It received the endorsement of the most eminent lawyers of the United States and is supported by patriotic organizations who believe in our form of government and who look with concern upon the radical elements and subversive forces and individuals and groups who seek to weaken our form of government and to establish a system of state socialism. It cannot be denied that there are groups who are opposed to the letter and the spirit of the Constitution—to the maintenance of judicial authority as provided in the Constitution of the United States. There are some in our midst who would strengthen the hands of the executive and others who would increase the authority of the legislative branch so that its declarations might not be subject to challenge or impeachment. There are increasing attacks upon constitutional government. With the growth of bureaucracy, the ramparts protecting State and individual rights, and the authority of the judiciary, are being assailed. Administrative absolutism stalks triumphantly through the land, and efforts to defend and protect the government which the founders of the Republic transmitted to us meet with strong and, too often, bitter opposition.

The so-called Logan-Walter bill has for its object the preservation of constitutional government. It seeks to maintain the limitations provided in the Constitution and to preserve the triparte division of powers so clearly set forth in the fundamental law of our country. The measure has also been assailed by groups who look with favor upon policies which lead to socialism. It is also urged by some that the bill before us has not been sufficiently studied. There is no foundation whatever for such contention.

For a number of years lawyers and students of our Government, and bar associations, as well as groups interested in good government, have looked with more or less concern upon the growth of bureaucracy and its growing encroachments upon the rights of individuals and of States and their political subdivisions. As I have stated, the bill before us has been subjected to a most critical examination from groups and individuals in every field of public and private life. The Committee on the Judiciary of the Senate conducted hearings on a measure practically the same as the Logan bill which was offered in the Senate. These hearings continued from March 17 to April 5, 1939, and cover more than 100 pages of printed matter.

Briefs and statements were submitted to the committee of the House by representatives of the Federal Trade Commission, the Department of the Interior, the Department of Agriculture, the Department of Justice, the Department of War, and Department of the Treasury; also by the Federal Communications Commission, the Federal Power Commission, and the Veterans' Administration.

Mr. Chester T. Lane, General Counsel of the Securities and Exchange Commission, appeared and testified, as did the Solicitor for the Department of Commerce; also the head attorney for the Department of Agriculture, the assistant legal adviser for the General Accounting Office, the secretary of the National Lawyers' Guild, and also a representative of the national organization of business mail users. In addition, an analysis of the bill was included in the record which had been prepared by the Brookings Institution. I should add that briefs were filed by bar associations of a large number of States. There was also a report submitted by a special committee on administrative law of the American Bar Association.

As I have indicated, seven of the executive departments of the Government presented evidence, as did six of the major regulatory commissions and boards. The Committee on the Judiciary of the Senate held hearings upon a bill similar to the one before the committee of the House. The hearings before the Senate committee occupied 8 days and are found in the more than 210 pages of printed matter. The careful consideration given to the question of administrative procedure and administrative reform is revealed in the testimony which was submitted. I should add that there also appeared before the committee a representative of the Board of Tax Appeals; a member of the Brookings Institution; Prof. Harold J. Laski, of London University, who presented the English experience in connection with administrative law problems; the professor of administrative law of the Georgetown University; practicing attorneys from Portland, Oreg., New York City, and from Minnesota; a trial examiner from the Securities and Exchange Commission; and also Mr. Gregory Hankin. In addition, the committee heard Dean Roscoe Pound, an outstanding figure in the legal firmament, who presented valuable and important testimony with reference to the bill under consideration. The testimony of Dean Pound is so comprehensive that I hope all Senators will examine the same. At this point in my remarks I shall read a few excerpts from the testimony of Dean Pound:

> I have tried to present the case for committing this matter to the circuit courts of appeals, which is perhaps most important in what the board of governors of the American Bar Association has approved (S. 915). I will make this further suggestion: The idea in this plan was to try to utilize, as far as possible, and unify what we regard as a good feature of the present administrative practice, namely the intradepartmental board; to try to give it a legal and regular basis. It was thought and I think that would have this advantage: It would enable the administrative superior to really know who has done what is being done and how he has done it. There is a vast deal of irresponsibility in the present situation, which is illustrated by the *Kansas City Stockyard case* (the Morgan case). It is not always entirely clear to an administrative superior just who has done something, and how he has done it, and what the basis is. * * * if you had an administrative body which really formulated just what was done and why they did it, * * * in a good many cases you would not need judicial review, and it would operate more or less to require that to be well done. Whenever it is well done you have obviated a good deal of the need for review. I think the purpose that is involved in that provision (the provision for intradepartmental appeals) is first, to develop an organization under the existing practice; and second, to make better provision for the kind of

record necessary for any effective judicial review, and to obviate the necessity for it as far as possible (pp. 180–181).

It is apparent from the foregoing that the contention that the measure was not fully considered is without foundation.

A subcommittee of the Committee on the Judiciary which conducted the hearings, favorably reported S. 915, the companion bill of what is known as the Logan-Walter bill, now before us. On May 17 of last year the Logan bill was reported by the Committee on the Judiciary without a dissent. H. R. 6324—the companion bill—was reported to the House on July 13, 1939.

In addition to the consideration given the bill by the congressional committees, it was studied and approved by the National Grange, the American Federation of Labor, the National Publishers' Association, the National Retail Druggists' Association, and the National Association of Manufacturers. And I should add that the subject of the bill has been studied and examined intensively by the American Bar Association since 1933. In 1936, following such intensive studies, successive drafts, based on prolonged and earnest studies from 1933 to 1936, were prepared and sent to every teacher of administrative law in a number of law schools, and to every lawyer throughout the United States who was believed to be informed and interested in the subject. Their studies and criticisms of the bill were requested. Appeals for studies, criticisms, and suggestions of the bar generally were published in the Journal of the American Judicature Society and the Journal of the Federal Bar Association.

Specific requests were addressed to all the judges of the United States Circuit Courts of Appeals. The responses were carefully studied, and such of the suggestions as were believed to have merit were worked into the final draft. The Special Committee on Administrative Law of the American Bar Association had the services at one time during its life of such legal students as Dean Roscoe Pound; Professor—and now Justice—Felix Frankfurter; Mr. John Dickinson, then Assistant Secretary of Commerce and later Assistant Attorney General of the United States; Walter F. Dodd, formerly professor of law at Yale, and a recognized authority in this field; and Louis G. Caldwell, formerly general counsel of the Federal Radio Commission, not to mention others of equal importance.

The measure has been studied and approved by more than 30 State bar associations.

It appears from the above, that the criticism to the effect that the bill has not been adequately studied is without foundation.

Another dilatory argument is frequently presented by those who would delay the passage of the bill; namely, that action on the pending bill should be deferred until the report of the Attorney General's Committee on Administrative Procedure is submitted. This contention, it is submitted, is likewise without merit.

In the first place, it should not require the examination of the promised forthcoming report to determine that hearings should be held before rules and regulations are promulgated. The holding of hearings has been adopted as the method for insuring fairness and impartiality in the adopting of legislation, and it has been followed by the committees of Congress since the creation of the Government. Hearings are held voluntarily by some Federal agencies before they promulgate regulations, especially of importance, and a few of the agencies are required by statute to hold them. The bill in this respect will merely provide uniform procedure for the giving of notice of hearings prior to the issuance and amending of rules and regulations. It is widely recognized that a hearing is essential to that sense of fairness in which the citizen must have confidence, and its importance has been stressed time and again by the Supreme Court. Surely the report of the Attorney General's committee is not needed before Congress can properly make a declaration that agencies shall hold hearings before they shall quasi legislate.

The Attorney General's committee recommendations are not needed in providing for uniform judicial review of final orders and decisions of the various administrative agencies. Dean Pound, in the testimony before the Senate subcommittee, stressed the confusion that exists today with respect to the judicial review of administrative action. That confusion is well known to legislators, attorneys, and students of administrative law. The citizen must choose between expensive methods of review when any review at all is available, and review is not available in many instances.

In addition, the scope of judicial review provided in the pending bill is merely a restatement of the jurisdiction which courts exercise over many agencies at the present time. Thus, orders of some of the important regulatory commissions, such as the S. E. C., the Federal Trade Commission, the N. L. R. B., the Federal Communications Commission, and so forth, may now be set aside if the findings are not supported by substantial evidence—which is a corollary of the provision in the Logan-Walter bill to the effect that an order shall be set aside if the findings of fact are not supported by substantial evidence—or if the decision is not supported by the findings, or if a fair hearing was not held, or if the decision is beyond the jurisdiction of the Commission or is contrary to the Constitution or statutes of the United States.

One fallacy in the argument of those who oppose this bill lies in the fact that it is assumed that the judicial review which it provides is so broad as to obstruct the operation of the administrative agencies. This simply is not true. As indicated above, the scope of review is the same as is now exercised over many commissions' orders, and the purpose of the bill is to extend that jurisdiction to cases where it does not apply at the present and to unify the provisions with respect to judicial review. The bill does not, as is frequently maintained, provide for a substitution of the discretion of the court for that of the administrative agencies. The agencies are left as the fact-finding bodies; the substantive power and authority of administrative officers is in no manner curtailed. All that is provided is that these powers shall be exercised in a fair, impartial, and just manner. The findings of fact are conclusive if supported by substantial evidence, just as is the case today with respect to some of the agencies.

Therefore it is difficult to understand why the studies of the Attorney General's committee should be examined before a uniform judicial review provision is adopted—a review that restates to a large extent the review that is exercised by the courts at the present time with respect to the orders and decisions of various agencies.

Mr. President, the general purpose of the so-called Logan-Walter bill is to provide for judicial review of a large class of administrative rulings not now the subject of review, except by a bill in equity filed in the United States district court on the ground of such arbitrary action as violates the due-process clause of the fifth amendment.

PURPOSES AND GENERAL PROVISIONS OF THE BILL

While judicial review of the administrative action of various presently constituted commissions, such as the Federal Communications Commission, the National Labor Relations Board, the Securities and Exchange Commission, the Civil Aeronautics Authority, and the like, is already provided for, there is a vast category of administrative rulings in controversies of a civil nature between the citizen and the Government which have never been subjected to judicial review except by a bill in equity—a method itself highly unsatisfactory to the citizen because it goes only to such arbitrary action as violates due process.

Illustrative of the type of administrative action which is not now subject to judicial review is the licensing power of the Federal Government exercised through many different agencies; for example, the licensing power with respect to marine officers, airplane pilots, and fisheries.

To understand the necessity for judicial review of administrative action, it is desirable to go back to certain historical and legal fundamentals. There are fundamentally but two kinds of government; one of which looks upon the state as supreme and the citizen as a creature of the state, and upon law as that which the ruler or administrator does. This is the totalitarian—communistic, fascistic—concept of government and of law. Under this concept of government, no

rights exist in the citizen; only privileges, extended by the state or the ruler and subject to withdrawal by such issuing authority. Under such a conception of government the state itself is subject to no law. Its will or the will of its ruling class or of its dictator is law.

To the contrary, under the Anglo-American democratic polity, the citizen is the source of government and of law. Government rests upon the consent of the governed, and there is an objective law, formulated through the citizen, to which both citizen and government are subject. In the citizen exist certain inherent fundamental rights which attach to his very personality. To protect and perpetuate these, he sets up government as an agency of his own; and to protect and perpetuate these rights he sets up also a body of law—including in the United States constitutional limitations upon the power of the majority to override the inherent rights of the individual, as a minority—to which both the citizen and the government, including the government official, are subject. In the totalitarian concept of government, the citizen in controversy with the government, is by definition and prearrangement at a disadvantage; but it is of the very genius of the Anglo-American polity that in controversies between the citizen and the government, the citizen and the government are both upon terms of equality under the law.

As there are but two possible fundamental concepts of government, so are there but two fundamental methods of administering government. One is by force and fear, the method of the dictatorship. The other is by consent of the governed through a voluntary obedience, prompted by a sense of moral obligation and prompted by confidence in the fairness of his government, on the part of the citizen. The latter method is the method of democracy. While, of course, even in a democracy there must be an ultimate element of potential force to deal with the highly recalcitrant lawbreaker, the vast and intricate machinery of law enforcement in a democracy is largely dependent upon the good will and voluntary conformity to law and obedience to governmental decisions by the citizen himself.

While concepts of government and of the administration of government and law divide themselves into two classes, as above set forth, all governments have two aspects in common, the characteristic of stability and the characteristic of flexibility. Any organism which is to survive, whether it be a natural organism, such as a plant, animal, or human being, or an organism like a state, must have these two characteristics or capacities in order to have both significance and survival. Stability is necessary to order. Flexibility is necessary to adapt the organism to inevitable changes in environment to which all life, whether natural or governmental, is subjected. And it is in the fine balance between the element of stability or order in the organism and the element of flexibility or change that the organism finds its identity and its survival.

It is as true in respect of governments as it is of individuals that the completely stable or orderly organism is dead and the completely changeable one is chaotic. There must be a balance between the element of stability or structure and the element of fluidity or change. Just as the human being must have a skeleton and substance of body tissue to give him structural existence and identity, so he must have a capacity for motion and adaptation, both mental and physical, in order to survive. A completely stable individual is a dead man. A completely changeable individual is an insane man. A normal individual possesses both of these characteristics of stability and change in fine balance.

Expressive of these two characteristics of a living governmental organism there are two aspects in its law and in the administration of law: Rule on the one hand and discretion on the other. It is through rule that order, equality, and uniformity in the treatment of the citizen and certainty in economic and social life is accomplished, and it is through rule that there is subjection of both the government and the citizen to an objective law, of which the whole body of citizens is the source. It is through the element of discretion in the administration of law that government obtains its flexibility, its capacity to adapt itself to swiftly moving events and swiftly changing conditions. Here again there must be, for a successful governmental organism, a due balance between the element of rule and the element of discretion. If the emphasis is too far upon rule, the result is a severity and rigidity in the administration of law which itself becomes intolerable; but if the emphasis is undue upon discretion, then the freedom of the individual is threatened, indeed may be lost, in the personal judgment of the administrator. Unrestrained discretion in the administration of law or government is typical of the king, and the democracy which unduly extends to its own officers discretion in the administration of law may find Demos itself a tyrant.

A further fundamental which must be borne in mind before a discussion of the subject of judicial review of administrative action is fully understandable is the difference between the substantive and the adjective law in relation to the administration of law and government.

Mr. President, a suitable analogy and significantly picturesque illustration lies in the great water systems of the West, where the water is collected in reservoirs and held there for irrigation. The water is conducted from the reservoirs in great canals, and from the canals to laterals, and then in individual ditches to the field of the farmer. The substantive law may be likened to the water; the adjective law may be likened to the canals, laterals, and ditches. If the water does not flow through these channels, it does not reach the particular land for which it is intended. The channels may, of course, be too many or too tortuous, and thus the water exhausted by evaporation before it reaches the land; but they also may be so few or so amorphous that the water never, with precision, reaches a particular tract; and if there are no channels, the water does not flow. To the channels may be likened the rules of procedure and of pleading. And to pursue the figure, if introduced into the channel, there is a strainer to take out of the water impurities, this may be likened to the rules of evidence, which select relevant and competent material for the trier of fact.

Bearing in mind that, as above pointed out, a governmental organism must have the characteristics of both stability and change, it is largely within the substantive law that the governmental organism adapts itself to its changing environment, economic and social. But it is largely within the adjective law that there is preserved to the citizen that uniformity and equality and fairness of dealing, sometimes characterized as due process, which is essential to his confidence in the fairness of his Government—essential, therefore, to his willingness to obey the law. Mr. Justice Frankfurter has well phrased this when he said:

> Remember, there are very precious values of civilization which ultimately, to a large extent, are procedural in their nature. * * * All tribunals, administrative, or judicial, have to inquire and examine before they decide. Historic experience lies behind the right to a day in court, and a full day.

It is common to look upon the procedural or adjective aspect of the law as technical, and yet it is easy to demonstrate that in its fundamentals it is the opposite of technical. For example, the function of findings of fact required of trial judges and trial commissioners is far from technical. On the contrary, findings of fact are the watchdogs which guard the citizen in his controversy with the Government—or, indeed, guard the citizen in his controversy with the citizen in the courts—and insure against star-chamber methods. Findings of fact insure to the litigants and to the reviewing tribunal that the conclusions reached by the trier of fact are based upon the evidence submitted in the controversy, rather than upon extralegal considerations. This has been pointed out in *Saginaw Broadcasting Co.* v. *Federal Communications Commission* (96 F. (2d) 554, 559, 68 App. D. C. 282, 287 (1938)):

> The requirement that courts, and commissions acting in a quasi-judicial capacity, shall make findings of fact is a means provided by Congress for guaranteeing that cases shall be decided according to the evidence and the law, rather than arbitrarily or from extralegal considerations; and findings of fact serve the additional purpose, where provisions for review are made, of apprising the

parties and the reviewing tribunal of the factual basis of the action of the court or commission, so that the parties and the reviewing tribunal may determine whether the case has been decided upon the evidence and the law or, on the contrary, upon arbitrary or extralegal considerations. When a decision is accompanied by findings of fact, the reviewing court can decide whether the decision reached by the court or commission follows as a matter of law from the facts stated as its basis, and also whether the facts so stated have any substantial support in the evidence. In the absence of findings of fact, the reviewing tribunal can determine neither of these things. The requirement of findings is thus far from a technicality. On the contrary, it is to insure against star-chamber methods, to make certain that justice shall be administered according to facts and law. This is fully as important in respect of commissions as it is in respect of courts.

It is sometimes thought, especially by laymen, that the procedural side of the law is not only technical but unnecessary. But, as indicated by the analogy above drawn, it is not only not unnecessary, it is inescapable. Indeed, the relationship between the adjective and the substantive sides of the law is identical with the relationship between form and substance throughout all aspects of life. Without substance, form has no content. Without form, substance has no significance. The technique of the sculptor or of the surgeon or of the chemist in dealing with, in the first instance marble, in the second human flesh, and in the third inanimate matter, is like the adjective law. No more can the physician carry into the field of therapeutics or the surgeon into the field of operation the substantive principles of medicine without a technique, than can the judge or the commissioner carry into the field of judicial or administrative controversy the substantive principles of law without a procedural or adjective technique. (Indeed, the analogy is significantly close when one bears in mind that even in the field of surgery there is an aspect of technique which may be likened to the rules of evidence, to wit, the process of cleansing the field of operation from extraneous pathogenic factors which would interfere with the normal recuperative process.)

The procedural or adjective side of the law in the Anglo-American polity has developed through centuries of experience, beginning in England and extending throughout the common-law world. Certain fundamentals, guaranties of fair hearing, are necessary to that confidence on the part of the citizen in the objectivity, uniformity, and equality in administration of law which is the predicate, and the necessary predicate, of obedience to law. One of the ultimate tests of the desirability of a governmental or administrative or judicial process is pragmatic: Does it satisfy the citizen that he is being dealt fairly with in controversies between himself and the other citizens, or in controversies between himself and the government? Ultimately, the success of the process in a democracy does, as above pointed out, rest upon the consent of the governed; and unless he is content with it he will not give support or obedience, but will exercise his right to change the government or the method of government which he regards as unfair. And so, ultimately, the success of administrative action, as well as of judicial action, in dealing with controversies between citizen and citizen, and citizen and government, rests upon conformity to the accepted procedural standards developed in the common law, to which standard the citizen, because they satisfy his sense of fairness, will give his allegiance and obedience.

The procedural aspects of fair hearing, sometimes characterized by the phrase "due process of law," are few and easily recognizable. One is that there shall be uniformity and equality in the application of the law. Another is that there shall be opportunity for a hearing of a public nature. Another is that there shall be opportunity for examination of the opponent's witnesses and documentary case. Another is that there shall be notice of the charges or claims of the opposite party, and opportunity of defense; and such reasonably precise definition of the issues of fact and of law as will enable the citizen to prepare his claim or defense. Another is that there shall be some due selection of the relevant material by application of rules of evidence, that is, facts relevant to the issues defined. Another is that all of the evidence upon which the decision ultimately rests shall be known to the litigants, and that the decision shall be rested upon that evidence, and not upon extrinsic or secret considerations. Another is that the citizen shall have a right to argue his case to the very mind or minds which have heard the evidence and are to adjudicate thereon. Another is that the person or persons who try the controversy shall be impartial, and shall guard themselves from partiality by attending, in a decision of controversies, only to the relevant facts and the pertinent rules of law, and by refusing to be influenced by extrinsic considerations or personalities.

These fundamentals of fair hearing are accomplished by the rules of procedure, the rules of pleading, and the rules of evidence. The rules of procedure give notice to the parties of each other's contentions, and provide for time to prepare and a place and a manner of hearing. The rules of pleading define the issues. The rules of evidence select the material relevant to the issues. The making of findings of fact and conclusions of law and the entry of a decree or order are again procedural, having to do with the manner of hearing.

It is to be reiterated that these fundamental adjective rules have been developed through centuries of experience under the common law in dealing with controversies between citizens and between citizen and government, and that a minimum of them is necessary to that sense of fair hearing that exists in the citizen in the common-law world as a predicate to obedience to the processes of law and government. It is to be noted, therefore, that so far as these minimum adjective guaranties of fair hearing are concerned, they are so fundamental as not properly to be subject to change. They are the product of experience, and they cannot be altered materially without so seriously affecting the relationship between the citizen and government in respect to his willingness to give obedience and allegiance to the same as to threaten the existence of government and the successful administration of law.

But, on the contrary, the substantive rules of law by which rights and duties are given recognition and definition are necessarily subject to change. It is as necessary that the substantive law be subject to change as it is that the adjective law be, in its essentials, certain and permanent, because it is through change in the substantive law that a government resting upon a consent of the governed adapts itself, to the satisfaction of the citizen, to the shifting conditions and aspects of economic and social life.

Attention to the history of the development of administrative agencies will illustrate and demonstrate the danger of departure from the fundamental proposition just announced, that the adjective side of the law, so far as the minimum safeguards of fair hearing are concerned, must not be changed; whereas the substantive law is a necessary subject of change. The workmen's compensation commissions of the States, and later the Federal compensation agencies set up under the Longshoremen's Act, will serve as an initial illustration. When they were set up, entirely new substantive concepts were substituted for the common-law ideas concerning rights and duties in respect of industrial accidents. The common-law substantive concept was one of no liability without fault, and one in which the liability of the employer was further hedged about by the rules of contributory negligence, assumption of risk, and the fellow-servant rule.

All these substantive concepts, including the fundamental substantive concept of liability only on fault, were swept aside in the setting up of the workmen's compensation commissions; and for them were substituted the theory of liability without fault, the theory of the insurance liability of the employer for all industrial accidents occurring within the scope and course of employment, the burden of this to be passed on to the community as a whole through the increased cost of the product. Accordingly, systems of tariffs were set up according to which various types of accidental injury in industry were to be paid for, initially by the employer, secondly by his insurance carrier, and ultimately by the public. All this was on the substantive side. It represented a shift in concepts of substantive law definitive of rights and duties as between employer and employee, which shift was made to meet a new economic and social situation arising out of

industrial growth, as a result of which it was no longer thought fair that the individual workman should bear the burden of injury in industry.

New substantive concepts also arose as a foundation for the work of the Public Utilities Commissions—reasonableness of rates, public convenience, interest, and necessity, rather than rates made by contract, as a standard for the licensing of new businesses or for the extension of the activities of those already licensed. Similar new substantive concepts were built to underlie the activity of the Interstate Commerce Commission. The "blue sky" laws, which provided for State and ultimately national securities and exchange commissions, also introduced new substantive concepts, to wit, public protection and safety. Under the activities of the Federal Trade Commission lies the new substantive concept of fair competition. There was, of course, a common-law concept of fair competition, but it was very much narrower than the standard devised for the Federal Trade Commission.

All of these new substantive theories of rights and duties in respect of the relationship between business and the citizen, and business and government, were the product of changing economic, social, and industrial conditions. Characteristic of all of these new substantive concepts, it is to be noted, was their breadth and the extent to which the element of personal discretion in the administration of the law was enlarged as a result of them.

Substantive concepts at the common law were, in the large, much narrower, in the sense of being more precise. There was, of course, known to the common law such a thing as a substantive standard. The standard of due care is an illustration. It was broad in its concept and in its application by the jury and the judge, and was subject to a substantial amount of personal judgment. But by far the greater part of common-law categories, definitive of rights and duties, is much more precise. The common law has principles, such as the principle of no liability without fault. It has rules, such as the rule in Shelley's case, or the rule that a contract must have consideration. It has concepts, such as the concept of a trust. It recognizes a status, such as the status of infancy. And it has, as stated, also within it the broad substantive concept which we term a standard. But it is characteristic of the standard, as a guide to the determination of substantive rights and duties, that it is very broad and necessarily subject in its application to a wide personal discretion on the part of the administrator. The concept of public safety or public convenience, interest, and necessity, or of fair prices, or of fair competition, or of fair wages, is so general that in its application the commission inevitably, in administering the law giving it such a standard to apply, uses a very high degree of personal judgment. And by setting up the galaxy of commissions, both State and Federal, to administer substantive standards of so broad a nature, there has been extended into a very large field of activity, in which the citizen comes into contest with the Government, a personal discretion which approximates that of a king (except that it is subject to short tenure on the part of the official), unless it is subjected to the adjective or procedural guaranties of equality, uniformity, and fairness in the administration of the law which have been above referred to as so essential to the confidence of the citizen in a democracy in his dealing with his Government.

Further attention to the development of such commissions as have been referred to makes clear that not only were the substantive concepts which underlie their activities new ones—necessarily so, as I have said, in order to meet new economic, social, and industrial conditions—but also in the building of the machinery through which these commissions applied their statutes, the procedural safeguards of the common law were thrown aside. This was not necessary, and for the reason already set out, was highly undesirable. While it was necessary to change substantive concepts, procedural methods of the common law could in the large have been retained so that the commissions, in selecting facts and in holding hearings, could have proceeded in a manner which would have had the confidence of the citizen, and which would have protected him against arbitrariness and against having his case determined upon extrinsic considerations—political, personal, and the like—rather than upon legal considerations.

It is interesting to note that in the State of Rhode Island, under the statutes which altered the substantive concepts of liability for industrial accident and set up the new theories adverted to, procedural safeguards of the common law were not scrapped but were retained by leaving the administration of the new statutes to the courts—to which were given some additional procedural facilities for investigation of accidents—rather than to a newly set up commission. But in the vast majority of States not only were the substantive concepts thrown aside in setting up the various commissions referred to but also substantially all of the experience and the product thereof of centuries in the common law in respect of procedural safeguards was thrown out the legislative window. Finding a defect in substantive concepts administered by the courts, the legislatures, and the Congress leaped to the conclusion that the machinery of justice as administered by the courts, as well as the substantive concepts, was wrong and useless and outworn, when, as a matter of fact, as demonstrated, a necessary minimum of procedural requirements developed at common law is essential to the success of any institution of a judicial nature, whether it be called a commission or a court, if it is to maintain the respect and confidence of the citizen in a democracy.

The plea made for the abolition of the rules of evidence and the rules of procedure and pleading in respect of the activities of the commissions was that these adjective requirements would slow up the administrative processes to an undue degree. It was said that the speed and complexity of modern life was such that the cumbersome methods of the courts were no longer feasible. Of course, the contrary of this has been well demonstrated, and could have been foreseen. A precise definition of the issues by pleadings, contrary to taking time, saves time, because it narrows the controversy. And the sensible application of the fundamental rules of evidence, especially the hearsay rule, and the rule requiring the evidence to be relevant to the issues defined by the pleadings, contrary to taking time, saves the time of the tribunal involved from examining collateral and irrelevant material. It is, of course, to be recognized that some of the rules of evidence have become anachronistic both for courts and commissions, and it is not suggested that all of the rules of evidence in all of their nicety must be applied in commission hearings. Frequently, for example, the best evidence rule can be dispensed with because of the dependability, under modern methods of office practice, of copies. But such fundamental rules as the hearsay rule, which insures the right of cross examination, and such fundamental evidential concepts as that cases must be decided upon relevant evidence, cannot be abandoned. On this subject, the following comment, on the applicability of the rules of evidence to commission proceedings is pertinent:

> But while the old tools may not be wholly suited to the new tasks, they should, like the evidence before commissions, be used "for what they are worth," not thrown away. They may have some uses for which new tools, or no tools, are a poor substitute. The reaction against courts and their methods may be oversevere. Characterization of the rules of evidence as "useless technical requirements," or as ceremonial obstacles to getting at the facts, indicates a failure to recognize that the "distillate of experience" may be wine as well as dregs, and that necessity, the common excuse for not taking pains, may be the mother of conjecture as well as of invention. It is submitted that even the expert commissioner should receive hearsay sparingly, should not deny himself the testing value of cross-examination, and should be willing to introduce what he acts upon.—Administrative Tribunals and the Rules of Evidence, by Harold M. Stephens, Harvard University Press, 1933, chapter VII, pages 102–103.

Thousands and thousands of pages of the records made at commission hearings in this country, both State and national, convincingly attest the proposition that throwing the rules of procedure and the rules of evidence out of the window have done just the contrary of saving time, both for the tribunal and the litigant, and just the contrary, it may be added, of saving expense.

When it is borne in mind that the new substantive concepts which underlie the activities of the commissions are so broad as to invest the administrator in applying them with a very large degree of personal discretion, it is clear that if, in addition to thus broadening substantive concepts and personal discretion, the adjective—procedural and evidential—safeguards to fair hearing, are thrown aside, the element of personal discretion in the administration of law and government has been, in respect of both the manner of hearing and the application of the substantive concepts, extended to an unprecedented degree. And when it is borne in mind that the function of the various commissions, both State and Federal, is to supervise and regulate a very large proportion of the business, economic, and social activities of the citizen, the result is that a dangerously large amount of governmental control, regulation, and supervision of the citizen's activities is being carried on subject to almost no limitation upon the personal discretion of the administrator, except the limitation of tenure of office.

The practical consequences of abandoning the adjective safeguards of fair hearing are extraordinarily serious to the citizen. It is of the very genius of the Anglo-American concept of government that the citizen, in controversy with the Government, shall be on terms of equality with the Government before the law. That is to say, both the Government and the Government official and the citizen are expected to be obedient to the law, and neither the Government nor the official is to have an advantage over the citizen. As a practical matter, however, in the holding of hearings and in the determination of issues of fact and law and the issuance of orders, if the discretion of the administrator is broadened on the substantive side and is subjected to no procedural limitations, the citizen is at a very great disadvantage. The administrator can practically decide what he pleases, and upon such considerations as he pleases; and the citizen has substantially no recourse; and that is the situation today. That is the basis of this proposal to remedy the wrong, and, if possible, to restore to American citizens rights of which they are being deprived by administrative absolutism, which characterizes so many of the departments today.

If issues are not narrowed by pleadings, and the controversy limited so far as evidence is concerned to relevant and dependable material, the record is filled with an enormous mass of opinion, hearsay, and collateral matter; and the record becomes so large that no honest mind, either of an examiner or commissioner or reviewing tribunal, can, in this busy day, completely and accurately examine it. Moreover, in such a record thus made without procedural safeguards, it is almost always possible to find some substantial evidence to support the final order of the commissioner, with the result that his finding must be sustained under most of the statutes; and this despite the fact that the real basis for his decision may be the collateral and irrelevant considerations which have been brought to his attention as a result of the failure to enforce procedural and evidential safeguards to fair hearing. If findings of fact are not made, then it is impossible for the litigant or the reviewing tribunal, either one, to know whether the ultimate order issued by the commissioner is based upon the evidence presented to him in the hearing or upon entirely extrinsic considerations.

The abandoning of the fundamental rules of evidence and fundamental procedural safeguards to fair hearing, and also the broadening of substantive standards, inevitably puts the citizen, in his controversy with the Government before commissions, at a distinct disadvantage. He is substantially at the mercy of the decision of the commission or administrator. While much of the foregoing has been phrased in terms of commissions and commissioners, it is all relevant to hearings held and rulings made by the executive departments of the Government and their branches. Take, for example, the revocation of an airplane pilot's license by the Civil Aeronautics Authority; or the revocation of a marine officer's license by the department or agency having supervision over the issuance of such a license; or the termination of the right to carry on commercial fishing in public waters. The standard of issuing the license is one of public convenience, interest, necessity, or safety. If the license can be revoked without a hearing in which the licensee is protected by procedural safeguards, so that he can be assured that the revocation is based upon evidence relevant to his fitness to have the license continued, he is substantially helpless. Unless there is a definition of issues by suitable pleadings, he cannot even know what the controversy is about. Unless there is a selection of relevant evidence, and unless there are findings of fact, he cannot know what the considerations were which dictated the decision. They may have been legal; they may have been personal or political. Unless there have been procedural safeguards which give the citizen access to the evidence submitted against him and permit due examination of witnesses, he again can have no assurance that the decision is based upon legal, and not political, grounds. All of this threatens decidedly the relationship between the citizen and his Government. The defeated litigant who feels that he has had a fair hearing will, in the vast majority of cases, obey the law. But the defeated litigant who feels that he has not had a fair hearing is a potential lawbreaker and becomes dissatisfied with his Government and its methods.

Various suggestions have been made toward the solution of the problem which has thus been created by the adoption of broad substantive standards for the commissions and administrators and the throwing aside of procedural safeguards. The radical protagonists of government by commissions and administrators who object to what they term the "strait jacket" methods of the common law and its courts, would build in the United States a separate system of administrative tribunals, including appellate tribunals, entirely freed from judicial control and judicial review by the constituted Federal courts other than the Supreme Court of the United States. This idea for a separate set of administrative tribunals, including appellate tribunals, has its genesis in the continent, with its civil or Roman law background, rather than in the common law. Many of these administrative organizations want to go back to the Byzantine days and adopt the continental system, under which in many cases juries are not permitted, star-chamber procedures are had, and findings of fact are not required. That is the disposition manifested by too many of the Federal agencies today. It is a dangerous departure from common law; it is a dangerous departure from constitutional government, and if persisted in must inevitably lead to tyranny and to the impairment, if not destruction, of democratic institutions.

In continental Europe, where government is conducted according to the concepts of the civil or Roman law, the Anglo-American idea that the citizen in his controversy with his government shall be on terms of equality therewith, both the government and the citizen being subject to the law, does not prevail. And there is warrant for the belief that the protagonists for a system of separate administrative tribunals, including reviewing tribunals, disassociated from Federal judicial review except by the Supreme Court, are actuated by a desire not only for a substantially untrammeled discretion in the administration of law, but by a desire that the citizen shall be at a disadvantage in his contest with the Government. It is to be noted in this respect that a final review in the Supreme Court of the United States of the decisions of administrators and commissions would be, as a practical matter, an insufficient protection to the citizen, for the reason that there is no longer any right of appeal to the Supreme Court, and none is likely to be established.

The system of discretionary review on petitions for writs of certiorari seems likely to persist. Moreover, few citizens can sustain the burden in either time or money entailed in an appeal to the United States Supreme Court. The citizen must look largely to the trial and intermediate tribunals for the preservation of his rights. And a system of administrative tribunals, including reviewing tribunals, committed to a substantial abandonment of the procedural safeguards to fair hearing, and committed to the point of view that the Government should have an advantage over the citizen in controversies between the two, will not protect the citizen;

and such a system would not long merit or have his allegiance or support.

The pending bill aims at a proper correction of evils which have grown up through the extension to commissions and administrators in the Federal system of government of not only broad, substantive standards but freedom from procedural safeguards to fair hearing. It requires, in the first place, the administrator himself to hold a hearing, as a result of which he shall listen to evidence and shall make findings of fact and conclusions of law and an order, in written form, based thereon. It provides for the taking of testimony and the subpenaing of witnesses. Thus, the bill will build, at the bottom of the reviewing process, a basis of review.

It is against the abuse of this discretionary authority on the part of various departments and agencies that we are protesting. That is the reason for the introduction of the measure under consideration and the demand that it shall be enacted into law.

Judicial review, looking to the protection of the citizen in both his substantive and adjective rights, must have, to begin with, something to review and a record thereof. A very substantial portion of the administrative rulings of the Government, outside the constituted commission—rulings, for example, by bureau chiefs in the vastly complicated executive branches of the Government—are made at the present time merely in the form of letters, and nothing in the way of an even informal hearing is required. If the citizen gets a hearing, it is at the grace of the administrator or bureau chief. All this will be changed by the Logan-Walter bill. A ruling against an aggrieved citizen must, at his insistence, be subjected to a hearing by a board of review, which is to make findings of fact, conclusions of law, and an order, and to provide for the perpetuation of testimony.

Under the Logan-Walter bill, after the record and findings of fact and conclusions of law have been made by the intra-agency board, the department or agency head may approve, disapprove, or modify the order; and from his final action, if it is against the citizen, the citizen may appeal to the constituted Circuit Courts of Appeals of the United States, including the United States Court of Appeals for the District of Columbia. These reviewing tribunals will thus be able to see to it that not only have the substantive standards under which the commissions and administrators operate been duly followed but that fundamental procedural safeguards to fair hearing, for the protection of the citizen, have been followed. The Supreme Court of the United States has held that even where statutes are phrased, as many of them are, so as to free the administrator or commission from the rules of evidence and pleading, this does not permit, within the due-process clause of the fifth amendment, the abandonment of such fundamental minimum safeguards to fair hearing as are inherent in the very nature of the Anglo-American theory of government and governmental administration. It said, in *Interstate Commerce Commission* v. *Louisville & N. R. R. Co.* (227 U. S. 88, 93 (1913)), that though administrative bodies are not limited to the strict rules of evidence, nevertheless, "the more liberal the practice in admitting testimony, the more imperative the obligation to preserve the essential rules of evidence by which rights are asserted or defended."

And in the same case the Supreme Court forbade commissioners to "act upon their own information, as could jurors in primitive days."

There is much evidence to show that commissioners and examiners have received evidence not relevant, and have acted in a capricious and arbitrary way in reaching their decisions.

In the case of *United States* v. *Abilene and S. Ry. Co.* (265 U. S. 274, 288 (1924)), the Supreme Court ruled:

> A finding without evidence is beyond the power of the Commission. Papers in the Commission's files are not always evidence in a case. Nothing can be treated as evidence which is not introduced as such.

The function of findings of fact, to assure that decisions proceed from the evidence, has been recognized by the United States Supreme Court in the cases of *United States* v. *Baltimore and Ohio Railroad Co.* (293 U. S. 454 (1935)), and *Florida* v. *United States* (282 U. S. 194 (1931)). See also on the necessity of adhering to the fundamental rules of evidence and procedure, the decision of the United States Court of Appeals for the District of Columbia in *Saginaw Broadcasting Co.* v. *Federal Communications Commission* (96 F. (2d) 554), and other cases therein cited; and the decision in *Tri-State Broadcasting Co.* v. *Federal Communications Commission* (96 F. (2d) 564); see also chapter VII of Administrative Tribunals and the Rules of Evidence, by Harold M. Stephens, published by the Harvard University Press, 1933.

Under these rulings the circuit courts of appeals of the United States are armed with authority, and the fundamental guaranties of the due process clause of the fifth amendment arm them further with authority, to hold the commissions and administrative agencies to at least such a minimum of fundamental safeguards to fair hearing as have, through the experience of centuries, been demonstrated as necessary to obedience by the citizen to the decrees of government as announced through tribunals of whatever nature, either judicial or administrative.

By none of the foregoing is it meant to charge that commissions and administrative agencies do not perform a useful and necessary function in government. Not all law and governmental administration can be guided by the precise rules which govern property and commercial transactions or which define crimes. Although government by commissions and administrators has been unduly extended, under the fetish of necessity for expertness and speed and efficiency to meet the exigencies of modern conditions, nevertheless, commissions and administrators do in some part of their activities perform a necessary and useful function. But in many instances they have abused their authority and deprived citizens of their rights.

Commissioners and administrators in some spheres perform a useful function, but they often transgress, thus requiring the enactment of a measure such as the one under consideration, which will prevent them from establishing a system of administrative absolutism.

But that function itself, so far as the allegiance and support of the citizen are concerned, is becoming threatened and will be gravely threatened and eventually overthrown, if the commissions and administrators are not required to submit themselves to the fundamental procedural safeguards to fair hearing.

As it is not intended by the foregoing to assail the usefulness, within the proper field of government and under proper procedural safeguards, of commissions and administrators, so also it is not intended to assail the capacity of all commissioners or administrators, or to indicate that all of them violate the fundamental procedural safeguards to fair hearing. It is worthy of note that experience teaches the commissioners and administrators themselves that in order to do efficient work, and in order to have the support of the public, they must hold fair hearings and must follow to that end suitable adjective guaranties—fundamental rules of evidence, pleading, and procedure. The Interstate Commerce Commission, for example, commenced its activities with the usual statutory release from applying the rules of evidence, pleading, and procedure; but it has built for itself, from experience, a set of rules, and has followed a method of hearing which has tended strongly toward the preservation of the common law safeguards, if indeed it has not in some substantial part subjected itself to them.

But the plain fact is that judges are more able than administrators and commissioners to see to it that both the Government and the citizen are fairly dealt with under the law. Many commissioners are laymen, untrained in the art of fair hearing as it has developed at the common law. Some of the examiners had never looked into a lawbook, had never had an opportunity to weigh evidence, had never had any responsibility, but were thrust into office too often through political pull, rather than by reason of efficiency or competency, or

civil-service examination. Obviously, men of that character placed in such responsible positions will work irreparable injury to the morale of the people, will commit grievous injuries and cause grave injustice, which will threaten to a large degree the confidence of the people in the integrity, the honesty, and the fairness of democratic institutions and of our Government. I believe that some of the commissioners are required to do the impossible task—so far as a fair hearing is concerned—of investigating alleged violations of law, filing complaints before themselves upon such investigation, holding hearings upon such complaints, then reaching conclusions, and finally carrying forward enforcement proceedings. They are the police, the investigators, the judges, and the jury. There is no restraint upon their discretion or authority.

Such a combination of executive and judicial duties is subversive of fair hearing, especially when it is remembered that, in addition to their executive duties of investigation, prosecution, and enforcement, the commissioners and administrators, in effect, make the details of their own laws by issuing the regulations which carry the policy-declaring statutes into effect. Moreover, commissioners and administrators are subject to the duty of carrying out legislative and executive policies in their proceedings; and they are not surrounded by a tradition which, in fairness to the parties, seals their proceedings against the extrinsic representations of persons not parties to the controversy and of considerations not relevant to the controversy. It is common knowledge that commissioners and administrators hear, in respect of controversies before them, in the absence of the parties, the representations of others. They lack, moreover, that independence which proceeds from permanence of tenure. Judges are, to begin with, trained and experienced in the art of adjudicating upon controversies in a manner which inspires confidence, even in the losing litigant, that he has had a fair hearing from his Government and its tribunals. They, moreover, have that independence which proceeds from complete divorce from politics and from extended tenure. Judges have no duty whatever except to ascertain the facts and the law and decide the case thereon. They have no political policies to carry out; they represent no political organization.

They are forbidden to act upon any considerations other than those introduced into the controversy by the parties themselves and their counsels. Without assuming to say that the judicial office is sacred or the judge infallible, it is nevertheless a necessary conclusion that the judge is in far better position by training, experience, and the necessary methods of his office, to preserve fair hearing for both people and government in controversies between the two than is the commissioner or administrator. It is inescapable in such a government as ours, which is dedicated to the proposition that the government itself and its officials shall, equally with the citizen, be bound by an objective law, of which the citizen, not the state, is the ultimate source, that there be a body of officers, whom we call Federal judges, removed from politics, given independence through extended tenure, trained and experienced in the art of a fair hearing, to whom shall be entrusted the duty of seeing that the government officer and tribunal, as well as the citizen, shall obey the law. One of the most necessary of the functions of the Federal judiciary is, and will be, that of seeing to it, through judicial review, that, in the administrative or commission proceedings which now cover so large a part of governmental administration, there is fair hearing for the citizen as well as for the government.

Thus, the Logan-Walter bill, by, at the outset, requiring a hearing, with a record thereof, and findings of fact and conclusions of law, and order, and by subjecting this hearing to judicial review in the constituted Federal circuit courts of appeals, aims to safeguard fundamental principles of fair hearing that pervade the Anglo-American polity, the perpetuation of which principles is necessary to the continued allegiance of the citizen to his government, and to the continued obedience by the citizen to the decrees of his Government through tribunals, whether judicial or administrative. It is noteworthy that trial judges, in both State and Federal systems of courts, are necessarily subjected to such judicial review as will insure an application not only of the substantive rules but of the procedural safeguards to fair hearing.

But we are developing a system under which administrative agencies are not subject to judicial review. Apparently they have received a roving commission to proceed, regardless of the right of litigants to a fair hearing or to those constitutional rights which are the product of our civilization and the result of democratic institutions.

Only recently, for example, the United States Court of Appeals for the District of Columbia overturned the decision of a municipal court judge who had refused to give fair opportunities to defendants in a criminal case to present their testimony; and only recently also the same court returned to the United States district court for further proceedings a case in which the trial court had failed to make adequate findings of fact and directed it to do so. (*Thomas* v. *District of Columbia*, 90 F. (2d) 424; *Boss* v. *Hardie*, 93 F. (2d) 234.)

Senators are familiar with the Morgan case decided over and over again by representatives of the Department of Agriculture. It has gone to the Supreme Court three or four times because of the failures of representatives of the Agricultural Department to deal fairly and justly with the matters before them and with the citizens who were brought before them.

Why should commissioners and administrators expect to be more free than trial judges themselves from fundamental requirements guaranteeing fair hearing?

Mr. President, the tremendous growth of bureaucracy, with its attendant evils, has been recognized by the American people, and demands have been made that legislation be enacted for the protection of American citizens against its invasions. The evils attending administrative absolutism have been so widespread as to develop a Nation-wide demand for relief against attacks made upon personal liberty and the rights of the people generally.

The attention of former Attorney General Hon. Homer Cummings was called to the growing menace to democratic institutions from bureaucratic methods. The Attorney General, through his Assistant Solicitor General, Mr. Golden W. Bell, stated, in reply, that—

> The desirability for improvement and development in at least some of the subjects treated in the proposed measure will hardly be questioned; the details and methods, on the other hand, leave wide room for differences of opinion.

The measure referred to contained the provisions found in the Logan-Walter bill. In replying to Mr. Bell's letter, Mr. McGuire answered the suggestion made by Mr. Bell that an attempt to standardize administrative procedures might result in practical difficulties, and stated that the Constitution of the United States required but a phrase to vest in the Federal courts jurisdiction over all cases arising in law, equity, or admiralty. And, further, that the judicial codes, commencing with the first judicial act, did nothing more than attempt to establish a standard procedure to be followed in all litigation arising under the Constitution and the Federal statutes.

President Roosevelt, early in 1939, wrote Attorney General Murphy and called his attention to the fact that while Mr. Cummings was Attorney General, a draft of a bill had been submitted to him, and that there had been correspondence between the Assistant Solicitor General and persons favoring the bill referred to, and that after a committee had reported on this bill he wrote for information in regard to the measure.

In his letter to Attorney General Murphy, the President stated:

> I have been greatly impressed by your statement to me that the experience of the Department of Justice in endeavoring to uphold actions of administrative agencies of the Government, when the validity of their decisions is challenged in the courts, leads you to the conclusion that there is need for procedural reform in the field of administrative law. A thorough and comprehensive study should be made of existing practices and procedure with a view to detecting any existing deficiencies and pointing the way to improvement.

The President suggested that the Attorney General cause to be made an investigation and study of the entire problem.

From the President's letter it appears that the Department of Justice had informed the President of its experience in endeavoring to uphold the action of administrative agencies.

Notwithstanding the Nation-wide protest against abuses by administrative agencies, the record shows that many of them continue their arbitrary and illegal practices. As a result, measures were offered in the House and the Senate the provisions of which are found in the so-called Logan-Walter bill. Opposition to this bill has come primarily from administrative agencies, administrators and regulators themselves, and from individuals and groups who would endow administrative agencies with unlimited discretion and render them immune from judicial review. This Republic was and is a protest against arbitrary power, and all attempts to abridge constitutional limitations should be opposed.

The Supreme Court of the United States, in the case of *Jones* v. *Securities & Exchange Commission* (298 U. S. 23), had occasion to review the conduct of the defendant administrative agency. The Court emphasized the importance of protecting individuals from invasion of their fundamental rights by administrative bureaus and commissions. The proceedings upon the part of the Commission were held to be arbitrary and the investigation carried on by it had not been based upon specific grounds. The opinion of the Supreme Court of the United States constitutes a defense—if a defense is needed—of constitutional government, and was a rebuke to the Government agency for its transgressions. I desire to place in the RECORD excerpts from this important decision:

> The action of the Commission finds no support in right, principle, or in law. It is wholly unreasonable and arbitrary. It violates the cardinal precept upon which the constitutional safeguards of personal liberty ultimately rest—that this shall be a government of laws—because to the precise extent that the mere will of an official or an official body is permitted to take the place of allowable official discretion or to supplant the standing law as a rule of human conduct, the Government ceases to be one of laws and becomes an autocracy. Against the threat of such a contingency the courts have always been vigilant, and if they are to perform their constitutional duties in the future must never cease to be vigilant to detect and turn aside the danger at its beginning. The admonition of Mr. Justice Bradley in *Boyd* v. *United States* (116 U. S. 616, 635) should never be forgotten:
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> "It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way—namely, by silent approaches and slight deviations from legal modes of procedure. * * * It is the duty of courts to be watchful for the constitutional rights of the citizen and against any stealthy encroachments thereon. Their motto should be obsta principiis."

The Court further declared:

> Arbitrary power and the rule of the Constitution cannot both exist. They are antagonistic and incompatible forces, and one or the other must of necessity perish whenever they are brought into conflict. To borrow the words of Mr. Justice Day:
>
> "There is no place in our constitutional system for the exercise of arbitrary power" (*Garfield* v. *Goldsby*, 211 U. S. 249, 262). To escape assumptions of such power on the part of the three primary departments of the Government is not enough. Our institutions must be kept free from the appropriation of unauthorized power by lesser agencies as well. And if the various administrative bureaus and commissions, necessarily called and being called into existence by the increasing complexities of our modern business and political affairs, are permitted gradually to extend their powers by encroachments—even petty encroachments—upon the fundamental rights, privileges, and immunities of the people, we shall in the end, while avoiding the fatal consequences of a supreme autocracy, become submerged by a multitude of minor invasions of personal rights less destructive but no less violative of constitutional guaranties.

As Senators will perceive the Court emphasized the importance of protecting individuals from an invasion of their fundamental rights by administrative agencies and commissions, even though such invasions may by some be deemed "petty encroachments." The Court further declared that the philosophy that limitations and legal restraints may be brushed aside upon the plea that good perchance may follow finds no countenance in the American system of government.

Many other citations are available, demonstrating the caprice and arbitrary procedure of various administrative agencies. It comes with poor grace from officials, acting as quasi judges, who adjudicate important controversies, to proceed not with scales of justice in their hands but with flaming swords with which to accomplish certain ends alleged to be necessary to reach social objectives. They are little interested in the protection of personal rights but become biased in favor of personal rights which supposedly are to benefit the general welfare. Many of them somehow believe that the abstract thing called general welfare is separate and distinct from the welfare of individual persons. In violating the fundamental precepts of this Government, they express frantic absurdities in their efforts to prevent the passage of an act which does not curtail their substantive power, but which merely requires that they shall exercise that power in accordance with law, the Constitution, and the basic considerations of fair dealings, decency, and impartiality. There is another group opposing the bill consisting of individuals who, either through a lack of understanding or alien influence, are opposed to judicial review, and would substitute unlimited discretion by Government agencies. I am not willing to follow the vagaries of those who seek to impose the continental system of law upon the people of this Republic.

Dean Roscoe Pound, who is recognized as one of the greatest authorities in the legal field, said in substance that this administrative theory of government comes from professors. May I add in passing that there are too many professors and teachers and lecturers in our country, who are not in sympathy with constitutional limitations and who are influenced by alien ideologies. The interests of our country would be better served if some professors in our law universities had greater devotion to constitutional government and less concern in various practices of some foreign countries where individual rights are not protected and administrative absolutism prevails.

Among the opponents of the Logan-Walter bill are Dr. Blachly, who recently published a book entitled "The Government and Administration of Germany," also another entitled "The Government and Administration of France," and a distinguished and able lawyer, John F. Dulles. Dr. Blachly, as I am informed, has never practiced law but he is called a political scientist. He recently published another book entitled "Regulatory Action and Control." Chapter X of this book is devoted to a criticism of the bill under consideration and was published separately and rather widely distributed before the entire work was offered to the public, and while the House and the Senate were considering the so-called Logan-Walter bill.

These two distinguished Americans have been prominent in their attacks upon the principles incorporated in the Logan-Walter bill.

A number of the opponents of the bill in question have drawn their inspiration from the Roman law, and they exhibit a preference for administrative law as found in various European countries, rather than the common law, and our judicial system built up upon the foundations of the common law and the Constitution of the United States. They desire the continental system, lacking checks and balances and a regard for personal rights, and seek to impose upon the American people a form of administrative absolutism similar to that found in many European countries.

Dean Roscoe Pound, appearing before the Committee on the Judiciary of the Senate when it was considering the pending bill, stated:

> The doctrine of administrative absolutism is very strong in some quarters. I am afraid it is strongest in the universities.
>
> You have to discount a good deal you find in the books in our academic circles, because I do not think the nonlawyer or layman has quite appreciated what our legal situation was, on the one hand, or the legal situation behind the development of administration, on the other hand. It requires a good deal of understanding of legal history and legal development to appreciate a situation of that sort.

I am repeating when I state that much of the criticism against the Logan-Walter bill finds its inspiration and support

in systems of government indifferent to human rights and limitations upon governmental authority.

In the discussion of the subject under consideration we are compelled to emphasize the underlying antithesis between our Government, with its checks and balances, with its regard for personal liberty, and other governments. This is necessary because of the opposition to the Logan-Walter bill, which is based upon reasoning and theories at variance with the concept of a limited form of constitutional government.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question at that point?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. KING. I yield.

Mr. VANDENBERG. Under this limited form of constitutional government, how may it be justified to prorogue the Congress and leave the Executive in sole and complete control of the situation? He asserts that the emergency is so terrific that he cannot be more than 12 hours away from Washington. If that is so, I assert that Congress should not be 60 days away from Washington without a chance to reassert its own prerogatives. While the Senator pleads so eloquently and persuasively, and with my complete consent, for the maintenance of our checks and balances, I ask him also to say at least a plaintive word for the maintenance in fact as well as in theory of this system through the continuance of congressional authority for the life of this so-called emergency.

Mr. KING. May I say that the question before me now relates to one aspect of constitutional government and I am insisting upon an interpretation of the Constitution which protects each branch of the Government and also the rights of American citizens. I cannot embark upon all phases of the question of checks and balances and constitutional limitations, and I am sure that my friend will excuse me from entering other and broader fields than those embraced within the Logan-Walter bill.

I have mentioned Mr. John F. Dulles, chairman of the committee on administrative law of the New York City Bar Association, and Dr. Blachly, because, as I have stated, they have been able and conspicuous members of the forces opposing the Logan-Walter bill. Mr. Dulles delivered an address several months ago in opposition to the pending bill, and Representative CELLER, of New York, had the address inserted in the Appendix of the CONGRESSIONAL RECORD, page 1210. Among other things, Mr. Dulles states:

> It is inefficient to separate the powers of government into three branches—legislative, executive, and judicial.

Senators will perceive that opposition is expressed to the pending bill upon the ground that it is "inefficient" to divide our Government into three branches—executive, legislative, and judicial. Mr. Dulles also declares:

> We preferred and felt we could afford an inefficiency which was protective against possible tyranny * * *. But during recent years our world has changed * * *. The duties and responsibilities of government have enormously increased. Under such conditions government naturally strives to become more efficient, and this is expected of it. One expression of this urge for efficiency is the administrative agency. Thereby certain fields of human activity are turned over to the administration of commissions endowed with broad authority to legislate, to administer, and to enforce, within their respective fields. In this way it is felt there can be attained an efficiency not obtainable under a system of checks and balances.

Mr. President, the views expressed by some opponents of the pending bill remind one of the reasons assigned in autocratic governments for the suppression of the rights and liberties of the people.

Undoubtedly some Americans are dissatisfied with democratic institutions and constitutional government, and contend that efficiency can be obtained only by concentrating governmental authority in the hands of the executive department and administrative agencies. The statements to which I have just called attention seem to support the view that the Constitution, with its tripartite division of power, with its checks and balances, is outmoded and should be cast aside or materially changed, and, further, that individual liberty may be limited in order to obtain "efficient" government. This is a dangerous doctrine and contrary to the ideals held by the American people. It is based upon the assumption that efficiency is obtained only through administrative agencies possessing unlimited discretion and freedom from judicial scrutiny.

The puzzled citizen, bewildered on all sides by thousands of unintelligible rules and regulations; restricted by arbitrary requirements in every phase of his business life; incapable of even ascertaining the existence of many of these boards, commissions, bureaus, divisions, and agencies; lost in the maze of regulatory officialdom, not knowing when his activities will be scrutinized by this agent or that; caught in many instances between contradicting policies of two or more different agencies; incapable of playing the business game fairly from the viewpoint of the Government, simply because he cannot, as Mr. Dulles indicates, find out what the Government thinks the rules of the game are; this citizen may well question the view that through administrative agencies we are securing "efficiency." One need look no further than the action of the Secretary of Agriculture in one case—the Morgan against the United States case—commenced in 1930 and not yet concluded—in which the action has been denounced by the Supreme Court four different times as violative of constitutional rights, to conclude that perhaps this administrative regulation is not the acme of efficiency.

Mr. Dulles recognizes that there is "a widespread feeling that the tribunals are a menace to personal liberty and a step toward despotism, and that they need to be curbed." But he is "not in sympathy with such proposals" as have been promulgated to curtail the spreading abuses.

Mr. President, another factor in the operations of quasi-judicial bodies that jeopardizes individual freedom, is the assumption that the individual case is unimportant. A review of the activities of administrative agencies justifies the statement that the rights of the individual are not of prime consideration. Mr. Dulles, speaking of commissions and administrative agencies, states that—

> Such commissions often feel that they have a mission, not to deal judicially with individual cases through the meticulous application thereto of fixed rules but rather to achieve promptly some broad social reform. The individual case assumes little importance of itself and is to be dealt with primarily from the standpoint of its bearing upon the whole. Such an approach is alien to the historical approach of the lawyer.

Mr. President, this approach to the issue presented is alien not only to lawyers who believe in our form of government, but, it seems to me, is contrary to every precept of free government. It has been said that similar arguments are made by those who oppose liberty of the people, whether it be social, political, or religious liberty. They would trample under foot these liberties in order to accomplish what is conceived by dictators to be best for the general welfare. It makes but little difference to a citizenry deprived of its rights whether the tyrant is an individual dictator or hundreds of thousands of regulatory officials and employees—the result is usually the same. That administrative power is arousing concern in our country is acknowledged by Mr. Dulles, who states:

> No one can deny that administrative power, such as is indicated, constitutes a potential threat to democratic institutions. The techniques are precisely those which have been effectively utilized in countries like Germany and Russia—to center all power in government and to deprive the individual of independence.
>
> They may readily convert our Government from one of laws to one of men. What I have already said sufficiently illustrates this. There is danger when the mass of rules, regulations, and decrees is such that it is practically impossible for a citizen independently to determine his rights. We approach a government of men, when a citizen must go to some public official and ask what the law is and when, in most cases, he has no practical alternative but to accept the version which is given him. There is danger when there is no safeguard, such as grand-jury action, against the institution of proceedings of so great injury that the mere threat thereof is coercive. There is danger when the prosecutor is himself the grand jury, judge, and petit jury, without effective right of review by any independent judicial agency.
>
> But because such dangers are inherent in administrative tribunals, we need not assume that they will be realized.

Mr. President, administrative absolutism is defended by some upon the theory that the ordinary, usual, and constitutional processes would interfere with the administration of the affairs of government. With respect to the bill before us, there is no justification for this view. The bill does not permit the court to substitute its own view of the facts for that of the Commission. As I have indicated, some administrative agencies are necessary under present conditions to perform the functions of fact-finding agencies, but in so doing they must be amenable to constitutional limitations and just and fair procedural methods. The Logan-Walter bill will not interfere with this function, but as stated it requires that this function shall be carried on according to the letter and spirit of the Constitution, and according to the acknowledged rules of fairness and impartiality.

It has been suggested by some that there is a similarity between the philosophy of many of those who seek to transfer to legislative agencies authority and power granted by the Constitution, and the teachings of Karl Marx, and that there is a tendency in our country through administration agencies toward social and, indeed, political policies and practices of the Soviet Government. Karl Marx believed that with the development of a social and political system which abolished individual property rights there would be no need of law; that controversies would be decided immediately by administrative determination without regard for judicial procedure.

Dean Pound states:

> Under the theory of the economic advisor of Soviet Russia, in the ideal socialism there would not be any law, but we would be ruled by administrative orders. I mention that because it shows the ideal toward which this administrative absolutism is tending.

This growth of administrative absolutism is a danger which must be faced and checked if individual liberty is to survive in the United States. It is alien to our philosophy of government. The Constitution was founded upon the theory that elected representatives of the people would enact the laws, and that those enactments, together with the action of the executive officials in administering them, would be subject to a judicial scrutiny in order to protect the people from arbitrary encroachment upon their rights, either in the enactment or administration of the laws. It was thought that no matter how responsible or well qualified the elected representatives or the executive officers were, the preservation of individual rights demanded that they be subject to checks and balances. As Jefferson so aptly stated:

> In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Yet today, some administrative officers and their subordinates issue rules and regulations having the force and effect of law. This legislation is enacted, not by representatives elected by the people, but by appointive officials, answerable to no one in many instances, and never to an electorate. These same officials also administer their legislation, deciding controversies between the Government and the citizen involving important personal rights. This quasi-judicial work is not being carried on by officials with independent tenure of office and with legal qualifications, but by supposed experts of administration, in many instances not even equipped with the legal training or background essential to the make-up of legislative, administrative, or judicial officials.

These appointed legislators now strenuously object when it is proposed that they shall hold hearings and listen to those who will be affected by their legislation—a practice which the elected representatives in Congress have followed for 150 years. These public servants raise a great hue and cry when it is suggested that they be subject to the checks and limitations which the Constitution wisely placed upon the actions of the elected representatives of the people. And these so-called judges severely criticize the requirement that they shall hold a hearing and listen to the citizen's evidence before a decision is rendered depriving him of his rights—a method of procedure which the Supreme Court of the United States has repeatedly declared is required not only by the due-process clause of the Constitution, but by any definition of fair dealing and impartiality of decision.

In this Government of limited powers, of checks and balances, there is being developed an administrative system which many contend is, and should be, subject to no checks upon itself. This method of government, despite any supposed and theoretical advantages, flies in the face of all our governmental experience, and is basically at odds with the underlying concepts of law and government in the United States. The bureaucratic tendency in this country, as well as in other countries, is to require that in disputes between citizens and the Government, recourse shall not be had to the regular courts, but to commissions, boards, bureaus, and agencies, for a final determination of such matters. Do those who support such a method of settling disputes between the Government and the citizen forget that governing power has, since the beginning of time, been the destroying agent of individual rights and liberties?

We have seen individual liberties destroyed in other lands during the past few years, under the same philosophy which is being urged by some in America, just as they have been trampled under foot by governing power in many lands. We have seen the rights of minorities ignored. We are aware of the growing tendency in this country to scoff at the "blessings of liberty" and at those alleged "reactionaries" who would fight for the priceless heritage of freedom that has been handed down to us. Many persons believe we cannot escape the increasing arbitrariness of men in public office—some called experts, exercising the functions of legislator, prosecutor, jury, judge, and executioner, grasping for more power, resentful of criticism, intolerant of all opposition, strongly believing that they are somehow endowed with the gift of running other people's lives and business better than those people themselves. We have seen these tendencies toward administrative absolutism, fed by the philosophies of the civil law and the socialistic doctrine of law by edict—philosophies alien to the Anglo-American theory of constitutional, limited governing power—tendencies which must result, if not checked, in a government of men rather than a government of law.

One of the important witnesses appearing before the Committee on the Judiciary of the Senate was Hon. Monte Appel, of St. Paul, Minn. He had held various Government positions, among them Assistant Attorney General of the United States. He is also chairman of the committee on administrative law of the Minnesota Bar Association. He submitted an able statement concerning the Roman law and the common law and the serious results attending the abandonment of a sound judicial system. He stated that under the Roman law the Emperor was regarded as the fountainhead of the law and was therefore above the law, and from that view the further doctrine was developed that the servants of the Emperor were above the law. It followed from that view that "public officials had no responsibility to the private citizen for unlawful or illegal action," and as a result a system of law was developed that the public official was above the law. That view was not accepted by Lord Coke and the jurists of Great Britain who finally established in our law the basic concept that both the public official and the private citizen are subject to law and so the common law developed the concept of the supremacy of law. Under that view a public official has no authority except that conferred upon him by the Constitution and the statutes enacted by Congress. Mr. Appel states that—

> There has grown up on the part of many well-intentioned people, who feel that they must move fast for the good of humanity, a resentment toward the courts * * * and that we will get along faster if we throw off this doctrine of the supremacy of law, and that the way to do it is to curtail so far as possible the scope of judicial review. I think that philosophy is definitely a dangerous one.

He referred to the practice of "narrowing the scope of judicial review which would definitely tend to build up a separate administrative system which knows no precedents and is not subject so much to the law as it is to the views of those who administer it."

The pending measure attempts to check the strong tendency in this country toward what Dean Pound has termed "administrative absolutism," and attacks the problem upon a procedural basis. In an effort to protect individuals against arbitrary administrative action, as well as to provide for the more effective operation of Government agencies, the bill lays down uniform procedural requirements with respect to three stages in the administrative process, namely: The issuing of rules and regulations by administrative agencies; the administrative determination of controversies between citizens and the United States; and the judicial review of final orders and decisions of administrative bodies.

I. THE ISSUING OF RULES AND REGULATIONS BY ADMINISTRATIVE AGENCIES

The rapid growth of administrative law in the United States, especially during the past 50 years, has resulted in the creation of more than 130 administrative agencies, each clothed with the power to issue rules and regulations. A typical example of this power is that which has been conferred upon the Securities and Exchange Commission:

> The Commission shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this title.

This rule-making power, or the authority to fill in the details of statutes under broad standards laid down by Congress, is quasi-legislative in character. The general practice has been to issue rules and regulations without notice to or public hearing of interested persons. In other words, what amounts to legislation is being enacted day after day by appointed officials—not by the elected representatives of the people—and without consulting those who will be most affected by the legislation—contrary to the practice followed generally by Congress through its committees.

The bill, therefore, requires that public notice shall be given and a public hearing held before any rule or regulation is issued, amended, or rescinded. It is important to note at this point, however, that this procedural requirement must be met only in connection with rules and regulations "of general application affecting the rights of persons or property." The statement frequently made by persons opposing the bill, to the effect that every rule and regulation, no matter how trivial or inconsequential or if it relates solely to the internal organization of an agency, must be preceded by public notice and hearing and subjection to judicial review, is not accurate, in view of the definition of the phrase "administrative rule." The hearing is required only with respect to rules and regulations of general application affecting the rights of persons and property, and it is generally conceded, even by opponents of the measure, that many of the agencies do hold hearings with respect to important rules which are to be promulgated.

Rules and regulations in existence on the date of the enactment of the pending bill, and which have been in existence less than 3 years, must be reconsidered by the agency which issued them, after public notice and hearing, if any person substantially interested in the effects of the rules requests such reconsideration. Any such request for reconsideration of a rule must be made within 1 year following the enactment of the Logan-Walter bill. Provision is also made for the publication of approved rules in the Federal Register, so that all citizens may be advised of the action taken and of the existing state of the law by which they are governed.

A state of confusion generally exists today in respect of this rule-making power. As stated, the majority of agencies conduct no hearings prior to the issuance of rules and regulations; a few of the more recently created bodies are required by statute to hold them, and a few have done so voluntarily in certain instances. There is no uniformity in the amending of rules, and there are instances of citizens being penalized by reason of their relying upon a rule which has been subsequently modified or rescinded. In this respect, the bill provides that an individual acting in good faith in accordance with a rule is protected for 30 days after publication in the Federal Register of its rescission or a holding that the rule is invalid.

Further, in some instances the agency has failed to issue regulations until years have elapsed after the enactment of the statute authorizing the regulations. To prevent the chaos attending such delay, the bill requires all rules and regulations to be issued within 1 year after the enactment of the statute authorizing such rules and regulations, subject, of course, to subsequent amendment and modification.

The argument made by some opponents of the bill, that it would be impossible to issue rules and regulations concerning some of the complicated functions of government within 1 year is not impressive. It is difficult to conceive a factual situation so complicated that a fairly well-considered rule could not be promulgated after a year's study. Certainly Congress, in enacting a statute delegating rule-making power to an agency, intends that its announced policy with respect to that statute shall be carried into effect by the agency at as early a date as possible. Surely the citizen, after 1 full year, can reasonably expect to be informed as to the effect the statute will have upon him. One year would not appear to be an unreasonable and harsh limitation.

The United States Court of Appeals for the District of Columbia is given jurisdiction to enter a declaratory judgment, upon the petition of any person substantially interested in the effects of any administrative rule, within 30 days after its publication in the Federal Register, as to whether the rule is in conflict with the Constitution of the United States or the statute under which it was issued, or whether it was issued under proper authority and after the requirements of notice and hearing had been set. Such declaratory judgment does not preclude the raising of the validity or invalidity of the rule in any subsequent controversy in the courts of the United States. The provision for an immediate judicial review of rules and regulations will have a salutary effect upon the agencies issuing them and will undoubtedly lead to a more adequate and complete consideration of the rules before they are promulgated.

It is felt that the requirements of notice and hearing, together with publication, in connection with the rule-making power, will remove a prolific cause of disputes between individuals and Government agencies and will enable citizens and their attorneys to keep abreast of the ever-changing mass of administrative rules and regulations.

The President's Committee on Administrative Management, in its report No. 5, submitted to the President in January 1937, refers to the serious aspects of governmental regulation of business resulting, as stated, in the uncertainty of the law. The further statement is made that during the last two decades executive unity has been especially "threatened by a multiplication of regulatory boards and commissions, some of which possess extensive rule-making powers and others of which do what in effect amounts to rule making as a by-product of their so-called quasi-judicial functions." It is also stated that "one-man responsibility * * * is preferable to decisions by boards, for the reason that a board is a screen behind which responsibility can be hidden and defeated." It is further stated that though courts have upheld the constitutionality of the delegation of rule-making powers, "they have frequently held regulations as ultra vires and have recently enforced limitations upon the authority of the Congress to delegate these powers." Undoubtedly, as the report states, the rule-making powers, like Topsy, just grew. It is further stated that "the rule-making process should be regularized to insure validity of rules to guard against haphazard methods, to require consultation of technical authority, to improve draftsmanship, and to reduce the maze of rules and regulations to an understandable system." The report, as I read it, criticizes the present method and states that purely administrative regulations of internal management need to be cleared through the Bureau of the Budget to insure conformity with whatever uniform regulations the President may have prescribed on personnel, matériel, financial control, and other aspects of public administration. The committee adds that modern legislation should throw all practicable safeguards around the rule-making power and Congress should

"investigate the advisability of providing a means of challenging the validity of regulations that affect the public by a simplified procedure without delay, and at a nominal cost." The committee announced that in connection with the delegation of rule-making power there should be safeguards such as, first, notice and formal hearings; and second, publication of draft regulations.

Another suggestion was made to the effect that as a part of administrative management all rules and regulations should be cleared through the office of the solicitor of the department for legality, and through designated experts for technical justification, and so forth.

It is also suggested that the final clearance of the so-called rules and regulations should be checked by the clearance officer who would be responsible for the propriety and, as I assume, the validity of all rules. The report also states that the "rule-making power stands at the very center of this larger problem for the reason that there are no fewer than 115 Federal agencies which are under 964 statutory provisions and 71 Executive orders and proclamations, which issue rules and regulations that affect the public."

Since this report was made additional administrative agencies have been created together with an increased number of statutory provisions and Executive orders and proclamations.

It is further stated that many Executive orders and proclamations, numbering many thousands, have been issued. The committee then adds—

> It is important that a course be pursued which will substitute principle for discretion and thus protect the rights of individuals—

And further—

> That the purpose of the rule of law is rather to minimize arbitrary, discriminatory, or hit-or-miss exercise of authority.

It is also suggested in the report that the rule-making authority, as recommended by the President's Commission, has inherent checks but that they do not operate in the exercise of power in individual cases and it is there that arbitrariness creeps in, personal spite finds expression, and favoritism and discrimination are readily possible.

> There are a few safeguards, however, uniform rules to guide, canalize, and to narrow down the otherwise untrammeled discretion of the administrator and above all the right of appeal to an independent tribunal authorized to protect the individual against orders that do not conform to those rules.

The report also states that—

> The rate-making power must be in conformity with the idea of the rule of law as applied to twentieth century American government. The courts are properly the guardians of private rights and the protectors of the individual against arbitrary administrative action.

If the views of the President's Committee on Administrative Management were followed, perhaps some of the abuses which have characterized the conduct of some administrative agencies would be prevented. It is apparent that the Committee were cognizant of the growing arbitrary administrative procedure, and therefore suggested a plan that would protect citizens against oppressive and unjust conduct upon the part of administrative agencies.

II. THE ADMINISTRATIVE DETERMINATION OF CONTROVERSIES BETWEEN INDIVIDUALS AND THE UNITED STATES

Section 2 of the bill is designed to prevent arbitrary and irresponsible action by administrative officers and employees, particularly subordinate employees, in the administration of their respective statutes and the rules and regulations issued thereunder. The bill establishes a system, uniform throughout the various agencies, of administrative appeal; that is, a means by which the acts of employees of the Government may be reviewed within the administrative agency itself.

Under the proposed procedure a person aggrieved by a decision of any officer or employee may, within 20 days, file a written petition with the head of the agency, stating his objections and requesting that the matter be heard on appeal. He shall be given an early hearing by a board of three members, designated by the head of the agency to hear the appeal, of which at least one member shall be a lawyer. As many of such boards shall be appointed within the agency as may be necessary to handle the appeals, and they shall meet at various and convenient places throughout the United States. The aggrieved shall be afforded an opportunity to call his own witnesses, cross-examine the Government's witnesses, and compel the production of documents, and so forth. The proceedings are to be reported by a stenographer and made into a record of the case and a copy of the record is to be furnished the aggrieved party. Within 30 days thereafter the board shall file written findings of fact and a written decision, subject to the approval, disapproval, or modification of the head of the agency; and a copy of such findings and decision shall be furnished the aggrieved.

> The chairman of any board, upon request of any party to the proceedings, shall require by subpena the attendance and testimony of witnesses.

The simple provision, section 4–c, is one of the most important in the matter of protecting the rights of citizens, for, with the findings of facts of the agency conclusive upon him, if supported by substantial evidence, it is essential that he have the right to introduce all pertinent testimony on his side of the controversy. Under the present practice of many agencies, the matter of issuing subpenas is entirely within the discretion of the administrative body, which is the citizen's adversary; and complaint has been made that the citizen is thus placed at a great disadvantage in building up his own evidence. He has no right to compel the attendance of witnesses in his own behalf, but he must petition his adversary to issue subpenas. The Logan-Walter bill would grant him the right to have subpenas issued and would not leave him at the mercy of his opponent in this respect.

Independent agencies—those with two or more officers at the head—may provide by rule that a trial examiner shall hear the controversy in the first instance, file his written findings of fact and decision with the agency and with the aggrieved, and, if written objections are filed thereto, the agency itself shall hold an early hearing, as above provided. If there are more than three officers at the head of the agency, any three of them may hold such hearing; and, if there are less than three, then intraagency boards of three shall be established as above provided.

The advantages to be derived from the procedure of administrative appeals are obvious. In the first place, it will result in the making of a written record of each case, which will greatly facilitate court review of the administrative decision—as I shall point out. Then, too, there is the advantage that the appeal will bring to the attention of the head of the agency just what has been done by his subordinates and why it has been done. With the hundreds of controversies arising in many of the departments and agencies, it is impossible at present for the responsible heads to know the decisions of subordinates; but under the requirement in the proposed bill that the written findings of fact and decision of the board shall be approved by the head of the agency, the individual will secure the advantage of a decision by a responsible official. This should constitute a protection, not only to the citizen, but to the heads of agencies who are responsible for the acts of their employees. No better example of the need of this type of procedure can be cited than the admission in Congressman CELLER's minority report (see H. Rept. 1149, pt. 2, p. 2, 76th Cong., February 21, 1940), when he stated:

> I have been confronted with mere "whippersnappers"—young students just out of law school—who apparently are given undue authority in originating, if not effectuating, final decisions. These young lads might be excellent in drafting briefs and memoranda of law, but when it comes to deciding important issues involving important rights, the wisdom of years and the mellowness of experience should prevail.

The importance of a written record, as the basis of written findings of facts and decisions, has been stressed by Mr. Justice Frankfurter:

> Those who decide should record their judgments and give reasons for them, which in itself will have a fruitful psychological effect. You feel much more responsible—all of us do—if we have to sit down and write out why we think what we think.

The eminent legal scholar, Dean Pound, testified before a subcommittee of the Committee on the Judiciary of the Senate, on S. 3676, Seventy-fifth Congress, dealing with this question, stated the argument in support of the procedure required by the pending bill:

If you had an administrative body which really formulated just what was done and why they did it you would then have a pretty good safeguard. * * * It would also have this advantage: If that is well done, in a good many cases you would not need judicial review, and it would operate more or less to require that to be well done. Whenever it is well done you have obviated a good deal of the need for review. I think the purpose that is involved in that provision is, first, to develop an organization under the existing practice, and, second, to make better provision for the kind of record necessary for any effective judicial review, and to obviate the necessity for it as far as possible.

III. THE JUDICIAL REVIEW OF FINAL DECISIONS AND ORDERS OF ADMINISTRATIVE BODIES

There is now no general procedure for appealing from adverse decisions and acts of administrative officers to the courts of the United States. A long line of litigation in the Federal courts has resulted from questions as to whether administrative decisions are subject to court review, whether the facts as found by the agency are conclusive upon the court, and generally how far the courts may go in interfering with administrative action. The claim is even made by some that administrative action is or should be entirely free from judicial scrutiny. The uncertainty of the present situation results in hardship and injustice to litigants, and places upon the court in each instance a heavy task—that of ascertaining its own jurisdiction—which results in long and expensive delays.

Dean Pound has traced the development of judicial review of administrative action from the writ of mandamus, if the official did not properly perform his duty; to the writ of certiorari, when something needed correction; to the writ of prohibition, when the official was acting beyond his jurisdiction. There were all kinds of statutory developments of these proceedings, and then resort to equity became common, with the bill quia timet and the bill of peace.

Then we had the injunction against the wrongful acts of administrative authority on a theory of a tort involving irreparable injury, and then we got a statutory appeal, which, of course, is the real way out.

And Dean Pound concludes:

There is a chaotic state in respect of those three modes of review of administrative action. It is hard to tell which method to choose or which is available. The proceedings in some of them are far from satisfactory from the standpoint of results.

The third phase of the Logan-Walter bill, therefore, is expected to accomplish three purposes in clearing up the injustice, hardship, and expense entailed in the present confusion. Those purposes are:

First. To establish a uniform procedure of judicial review for all decisions and orders of the various boards;

Second. To establish a uniform rule as to the scope of judicial review, and thereby insure that administrative decisions shall come within the bounds of the United States Constitution and statutes, and shall be reached only after the requirements of procedural due process of law have been met; and

Third. To fix responsibility for incompetent, biased, and illegal action so clearly on the administrative officers and employees concerned that the Chief Executive, the Congress, and the public may know exactly the persons involved.

The bill provides that within 30 days after notice of final order or decision of an agency any party to the proceeding may file a written petition for review with the (1) circuit court of appeals for the jurisdiction where he resides or has his principal place of business; or (2) the circuit court of appeals where the controversy arose; or (3) the United States Court of Appeals for the District of Columbia; or (4) the Court of Claims, if the eause of action is otherwise within the jurisdiction of that court.

Before filing such a petition for review, the party may, at his election, file a motion in writing for a rehearing before the agency, presenting a statement of any further showing to be made on such rehearing; and the time for appealing to the above courts shall run from the date of the final disposition of the motion for rehearing.

The petition for review by the courts shall state the alleged errors, and a copy thereof shall be served upon the Attorney General, who shall appear within 30 days and defend the administrative decision before the court. The agency, within the same 30 days, shall file with the clerk of the court the entire record of the case. The courts may constitute special sessions of three judges to determine such cases in order to avoid undue delay.

The court may affirm the order or decision; nullify the order or decision; or remand the case for further evidence before the agency or direct the agency to modify its decision.

The bill, in addition, specifically lists the causes for which an order or decision may be set aside by the courts, and herein lies the essence of a uniform, simplified system of judicial review. Any decision or order of the administrative agency shall be set aside if—

The findings of fact are not supported by substantial evidence; the decision is not supported by the findings of fact; the decision was issued without due notice or reasonable opportunity for a fair hearing; the decision was beyond the jurisdiction of the agency; the decision infringes the Constitution or statutes of the United States.

The decision of the court shall be final, except for review by the Supreme Court of the United States on certiorari or certification. And as a final element of uniformity, if one court finds itself in disagreement with a previously rendered opinion of another court, it shall certify the matter to the Supreme Court of the United States for final determination.

A careful study of the scope of judicial review thus outlined indicates that a delicate balance has been achieved between those who contend for administrative absolutism and those who would cling to an arbitrary, theoretical, unworkable doctrine of the separation of powers. The scope of review answers the tests called for by Dean Pound when he so clearly presented the problem:

The things we have to look for are these:

In the first place, we want an effective check on administrative action and want the legal limitations on the powers of the administrative agency to comport with the requirements of due process of law and comport with the elementary requirements of fairness and impartiality.

Then, second, we want to be careful that the mode of review does not interfere with the effectiveness of administrative action. There we have a different balance. * * *

Then, third, we have to be careful that in providing for a review of administrative action we do not substitute the judicial for the administrative determination, where the administrative determination is required. The purpose of judicial review is not to substitute the court for the administration, but to insure that the administration is kept within the limit prescribed by the law with respect to power, and that its proceedings are in accordance with the processes of law.

The broad charge has been made that the Logan-Walter bill would turn over the running of the executive and administrative departments and agencies to the courts of the United States and that it would make the courts all important. Nothing, of course, could be farther from the truth. In fact, many of those who attack the bill upon other grounds admit that the scope of judicial review afforded by the bill is precisely the same as that exercised in the court review of decisions of the important regulatory commissions which now are subject to review. For instance, in reviewing orders of the National Labor Relations Board, the Securities and Exchange Commission, the Federal Trade Commission, the Federal Communications Commission, and many others, courts today will set aside an order if any one of the five grounds listed in the Logan bill is present. There is nothing new, unusual, or startling in the provisions for judicial review. As Mr. Louis Caldwell, one of the bill's critics, states:

In my opinion, even in the form in which it passed the House, the entire seven grounds added together amounted to nothing more than the traditional basis on which constitutional courts review the decisions of Federal administrative agencies, namely, on questions of law, with the agencies' findings of fact binding on the courts unless not supported by substantial evidence. * * * The fact now is that, with reference to those agencies where a statutory appeal is already provided, the bill adds precisely nothing to the scope of

review, although in some instances it would work a radical change in the courts to which the appeal is taken.

As the bill was originally drafted and as it passed the House recently, it provided that an order might be set aside if the findings of fact were clearly erroneous. This language was criticized on the ground that it would permit courts to review the evidence and substitute their own independent views of the facts for the findings reached by the bureau. To meet this criticism the Committee on the Judiciary of the Senate has stricken the quoted words from the bill, for those sponsoring this legislation recognize that the administrative agencies are the primary fact-finding bodies. That is their purpose, and the committee was anxious to remove any provision from the bill which might create some doubt as to whether the courts would be authorized to interfere with the proper functions of the administrative process. As has been stated, the proponents of the bill have been desirous of attaining that delicate balance indicated by Dean Pound, referred to above; and for that reason the judicial review provided in the bill merely unifies the procedure and extends the review to agencies and commissions whose acts are now free from judicial review. But it does not enlarge the scope of that review or permit the courts in any way to usurp the proper functions of administrative bodies.

So much for the provisions of the bill with respect to the three stages in the administrative process. It may be well, now, to scan briefly the need of the bill's enactment. And this, of necessity, requires that emphasis be placed upon the difference—the underlying difference—between the Government of this Republic and other governments.

Those who framed this Government faced that strange anomaly of government versus civil liberty. Although government had always been destructive of individual rights, it is essential to their very existence. As James Madison, the father of the Constitution, expressed it:

> In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the Government to control the governed; and in the next place oblige it to control itself (the Federalist, book I, p. 354).

This Government was created upon the theory that the surest way to control the Government was to separate the powers of government and to establish a strong, independent judiciary as a guard against arbitrary and unfair action, either by legislative or executive officials. The problem that has arisen with the growth of so-called administrative law centers in the peculiar nature of the duties performed by administrative bodies. These agencies do not fit definitely into any branch of our Government. They are neither legislative, executive, or judicial; but they exercise duties of all three branches. And with their expansion has arisen the philosophy—alien to the precepts of this democracy—that they are beyond the scope of judicial review. Since they do not fit easily into the time-honored pattern of our Government of separated powers, the claim is made that they do not come within the checks and balances which were set up to protect individual liberties in this country.

This growth of administrative absolutism is a danger which must be faced and checked if individual liberty is to survive in the United States. It is alien to our philosophy of government. The Constitution of the United States was founded upon the theory that elected representatives of the people would enact the laws, and that those enactments, together with the action of the executive officials in administering them, would be subject to a judicial scrutiny in order to protect the people from arbitrary encroachment upon their rights, either in the enacting or administering of the laws. It was thought that no matter how responsible or well qualified the elected representatives or the executive officers were, the preservation of individual rights demanded that they be subject to checks and balances. As Jefferson so aptly stated:

> In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Yet today administrative officers and their subordinates issue rules and regulations having the force and effect of law. This legislation is enacted not by representatives of the people but by appointive officials answerable to no one, in many instances, and never to an electorate. These same officials also administer their legislation, deciding important controversies between the Government and the citizen involving personal liberty and property. This quasi-judicial work is not being carried on by justices with independent tenure of office and with legal qualifications, but by supposed experts of administration, in many instances not even equipped with the legal training and background essential to the make-up of the justice.

These appointed legislators and so-called judges now oppose the Logan bill, which simply requires that they shall hold hearings and listen to those who will be affected by their legislation, a practice followed by the elected representatives in Congress for 150 years; and that they shall grant a hearing and listen to a citizen's evidence before a decision is rendered depriving him of his rights—a method of procedure which the Supreme Court of the United States has repeatedly declared is required not only by the due-process clause of the Constitution but by any definition of fair dealing and impartiality of decision.

In this government of limited powers, of checks and balances, there has developed an administrative system which many contend is, or should be, subject to no checks itself. This method of government, despite any supposed and theoretical advantages, flies in the face of all our Government experience, and is basically at odds with the underlying concepts of law and government in the United States. The bureaucratic tendency in this country, as well as in other countries, is to require that, in disputes between citizens and their government, recourse shall not be had to the regular courts, but to commissions, boards, and agencies and bureaus, for a final determination of such matters. Do those who support such a method of settling disputes between the Government and the citizen forget that governing power has, since the beginning of time, been the destroying agent of individual rights and liberties?

We have seen individual liberties destroyed in other lands during the past few years, under the same philosophy which is jeopardizing them in America, just as they have been trampled underfoot by governing power in every land and in every age. We have seen the rights of minorities ignored. We cannot escape the growing tendency in this country to scoff at the blessings of liberty and at those reactionaries who would fight for the priceless heritage of freedom that has been handed down to us through bloodshed. We are aware of the increasing arbitrariness of men in public office—so-called experts, exercising the functions of legislator, prosecutor, jury, judge, and executioner—grasping for more power, resentful of criticism, intolerant of all opposition, strongly believing that they are somehow endowed with the gift of running other people's lives better than those people themselves. We have seen these tendencies toward administrative absolutism, fed by the philosophies of the civil law and the socialistic doctrine of law by edict—philosophies alien to the Anglo-American theory of constitutional, limited governing power—tendencies which must result, if not checked, in a government of men rather than one of law.

The exercise of unfettered discretion and arbitrary power cannot destroy the values for which the American colonists fought. John Stuart Mill has defined liberty, and it is well to remember his words in a day rife with alien doctrines. He said:

> The aim therefore of patriots was to set limitations on the power which the ruler should be suffered to exercise over the community; and this limitation was what they meant by liberty. Liberty, therefore, is limitation on power.

There must be adequate checks upon administrative action, as upon all other types of action in a democracy, if liberty is to survive. The Logan-Walter bill is an attempt to bring administrative discretion within the bounds of constitutional government. It requires that due process of law shall be accorded individuals before the administrative tribunal; and it provides for an independent judicial review of

that administrative action. The value of a uniform and adequate review by the duly constituted courts of the country cannot be too strongly stressed. Lord Chief Justice Hewart, in his book the New Despotism, pointed out the advantages:

> It is obvious that the critics of departmental despotism desire, not litigation, but that fairness of decision which, while it renders litigation in general unnecessary, is enormously encouraged and fostered by the prevailing knowledge that, in case of need, there is a law court in the background. It is not in the smallest degree desired that the departmental decisions, when they are given, should be of such kind as to call for review and correction by a court of law. On the contrary what is desired is the exact opposite. But the best way of securing that result is to provide that the decision which is taken may, if the party aggrieved be so minded, be brought before the courts in the ordinary way.

It is submitted that the requirements of the Logan bill will tend to insure that the administrative action will be fair and just, and that this will remove to a large extent the need of judicial review.

The need of an objective view and an intelligent approach to the handling of the administrative problem in this country was stressed in 1916 by Elihu Root in his address as president of the American Bar Association, in which, among other things, he declared:

> There will be no withdrawal from these experiments. We shall go on, and we shall expand them, whether we approve theoretically or not, because such agencies furnish protection to rights and obstacles to wrongdoing which, under our new social and industrial conditions, cannot be practically accomplished by the old simple procedure of legislatures and courts as in the last generation. Yet the powers that are committed to these regulating agencies, and which they must have to do their work, carry with them great and dangerous opportunities of oppression and wrong. If we are to continue a government of limited powers, these agencies of regulation must themselves be regulated. The limits of their power over the citizen must be fixed and determined. The rights of the citizen against them must be made plain. A system of administrative law must be developed, and that with us is still in its infancy, crude and imperfect.

And the growth of the administration of law has gone on during the intervening 24 years. We have gone on and expanded these agencies, as Mr. Root said we would. We have given to them great and dangerous opportunities of oppression and we have provided that they shall regulate the lives and activities of the people.

But, in so doing, we have neglected the very point that Mr. Root emphasized: We have failed to set up the necessary machinery for the regulation of the regulators; we have failed to oblige these agencies of government to control themselves, as James Madison would have us do.

We must, and soon, if we are to continue a government of limited powers, specify the rights of the citizen against these agencies, and limit the powers of them over the citizen. Now that a body of substantive administrative law has been forced out of the burning conflicts between man and government, we must develop a system of procedure of administrative law.

Stripped of all the confusion that has been created by vague and unfounded criticism, the whole purpose of the bill is to secure the essentials of fair dealing that are necessary to the continued faith of a citizen in a democracy. A totalitarian government can afford to be arbitrary, for its existence rests upon force; but a democracy, dependent upon the good will of the governed, must exercise that high degree of fairness and impartiality in its dealings with the governed which is necessary to maintain the continued allegiance of the citizen.

Mr. President, Congress has too long delayed legislation to correct abuses and evils in the administration of Federal laws; too long have the American people suffered under the arbitrary procedure of Federal agencies and bureaucratic organizations.

The passage of the Logan-Walter bill will meet with the approval of all citizens who believe in the maintenance of democratic institutions and constitutional government.

Mr. AUSTIN. I wish to thank the able Senator from Utah [Mr. KING] for his admirable presentation of the principle involved in this proposed legislation. I know of no one who is better qualified to argue the case for the Walter-Logan bill than is the distinguished Senator from Utah.

Because of the rapid growth of commerce and the complex economy of our country I think it was inevitable that there should develop a new method of administering justice, involving to some degree, the legislative functions, in the regulation of business which is transacted in the commerce with other nations and among the several States. This new method grew up to some degree through the judicial process and without the aid of statutes.

Then there came the period of special statutes regulating commerce among the several States by means of the Federal Trade Commission, the Interstate Commerce Commission and other such bureaus, from whose decisions writs of error or other forms of review could be had. As a rapidly growing Nation we did quite well with the development of our commercial law. That is a familiar story to Americans. That was the story of the common law. A great historian stated it this way:

> The legal consequences of the industrial revolution were effected partly through legislation, but more largely through the development of case law, and a little group of judges who were farsighted enough to divine the direction in which events were moving, were able quietly and without commotion to perform the great work of taking over the existing mercantile law and custom and incorporating it into the law of the land.

That is the end of the quotation from Mr. Plucknett.

We Americans followed that practice, but during the past 7 years we have seen a new era, really a revolution in the administration of this commercial law. There is on the one hand that group which is well represented by the distinguished Attorney General of the United States. I realize that in undertaking to say what he said I may err, and I make my statement not as a direct quotation, although I think it is very nearly that. I think that he epitomized the thought of that group of people in this country by saying substantially this, that the interest of the public in private enterprise cannot be adequately protected excepting by day to day management and control.

That, I believe, is very nearly an exact quotation of what he said. In any event during this era there were created a great many bureaus with almost autocratic power, and they have in actual practice exercised not merely regulatory interference with industry, with private enterprise, but, through their rulings they have in fact undertaken that which the Attorney General speaks of as day-to-day management and control of private enterprise. The Congress in creating these bureaus has delegated to them this peculiar anomalous status of being complainant, judge, and officer of the law. Thus we have reversed the whole theory of American free institutions in the setting up of such boards. They have come under the scrutiny of the courts, not because there was in the statutes which created them any right of appeal given, such as the Walter-Logan bill now undertakes to give, but because their acts were so outrageous, in effect were so destructive of constitutionalism in this country, that they could be taken into court on that basis and without an appeal.

I think the case of National Labor Relations Board against Sterling Electric Motors, Inc., a recent case decided by the United States Circuit Court of Appeals for the Ninth Circuit on May 7, 1940, is a very good case to describe the defects in the system which we are trying to remedy by the Walter-Logan bill, for this is a decision which cannot be said to be antilabor. It is a decision in behalf of labor. It undertakes to say that one of these Boards, the National Labor Relations Board, had deprived a labor union of the civil liberty which it possesses under the Constitution, of being entitled to notice and to a fair hearing, and a judgment in its presence or in the presence of someone representing it, rather than an arbitrary fiat destroying its life and disintegrating the union without hearing, without notice, and in absentia. That is the kind of cruelty which the Walter-Logan bill is aimed to prevent. The case to which I refer is one of the illustrations. The court, in speaking of the absolute power

which Congress has undertaken to give to administrative boards, says this:

The case loses none of its importance, because recently the Board, for the time being at least—

The "Board" means the National Labor Relations Board—

divested itself of the power it claims Congress gave it to deny to a union its civil liberty of notice and an opportunity to be heard. This was done by the Board's promulgation of a rule granting that right.

Think of the absurdity of it. The citizen does not enjoy that civil liberty as a right under the Constitution. He gets it only if it is most graciously given to him by one of the arbitrary boards. This the Board did.

The right now exists, the Board claims, solely by virtue of its grant. The Board makes strong and now repeated insistence, first, that Congress can create in the administrative process such absolutism of control over human relations, and, second, that it intended to create it in the Labor Board. It is apparent that the Board may annul its rule, attempt to abrogate the right, and reassume the absolute power it claims. Significant is the absence at the hearing of any request by the Board for a return of the proceeding for service on the employees' association to give it an opportunity to be heard on the charge of employer dominance.

Mr. President, I ask unanimous consent to have printed in the RECORD, following what I have just said, certain extracts from the opinion to which I have referred, which in like manner characterize the absolutism and the abuse of the power which the Walter-Logan bill seeks to prevent. The excerpts are as follows:

On page 4, the two paragraphs which are marked.

On page 5, the paragraphs in which certain lines are underscored.

On page 6, the first paragraph and the last paragraph.

On page 7, the last paragraph, concluding at the top of page 8.

On page 9, the last paragraph in the opinion.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

In one of the earliest decisions after *National Labor Relations Board* v. *Jones & Laughlin Steel Corp.* (304 U. S. 1), this court, in *Edwards* v. *United States* (91 F. (2d) 767, 780), construed that decision as extending the congressional power even to the planting in California of orange trees whose product is "to be transported" in interstate commerce. It was on this construction of the act that we upheld the Secretary of Agriculture regulating the flow of the product of orange trees into interstate commerce. True, that statement of the law was by two of the three judges sitting, but it now stands for this circuit as a declaration of the broad area of congressional administrative power under the commerce clause. In that and a succession of cases this court has recognized the congressional intent in a widely expanding creation of administrative agencies. Nor has any court gone further in recognizing the congressional intent to free the Labor Board's administrative process from the technicalities of court procedure (*National Labor Relations Board* v. *Biles-Coleman Lumber Co.*, 98 F. (2d) 16, 17).

The many cases now decided show that, under penalizing restraints or offer of reward, the fruit grower now must consider a Washington bureau's decision before he may safely add orange or walnut trees to the few acres of his orchard, and a small farmer must do the same before he determines his plowing for next season's crop. The shut-down of the single lumber plant supporting a mill town by the heavy penalties we impose for infractions of the Labor Relations Act well may mean the disruption of the family life of the employees, whose children must shift to the schools of a distant plant's neighborhood; the foreclosures of homes with the loss of part payments; and, worse than this, the mental agony of parents and children that the supporting father may be marked with the stigma of the jobless and indigent.

These disturbing and often tragic results may be deemed to have been considered by Congress as necessary for the ultimate good of the creative life of Americans. However, because that good is to be obtained by powerful bureaus radiating out, through a major and minor officialdom from a distant Washington, the danger to our democracy is always present of the denial of those civil liberties upon which its existence depends. If the Anglo-American civil right to be made a party and to have notice and hearing must be observed in the orderly procedure of a court of law before a decision, as here, can immediately and directly destroy a citizen's property or his liberty to contract to form a labor association, a fortiori must it be recognized in the looser proceedings we have recognized before subordinate and superior bureau officers, whose administrative decisions are finally made far from the homes of the regulated persons.

It has been said that the Board is accuser, prosecutor, judge, and executioner. This is obvious as to the first three functions. In our democracy their exercise requires the greatest of wisdom and detachment when, as here, the accuser and prosecutor sits as judge. The orders it made in this case are not final against the employer, who is a party in the Board proceeding and has the right to appear here and defend against a petition for our decree of enforcement. With regard to the destruction of the absent union the situation is entirely different.

* * * * * * *

This is the kind of administrative absolutism denounced in democratic assemblies in America as characteristic of the totalitarianism of the Central European Powers. In the consideration of congressional intent the polemics of deeply moved public men, whose apprehensions are now realized in the conquest of two of the Scandinavian democracies, are not to be ignored. We do not believe that Congress, in the National Labor Relations Act, intended to make a long start on the road where our civil liberties are to be regarded as the "pale phantoms of objective law," which no longer control our deliberations, as the German chief justice on the first session of the newly constituted court in conquered Poland is reported to have told his colleagues.

* * * * * * *

The Board correctly claims that its advocacy in other cases has succeeded in destroying other absent unions. It also claims it has established the denial of such civil liberty as a part of our administrative law.

* * * * * * *

The National Licorice opinion (85 L. Ed. at 541) holds, in the language of section 1 of the act, the function of the Board to be that of "protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment." Our attention has not been directed to any statute in which Congress has declared its intent to afford such "protecting" which consciously has been held to afford it by condemning the protected party in absentia and ordering its execution. Hence, we cannot believe that the Supreme Court in the Licorice opinion holds that Congress, while intending such "protecting," made it mere mockery by conferring on the Board the power to destroy by disestablishment a union so self-organized or to frustrate it in the performance of the very functions which the act requires the Board to protect without making it a party or giving it an opportunity to be heard.

* * * * * * *

The Board's petition for enforcement of its order that the respondent employer shall not bargain collectively with the association and that respondent shall disestablish that union is denied. Decision on the petition for enforcement of other orders of the Board is reserved.

Mr. AUSTIN. Mr. President, I wish to make it clear that the review provided for in the bill before us is not a strange review. It is not a novelty. It is not a departure from American principles and the American system of administration of justice. It is not even a departure from the American way of administering commercial law or statutes which undertake to regulate commerce among the States and with foreign nations.

The issue in the circuit court of appeals is an issue of law. On the full record which is provided for, the questions are as follows, and I say that they are questions of law:

First. That the findings of fact are not supported by substantial evidence.

Second. That the decision is not supported by the findings of fact.

Third. That the decision was issued without due notice and a reasonable opportunity having been afforded the aggrieved party for a full and fair hearing.

Fourth. That the decision is beyond the jurisdiction of the agency or independent agency, as the case may be.

Fifth. That the decision infringes the Constitution or statutes of the United States.

Mr. President, no legislator in the Congress of the United States ought to object to a review by a court of law of an issue or controversy on a question of law in one of these bureaus instead of submitting the citizen of the United States in his controversy with his Government to an arbitrary and final decision by one of the bureaus on questions of law.

I think I have stated enough to indicate that I regard the issue as fundamental. It is an issue on which the division will come between those who believe in the American system of administration of justice and those who do not believe in it. It will come between those who believe in that amount of regulation of private enterprise which is consistent with the maximum degree of competition and the minimum degree of interference and those, on the other hand, who believe, as stated by the Attorney General, that the only way the interest

of the public in private enterprise can be regulated is by day-to-day management and control of private enterprise. That is where the division in thought will come. Men who do not understand the issue may be lined up on one side or the other; but if they do understand the issue, that is what it means. We go forward on the road to the left or we stop at the turning of the ways, so far as the bill goes, and say, "We will not go this way any farther." We have already made it necessary for the Supreme Court to comment upon our system in the manner stated in the recent decision which I have just quoted. Let us not go any further. Let us not encourage warfare between labor unions which may result in the dissolution of an opposing union by fiat of a board created by the Congress of the United States, in absentia, without notice, and without hearing. Let us not go any farther on the road which leads to the treatment of the planting and cultivation of an orange tree as an act of interstate commerce subject to regulation by some bureau merely because the orange which grows on the tree is intended to go into interstate commerce.

I say, let us stop at every point where we can block the movement into the European channel, which is so dangerous to the world today, and which probably represents a revolution against which America will have to build up a counter-revolution if it is to be blocked.

I believe I have said enough to show that I am in favor of the Logan-Walter bill. I think that every Member of the minority—certainly every Member with whom I have talked—is in favor of the bill.

Mr. BRIDGES. Mr. President, I am in agreement with the very able addresses delivered by the Senator from Utah [Mr. KING] and the Senator from Vermont [Mr. AUSTIN]. I believe they have covered very thoroughly the subject of the so-called Walter-Logan bill. I believe that the bill is necessary to check the administrative law which has grown up in Washington in connection with the bureaucracy which has been established by this administration.

The Chicago Daily Tribune published on yesterday, November 18, an editorial entitled, "The Citizen and His Day in Court," which very clearly analyzes this legislation. I should like to have the editorial incorporated in the RECORD as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CITIZEN AND HIS DAY IN COURT

Senator BARKLEY consented sometime ago to call up the Walter-Logan bill in this week of November. The House has passed it by a vote of 282 to 97 and, what's more, the Senate itself passed it last year unanimously. The trouble there was that BARKLEY and MINTON asked for a reconsideration of the vote, and the bill was dead for that session.

The Walter-Logan bill corrects the administrative law which has become so powerful under the new bureaucracy by giving the citizen his day in court. If he thinks a rule of administrative procedure is injurious and without legal authority, he can ask for a judicial review. He will still have the courts between him and administrators who have been and likely will be arbitrary.

That's an old principle of our Government and there never has been much honest argument against it. It was supposed to be a distinguishing feature of a government described as one of laws and not of men. It was thought to be an inalienable right of the citizen in a dispute with administrative government to appeal to the courts.

The powerful new bureaucracy doesn't like it and it asserts a doctrine that is natural to dictatorship, which is that you can't get things done if you are forever in litigation. A headstrong bureaucracy, whether it is right or wrong, is in a hurry and it can't listen to the arguments of citizens about their legal rights when it issues its orders. We have never before been in such a hurry that we couldn't give a citizen the right to take his appeal to a court of justice.

One of the reasons for the Walter-Logan bill was found in the administration of the Wagner Labor Act, for which amendments are pending in Congress. The appointment of Dr. Harry A. Millis to succeed J. Warren Madden as chairman of that board has been followed by the resignations of the secretary, Nathan Witt; Thomas I. Emerson, associate general counsel; and Alexander B. Hawes, the chief administrative examiner. These men were regarded as largely responsible for the arbitrary conduct in the administration of the law, and there is some expectation that there will be an improvement, but here, again, without the amendment of the law itself and without the Walter-Logan bill, the question is one of men and not of law. If the law protects the citizen, men may change but the guaranty of justice does not.

The opposition to the Walter-Logan bill is evidence that the administrative government wants a free, loose hand to do as it pleases, and that is a surrender of the principles upon which this country was founded. Both Houses of Congress at one time or another have passed the bill and the previous votes really represent the convictions of most of the Members. If the bill fails in the Senate this time, it is because of pressure exerted by the executives.

AMERICAN AID TO GREECE

Mr. KING. Mr. President, on the 15th instant I addressed the Senate concerning the unprovoked aggression upon Greece by Mussolini. I called attention to the former friendship between Greece and Italy when Greece associated herself with the Allies in the World War. Italy then was glad to have the assistance of the valiant and intrepid Greeks. They rendered important aid in the World War. We all know that Italy is the beneficiary of classical Greece. Her literature and in part her laws, her civilization, stemmed largely from Greece. There can be no justification for the assault which Italy is now making upon Greece.

It has been suggested that Mussolini and Hitler and Stalin have agreed upon the division not only of Europe but of other parts of the world; and perhaps to Italy has been allocated the task of destroying Greece. I can only say that she will have an impossible task, notwithstanding the boast of Mussolini that he will destroy Greece and annihilate Great Britain. This boast of Mussolini's is not creditable to him; indeed, it reveals a mentality reminiscent of the Dark Ages, when nations and peoples received "stabs in the back."

In my address I quoted from a dispatch by Mr. Aldridge, a representative of the New York Times, in which he described the battle then raging between the Greek and Italian forces. I am happy to learn that the Greek resistance against the invader continues most favorably.

Another point that has afforded satisfaction to the friends of Greece and of democracy is found in the fact that the Albanian people, who were subjugated by Italy, are not responding as Mussolini would desire, to his demands, and that Albanians are organizing themselves to throw off the Italian yoke. The New York Times reports from Istanbul, under the date line of November 16, that the consul general of Albania in that city has called on all Albanians resident in Turkey to report in order that they may organize themselves into a fighting unit on the side of the Greeks and against the Italians.

In the mountain fastnesses of Albania and Greece the conflict between the Italian and Greek forces is continuing; and the heroism and courage and successes of Greece have won the admiration of all democratic nations. The conduct of the Greek forces is reminiscent of the bravery and courage of the Greeks at Thermopylae and Salamis. But we are advised of the fact that the Greeks are lacking in military equipment and are in need of medical supplies, food, and clothing. We are cognizant of the fact that Greece depends on the outside world for 60 percent of her food supplies and many of her necessities. It is therefore imperative that the friends of Greece should take cognizance of her need and exert themselves to meet her urgent requirements.

I note an appeal made by Elias Krimbas, Minister of Public Welfare for Greece, addressed to the United States, imploring the immediate dispatch of a list of necessities. Here is a partial list:

Powdered milk, cocoa, various meat extracts, flannel and woolen goods for adults and children, clothing of any kind, raincoats, and tents. In the field of medicine, cod-liver oil, iodine, iodoform and antitetanus, antimeningitis, antigangrene, antistreptococcus, antidysentery, antidiphtheria serums, and antiseptic gauze, bandages, surgical instruments, and installations. In addition to that, due to the destruction by Italian aviators of agricultural products stored in warehouses, the following foods are needed: Rice, tea, coffee, sugar, canned goods, dry beans and peas.

In order that immediate relief may be provided, a committee composed of some of our public-spirited citizens, together with members of the Order of Ahepa, a fraternal organization of Americans of Greek ancestry, to whose ranks a great number of citizens of non-Hellenic ancestry belong, have

organized a relief association which will conduct a systematic campaign which will bring to the American people the needs of Greece, and effect such organizations as may be necessary to obtain the desired relief. Harold S. Vanderbilt, Richard Mellon and Winthrop Aldrich—to name only a few—have already enlisted their services in this worthy cause.

I may add that I should consider it a privilege to aid the organization in its worthy efforts, and I have no doubt that others in the legislative and other branches of the Government will do likewise.

It has been suggested by some who are well acquainted with the former Minister of Greece, Mr. Demetrios Sicilianos, that he be assigned an important part in organizing and extending relief throughout Greece. While Minister of Greece in the United States, he was universally respected; and American citizens who are desirous of aiding Greece will be glad if he is actively associated with the relief organization formed in the United States.

It is known that in many of the universities and other educational institutions there are Greek-letter fraternities and sororities; and it is believed that they will be responsive to the needs of Greece in this hour, and will associate themselves with local or other organizations engaged in obtaining funds and supplies greatly needed by Greece at this time.

In this dark hour for the democratic nations, Great Britain and Greece are valorously and heroically combatting the forces of evil and tyranny. The people of America cannot be otherwise than deeply concerned in the contest, and I feel sure they will extend not only their sympathy but their aid to Greece and to Great Britain, who, as I have indicated, are upholding the cause of freedom, and who almost alone are fighting against assaults by nations which seek to impose despotic rule upon the world.

The dictators' challenge to democracy is world-wide, and the struggle is indivisible. It is believed by many that the security of the American people will be affected by the results of the great conflict now raging, and by the ability of the Greeks and the Britons to thwart the plans of the world's dictators.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960) extending the classified executive civil service of the United States.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 92), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Select Committee of the House of Representatives investigating the Interstate Migration of Destitute Citizens be, and is hereby authorized and empowered to have printed for its use 3,000 additional copies of its hearings held before said committee, pursuant to the resolution (H. Res. 63) entitled "A resolution to inquire into the interstate migration of destitute citizens to study, survey, and investigate the social and economic needs, and the movement of indigent persons across State lines."

UNDER SECRETARY OF WAR

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4370) authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties, which were, on page 1, line 6, to strike out all after "War" down to and including "emergency" in line 8, and on page 3, after line 19, to insert:

The provisions of this act shall cease to have effect on January 20, 1945, unless continued in force by an act of Congress.

Mr. SHEPPARD. I move that the Senate concur in the amendments of the House with an amendment to the second House amendment by adding at the end thereof the following language:

The compensation of the Assistant Secretary of War shall be at the rate of $10,000 per annum.

The motion was agreed to; and the amendment to the amendment was agreed to; and the amendments, as amended, were concurred in.

RELIEF OF ESTATE OF DR. B. L. PURSIFULL, AND SUNDRY CLAIMANTS—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 658) for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the figures "$1,681.84" insert "$2,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the figures "$1,138.65" insert "$1,500"; and the Senate agree to the same.

Amendment Numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the figures "$182" insert "$200"; and the Senate agree to the same.

Amendment Numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the figures "$106" insert "$125"; and the Senate agree to the same.

Amendment Numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the figures "$1,096" insert "$1,200"; and the Senate agree to the same.

Amendment Numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the figures "$961" insert "$1,000"; and the Senate agree to the same.

ALLEN J. ELLENDER,
JOHN G. TOWNSEND, Jr.,
Managers on the part of the Senate.

AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
Managers on the part of the House.

The report was agreed to.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECLAMATION PROJECTS IN NEVADA

Mr. HATCH. From the Committee on Irrigation and Reclamation I report favorably House bill 10543 and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Senator from New Mexico asks unanimous consent for the immediate consideration of a bill the title of which will be stated by the clerk.

The LEGISLATIVE CLERK. A bill (H. R. 10543) to make the excess land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. AUSTIN. Mr. President, reserving the right to object, I should like to ask what the bill proposes. Its purpose is not clear from its title.

Mr. HATCH. Mr. President, this particular bill relates to only two districts in the State of Nevada. It was prepared by Representative SCRUGHAM, of Nevada, and passed the House unanimously on yesterday. The Senator from Nevada [Mr. MCCARRAN] has requested that this action be taken.

The parts of the Reclamation Act which the bill relieves provide that no person shall own more than 160 acres of land under a reclamation project. The two projects which are involved in this bill are situated in a place in Nevada where 160 acres are not enough. A person must have more land than 160 acres in order to farm successfully and carry on livestock-feeding operations. The Department of the Interior has reported favorably on the bill.

Mr. AUSTIN. I have no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Mexico?

There being no objection, the bill (H. R. 10543) was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. BARKLEY. Mr. President, in view of the action of the House on the resolution for final adjournment, the Senate will not be called upon at this time to vote on it.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. BARKLEY. Yes.

Mr. BRIDGES. May I ask what was the action?

Mr. BARKLEY. Does not the Senator know what the action was?

Mr. BRIDGES. No; I am asking for information.

Mr. BARKLEY. The House defeated the resolution, but I think the Senator already knew that.

Mr. BRIDGES. I thank the Senator.

RECESS TO FRIDAY

Mr. BARKLEY. Mr. President, in view of the fact that Thursday will be Thanksgiving Day, and we shall not be in session on that day, it has occurred to me that we might take a recess until Friday. I do not wish to have a vote on the pending motion today, because there is to be some further discussion of it, and at this late hour it would not be convenient. Inasmuch as we apparently shall be here at least for some time, I think we might recess until Friday. We shall not be in session on Thursday anyway.

Mr. AUSTIN. Mr. President, I assume that the sponsors of the pending legislation wish to make progress with it. So far as I am concerned, I should like to have the Senate meet and act on the pending motion, or else act on it tonight.

Mr. BARKLEY. It is impossible to act on it tonight for the reason that all the discussion so far has been on one side, and there is to be some further discussion in connection with the bill before it is voted on. I do not think that is an unreasonable request. Personally, I have not any objection to meeting tomorrow; but some Senators wanted to know whether we were to recess for the Thanksgiving holiday; and, in view of the situation, it occurred to me that no time would be lost by doing so.

Mr. AUSTIN. I do not object.

Mr. BRIDGES. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BRIDGES. When is Thanksgiving?

The PRESIDENT pro tempore. The Chair does not regard that as a parliamentary inquiry.

Mr. BARKLEY. Thanksgiving, of course, may be every day to any man who has anything to be thankful for and is willing to express his thanks. I am not surprised at the Senator's lack of familiarity on that subject, because perhaps he does not qualify so as to be thankful.

Mr. President, I move that the Senate take a recess until 12 o'clock on Friday next.

The PRESIDENT pro tempore. Does the Senator desire an executive session?

Mr. BARKLEY. No. In view of the fact that we shall be here, there is no hurry about the pending appointments.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kentucky.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate took a recess until Friday, November 22, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 19, 1940

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

Fred E. Waller, of Michigan.

Bartley P. Gordon, of Massachusetts.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Maj. Lewis Peyton Jordan, Infantry, with rank from July 1, 1940.

Capt. Buford Russell Nyquist, Infantry, with rank from June 12, 1940.

PROMOTION IN THE REGULAR ARMY

MEDICAL CORPS

First Lt. Jacob Rell Till, Jr., Medical Corps, to be captain, from October 24, 1940.

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICERS

To be brigadier general, Adjutant General's Department, National Guard of the United States

Brig. Gen. Marion Williamson, Adjutant General's Department, Georgia National Guard.

To be brigadier generals, National Guard of the United States

Brig. Gen. Ogden John Ross, New York National Guard.

Brig. Gen. Joseph Aloys Sutten Mundy, New York National Guard.

HOUSE OF REPRESENTATIVES

TUESDAY, NOVEMBER 19, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Unto Thee, O Lord, do we lift up our hearts; hear Thou us from Thy dwelling place, and when Thou hearest, forgive. Oh, that men would praise the Lord for His goodness and for His wonderful works to the children of men. Heavenly Father, Thou who art infinite truth, wisdom, and light for our dark day, consider and hear us. The stars and the mountains, fields and forests, vales and flowering meadows speak of Thy glory and call for Thy praise. Do Thou bless family groups and the aged waiting for the morning. We pray Thee to guard our youth as they feel the challenge of an earnest call to serve their day and generation. Oh, everywhere throughout our broad domain, turn blight into bloom and gloom into light and let every fireside sing unto the Lord and show forth His salvation from day to day. Almighty God, banish bitterness of spirit and resentment of thought from the breasts of all our citizens and unite them in the common weal of all classes. Give Thy richest benedictions to all ministers and teachers of the Word of God. Oh, do Thou temper the wind and the wave for our absent and separated loved ones and bless us all with the mercy of grateful hearts. Graciously regard and abide with our President, our Speaker, the Members, officers, and employees of the Congress. In our dear Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELECTION TO COMMITTEES

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 631

Resolved, That HERBERT C. BONNER, of North Carolina, be, and he is hereby, elected a member of the standing Committees of the

House of Representatives on Accounts, Roads, and Merchant Marine and Fisheries.

The resolution was agreed to.

Mr. DOUGHTON. Mr. Speaker, I offer a further privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 632

Resolved, That ALBERT SIDNEY CAMP, of Georgia, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on the Judiciary.

The resolution was agreed to.

Mr. DOUGHTON. Mr. Speaker, I offer a further privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 633

Resolved, That Z. L. WEATHERFORD, of Alabama, be, and he is hereby, elected a member of the standing Committees of the House of Representatives on Patents, Public Buildings and Grounds, and World War Veterans' Legislation.

The resolution was agreed to.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignation from committees:

Hon. SAM RAYBURN,
Speaker, House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Having been named as a member of the House Committee on the Judiciary, I hereby tender my resignation as a member of the following standing committees of the House, to wit:

Election of President, Vice President, and Representatives in Congress.
Patents.
Public Buildings and Grounds.
Revision of the Laws.
World War Veterans' Legislation.

Respectfully yours,

A. SIDNEY CAMP, M. C.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

EXTENSION OF REMARKS

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a compilation made from official data on file at the Library of Congress giving pertinent facts and information concerning Representatives in Congress from Jackson County, Mo., together with a résumé of Missouri's early representation in the Congress of the United States, from the time it was first represented as a Territory in the Twelfth Congress by Delegate Edward Hempstead, of St. Louis, through its admission as a State into the Union, and the time it was districted and represented by specific congressional districts in the Thirtieth Congress.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article taken from the New York Times of Monday, November 18, 1940, entitled "'Bias' of the Press Debated on Radio."

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution recently adopted by the Elementary Principal's Association of Monterey County, Calif.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article on the homestead-lien law of Minnesota; also, a radio address by Attorney Leonard Eriksson, of Fergus Falls, Minn.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. THOMAS of Texas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech by Mr. George Hill, on oil and national defense.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

[Mr. LUDLOW addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein a statement I made prior to the election.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

EXTENSION OF REMARKS

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short article from the Minneapolis Tribune.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[Mr. DICKSTEIN addressed the House. His remarks appear in the appendix of the RECORD.]

CORRECTION OF RECORD

Mr. MAY. Mr. Speaker, on yesterday in the RECORD at page 13644 I was interrogated on the question of a provision in the Selective Service Act, and in error I stated that osteopaths had been included in the legislation. I wish to correct that statement and to say that I had reference to the deferment of osteopaths, along with other students.

EXTENSION OF REMARKS

Mr. TENEROWICZ. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on alien registration and the Pole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TENEROWICZ. Mr. Speaker, the gentleman from Michigan [Mr. HOOK] being unavoidably detained so that he is unable to attend today's session, I ask unanimous consent that he may be permitted to extend his remarks in the RECORD and include therein the remarks of R. M. Evans, Administrator, Agricultural Adjustment Administration, on the development of the farmers' wheat program in the United States, which he believes is a very explicit explanation of the work done by that Administration over the past 2 years.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by Warren H. Atherton, national chairman of the national defense committee of the American Legion at Stockton, Calif.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein two short editorials.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I am reluctant to refer to the election, but I have to do it. One of the strong points I emphasized in the campaign was that we needed Wendell Willkie for the particular reason that he only would end the national emergency when it should be ended. The armistice ended it in the other war, but we are not at war yet. Yesterday we had tangible evidence of this on the floor here by a bill creating the position of Under Secretary of War, and an agreement was finally reached that the national emergency on the continuance of that office would not be ended before the 20th of January in 1945 unless the President acted. I said in the campaign that the national emergency would never end as long as Franklin Roosevelt was President, even if hostilities should cease around the world, and now we have put it down in black and white that it will not end, for sure, during the third term.

[Here the gavel fell.]

ONE EMERGENCY ENDED—THE THREAT OF WENDELL L. WILLKIE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, we all sympathize with the distinguished gentleman from Kansas [Mr. LAMBERTSON] in wanting what he calls the national emergency to end. But there is one national emergency that is ended now, and that national emergency is Wendell L. Willkie. [Laughter and applause.]

That ought to be very gratifying to the real Republicans in this House as it is to the real Democrats.

I know you real Republicans never want to see another political mugwump take over your party and try to run it. [Applause.]

I know that it will be gratifying to the millions of people in this country who are overcharged every month for their electric lights and power and to the farmers who are begging for rural electrification.

I know it will be gratifying to the Members of Congress on the Republican side who have to run for reelection 2 years from now.

I know it will be gratifying to those millions of disgusted Republicans throughout the country who listened in on Mr. Willkie's speeches and suffered in the spirit during this campaign when the real issues for which they were supposed to stand were ignored or forgotten.

It ought to be gratifying to all the American people to know that this ends that one political emergency, the threat of Wendell L. Willkie and his Power Trust fascisti. [Applause.]

[Here the gavel fell.]

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOLLES. Mr. Speaker, I am gratified that on this, my first day in the House, I should listen to the dulcet tones and the great oratory of the gentleman from Mississippi. I feel myself back in that beautiful place in Wyeville, of which I told you once before, where he was making a funeral oration over a dead man and advocating that he be——

Mr. RANKIN. I did not say Mr. Willkie was physically dead; I said he was dead politically.

Mr. BOLLES. Oh, I do not know about that. I am grateful to be here and to be a reelected Member of Congress, and I notice that my vote in my district was larger than the entire vote of all the gentlemen from Mississippi, including the gentleman from Tupelo. [Laughter and applause.]

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that at the close of the legislative business of today and before adjournment, I may proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD on jobs or pensions.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SATTERFIELD. Mr. Speaker, I ask unanimous consent to extend in the RECORD a statement by Mr. David Lawrence in connection with a bill which I have introduced and now pending in the Senate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therewith certain correspondence on the subject of the advisability of superhighways.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix on two subject matters.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ADJOURNMENT SINE DIE

Mr. THOMAS F. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THOMAS F. FORD. Mr. Speaker, we just heard a statement on the floor that the emergency should have expired and that it had expired. If that is the case, there is no reason why we should not vote to adjourn sine die when that resolution comes up, and I, for one, think we ought to, and every Democrat ought to vote for it for this reason: Every day that this House remains in session is a vote of lack of confidence in our party leadership and an insult to the President of the United States and to the majority of the American people, who have just expressed their confidence in him and his leadership. It is about time that the majority party quit letting the minority dictate the policies of the House. I shall vote to adjourn sine die.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein an article by Richard Neuberger.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

W. P. A. IN POLITICS

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. TABER. Mr. Speaker, I hold in my hand a letter from the W. P. A., Zanesville, Ohio, office, dated September 28, 1940, saying, among other things:

W. P. A. regulations require that each applicant must have on file a statement of political policy before he can be given full consideration or appointment in a supervisory capacity. We are enclosing Form ADM–743, Statement of Political Activity.

It is apparent that the Hatch Act meant nothing in the last election to the W. P. A., and that its violation throughout the country was a regular practice rather than an irregular practice. It is apparent that their irregularities have increased rather than diminished, and that the attention of Congress should be given to that disgrace. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

The SPEAKER. The Chair desires to make a statement: It was expected that the conference report on the so-called Mexican claims bill would be taken up first this morning. That will not be called up.

There is only one other legislative matter to be passed on during the day, if we reach it, and that is the conference report on the Ramspeck bill. The Senate must act first. Just when the Senate will act the Chair has not been advised. It is hoped that the Senate will act early in the afternoon. Consent has already been granted the gentleman from Georgia [Mr. RAMSPECK] to call up this report when he desires.

Therefore, after conferring with the gentleman from Massachusetts [Mr. MARTIN], of course, a recess would be in order, subject to the call of the Chair, or for a definite period; but the Chair thinks that if Members want to proceed to make speeches at this time, they may be recognized until the message from the Senate is received or until a recess is taken.

Mr. MARTIN of Massachusetts. Mr. Speaker, if I might address an inquiry to the Chair, I would like to have it understood that the question of adjourning sine die, which may be presented this afternoon, will not come until after the conference report on the Ramspeck bill. Is that correct?

The SPEAKER. If the conference report on the Ramspeck bill comes at a reasonable time. The Chair will keep the gentleman informed as far as he can; but it is the intention, if the conference report comes here, say, by 3 or 4 o'clock, that will be taken up. There will be nothing else.

Mr. MARTIN of Massachusetts. Is the Chair in a position to inform the House, if the Ramspeck bill does not come in within a reasonable time, there will be a vote on the sine die adjournment question in any event?

The SPEAKER. That is the understanding.

THE RAMSPECK BILL

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. NICHOLS. Mr. Speaker, I asked for this time so that I might advise the Members of the House, if they did not already know, of the action taken by the conferees on the so-called Ramspeck civil-service bill.

The Members will recall that when this bill was taken up for consideration on the conference report, the House, by an overwhelming vote, instructed the conferees to return to their conference and insist on the so-called Nichols amendment, which was an amendment compelling the observation of the quota system as it applied to the Ramspeck bill. The conferees have absolutely, 100 percent, disregarded the instruction of the House.

Not only did they not insist on the Nichols amendment, but they agreed to a so-called compromise. I read you the compromise:

The appointment of any person occupying any position covered into the apportioned civil service in the District of Columbia—

Now listen—in the District of Columbia only—

under the provisions of section 1 of this act shall be charged to the apportionment of his State.

This simply is existing law and nothing else. It merely adds to the evil we were attempting to correct by the Nichols amendment, because under this amendment they would only be charged to the quotas of the States, and those States which were already overquota would just get further above their quota than they were before, and there is absolutely no protection to the underquota States in this compromise amendment. I hope when the conference report comes back to the House for action this afternoon the membership will disagree to the conference report.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. COX. I wonder if the gentleman is prepared to advise the membership as to how the conferees of the House divided on this proposal to violate the instructions of the House?

Mr. NICHOLS. I do not know what the division of the vote was. I presume some member of the conference committee could advise us.

Mr. COX. I understand it was a divided vote.

Mr. NICHOLS. It was a divided vote, yes; it was not a unanimous vote. I certainly think the Members of the House ought to insist that the House conferees pay some attention at least to the instructions of the overwhelming majority of this body. The only way we can insist on that in this instance is, when this conference report comes in today for consideration, to vote the conference report down.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute to answer the gentleman from Kansas.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. REES of Kansas. If I understood the gentleman from Oklahoma correctly he made the statement that the conference committee agreed to this report unanimously. That is not correct.

Mr. NICHOLS. If I made that statement I was, of course, in error.

Mr. REES of Kansas. The majority favored it, but it was not unanimous on the part of the entire group.

Mr. NICHOLS. If I said it was unanimous, what I intended to say was that the proposed amendment 100 percent violated the instructions of the House.

Mr. REES of Kansas. That is exactly correct.

DEATH OF HON. CHARLES F. X. O'BRIEN

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. NORTON. Mr. Speaker, it is with much regret I announce the death on November 13 of my predecessor in office who served in the House of Representatives during the Sixty-seventh and Sixty-eighth Congresses, the Honorable Charles F. X. O'Brien.

Mr. O'Brien was a very great Democrat. He has continuously since leaving the House served in various offices of our party and up to the day of his death gave most effective and sincere service to the Democratic Party. Mr. O'Brien was an able lawyer greatly respected and beloved by the people of Jersey City. His passing is a source of genuine sorrow not only to his family, relatives, and friends but to the city he served so well. My deepest sympathy is with his wife and family, whose happiness has always been the most important consideration of his very busy and unselfish life. May his soul rest in peace.

The SPEAKER. The gentleman from New York [Mr. FISH] is recognized for 15 minutes.

SMEAR CAMPAIGN TACTICS UNDERMINE REPRESENTATIVE GOVERNMENT

Mr. FISH. Mr. Speaker, I have a very disagreeable duty to perform here this afternoon, and I hope the Members of the House will bear with me. It has nothing whatever to do with partisan politics, but has to do with the membership of this House and with every man or woman in public life.

Certain scurrilous, false, and, I believe, libelous charges have been made against me in my Representative capacity and were circulated against me during the campaign. Some of these false charges were placed in the CONGRESSIONAL RECORD. Instead of rising to a question of personal privilege and getting an hour to answer these charges in detail, I have taken this time—15 minutes—merely to present the facts; and when I do so, I believe I will be speaking in behalf of every Member of Congress, Republican and Democrat alike, of every single public official in the United States, and also to protect the American people from being victims of dastardly and false campaign and smear propaganda.

In the first place, I should like to discuss certain statements that were inserted in the RECORD, I believe by extension of remarks, on October 22, 1940. I will just read excerpts from that statement:

"The Fish mansion is at 55 East Seventy-seventh Street, New York, and, according to State Department records, is the home of Johannes Borchers, consul general of Germany, who has lived there 5 years.

"The house was left to HAM FISH by his father, whose will was probated in 1893. New York City records show no change in ownership since that time. FISH is reported to have been renting the house to Germans about 1931, shortly before Hitler. The lease expired 2 years later, about the time Hitler came into power, and he renewed, reportedly with an increased rent. Two years ago, 1938, he is reported to have renewed the lease once again, this time with a substantial increase from the Nazis."

Mr. Maloney, because of this, points out that there are implications in the transaction which makes it the Nation's business, inasmuch as Mr. FISH is the ranking Republican member of the Committee on Foreign Affairs in the House, and therefore the matter should receive the most careful investigation of the House itself.

Mr. Maloney believes that Congressman FISH owes it to himself that this question is correctly answered.

Mr. Speaker, what are the facts? In the first place, this article is a reprint from a statement issued by Drew Pearson and Robert S. Allen. They published this statement in their syndicated column throughout the United States, indicating that I had literally been bribed by the Nazis.

The facts are that my father back in 1931 rented his house in New York to the German Consul General long before the advent of Hitler in Germany. The house was rented for the sum of $4,800 annually. When I read this article of Pearson and Allen I did not know but what there might have been some increase in rent, because I have nothing to do with the rental of the house. I therefore got in touch with my brother-in-law, who is in the real-estate business and who looks after my father's real estate, and found that in 1931 it was rented at $4,800 a year to the German consul general and that ensuing consuls general took over the lease; but instead of there being increases in rent as stated by the Pearson-Allen article which was incorporated in the RECORD, I found there were no increases in rent whatsoever but instead there was an actual reduction of $800 on October 1, 1933, so that the rent was reduced from $4,800 to $4,000, an amount which hardly pays the taxes, upkeep, repairs, and so forth, on the property.

This libelous article was published broadcast and inserted in the RECORD for only one purpose: To make out that I was pro-Nazi and was in the pay of the Nazis, that I was being subsidized by them. I own only a one-fifth interest in the house and having nothing to do with it. I have never met the consul general who lives in this house. But I do know that a few years ago he refused to attend and boycotted a German-day meeting held in Madison Square Garden, New York, where I was one of the speakers, because I had denounced the persecution of the Jews in Germany and Hitler's acts of aggression. The Pearson-Allen statement is damnably false, and the Congress should enact legislation to protect both the public and public officials from such political ghouls and character assassins. This is not a personal issue, but if permitted to continue it may undermine the confidence of the American people in the integrity of our public officials and destroy our free institutions and democratic Government which is now under attack throughout the world.

Yet this scurrilous article was put in the RECORD, and it is my disagreeable duty to answer it. I do not know what action can be taken except to sue for libel or to horsewhip the authors who syndicated those articles throughout the United States. These monstrous charges are absolutely false and without one iota of truth. Not only were there no increases but, on the contrary, there was one reduction. I am going to read to the House a letter I have received from a friend of mine by the name of T. A. Ryan, of Cleveland, Ohio, who was an officer in my regiment during the war and is now a colonel in the Reserves. I have received numerous letters from people not alone from my district but also from outside New York State. This letter was addressed to Drew Pearson and Robert Allen, Washington, D. C., and starts "Gentlemen" with a number of question marks.

T. A. RYAN, ENGINEERS BUILDING,
Cleveland, Ohio.

DREW PEARSON AND ROBERT ALLEN,
Washington, D. C.

GENTLEMEN???: The Cleveland News of October 21, 1940, carried an article by you relative to the rental of a house in New York to the German consul, I believe this article to be libelous.

I had the honor of serving in the same regiment as HAMILTON FISH in the last war and know him to be a courageous officer, an honorable gentleman, and a patriotic American. Apparently, according to your lights, one must sing God Save the King to be a good American. I see nothing wrong about renting a house to a German consul. We are not at war with Germany.

If I were Congressman FISH, I believe I would horsewhip you, although, judging by your sewer journalism, the odor would overpower him if he got close enough to do it. I know him well enough to know he needs no assistance for such a task but if he did, I would enjoy putting on a gas mask and coming to his aid.

Very truly yours,

T. A. RYAN.

The item referred to above was one of the most scurrilous things I ever heard.

T. A. RYAN.

Mr. ANDERSON of Missouri. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Missouri.

Mr. ANDERSON of Missouri. Does not the gentleman think he is making a serious mistake by answering such a ridiculous statement? Does he not think he is just dignifying it?

Mr. FISH. No; I do not. I must admit I discussed this with a good many people and this morning I appeared before Senator GILLETTE'S committee investigating smear propaganda and presented this false smear charge as well as some others which I will discuss in a few minutes. If this had not been broadcast throughout the country and if it had not been sent out in innumerable pamphlets, at least 100,000 were circulated in my district, and probably an equal number in New York City, I would agree with the gentleman. It has been so widely circulated that I think it is my duty to present the facts to the House of Representatives.

Mr. DINGELL. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Michigan.

Mr. DINGELL. May I state an observation. I assure the gentleman I sympathize with him in this slanderous attack on him. May I say at this time if there is to be a horsewhipping bee I will furnish the mule lash, and I will be there to help him.

Mr. FISH. I do not think the gentleman is the only one who would join in that act, but I assure the gentleman I need no assistance if I decide to take that course, although I appreciate his support and cooperation.

Mr. DINGELL. There is no other way of dealing with some of these contemptible people.

Mr. FISH. The only way I know of is through libel action or horsewhipping or the old gun method. It is too bad that has gone out. That used to be resorted to in the old days of Benton and Clay. They would have taken a gun and gone after them. They would have either horsewhipped them or shot them.

Mr. HOFFMAN. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Does the gentleman intend to offer a resolution requesting or ordering that this matter be expunged from the RECORD?

Mr. FISH. I think that should be done. I would like to have the gentleman offer it.

Mr. Speaker, I appeared before the Gillette committee this morning, not as a partisan but to seek remedial legislation. I was elected and carried all three counties in my district, four out of five cities, and had a majority of 9,000; so what I have to say has nothing to do with partisanship; it affects neither party one way or the other but does affect every Member of the House and every public official.

The circular which I hold in my hand was distributed throughout my district. There were 100,000 sent out in my district and probably another 100,000 in the city of New York. Here are two pictures of Fritz Kuhn. Here is a picture of Fritz Kuhn, and here is another bona fide picture of Fritz Kuhn and myself.

Under the first picture of Fritz Kuhn it is stated, "Fritz Kuhn, as he testified before the House Committee on Un-American Activities, who is now in jail and with whom Fish is associated."

That was sent out by mail. Then there is another picture of Frtiz Kuhn and myself, and it is a bona fide picture.

Now, Mr. Speaker, what are the facts? The facts are that 3 years ago I was a member of the State constitutional convention in New York State, which held a summer session at Albany. I was appointed chairman of the Committee on Military Affairs. As a delegate to that convention I introduced a resolution or what they call a proposal to amend the Constitution, which would prohibit the arming, the drilling, disciplining, parading, and the uniforming of Nazis, Communists, and other un-American groups. A hearing was arranged and was held in the assembly chamber. The assembly was packed on the day of the hearing. Fritz Kuhn came there to oppose my resolution, as did Communist spokesmen. The photographers took a picture of Fritz Kuhn and myself at that hearing. Now, remember, Fritz Kuhn had come there to oppose the very thing I was trying to do—that was to put him and his organization out of business. Yet this picture was taken and circulated extensively in my district by mail and otherwise, indicating that I was associated with Fritz Kuhn.

My complaint to Senator GILLETTE'S "smear" committee was that this scurrilous type of propaganda undermines the faith of the American people in their elective representatives. As a matter of fact, it undermines the faith of the American people in all Members of Congress. If this be true of one Member of Congress it may be true of all Members of Congress. It also undermines their faith in our free institutions and representative form of government.

Every Member of Congress knows that for many years I have been opposing and exposing the activities and propaganda of the Communists, bundists, and all Un-American groups and will continue to do so as long as I am in public life. Ten years ago I was the chairman of a House committee to investigate the activities of the Communists in the United States that was the forerunner of the Dies committee. I believe the report and recommendations of our committee has been the cornerstone around and upon which all other investigations of un-American propaganda and activities have been built. I have religiously supported and voted for the continuance of the Dies committee which has resulted in sending to jail both Earl Browder, head of the Communist Party, and Fritz Kuhn, the head of the bund. It is right that the Dies committee should investigate all foreign propaganda in the United States. When I appeared before the Senate committee today, all I said, after presenting the facts, was that this vicious and false pamphlet that was sent through the mail and otherwise circulated was signed only by a "Non-Partisan Committee to Defeat Hamilton Fish, Hotel Washington, Newburgh." The pamphlet also indicated that if you went there you could find the evidence to substantiate the charge and numerous others along the same line.

I was out West campaigning. This scurrilous and libelous pamphlet was issued at the eleventh hour, so I could not get my replies into the rural papers, which are issued on Thursdays and Fridays. When I got home I went to Newburgh and went around to this hotel with my lawyer and found there was no representative of that committee there, and naturally no evidence to be produced. The pamphlet was signed merely by a nonpartisan committee but no names were included. There was no one that I could sue for libel.

My suggestions to the Gillette committee were that if similar smear pamphlets and false propaganda are ever issued in the future, they should be signed by some individuals so that those individuals can be sued; that the name of the printer be placed upon the pamphlets; and that those who finance such false and scurrilous documents have their names likewise placed upon them so that they can be held responsible. [Applause.]

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Michigan.

Mr. DINGELL. I read an editorial recently in a Detroit paper which stated that carrying out that sort of suggestion might interfere with the freedom of the press. Will the gentleman tell me what he thinks of a statement of that kind in a bona fide newspaper?

Mr. FISH. The gentleman knows, and I believe the Members of the House know, that I belong to the liberal wing of my party. I believe in the freedom of the press and in freedom of speech. But anyone who states that freedom of speech is interfered with by exposing or prohibiting by law false and scurrilous statements does not know what he is talking about. This vicious practice constitute a direct attack on all free institutions, including freedom of speech. [Applause.]

I have taken this opportunity to speak and to appeal to both Democrats and Republicans, as there is nothing partisan in my proposal, so that, when the Senate committee investigating smear propaganda acts and sends proper legislation over here, we will expedite the passage of such legislation in our own interest and for the protection of the American people. Of course, I lost votes when this picture of Fritz Kuhn and me was circulated throughout my district. Of course, I lost votes when it implied that the Nazis had increased the rent on my father's house, in spite of the fact that it was an utterly false statement, as the rent had been actually decreased. I am not afraid in a campaign to meet any issues, particularly the greatest of all issues, Keeping America Out of War, which was probably the reason for this contemptible attack. The reason I am answering these charges now is that they were issued at the eleventh hour, and I could not answer them adequately before election. I feel that it is my duty as a Member of the House of Representatives to present these facts to you. I hope that in the next Congress you will vote to protect all Members of Congress from such scurrilous and false smear propaganda, by the proper kind of legislation. [Applause.]

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I offer a resolution which I send to the Clerk's desk. This resolution is offered merely for the protection of the House and to keep the RECORD straight. I ask that the Clerk read it.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 634

Resolved, That so much of the extension in the RECORD referred to by the Member from New York and which refers to the Member from New York [Mr. FISH] be and is hereby ordered expunged.

The SPEAKER. Does the gentleman from Michigan desire recognition on the resolution?

Mr. HOFFMAN. I do not care to discuss the resolution, Mr. Speaker.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

THE LATE CHARLES O'CONNOR

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. DISNEY. Mr. Speaker, it is my sad privilege to announce the death of my predecessor in Congress, Hon. Charles O'Connor, who served in the Seventy-first Congress, having been elected in 1928. He died at Denver last week.

Mr. O'Connor and I had a heated general election contest in my district in 1930, and afterward he filed a contest in this House over the seat. Notwithstanding this fact, we remained close friends. Mr. O'Connor was a fine, high-class gentleman. During his incumbency here in the Congress he was known as a keen debater and as one of the wits of the House. He was an educated, cultured, and splendid gentleman in every respect. He had thousands of friends in my district, who deplore his passing.

PERMISSION TO ADDRESS THE HOUSE

Mr. MILLER. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MILLER. Mr. Speaker, except for the fact that we are marking time waiting for the conference report on the Ramspeck bill, I would not take even 2 minutes to sing a swan song, but as long as we have the opportunity I do want to take advantage of this minute or two to say that I have enjoyed as I have never enjoyed anything else the 2 years I have served in this House. [Applause.] One hundred and eight thousand good friends and neighbors seemed to want me to come back to Connecticut, and on the first of the year I will be back with them, I hope, to enjoy some of the prosperity that I think was a factor in the election.

I believe anybody can always look back to even a short period of service in the House. If I can leave at the end of 2 years feeling as I do that I have more friends now than I had when I came here the time I have been here has been very well spent. [Applause.]

CIVIL-SERVICE BILL

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, the gentleman from Oklahoma, who had the floor a few minutes ago, seemed to imply, although I do not believe he intended to, that the conference report that will be presented soon on the bill H. R. 960 is a unanimous report of the committee. It is not a unanimous report, but the majority members of the committee were for it.

The report has the two controversial provisions somewhat changed. One of them takes out the so-called Nichols amendment and provides what is now, I believe, the present law on the question. The other gets rid of that controversial feature of requiring photographs. A letter is presented from the Civil Service Commission stating that they have decided not to require photographs from now on, of those who apply for positions in the civil service. It is rather interesting that on the last night, or at the eleventh hour, or whatever it is, the Commission decided after all these years not to require these photographs.

I am particularly opposed to this bill because it does not provide for competitive examinations in the civil service. It simply permits the persons who now have these jobs to take noncompetitive examinations, compete against yourself and if you get 70 percent then you can hold your job as long as you live. I thought, in view of the fact that we will have only a short time to discuss this measure that these matters ought to be presented to you at this particular time. [Applause].

[Here the gavel fell.]

RECESS

The SPEAKER. Without objection, the House will now stand in recess. The bells will be rung at 1:30 and the House will resume its session at 1:45 p. m.

(Thereupon, at 12 o'clock and 56 minutes p. m., the House stood in recess until 1:45 o'clock p. m.)

AFTER THE RECESS

The recess having expired at 1:45 p. m., the House was called to order by the Speaker.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. St. Clair, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960) entitled "An act extending the classified executive civil service of the United States."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1681. An act to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes; and

S. 4224. An act to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress.

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 9589. An act granting a pension to Frances Folsom Cleveland Preston.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4107) entitled "An act to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdictions of the War Department and the Department of the Interior, and for other purposes."

EXTENSION OF CLASSIFIED EXECUTIVE CIVIL SERVICE OF THE UNITED STATES

Mr. RAMSPECK submitted the following conference report on the bill (H. R. 960) extending the classified executive civil service of the United States:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960) extending the classified executive civil service of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 7, 8, 11, 12, 24, 30, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, and 31, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "or to any position to which appointments are made by the President by and with the advice and consent of the Senate, or to positions of assistant United States district attorney;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out by the Senate insert the following:

"The appointment of any person occupying any position covered into the apportioned civil service in the District of Columbia under the provisions of section 1 of this Act shall be charged to the apportionment of his State. As used in this section 'State' includes a Territory and the District of Columbia."

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter

proposed to be inserted by the Senate amendment insert the following:

"(b) That from and after the effective date of this Act any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives and whose separation from the service is involuntary and without prejudice shall acquire, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe, a classified civil service status for transfer to a position in the classified civil service notwithstanding any contrary provisions of the civil service laws or regulations: *Provided*, That any individual who may hold such a position in the legislative branch must obtain such transfer within one year from the date of separation, and nothing in this Act shall be construed to impair any right of retransfer provided for under civil service laws or regulations made thereunder."

And the Senate agree to the same.

ROBERT RAMSPECK,
FRANK W. FRIES,
JENNINGS RANDOLPH,
Managers on the part of the House of Representatives.

JAS. M. MEAD,
LYNN J. FRAZIER,
WALTER F. GEORGE,
WALLACE H. WHITE, Jr.,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 960) extending the classified civil service of the United States, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommend in the accompanying conference report:

(1) Senate amendment No. 1 excluded the offices or positions in the Tennessee Valley Authority, and the House conferees have agreed to this.

(2) As the bill passed the House it excluded "any positions in or connected with the Work Projects Administration". The Senate struck out the words "or connected with". The reason for this was that considerable doubt has arisen about employees working in other agencies of the Government paid from relief funds. It was feared that such employees might be excluded from the provisions of the Act, and that was not intended.

(3) The Senate adopted an amendment excluding positions filled by appointment by the President and confirmed by the Senate, positions of Assistant United States District Attorney, Deputy United States Marshal, and Deputy Collector of Internal Revenue. The House conferees have receded so far as the Presidential appointments and assistant district attorneys are concerned, but Deputy Marshals and Deputy Collectors of Internal Revenue will come under the provisions of the bill as agreed to.

(4) Senate amendment No. 4 sought to make the bill apply to people who have been furloughed. The Senate conferees receded from this.

(5) Senate amendment No. 5 provided that only one noncompetitive examination should be given to persons classified under this Act. The House conferees receded from this.

(6) The House receded from this amendment. This is merely a correction in the text.

(7) The Senate receded from this amendment. It was known as the photograph amendment. The Civil Service Commission advised that this matter could be handled by Executive Order, and recommended against including it in this bill.

(8) Senate amendment No. 8 defined the term "incumbent" to include persons on furlough. This was not necessary if amendment No. 4 went out, and the Senate receded.

(9) Senate amendment No. 9 struck out what was referred to in the House as the Keller-Nichols quota amendment. The Senate conferees have agreed to recede from their amendment and to insert a substitute therefor, to which your conferees have agreed. The substitute amendment provides that persons brought into the apportioned classified civil service in the District of Columbia by this Act shall be charged to their State quotas. By charging these positions to the quotas, hereafter the States which have or are over their quotas will have to stand aside until the under-quota States fill their quotas. This seems to your conferees to be as fair solution of this problem as can be worked out. It is to be understood that the quota system applies only to what is known as the departmental service in the City of Washington, and the language used as the bill passed the House would have prevented the classification of anyone in field positions outside of Washington in those States which have or are over their quotas. It is not believed that the sponsors of this amendment in the House intended it to operate other than in the City of Washington.

(10) Senate amendment No. 10 is the provision relating to employees of the House and Senate. The House has receded, but the section was rewritten. It provides that secretaries and clerks to Senators, Representatives, Delegates, and Resident Commissioners, clerks and assistant clerks to standing committees, and clerical employees of the House and Senate, who have served 4 years and are involuntarily separated without prejudice, may acquire a status for transfer to a civil-service position upon passing a suitable examination prescribed by the Civil Service Commission. This provision would apply to such employees for one year from the date of their separations.

(11) Senate amendment No. 11 proposed to give anyone who had served fifteen years or longer a civil service status. The Senate receded from this.

(12) Senate amendment No. 12 proposed to give a classified status to the temporary employees of the Bureau of the Census. We were informed that more than half of the 8,000 temporary Census employees came from over-quota States and the District of Columbia. They definitely understood this employment would be temporary. Their names were drawn from civil-service registers, and in many cases without regard to their standing on such registers, because people from distant places would not come to Washington to take temporary employment. Their names still remain on the registers for consideration for permanent appointment, and many of these employees have gotten regular probational appointments.

(13) Senate amendments 13 through 22, are corrections of the text and have no effect on the bill.

(23) Senate amendment No. 23 provided that in putting the provisions of the Classification Act of 1923 into effect under this bill, there should be no discrimination on account of race, creed, or color. The House receded from this, because the Constitution of the United States provides that there shall be no such discrimination.

(24) Senate amendment No. 24 provided that there should be no discrimination against any person under this Act on account of the place of his or her residence. Since the House receded on the Keller-Nichols amendment, this was no longer necessary, and the Senate receded.

(25) Senate amendment No. 25 struck out the language adopted by the House which would have prevented the lowering of salaries of people whose grades were lowered under the provisions of this Act. The House conferees receded from this.

(26) The House bill provided that Boards of Review should be set up for employees dissatisfied with efficiency ratings, composed of three or more members, the Chairman to be designated by the Civil Service Commission, and the other members to be designated by the head of the department concerned. Senate amendments Numbers 26, 27, and 28 changed this to limit such Boards to three members, the Chairman to be appointed by the Civil Service Commission, one member to be designated by the head of the department concerned, and the third member to be designated by the employees of the department concerned. The House conferees receded from these amendments.

(29) Senate amendment No. 29 provided that at hearings by these Boards of Review the complaining employee, his representative, and representatives of the department concerned, should be afforded an opportunity to submit orally or in writing any information deemed pertinent by the Board, and the parties to the proceeding should have the right to examine and reply to such information. The House conferees receded from this amendment, because it is no more than is usually allowed in connection with all such hearings.

(30) Senate amendment No. 30 provided that in appointing or fixing requirements for appointment to any governmental position, there should be no discrimination on account of persons being graduated from a particular school, or from schools accredited or rated by any association, organization, or group, or on account of membership or nonmembership of any professional, technical, or other society or association. The Senate receded from this amendment, because the Senate has already passed a bill with the same purport, and such bill has been favorably reported to the House and a rule granted for its consideration. The conferees felt that the legislation should be taken up separately and considered on its merits and not injected into this bill.

(31) Senate amendment No. 31 provided that the compensation of the Civil Service Commissioners should be $10,000.00 per year, and the compensation of the Executive Director and Chief Examiner of the Civil Service Commission should be $9,500.00 per year. The House receded from this amendment, because it appears that the Commissioners now receive a salary of $8,500.00 per year, and this amendment will bring them in line with other officials of the government in comparable positions.

(32) Senate amendment No. 32 made the effective date of this Act, April 15, 1941. The Senate conferees receded from this.

ROBERT RAMSPECK,
JENNINGS RANDOLPH,
FRANK W. FRIES,
Managers on the part of the House.

Mr. RAMSPECK. Mr. Speaker, I call up the conference report and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the statement.

Mr. RAMSPECK. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, we had this matter up before the House some weeks ago, and the conference report, as you know, was rejected largely, I think, because of amendments No. 7 and No. 9, and those are the only amendments that have been

changed in this conference report. Amendment No. 7 dealt with the question of whether or not the Civil Service Commission should require photographs. It was a Senate amendment and the Senate has receded on that question, and the matter will be left up to the Civil Service Commission as it is now. So the question of photographs or fingerprints is not involved in this conference report. That Senate amendment is eliminated.

I would now like to discuss this quota question if I may have the attention of the House, and I will appreciate it very much if the membership will listen to the explanation of this question. It is a complicated matter and one that is very greatly misunderstood.

As the bill passed the House with the Nichols amendment in it, employees holding non-civil-service positions from overquota States could not have attained a civil-service status, but they would have retained their positions. The Senate struck out that amendment which meant that under the Senate version of the bill, employees from overquota States could have attained a civil-service status but would not have been charged against the quota of the State from which they come. Under the conference agreement the Nichols amendment goes out, but in its place we put a provision requiring that all persons appointed in the District of Columbia as a result of this bill shall come under the quota system and shall be charged to the State from which they come.

Under the Nichols amendment the underquota States would not have gotten a chance at any of these positions, because it simply froze the present employees from overquota States in the jobs. Under the compromise reached by your conferees, if the experience of the Commission is the same in this case as it has been in others where the noncompetitive examination has been used to bring groups under civil service, from 20 to 25 percent of the positions will be vacated either through the failure of the employee to pass the mental test or failure to pass the physical test, and all of those 20 to 25 percent of positions thus vacated will be filled by appointments from States now under quota.

Mr. BARDEN of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from North Carolina.

Mr. BARDEN of North Carolina. As I understand it, at the present time each State has a quota.

Mr. RAMSPECK. Yes; each State is entitled to its proportionate share of the positions in the District of Columbia on the basis its population bears to the total population of the country.

Mr. BARDEN of North Carolina. I understand that. Why the necessity for overquota States? If each State has a quota, then why do they not regard that quota?

Mr. RAMSPECK. For the simple reason that during the World War the Civil Service Commission had to take employees wherever they could be secured, and therefore the quota got out of balance, and since the World War there has been a gradual reduction in the number of positions held by the overquota States and an increase in those held by the underquota States.

Mr. BARDEN of North Carolina. Is that same condition again in the making now?

Mr. RAMSPECK. No; it is not. Under the present situation they are rapidly filling up the quota of the underquota States, because they have been able to get employees from those States.

Mr. BARDEN of North Carolina. I think the gentleman knows what I am concerned about, and that is that in the rural areas of this country they do not have the facilities for getting information about the examinations and it is very seldom that they know about them. The result is that the big cities gather in the civil-service jobs and the rural areas and small towns, especially where the post offices do not even post the notices, have quite a bad break.

Now, if they are going to disregard the quota system and not stick to the quota system, then we are going to run into the same situation as though we did not have any quota.

Mr. RAMSPECK. The gentleman probably has not studied this thing as much as I have. As a matter of fact, I do not know of any rule that can be laid down as to why some States are underquota and why others have plenty of applicants for these jobs, because there are rural States that are overquota. For instance, the State of Iowa is overquota, the State of Idaho is overquota, the State of Utah is overquota, the State of Kansas is overquota. So are North and South Dakota, all of which are primarily rural States.

Mr. BARDEN of North Carolina. The gentleman would not tell me that the overquota situation has been existing ever since the World War?

Mr. RAMSPECK. Primarily it has; yes. As to Maryland, Virginia, and the District of Columbia, it is true that that situation arose during the World War.

Mr. BARDEN of North Carolina. The point I am making is that if we are going to have a quota system, let us stick to the quota system.

Mr. RAMSPECK. Well, we are sticking to the quota. If the gentleman wants the figures, I can give them to him.

Mr. NICHOLS. Will the gentleman yield to me?

Mr. RAMSPECK. Now, just wait a minute. Let me answer the gentleman from North Carolina.

The SPEAKER. The gentleman has consumed 5 minutes.

Mr. RAMSPECK. I yield myself 5 additional minutes, Mr. Speaker.

There are today 21 States and the District of Columbia that are overquota. A few years ago nothing was overquota except Maryland, Virginia, and the District of Columbia. So that the quota system is working and the States that are under quota are gradually coming up to their quotas.

Mr. BARDEN of North Carolina. Did I understand the gentleman to say there were 21 States over quota?

Mr. RAMSPECK. That is correct.

Mr. BARDEN of North Carolina. And did I understand the gentleman to say that a few years ago only Virginia, Maryland, and the District of Columbia were overquota?

Mr. RAMSPECK. That is correct.

Mr. BARDEN of North Carolina. Then the overquota trouble did not arise in the last war?

Mr. RAMSPECK. I told the gentleman that primarily Virginia, Maryland, and the District of Columbia were the ones affected by the World War. These other States have been brought up to their quotas and they exceed their quotas by a few positions. You cannot keep it absolutely in balance because there is fluctuation from day to day in the number of positions in the Government service and in the appointments made. You cannot keep it absolutely in balance. But what I am trying to explain to the House is that the Civil Service Commission is bringing these States up to their quota. As soon as they reach the quota then no longer will eligibles be certified from those States before they are certified from underquota States.

Mr. NICHOLS. Will the gentleman yield to me?

Mr. RAMSPECK. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. With reference to the gentleman's statement that the Civil Service Commission is attempting to bring up these underquota States, I hold in my hand a compilation of the number of appointments under the Ramspeck bill that will go to the different States. They are figured absolutely on the basis of population. I will ask the gentleman if the Civil Service Commission is trying to bring the quotas equal, or even them up, why did not the Civil Service Commission take into consideration the over and under quota States when they made up this compilation for these positions?

Mr. RAMSPECK. I do not know anything about the gentleman's compilation. I do not know where he got it or what it shows.

Mr. NICHOLS. It came from the Civil Service Commission.

Mr. RAMSPECK. The gentleman will have some time of his own and he can discuss that chart in his own time. I never saw it and do not know anything about it. But I do

know that under this compromise, from 20 to 25 percent of the jobs in the District of Columbia that will be brought under civil service by this bill, will be opened up to the underquota States, and under the Nichols amendment none of them would be opened up. Therefore the underquota States would not benefit under the Nichols amendment.

Mr. EBERHARTER. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. EBERHARTER. Under the provisions of this conference report, would employees from the States which are over their quota now be blanketed into the Civil Service?

Mr. RAMSPECK. They would be permitted to take a noncompetitive examination. If they make a passing grade and pass the physical examination, they will become civil-service employees, but if they fail the vacancy thereby created will go to the underquota States.

Mr. MOSER. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. MOSER. May I ask if the gentleman from Georgia does have the ratio of overquota for the States of Maryland, Virginia, and the District of Columbia at the end of the World War?

Mr. RAMSPECK. No; I do not have that information with me.

Mr. MOSER. I ask that because of the balance that was submitted by the Commission before our committee.

Mr. COX. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COX. May I inquire of the gentleman if in his opinion the report of the conferees violates the instructions of the House?

Mr. RAMSPECK. No. In my opinion, it does not. The instructions of the House were not to agree to Senate amendment No. 9. We have not agreed to the amendment as it passed the Senate. We have made a compromise.

Mr. EATON. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New Jersey.

Mr. EATON. I would like to ask the gentleman if he will explain the basis upon which he computes the fact that 25 percent of these applicants will fail.

Mr. RAMSPECK. I said that such was the experience of the Civil Service Commission in similar cases where groups of employees were brought into the civil service through noncompetitive examinations.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. LUTHER A. JOHNSON. The conference report is not printed, is not available. I could not understand its reading by the Clerk. Will the gentleman from Georgia be kind enough to read from the conference report the language which is substituted for the Nichols amendment?

Mr. RAMSPECK. Yes; I shall be pleased to.

The SPEAKER. The time of the gentleman from Georgia has again expired.

Mr. RAMSPECK. Mr. Speaker, I yield myself 2 additional minutes.

The SPEAKER. The gentleman from Georgia is recognized for 2 additional minutes.

Mr. RAMSPECK. This is the language that has been substituted for amendment No. 9:

> Any person occupying any position covered into the apportioned civil service of the District of Columbia under the provisions of section 1 of this act shall be charged to the apportionment of his State. As used in this section "State" includes a Territory and the District of Columbia.

This means that their quota will be charged with all the appointments and then vacancies will go to the underquota States under the operation of the law.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. SUMNERS of Texas. Is there any reference in this portion of the conference report to persons in the District of Columbia but who have retained their voting rights in the State from which they came?

Mr. RAMSPECK. That has nothing to do with it. There is nothing in the civil-service law that affects their rights to retain their voting privileges in the States. That is a matter of State law.

Mr. SUMNERS of Texas. I do not want to take the gentleman's time needlessly, but I understood from the gentleman's reading that if a person, for instance, came from Texas 25 or 30 years ago and had had no contact with the State since, that they would still be charged to Texas.

Mr. RAMSPECK. Only if they can establish legal residence in Texas.

Mr. Speaker, I reserve the balance of my time, and yield 5 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Speaker, the minority members on the conference committee, the gentleman from Kansas [Mr. REES] and I voted against this conference report. We felt clearly that it was a violation of the instructions of the House. We felt that if we accepted the compromise amendment to the Nichols amendment we were just doubling the evil that the Nichols amendment sought to obviate.

I have here, Mr. Speaker, a chart which was compiled as a result of answers to letters I wrote to the heads of the different departments that employ these people who would be blanketed into the civil service under the so-called Ramspeck bill. This chart, compiled by persons, by States, by departments, sums up to a total of 57,804 people to be blanketed in under the Ramspeck bill. Mr. Speaker, it seems very strange that the Civil Service Commission has never been able to tell us exactly how many people might be blanketed in, although the departments which employ these people can tell us. The Civil Service Commission told us, first, that upward of 270,000 persons might be blanketed in, then 200,000, then 125,000. I was told by one of the officials of the Civil Service Commission that he did not know how the Civil Service Commission arrived at the number of persons to be taken in under this act.

If the Civil Service Commission is so overworked that it cannot find time to get the simple facts, as I was able to obtain them through letters to the heads of the various departments, the Commission should be investigated or reorganized, so that we may have the facts when legislation of this nature is to be considered. Following is a table showing the figures I received as a result of my inquiry to each agency:

	Public Works Administration	U. S. Housing Authority	Civilian Conservation Corps	Agricultural Adjustment Administration	Federal Reserve	Federal Housing Administration	National Youth Administration	Home Owners' Loan Corporation	Internal Revenue	General Accounting Office	Petroleum Conservation Division	National Resources Planning Board	Federal Savings and Loan Insurance Corporation	Reconstruction Finance Corporation	Federal Surplus Commodities Corporation	Tennessee Valley Authority	Accounts and Deposits	Public Buildings	Farm Security Administration	Total
Alabama	53	16	-------	49	3	63	51	2	75	67	-------	1	1	246	25	1,587	83	6	879	3,210
Arizona	17	1	-------	13	2	18	13	1	30	12	-------	1	-------	8	1	3	17	1	108	246
Arkansas	43	3	3	41	1	55	32	12	60	52	3	1	1	75	21	21	66	2	794	1,286
California	101	12	2	82	5	546	62	14	546	35	5	4	1	125	115	19	131	13	472	2,290
Colorado	47	-------	1	21	2	47	40	-------	74	19	-------	6	-------	31	11	18	54	5	369	745
Connecticut	47	11	-------	29	3	48	27	2	154	37	1	-------	-------	23	15	14	47	8	42	508
Delaware	7	1	-------	11	-------	8	9	-------	25	6	-------	-------	-------	3	1	3	15	-------	15	104

	Public Works Administration	U. S. Housing Authority	Civilian Conservation Corps	Agricultural Adjustment Administration	Federal Reserve	Federal Housing Administration	National Youth Administration	Home Owners' Loan Corporation	Internal Revenue	General Accounting Office	Petroleum Conservation Division	National Resources Planning Board	Federal Savings and Loan Insurance Corporation	Reconstruction Finance Corporation	Federal Surplus Commodities Corporation	Tennessee Valley Authority	Accounts and Deposits	Public Buildings	Farm Security Administration	Total
District of Columbia	204		7	107	131	92	25	41		308	7	11	5	271	59	41	216	104	111	1,743
Florida	60	16	1	36	3	117	35	5	108	70		1		114	47	31	62	11	253	970
Georgia	64	20	4	71	10	105	35	3	113	74		3	1	136	23	166	66	22	603	519
Idaho	7	2		20	1	22	21	1	28	12				18	8	4	16	1	164	325
Illinois	322	86	3	63	9	248	100	33	597	77	2	11	2	428	69	118	174	41	350	2,733
Indiana	72	16		39	5	152	53	9	134	56		6		35	12	48	85	6	383	1,111
Iowa	49		3	45	7	70	29	7	122	33		4		42	26	42	35	6	262	782
Kansas	43			33	2	63	36	11	120	20	1		2	81	20	20	41	5	359	857
Kentucky	57	15		69	7	79	44	1	114	58		4	1	92	22	211	75	10	348	1,207
Louisiana	34	5		65	1	59	50		95	15	1		1	115	6	26	42	4	407	926
Maryland	132		3	89	48	137	25	15	259	205	2	7	1	121	62	40	149	120	145	1,564
Maine	13			18	1	15	25	1	45	8		1		3	8	10	11	2	107	268
Massachusetts	94		6	47	9	102	49	16	363	60	1	15		136	32	58	121	28	63	1,200
Michigan	55	19	2	34	6	227	55	3	310	43	1	2		137	28	44	88	9	202	1,265
Minnesota	70			33	4	70	46	5	160	17				112	44	15	58	4	284	922
Mississippi	29		2	35	6	46	37	2	32	54			1	64	7	264	56	7	581	1,206
Missouri	81	18	2	47	5	162	40	4	225	97			1	123	18	48	89	9	514	1,485
Montana	27			22	1	15	19	1	40	16		2		42	7	3	28	4	218	445
Nebraska	73			29	3	60	29	6	72	36	1	4		78	17	23	76	4	425	936
Nevada	7			9		20	7		15	7		12		10	3	1	8		11	110
New Hampshire	20	3		10	1	15	22		32	34			1	4	2	4	16	3	40	207
New Jersey	102	35	6	46	6	187	57	15	353	55		2		87	16	48	109	43	76	1,243
New Mexico	29			17		20	28		20	12		5		3	2	1	26		174	337
New York	408	164	8	113	35	478	145	17	1,443	154	2	3	2	284	184	119	301	112	227	4,199
North Carolina	111	13	1	97	7	111	37	16	104	122	1	21	2	102	34	179	107	15	639	1,719
North Dakota	23			19	1	7	17	1	29	16		1		16	9	1	24	3	311	478
Ohio	145	40	4	49	11	261	94	52	446	82	1	1	3	165	43	120	132	24	393	2,060
Oklahoma	67	7		65	2	94	49	5	110	63	3	18	1	65	37	14	62	5	606	1,264
Oregon	20			26	1	38	16	5	71	6		2		60	37		36	1	242	565
Pennsylvania	237	63	5	102	2	300	72	28	601	206	2	7		170	73	127	218	113	213	2,557
Rhode Island	20		1	20		28	22	2	47	8		8		7	16	2	1	7	12	201
South Carolina	100	5		54	6	50	33	3	52	87		1		42	16	46	55	19	346	815
South Dakota	14			30		24	23	2	25	16		4		20	10	3	33	3	334	541
Tennessee	62	20	1	58	5	91	44	5	101	75		4	1	90	24	2,427	51	15	362	3,436
Texas	109	17	2	140	7	275	77	6	287	80	47	4		176	47	27	100	15	1,318	2,734
Vermont	5		1	14		8	12		24	5				1	1	91	9		35	203
Virginia	131		7	102	44	142	53	17	117	263		4	2	194	78	10	169	73	382	1,788
Washington	32	3		19	1	95	27	6	128	16	1		1	68	29	18	40	2	161	647
West Virginia	55		3	39	5	50	48	2	69	84		21		36	16	42	79	14	266	815
Wisconsin	42	12	1	35	1	75	46	1	184	24	3	3	1	13	47	1	62	6	463	1,019
Wyoming	13	1		17		3				11	4	1	1	6	4		12		139	259
Alaska	3					3						1		1			5			13
Hawaii	6	1		3		7			26								4		10	57
Puerto Rico	31			36		8								3	1		79		6	164
Philippines			1																	1
Total	3,624	625	85	2,294	434	5,070	1,955	380	8,242	2,939	88	190	33	4,285	1,453	6,163	3,677	912	15,355	57,804

I suggest, Mr. Speaker, that we start all over again and have a real merit bill, a real civil-service bill, so we shall know exactly what we are doing. According to Civil Service Commission statements 30 percent of the persons now employed will lose their positions, but the 70 percent that are taken in will go ahead of 1,000,000 people now on the civil-service registers awaiting appointment. I maintain, Mr. Speaker, that this conference report should be defeated; that we should bring in a real bill. I will go along 100 percent for a bill requiring open competitive examinations for these positions. [Applause.]

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. Gladly.

Mr. AUGUST H. ANDRESEN. Did I understand the gentlewoman to say that there are now over 1,000,000 employees under civil service?

Mrs. ROGERS of Massachusetts. There are now 1,000,000 people on the civil-service registers eligible to be employed, waiting to be employed, who have not been appointed. If this bill is passed, these people will be put behind. In other words, the people now to be blanketed in will have precedence in the matter of reemployment over the eligibles now on the civil-service register.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. ROBSION of Kentucky. And that notwithstanding the fact that these 1,000,000 people have taken open competitive examinations?

Mrs. ROGERS of Massachusetts. Notwithstanding the fact that they have taken open competitive examinations and that many of them have passed with ratings of 98 and 99 percent. These people to be taken in under this bill have to make only a passing grade, and 70 percent of them will be placed ahead of the others in the matter of reemployment. Clearly, it seems to me, this is a great injustice. [Applause.]

Mr. GIFFORD. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. GIFFORD. Is it more difficult for the Democrats to pass a noncompetitive examination?

Mrs. ROGERS of Massachusetts. I leave that to the gentleman's judgment and to the judgment of the House. They know very well, I think.

Mr. GIFFORD. Is not this a perfect acknowledgment that it is difficult for them to pass an open competitive examination?

Mrs. ROGERS of Massachusetts. Yes; it surely is.

Mr. GIFFORD. In order for them to be placed it has to be by way of a noncompetitive examination.

Mrs. ROGERS of Massachusetts. In order for them to be placed it would have to be done noncompetitively, and 30 percent will fail, even so.

Mr. GIFFORD. We understand what they are trying to do.

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. TREADWAY. Will the gentleman yield?

Mr. REES of Kansas. For a very brief question. My time is extremely short.

Mr. TREADWAY. I wanted to ask the gentlewoman from Massachusetts [Mrs. ROGERS] whether she considered that the

adoption of this bill is a drawback to the civil service as we know it to be for the benefit of the employees of the Federal Government.

Mr. REES of Kansas. I think so. That is my opinion.

Mr. Speaker, this is not a political question at all. It is a most important piece of legislation, and I regret very deeply that not more consideration is being given to this problem. Let me say that the substitute for the Nichols amendment just nullifies the Nichols amendment whether you agree with that amendment or not. In my opinion the committee has violated the instructions given to it by the House. Of course, that is only my own personal opinion.

The committee had some difficulty about the question of photographs. The Civil Service Commission on the 9th of October, just 2 days after this legislation was before us a month ago, addressed a letter to a member of the Senate conference committee wherein it said in substance that "from now on, after all these years, we have decided not to require photographs of applicants for positions." Why it did that at just that particular moment I do not know, or why the Commission took a hand in the matter at that particular time I do not know. It has not been explained to me up to this moment. The civil service is supposed to be nonpolitical, and the Commission should, I think, keep its hands off of anything political.

Mr. COX. That is a rather violent supposition, is it not?

Mr. REES of Kansas. The gentleman has his own views on that, but they might be worthy of your consideration.

Mr. Speaker, I am in favor of open competitive civil-service examinations, and have been all the way along the line because that is the democratic way of doing things. It goes without saying that if you agree to the conference report this afternoon you are going to permit the blanketing in of somewhere between two and three hundred thousand politically appointed employees. They will get their jobs without taking any examination except the provision that they make 70 percent by competing against themselves, in which event they can hold those jobs. It is admitted that probably 25 percent will fail in those examinations. It was admitted in the hearings that probably 50 percent would fail if they took competitive examinations. It seems to me it is manifestly unfair to some 800,000 persons who are now on the registers and who have taken examinations to say to them, "You stand by; you have no chance and no right to these particular jobs so long as these folks want to hold them." I think that is not the democratic way of doing things.

Furthermore, we have been told time and time again that there are about 4,000,000 persons who have graduated from high schools and colleges who do not have permanent jobs. In this legislation you say to those persons, "You do not have a chance to compete for these jobs just so long as these persons want to hold them, provided they can pass this noncompetitive examination with a rating of not less than 70 percent." You are not only doing that but you are giving these people all the rights and benefits of those persons who obtained their jobs by competitive civil service examinations. This legislation is unfair to those who are now holding positions as a result of competitive examinations. I am not saying that those folks who have these jobs now are not competent. Maybe they are. But they should be willing to compete with those who also have a right to compete on a fair competitive basis. In this legislation you are putting the stamp of approval on them and saying to them, "Because you happened to get your job by political influence, you can keep it as long as you want to."

Of course, the mistake was made when these jobs were created. Congress deliberately at that time left them out of the civil service, which was a mistake. We are admitting that now, and are endeavoring to correct that mistake by freezing them into those jobs by this method.

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. REES of Kansas. Mr. Speaker, in all fairness this bill should go back to the committee. We should bring in a competitive civil service measure. Our committee had that kind of a bill before it at one time, H. R. 2700, but this bill was never voted on by the committee. We held hearings on it but that is all. Then out of a clear sky came this H. R. 960 for the consideration of our committee.

Let me say again this is not a political matter. I appeal to your fair common sense. Let us turn this thing down and send it back to the committee, giving that committee a chance to bring out a competitive examination bill.

A number of organizations, prominent and influential ones, are named as being in favor of this bill. These same groups, you will find if you examine the hearings, were also in favor of competitive examinations. They went on record in favor of H. R. 2700, a bill by the distinguished chairman. I assume that they endorse this measure on the ground that we may not be able to get anything better. I believe we can. I believe we can work out a real civil-service competitive-merit system if we have a mind to do it. We can if we will.

In view of the ever-increasing number of employees on the pay rolls of this country, and the increased expense attached thereto, the people are entitled to the most efficient service. The competitive-merit system is the way to do it. This is not the Democratic way of doing things. Let us not freeze these 300,000 persons into these jobs. Let us not be partial. Why not give others who have also qualified themselves a chance to compete for these positions. It is the fair way to do it.

Mr. RAMSPECK. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, in the first place I want to complain a little about getting the very generous allotment of 5 minutes from my distinguished friend from Georgia to discuss this important matter.

Mr. COX. Does the gentleman think that is more than necessary? Does not the gentleman think he will not need that much?

Mr. NICHOLS. I hardly think so.

Mr. COX. Has not the gentleman confidence that this House will repeat what it did sometime ago? That is, assume to instruct its conferees?

Mr. NICHOLS. I think this House will stand on the proposition that when it instructs conferees and they then pay no attention to the instructions, it will instruct them again.

Did the conferees receive instructions from this House? The gentleman from Georgia [Mr. RAMSPECK] said he believes the conferees did not violate the instructions of this House because all we instructed them to do was not to agree to amendment No. 9. Do you know what amendment No. 9 was? Amendment No. 9 struck out the Nichols amendment. The House said to the conferees, "Do not agree to striking out the Nichols amendment." Now, Bob comes in and says, "I do not believe we violated the instructions of the House." Of course, the only instruction of the House was to compel agreement to the Nichols amendment.

I have in my hand a chart. This chart was compiled after individual letters, copies of which I hold here, had been directed to the various departments of the Government which would transfer employees under the provisions of the Ramspeck bill into the civil service. If the Civil Service Commission were to play fair on the quota system, they would have taken into account in making these transfers those States which were already overquotaed, but they did not do it. They went right straight across the board finally on the basis of population. That is what they should have been doing under law all the time, but now they wait until 21 States in the United States are overquotaed and then they go back to population.

In this column they set out the population of the State. Then they figure, based on the population, the number of employees in the Government who should be under civil service. Then down here comes the total. The District of Columbia is already 4,000 percent over its quota, but under this transfer the District of Columbia gets 1,743 additional over its quota. The State of New York, which is already over its quota, gets 4,199 in addition to what it has now over its quota.

How in the name of common sense Members of this House who are from the 26 States in the United States that are underquotaed can face their constituency unless we vote down

this conference report is more than I can understand. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this conference report provides that all those in certain agencies who have come into the Government service without a civil service examination shall be blanketed into the civil service with a noncompetitive examination, not a competitive examination. This means that by attaining the level of 70 percent they are regular employees under the civil service of the United States and hold their positions regardless of whether or not someone else has passed a civil service examination with a grade of 100 percent. This operation means that we lower the level of the civil service of the United States and place in it men and women who are not as competent as those who take and pass the regular competitive civil-service examination.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Kansas.

Mr. REES of Kansas. And we are saying to about 800,000 persons who have already passed such examinations that they have no chance to take these examinations, although their names are on the register and they have grades all the way from 70 to 100 percent.

Mr. TABER. We are saying that any of them who have high grades have no chance as against those already in who are able to pass with a grade of 70 percent. I do not like this kind of proposition. I believe it is the duty and the responsibility of the Congress to try to build up the caliber of the civil service of the United States rather than tear it down. I hope this conference report will be rejected. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MOSER].

Mr. MOSER. Mr. Speaker, living in a democracy, as we do, and having so recently returned from the mandate of the people in a general election, we still have done nothing with respect to dealing with the bureaucracy that acts as an autocracy under our form of democratic government.

I say this because on Saturday evening at 5:30, and again at 6:30, Walter Compton was on the air broadcasting that Congress was ready to adjourn; that the Walter-Logan bill was to be defeated and allowed to go by the boards; that the President was quoted as being opposed to legislation of this type and would veto it; and that the only thing remaining for Congress to do was to pass the Ramspeck civil-service bill. There we have the example of brazen effrontery and unmitigated impudence that the bureaucrats of Washington do not want the Walter-Logan bill which, having so overwhelmingly passed this House, now rests in another body unacted upon because it gives to people who are aggrieved by the regulations set up by bureaucrats the right to go before their courts of justice for redress of their grievances. They, who have no mandate of the people of this Nation, but in smug complacency of Federal employment, are banded together and undertake to say that the Walter-Logan bill shall not be passed; undertaking to appal Congress with the threat of Executive veto. Pretty sure of their ground, it would appear. We, as Members of Congress, are all cognizant that our acts are subject to court review and appeal, but in complacency to bureaucracy, by their threat on one hand and sycophancy in other directions, would obstruct legislation subjecting their rules and regulations to the same court review and appeal.

In the smugness of their conceit they would have us pass the bill H. R. 960, frequently classified as the Ramspeck bill, for the classified civil-service protection in the perpetuation and extension of this bureaucracy it recognizes, despite its illicit creation, and establishing and extends under the guise of the misnomer of "extending the merit system," but adjourn and return home without enacting the Walter-Logan bill into law because it obstructs and retards their unwarranted arrogation of authority.

On the other hand, to operate the system of bureaucracy that has sprung up under our Government and against which I have continuously inveighed, we would, by the enactment of this legislation, bar hundreds of thousands of people known to Members of this body who have qualified under the Civil Service Act of 1883, by competitive examinations and are on the eligible registers awaiting appointment with various grades of qualification up to perfect, because someone by devious methods has got the Government into a position by which we are about to freeze them in their positions if we accept this legislation.

I have been an advocate of an open, competitive civil-service examination from the time I first qualified in my earliest examinations in my youth, and I still stick to that principle of civil service and would support it overwhelmingly, but let me remind you that to the District of Columbia have come people from the four corners of the earth, including people who have come from foreign countries, and it remains under the provisions of this conference report as it has been read to you as a substitution for the Nichols amendment, a declaration of those people as to what State they may say they come from, regardless of how long since they have forsaken it or how long since they have turned their backs upon it. Why, I know there is a man in one of the departments from Baltimore who had lost his rights in Baltimore and was subpenaed to appear before a court with records in West Virginia and there took records from a department of the Government and stayed at that point for several days and established a voting residence in West Virginia, and you have recent intelligence that the voting population in certain sections of West Virginia exceeds the census figures. There has been an inquiry on the part of the Senate Campaign Investigation Committee into this matter, but that is the way these nearby States and communities have been imposed upon by the people who are in the District and are illegally charged to States when they established their quota ratio.

I asked the distinguished chairman of our committee whether he had any evidence as to how far out of proportion the Apportionment Act had gone during the World War period that the Civil Service Commission uses as an excuse for not having enforced the apportionment provision since that war, and he has not that information. But when the bill was before our committee the statistics that were furnished to the Committee on the Civil Service showed that the District of Columbia was 47 times more than their quota. Now, all those people—and there are some from my State—are going to claim residence in Pennsylvania or in some other State, and I have evidence they have no legal status simply because at some particular time they sojourned there.

If the philosophy of this substitute for the Nichols amendment is accepted I sincerely hope that in the interest of a competitive system of civil service, in the interest of determining merit by open competition, which is the fair and the democratic way and the thing that was advocated from the time of Grover Cleveland up until this terrible mess was created—I say that in the interest of determining merit by open competition, we should stick to the law that is the law today and not lend ourselves or our support to a circumvention of existing law by the enactment of this bill, by approval of this conference report. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Speaker, I am very sure that this afternoon Members of this body, be they Democrats or Republicans or members of any other party, have the opportunity now, not later, to do what both major political parties have advocated not only in their platforms of the recent campaign, but in past years, and that is to extend and broaden the civil service of the United States Government.

I want to say also that we as Members of Congress know that the extension of civil service has come about through noncompetitive examinations, and I think that it is not in the best order for members of the opposition to stand here today and indicate that the procedure which we are following in

connection with the extension of civil service is different from that which has taken place under the administrations of the Republican Party. Let us put politics out of our thoughts on this subject, and I hope and believe many Republicans will vote for this conference report.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Kansas.

Mr. REES of Kansas. The gentleman does not contend that at any other time in our history we attempted to blanket into the civil service some 200,000 employees under this method?

Mr. RANDOLPH. I contend that the extension of the civil service has been done by noncompetitive examinations. The gentleman knows it is not practical to have competitive tests for this group of tried and capable Government workers.

Mr. REES of Kansas. But not in great numbers like in this instance?

Mr. RANDOLPH. It so happens, of course, that because of certain conditions in the country in 1932 we were faced with the responsibility of setting up certain agencies under this administration to deal with acute domestic problems and to alleviate certain suffering and unsatisfactory conditions which were not conducive to the national health and the welfare of our people. So to say that the number of persons involved changes the situation, as the gentleman from Kansas states, I believe is beside the point.

Members of the House, I feel that anyone who has served here 4, 6, or 8 years has come to the considered conclusion that he or she would be much better off and able to give much better attention to the legislative affairs of his or her district if they were not continually—and I use that word advisedly—continually harassed with problems of patronage. I believe the people very generally share that opinion throughout all sections of the country. A trained and loyal personnel is highly desirable in Government positions. I say that to the Members on the opposition side of the aisle, as well as to the Members of my own party. I believe the Members will be doing themselves a favor and they will be doing the people of the Nation a favor if here and now we continue, as both parties have asked that it be continued, the extension and broadening of the civil service of the United States.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. TREADWAY. The gentleman has twice referred to the extension and broadening of the civil service. That is what you are endeavoring to accomplish by passing this bill, is it not?

Mr. RANDOLPH. That is true.

Mr. TREADWAY. Will that extension and broadening of the civil service raise the standard of Government employment?

Mr. RANDOLPH. I think that those men and women who have had experience in the positions would naturally be well qualified and capable of carrying on the work which they will be called upon to do.

Mr. TREADWAY. May I ask whether there would be any difference in that if they had not qualified originally as well as those who are not now filling the positions? Why not give those who can qualify better than those who are occupying the positions an opportunity to take those places?

Mr. RANDOLPH. We do not believe that they can better qualify. This compromise bill is certainly a step forward in our continuing fight for the merit system.

Mr. TREADWAY. They have under the civil-service rules.

Mr. RANDOLPH. Now, in conclusion, I desire to say that this bill passed the House and passed the Senate and then went to conference. The conference report was adopted by the Senate and then failed in the House. The bill then went to conference again. Today it has passed the Senate of the United States with not an opposing vote. Republicans as well as Democrats in that body joined in unanimous approval. I trust that in just a few minutes, regardless of party, the Members of this House will realize their obligation to a better civil-service system for the United States. Let us remove also the burden which does not properly belong to the men or women who are to legislate in this forum.

Mr. REES of Kansas. Will the gentleman yield?

Mr. RANDOLPH. Yes; I yield.

Mr. REES of Kansas. The gentleman does not contend that because the other body passed this bill we should pass it, does he?

Mr. RANDOLPH. I have just stated the facts. Let us go forward with this merit program. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman is recognized for 18½ minutes.

Mr. RAMSPECK. I do not expect to use the entire time, but I do want to answer some of the criticisms that have been made about this conference report.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. MURDOCK of Arizona. It is the purpose of this legislation to improve the civil service of the United States, is it not?

Mr. RAMSPECK. Yes; that is the purpose.

Mr. MURDOCK of Arizona. Admitted that there are some present employees who may be poorly or inadequately trained, would a noncompetitive examination in your judgment reach them and eliminate them, according to this bill?

Mr. RAMSPECK. I am quite sure it will and the experience of the Commission is that some 20 percent are eliminated in that way.

Mr. MURDOCK of Arizona. In regard to the alternative proposal of competitive examinations, of which the opponents of the bill have spoken, would that plan be an impossibility or would it be a very heavy undertaking now to put such a program into effect?

Mr. RAMSPECK. The cost of it would be from six to eight million dollars. It would disrupt the services of the various agencies covered, because many people just out of college would be able to pass a better examination than those people, but at the same time they would lack the experience that those people have acquired in actually performing the job. Still they could probably make a higher grade and therefore they would get the jobs and these people would lose out on a competitive examination.

Mr. MURDOCK of Arizona. The argument given by the gentleman from Georgia appears to me to be sound.

Mr. RAMSPECK. I thank the gentleman.

Now, I want to talk to my friends on the Republican side of the House. I know there are some of you over there who believe in civil service, and I know that most of you realize that in matters of legislation we have to make compromises. Before November 5 I can understand why a great many of you would vote against this bill, because you had aroused in your hearts the hope that you might take over these agencies and fill the positions through a Republican administration. But for 4 years now these jobs, if the conference report is rejected, are safe to Democrats. Are you not willing, and is it not in the interest of good government, to bring those people under civil service now in the face of this new administration, and is it not an answer to your proposal, I will say to the gentleman from Kansas [Mr. REES] and the gentlewoman from Massachusetts [Mrs. ROGERS], that we are discriminating against people on the eligible list? You know and I know and every Member of Congress knows that if you defeat this conference report, not a single one of the jobs that are affected by this bill will be opened up to competitive examination, and therefore nobody on the eligible lists that you have been shedding crocodile tears about will get a chance to get one of these jobs. But if you pass this conference report, 20 percent of the jobs will be opened up to the people in the underquota States who are now on the eligible lists; and, therefore, you will have a chance to do something for your Republican friends who are on those lists.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. VORYS of Ohio. The gentleman said if this bill passed that for 4 years all these jobs would go to Democrats.

Mr. RAMSPECK. No; I did not make that statement.

Mr. VORYS of Ohio. Yes; the gentleman did make that statement.

Mr. RAMSPECK. I said that if it did not pass they would certainly be held by Democrats for 4 years.

Mr. VORYS of Ohio. But the gentleman said that all these jobs for 4 years would be held by Democrats. Now, does the gentleman mean that if this bill is passed as a pretended civil-service measure it is going to be so manipulated that nobody but Democrats are going to get on?

Mr. RAMSPECK. Certainly not, and the gentleman from Ohio knows I did not mean any such thing as that.

Mr. VORYS of Ohio. But the gentleman just made that statement.

Mr. RAMSPECK. I am trying to bring out the facts. The gentleman is playing politics with the question.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes; I yield to the gentleman from Kansas.

Mr. REES of Kansas. I think the inference was, or at least we were given to understand, that the persons who had these jobs would keep them whether we passed this bill or not.

Mr. RAMSPECK. No; I did not leave any such inference. I said if you did not pass it, of course they would keep the jobs.

Mr. REES of Kansas. Another thing. I think the gentleman from Georgia wants to be fair about this thing.

Mr. RAMSPECK. Certainly.

Mr. REES of Kansas. I assume he does. I do not think we ought to pass this bill on that basis at all. I think the Members of the House, as suggested on this side of the aisle, believe in the civil service, but they want a fair, competitive, honest merit system. That is what we are asking for.

Mr. RAMSPECK. Mr. Speaker, I do not yield further to the gentleman from Kansas. He has had his time.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentlewoman from Massachusetts if she has a question, but not to make an observation.

Mrs. ROGERS of Massachusetts. I believe the gentleman asked me a question, and I should like to answer it. I think the gentleman knows very well I have always favored open competitive examinations.

Mr. RAMSPECK. Yes; I understand the gentlewoman's position exactly, and I have answered her question.

You cannot get open competitive examinations at this time. All you can get is this conference report. It will give 20 percent of these jobs to open competition. Now, why can you not vote for 20 percent? As a distinguished Senator from Missouri once said in the Senate, "I would rather have a part of something than all of nothing." We have a compromise here that is fair. We have a compromise here that goes further than the Republicans ever went when they were in power. They did not require any examination, much less a competitive examination; they just wrote an order and blanketed them in without any examination whatever.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Mr. Speaker, I decline to yield further to the gentlewoman from Massachusetts.

The gentleman from Oklahoma talks about the photograph amendment. I have never tried to conceal from this House that the Commission was going to handle that question. Whenever a man has talked to me I have said that the Commission was going to handle it. It is out of the bill, it is not in the bill as it comes from the conference committee.

He talks to you about people getting jobs under the bill. The jobs are already filled. The only chance for anybody else to get any of them is when the present incumbents fail in a noncompetitive examination, and the statistics of the Civil Service Commission show that 20 percent of them probably will fail. Then the underquota States are going to get them. But if you were to adopt the Nichols amendment, not a job would be taken from an overquota State, for it would freeze them in, and therefore the underquota States would suffer.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield for a question?

Mr. RAMSPECK. I yield.

Mr. NICHOLS. What guarantee do we have that even if 20 percent of them failed the jobs would be filled from the underquota States? What is the guarantee of that?

Mr. RAMSPECK. The guarantee of it is written into the law, I will say to the gentleman. If the gentleman knew anything about the civil service, he would understand it; but he does not know and he does not care. The gentleman told me the last time this bill was up that he would not vote for it even if I would let him write it; and I think he will admit that. Is not that true?

Mr. NICHOLS. Mr. Speaker, will the gentleman yield to me?

Mr. RAMSPECK. Is not that true? I yield to the gentleman to answer that question.

Mr. NICHOLS. Do I have to answer it the way the gentleman wants me to answer it before he will yield to me?

Mr. RAMSPECK. The gentleman must answer, "Yes" or "No." Did not the gentleman tell me that he would not vote for the bill even if I were to let him write it?

Mr. NICHOLS. And the gentleman wants me to answer, "Yes" before he yields?

Mr. RAMSPECK. No, I will yield if the gentleman answers "No."

Mr. NICHOLS. Then I answer "No." [Laughter.]

Mr. BARDEN of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield for a brief question, then I must conclude.

Mr. BARDEN of North Carolina. I wish the gentleman would make a positive statement in the RECORD that could be taken as a direction to some of the folks in the Civil Service Commission who apparently do not listen very much to the attitude of the Members, that in dealing with these underquota States they not increase their underquota status but that they call a halt on the States that are overquota until they fill the discrepancy of the States that are underquota.

Mr. RAMSPECK. All right, I understand the gentleman's proposal; that is exactly what they are doing.

Mr. BARDEN of North Carolina. But if the gentleman will yield——

Mr. RAMSPECK. Mr. Speaker, I cannot yield further to the gentleman; I have to conclude. I understand what the gentleman is talking about. The Civil Service Commission is certifying people every day from underquota States. The underquota States are gaining in positions day by day.

Mr. BARDEN of North Carolina. The gentleman will admit that North Carolina is going further behind day by day and has lost nearly a hundred in the last year.

Mr. RAMSPECK. It may be that in the last 6 months North Carolina has been entitled to a number of positions which have not been filled, but it has more jobs today than it had 6 months ago. I say that to the gentleman.

Mr. BARDEN of North Carolina. Of course, we have, and so has every other State.

Mr. RAMSPECK. Mr. Speaker, I do not yield further to the gentleman, because I cannot discuss the quota system all day long.

This bill has been before the Congress since January 3, 1939. It is a part of the President's reorganization program. The President wants this bill passed. It has the endorsement of the National League of Women Voters; the National Civil Service Reform League; the National Federation of Federal Employees; the American Federation of Government Employees; the National Council of Business and Professional Women; the National Council of Business Mail Users; the United Government Employees, Inc.; the National Junior Chamber of Commerce; the American Federation of Labor; the Congress of Industrial Organizations; the United Federal

Workers; all postal employees' organizations; and every organization of Federal employees that I know anything about in this country. I think it is a wise step to take. We have these people in the Federal service. They are denied any retirement, they cannot get social security, and they cannot get under the civil-service retirement law unless this bill is passed. This is probably the last day of the present session of Congress, and if this conference report is rejected now we will have no legislation. We will have to start all over again. I appeal to my friends on the Democratic side. We cannot get everything we would like to get in this bill. It is not exactly like I would have it, but I think it is a fair bill. It is an improvement over the Nichols amendment. It is an improvement over the bill as it passed the Senate. It will help the underquota States and it will give civil-service status to 150,000 employees, appointed largely during this administration, who ought to be provided with some security of employment and some security in their old age. I appeal to my Democratic friends to go down the line for this conference report. Your committee has done the best it could. We have brought you the best bill we could secure. We had to compromise on some things. I hope the conference report will be accepted and the matter settled.

Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. Mr. Speaker, I would like to inquire exactly the status of this conference report and how it is before the House. I mean, what would the vote be to support the conference report and what would it be to reject the conference report?

The SPEAKER. A vote of "yea" is to adopt the conference report, and a vote of "nay" would be a vote to reject the conference report.

The question is on agreeing to the conference report.

Mr. RAMSPECK. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 206, nays 139, not voting 85, as follows:

[Roll No. 233]

YEAS—206

Alexander	Crosser	Hennings	Mills, Ark.
Andersen, H. Carl	Culkin	Hill	Mills, La.
Anderson, Calif.	Cummings	Hobbs	Mitchell
Anderson, Mo.	D'Alesandro	Hope	Monroney
Andresen, A. H.	Darden, Va.	Hull	Mouton
Arends	Delaney	Hunter	Murdock, Ariz.
Arnold	Dingell	Jacobsen	Norton
Barden, N. C.	Dirksen	Jeffries	Oliver
Barnes	Doughton	Johns	O'Neal
Barry	Doxey	Johnson, Luther A.	Parsons
Beam	Drewry	Johnson, Okla.	Patman
Beckworth	Duncan	Johnson, W. Va.	Patrick
Blackney	Dunn	Jones, Tex.	Pearson
Boehne	Durham	Jonkman	Peterson, Fla.
Boland	Eberharter	Kean	Peterson, Ga.
Bonner	Ellis	Kee	Pfeifer
Boren	Ferguson	Keefe	Pittenger
Boykin	Fernandez	Keller	Poage
Bradley, Pa.	Fitzpatrick	Keily	Polk
Brown, Ga.	Flaherty	Kennedy, Md.	Powers
Bryson	Flannagan	Kerr	Ramspeck
Buck	Folger	Kilday	Randolph
Bulwinkle	Ford, Miss.	Kirwan	Reece, Tenn.
Burch	Ford, Thomas F.	Kitchens	Richards
Burgin	Fries	Kocialkowski	Robertson
Byrne, N. Y.	Fulmer	Kunkel	Robinson, Utah
Byron	Garrett	Lanham	Rogers, Okla.
Caldwell	Gathings	Lewis, Colo.	Romjue
Camp	Gearhart	Ludlow	Routzohn
Carter	Gehrmann	McCormack	Sacks
Cartwright	Gerlach	McKeough	Sandager
Case, S. Dak.	Geyer, Calif.	McLeod	Sasscer
Casey, Mass.	Gore	McMillan, Clara	Satterfield
Celler	Gossett	McMillan, John L.	Schuetz
Chapman	Grant, Ala.	Maas	Schulte
Church	Gregory	Maciejewski	Schwert
Clark	Griffith	Mahon	Scrugham
Clason	Hare	Maloney	Secrest
Claypool	Harrington	Marcantonio	Shafer, Mich.
Cochran	Hart	Martin, Ill.	Shanley
Cole, Md.	Hartley	Mason	Shannon
Connery	Havenner	Massingale	Sheppard
Cooley	Hawks	May	Sheridan
Cooper	Healey	Merritt	Smith, Conn.
Cravens	Hendricks	Miller	Smith, Maine
Smith, Va.	Sumners, Tex.	Voorhis, Calif.	Whittington
Smith, Wash.	Tarver	Vreeland	Williams, Mo.
Smith, W. Va.	Taylor	Walter	Woodrum, Va.
Spence	Terry	Ward	Youngdahl
Starnes, Ala.	Thomas, Tex.	Weatherford	Zimmerman
Stefan	Tolan	Weaver	
Sumner, Ill.	Vinson, Ga.	Whelchel	

NAYS—139

Allen, Ill.	Engel	Kennedy, Michael	Rockefeller
Andrews	Englebright	Kilburn	Rodgers, Pa.
Austin	Evans	Kinzer	Rogers, Mass.
Ball	Fay	Kleberg	Rutherford
Barton, N. Y.	Fenton	Kramer	Schiffler
Bates, Mass.	Fish	Lambertson	Seccombe
Bell	Gamble	Landis	Short
Bender	Gartner	LeCompte	Simpson
Bloom	Gavagan	Lesinski	Smith, Ohio
Bolles	Gifford	Lewis, Ohio	Somers, N. Y.
Bolton	Gillie	Lynch	Springer
Bradley, Mich.	Goodwin	McDowell	Stearns, N. H.
Brown, Ohio	Graham	McGehee	Sullivan
Buckley, N. Y.	Grant, Ind.	McGregor	Sutphin
Burdick	Gross	McLean	Sweet
Cannon, Mo.	Guyer, Kans.	Martin, Iowa	Taber
Carlson	Hall, Edwin A.	Martin, Mass.	Talle
Chiperfield	Hall, Leonard W.	Michener	Tenerowicz
Clevenger	Halleck	Monkiewicz	Thill
Cole, N. Y.	Hancock	Moser	Thomas, N. J.
Collins	Harness	Murray	Tinkham
Corbett	Harter, N. Y.	Nichols	Treadway
Cox	Hess	O'Brien	Van Zandt
Crowther	Hinshaw	Osmers	Vorys, Ohio
Cullen	Hoffman	O'Toole	Wadsworth
Curtis	Holmes	Pace	Wheat
Dickstein	Jarrettt	Pierce	White, Ohio
Disney	Jenkins, Ohio	Plumley	Wigglesworth
Ditter	Jenks, N. H.	Rabaut	Williams, Del.
Douglas	Jennings	Rankin	Winter
Eaton	Jensen	Reed, Ill.	Wolcott
Edelstein	Johnson, Ill.	Reed, N. Y.	Wolfenden, Pa.
Edmiston	Johnson, Ind.	Rees, Kans.	Wolverton, N. J.
Elliott	Jones, Ohio	Risk	Woodruff, Mich.
Elston	Kennedy, Martin	Robsion, Ky.	

NOT VOTING—85

Allen, La.	DeRouen	Lea	Ryan
Allen, Pa.	Dies	Leavy	Sabath
Angell	Dondero	Lemke	Schaefer, Ill.
Bates, Ky.	Dworshak	Luce	Schafer, Wis.
Bland	Faddis	McAndrews	Smith, Ill.
Brewster	Flannery	McArdle	Snyder
Brooks	Ford, Leland M.	McGranery	South
Buckler, Minn.	Gibbs	McLaughlin	Sparkman
Byrns, Tenn.	Gilchrist	Magnuson	Steagall
Cannon, Fla.	Green	Mansfield	Sweeney
Cluett	Gwynne	Marshall	Thomason
Coffee, Nebr.	Harter, Ohio	Mott	Thorkelson
Coffee, Wash.	Hook	Mundt	Tibbott
Colmer	Horton	Murdock, Utah	Vincent, Ky.
Costello	Houston	Myers	Wallgren
Courtney	Izac	Nelson	Welch
Crawford	Jarman	Norrell	West
Creal	Johnson, Lyndon	O'Connor	White, Idaho
Crowe	Kefauver	O'Day	Wood
Darrow	Keogh	O'Leary	
Davis	Knutson	Patton	
Dempsey	Larrabee	Rich	

So, the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Courtney (for) with Mr. Mott (against).
Mr. Kefauver (for) with Mr. Gilchrist (against).
Mr. Crawford (for) with Mr. Gwynne (against).

General pairs:

Mr. Crowe with Mr. Knutson.
Mr. Bland with Mr. Dondero.
Mr. Keogh with Mr. Cluett.
Mr. Lea with Mr. Welch.
Mr. West with Mr. Luce.
Mr. Steagall with Mr. Gilchrist.
Mr. Patton with Mr. Dworshak.
Mr. O'Leary with Mr. Horton.
Mr. Nelson with Mr. Allen of Pennsylvania.
Mr. Mansfield with Mr. Rich.
Mr. Bates of Kentucky with Mr. Angell.
Mr. Coffee of Nebraska with Mr. Tibbott.
Mr. McArdle with Mr. Leland M. Ford.
Mr. Dies with Mr. Brewster.
Mr. Faddis with Mr. Mundt.
Mr. Harter of Ohio with Mr. Darrow.
Mr. Dempsey with Mr. Marshall.
Mr. Jarman with Mr. Schafer of Wisconsin.
Mr. Larrabee with Mr. White of Ohio.
Mr. Vincent of Kentucky with Mr. Lemke.
Mr. South with Mr. Thorkelson.
Mr. Costello with Mr. Buckler of Minnesota.
Mr. Brooks with Mr. Colmer.
Mr. Coffee of Washington with Mr. Myers.
Mrs. O'Day with Mr. Allen of Louisiana.
Mr. Davis with Mr. Flannery.
Mrs. Gibbs with Mr. DeRouen.

Mr. Houston with Mr. Leavy.
Mr. Wallgren with Mr. Sparkman.
Mr. O'Connor with Mr. Norrell.
Mr. McLaughlin with Mr. Murdock of Utah.
Mr. Magnuson with Mr. Cannon of Florida.
Mr. Byrns of Tennessee with Mr. Schaefer of Illinois.
Mr. Green with Mr. Lyndon B. Johnson.
Mr. Thomason with Mr. Hook.
Mr. Wood with Mr. Sweeney.
Mr. Snyder with Mr. Smith of Illinois.
Mr. Sabath with Mr. Ryan.
Mr. McAndrews with Mr. McGranery.

The result of the vote was announced as above recorded.

On motion of Mr. RAMSPECK, a motion to reconsider was laid on the table.

RESOLUTION FOR ADJOURNMENT SINE DIE

Mr. McCORMACK. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution as follows:

HOUSE CONCURRENT RESOLUTION 93

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Tuesday, the 19th day of November 1940, and that when they adjourn on said date they stand adjourned sine die.

Mr. MARTIN of Massachusetts. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 191, answered "present" 7, not voting 84, as follows:

[Roll No. 234]

YEAS—148

Arnold	Doxey	Jones, Tex.	Patman
Barden, N. C.	Drewry	Keller	Patrick
Beam	Duncan	Kelly	Patton
Beckworth	Dunn	Kennedy, Martin	Pearson
Bell	Durham	Kennedy, Michael	Peterson, Ga.
Bloom	Edelstein	Kerr	Pfeifer
Boehne	Edmiston	Kilday	Pierce
Boland	Elliott	Kirwan	Poage
Bonner	Ellis	Kitchens	Polk
Boren	Fay	Kleberg	Rabaut
Boykin	Ferguson	Kocialkowski	Ramspeck
Brown, Ga.	Fernandez	Kramer	Richards
Bryson	Fitzpatrick	Lesinski	Robinson, Utah
Buckley, N. Y.	Flaherty	Lynch	Rogers, Okla.
Bulwinkle	Flannagan	McCormack	Romjue
Burch	Folger	McGehee	Sabath
Burgin	Ford, Miss.	McKeough	Sacks
Byrne, N. Y.	Ford, Thomas F.	McMillan, Clara	Schuetz
Byron	Fries	McMillan, John L.	Schwert
Caldwell	Fulmer	Maciejewski	Scrugham
Camp	Garrett	Mahon	Sheppard
Cannon, Mo.	Gathings	Maloney	Smith, W. Va.
Cartwright	Gavagan	Martin, Ill.	Somers, N. Y.
Casey, Mass.	Gore	Massingale	Spence
Celler	Gossett	May	Starnes, Ala.
Clark	Grant, Ala.	Mills, Ark.	Sullivan
Claypool	Gregory	Mills, La.	Tarver
Collins	Griffith	Mitchell	Tenerowicz
Connery	Hare	Monroney	Terry
Cooley	Harrington	Mouton	Thomas, Tex.
Cooper	Hart	Murdock, Ariz.	Vinson, Ga.
Cullen	Havenner	Nichols	Ward
Cummings	Healey	Norton	Weatherford
Delaney	Hendricks	O'Neal	Weaver
Dickstein	Johnson, Luther A.	O'Toole	Whittington
Dingell	Johnson, Okla.	Pace	Williams, Mo.
Doughton	Johnson, W. Va.	Parsons	Zimmerman

NAYS—191

Alexander	Chiperfield	Gamble	Hull
Allen, Ill.	Church	Gartner	Hunter
Andersen, H. Carl	Clason	Gearhart	Jacobsen
Anderson, Calif.	Clevenger	Gehrmann	Jarrett
Anderson, Mo.	Cochran	Gerlach	Jeffries
Andresen, A. H.	Cole, Md.	Gifford	Jenkins, Ohio
Andrews	Cole, N. Y.	Gillie	Jenks, N. H.
Arends	Corbett	Goodwin	Jennings
Austin	Cox	Graham	Jensen
Ball	Cravens	Grant, Ind.	Johns
Barnes	Crosser	Gross	Johnson, Ill.
Barton, N. Y.	Crowther	Hall, Edwin A.	Johnson, Ind.
Bates, Mass.	Curtis	Hall, Leonard W.	Jones, Ohio
Bender	D'Alesandro	Halleck	Jonkman
Blackney	Darden, Va.	Hancock	Kean
Bolles	Dirksen	Harness	Kee
Bolton	Ditter	Harter, N. Y.	Keefe
Bradley, Mich.	Douglas	Hartley	Kennedy, Md.
Bradley, Pa.	Eaton	Hawks	Kilburn
Brown, Ohio	Eberharter	Hennings	Kinzer
Buck	Elston	Hess	Kunkel
Burdick	Engel	Hill	Lambertson
Carlson	Englebright	Hinshaw	Landis
Carter	Evans	Hoffman	Lanham
Case, S. Dak.	Fenton	Holmes	LeCompte
Chapman	Fish	Hope	Lewis, Colo.
Lewis, Ohio	Powers	Shanley	Tibbott
Ludlow	Randolph	Shannon	Tinkham
McDowell	Reece, Tenn.	Sheridan	Tolan
McGregor	Reed, Ill.	Short	Treadway
McLean	Reed, N. Y.	Simpson	Van Zandt
McLeod	Rees, Kans.	Smith, Conn.	Vorys, Ohio
Maas	Risk	Smith, Maine	Vreeland
Marcantonio	Robertson	Smith, Ohio	Wadsworth
Martin, Iowa	Robsion, Ky.	Smith, Va.	Walter
Martin, Mass.	Rockefeller	Smith, Wash.	Wheat
Mason	Rodgers, Pa.	Springer	Whelchel
Merritt	Rogers, Mass.	Stearns, N. H.	White, Ohio
Michener	Routzohn	Stefan	Wigglesworth
Miller	Rutherford	Sumner, Ill.	Williams, Del.
Monkiewicz	Sandager	Sumners, Tex.	Winter
Moser	Sasscer	Sutphin	Wolcott
Murray	Satterfield	Sweet	Wolfenden, Pa.
O'Brien	Schiffler	Taber	Wolverton, N. J.
Oliver	Schulte	Talle	Woodruff, Mich.
Osmers	Seccombe	Taylor	Woodrum, Va.
Pittenger	Secrest	Thill	Youngdahl
Plumley	Shafer, Mich.	Thomas, N. J.	

ANSWERED "PRESENT"—7

Barry	Disney	Peterson, Fla.	Voorhis, Calif.
Culkin	Guyer, Kans.	Rankin	

NOT VOTING—84

Allen, La.	Dempsey	Kefauver	O'Connor
Allen, Pa.	DeRouen	Keogh	O'Day
Angell	Dies	Knutson	O'Leary
Bates, Ky.	Dondero	Larrabee	Rich
Bland	Dworshak	Lea	Ryan
Brewster	Faddis	Leavy	Schaefer, Ill.
Brooks	Flannery	Lemke	Schafer, Wis.
Buckler, Minn.	Ford, Leland M.	Luce	Smith, Ill.
Byrns, Tenn.	Geyer, Calif.	McAndrews	Snyder
Cannon, Fla.	Gibbs	McArdle	South
Cluett	Gilchrist	McGranery	Sparkman
Coffee, Nebr.	Green	McLaughlin	Steagall
Coffee, Wash.	Gwynne	Magnuson	Sweeney
Colmer	Harter, Ohio	Mansfield	Thomason
Costello	Hobbs	Marshall	Thorkelson
Courtney	Hook	Mott	Vincent, Ky.
Crawford	Horton	Mundt	Wallgren
Creal	Houston	Murdock, Utah	Welch
Crowe	Izac	Myers	West
Darrow	Jarman	Nelson	White, Idaho
Davis	Johnson, Lyndon	Norrell	Wood

So, the concurrent resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. West (for) with Mr. Rankin (against).
Mr. Creal (for) with Mr. Guyer of Kansas (against).
Mr. Mansfield (for) with Mr. Culkin (against).
Mr. Larrabee (for) with Mr. Voorhis of California (against).
Mr. Flannery (for) with Mr. Peterson of Florida (against).
Mr. Kefauver (for) with Mr. Disney (against).
Mr. McGranery (for) with Mr. Barry (against).
Mr. Dempsey (for) with Mr. Rich (against).
Mr. Crowe (for) with Mr. Knutson (against).
Mr. Lyndon B. Johnson (for) with Mr. Crawford (against).
Mr. Colmer (for) with Mr. Byrns of Tennessee (against).
Mr. Coffee of Washington (for) with Mr. Brewster (against).
Mr. Steagall (for) with Mr. Mundt (against).
Mr. White of Idaho (for) with Mr. Cluett (against).
Mr. Magnuson (for) with Mr. Mott (against).
Mr. Sparkman (for) with Mr. Gwynne (against).
Mr. O'Leary (for) with Mr. Schafer of Wisconsin (against).
Mr. Geyer of California (for) with Mr. Gilchrist (against).
Mr. Hobbs (for) with Mr. Dondero (against).
Mr. Courtney (for) with Mr. Angell (against).
Mr. McAndrews (for) with Mr. Darrow (against).

General pairs:

Mr. Bland with Mr. Leland M. Ford.
Mr. Coffee of Nebraska with Mr. Luce.
Mr. Dies with Mr. Welch.
Mr. Jarman with Mr. Dworshak.
Mr. Vincent of Kentucky with Mr. Horton.
Mr. South with Mr. Lemke.
Mr. Schaefer of Illinois with Mr. Marshall.
Mr. Nelson with Mr. Thorkelson.
Mr. McArdle with Mr. Buckler of Minnesota.
Mr. Cannon of Florida with Mr. Ryan.
Mr. Green with Mr. Sweeney.
Mr. Harter of Ohio with Mrs. Gibbs.
Mr. Costello with Mr. Murdock of Utah.
Mr. O'Connor with Mr. Faddis.
Mr. Snyder with Mr. Hook.
Mr. Izac with Mr. Davis.
Mr. Thomason with Mr. Brooks.
Mr. Myers with Mr. Norrell.
Mrs. O'Day with Mr. Smith of Illinois.
Mr. Wallgren with Mr. Lea.
Mr. Allen of Louisiana with Mr. Houston.
Mr. DeRouen with Mr. Leavy.
Mr. Wood with Mr. Bates of Kentucky.

Mr. CULKIN. Mr. Speaker, as announced, I have a pair with the gentleman from Texas, Mr. MANSFIELD. I voted "nay" on the roll call. I withdraw my vote and vote "present."

Mr. BARRY. Mr. Speaker, on this roll call I voted "nay." I have a pair with the gentleman from Pennsylvania, Mr. MCGRANERY, who, if he were present, would vote "yea." I therefore withdraw my vote and vote "present."

Mr. PETERSON of Florida. Mr. Speaker, I have a pair with the gentleman from Pennsylvania, Mr. FLANNERY. I voted "nay" on the roll call. I withdraw my vote and vote "present." The pair has been announced by the Clerk.

Mr. VOORHIS of California. Mr. Speaker, on this roll call I voted "nay." I have a pair with the gentleman from Indiana, Mr. LARRABEE. If he were present he would vote "yea." I therefore withdraw my vote and vote "present."

Mr. RANKIN. Mr. Speaker, on this roll call I voted "nay." I have a pair with the gentleman from Texas, Mr. WEST. If he were present he would vote "yea." I therefore withdraw my vote and vote "present."

Mr. GUYER of Kansas. Mr. Speaker, I have a pair with the gentleman from Kentucky, Mr. CREAL. If he were here, he would have voted "yea." I voted "nay." Therefore I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

MEDITERRANEAN FRUITFLY ERADICATION CAMPAIGN, FLORIDA

The SPEAKER laid before the House the following communication:

NOVEMBER 19, 1940.

Hon. SAM RAYBURN,
Speaker, House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Pursuant to authority contained in Senate Concurrent Resolution No. 40, relating to losses resulting from the Mediterranean fruitfly eradication campaign in Florida, I did, on November 19, 1940, appoint Hon. ROBERT RAMSPECK, of Georgia; Hon. J. PARNELL THOMAS, of New Jersey; and myself to serve on the special joint congressional committee created by said resolution.

Very truly yours,

AMBROSE J. KENNEDY, *Chairman.*

SELECT COMMITTEE INVESTIGATING INTERSTATE MIGRATION OF DESTITUTE CITIZENS

Mr. CONNERY. Mr. Speaker, from the Committee on Printing I report back favorably without amendment a privileged concurrent resolution authorizing the printing of additional copies of hearings held before the Select Committee of the House of Representatives Investigating the Interstate Migration of Destitute Citizens on interstate migration, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Concurrent Resolution 92

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Select Committee of the House of Representatives Investigating the Interstate Migration of Destitute Citizens be, and is hereby, authorized and empowered to have printed for its use 3,000 additional copies of its hearings held before said committee, pursuant to the resolution (H. Res. 63) entitled "A resolution to inquire into the interstate migration of destitute citizens to study, survey, and investigate the social and economic needs and the movement of indigent persons across State lines."

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by the Honorable James A. Farley.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BRYSON asked and was given permission to extend his own remarks in the RECORD.

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein articles by Frank Lee Donoghue on the antiespionage work of the F. B. I.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein an interview with the United States Ambassador to the Court of St. James and one or two clippings in relation thereto.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. VINSON of Georgia, indefinitely, on account of illness in his family.

To Mr. CLUETT, for 1 week, on account of illness.

To Mr. MCANDREWS (at the request of Mr. MACIEJEWSKI), for today, on account of illness.

To Mr. MYERS (at the request of Mr. BRADLEY of Pennsylvania), for today and the balance of the week, on account of illness of his father.

To Mr. MAY, indefinitely, on account of sickness in his family.

ADJOURNMENT

Mr. MCCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p. m.) the House adjourned until tomorrow, Wednesday, November 20, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2027. A letter from the Archivist of the United States, transmitting the First Annual Report of the Archivist of the United States on the Franklin D. Roosevelt Library, 1939–40; to the Committee on the Library.

2028. A letter from the Acting Secretary of State, transmitting recommendations for the simplification of numbering public and private laws (slip laws); to the Committee on Revision of the Laws.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KELLER: Committee on the Library. Senate Joint Resolution 253. Joint resolution providing for the celebration in 1945 of the one hundredth anniversary of the founding of the United States Naval Academy, Annapolis, Md.; without amendment (Rept. No. 3063). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee of conference on the disagreeing votes of the two Houses. H. R. 960. A bill extending the classified executive civil service of the United States; with amendment (Rept. No. 3064). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONNERY: Committee on Printing. House Concurrent Resolution 92. Concurrent resolution authorizing the Select Committee Investigating the Interstate Migration of Destitute Citizens to have printed for its use additional copies of its hearings on interstate migration; without amendment (Rept. No. 3065). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOFFMAN:

H. R. 10680. A bill to provide for the common defense, render more effective the Selective Training and Service Act of 1940, prevent profiteering, stabilize prices, raise revenue, minimize the increase in the public debt, insure a contribution from, and the participation of, all citizens in the national-defense program; to the Committee on Ways and Means.

By Mr. RANDOLPH:

H. R. 10681. A bill to provide for the licensing of stationary power engineers and boiler operators in certain generating electric power plants, to protect the national-defense program, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TENEROWICZ:

H. R. 10682. A bill to provide the equivalent of unemployment benefits for individuals inducted into the land and naval forces of the United States under the Selective Training and Service Act of 1940; to the Committee on Military Affairs.

By Mr. ROGERS of Oklahoma:

H. R. 10683. A bill for the acquisition of Indian lands for the Central Valley project, and for other purposes; to the Committee on Indian Affairs.

By Mr. COX:

H. R. 10684. A bill to define "area of production" as applied to cotton; to the Committee on Labor.

By Mr. BOYKIN:

H. R. 10685. A bill to amend the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. CROSSER:

H. R. 10686. A bill to extend the crediting of military service under the railroad retirement acts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALTER:

H. R. 10693. A bill providing for the limitation of payment of salaries of certain persons; to the Committee on the Judiciary.

By Mr. BARRY:

H. Res. 635. Resolution to provide for an investigation to determine the extent to which low-rent housing projects are occupied by persons who are members of the Communist Party, the German-American Bund, or certain other organizations; to the Committee on Rules.

H. Res. 636. Resolution providing for expenses of the select committee created by House Resolution 635; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 10687. A bill authorizing Robert C. Smith to accept a decoration from the Government of Portugal; to the Committee on Foreign Affairs.

By Mr. BURDICK:

H. R. 10688. A bill for the relief of certain persons whose furniture was damaged or lost while it was being moved under a Government contract; to the Committee on Claims.

By Mr. KENNEDY of Maryland:

H. R. 10689. A bill for the relief of David Stiefel; to the Committee on Claims.

By Mr. MACIEJEWSKI:

H. R. 10690. A bill for the relief of Adolf Leon and his wife Felicia; to the Committee on Immigration and Naturalization.

H. R. 10691. A bill for the relief of Jacques Hailpern, Max Hailpern, and Sally Hailpern Zaharia; to the Committee on Immigration and Naturalization.

By Mr. O'TOOLE:

H. R. 10692. A bill for the relief of Isaak Silberman and his wife Sara Pearl Pauline Silberman; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9382. By Mr. BOLLES: Petition of members of the police department of the city of Janesville, Wis., protesting against action favorable to passage of Senate bill No. 4269 and House bill No. 10384; to the Committee on Ways and Means.

9383. By Mr. MERRITT: Resolution of the town board of the town of Mt. Pleasant, Westchester County, N. Y., unanimously opposing the establishment of a publicly or privately owned airport in the town; to the Committee on Military Affairs.

9384. Also, resolution of the board of managers of the Sons of the Revolution of New York State, recommending that there be submitted to the people of the United States a constitutional amendment forbidding Presidential tenure of office for more than two elective terms of 4 years each; to the Committee on the Judiciary.

9385. By Mr. RISK: Memorial of the town council of the town of Jamestown, R. I., protesting against the proposed acquisition by the Government of the area known as Beavertail for military purposes; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES

WEDNESDAY, NOVEMBER 20, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and only Saviour, Oh love that passeth knowledge, on Thee we wait at the altar of prayer. Let us all feel the deeper currents of our natures and understand their meaning and aspirations, longing for Thy refreshing grace. Shed upon our path the glow of a day of promise, the softened light that beacons and cheers, quickening our devotion in the service of our country, looking unto Him who lived, walked, worked, and talked as a holy man. Heavenly Father, may we be all one in our democracy, taller in spirit and broader in mind, never forfeiting the finest ideals of life, even though rocks were melted into jewels, flowing like a golden river into our lives. We beseech Thee, O God, to free our land of the poison being injected into the arteries of our Republic. Let Christian brotherhood go deep into the throbbing centers of our city—centers where cross the crowded ways of life and Thine shall be the glory through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Crockett, its Chief Clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10543. An act to make the excess land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 658) entitled "An act for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little."

The message also announced that the Senate had adopted the following resolution:

Senate Resolution 332

Resolved, That the House of Representatives be notified of the election of Hon. WILLIAM H. KING, a Senator from the State of Utah, as President of the Senate pro tempore.

The message also announced that the Senate agrees to the amendment of the House No. 1 to the bill (S. 4370) entitled "An act authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties"; and that the Senate agrees to the amendment of the House No. 2 to said bill with an amendment as follows: At the end of the matter inserted by said House amendment insert the following: "The compensation of the Assistant Secretary of War shall be at the rate of $10,000 per annum."

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Friday next.

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, as I understand it, this is for the purpose of observing Thanksgiving Day tomorrow——

Mr. McCORMACK. I am going to follow this up with another unanimous consent request which may tend to negative the gentleman's observations.

Mr. PATMAN. Mr. Speaker, reserving the right to object, and I shall not object, but I wish to ask the majority leader if we cannot enter into some kind of agreement to have 3-day recesses as we had before.

Mr. McCORMACK. If this unanimous-consent request is granted, I intend to follow it with another unanimous-consent request that when the House adjourns on Friday next, it adjourn to meet the following Monday.

Mr. PATMAN. And then what does the gentleman contemplate on the following Monday?

Mr. McCORMACK. Beyond that I am unable to advise the gentleman at this time.

Mr. PATMAN. I wonder what the minority leader would say about 3-day recesses.

Mr. McCORMACK. I think the gentleman from Texas had better leave that in abeyance at the present time.

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, I shall not object to adjourning over Thursday for the President's Thanksgiving Day but I take this occasion to call the attention of the House to the fact that a year ago I introduced H. R. 7556 for the purpose of settling the Thanksgiving Day controversy and making the last Thursday in November of each year the public, legal holiday for Thanksgiving in the District of Columbia and places within the jurisdiction of the United States. There are 16 States—Nevada, South Dakota, Iowa, Kansas, Oklahoma, Arkansas, Tennessee, North Carolina, Pennsylvania, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, and Florida—that this year will observe the traditional last Thursday in November as Thanksgiving Day. A great many of these States are in the South and a great many of them are States which went Democratic in the recent election, so it is not a partisan question. It is a question which concerns the people of the country generally. Calendar makers have to make two sets of calendars according to the States in which they are to be used. College terms are upset. Family homecomings are uncertain. Federal workers observe one day—their neighbors observe another. A woman on the train the other day said in my hearing that Thanksgiving Day had lost its meaning and joy in her home because some members were free one day and some the other. Turkey growers write me that the earlier date costs them from 10 cents to a dollar a bird in less weight and uncertain marketing. The question should be faced and settled. Certainly there are other matters of importance, too, but in the absence of a settled program during the continuation of this session this resolution could be profitably considered and the question settled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ORDER OF BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday next it adjourn to meet the following Monday.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include the program of the Disabled American Veterans of the World War adopted at its twenty-first national convention.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. I also ask unanimous consent, Mr. Speaker, to extend my own remarks in the RECORD and to include therein an address by Hon. David E. Lilienthal.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BENDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BENDER. Mr. Speaker, I desire to correct an impression that might be created by several statements that were made on the floor of the House yesterday. One was made by my distinguished colleague and neighbor and friend the gentleman from Mississippi, in which he said:

> I know you real Republicans never want to see another political mugwump take over your party and try to run it.

After this statement the word "applause" is registered. Let it be recorded that the applause came from the new dealers and not from the Republicans. We Republicans are very proud of the fine candidate we had for President and the excellent campaign he made.

I also want to call attention to a statement of another distinguished new dealer—in fact, the assistant whip of the House on the majority side, who said:

> Every day this House remains in session is a vote of lack of confidence in our party leadership and an insult to the President of the United States.

I do not share that view, but I say that if the President of the United States cannot be more than a few hours away from Washington at times like these, we who are equally the people's representatives must remain on the job.

There is no logical argument that can possibly be raised in favor of an adjournment of Congress at this time. The desperate circumstances in which half of the world now finds itself must be uppermost in the minds of every American citizen. Whether we believe in a policy of isolation or intervention, there can be no doubt that Congress should be speedily available for any possible emergency. To adjourn in the midst of crises which are the most serious in the history of our generation is a statement that Congress is not necessary at times of the deepest international concern. I, for one, believe that the Congress of the United States should remain in continuous session not only now but throughout the entire existence of the European war. We must prove that we are ready to act swiftly and effectively at every moment. We cannot do this if we must be recalled at the whim of the Nation's Chief Executive from distant points. [Applause.]

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein certain editorial comment.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, before we adjourn, I ask unanimous consent to proceed for the 10 minutes which I did not get yesterday.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and insert a few reports from newspapers.

The SPEAKER. Is there objection?

There was no objection.

INAUGURAL CELEBRATION

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GROSS. Mr. Speaker, I observe from the morning newspapers that they have released an important official from the State Department in order to handle the inaugural jubilee. I hope they will not forget the war or forget the national emergency or sacrifice any of our foreign policy or procedure in this matter. A lot of people are asking about

the cost of the inauguration of the third-term President. I do not know what it is going to be, but I am wondering whether it would not be a fine thing for Chief Justice Hughes to come over to the Capitol and swear in the President and give that $100,000 or more that it will cost to the Red Cross and cut out the ballyhoo and glamour. [Applause.]

[Here the gavel fell.]

MUGWUMP

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHANNON. Mr. Speaker, in his speech yesterday the gentleman from Mississippi [Mr. RANKIN] took occasion to refer to a candidate whom he called a mugwump. I would like to have the gentleman tell us what a mugwump is.

Mr. RANKIN. Mr. Speaker, the voters have already told us that. There are so many definitions that are applicable that I would not want to burden the RECORD with them. At the same time I refer the gentleman from Missouri to an answer that came from Alabama sometime ago. If he will look at the RECORD, he will find a mugwump described as a bird that sits on a political fence with the "mug" on one side and the "wump" on the other. [Laughter and applause.]

EXTENSION OF REMARKS

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter by my colleague the gentleman from Minnesota [Mr. PITTENGER] to the President, and a letter from the President to the gentleman from Minnesota [Mr. PITTENGER] on the subject of the St. Lawrence seaway.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein certain excerpts and statistics on the farm program in Texas and the United States.

The SPEAKER. Is there objection?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein a short letter from one of my constituents.

The SPEAKER. Is there objection?

There was no objection.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein some excerpts from an editorial appearing in the Detroit News.

The SPEAKER. Is there objection?

There was no objection.

By unanimous consent, Mr. WOODRUFF of Michigan was granted permission to extend his own remarks in the RECORD.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks by including a statement made by my colleague the Honorable DANIEL A. REED, of New York.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent that I may address the House for 10 minutes following the address by the gentleman from Michigan [Mr. HOFFMAN].

The SPEAKER. Is there objection?

There was no objection.

VULTEE AIRCRAFT FACTORY STRIKE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I am sure all of us here, as well as the people of America generally, have been grieved in recent days to read of the strike at the Vultee Aircraft Factory in California. For almost a week airplane building, on a defense order, has been at a standstill there. We would not set ourselves up as arbiters of the right in the controversy which exists between that company and its employees, but we as elected Representatives of this Republic, as well as men and women throughout the land, are surely of the considered opinion that when a factory or a plant is engaged in the production of implements to go into the United States armament or rearmament program the differences between that company and its employees should be settled in conference and the necessary and vital production work should proceed. We need these planes—and labor, which has made great gains in the last few years has a responsibility to perform. I believe the discussions should go forward amicably of the points at issue without disruption of the plant operation itself.

I think this Congress, and those of us here who have been working for the best interests of organized and unorganized labor, should let those who precipitate such unwarranted procedure know that we look with strong disfavor on what is happening, not only at the Vultee plant but in several other factories throughout the United States. We must take steps to see it does not occur in other factories of the country. If these strikes do continue, we should take proper steps to see that such conditions are remedied by law if necessary. [Applause.]

[Here the gavel fell.]

Mr. HOFFMAN. Will the gentleman yield?

Mr. RANDOLPH. I am sorry, but my time has expired.

THE VOTE ON ADJOURNMENT

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATRICK. Mr. Speaker, just reviewing the vote on yesterday we saw that so many of our adjourners had already adjourned that it defeated adjournment. Now you Republican gentlemen and those of the Democrats who felt that we were safe in outvoting you, have my entire sympathy, but if you had just recorraled your forces and voted like you felt we should have been on our way home by now. Since we have decided to stay—I did not feel like sympathizing with you on yesterday, but after a night of good, sound sleep, and in the light of expressions of disappointment that have been made personally by so many of the antivoting adjourners who felt they would be safely outvoted, I say that since we are to stay here as a result of your action I am sure you have in mind a fine program, and since you have found work that is to be done we can now turn over many chips and do lots of stuff between now and real adjournment. Of course, we do not know what it is but we are only too glad to join in the labor. [Applause.]

[Here the gavel fell.]

INVESTMENT BANKERS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SABATH. Mr. Speaker and gentlemen, I have been informed that the investment bankers at their recent convention considered various matters pertaining to the subject of increasing their business and profits. No objection to that.

But since that time I have been receiving an ever-increasing number of letters from investment bankers and brokers urging the weakening of the Securities and Exchange Act under the pretense that it would permit small investors a greater opportunity to invest. The underlying purpose, I presume, is to give themselves and other stock manipulators the same leeway to rob the small investors that they enjoyed in 1927, 1928, and 1929. So the propaganda is on.

During the years mentioned, as the smaller investors still remember to their sorrow, the presses of the country were kept busy printing stock certificates that were not worth the cost of the paper upon which they were printed. These were shamelessly unloaded on the small investors who lost more than $20,000,000,000 of their life savings.

We all recall that for the purpose of bringing about discord among the Democrats the Republican press and the Republican publicists for the past several years—in fact ever

since Franklin D. Roosevelt entered the White House—filled the newspapers of the country with charges that the Democratic Members of this body were mere "rubber-stamp" Congressmen, all the time knowing in their heart of hearts that these statements were wholly untrue.

But if there ever were "rubber-stamp Congressmen," we now have them on the Republican side. Yet we do not see a word in the newspapers about the Willkie "rubber stamps" who have been fighting almost as a unit on legislation before the Congress, and who, only yesterday, voted as one against adjournment. I presume Mr. Willkie, their late Power Trust candidate on the Republican ticket, desired to prevent adjournment in the hope of forcing through Congress legislation that will weaken or emasculate the Securities Exchange Act. Either that, or, even though the election is over, he is still playing cheap politics.

I was amazed at the vote yesterday on adjournment, when about 40 Democrats unthinkingly played into the hands of these conniving Republicans at the expense of hundreds of thousands of dollars to the Government. I wonder whether some Members realize there was an election recently at which the American people again expressed their complete confidence, and properly so, in the President by giving him a popular majority of over 4,000,000 votes, this despite the expenditure of millions of dollars by Wall Street and the Power Trust to elect their mouthpiece, Mr. Willkie, to the Presidency.

If the American people had known, as I did, of his 15-year record as servant for the utility and power companies, and of his atrocious lobbying activities in Washington to defeat the purposes of the Holding Company Act, as well as other beneficial legislation, President Roosevelt's majority would have been doubled.

Mr. Willkie a few days ago had the audacity to state he would continue to fight for his policies. What, may I ask him, are his policies? Is one of them to hamstring the Securities and Exchange Act to enable him and his coterie to mulct the small American investor of the savings made possible by the Democratic administration, and thus to repeat the drubbing they gave them in 1929?

It is to be regretted that these bankers, brokers, and industrial czars fail to realize the great benefits that accrued to them by reason of the New Deal, and that they continue to bite the hand that has and is continuing to feed them. Why do not they look back and contemplate what their lot was in 1931, 1932, and 1933?

But, thanks to the common sense and good judgment of the American people, the uncountable misrepresentations and lies that have been uttered and printed in the past 5 or 6 years, and especially during the last campaign—such, for instance, as the alleged violation of the Constitution, dictatorship, and other false issues, all launched for the purpose of arousing fear and discord—have availed the Republicans absolutely nothing. And they will not, no matter how many times repeated, avail you on the other side, because never before in the history of our country are conditions as favorable and promising as today. A boom that will smash all records lies ahead for American industry. Increased production, increased business, increased net earnings, increased employment, increased wages, and increased social security for the underprivileged is the true story of the accomplishments of the 7-year Roosevelt administration. But you will never see it emphasized in the editorial columns of the Republican press.

We are gradually but surely increasing the national income, and I am satisfied that it will reach the ninety billion mark in 1941 under this administration. Under the last year of the Hoover maladministration the national income was but forty billion. And we are daily bringing about reemployment as never before.

Instead of reading in the financial sections of the Republican press, as in 1932, of bankruptcies, foreclosures, and failures, I note in this morning's Washington (D. C.) Post:

That even Tom Girdler, of the Republic Steel, the severest critic of the President and the New Deal, sees a real boom for 1941. The Republic Steel financial report for the first 6 months of 1940 shows a $6,000,000 greater profit than for the corresponding period of 1938.

That a $67,000,000 Federal home-loan bank issue is far oversold at a record interest rate of one-fifth of 1 percent.

That Johns-Manville voted an increase in dividend; also, that the "Pennsy" nets $22,718,397 in the first 9 months of this year, an increase of $7,947,854 over last year.

That the Atchison, Topeka & Santa Fe Railway Co. declared a dividend of $1 on its common stock.

That the Kennecott Copper Co. declared a special dividend.

That the directors of the International Business Machines Corporation declared a 5-percent capital-stock dividend and, in addition, a cash dividend of $1.50.

In today's New York Times—November 20—I see such headlines as these; and were it not that it would be an abuse of your time, I could cite you hundreds of similar ones—all, mind you, from today's papers:

Building in 1941 to hit 10-year peak.
Electrical goods volume up 15.8 to 51.4 percent.
Cotton moves up to season's peak.
Thirteen grocery chains report increases.

And here is a quick break-down of the net profits of some of America's leading businesses for the first 6 months of 1933—Hoover "old deal"—with the first 6 months of 1940—Roosevelt New Deal—which tell their own uncontradictable story:

	Net profits for first 6 months, 1933	Net profits for first 6 months, 1940	Percent increase
General Electric	$5,953,605	$25,871,572	334
United Fruit	5,073,000	9,379,000	85
Republic Steel Co	2,929,019	6,449,453	120
Atlantic Refining Co	1,002,000	5,266,000	425
Libby-Owens-Ford Glass	2,157,083	5,176,748	140
Caterpillar Tractor	470,765	3,509,514	646
American Brake Shoe & Foundry Co	241,486	1,266,636	425
Beech Nut Packing Co	744,487	1,461,018	96
Kimberly-Clark Corporation	311,511	1,373,651	340
Container Corporation of America	240,177	1,128,735	369
Hanna (M. A.) Co	394,909	1,104,307	179
Eaton Manufacturing Co	31,253	1,908,348	6,054
Borg-Warner Corporation	335,172	2,830,983	747
General Cigar	441,058	574,068	30

Mr. Speaker and gentlemen, instead of trying to harass and embarrass the administration and instilling fear in the minds of the people, would it not be more patriotic and statesmanlike for all frankly to point out the great progress that is being made in this country under President Roosevelt and the Democratic administration?

VETERANS' LEGISLATION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. Mr. Speaker, I was one of the Members who voted against adjournment yesterday. They tell us there is no legislation before Congress. I deny that statement.

There is pending before the Senate the bill (H. R. 9000), on which we in the Veterans' Committee worked for months to take care of the disabled dependents of World War veterans, many of whom died as a result of disabilities incurred in the World War. There are other reasons why we should not adjourn, but this one is sufficient; and I do not propose to vote to adjourn this Congress until that bill is brought out of the Senate committee and the Senate votes it up or votes it down. [Applause.]

We are drafting the youth of this land today. If we should be plunged into a war, are we going to say when the war is over and these young men come home to die, many of them without knowing their rights, without having an opportunity to make provision for their widows and orphans, that these widows and orphans shall be driven to the bread lines because the Congress of the United States refused to pass the necessary legislation? If we can put all these people on relief we can take care of the widows and orphans of those men who bared their breasts in the World War 23 years ago.

Mr. SABATH. Does the gentleman think that those who voted for adjournment yesterday would vote for his bill?

Mr. RANKIN. Yes; certainly, they did do it.

Mr. SABATH. Why did not the gentleman vote for it?

Mr. RANKIN. I did vote for it; the measure passed the House unanimously—there was not a dissenting vote. Of course, I voted for it; I am the author of it and am chairman of the committee that reported it, and I do not propose to vote for a final adjournment of this Congress until it is disposed of one way or the other.

The SPEAKER. Under the previous order of the House the gentleman from Michigan [Mr. HOFFMAN], is recognized for 10 minutes.

RACKETEERING WITHOUT ADMINISTRATION DISAPPROVAL

Mr. HOFFMAN. Mr. Speaker, this morning's press carries the information that yesterday the President, asked to comment upon the adjournment of Congress, stated in substance that he had no further legislative program to submit to us.

From this statement we may draw the conclusion that the President is now satisfied that there is nothing more that the Congress can do to aid in national defense, to assist in solving our domestic problems, or in meeting the emergency which he declared to exist because of the World War.

The election is over. For 2 years at least we may lay aside purely partisan political discussion. We may now, without being subjected to the charge that our motives are partisan, our aims political, venture to point out where in the administration's program is incomplete, offers no safeguard against a prophesied and anticipated danger, and to suggest corrective measures.

We voted yesterday against sine die adjournment. Notwithstanding the statement of the President that he knows of no further legislation which needs our consideration at this time, notwithstanding the statement of the House leadership that it has no program of legislation to offer, there is corrective legislation which should be adopted.

Mr. BENDER. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. BENDER. Permit me to call the attention of the House and of the gentleman from Michigan to the fact that the President last May said there was no occasion for Congress to remain in session, yet we found ourselves woefully lacking in defense machinery and since then voted about $14,000,000,000 for defense purposes.

Mr. HOFFMAN. That is not the first nor the only time the President has found himself in need of appropriations from Congress. After all, Congress has at times been a convenience to the President, a sort of, at times, useful appendage, to be used when money was needed.

Permit me to call the attention of the House—which has refused to adjourn and which intends to remain here, I understand, until the beginning of the year—to the fact that there is plenty for us to do. There is much unfinished and necessary business confronting us. As the gentleman from Mississippi [Mr. RANKIN] just stated, there is veterans' legislation pending before another body that has not been disposed of. The gentleman from West Virginia [Mr. RANDOLPH] has referred to a situation which we should not permit to pass unnoticed, and to which it is my purpose to direct my remarks. There is no reason why we should continue to permit this unlawful procedure to exist. I wish that the gentleman from West Virginia [Mr. RANDOLPH], a member of the Labor Committee, would bring the situation before that committee, because, after all, the Democratic Party is responsible now for the things that are being done. It is responsible for the failure to provide the remedy. It is up to the Democrats, the party in control, to bring out proper legislation, because they throw all our proposed legislation into the wastebasket.

Laying aside domestic problems, let us consider the immediate situation which confronts us. The country and this Congress have been told by this administration that our institutions, our Government, our very existence, were being threatened by foreign invasion.

Whipped to hysteria by the spokesmen of the administration, the country demanded, and the Congress appropriated, billions of dollars for national defense. The Congress passed and the President signed in peacetime a conscription bill which will place at his disposal an army of more than a million men.

The President having given us to understand that he had nothing more for the Congress to do, we, as Representatives of the people, should now once more assume the duties which the Constitution lays upon us, perform the service for which our constituents elect and pay us.

Notwithstanding the grants of unlimited power and the appropriation of billions of dollars for national defense, the sad fact remains that boring from within are forces which will utterly destroy the effectiveness of all of our efforts unless this Congress takes action.

The President and the Democratic Party at the election on November 5 were charged with the protection of our country during the next 4 years. Upon the shoulders of this administration, upon the Democratic Party, rests the grave responsibility of seeing to it not only that we are protected from all foreign danger but that the money of the taxpayers is wisely and economically spent; that the liberties guaranteed us by our Constitution are not, under the guise of preparedness, taken from our people.

On the floor of this House on the 24th day of September last—and I notice that the majority leader, the gentleman from Massachusetts [Mr. MCCORMACK] is here today, as he was here on that occasion—I charged this administration with the failure to protect American citizens in the exercise of their constitutional rights. More specifically, I charged that this administration denied to patriotic American citizens the right to work on the national-defense program without paying tribute to racketeers.

On the same occasion it was charged by me that this administration permitted racketeers, openly and without authority of law, to levy tribute upon law abiding, patriotic American citizens.

On the same occasion the majority party was challenged to dispute the evidence which I adduced in support of that charge. By the end of this week 60 days will have passed since that challenge was issued and so far no man has arisen to answer that challenge.

Today I repeat the charge that this administration is deliberately following a course permitting abuses, which outrageously increases the cost of the national-defense program, which wastes the taxpayer's money. I deliberately make the charge, based upon the facts referred to on the floor on September 24 and upon other evidence which is available, that this administration, conniving with racketeers, is permitting the collection, through extortion, of thousands of dollars from the American workingmen.

I charged on that occasion, and I charge again here today, that the Democratic Party, although it professes to be the friend of the man who toils, is permitting that man to be exploited; is permitting money to be taken from him unlawfully, illegally, and I ask the Democratic floor leader, the gentleman from Massachusetts [Mr. MCCORMACK] to refute the charges I made on the 24th of September and that I am making now. Those charges are contained in the RECORD and I have again restated them.

Mr. MCCORMACK. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Massachusetts.

Mr. MCCORMACK. The gentleman is the greatest Member of the House for indicting innocent people and innocent administrations than anybody I ever met in my lifetime.

Mr. HOFFMAN. There you have the gentleman's answer—words, but no proof. A counter charge against me, but no answer to the charges which I make.

The charges which are made by me are a charge against this administration and against the majority party, and it is no answer to say that those charges are indictments of innocent people.

It may be true that the pot should not call the kettle black, but to reply that the pot is black is no proof that the kettle is white.

I put in the RECORD letters and statements showing that at Fort Custer, under this administration, men who wanted to work on the national-defense program were denied that constitutional right until they came across and paid tribute to a labor union.

Your answer is that I am making charges that have not been substantiated. I submitted the proof. A part of it is found in the CONGRESSIONAL RECORD under date of September 24. Other evidence has been offered from the floor of the House by Members of the House. Much other evidence is available.

In today's issue of the Evening Star is a story by Robert Bruskin, reporter for the Star, who states in substance that he went to Fort Meade, Md., and, although he had no experience as a carpenter, obtained a job at $75 a week as a carpenter; that to obtain the job he made an agreement to pay $57.50 to a union.

The story is an interesting one and should be read by every Member of the House, for it shows from an unbiased source a little of what is happening throughout the country.

I challenge the gentleman from Massachusetts [Mr. McCORMACK], as the majority leader, to pass House Resolution 612, which I offered on the 24th day of September, and which calls for the appointment of a nonpartisan committee to investigate the charges which I made, to make a report to the House, and to suggest such legislation as will remedy the situation. Such an investigation, if honestly conducted, will determine whether I have indicted innocent people or whether the majority party and this administration is sheltering, aiding, abetting extortionists, labor racketeers, who are preying upon the man who works.

This administration claims that it is the friend of the laboring man. I charge that it permits the laboring man to be exploited by and for the benefit of political labor organizers and racketeers.

I charge that it has forgotten the rank and file of labor; that it has supported, and that it now gives its support to, those who exploit labor and who levy tribute upon the laboring man.

Upon the doorstep of the Democratic Party I here and now lay the charge that into its political bed have crawled the slimy, politically minded labor racketeers, who not only are wasting the taxpayers' money, delaying and hindering adequate national defense, but levying tribute upon the workingman himself; and this administration not only gives them protection, permits them to practice their unlawful extortion, but apparently welcomes them.

This administration, notwithstanding its profession of concern for the interests of the man who toils, is by its conduct giving active aid to those who are forging the shackles of slavery upon the arms of the man who must work for his livelihood.

I again, as I did on September 24, challenge the Democratic Party to deny the charge that it is permitting the exploitation of American workingmen; that it is permitting the national-defense program to be hindered and delayed; that it is permitting the American taxpayer to be robbed through excessive cost.

How do you justify that kind of illegal, unlawful extortion, the levying of tribute upon American workers? How do you justify it? You dare not go before the Labor Committee over there and introduce legislation to prevent it and as long as you refuse to do that how can you hold up your heads and say that you favor the American worker? The thing you as a party condone, is a system whereby these organizers, political men in labor organizations, advance their own interest by the collecting of tribute from the man who toils and at the same time hold up the defense program.

Mr. MILLS of Louisiana. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Louisiana.

Mr. MILLS of Louisiana. I take it for granted, according to the gentleman's statement now, that he is a great friend of labor.

Mr. HOFFMAN. I am a friend of the man who works.

Mr. MILLS of Louisiana. The gentleman has been protesting all along against labor trying to get higher wages.

Mr. HOFFMAN. The gentleman does not understand. That statement is not correct. I am for the man who works, not for the man who collects from the workingmen, not for the labor racketeers. I am against the men, such as Scalise and Bioff, that Westbrook Pegler has been writing about. I am for the man who actually does the work and I challenge the majority party to bring out legislation to protect that man against those who are levying tribute upon him now when he asks the privilege and the right of going to Fort Custer and working there.

Mr. RANDOLPH. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. Mr. Speaker, the gentleman from Michigan has made mention of comment that I made earlier in the afternoon relative to the strike at Vultee Aircraft Factory. I want to simply follow up his statement by saying that I believe the American people are properly incensed at the attitude of certain strike methods which are going on, not only in the Vultee factory but in many other factories of this country engaged in production of defense materials.

Mr. HOFFMAN. All over the country.

Mr. RANDOLPH. As one member of the Labor Committee, I believe that our committee itself should discuss the situation and perhaps through some legislative proposal attempt to solve a very serious problem.

Mr. HOFFMAN. I agree with the gentleman.

Mr. PATRICK. Will the gentleman yield? We might bring out something very good.

Mr. HOFFMAN. I do not yield to the gentleman.

Mr. Speaker, I want to repeat for the benefit of the majority leader, the gentleman from Massachusetts [Mr. McCORMACK] who is a representative of labor, that there is no question about the charges which I made, and which I today renew. They have been made on the floor of the House. They have been made publicly. Proof has been offered. If untrue, my conduct is reprehensible; if true, a speedy and drastic remedy should be afforded. The duty to present that remedy or to give the minority an opportunity to present it rests upon the administration, even though the President says he has no legislative program to submit, even though the House leadership says it has no legislative program. The administration, the Democratic Party, cannot shirk its responsibility for this most vicious situation, which endangers our national defense, by replying that the maker of the charge indicts innocent people.

If they are not true, why do you not appoint a committee, let it investigate the situation and give us the evidence on the situation and disprove the charges and the evidence I offered on the 24th of September? Let us have facts instead of words. I will put in one side and you put in the other.

I challenge the Democratic Party to adopt House Resolution 612, calling for the appointment of a special committee to determine whether or not American citizens are being denied employment; whether they are being charged unlawfully for the right to work on our defense program; in short, whether American citizens, patriotic and law-abiding, are being denied their rights under the Constitution.

I challenge the Democratic Party, which has an overwhelming majority in House and Senate, to remain here in Washington on the job, to force the attendance of a quorum each day, to take up and dispose of the Smith amendments to the Wagner law, consideration of the Walter-Logan bill, the appointment of committees to collect and give to the people from official sources information in answer to the charges which I have today made.

That there may be no doubt as to what those charges are, let me here repeat them. This administration is charged:

First. With wasting the taxpayers' money on the defense program.

Second. With permitting activities which hinder and delay that program.

Third. With permitting the exploitation of, and extortion from, the American laboring man. [Applause.]

CALL OF THE HOUSE

Mr. DINGELL. Mr. Speaker, I make the point of order that there is not a quorum present. Let us have some business or else adjourn, and I serve notice now that we are going to have a quorum call every time I am on the floor.

The SPEAKER. The gentleman from Michigan makes the point of order that a quorum is not present. The Chair will

count. [After counting.] One hundred and twenty-five Members are present, not a quorum.

Mr. McCORMACK and Mr. DINGELL moved a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 235]

Allen, La.	Eaton	Knutson	Rich
Allen, Pa.	Edelstein	Kunkel	Risk
Andrews	Edmiston	Larrabee	Routzohn
Angell	Evans	Leavy	Ryan
Austin	Faddis	LeCompte	Sacks
Barton, N. Y.	Fay	Lemke	Sandager
Bates, Ky.	Ferguson	Luce	Sasscer
Bell	Fitzpatrick	Lynch	Satterfield
Bland	Flannery	McAndrews	Schaefer, Ill.
Brewster	Ford, Leland M.	McArdle	Schafer, Wis.
Brooks	Ford, Thomas F.	McDowell	Schiffler
Buckler, Minn.	Fries	McGranery	Schuetz
Buckley, N. Y.	Gartner	McKeough	Seccombe
Bulwinkle	Geyer, Calif.	McLaughlin	Shafer, Mich.
Byrne, N. Y.	Gibbs	McLeod	Smith, Ill.
Byrns, Tenn.	Gilchrist	Maciejewski	Smith, Wash.
Byron	Green	Magnuson	Smith, W. Va.
Caldwell	Gwynne	Mansfield	Snyder
Cannon, Fla.	Hall, Edwin A.	Marshall	Somers, N. Y.
Celler	Harness	May	South
Chapman	Harrington	Monkiewicz	Sparkman
Cluett	Harter, Ohio	Mott	Steagall
Coffee, Nebr.	Hennings	Mouton	Stearns, N. H.
Coffee, Wash.	Hook	Mundt	Sullivan
Cole, Md.	Horton	Murdock, Utah	Sutphin
Colmer	Houston	Myers	Sweeney
Connery	Hunter	Nelson	Thomason
Costello	Izac	Nichols	Thorkelson
Courtney	Jeffries	Norrell	Vincent, Ky.
Creal	Jenks, N. H.	Norton	Vinson, Ga.
Crosser	Johns	O'Brien	Wallgren
Crowe	Johnson, W. Va.	O'Connor	Weatherford
Cummings	Johnson, Lyndon	O'Day	Welch
Darrow	Kefauver	O'Leary	West
Davis	Keller	Osmers	White, Idaho
Delaney	Kennedy, Michael	O'Toole	White, Ohio
Dempsey	Keogh	Pfeifer	Wolcott
DeRouen	Kilburn	Pierce	Wood
Dies	Kirwan	Reece, Tenn.	
Dworshak	Kleberg	Reed, N. Y.	

The SPEAKER. Two hundred and seventy-two Members have answered to their names, a quorum.

On motion of Mr. McCORMACK, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. RANKIN asked and was given permission to revise and extend his remarks in the RECORD.

ORDER OF BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, in order that there may be no misunderstanding—and I am expressing my own views—the President has never said that there was no legislation for Congress to pass upon, but he did say that he had no further recommendations to make. That is the statement made by the President, and there should not be any misunderstanding about it.

As far as I am aware—and I believe this statement should be made for the benefit of the Members—I know of no legislative program at the present time. There is certainly none for Friday and I know of none for Monday. As far as I am concerned, and I know this is the attitude of the leadership on both sides, in view of the situation that confronts us we have to view it practically, and certainly, if there is no legislation to come up, every effort will be made by the leadership to cooperate with the Members in meeting their own individual problems. I know now of no legislation that is coming up. There is none coming up Friday and there is none coming up Monday. I know of none in the future. I will bring nothing up—controversial on Friday or Monday without the assent of the gentleman from Massachusetts [Mr. MARTIN].

The President has said that he has no further recommendation to make at this time. That is an entirely different proposition than saying that there is no further legislation for Congress to pass upon. I think the record should be clear.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield just to explain the difference between his two statements?

Mr. McCORMACK. I do not believe there is any necessity for my explaining the difference. Every Member but the gentleman from Michigan himself sees a distinction. I am making this statement not for controversy but to try to help the Members on both sides. If any legislation does come up the gentleman from Massachusetts [Mr. MARTIN], or in his absence anyone representing the minority party, will be advised and, as far as I am concerned, the Democratic Members will be advised. I know of no legislation now that is coming up.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I do not want the gentleman to think there is any likelihood of my being absent.

Mr. McCORMACK. Oh, no; of course, the gentleman is aware of the fact that if he were absent I would consult whoever is the acting leader of the minority party.

I make this statement on my own initiative so that Members may govern themselves accordingly. I believe I speak the view of the Speaker, but the statement is made on my own initiative.

The SPEAKER. Under a previous special order the gentleman from Massachusetts [Mr. GIFFORD] is recognized for 10 minutes.

GOVERNMENT BUILDING CONSTRUCTION

Mr. GIFFORD. Mr. Speaker, I think I should first announce myself so that there may be no misunderstanding. In English parlance, I am a member of "His Majesty's loyal opposition." I trust I shall be more loyal in that opposition than ever before, and I am convinced after yesterday that I shall be supplemented by many of the Democratic Party of this House.

The little girl went to the grocer and said, "Mother would like a quart of good-natured alcohol." What I say will be good-natured, although it will perhaps appear a little strong, and some may not like it. Unity is demanded. Unity for what? We had a remarkable instance of unity in the solid South lately, where the old slogan seems yet to prevail "that any Democrat is better than any Republican." But on the vote yesterday anything but unity was shown. Distrust was shown. It was a remarkable exhibition of distrust; I cannot see where unity is coming from. If we hold together on this side as a minority, do not blame us. In other nations the majority would have resigned on yesterday after that vote.

I understood the gentleman from Michigan was to talk today about something that I ought to follow up. I want the leader of the Democratic Party from Boston to sympathize and listen to me. I live within 7 miles of a camp where 12,000 people are at work. Referring to this picture in my hand appearing in the press this morning, this boy declared that he could get a job at Camp Meade without any experience if he would pay the union dues. I have had to watch thousands of my neighbors and others pay $75, or promise to pay it, to get a job on national defense which was supposed to last only 75 days. I have a great number of calls at my home office from men looking for jobs or to be reinstated, and many complaints of other sorts, and now the newspapers are clamoring and demanding of me that I ask for investigations.

Investigations of what? The firm employed there to carry out this work is doing the best it can. It is a very reliable firm and they are acting under Government instructions on a cost-plus basis. They must get it done in 75 days. It was estimated to cost $7,500,000, but this week it is said it will cost $15,000,000. But that is, of course, to be expected.

Shall I investigate the unions that have the complete and full backing of your Government? A little union is getting

thousands of new members at $75. What a remarkable treasury created overnight! What will they do with it? The contractor is not to blame. He must recognize unions, and the largest unit. So everybody had to join and I was forced to advise them to join in order to get a job. It was promised that the nearby people would have preference. They have apparently tried to show this preference, but it is most difficult in its working out.

Now, what shall we investigate? The cost, the contractor, the union, which you do not dare to investigate and which you would not investigate, of course. They are probably within their legal rights, but I want to say to you that this is a splendid example of waste and extravagance and the rousing of our people to a war hysteria in order to carry an election. I hope it will now die down. Shall we inquire why the New England hurricane lumber was not used on these jobs?

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman.

Mr. TREADWAY. May I ask how many men are employed, so far as he knows, at the construction camp at Falmouth, in the gentleman's district?

Mr. GIFFORD. The maximum was about 12,000.

Mr. TREADWAY. Are they all obliged to put up that fee?

Mr. GIFFORD. Absolutely, laborers as well as mechanics. must join a union. They cannot go to work unless they buy their union card.

Mr. TREADWAY. How expensive are those cards?

Mr. GIFFORD. Seventy-five dollars for carpenters. It is only $45 at Fort Meade or $57.50, I think, at Fort Custer, but ours is $75. They take it out of their wages every week.

Mr. TREADWAY. And at the same time those men who are paying the $75 are actually being employed to construct buildings for the Federal Government?

Mr. GIFFORD. Absolutely, and on a national-defense job. How wonderful? Now, the newspapers are demanding of me that I make investigations. Investigations of what? They say there is a lot of job selling going on. I do not know anything about that. They must prove this to me before I can take it up. But where can I speak except here?

Mr. TREADWAY. May I ask the gentleman further whether evidence from a constituent of mine that he has been held up for $75 would be of any value to him?

Mr. GIFFORD. Oh, no; because they are all held up. I was there, surrounded by some 500 men, angry men, and I had to simply tell them, "You must join, or you will not get a job," and I felt humiliated in the extreme, because it was my Government on a national-defense job.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. HOFFMAN. I notice the gentleman has there an article from today's Star. What experience did that man have to get a job?

Mr. GIFFORD. He did not have any, and he did not need any, he says, and my men did not need any, and they were kept at work for some weeks, and much of the union fees were paid.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. CRAWFORD. Will the gentleman tell us what is the hourly wage that is being paid?

Mr. GIFFORD. One dollar and seventeen cents; although 80 cents seems to have been the local rate. Why pay $1.17? Why all this hurry? The buildings in which to make the guns are not yet erected. Why this haste?

I believe in national defense as much as any of you, of course, and we voted the money, but we want orderly processes and no wasteful extravagances. Why did they create this hysteria? There was a sound truck for days before the election going over that area booming, perhaps not in the exact words but to the effect, "You owe this job to Roosevelt; you know for whom you ought to vote." What comment have you on that?

Mr. TREADWAY. Mr. Speaker, will the gentleman yield further?

Mr. GIFFORD. I yield.

Mr. TREADWAY. May I ask the gentleman, in view of the fact that this cantonment under construction is in his district, whether he has called this situation to the attention of the commanding officer at that point?

Mr. GIFFORD. The commanding officer has nothing to do with construction, but I have talked with the contractor many times over these conditions. At the moment I have no complaint against this contractor. He is the right man to get a job done in a hurry. But why such hurry? The Government practically says, "We want you to do the job quickly, and expense is quite secondary."

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. BATES of Massachusetts. Who has the authority to supervise these workmen?

Mr. GIFFORD. I sent a message hurriedly to Washington to investigate that union matter, and they later made acknowledgment and said they had looked into it, but nothing came of it. This administration will not do a thing about these unions. You Democratic majority do not dare to do a thing about them.

Mr. BATES of Massachusetts. The complaint comes to me from some of my constituents who have worked on the job about the incompetency of the supervisory board because they do not demand and require a fair day's work.

Mr. GIFFORD. Why should they?

Mr. BATES of Massachusetts. Well, of course, that is a matter of opinion.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. GIFFORD. Yes; I yield.

Mr. CASE of South Dakota. Who tells the contractor that he shall not employ anybody unless he shows a union card?

Mr. GIFFORD. Why, that is the law, practically. I was told by the contractor that the union men would be exhausted in a very short time, and he said, "I will then put all other men to work." But the union saw to it that they supplied the men as fast as needed. Men appeared from great distances with cards or willingly bought cards. They apparently would not let a man work if he had not joined some union. The contractor himself did not understand that the thing would work out that way. Again I say I do not blame the contractor. I blame this hasty action, this hysteria that they intended to inculcate for purposes you well know.

Mr. CASE of South Dakota. I want to understand thoroughly about this, because I know the people of my district are interested in understanding it. As I understand the gentleman's proposition, where the going wage is 85 cents, these unskilled workmen, without experience, are offered $1.17, provided they can show a union card.

Mr. GIFFORD. Yes. Why did they do it? The union said, "You are getting such a raise above your ordinary 80 cents an hour that you can afford to join the union and pay it to us." But after these carpenters had paid their union dues, in many cases they were called in and fired from the union because they were not really carpenters; but the union had the money.

Mr. CASE of South Dakota. Are these contracts being secured from the Government on a cost-plus basis?

Mr. GIFFORD. Yes.

Mr. CASE of South Dakota. So that in effect the unions are now in a position to say that Uncle Sam will pay the bill by paying this extra higher rate so that these men can pay for their union cards?

Mr. GIFFORD. That is the way it worked out.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER pro tempore (Mr. COOPER). Is there objection?

There was no objection.

Mr. GIFFORD. There are many larger issues facing us which I desired to discuss. I have here a letter from one of the largest reporting agencies in this country; one of the most reliable and probably as large and as important as Babson, and which letter is sent out to their customers over the entire

country. The quotations are simply frightening. The writer closed by saying, "My face is not red; it is pale." In effect he said: "Old people have not been able to work their money lately to get any interest. I now recognize that they will lose their money." I may see fit, if I get permission from the author, to put this entire letter in the RECORD, because it is from one of the most persuasive reporting agencies that we know.

I may say I have tried to be a student of the public-debt effects for many years, and I would like to make three suggestions: One, to meet this huge defense expense, tax all you dare. Secondly, borrow of private people; and, lastly, use commercial banks just as little as you can. Every bond issued by a commercial bank doubles the deposits in the bank. We have $69,000,000,000 on deposit. We have $8,000,000,000 in circulation, and the seeds of inflation are firmly planted. It may be we can prevent it; but let us not create more of that kind of money. Let us sell those bonds to individuals like you did in the World War. Sell them for a longer period of time. If you do not, I join with this reporting agency and say something dreadful is to happen in this country. It is too awfully plain. Can you not see it?

Mr. COCHRAN. Will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. COCHRAN. Does the gentleman feel that these bonds he recommends selling to the individual should be tax-exempt?

Mr. GIFFORD. I have always believed it. You Democrats talked in favor, but you voted against it. Even in 1922 you did that.

Mr. COCHRAN. Not me.

Mr. GIFFORD. I do not know about the gentleman personally, but when the vote was finally taken in 1922, what a dreadful exposition it was. As long as your Government is in the market to borrow money for these defense bonds, you do not dare vote taxed bonds.

Mr. COCHRAN. I will dare.

Mr. GIFFORD. Well, the gentleman dared yesterday. He often displays courage. He is to have a lot of invitations from me again that he make investigations in his Committee on Expenditures, such as I have outlined this morning. I hope his courage will stick with him. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent that I may have inserted in the RECORD an Associated Press dispatch wherein it is asserted that the British Ambassador demanded American men to fight English battles.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a few observations from newspapers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE CAPITOL ROOF

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RABAUT. Mr. Speaker, I come to the Well of the House today to talk to the membership about the condition of the roof over this Chamber. I was the Member appointed by the Speaker on behalf of the House to act with Senator CONNALLY, of Texas, appointed by the Vice President on the part of the Senate, as a committee to make a study of the roofs over the House and Senate Chambers. The matter was brought to the attention of the legislative subcommittee of the Appropriations Committee by the Architect of the Capitol, Mr. David Lynn.

This roof has been inspected by consulting engineers. A very thorough report has been made by the widely known consulting engineer, Thomas W. Marshall, of Washington, D. C. William R. Osgood, materials engineer, National Bureau of Standards, has investigated the roof; so has A. E. Falconer, structural engineer of the Bureau of Yards and Docks, Navy Department; so has C. G. Palmer, architectural engineer of the Procurement Division of the Treasury Department; and P. A. Randall, architectural engineer of the Procurement Division. Then on top of all this investigation, all of the engineers telling us that the roof is in a very dangerous condition; the trusses being 86 years old, made of cast iron and wrought iron, and pin connected, which pins actually show bending, are deficient in strength, and no one can tell whether or not the pins are cracked, and further there is hanging from that roof construction the ceiling of this Chamber which weighs 120 tons. After further study the joint committee employed a special engineer to check the existing conditions and a special appropriation was granted for the purpose. He was the well-known Herman F. Doelman, consulting engineering of Baltimore, Md. He stated that the roof was in worse condition than any of the other engineers had testified previously. Then we called in F. H. Franklin, chief engineer of the American Institute of Steel Construction, Inc., of New York City. He corroborated everything that had been said by the foregoing engineers.

I think it is very necessary that something be done about this roof. It is going to be necessary to shore up this ceiling in here which is made of cast iron and is estimated to weigh 120 tons. This ceiling is not plaster, it is a cast iron ceiling that hangs suspended from the roof trusses. It was put up 86 years ago. Trusses must be installed under this cast iron ceiling supported by steel columns erected upon the masonry walls at the front of the galleries. This construction will support the cast iron ceiling until we can get to this roof after the end of the next session.

Something ought to be done by the membership of this House. If they have no respect for themselves about the condition, they at least ought to have some respect for their guests who sit in these galleries.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. COCHRAN. How about using the caucus room in the House Office Building from now on?

Mr. RABAUT. I do not care where they move to, but it is not a very sensible idea to be coming into this room with this actually dangerous condition existing, dangerous as testified to by everybody who has been asked to tell us about it. From the Bureau of Yards and Docks and the National Bureau of Standards to special engineers, the testimony of each of them is that this roof is in a dangerous condition.

The subcommittee of deficiency on appropriations has seen fit, after this study and the plea of the Architect of the Capitol, Mr. David Lynn, to grant a suitable appropriation for this most necessary reconstruction. It certainly seems proper for this body to relieve the responsibility that has been placed upon a faithful public servant, the Honorable David Lynn, the Architect of the Capitol, and take the necessary action to vacate this room for the purpose of allowing the necessary repairs to be made for the safety of the Chamber that houses the Congress of the United States.

[Here the gavel fell.]

MRS. GEORGE C. HAMILTON ET AL.

Mr. KENNEDY of Maryland. Mr. Speaker, I call up the conference report on the bill (H. R. 4561) for the relief of Mrs. George C. Hamilton and Nanette Anderson, and ask that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4561)

entitled "An act for the relief of Mrs. George C. Hamilton and Nanette Anderson" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
Managers on the part of the House.

ALLEN J. ELLENDER,
JOHN G. TOWNSEND, Jr.,
PRENTISS M. BROWN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4561), for the relief of Mrs. George C. Hamilton and Nanette Anderson, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The House passed this bill to provide the sum of $250 to Mrs. George C. Hamilton, and the sum of $1,000 to Nanette Anderson. The Senate passed this bill with an amendment reducing the amount provided for Nanette Anderson to $500.

At the conference the Senate receded from its amendment.

AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
Managers on the part of the House.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. SATTERFIELD (at the request of Mr. BURCH), indefinitely, on account of death in his family.

PERMISSION TO ADDRESS THE HOUSE

Mr. BENDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BENDER. Mr. Speaker, if the statement of the gentleman from Michigan is correct regarding the condition of this roof, then certainly we are derelict in our duty in failing to take cognizance of his statement and the expert advice of engineers. We are reasonable men and women here and certainly we ought to consider ourselves, our families, and our guests and do something about moving this body into another meeting place until the roof is repaired. I cannot, for the life of me, see any sense in continuing here when expert advice indicates that the contrary is desirable. I hope the Members of the House will have the good sense to do the thing recommended by the gentleman from Michigan.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. DICKSTEIN asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that on Wednesday next after disposition of business on the Speaker's table and any other business in order for the day I may be permitted to address the House for 20 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

Mr. DINGELL. Mr. Speaker, I observe that the interest, the safety, and security of the Nation is lagging, therefore, I raise the point of no quorum.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 22 minutes p. m.), under its previous order, the House adjourned until Friday, November 22, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2029. Under clause 2 of rule XXIV, a letter from the Secretary of the Navy, transmitting a draft of a proposed bill to remove certain limitations on appropriations for the pay of midshipmen, was taken from the Speaker's table and referred to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GAMBLE:

H. R. 10694. A bill for the relief of Gil Augusto Correai; to the Committee on Immigration and Naturalization.

By Mrs. SMITH of Maine:

H. R. 10695. A bill for the relief of Marie Valida Antonia Michaud; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, NOVEMBER 22, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal God most high, whose Spirit searcheth all things, whose love endureth all things: Draw us near to Thee in sincerity and truth, and save us from mere worship of the lips while our hearts are far from Thee. As we have grown unconscious of our need and accustomed to things remaining as they are, as we have lost our vision and have found ourselves unwilling to pay the price of better things, do Thou stand before us like the light and reveal to us the dawning sense of brotherhood.

Make us to love Thy will and sweep away our fears, our compromise with evil. As we realize our hunger after righteousness, teach us, as a Nation, that the way of prayer and penitence is the only way that is safe for us and sure to lead us unto Thee, where true and lasting peace alone is to be found. In our Saviour's name we ask it. Amen.

THE JOURNAL

On request of Mr. BARKLEY and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, November 19, 1940, was dispensed with, and the Journal was approved.

SENATOR FROM ILLINOIS

Mr. VANDENBERG. Mr. President, I send forward the credentials of Hon. C. WAYLAND BROOKS, Senator-elect from Illinois, and ask that they be read and placed on file.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of C. WAYLAND BROOKS, duly chosen by the qualified electors of the State of Illinois a Senator from that State to fill the vacancy in the term ending January 3, 1943, caused by the death of the late Senator James Hamilton Lewis, were read and ordered to be filed.

Mr. VANDENBERG. Mr. President, the Senator-elect is present and prepared to take the oath.

Mr. BARKLEY. Mr. President, I wish simply to state that I have been informed informally that there may be some question raised with respect to this matter, in which event, of course, the Senate would not waive any of its rights with respect to the election by having Mr. BROOKS take the oath of office, as I understand. So, under the circumstances, I shall not object.

The PRESIDENT pro tempore. If the Senator-elect will present himself at the desk, the oath will be administered.

Mr. BROOKS, escorted by Mr. VANDENBERG, advanced to the desk; and the oath of office having been administered to him by the President pro tempore, he took his seat in the Senate.

DEATH OF JAMES M. BAKER

Mr. BYRNES. Mr. President, with sorrow I announce to the Senate the death at Lowndesville, S. C., of James M. Baker, who was for more than 6 years Secretary of the United States Senate and for a number of years prior to that time the librarian of the Senate. Subsequent to his service as Secretary of this body, Mr. Baker served as Minister to Siam. He rendered distinguished service to his Nation as Secretary of this body and in the Foreign Service. I know that the personnel has changed greatly in the years which have passed, but still I believe that there are in the body many who will remember Mr. Baker and who will share the sorrow of his family and his friends.

PETITIONS

The PRESIDENT pro tempore laid before the Senate the petition of the chief of police and sundry members of the police department of Whitefish Bay, Wis., praying that all members of police departments who are contributors to, participants in, or beneficiaries of existing retirement and annuity systems be excluded from the operation of the proposed extension of the Social Security Act, which was referred to the Committee on Finance.

He also laid before the Senate a telegram in the nature of a petition from members of the North Alabama Conference of the Methodist Church in annual session at Tuscumbia, Ala., praying for the enactment of legislation completely to prohibit the sale of alcoholic beverages at all military camps, forts, cantonments, training centers, naval bases, and aviation establishments, and to prohibit such sales at any place to members of the military, naval, aviation, and other defense forces of the Nation, which was referred to the Committee on Military Affairs.

He also laid before the Senate a letter in the nature of a petition from Dorothy Frooks, chairman of the Americanization Committee of the National Council of Women Lawyers and national commander of the Women World War Veterans, New York City, N. Y., praying that the Congress remain in session so as to pass the so-called Walter-Logan bill, providing a court review of the decisions of recently created Federal agencies, which was ordered to lie on the table.

Mr. BALL presented a petition of sundry citizens of the State of Minnesota, praying for cancelation of the next due installment of the Finnish debt, and that such installment be given to the Republic of Finland as a Christmas gift, etc., which was referred to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. GEORGE, from the Committee on Foreign Relations, reported favorably the nominations of several officers for appointment in the Diplomatic and Foreign Service.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Brig. Gen. Marion Williamson for appointment as State director of selective service for the State of Georgia, under the provisions of law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

S. 4428. A bill to carry out flood-control measures recommended by Chief of Engineers for Jefferson, Tex., and vicinity; to the Committee on Commerce.

By Mr. KING:

S. 4429. A bill to enable the people of Hawaii to form a constitution and State government to be admitted into the Union on an equal footing with the original States; to the Committee on Territories and Insular Affairs.

By Mr. TAFT:

S. 4430. A bill to create a War Resources Administration, and for other purposes; to the Committee on Military Affairs.

LOUISE BLUNT

Mr. AUSTIN (for Mr. BARBOUR) submitted the following resolution (S. Res. 333), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Louise Blunt, widow of Richard Blunt, late a skilled laborer in the document room of the Senate, a sum equal to 1 year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ROOF REPAIR—PLACE OF MEETING OF HOUSES

Mr. BARKLEY. Mr. President, as has been stated time and again here on the floor and elsewhere, the roofs over the Senate Chamber and the House of Representatives have been declared to be unsafe. In view of the refusal of the other body to adjourn sine die, it has been thought advisable to seek to facilitate the immediate repair of the roofs over both the House and the Senate Chambers. I understand the other body is going to provide today for the meeting of its sessions in a large room in the House Office Building. It will take about 6 weeks to repair the roofs, and, unless we can arrange to hold the sessions of the Senate elsewhere between now and the 3d of January, it will be impossible for the Architect of the Capitol to begin the repair of the roof over the Senate Chamber. The money has already been appropriated for the purpose, plans have been made, the material, as I understand, ordered, and working force is waiting to go to work. Under these circumstances, it seems to me logical that the Senate meet elsewhere than in this Chamber during the remainder of this year.

The Architect of the Capitol has suggested that he can arrange the old Senate Chamber, more recently the Supreme Court chamber, in the Capitol Building so that the Senate may hold its sessions there while the work on the roof is being done. So I ask unanimous consent, subject to the ability of the Architect of the Capitol to prepare the old Supreme Court room for our sessions, that the Senate, after today, or as soon as practicable, hold its sessions in the old chamber which was originally the Senate Chamber and has more recently been the chamber of the Supreme Court of the United States.

Mr. AUSTIN. Mr. President, on inquiry, I am advised that there is no rule of the Senate which requires the Senate to meet in any specified place. So far as I am concerned, I think it would be a distinction to sit in that Chamber where the Senate of the United States accomplished such great good in the building of the Republic, and where afterward the Supreme Court of the United States sat for so many years. I am rather pleased at the suggestion of the leader of the majority, and I concur in the request he has made.

Mr. BARKLEY. I am informed by the Architect of the Capitol that he can have that Chamber ready for us on next Monday, and while it is not necessary, for, as the Senator from Vermont says, under the rule we are not required to meet here, yet this is the meeting place of the Senate, and it seems to me that it ought to require unanimous consent to meet elsewhere. I ask that my request be submitted.

The PRESIDENT pro tempore. Is there objection to the request which has been submitted by the Senator from Kentucky? The Chair hears none, and it is so ordered.

May the Chair inquire of the Senator from Kentucky whether when the Senate adjourns or recesses today it will be with the understanding that it will meet in this Chamber and then proceed to the place designated?

Mr. BARKLEY. No; I do not think it is necessary to meet here; so when we adjourn or recess today, it will be with the understanding that we will assemble at 12 o'clock noon on Monday in the old Chamber of the Supreme Court in the Capitol Building. I see no need of coming here and then going there, because, it may be, that work will have begun on the roof of the Chamber on that day.

ELECTION POLLS, ETC.

Mr. MCKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Privileges and Elections certain letters and memoranda concerning Senate Resolution 329, submitted by me a few days ago, for the investigation of certain polls conducted previous to the election.

There being no objection, the letters and memoranda were referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

SAN ANTONIO, TEX., *November 16, 1940.*

The Honorable KENNETH MCKELLAR,
United States Senator from Tennessee,
Senate Office Building, Washington, D. C.

DEAR SENATOR MCKELLAR: I wish to take this opportunity to commend you for your proposal to conduct an investigation of the preelection polls.

I hope you will push this proposal with all urgency. I feel confident that the Gallup poll, especially, was deliberately colored to favor the Willkie candidacy. I do not mean that the figures were rigged—on that I have no information—although obviously they must have been rigged in some of the other polls, such as the Dunn survey, which predicted a victory for Willkie. But the editorial presentation of the Gallup poll was obviously colored in favor of Willkie, as an examination of the poll during the campaign will easily show.

All honor to you for your proposal.

Yours very truly,

CHARLES CURTIS MUNZ.

WEST INTERMEDIATE SCHOOL,
Jackson, Mich., November 19, 1940.

Senator KENNETH MCKELLAR,
Washington, D. C.

DEAR SENATOR: I am very much interested in your proposed investigation of the Gallup poll. I have studied it closely since its beginning and would like to offer an observation or so, with intent to help you in a small way.

My own opinion is that there is nothing fundamentally wrong with the poll but that the fault lies with Mr. Gallup himself in his interpretations of it. For example, every time he released figures during the past campaign he tried to explain to the public that they were not to be taken at their face value, for although they showed a Roosevelt victory it was extremely probable that Willkie would win. Mr. Roger Babson noticed this and called it to the attention of his clients in a letter sent out over a month preceding the election, I am enclosing a quotation from this letter, which I am sure you will find interesting.

Mr. Gallup has repeatedly boasted, in the public prints since election, of the very closeness of his estimate of the popular vote. What he never mentions is that his considerable errors are all in the same direction. For example, he missed the popular vote in 1936 by 6 percent, Roosevelt getting 6 percent more than the poll had shown. This year, prior to election, Mr. Gallup pointed out that the trend in 1936 had been toward Roosevelt, thus accounting in part for the error. This year, Mr. Gallup said, the trend was toward Willkie. Yet the poll showed an error of 2.6 percent, and again it was an underestimate of the Roosevelt strength.

Now, it would appear to any unbiased observer that an allowance for "probable error" should mean that error might occur in either direction, taking the polls State by State. Yet taking the past two elections together, not one State showing a leaning toward Roosevelt has been found in the other column on election day. And each year a number of States leaning toward the Republican side have been found in the Roosevelt column when the votes were counted. This year alone there were 8 such States, with a total of 173 electoral votes. Now, I contend that any poll which misses the electoral vote by almost 30 percent cannot lay claim to any degree of accuracy.

I am sure everybody must have been amused by Mr. Gallup's strained efforts to avoid making any predictions this year. This showed such little faith in his poll on his own part that it certainly left no room for any on the part of others. Unless, and this is important, the public should discern, as did Roger Babson, that Mr. Gallup was trying to create in the public mind a feeling that the Republicans would win, while his poll showed otherwise. Then the public could adjust the figures to show that Mr. Roosevelt would win all the States in his column, plus all the very close States in the other. This would have been exactly true in both of the past two elections. In short, the public would have to understand that Mr. Gallup's "margin of error" really meant that Mr. Roosevelt would likely get from 2 to 4 percent more votes than the poll showed.

Please excuse the length of this letter; and I do hope you will get Mr. Gallup talking some other way than vague, which has been his style up to date.

Very sincerely,

O. E. EPPERSON.

QUOTATION FROM ROGER BABSON

In view of the attempt of each political party to organize a "poll" to suit its convenience, subscribers naturally are bewildered. Statisticians are being purchased to forecast elections as experts are employed by the lawyers on both sides of a legal fight. This, of course, is very wrong. Although this section does not mix up with politics, we do not advise subscribers to put the Gallup poll ahead of their own hopes or party affiliations. Mr. Gallup is leaning backward to give the Republicans the benefit of every doubt. Mr. Gallup's studies now show Mr. Roosevelt will be reelected. He admits that the final statistics may show otherwise. Our advice is that you base your business and investments upon what the Gallup poll shows and pay no attention to the propaganda of any party.

NEW YORK, *November 19, 1940.*

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

DEAR SENATOR MCKELLAR: We of New York City have read with great interest and satisfaction that you are preparing to ask a Senate investigation of polls conducted during the Presidential campaign. Speaking for myself and for many of my neighbors, I beg to extend to you our sincere congratulations in this connection and to express to you our ardent hope that your effort will be crowned with great success. To me these so-called public-opinion polls, and particularly the Gallup poll, can become, and may become, a most dangerous agency of propaganda. As you are aware, the Gallup poll in the recent past has presumed to give an accurate measurement of widespread public opinion in America on such grave questions as—

Whether or not the people favor conscription.

Whether or not the people favor the United States entering the present war on the side of Great Britain.

Whether or not the people of this country favor giving ships of our Navy and part of our airplanes to Great Britain.

Dr. Gallup's Institute of Public Opinion, through its very frequent surveys, assumes to give the public a more accurate measurement and diagnosis of public opinion than combined judgment and information possessed by all the Members of both Houses of Congress put together. If polls like the Gallup polls are to be relied on, the President of the United States should immediately subscribe for the service offered by Dr. Gallup's Institute of Public Opinion and the President should, by that token, cease to bother consulting with his Cabinet, or the congressional leaders, or with anybody but Dr. Gallup. The secrecy with which Dr. Gallup clothes his methods, however, and the fact that the surveys of his Institute of Public Opinion are for sale to anybody makes it imperative that the mechanics of these agencies be dragged out into the sunlight so that the public may not in the future be stampeded or misled by either the exaggerated or distorted results of so-called public-opinion polls.

In a book published by him within the last 6 or 8 months (which book was reviewed in the New York Times Sunday Book Review), Dr. Gallup stated that in the case of the polls of his Institute of Public Opinion he has never "sampled" more than 6,000 persons and never less than 2,500 persons. This would mean that, of the average, the Gallup poll has never obtained the views of more than 125 persons per State. I submit that any worth-while measurement of public opinion in this country cannot be obtained by interviewing a mere 125 persons in each State, and I insist that for any organization to assume to report public opinion on the basis of such a limited survey constitutes a fraud.

Some of the questions which I would like to have answered concerning the Gallup poll particularly are as follows:

1. In what States have Dr. Gallup's recent polls been taken, and in what cities or towns thereof? How many persons were contacted in each of such States, towns, and cities?

2. In what States, cities, or towns are the staff of Dr. Gallup's Institute of Public Opinion located?

3. Does the Institute of Public Opinion approach the same persons in each successive poll—in other words, is it possible that Dr. Gallup has a restricted number of selected white mice or guinea pigs from whom he obtains his reactions?

4. What perons throughout this country actually have been questioned in any of Dr. Gallup's alleged surveys? What are their names and addresses and how were they selected?

In line with my personal interest in the possibility of public-opinion polls as instruments of propaganda, I wrote a letter to the editor of the New York Times, under the date of August 19, 1940. Accordingly I transmit herewith for your information and possible use a copy of my said letter to the editor of the Times and photostats of the reply received by me.

Trusting that you may be successful in bringing about the much-needed investigation and exposure of public-opinion polls, I am, with great respect,

Yours sincerely,

JAMES A. HIGGINS.

EDITOR, NEW YORK TIMES,
Times Square, New York.

SIR: Is it not quite possible that the so-called "Dr." Gallup and his so-called American Institute of Public Opinion, aided and abetted by the New York Times, are foisting upon the public one of the most brazen frauds in the history of our country? These "polls" or "surveys" as reported with such prominence and frequency by the New York Times purport to be an actual fluoroscope of American public opinion on the very gravest questions of the present. Nevertheless, "Dr." Gallup is most careful never to give the actual number of persons voting for and against the given proposition in any one of his "polls." As an instance, in today's Times, upon the all-important question of the United States selling 50 destroyers to England, "Dr." Gallup avoids giving the actual number of people "sampled" by his so-called Institute of Public Opinion, and carefully chooses the following expressions: "Those expressing an opinion voted: Approved selling, 62 percent; disapproved, 38 percent."

Recently in the Sunday Book Review Section of the New York Times it was stated that never has "Dr." Gallup sounded out or sampled more than 6,000 persons in any "poll." This means that the Gallup "polls" represent at the most the reaction of only 125 persons per State. In my opinion, for any individual or newspaper to attempt to report Nation-wide public opinion upon the basis of interviews of 125 or fewer persons per State is either a brazen fraud or the most vicious form of propaganda, or both.

Moreover, the frequency with which these "polls" are taken and reported impels one to ask, "Does Gallup contact the same people in every poll?" Within the past week the New York Times has reported Gallup surveys on at least three separate questions of tremendous importance, viz:

The percentages of voters as regards their present choice for President.

The percentages of American people favoring or opposing conscription.

The percentages of the American people favoring or disapproving the sale of our destroyers to Great Britain.

How can any agency "poll" any sizable portion of American public opinion upon these three grave questions in 1 week, considering that it takes the well-organized staff of the Daily News the better part of a month each year to poll a mere fraction of the voters in New York City and New York State upon the simple question of their choice of a local candidate?

Under all the circumstances, I feel that the public is entitled to an answer to the following questions, either from the New York Times or from "Dr." Gallup:

1. Why does not "Dr." Gallup and his American Institute of Public Opinion state the number of persons "polled" or "sampled" in each State in each survey, and the split thereof, instead of giving lump percentages upon an alleged Nation-wide basis?

2. Has "Dr." Gallup a particular claque or selected list of human white mice or guinea pigs from whom he obtains his reactions in each successive poll? If not, how does he select the people to be quizzed?

3. Finally, and most important of all in my opinion, who finances or subsidizes "Dr." Gallup and the American Institute of Public Opinion? Obviously, "Dr." Gallup and his staff must eat. Who pays for these polls—the New York Times, or who else—and how much?

Answers to the above questions are eagerly awaited.

Very truly yours,

JAMES A. HIGGINS.

AUGUST 19, 1940.

THE NEW YORK TIMES,
New York, August 26, 1940.

Mr. JAMES A. HIGGINS,
233 Broadway, New York City.

DEAR SIR: This will acknowledge your letter of the 19th addressed to the editor.

The enclosed article, published in the New York Times on May 17, 1938, is a general answer to all three of your questions. A more specific answer to question number three is that the Times is one of a fairly large number of newspapers purchasing this service from Dr. Gallup. A list of the papers is also enclosed.

You will notice that in calling him Dr. Gallup I have omitted the quotation marks.

Very truly yours,

ARTHUR HAYS SULZBERGER.

GALLUP EXPLAINS "OPINION SAMPLING"—SURVEYS BY HIS INSTITUTE GET THE VIEWS OF WELL-CHOSEN CROSS SECTIONS OF PUBLIC—NUMBERS NOT IMPORTANT—BUT REPRESENTATIVES OF EVERY POLITICAL, ECONOMIC, AND AGE GROUP ARE QUESTIONED

(By Dr. George Gallup, Director, American Institute of Public Opinion)

With the increasing public interest in the surveys made by the American Institute of Public Opinion many persons have asked for information on the way the institute conducts its surveys, the accuracy of its findings, and the social value of its work. I should like to attempt to answer these questions.

The American Institute of Public Opinion is a fact-finding organization, the sole purpose of which is to measure public opinion on political and social issues of the day and to report the facts. Its role as an organization is one of strict impartiality. It has no political predilections and does not espouse any public or private cause, no matter how worthy. It is not concerned whether the views of the people, as shown by its surveys, are right or wrong, wise or unwise. It simply reports what those views are.

The institute's source of income is a group of daily newspapers, which have exclusive privilege to publish the results of the surveys. The newspapers subscribing to the institute are of all shades of political belief. Some are Democratic, some Independent, some Republican.

"SAMPLING REFERENDUM" USED

The chief tool used by the institute in its measurement of public opinion is the sampling referendum. The basic principle of the sampling referendum is simply that by sounding the opinions of a relatively small number of persons proportionate to each population group and in every section of the country the opinions of the whole population can be determined.

The secret of this new type of opinion sampling is not numbers. Statisticians have repeatedly demonstrated that a few thousand voters correctly selected will reflect faithfully the views of an electorate of millions of voters. The secret is in the cross section—the way voters for the sample are selected. To be a reliable indicator of public opinion the sample must include views of members of all political parties and of rich and poor, old and young, men and women, farmers and city dwellers, persons of all religious faiths—in short, voters of all types from every State in the land.

Moreover, it must include these types numerically in the sample in approximately the same proportion as they exist in the voting population. It must, in effect, select a miniature electorate that is representative of the views of the larger whole. When this sampling process is executed with statistical skill the voters in the miniature electorate will divide into opinion blocs in virtually the same way as all the voters would divide if their views were canvassed.

The process of conducting a survey starts with a conference of the institute's editorial and research executives. Here the news of the day is discussed, the issues to be investigated are selected and defined, and the questions framed. The wordings are then tested for clarity on a small group of voters selected at random. Upon completion of the test copies of the ballot are printed and the national survey is ready to begin.

SIX HUNDRED FIELD REPORTERS

The actual surveys are conducted with the aid of more than 600 field reporters, nearly all college graduates, strategically located in cities and rural areas throughout the Nation. They obtain answers to the ballot questions by interviewing voters in the home, on the street, in offices, and on farms.

Upon completion of the interviewing the reporters return the ballot forms to the institute's statistical office at Princeton, N. J., where the vote is tabulated by machine. Results are then sent to the editorial staff, which prepares news stories for publication.

Success in the field of opinion research, however, depends not so much upon how the voters are reached as upon (1) how many are reached (size of sample), (2) what types of voters are reached (character of the cross section), and (3) timing. Of these, the most important, it must be emphasized, is the character of the cross section. The least important normally is the number of persons included in the sample.

A belief persists in the lay mind that the most accurate survey must necessarily be the one which reaches the largest number of people. Those who cling to this theory received a rude shock, to be sure, when the Literary Digest's 2,000,000 ballot poll ran afoul in 1936. It is safe to say that no Nation-wide poll ever went wrong because too few persons were reached. A survey which predicts an election within 5 percent is generally regarded as amazingly accurate. Yet this degree of accuracy can be attained with from 600 to 900 ballots.

The statistical requirements for size of sample vary according to the issues involved, the detail of analysis desired, and the division of opinion. The size of national sample used by the institute runs from 3,000 cases to 50,000 cases or more, depending on the problems involved. A sample is adequate in size when an increase in number of cases fails to produce significant differences in results. Unless special analyses are required, it is wasted effort to go on piling up returns after stability has been reached.

SURVEY OF N. R. A. IN 1936

Consider, for example, the institute's study of opinion on the N. R. A. In 1936 a survey of 30,000 ballots was taken on the question, "Would you like to see the N. R. A. revived?" The first 500 cases showed a "no" vote of 54.9 percent. The complete sample of 30,000 cases returned a "no" vote of 55.5 percent. In other words, the addition of 29,500 cases to the first 500 cases in this instance made a difference of six-tenths of 1 percent in the national findings. Here are the figures:

Number of cases and percent voting against reviving the N. R. A.

First 500 ballots	54.9
First 1,000 ballots	53.9
First 5,000 ballots	55.4
First 10,000 ballots	55.4
All 30,000 ballots	55.5

Thus stability of returns can be reached with a relatively small number of cases. In any survey of opinion the prime determinant of accuracy is the character of the cross section. If the cross section is faulty, no piling up of cases in a national survey can eliminate the error.

The smallest unit used by the institute in making up a cross section is the State. No two States can be sampled in exactly the same way, but certain general principles can be illustrated. If one-third of the voters in a State live on farms, one-third of the ballots received from that State must come from farmers. If one-eighth of the voting population is on relief, one-eighth of the ballots must come from reliefers. And so on for the major population groups.

The institute uses six statistical keys to assure a representative cross section. The sample must contain the proper proportion of (1) voters from each State; (2) men and women; (3) farm voters and voters in towns of 2,500 population or less, 2,500 to 10,000, 10,000 to 100,000, 100,000 to 500,000, and 500,000 and over; (4) voters of all age groups; (5) voters of above average, average, and below average incomes, as well as persons on relief; and (6) Democrats, Republicans, and members of other political parties.

The actual number of persons in each of these six categories is found by consulting various statistical sources. The census, for example, gives population break-downs by sex, age, and urban and rural residence. Election returns show the number of Republicans, Democrats, and voters of other parties. Statistics relating to income are available from many Government and private sources.

In any survey which attempts to predict an election, timing is another factor of importance. Speeches and events during the last week of a campaign may sometimes cause shifts of sentiment. For that reason a survey should be continued up to within a few hours of the election, if possible.

NO CLAIM TO INFALLIBILITY

So far as accuracy is concerned, the institute does not believe that it can be right 100 percent of the time. Nevertheless its record has

been impressive. The institute predicted President Roosevelt's victory in 1936 with an average State-by-State error of only 6 percentage points. Forty-two of the 48 States were correctly placed and only 3 (Maine, Vermont, and New Hampshire) listed as sure for Landon. More recently the institute forecast the reelection of Mayor LaGuardia in New York City within 4 points, and indicated the victory of Mayor Reading in Detroit within 2 points.

Opinion surveys have been critcized on the ground that they influence public opinion as well as measure it. Some people fear that if the voter knows what side is the popular side he will climb on the bandwagon. There is little support, however, for the bandwagon theory. As one example, the Literary Digest, which enjoyed a wide following throughout the country, forecast a victory for Landon, but the people voted for Roosevelt.

The question has been frequently asked: What will be the effect on representative government if public opinion on social and political issues can be known at all times? Will legislators become puppets in the hands of pressure groups and the true function of representation be lost? Under a system of frequent opinion measurement, the function of representation is not lost, for it is well understood that the people have not the time or the inclination or the competence to pass on all the problems that confront their leaders. Moreover, the democratic process requires leaders to initiate the means by which the values of the group are realized.

Before the advent of the sampling referendum legislators were not isolated from their constituencies. They read the local newspapers; they toured their precincts and talked with the common man; they received letters from the home folks; they entertained delegations claiming to speak for the majority or for large and important blocs of voters. The change that is brought about by sampling referenda is that legislators and leaders generally can get a truer measure of national public opinion than they have had in the past.

ROLL CALL OF NEWSPAPER SUPPORTING THE GALLUP POLL

Democratic: Atlanta Constitution, Clarksburg Exponent, El Paso Times, Fairmont Times, Fort Wayne Journal Gazette, Great Falls Tribune, Kansas City Journal, Lynchburg News, Rock Springs Rocket, Sheboygan Press, Shreveport Journal.

Independent Democratic: Amarillo Globe-News, Baltimore Sun, Birmingham News, Charlotte Observer, Chillicothe News-Advertiser Gazette, Cleveland Plain-Dealer, Dallas News, Dayton Daily News, Durham Herald, Harrisburg Patriot, Hartford Times, Jacksonville Journal, Memphis Commercial Appeal, Miami Herald, New Orleans Item Tribune, New York Times, Norfolk Virginian Pilot, Oklahoman and Times, Richmond Times Dispatch, Roanoke Times, St. Petersburg Times, Wheeling News-Register, Wichita Falls Times, Winston-Salem Journal and Sentinel.

Independent: Aberdeen News, Anderson (S. C.) Tribune, Appleton Post-Crescent, Bloomington (Ill.) Daily Pantagraph, Boise Capital News, Boston Globe, Bradford Newspapers, Burlington Daily News, Chattanooga News-Free Press, Chicago Daily News, Cincinnati Enquirer, Corning Evening Leader, Corpus Christi Caller Times, Columbus Citizen, Decatur Herald and Review, Detroit News, Denver News, Des Moines Register and Tribune, Duluth Herald, Erie Dispatch-Herald, Elkhart Truth, Fall River Herald, Gary Post-Tribune, Goshen News-Democrat, Grand Rapids Press, Green Bay Press-Gazette, Greensboro News, Houston Post, Huron Huronite, Indianapolis Times, Joplin Globe, Knoxville News Sentinel, LaCrosse Tribune, Lewistown Sentinel, Lincoln Journal Star, Louisville Courier-Journal, Madison State Journal, Minneapolis Star, Mitchell Daily Republican, Nashville Banner, Newark Evening News, Omaha World-Herald, Peoria Journal-Transcript, Pittsburgh Press, Portland (Oreg.) Journal, Providence Journal, Pueblo Star-Journal, Quincy Herald-Whig, Rock Island Argus, St. Joseph News-Press Gazette, St. Louis Globe-Democrat, St. Paul Dispatch, Salt Lake City Tribune, San Antonio Express, San Francisco News, Seattle Star, Sioux City Tribune, Sioux Falls Argus-Leader, South Bend Tribune, Spokane Spokesman Review-Chronicle, Springfield (Mass.) Republican, Tacoma Times, Troy Times-Record, Tucson Citizen, Tulsa Tribune, Washington Post, Wichita Beacon, Wisconsin Rapids Tribune.

Republican: Anderson (Ind.) Herald, Beloit Daily News, Bloomington (Ind.) Telephone, Cheyenne Wyoming State Tribune, Galesburg Register-Mail, Hibbing Tribune, Johnstown Tribune, Los Angeles Times, Oil City Derrick, Oakland Tribune, Parkersburg News, Racine Journal Times, Rochester Democrat and Chronicle, San Diego Union and Tribune, San Jose Mercury Herald, Springfield (Ill.) State Journal, Topeka Capital.

Independent Republican: Bellingham Herald, Buffalo Evening News, Colorado Springs Gazette-Telegraph, Davenport Times, Honolulu Star-Bulletin, Grand Forks Herald, Jamestown Journal, Kewanee Star-Courier, Philadelphia Bulletin, Portland (Maine) Sunday Telegram, Toledo Times and Blade.

ORDER FOR RECESS TO MONDAY

Mr. BARKLEY. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until Monday next at 12 o'clock noon.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

POST OFFICE NOMINATION RECOMMITTED

Mr. McKELLAR. As in executive session, at the request of the Senator from Missouri, I ask unanimous consent that the nomination of Ray G. Carter to be postmaster at Ellington, Mo., now on the Executive Calendar as No. 6154, page 3, be recommitted to the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

POEMS BY HON. ROBERT BAKER

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD a poem entitled "Britain's Stupendous Service To Preserve World Liberty," and also a poem entitled "America's Service," both written by Hon. Robert Baker, formerly Member of the House of Representatives, which appear in the Appendix.]

ARTICLE BY ALSOP AND KINTNER ON DEFENSE COMMISSION COORDINATOR

[Mr. TAFT asked and obtained leave to have printed in the RECORD an article by Joseph Alsop and Robert Kintner, published in the Cleveland News of November 20, 1940, entitled "Failure To Name Defense Commission Coordinator Has Treasury, War, and Navy Departments in Furore," which appears in the Appendix.]

EDITORIALS FROM BOSTON POST AND BOSTON HERALD ON PROPOSED ADJOURNMENT OF CONGRESS

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial from the Boston Post of November 21, 1940, and an editorial from the Boston Herald of the same date, relative to the proposed adjournment of Congress, which appear in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4561) for the relief of Mrs. George C. Hamilton and Nanette Anderson.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1433. An act to add certain lands to the Siuslaw National Forest in the State of Oregon;

S. 1681. An act to amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes;

S. 3133. An act for the relief of the Cherokee Indian Nation or Tribe, and for other purposes;

S. 3991. An act to authorize the disposal of tools and equipment on the New England hurricane damage project;

S. 4107. An act to transfer the jurisdiction of the Arlington Farm, Va., to the jurisdiction of the War Department, and for other purposes;

S. 4224. An act to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps;

S. 4311. An act to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes;

S. 4374. An act to amend the Agricultural Adjustment Act of 1938;

H. R. 960. An act extending the classified executive civil service of the United States;

H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson;

H. R. 9589. An act granting a pension to Frances Folsom Cleveland Preston; and

H. R. 10543. An act to make the excess-land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada.

REGULATION OF ADMINISTRATIVE PROCEDURE

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Mexico [Mr. HATCH] that the Senate proceed to the consideration of House bill 6324, to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Johnson, Calif.	Shipstead
Andrews	Connally	King	Stewart
Austin	Danaher	McKellar	Taft
Ball	Ellender	Maloney	Thomas, Utah
Barkley	Frazier	Mead	Tobey
Bilbo	George	Miller	Vandenberg
Bridges	Gibson	Minton	Van Nuys
Brooks	Gurney	Nye	White
Burke	Hale	Reed	Wiley
Byrd	Hatch	Russell	
Byrnes	Herring	Schwartz	
Capper	Hill	Sheppard	

Mr. MINTON. I announce the necessary absence of the Senator from Arizona [Mr. ASHURST], the Senator from Alabama [Mr. BANKHEAD], the Senator from Washington [Mr. BONE], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senator from Kentucky [Mr. CHANDLER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Virginia [Mr. GLASS], the Senator from Rhode Island [Mr. GREEN], the Senator from Mississippi [Mr. HARRISON], the Senator from Arizona [Mr. HAYDEN], the Senator from Delaware [Mr. HUGHES], the Senator from Colorado [Mr. JOHNSON], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from Montana [Mr. MURRAY], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Washington [Mr. SCHWELLENBACH], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Oklahoma [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], the Senator from Massachusetts [Mr. WALSH], and the Senator from Montana [Mr. WHEELER].

Mr. AUSTIN. I announce the necessary absence of the following Senators:

The Senator from Oregon [Mr. MCNARY], the Senator from Pennsylvania [Mr. DAVIS], the Senator from Oregon [Mr. HOLMAN], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Massachusetts [Mr. LODGE], the Senator from New Jersey [Mr. BARBOUR], the Senator from Idaho [Mr. THOMAS], and the Senator from Delaware [Mr. TOWNSEND].

RECESS TO MONDAY

The PRESIDENT pro tempore. Forty-five Senators having answered to their names, a quorum is not present. What is the pleasure of the Senate?

Mr. BARKLEY. Mr. President, it is not probable that we will be able to develop a quorum at this time. Therefore, I move that the Senate take a recess, under the order previously entered, until next Monday at 12 o'clock noon.

The motion was agreed to; and (at 12 o'clock and 23 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Monday, November 25, 1940, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, NOVEMBER 22, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, we pray for vision that we may arise to the high privileges of our tasks as each new day challenges us to nobler and better effort. Allow nothing, blessed Lord, to lessen the value, the dignity, and the thorough cooperation of the Congress, understanding that to give happiness and to do good are the chief functions of true character. When perplexity arises, give us patience and enable us to put aside all things useless and hurtful. Bless all institutions of our land which succor the unfortunate, that train and inspire our youth. More and more let the dreams of freedom and national fraternity be realized by all our fellow countrymen. In the name of our elder brother, our Saviour. Amen.

The Journal of the proceedings of Wednesday, November 20, 1940, was read and approved.

EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain quotations and excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HULL, Mr. LAMBERTSON, Mr. THILL, and Mr. PATRICK asked and were given permission to extend their own remarks in the RECORD.

ANNOUNCEMENT

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, my colleague and good friend, the gentleman from Texas [Mr. THOMASON], was necessarily absent Tuesday, when the vote was had upon the conference report of H. R. 960, the so-called Ramspeck civil-service bill.

No Member of the House has been a more earnest or consistent advocate in support of this legislation than EWING THOMASON, and it was to him a source of deep regret that he could not be here to vote for the adoption of the conference report.

Prior to its coming up in the House, he had requested me to secure a pair for him in support of the conference report.

Unfortunately, I was unable to secure an active pair for him, and I make this statement in order that the RECORD may show that it was not his fault that he was not present or paired in support of the conference report.

UNITED STATES SENATORS FROM THE STATE OF MISSOURI

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein the names of those who have served as United States Senators from the State of Missouri.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHANNON. Mr. Speaker, I placed in the Appendix of the RECORD, page 6630, a list of the names of Members of this House, including Delegates, who served while Missouri was a Territory, also Members of Congress at Large, and the names of all Members who were elected from the congressional district of which Jackson County was a constituent part.

As a companion presentation, I desire that there be published a list of Missouri Senators, commencing with Thomas H. Benton and David Barton, who were elected to the Seventeenth Congress in 1821, and ending with the recently reelected HARRY S. TRUMAN, of Jackson County.

Included in this list of United States Senators are many famous men.

I shall mention but a few.

John B. Henderson in 1861 was a Presidential Elector for Stephen A. Douglas, the Democratic nominee. He later became a Republican, due to the War between the States. He was one of those who voted not guilty at the trial of President Andrew Johnson after his impeachment.

Another Senator of note was David R. Atchison, who for 1 day was President of the United States.

Then, I wish to mention Waldo P. Johnson, who, according to Senate records, was expelled from the Senate in 1862. My information, however, is that he never qualified as Senator

but went into the Confederacy instead. He was one of Missouri's greatest lawyers, as was his son, William Tell Johnson, and their law associate, John H. Lucas. In 1874 they established their law firm in Osceola, Mo., and in 1879 the young men moved to Kansas City, Mo., where they lived until their respective deaths. For 45 years I knew William Tell Johnson and his partner, John H. Lucas. The latter is buried at Osceola and the former at Kansas City. These two men were of striking personality and were devout churchmen.

John Lucas was superintendent of the Methodist Sunday School in Osceola. It is my understanding that he never missed his class, except on one or two occasions, notwithstanding that he had to travel a distance of 150 miles from Kansas City to Osceola for every class meeting. For 47 years he commuted there weekly, to attend his Sunday-school meetings.

Waldo P. Johnson's son, William Tell Johnson, lies buried in Forest Hills Cemetery at Kansas City, in the Confederate section. He was a devout member of the Roman Catholic Church. I presume that no layman of any religion was more saintly in his ways than William Tell Johnson. What a trinity that was—Waldo P. Johnson, William Tell Johnson, and John H. Lucas.

Among others who served for a short term was Gen. James Shields, a hero of two wars, the Mexican War and—as a brilliant Union officer—the War between the States. He was a native of Tyrone County, Ireland. General Shields was the only man ever to serve three States as United States Senator; namely, Illinois, Minnesota, and Missouri.

There is also that noted statesman, soldier, and Democrat, Frank P. Blair. A Kentuckian by birth, he served as Lincoln's representative in many confidential capacities.

The peerless George Graham Vest, who served as Senator from Missouri from 1879 to 1903, also had been a member of the Confederate senate.

Amongst other renowned Missouri Senators were Thomas Hart Benton and William Joel Stone, both of whom would require a volume of fair size to briefly outline their splendid public careers.

Included also are four living ex-Senators from Missouri: Harry B. Hawes, James A. Reed, Judge George Williams, and Roscoe Patterson.

Every name associated with this high office is linked with an interest that should be known not only to all Missourians but to all who love our Republic. For, after all, history is a chronicle of what men have done.

Missouri's United States Senators

CLASS 3 [1]

Congress	Name of Senator	Commencement of service	Expiration of term	Remarks
17th to 21st, 1821–31	David Barton	Aug. 10, 1821	Mar. 3, 1831	
22d to 24th, 1831–37	Alexander Buckner	Mar. 4, 1831	Mar. 3, 1837	Died June 6, 1833.
23d, 1833–35	Lewis F. Linn	Oct. 25, 1833	Nov. 19, 1834	By Governor, to fill vacancy.
23d to 30th, 1833–49	do	Nov. 20, 1834	Mar. 3, 1849	Died Oct. 3, 1843.
28th, 1843–45	David R. Atchison	Oct. 14, 1843	Nov. 19, 1844	By Governor, to fill vacancy.
28th to 33d, 1843–55	do	Nov. 20, 1844	Mar. 3, 1855	Vacancy from Mar. 4, 1855, to Jan. 12, 1857, and from Mar. 3 to Mar. 17, 1861.
34th to 36th, 1855–61	James S. Green	Jan. 12, 1857	Mar. 3, 1861	
37th to 39th, 1861–67	Waldo P. Johnson	Mar. 17, 1861	Mar. 3, 1867	Expelled Jan. 10, 1862. Vacancy from Jan. 10 to Jan. 17, 1862.
37th to 38th, 1861–65	Robert Wilson	Jan. 17, 1862	Nov. 13, 1863	By Governor, to fill vacancy.
38th to 39th, 1863–67	B. Gratz Brown	Nov. 13, 1863	Mar. 3, 1867	
40th to 42d, 1867–73	Charles D. Drake	Mar. 3, 1867	Mar. 3, 1873	Resigned Dec. 19, 1870.
41st, 1869–71	Daniel T. Jewett	Dec. 19, 1870	Jan. 30, 1871	By Governor, to fill vacancy.
41st to 42d, 1869–73	Francis P. Blair	Jan. 20, 1871	Mar. 3, 1873	
43d to 45th, 1873–79	Lewis V. Bogy	Mar. 4, 1873	Mar. 4, 1879	Died Sept. 20, 1877.
45th, 1877–79	David H. Armstrong	Sept. 29, 1877	Jan. 26, 1879	By Governor, to fill vacancy.
Do	James Shields	Jan. 27, 1879	Mar. 3, 1879	
46th to 57th, 1879–1903	George G. Vest	Mar. 4, 1879	Mar. 3, 1903	
58th to 66th, 1903–21	William J. Stone	Mar. 4, 1903	Mar. 3, 1921	Died Apr. 14, 1918.
65th, 1917–19	Xenophon P. Wilfley	Apr. 30, 1918	Nov. 5, 1918	By Governor, to fill vacancy.
65th to 69th, 1918–27	Selden P. Spencer	Nov. 6, 1918	Mar. 3, 1927	Died May 16, 1925.
69th, 1925–27	George H. Williams	May 25, 1925	Dec. 5, 1926	By Governor, to fill vacancy.
69th to 72d, 1925–33	Harry B. Hawes	Dec. 6, 1926	Mar. 3, 1933	Resigned effective Feb. 3, 1933.
72d, 1931–33	Bennett Champ Clark	Feb. 4, 1933	Mar. 3, 1933	By Governor, to fill vacancy.
73d to 75th, 1933–39	do	Mar. 4, 1933	Jan. 3, 1939	
73d to 76th, 1939–45	do	Jan. 3, 1939	Jan. 3, 1945	

CLASS 1 [1]

17th to 31st, 1821–51	Thomas H. Benton	Aug. 10, 1821	Mar. 3, 1851	
32d to 34th, 1851–57	Henry S. Geyer	Mar. 4, 1851	Mar. 3, 1857	
35th to 37th, 1857–63	Trusten Polk	Mar. 4, 1857	Mar. 3, 1863	Expelled Jan. 10, 1862.
37th, 1861–63	John B. Henderson	Jan. 17, 1862	Jan. 5, 1863	By the Governor, to fill vacancy.
37th to 40th, 1861–69	do	Jan. 6, 1863	Mar. 3, 1869	
41st to 43d, 1861–75	Carl Schurz	Mar. 4, 1869	Mar. 3, 1875	
44th to 58th, 1875–1905	Francis M. Cockrell	Mar. 4, 1875	Mar. 3, 1905	
59th to 61st, 1905–11	William Warner	Mar. 18, 1905	Mar. 3, 1911	Vacancy from Mar. 4 to Mar. 17, 1905, because of failure of legislature to elect.
62d to 70th, 1911–29	James A. Reed	Mar. 4, 1911	Mar. 3, 1929	
71st to 73d, 1929–35	Roscoe C. Patterson	Mar. 4, 1929	Jan. 3, 1935	
73d to 76th, 1935–41	Harry S. Truman	Mar. 4, 1935	Jan. 3, 1941	
77th (Senator-elect)	do	Jan. 3, 1941	Jan. 3, 1947	

[1] Under art I, sec. 3, clause 2, of the Constitution of the United States, relating to the classification of Senators in the First and succeeding Congresses, it was provided that, "Immediately after they shall be assembled in consequence of the first election they shall be divided as equally as may be into 3 classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year." The classification of the Senators of the First Congress, was made in accordance with this provision by lot. The tables above show the classes to which the Senators were severally assigned, and the Congresses during which they served.

EXTENSION OF REMARKS

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short telegram.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech delivered by Robert E. Lambert, clerk of the House Committee on the Post Office and Post Roads.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's table and following the legislative program of the day I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COSTELLO asked and was given permission to revise and extend his remarks in the RECORD.

STRIKES ON NATIONAL-DEFENSE PROJECTS

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, this Congress has made commitments for national defense and neutrality enforcement amounting to $17,692,227,930, which is in part imperiled by labor disputes. Mr. Speaker, I have heretofore said on the floor of the House that to strike against the Government or essential works of the Government in time of emergency is in fact treason, and should be so declared by law. Concerning strikes now pending against the Government and plants producing for the Government, I have been expecting—or at least hoping—that somebody high up in the Government would at least give some expression of disapproval. These racketeers should not be permitted to sabotage national defense. [Applause.]

[Here the gavel fell.]

RESIGNATION

The SPEAKER laid before the House the following notice of resignation:

NOVEMBER 20, 1940.

Hon. SAM RAYBURN,
Speaker, House of Representatives.

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Governor of Texas my resignation as a Representative in the Congress of the United States from the Eighteenth District of Texas.

Cordially yours,

MARVIN JONES.

ELECTION AS CHAIRMAN OF COMMITTEE

Mr. COOPER. Mr. Speaker, I offer a privileged resolution, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 638

Resolved, That HAMPTON P. FULMER, of South Carolina, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on Agriculture.

The resolution was agreed to.

VULTEE AIRCRAFT STRIKE CONTINUES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, day before yesterday I called attention to the unwarranted strike, as I see it, at the Vultee aircraft plant in California. I simply wish to add to those remarks and say that this plant has now been closed for a period of 1 week, and in this period we have seen a disruption of operations and the production of more than 25 basic training planes on order by the United States Government has been held up. In other words, we are just 25 planes behind in the schedule we hoped to follow in our national-defense program.

This strike, and others taking place in factories occupied with filling defense orders, must be settled by conferences while work goes on without interruption.

I said then, and I repeat, although I do not set this Congress or myself up as an arbiter in this fight between the employer and the employees, that it is time this Congress, if the administration cannot stop this situation, lets the country know that we are going to see that there is a stoppage of the disruption of the national-defense orders for this Government. [Applause.]

[Here the gavel fell.]

THE NEW HOUSE OFFICE BUILDING

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Res. 637) and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 637

Resolved, That when this House adjourns on Friday, November 22, 1940, it will adjourn to meet in the caucus room in the New House Office Building on Monday, November 25, 1940, and it shall continue to meet there until otherwise ordered.

Resolved, That all rules relating to the Hall of the House shall be applicable to the caucus room.

Resolved, That the Clerk communicate these resolutions to the President of the United States and to the Senate of the United States.

The resolution was agreed to.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a letter I have received from David Lynn, Architect of the Capitol, relating to the contents of the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The letter referred to is as follows:

ARCHITECT OF THE CAPITOL,
Washington, D. C., November 20, 1940.

Hon. JOHN W. MCCORMACK,
Majority Leader, House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN MCCORMACK: Referring to your inquiry of today for advice as to the present condition of the roof construction over the House Chamber, the opinions of seven engineers, both Government and private, are unanimous that the roof construction is in a dangerous condition and should be replaced at the earliest practicable date.

It is particularly urgent that the temporary work, involving the installation of temporary steel trusses under the ceiling of the House Chamber to support the cast-iron ceilings, relieving the existing trusses of the dead-load weight of 120 tons of cast-iron ceilings which are hung on the bottom chord of the present trusses, be carried forward with the least possible delay.

After the installation of the temporary steel trusses, which will take about 6 weeks to install, the Chamber can be occupied by the membership of the House with safety.

In the meantime, preparation of plans and specifications for the permanent construction and the removal of the old, obsolete roof trusses of cast iron and wrought iron above the ceilings and their replacement with modern steel construction is in progress and will continue.

The Architect of the Capitol, in order to take every precaution within his power to protect the membership of the House, has had installed wood struts between the top chords of the present trusses to reinforce the chords and insure to the greatest possible degree against their failure.

However, the findings of the engineers are to the effect that the stresses in the top chord truss members over the House Chamber exceed those allowed in good practice today by 65 percent. Therefore, the factor of safety of four which is demanded in all standard specifications and codes is reduced to two and one-half in the House Chamber.

The consulting engineer originally employed by the Architect of the Capitol recommends that in view of the conditions now existing, the present roof construction should be removed and replaced by a new one of modern design and all fireproof construction.

The Government engineers in their reports state that, notwithstanding the fact that the roof trusses have withstood for nearly 85 years, undetectible damage, such as fatigue, may have occurred during this time. These engineers also recommend that the roof trusses be replaced.

The consulting engineer employed by the joint congressional committee composed of Senator TOM CONNALLY, of Texas, and Representative LOUIS C. RABAUT, of Michigan, in his report, among other comments, suggests the lack of proper bracing and the fact that the top chords of the trusses are not straight—in other words, those chords having moved under stress—make the condition of the chords dangerous.

The chief engineer of the American Institute of Steel Construction, in his report, finds that the most dangerous condition of overstress in the roof trusses is when heavy snow and ice loads are accompanied by heavy, gusty winds. In his opinion, under such conditions the use of the House Chamber should be discontinued until such winds have subsided and the snow and ice loads have been removed.

The consensus of opinion, therefore, as expressed by all of the consulting engineers, is that the entire roof construction over the House wing should be taken down and replaced by modern fireproof construction at the earliest practicable date.

Yours very truly,

DAVID LYNN,
Architect of the Capitol.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns next Monday it adjourn to meet the following Thursday.

Mr. DINGELL. Mr. Speaker, reserving the right to object, I want to find out whether I am going to be in position to question the presence of a quorum before I agree to that unanimous-consent request. I want a record of how many are present here today. If we are going to adjourn immediately after this unanimous-consent request is granted, without a record of those present, I am going to have to object to the request.

The SPEAKER. Objection is heard.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 960. An act extending the classified executive civil service of the United States;

H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson;

H. R. 9589. An act granting a pension to Frances Folsom Cleveland Preston;

H. R. 10543. An act to make the excess land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada;

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1433. An act to add certain lands to the Siuslaw National Forest in the State of Oregon;

S. 1681. An act to amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes;

S. 3133. An act for the relief of the Cherokee Indian Nation or Tribe, and for other purposes;

S. 3991. An act to authorize the disposal of tools and equipment on the New England hurricane damage project;

S. 4107. An act to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdiction of the War Department, and for other purposes;

S. 4224. An act to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps;

S. 4311. An act to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes; and

S. 4374. An act to amend the Agricultural Adjustment Act of 1938.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 960. An act extending the classified executive civil service of the United States;

H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson;

H. R. 9589. An act granting a pension to Frances Folsom Cleveland Preston; and

H. R. 10543. An act to make the excess-land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 13 minutes p. m.), pursuant to its order heretofore entered, the House adjourned to meet on Monday, November 25, 1940, at 12 o'clock noon, in the caucus room in the New House Office Building.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN:

H. R. 10696. A bill to carry out flood-control measures recommended by chief of engineers for Jefferson, Tex., and vicinity; to the Committee on Flood Control.

By Mr. DIMOND:

H. R. 10697. A bill to make further provision for the national defense; to the Committee on the Territories.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9386. By the SPEAKER: Petition of Dorothy Frooks, of New York, petitioning consideration of their resolution with reference to a court review to insure justice; to the Committee on the Judiciary.

9387. Also, petition of E. Aguinaldo, president, Association of the Veterans of the Philippine Revolution, petitioning consideration of their resolution on behalf of the Association of the Veterans of the Philippine Revolution; to the Committee on Insular Affairs.

SENATE

MONDAY, NOVEMBER 25, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess, in the old Senate Chamber in the Capitol, more recently occupied by the Supreme Court of the United States.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, in whom we live and move and have our being: We humbly beseech Thee to direct us in all our doings, with Thy most gracious favor, and to further us with Thy continual help; that in all our works begun, continued, and ended in Thee we may glorify Thy holy name and finally, by Thy mercy, obtain everlasting life. Through Jesus Christ our Lord. Amen.

CALL OF THE ROLL

The PRESIDENT pro tempore. Under the rule, the Chair feels constrained to make the following announcement: A quorum not being present when the Senate, on Friday last, took a recess until today, under an order of the Senate previously agreed to, it will be necessary, under the precedents, to develop a quorum before business can be transacted. The Secretary will therefore call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Hayden	Reynolds
Andrews	Clark, Mo.	Herring	Russell
Austin	Connally	Hill	Schwartz
Bailey	Danaher	Holt	Sheppard
Ball	Davis	Johnson, Calif.	Shipstead
Barbour	Ellender	King	Stewart
Barkley	Frazier	McKellar	Taft
Bilbo	George	Maloney	Thomas, Utah
Bridges	Gillette	Mead	Tydings
Brooks	Green	Miller	Vandenberg
Burke	Gurney	Minton	Van Nuys
Byrd	Hale	Nye	White
Byrnes	Harrison	O'Mahoney	Wiley
Capper	Hatch	Reed	

Mr. MINTON. I announce that the Senator from Arizona [Mr. ASHURST], the Senator from Alabama [Mr. BANKHEAD], the Senator from Washington [Mr. BONE], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senator from Kentucky [Mr. CHANDLER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Virginia [Mr. GLASS], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Delaware [Mr. HUGHES], the Senator from Colorado [Mr. JOHNSON], the Senator from Oklahoma [Mr. LEE], the Senator from Nevada [Mr. MCCARRAN], the Senator from New York [Mr. MEAD], the Senator from Montana [Mr. MURRAY], the Senator from West Virginia [Mr.

NEELY], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from Washington [Mr. SCHWELLENBACH], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Oklahoma [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], the Senator from New York [Mr. WAGNER], the Senator from Massachusetts [Mr. WALSH], and the Senator from Montana [Mr. WHEELER], are necessarily absent.

Mr. AUSTIN. I announce the necessary absence of the following Senators:

The Senator from Oregon [Mr. MCNARY], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. HOLMAN], the Senator from Idaho [Mr. THOMAS], the Senator from New Hampshire [Mr. TOBEY], the Senator from Delaware [Mr. TOWNSEND], and the Senator from Vermont [Mr. GIBSON].

The PRESIDENT pro tempore. Fifty-five Senators having answered to their names, a quorum is present.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, November 22, 1940, was dispensed with, and the Journal was approved.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of WARREN R. AUSTIN, duly chosen by the qualified electors of the State of Vermont a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of CHARLES O. ANDREWS, duly chosen by the qualified electors of the State of Florida a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

Mr. AUSTIN. I present the credentials of GEORGE D. AIKEN, elected a Senator from the State of Vermont.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of GEORGE D. AIKEN, duly chosen by the qualified electors of the State of Vermont a Senator from that State for the unexpired portion of the term ending January 3, 1945, were read and ordered to be filed.

Mr. HALE. I present the credentials of RALPH O. BREWSTER, elected a Senator from the State of Maine.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of RALPH O. BREWSTER, duly chosen by the qualified electors of the State of Maine a Senator from that State for the term beginning January 3, 1941, were read and ordered to be filed.

Mr. HARRISON. I present the credentials of my colleague Mr. BILBO, elected a Senator from the State of Mississippi for the term beginning January 3, 1941.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of THEODORE GILMORE BILBO, duly chosen by the qualified electors of the State of Mississippi a Senator from that State for the term beginning January 3, 1941, were read and ordered to be filed.

COMMITTEE SERVICE

On motion of Mr. BARKLEY, it was

Ordered, That the Senator from Georgia [Mr. GEORGE] be excused from further service as chairman of the Committee on Privileges and Elections, and that he be appointed chairman of the Committee on Foreign Relations to fill the vacancy caused by the death of the late Senator from Nevada, Mr. Pittman.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to a resolution (H. Res. 637), as follows:

Resolved, That when this House adjourns on Friday, November 22, 1940, it will adjourn to meet in the caucus room in the new House Office Building on Monday, November 25, 1940, and it shall continue to meet there until otherwise ordered.

Resolved, That all rules relating to the Hall of the House shall be applicable to the caucus room.

Resolved, That the clerk communicate these resolutions to the President of the United States and to the Senate of the United States.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The PRESIDENT pro tempore laid before the Senate two letters from the Acting Secretary of War, reporting, pursuant to law, relative to awards of certain quantity contracts for aircraft, aircraft parts, and accessories therefor entered into with more than one bidder under authority of law, which were referred to the Committee on Military Affairs.

PETITIONS

The PRESIDENT pro tempore laid before the Senate the petition of George H. Richter, Esq., of Savannah, Ga., relative to exercise of the right of petition for the redress of grievances in the State of Georgia and calling attention to article IV, section 4 of the Constitution providing

The United States shall guarantee to every State in this Union a republican form of government * * *,

And praying that the Congress take proper action in the premises, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution of the St. Louis County (Mo.) Junior Chamber of Commerce, favoring amendment of the Constitution so as to abolish the electoral college and provide that the President and Vice President be elected directly by a majority of the qualified voters of the United States, which was referred to the Committee on the Judiciary.

Mr. REED presented a resolution (signed by Wenzel Neuberger and Fred King, members of the resolution committee), of Farmers Union Local No. 606, of Ellis, Kans., favoring the Nation keeping out of any foreign war, which was referred to the Committee on Foreign Relations.

RESOLUTION AGAINST WAR OF THE WICHITA COUNCIL OF CHURCHES

Mr. CAPPER. Mr. President, I send to the desk for appropriate reference and ask unanimous consent to have printed in the RECORD a letter addressed to me by Mr. John W. Meloy, executive secretary of the Wichita Council of Churches, Wichita, Kans., in which is incorporated a copy of resolutions adopted by a recent meeting of the members of the council, urging that there be a redoubling of efforts to keep America out of war and to further the cause of world peace. The council also urges that this Government limit to peacetime quantity or prohibit altogether the shipment of scrap iron or aviation gasoline or other war materials to any nation when there is reason to believe that such materials will be used in a military way against the democracies.

There being no objection, the letter embodying the resolutions was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE WICHITA COUNCIL OF CHURCHES,
Wichita, Kans., November 19, 1940.

The Honorable ARTHUR CAPPER,
Washington, D. C.

MY DEAR SENATOR CAPPER: The following resolution was adopted at the regular monthly meeting of the Wichita Council of Churches Monday, November 18, 1940, without a dissenting vote. The meeting included 165 delegates from 38 leading Wichita churches:

"(1) The Wichita Council of Churches commends the Federal Government for all efforts which have been made to keep America out of war and to help the cause of international justice and goodwill. And we urge that these efforts be redoubled in the interest of world peace.

"(2) We believe that the embargo on scrap iron and aviation gasoline is a constructive step toward peace. And we specifically request our Government to limit to normal peacetime quantity, or prohibit altogether, the export of any material to any nation when there is reason to believe such materials may be used in a military way against the democracies.

"(3) We realize the extreme complexity of international relations and the tremendous difficulty of the specific application of the spirit of Christ in the international field in the present war situation. However, we urge positive action on the part of the Government which will manifest America's goodwill and friendliness to the common people of all nations, including Japan, Germany, Russia, and Italy, and which at the same time will emphasize our steadfast purpose to resist all tyranny."

The members of the council are watching with deep interest your policies, particularly in the international field. May God give you wisdom in making sound decisions.

Sincerely yours,

JOHN W. MELOY,
Executive Secretary.

INVESTIGATION OF RAILROADS, HOLDING COMPANIES, AND AFFILIATED COMPANIES

Mr. BARKLEY (for Mr. WHEELER and Mr. TRUMAN), from the Committee on Interstate Commerce, pursuant to Senate Resolution 71, Seventy-fourth Congress, authorizing an investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, submitted additional reports, which were ordered to be printed, as follows:

The Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—some aspects of its financial history (pt. 22 of Rept. No. 25); and

Wabash Railway Co.—income in 1930 (pt. 23 of Rept. No. 25).

BILL INTRODUCED

Mr. CLARK of Missouri (for Mr. TRUMAN) introduced a bill (S. 4431) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., and for other purposes, which was read twice by its title and referred to the Committee on Commerce.

RECIPROCITY IN PATENTS, TRADE-MARKS, AND COPYRIGHTS

Mr. DAVIS. Mr. President, today I am reintroducing a joint resolution, formerly numbered Senate Joint Resolution 284, to define the principle of international reciprocity in the protection of American patents, trade-marks, secret formulae and processes, and copyrights by providing a method for assuring the payments of amounts due to persons in the United States from users thereof in countries restricting international payments from their territories. Originally I introduced this joint resolution June 22, 1940, and it was referred to the Senate Committee on Patents. The number of people interested in the legislation quickly increased, and, after an executive meeting of the Patents Committee, it was considered the wisest legislative procedure to refer the resolution to the Committee on Banking and Currency in line with recommendations from the Departments of Commerce, State, and Treasury. Accordingly I am reintroducing the measure with certain changes which make clear that the disputed issues of international exchange shall not be left in doubt.

Americans have gradually awakened to the fact that our own national defense is being jeopardized in major ways through the control of patents by foreign corporations; through financial control, sometimes hidden, by foreign corporations many of which are owned lock, stock, and barrel by foreign governments; through interlocking patent royalty rights which have the effect of restricting American production of vital war materials.

Mr. President, the so-called white paper recently issued by the House committee investigating un-American propaganda has touched on this general subject. Of even greater importance in this field is the Senate investigation being conducted by the Senator from Montana [Mr. WHEELER] on the subject of obstructions of our national defense.

It is a fact, as these investigating committees have already learned, that by means of these patent royalty agreements foreign governments not only profit from our vast expenditures on national defense, but also have ready access to production plans and programs of our defense effort. While such licensing agreements exist with foreign corporations of many nations the facts show that our relation with corporations of certain central European nations have proved most detrimental to our interests. By way of illustration let me refer to the use of numerous German patents for which German firms receive a steady flow of royalty funds. This goes on even though American patent owners, whose patents are being used in Germany, have not been able to secure the funds due them for use of these patents. The excuse given is that in Germany there is a lack of available dollars, and, through the blocked-mark program now followed there, our manufacturers pay out funds to German patent holders but receive no funds in return.

Mr. President, this is an intolerable and unfair condition at any time. It is particularly so when we no longer permit payments in United States funds to numerous European countries now under the domination of Germany.

The joint resolution which I introduce proposes that a revolving fund be established which will segregate American funds due firms of foreign countries which have restricted payments to the United States so that sums due our American manufacturers can be paid from this fund. I believe, Mr. President, that such a measure will have the approval of the administration and will receive wide support from the many sectors of American labor and industry which now suffer this unfair treatment.

The Department of Justice has just concluded the case of the Bausch & Lomb Co. of the United States and the Carl Zeiss Co. of Germany in which they pleaded guilty to antitrust charges. This company is one of a number which not only control articles of production vital to national defense but also supply foreign countries with royalty statements which enable them to know just what defense preparations we are making. For instance, the Bausch & Lomb Co. sends a royalty statement to Germany that our Government has ordered five range finders. Immediately that country is informed that we have five new battleships on order.

The resolution I offer will help American interests in three vital ways. It will provide that American business will be paid the money rightfully due it under the revolving fund which will be set up under the Treasury Department. Royalty statements will not be sent to foreign powers which would be given information contrary to the best interests of our national defense. Funds will not be provided foreign powers through exchange which might be used in subversive activity against the United States.

There being no objection, the joint resolution (S. J. Res. 304) to define the principle of international reciprocity in the protection of American patents, trade-marks, secret formulas and processes, and copyrights by providing a method for assuring the payments of amounts due to persons in the United States from users thereof in countries restricting international payments from their territories was read twice by its title and referred to the Committee on Banking and Currency.

HOUSE BILL REFERRED

The bill (H. R. 9954) to amend section 7 of the act of May 14, 1930 (46 Stat. 326; U. S. C., title 18, sec. 753 f), relating to places of confinement and transfers of persons convicted of an offense against the United States was read twice by its title and referred to the Committee on the Judiciary.

REGULATION OF ADMINISTRATIVE PROCEDURE—AMENDMENT

Mr. BURKE submitted an amendment intended to be proposed by him to the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes, which was ordered to lie on the table and to be printed.

PROPERTY IN THE UNITED STATES OF THE BRITISH EMPIRE OR NATIONALS

Mr. NYE. Mr. President, I send to the desk a resolution. I shall move its proper reference in due order; but I now ask that it be read from the desk.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 334) was read, as follows:

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation with respect to property in the United States owned by the Government or any political subdivision or agency or instrumentality of, or by citizens, subjects, or nationals of, Great Britain, Northern Ireland, or any commonwealth, dominion, or possession constituting a part of the British Empire. For the purposes of such investigation the term "property" shall include credits, deposits, securities, choses in action, and any other form of property, the proceeds thereof, and any right, title, or interest therein. The committee shall report to the Senate, as soon as practicable, the results of its investigation, together with its recommendations.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-sixth and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. NYE. Mr. President, I ask for the reference of the resolution to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Without objection, the resolution will be so referred.

PRINTING OF HEARINGS ON INTERSTATE MIGRATION OF DESTITUTE CITIZENS

The PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 92, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Select Committee of the House of Representatives Investigating the Interstate Migration of Destitute Citizens be, and is hereby, authorized and empowered to have printed for its use 3,000 additional copies of its hearings held before said committee, pursuant to the resolution (H. Res. 63) entitled "A resolution to inquire into the interstate migration of destitute citizens to study, survey, and investigate the social and economic needs, and the movement of indigent persons across State lines."

Mr. HAYDEN. Mr. President, I move that the Senate concur in the resolution.

The motion was agreed to.

THE LATE SENATOR ERNEST LUNDEEN

[Mr. NYE asked and obtained leave to have printed in the RECORD an editorial from the Gaelic-American of October 5, 1940, and an editorial from the Steuben News of September 1940, with reference to the late Senator Ernest Lundeen, which appear in the Appendix.]

STATEMENT BY HON. CHARLES G. DAWES OPPOSING INTERVENTION IN EUROPEAN WAR

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD a statement by former Vice President Charles G. Dawes opposing intervention by the United States in the European war, which appears in the Appendix.]

OBJECTIVES OF THE REGULAR VETERANS' ASSOCIATION

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD an outline of the 1940–41 objectives of the Regular Veterans' Association, which appears in the Appendix.]

AMERICAN JEWRY IN WORLD WAR I

[Mr. BARBOUR asked and obtained leave to have printed in the RECORD an article by Bernard Postal entitled "American Jewry in World War I," published in the Jewish Times of November 15, 1940, which appears in the Appendix.]

AMERICAN AID FOR BRITAIN—ARTICLE BY HELEN ESSARY

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by Helen Essary on American aid for Great Britain published in the Washington Times-Herald of Sunday, November 24, 1940, which appears in the Appendix.]

REGULATION OF ADMINISTRATIVE PROCEDURE

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Mexico [Mr. HATCH] that the Senate proceed to the consideration of the Walter-Logan bill, House bill 6324.

Mr. BARKLEY. Mr. President, I wish to make what I hope will be a brief statement on the pending motion.

I shall not discuss the merits of the Walter-Logan bill—certainly not in detail. I may want to refer, only more or less casually and incidentally, to the provisions of the bill itself.

I shall vote against the motion to take up the bill at this time for reasons which may not appear sound or cogent to other Members of the Senate, but which appear to me to be sound in the interest of good legislative procedure.

I do not know how many Members of the Senate have carefully studied the bill, or how many Senators understand the details of the effect its enactment will have on the departments of the Government. I have tried to study it carefully; and I have come to the conclusion that, although the terms of the bill appear simple, there has not been before the Senate in a long time a more technical piece of legislation—I mean technical because of the manner in which the bill attempts to deal in a uniform way with all the departments and agencies of the United States Government.

It is my contention that there is not now before the Senate enough information to enable the Senate to act wisely on legislation of this sort because individual Senators have not had the time—and I think I am within the bounds of reasonable truth when I say that the Senate as a whole has not had the time—to try to lay this bill down as a sort of blanket over the various departments of the Government and try to shape the administration of the departments which we ourselves have created by a uniform formula that would be applicable to all of the departments and agencies.

I shall not go into the history of the legislation. We all understand that this is a bill which was prepared by the American Bar Association through a committee on administrative law. The committee was made up of distinguished men, able lawyers; and during the annual sessions of the bar association the committee devoted some time to the subject. But the subject of administrative law is a new subject in the United States. It is one with which the bar as a whole is not familiar. Even now there are only six law schools in the United States which have courses upon the subject of administrative law; and only 8 or 10 years ago there was no law school in the United States which gave to its students a course in administrative law.

The bill was drawn by the subcommittee of the American Bar Association, was introduced in the House and Senate, and has been pending for a year or two. I believe that if the consideration of this whole subject could be postponed until the next session of Congress we should be able to write a wise bill dealing with the subject which would become law. I grant that legislation upon the subject is needed—not, however, legislation putting the courts in charge of departments. Two or three years ago we had a very bitter controversy here over a recommendation of the President in regard to the Supreme Court of the United States. It was opposed on the ground that the executive departments or even the President ought not to be given, by legislation or by any other method, control of our courts; and, regardless of the merits of the proposal and the sincerity of those who advocated it and those who opposed it, the measure did not become law.

It seems to me that this legislation, proposed here in the form in which it is proposed, is almost as objectionable as that measure was said to be, because it reverses the situation and the process by putting the courts in charge of the executive departments to such an extent that an executive department, as I read the bill, may not issue regulations for its own conduct without the approval of the courts. As I see the bill, under it, if it should become a law, it would be possible to hold up and postpone departmental procedure almost indefinitely; for it would not be until everything that happens in an executive department or agency could be thrashed out in the courts, and almost to the highest court, that there would be any assurance that a policy or an order or a regulation of the department involved could be settled and become effective.

Mr. AUSTIN. Mr. President, will the Senator permit me a question?

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Vermont?

Mr. BARKLEY. Yes; I yield.

Mr. AUSTIN. I notice that the Senator emphasizes his contention that this bill proposes an interference by the judicial department with the executive department. I ask him if he does not realize that by many of the statutes which set up these various bureaus the legislative department delegated the authority to legislate. That is to say, it invested the bureaus with power to make rules that would have the

validity and effect of law. Does the Senator recognize that that function was delegated?

Mr. BARKLEY. I do, of course. In the writing of the details of legislation Congress has either had to do that or it has had to undertake the writing of detailed regulations itself within the law and in the inevitable expansion of government as it has developed in this country; and it has had to develop as we have grown in complexity, as our problems have become more intertwined, there has been an inevitable development—certainly one that has been rapid—and it has been almost all inclusive. I realize that there are many sincere statesmen who disagree with the statement of the inevitability of that process, but it has been borne out.

Mr. AUSTIN. Mr. President, will the Senator yield again?

Mr. BARKLEY. I yield.

Mr. AUSTIN. Does it not logically follow that there should be in our courts the power to review the administration of such rules, in fact, to review the creation of such rules, principally those involving questions of constitutionality?

Mr. BARKLEY. I do not believe there is any constitutional right involved in the processes of administration in the various departments which is now denied to any person who has a genuine complaint. In other words, I think any such person even now can go into the courts and thrash out many, if not all, these problems. That is the very difficulty; it is utterly impossible for any one Senator or for a committee to make the investigations of the rules, methods, and processes by which the administrative agencies are carried on so as to know which can and which cannot afford a remedy sufficient, not only on constitutional grounds but on grounds of justice. That is one of the difficulties which would be involved in taking up the bill at this time.

Mr. AUSTIN. If the Senator will yield for a further question, I will not interrupt him again.

Mr. BARKLEY. That is all right; I yield.

Mr. AUSTIN. I think the Senator's observation applies principally, in an argumentative sense, to the administration of the rules after they are enacted; but the special committee which studied the proposed legislation thought it found a grave error in the procedure which permitted these bureaus, or at least some of them, arbitrarily to make these rules without notice, without hearing, and without the presence of the person whose property and whose civil rights were taken away. For example, I put into the RECORD a few days ago a decision of the Circuit Court of Appeals for the Ninth Circuit referring to the deprivation of a labor union of its existence solely by virtue of a rule of the National Labor Relations Board affecting notice and hearing and the presence of the respondent and an opportunity to answer. That is perhaps an extreme case, but as a principle of government it is the object of the committee to secure to interested parties a hearing upon the creation of such a rule. That is one of the first objects of the bill.

Mr. MINTON. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. MINTON. Did not the Supreme Court in that very decision protect the fundamental right of the party under the Constitution, without the Walter-Logan bill?

Mr. AUSTIN. Yes.

Mr. BARKLEY. Yes; that did occur.

Mr. MINTON. Has not the Supreme Court also held that it is not necessary to due process of law that hearing be held and notice given of the promulgation of rules by administrative bodies and bureaus?

Mr. BARKLEY. That was the ruling, of course, and that is why I stated a moment ago that I do not know of any constitutional right which Congress has not already safeguarded in the legislation dealing with each department separately. The decision of the Supreme Court, I think, at least in part confirmed that observation.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. AUSTIN. There is no doubt in my mind that if once one can get into the judicial department with the issue of constitutionality of legislation properly raised he will obtain a hearing there; but the oppressive fact is that in the case referred to a labor union had to go up through all the different courts and trials in order to preserve a right which is so ancient that it should be respected without regard to constitutions; that is, the right to have notice and to have a hearing and to be present when one's very existence is threatened with destruction. That is what we are fighting for.

Mr. BARKLEY. Of course, Congress could, at the time of the creation of any of these agencies, have provided for that, and it can do so now by amending the law under which the agency operates. But when we try to adopt an identical formula for the future administration of all the departments of the Government, regardless of their functions, it seems to me that Congress should have more information regarding the effect of such a law and such a universal formula than we have now.

Not only that, but under the bill, as I interpret it, it would be possible for a court to issue a declaratory judgment, not upon a given set of facts submitted to it in a controversy, but on a moot case which might affect the conduct of every department of the Government for an indefinite period, if not forever, at least until Congress took some different action.

I stated that I did not wish to go into the details of the proposed legislation. If the Senate votes to consider the bill, I intend to discuss it somewhat in detail before a vote is taken on the measure. But the thing which seems to me important is that, with the mind of the Senate not on this particular problem, and with the mind of the country not on this particular problem, it is unwise now, at this juncture, to begin consideration of the bill in its present form, when in January, according to my belief, we will be able to work out legislation which can be enacted and become law, and which will, I think, deal with the problem in as exhaustive a way as is necessary.

Nothing would be lost by postponing action. I stated a moment ago that the Senate as a whole had not given to this subject the study necessary to convince every Senator in his own mind as to the effect of the bill on the departments and governmental agencies. Those who have studied it unavoidably have found some confusion in the bill insofar as the effect it would have on the department is concerned.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MALONEY. I am wondering whether the majority leader has any idea as to when the committee which has been making a special study of this matter will report.

Mr. BARKLEY. I am just coming to that.

Mr. MALONEY. I thank the Senator.

Mr. BARKLEY. I realize that Senators raise their eyebrows when I refer to a committee which has been appointed by the Attorney General of the United States; and I am not worried about that. Early this year, or last year, I am not certain when, but at least several months ago, I think during last winter, possibly at the end of the last session or at the beginning of this session, the President of the United States asked the Attorney General to appoint a committee.

Mr. BURKE. Mr. President, will the Senator yield there in order that that matter may be straightened out?

Mr. BARKLEY. I yield.

Mr. BURKE. I think it was in April or May 1939, more than a year and a half ago.

Mr. BARKLEY. Very well. I accept the Senator's suggestion. No matter how long ago it was, this committee has been in existence. It has not been in existence as long as the American Bar Association has, through its subcommittee, been giving consideration to the subject, but in view of the importance of the question, in view of the President's desire that the matter should be studied, he asked the Attorney General to appoint a committee, which was done, we will say, in May of 1939.

The members of the committee do not draw any salary for the work they are doing. They are not on the pay roll. They are giving their services without compensation to the Department of Justice, to the Congress, and to the country, in studying the subject of administrative law and procedure in the various departments.

This committee is headed by Dean Acheson, one of the able lawyers of the United States. I do not think anyone could accuse Dean Acheson of being the sort of man who would be swept off his feet for or against proposed legislation of the kind we are now considering. The committee has been meeting every day for a month considering the whole subject, based upon information it has gathered from all the agencies; and, as I stated on a previous occasion, it has gone through the departments with a fine-tooth comb.

Of course, there were differences between members of the committee as to what should be done. They are undertaking to prepare a constructive document to submit to the Department of Justice and, through it, to the Congress of the United States. Their report will be made to the Attorney General on the 1st of December, I am informed. I thought several months ago it would be made during October, and certainly by the 18th of November, so that it would be available to the Senate on that date, but it turns out that there have been differences of opinion within the committee which they have had to iron out, and they are now in the process of ironing out their differences. They are proposing to recommend legislation to Congress on the subject. They are not dealing particularly with the Logan-Walter bill. I doubt whether they even comment on that bill, because they were not appointed to deal with any particular piece of legislation. But they are prepared to report to the Attorney General in an exhaustive document what they have found to be the conditions in the departments, as to what amendments are needed, what legislation should be considered, and, in their judgment, enacted by the Congress of the United States dealing with this subject. As I have stated, I am informed from the highest authority that the report will be available December 1.

Of course, it has to go before the Attorney General. That is the date when the committee proposes to submit it to him. I do not know how soon after that it will be forwarded to Congress for its consideration.

Mr. BAILEY. Perhaps 19 more months.

Mr. BARKLEY. The Senator from North Carolina suggests 19 more months. I do not think there is any basis for that suggestion. The Senator, however, has the right to make it.

The Senate can ignore this situation, if it wants to—and I am satisfied there are Members of the Senate who will ignore it because they have been advocating the passage of the proposed legislation—and there is a sort of feeling in certain quarters in the country that it would be better to pass some legislation, even if it is not the best legislation that can be obtained, if by doing so some persons in the departments could be curbed—and that applies particularly to the National Labor Relations Board and the Securities and Exchange Commission, both of which have been named a good deal in discussion which has taken place outside the Senate.

I will say to the Senator from North Carolina that I am satisfied the report will be available for our consideration at the next session of Congress in January. In all probability, we shall have to wait here on the House to pass a number of bills. We usually do so at the beginning of the session. We shall especially have to wait until the House sends us appropriation bills. We shall have to wait on the House for any legislation on the subject of taxation, and, in all probability, we may be doing what for lack of business we nearly always do at the beginning of the session for a month or more—adjourn every 3 days until measures of legislation come from the House. So I believe, in good faith, that we shall have ample opportunity to consider the subject in the light of the report of this committee. I think that even some Senators who advocate this proposed legislation feel that, in the interest of good legislation, in the interest of not passing a bill which I believe has been crudely drawn, and has not been much improved since it reached the Senate, it would be the part of wisdom and statesmanship not to take up the bill now.

I do not believe the Senate as a whole is in the mood for the consideration of legislation of this sort. We have a bare quorum, as has been developed here today. Certainly this bill ought not to pass, and no other bill of similar importance ought to pass, without a full attendance of the Senate.

That is the situation. Senators will act, of course, as their consciences dictate.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MALONEY. Before the Senator from Kentucky takes his seat I wish to impose briefly on the Senator's time to make a statement for the RECORD. I was inclined to vote to bring up the Walter-Logan bill, and then, unless it was greatly changed to vote against the bill when given the opportunity. I am opposed to it in its present form. The majority leader has persuaded me that it would be best for the country that we delay consideration of the measure for the reasons which he has given. I have talked with Dean Atcheson about it. I have complete confidence in him and in his committee. I am anxious for my own sake to have the benefit of the study the committee makes, and I now rise for the purpose of associating myself with the splendid statement made by the majority leader.

Mr. BARKLEY. I thank the Senator from Connecticut, and I wish to make a statement for the assurance of any Senators who may feel that if this matter goes over until January there would be an interminable delay. I have, in my present capacity in the Senate, never gotten so tired of one subject as I have of the Walter-Logan bill during the last year and one-half, and God forbid that I should have to spend another year and a half dealing with the matter. I want to get rid of it one way or another at a time when we can act wisely and in the light of all the facts.

I can assure the Senator from North Carolina and other Senators—that assurance may not be worth anything, but I give it anyway—that if we can wait until we shall have the benefit of these facts, and this meticulous and detailed investigation, which no other committee, and no other body has been able to give the subject, I will cooperate to the extent of my ability, if I am in any responsible position here after January, to have the subject taken up, and to have it disposed of by enactment of legislation.

Mr. BURKE. Mr. President, will the Senator from Kentucky yield to me?

Mr. BARKLEY. I yield.

Mr. BURKE. Of course, the Senator realizes that if the course which he recommends is followed, the other body, the House of Representatives, would have to start all over again with the consideration of this measure, which, after full consideration, was reported to the House by almost unanimous vote of the Judiciary Committee, and after several days' debate on the floor of the House of Representatives, was passed by a vote of almost 3 to 1. The Senator recommends a course which would require the other body to consider the matter anew.

Mr. BARKLEY. Of course, that is not only true with respect to this bill, but other bills on the doorstep of the Senate.

Mr. BURKE. I am speaking particularly of this bill.

Mr. BARKLEY. That is also true with respect to bills which we sent to the House which were not acted upon, and probably will not be acted upon in view of the existing situation. The result is that both Houses will have to start from scratch. But I will say to the Senator from Nebraska that I believe, in all good faith, that the country would benefit by both Houses starting from scratch on this and some other subjects with respect to which there is considerable controversy, and I believe we can obtain wisely considered legislation by that means. I believe we can have consideration of the matter at the next session.

Mr. BURKE. Mr. President, will the Senator again yield?

Mr. BARKLEY. I yield.

Mr. BURKE. Will the Senator from Kentucky elaborate on the statement which he made a moment ago that after studying the bill he considers it to be a crudely drawn measure? Will the Senator elaborate on that statement, particularly in the light of the fact, known to all of us, that it was his late distinguished colleague, Senator Logan, who spent several years in working out all the details of the bill, and that a subcommittee of the Judiciary Committee of the Senate spent a great deal of time, over a period of 3 or more

years, in working the matter out and had before it such distinguished students of administrative law as Roscoe Pound and many others and gave the fullest consideration to all the details of the bill, and then that it followed in the House the procedure already outlined, having there the study of the Judiciary Committee and the study of the full membership of the House, after which the bill was passed? I should like to know upon what ground the Senator from Kentucky now says that he thinks this is a crudely drawn measure.

Mr. BARKLEY. I will say to the Senator from Nebraska and to other Senators that, of course, my statement was not intended to be a reflection upon my former colleague, Judge—later Senator—Logan. He was an able lawyer and an able jurist, but everyone knows that Senator Logan did not draw this bill. No member of the Committee on the Judiciary drew the bill. The bill was drawn by a subcommittee of the American Bar Association, and, as frequently happens, it was submitted to Senator Logan for introduction. It was introduced not in its present form. The form in which it was originally introduced was not changed by my late colleague, but it was changed later in some respects by a subcommittee of the American Bar Association, and it was reintroduced by him as the product of that subcommittee of the American Bar Association.

What I meant by saying that it was crudely drawn is this: I believe that, however carefully a Senator, a lawyer, or anyone else studies this bill, he cannot know what effect it will have upon the various departments of the Government of the United States, which is something we should be able to determine before we vote on a bill which would give a court the right, even without evidence, without a specific, existing state of facts before it, to issue a declaratory judgment upon a moot situation which might affect facts thereafter to be considered by officials in the administration of the departments which the court could not have had in mind when it issued its declaratory judgment.

Mr. BURKE. Mr. President, will the Senator again yield?

Mr. BARKLEY. I yield.

Mr. BURKE. I think it fair to say about our late colleague, Senator Logan, that, while a bill was drafted by a committee on administrative law of the American Bar Association and considered in the delegates assembly of that association at many meetings participated in by the ablest lawyers in the country, and that as the result of that a draft of a bill was submitted to Senator Logan, yet the measure in its present form is shot through with Senator Logan's ideas; it bears the impress of his work and thought upon the subject in a great many particulars and it also bears the impress of the work done on the bill by the subcommittee of the Senate Judiciary Committee and also by the committee in the House. While there is no dispute about the fact that the measure was initiated and presented in draft form by the committee of the American Bar Association, the bill became, by the thought and energy and effort of Senator Logan and of other Members of this and the other body of Congress, in a much larger measure than has been true in past years, a bill drawn by the legislative department rather than by some other department of the Government.

Mr. BARKLEY. Mr. President, the Senator knows, and I am sure the Senate knows, that there is no man for whom I had a greater regard, both as to his integrity and sincerity, than I had for the late Senator Logan. For years he was interested in the subject of administrative law. He made a very able address on the subject before the Kentucky Bar Association, which I heard, and which I think was later put in the CONGRESSIONAL RECORD.

Some hearings were held by the Judiciary Committee on the original Logan bill. There were no hearings held on the pending bill. There was a sort of hearing held in the House committee, most of it, though, or a good deal of it, made up of letters from heads of the departments, which were printed as a part of the hearing after the hearing was closed. But my contention is, as well as my belief, that, considering the far-reaching effects on the departments of our Government—and if I had the time or disposition on this motion I could, I think, cite numerous cases in which the action of the departments might be held up indefinitely under the terms of the bill—and considering that there were no hearings held, and that no opportunity was given to representatives of the departments to show what it would do to them, the bill should not be considered at this time. I think there were a number of hearings held on the previous bill, which was a different proposal, and proposed to set up a separate special court to deal with administrative matters.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MINTON. The Senator from Nebraska challenged the statement of the Senator from Kentucky as to the crudities of this measure. I wish to direct the Senator's attention to page 4, section 3, which confers jurisdiction upon the United States Court of Appeals for the District of Columbia—

> To hear and determine whether any such rule issued or continued in force in accordance with section 2 of this act is in conflict with the Constitution of the United States or the statute under which issued.

Then after having conferred entire jurisdiction in two instances, it provides four grounds on which rules can be declared to be invalid. In other words, after defining the jurisdiction on two grounds, it provides that the rules can be declared invalid on four grounds.

Mr. BARKLEY. In that very procedure the court would not have before it a controversy between individuals, or between an individual and the Government. All the court may do is to consider the rule or regulation itself, and declare, without the existence of concrete facts, whether or not the rule or regulation is in violation of the Constitution or of the statute under which the agency is created.

Mr. MINTON. No one except the department is bound by the Court's decision.

Mr. BARKLEY. That is true.

Mr. MINTON. The bill expressly reserves to the party other than the board or commission the right to challenge the validity of the rule or regulation in a case or controversy in the district court, and no one is bound by the ruling except the bureau which may be involved.

Mr. BARKLEY. The Senator is correct.

Mr. President, that is about all I wish to say.

It has been repeated time and again in the Senate and in the newspapers that about a year and a half ago, when the bill slipped through the Senate under circumstances which we all understand, in order to have it reconsidered and put back on the calendar I obligated myself and bound myself to agree that the bill should be taken up and acted upon at this session. At that time I did say to my colleague and to others that I would make an effort to have the legislation considered early in the present session of Congress. Nobody could then foresee the present circumstances. I did not even then know that the President had requested the Attorney General to appoint a committee. I did not know that there was such a committee. I did not know that it was going into the whole subject in detail. I had no information and no intimation that when the early part of this session came, or when the latter part of the session came, we should be confronted with the situation which now exists with respect to this legislation.

I do not look upon the proposed legislation merely in the light of what happened a year and a half ago. I believe the Senate would act unwisely if it should consider the bill and act upon it at this time.

I believe we can act wisely in January or the early part of the coming session. In view of the circumstances which now exist in regard to this legislation, in view of the absence of half the Senate, and the inability of the Senate as a whole to give detailed study to the subject, we ought not to be bound—and nobody ought to ask us to be bound—irrevocably by some suggestion, made during the early part of the consideration of the legislation, that we should undertake to consider it at this session.

It is more important to pass a bill wisely than to pass it quickly. I believe that by delaying the matter until January we can pass a wise bill. I do not believe it is wise now to enter into the consideration of the bill under the circumstances which exist.

That is all I have to say. Of course, Senators will vote as their consciences dictate.

Mr. HATCH. Mr. President I do not rise to discuss the merits of the pending bill; but the remarks of the Senator from Kentucky necessarily prompt me to say a word or two in reply.

The argument which has been made here today has been made for a year and a half to the Senate and before committees of the Senate. The Senate Committee on the Judiciary began the study of the bill more than a year ago.

The legislative branch may be incompetent. It may not be able to legislate without advice and assistance from the executive branch of Government. Unfortunately, however, the Constitution places upon the legislative branch of Government the duty of legislating. Some of us think we were sent here for that purpose, and some of us have studied the bill. It may not be a wise bill. It may not be a good bill. Perhaps it ought to be defeated. However, there is one thing which I think the Senate ought to do, and that is to consider the bill and determine for itself whether it is a good bill or a bad bill. That is the only thing we have been asking.

For more than a year we have been met every calendar day with an objection to the consideration of the bill. When some of us sought to obtain recognition from the Chair to make a motion to take up the bill for consideration, unfortunately we were not able to obtain recognition by the Presiding Officer, and until this moment we have been denied the right to make the motion to consider the bill.

I have said on the floor of the Senate that I think this condition is of greater importance than the bill itself. Will the Senate consider a measure, or will it put it off from day to day, from month to month, and from year to year, and finally, at the conclusion of the session, say, "We have delayed so long now that there is no use in considering it any further. Let us start again next year?"

The Senate knows what that means. I know, as a member of the committee, that if action is not taken on this bill, and another bill is introduced next year, weeks and months will be spent in considering that bill. If it shall come to the Senate, perhaps again weeks and months will be spent in trying to obtain recognition, trying to be heard on the measure itself, and perhaps another session will pass and we shall be where we are today. The reason why I say that is that I am judging the future by the past. That is exactly what has happened.

We have tried to iron out some of the imperfections in the bill. We think we have done so. We think we have a good bill. We think Senators ought to consider it and ought to vote on the measure itself.

The Senator from Kentucky has pointed out some things which he thinks are defects in the bill. He speaks of a ruling by the court on a moot question. The only requirement in the provisions of the bill with respect to judicial review by the courts of rules and regulations is that a rule or regulation shall conform to the Constitution of the United States——

Mr. AUSTIN. Or the statute.

Mr. HATCH. I am coming to that. First, it must conform to the Constitution of the United States. Is it a violent thing to ask that a court be permitted to determine whether or not a rule or regulation of an administrative agency conforms to the Constitution?

The bill also provides that a rule or regulation of an administrative agency must conform to the statute creating the agency. Should the rule or regulation so conform? Is there any argument against such a provision? Does that question require detailed knowledge? Should not those simple provisions apply to every department of the Government, just as they apply to the legislative branch of the Government? The courts have power to ask us to pass laws in conformity with the Constitution; and they should have that power. Yet some persons think we are doing something strange.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BARKLEY. Of course, the Senator realizes that what the bill does is not merely to provide that the court may pass upon a rule or regulation of an agency to determine whether or not it complies with the Constitution or with the statute. Any man or woman in the United States who concludes that he or she has an interest in the action of a department may go into court and hold up the rule or regulation until the courts have finally passed upon it. It is not merely a question of passing academically on the constitutionality or legality of a rule. If it were necessary to do so, I think it should be pointed out to the Senator that under the provisions of the bill any injured party in any locality of the United States who might be affected by a housing project, for example, might go into court and attack it and hold it up indefinitely.

Mr. HATCH. I do not agree with the Senator's construction.

Mr. BARKLEY. In regard to the Senator's suggestion that we must wait until we receive the advice of some executive department, let me say that it is not my contention that we must do so. However, there is nothing wrong in doing so. We do so with regard to other legislation. The tax-raising committees of the Senate and of the House always ask the representatives of the Treasury, as well as of other departments, to come before them to submit information on taxes. The Appropriations Committee, of which the Senator is an able and outstanding member——

Mr. HATCH. No.

Mr. BARKLEY. I was under the impression that at one time the Senator was a member of the Appropriations Committee. If he is not a member, that is the loss of the Appropriations Committee. The Appropriations Committee, the Banking and Currency Committee, and other committees are continually asking for information from the executive departments.

It seems to me there can be no valid criticism of the suggestion that we wait until an executive department which has meticulously investigated this subject can submit to the Senate the result of its investigation. The Senate may throw the report out the window and entirely disregard it; but I think good legislation requires that we at least consider what the committee, which has been working for a year, has done. For the past month the committee has been sitting daily in Washington in order that its report may be filed at the very earliest possible date. We might gain something from the report. In my judgment we can lose nothing by taking advantage of the report.

Mr. HATCH. Mr. President, those of us who have been interested in the bill would have been glad to have the report of the committee. We have been ready to receive it and consider it at any time.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CLARK of Missouri. Is there any assurance that when the report is made by the Attorney General the Attorney General will ever see fit to transmit it to Congress? Since I have been a Member of the Senate there have been a number of occasions when very important reports were made to Cabinet officers who never saw fit to transmit them to Congress. Unless Congress should pass a resolution calling on the Cabinet officer for information, it might never be sent to Congress.

Mr. HATCH. In reply to the Senator from Missouri, I will say that rumors have come to me within the past few days as to the work of the committee, to the effect that it is very doubtful whether the report will ever be made to the Congress.

Mr. BARKLEY. In that connection I may suggest that it is always easy to cast aspersions on somebody in an executive department by hinting that he is not going to do his duty.

Mr. CLARK of Missouri. If the Senator will permit me, I had no intention whatever of casting any aspersion upon any officer, but it has happened, as the Senator well knows, that a Cabinet officer when a report is made, for reasons of his own—because he does not approve or for other reasons—may not see fit to send it forward. When the Cabinet officer

himself has created a committee and is under no obligation whatever to send it forward to Congress it is not a matter of duty for him to do so.

Mr. BARKLEY. Of course, the Senator from Missouri knows that the President asked the Attorney General to appoint this committee for the purpose of looking into the subject in order that Congress might consider it. It would certainly be a matter of extreme bad faith on the part of the Attorney General, and certainly even more so on the part of the President of the United States, if, after this report shall be made, it should be withheld from the Congress.

Mr. CLARK of Missouri. Was not that very same thing done in the Commerce Department 3 or 4 years ago when the Secretary of Commerce, at the direction of the President, set up a commission or a committee to make recommendations about the business situation in the United States, which recommendations were never sent forward? So far as I am concerned, the Secretary of Commerce may have been entirely correct in not sending them forward.

Mr. BARKLEY. I am not familiar with that circumstance. I am quite certain that the President did not ask the Secretary of Commerce to appoint a committee or to look into a situation that required legislation, and then refuse to submit the report to the Congress for the purpose of legislation. I have no knowledge of any such incident having happened.

Mr. BURKE. Mr. President——

Mr. HATCH. Mr. President, before I yield to the Senator from Nebraska, I merely wish to observe that in what I said I cast no reflection or aspersion upon any member of a committee or any person in the executive branch of the Government; but things I have heard led me to believe that there is a very strong disagreement among the members of the committee, and we may not have any report at any time from them.

Mr. BARKLEY. I stated awhile ago publicly that there had been a disagreement, and certain of the recommendations which members of the committee had thought well of had to be reconsidered and revised in order that a report might be made from the full committee. There is nothing strange about that. I think that is an evidence of their desire to do the right thing, and to get at the facts and consider all the equations involved in this proposed legislation. The committees of the Senate and the House do that frequently. The Constitution itself was written under such circumstances that subcommittees worked for weeks on propositions and when they reported, in some instances, their recommendations were even changed by the full convention, and then sent back to the committees for revision. There is nothing, it seems to me, to the point that there is a difference of opinion among these men. They are all able, outstanding men; there is not one of them who does not enjoy almost a Nation-wide reputation for his ability as a lawyer and as a public servant when he has been a public servant.

Mr. BURKE. Mr. President——

Mr. HATCH. I yield to the Senator from Nebraska.

Mr. BURKE. Mr. President, I should like to ask a question, but before doing that, may I make a comment upon the Attorney General's committee? I think it is a very able committee, and I have no doubt that some good will come from the careful examination the committee not itself is making but has had made by younger men whom they have sent into the various administrative agencies. I think there was a time for a period of many months when the committee, under the direction of Mr. Gelhorn, was not doing a very good job, because so able a man as Mr. Louis Caldwell, one of the outstanding lawyers of this city, who has himself expressed opposition to a number of the features of the Logan-Walter bill, has stated in a very carefully prepared document, after he had studied the report of the examiners sent by Mr. Gelhorn into the Federal Communications Commission, that, apparently, the examiners were sent with the preconceived idea of giving their stamp of approval to what was going on and with no other purpose than to try to create a situation that would result in the defeat of the Logan-Walter bill. I think since that time the committee has taken the matter more into its own hands, and I understand that the situation now is that, after they have gone into the matter themselves, either a very strong minority or possibly even a majority of the committee see a great deal of merit in the Logan-Walter bill.

But that was not the question I wanted to ask the Senator. A few moments ago the Senator from Kentucky referred to the possible evil effects from this legislation upon the Federal Housing Administration. Would the Senator from New Mexico be free to state, in his time, or may I state a conversation with the senior Senator from New York [Mr. WAGNER]—I do not know whether he is here this morning—the chairman of the Banking and Currency Committee, out of which the Federal Housing Act came? I may be wrong about that, but, in any event, he is very much interested in the Federal Housing Administration and in numerous other Government agencies, including the Securities and Exchange Commission and the National Labor Relations Board, and the senior Senator from New York told me—and I believe he told the Senator from New Mexico—on the floor of the Senate last week that after he had had a chance to study the bill in its present form as proposed by the Senate Committee on the Judiciary, he felt that the objections which he had urged to the bill had been largely removed, and, if he were assured that the Senate conferees would hold fast to the changes made by the Senate committee in the bill, he would have no objection, as he saw it then, to the passage of the bill. That was the language of the senior Senator from New York to me on the floor of the Senate during the last week.

Mr. BARKLEY. Was that in debate or was it merely a private conversation? Not that it would make any difference as to the opinion of the Senator from New York, but I have conferred with the Senator from New York frequently about this proposed legislation, and I never understood that he entertained those views.

Mr. BURKE. That was the reason I was referring to the matter as a remarkable circumstance. No, it was not in debate; it was on the floor of the Senate while the matter was under discussion, and the Senator from New York talked to me as we talk to one another on the floor of the Senate. I think he also talked to the Senator from New Mexico.

The only point I was making was that when the Senator from New York had the opportunity to study the bill in its present form he saw that it was not the crudely drawn and the nefarious measure that some would have us believe it to be, but that it might work to the very great good of administrative agencies in which he himself was greatly interested.

Mr. BARKLEY. Regardless of the opinion of the Senator from New York about it, what I had reference to in regard to the Housing Administration was that the bill provides that any person with a substantial interest may bring a proceeding in court to nullify what is done by one of these departments or agencies. I had particularly called to my attention the possibility—and I used the housing project simply as an example—that any real-estate owner in any community might conclude that he had a substantial interest in preventing the erection of a housing project because it might deprive him of tenants. That certainly would be a financial interest, and it has been my belief that, under the terms of this bill, any owner of property in the neighborhood of a housing project might have a substantial interest or be regarded as having a substantial interest and might go into court and sue to prevent the erection of a project or the negotiation of leases under it.

Mr. HATCH. The only trouble with the Senator's theory is that the bill conveys no such authority.

Mr. BARKLEY. It does convey the authority that anyone with a substantial interest may go into court and bring suit.

Mr. HATCH. It conveys no authority on the court to decide cases upon the proposition that the Senator from Kentucky has just announced. That is one trouble with the bill.

Mr. BARKLEY. One trouble with the bill is that nobody understands it.

Mr. HATCH. I have the floor. One trouble with the bill is that Senators have not studied it, and there has been propaganda against the bill continuously for months and years.

The argument was made here on the floor last May when the Senator from Indiana [Mr. MINTON] rose and referred to "this mysterious bill, this committee print No. 2, that nobody knows anything about, this secret bill about which Senators know nothing and cannot get any information." Yet on that day there was put into the RECORD the identical bill so that every Senator could understand it.

Mr. MINTON. Will the Senator yield?

Mr. HATCH. Not now. And with it were placed the amendments the committee had worked out and, coupled with that, was a long detailed explanation of the bill. The Senator from Utah [Mr. KING] has discussed this bill on the floor many times. A few days ago he made a very able and scholarly address explaining the bill in detail, and yet we could hardly get a quorum of Senators present to hear him. The Senator from Nebraska has spoken at length on the bill. When are Senators going to get the information they say they desire?

Mr. MINTON. Mr. President, will the Senator yield? The Senator referred to the objection I made to the bill. Was not the Senator from Indiana correct when he said that copy number 2 of the committee bill was not in the possession of the Senate at the time I made that statement?

Mr. HATCH. When the Senator from Indiana made that statement the copy was in the Senate Judiciary Committee.

Mr. MINTON. Oh, yes; but the Senate had never received it.

Mr. HATCH. That was last May.

Mr. MINTON. The Senator put it in the RECORD, and at this very moment it is not on the desks of Senators.

Mr. HATCH. And we put a copy in the hands of every Senator; or, at least, the Senator from Utah [Mr. KING] told me that he had had copies mailed from the Judiciary Committee showing the amendments.

Mr. MINTON. Containing the amendments recently suggested by the committee?

Mr. HATCH. Containing the most recently suggested amendments; and that was last May.

Mr. MINTON. The copy I have in my file is the one that was sent to me, and it does not have the very vital amendments which the Senator from New Mexico told me privately, did he not, were put in to make the bill more palatable?

Mr. HATCH. I told the Senator from Indiana privately nothing that I will not state publicly.

Mr. MINTON. Then suppose the Senator tells us publicly.

Mr. HATCH. Why, certainly; I will take up the bill and discuss it when we come to it. Let Senators vote to take up the bill, and we will take it up and discuss all those things, and where it is bad, if it is bad, strike it out, improve, or correct it; but let us legislate.

Mr. MINTON. But the Senator is not now talking about legislation.

Mr. HATCH. I am asking the Senate to take up the bill.

Mr. MINTON. May I interrupt the Senator one more time on another angle of this discussion? A moment ago, with a good deal of force, the Senator asked the Senate what was wrong with a bill that provided for a determination by a court as to whether or not a rule violates the Constitution. He asked what was wrong with the court determining whether or not a rule violates a statute. I desire to ask the Senator from New Mexico, who is always fair, if at the present time that right does not exist in anybody who has a case or a controversy in which he believes there is a question of the constitutionality or legality of a rule. Does he not now have the right, under existing law, to go into court and challenge the constitutionality and the legality of the rule?

Mr. HATCH. Is the Senator through?

Mr. MINTON. Is not that correct?

Mr. HATCH. Let me say to the Senator from Indiana that in many respects, perhaps the most important respects, this bill about which so much talk has been made only writes into the statutes principles of law which have heretofore been laid down by the courts.

Mr. MINTON. Will the Senator yield?

Mr. HATCH. I have answered the question. I think in substance the Senator is correct in many respects, but not altogether.

Mr. MINTON. Am I not correct in all respects?

Mr. HATCH. No; the Senator is not.

Mr. MINTON. Am I not correct that whenever a rule violates the Constitution, or violates the statute pursuant to which it is supposed to have been issued, anybody who has a case or controversy in which that question is involved may have a determination of the matter in the courts?

Mr. HATCH. I think that is correct, if he can—if his property has not been confiscated and destroyed, as has been done. I do not like to talk about those things because they have no importance in the debate as to whether or not we shall take up and consider the bill; but you may take the case of the Federal Communications Commission, and you can see that the principle the Senator stands for will afford absolutely no relief—not a bit.

Whether or not the Senate will take up and consider the bill is a serious thing. It is especially serious to me. I have not made any charges of bad faith against anyone who is opposed to taking up the bill; but this very morning I spent some time in my office looking back over the pages of the CONGRESSIONAL RECORD at statements which have been made on the floor of the Senate to the effect that "We will take up the bill at this session of the Congress"—statements which have been made to me and to the Senator from Nebraska [Mr. BURKE] and to the late Senator Logan and others. I am not trying to bind anybody by those statements, and I do not charge bad faith; but I do think, in a spirit of fairness to us who have tried to cooperate—and I think we have tried to cooperate—that the Senate should proceed to the consideration of the bill at this time.

Mr. GILLETTE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Iowa?

Mr. HATCH. I yield.

Mr. GILLETTE. Referring to the discussion which has been had on the floor with reference to a report of the studies of the Acheson committee, I ask the Senator if he is in agreement with me that not only is that committee not in any way an agent of the Senate of the United States, or under any obligation to report to it, but it has no right to report to the Senate as a committee; neither can its report come up to the Senate in any other way than by a request from the Senate, or a message from the Executive of the United States to the Senate?

Mr. HATCH. Of course, the Senator from Iowa is correct that the committee has no standing from the constitutional or legislative standpoint.

Mr. MINTON. Mr. President, will the Senator yield? Neither has the American Bar Association, but it got in.

Mr. HATCH. The American Bar Association was heard. So far as I am concerned every person who wants to be heard at any time when a committee is considering the proposition will be heard. There has been no disposition to deny anybody except the Senate a right to be heard in regard to this bill. The Senate is the only one that has been denied any right to a hearing, and the Senate will be denied that right today if this motion does not prevail. I shall not renew it. Senators know the situation.

Mr. BARKLEY. Mr. President, I desire to have a yea-and-nay vote on this motion, and preliminary to that I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Hayden	Reynolds
Andrews	Clark, Mo.	Herring	Russell
Austin	Connally	Hill	Schwartz
Bailey	Danaher	Holt	Sheppard
Ball	Davis	Johnson, Calif.	Shipstead
Barbour	Ellender	King	Stewart
Barkley	Frazier	McKellar	Taft
Bilbo	George	Maloney	Thomas, Utah
Bridges	Gillette	Mead	Tydings
Brooks	Green	Miller	Vandenberg
Burke	Gurney	Minton	Van Nuys
Byrd	Hale	Nye	White
Byrnes	Harrison	O'Mahoney	Wiley
Capper	Hatch	Reed	

The PRESIDENT pro tempore. Fifty-five Senators having answered to the roll call, a quorum is present.

The question is upon the motion of the Senator from New Mexico [Mr. HATCH] that the Senate proceed to the consideration of House bill 6324.

Mr. BARKLEY. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. STEWART (when his name was called). I have a general pair with the Senator from Oregon [Mr. HOLMAN], which I transfer to the Senator from Pennsylvania [Mr. GUFFEY], and will vote. I vote "nay."

The roll call was concluded.

Mr. AUSTIN. I announce the following pairs on this question:

The Senator from Oregon [Mr. MCNARY] has a general pair with the Senator from Alabama [Mr. BANKHEAD]. If present, the Senator from Oregon would vote "yea."

The Senator from Delaware [Mr. TOWNSEND] is absent on account of illness in his familty. If present, he would vote "yea."

The Senator from Oregon [Mr. HOLMAN] is necessarily absent. If present, he would vote "yea."

The Senator from Massachusetts [Mr. LODGE], who would vote "yea," has a pair with the Senator from Delaware [Mr. HUGHES], who would vote "nay."

The Senator from Idaho [Mr. THOMAS], who would vote "yea," has a pair with the Senator from Oklahoma [Mr. LEE], who would vote "nay."

The Senator from Vermont [Mr. GIBSON], who would vote "yea," has a pair with the Senator from Florida [Mr. PEPPER], who would vote "nay."

The Senator from New Hampshire [Mr. TOBEY], who would vote "yea," has a pair with the Senator from New Jersey [Mr. SMATHERS], who would vote "nay."

Mr. MINTON. I announce that the Senator from Arizona [Mr. ASHURST], the Senator from Alabama [Mr. BANKHEAD], the Senators from Washington [Mr. BONE and Mr. SCHWELLENBACH], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senator from Kentucky [Mr. CHANDLER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Delaware [Mr. HUGHES], the Senator from Colorado [Mr. JOHNSON], the Senators from Oklahoma [Mr. LEE and Mr. THOMAS], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from West Virginia [Mr. NEELY], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from Maryland [Mr. RADCLIFFE], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are necessarily detained from the Senate.

I am advised that if present and voting, the Senator from South Carolina [Mr. SMITH] and the Senator from Massachusetts [Mr. WALSH] would vote "yea."

Mr. SHIPSTEAD (after having voted in the affirmative). I have a pair with the Senator from Virginia [Mr. GLASS]. I am informed that if present he would vote as I have voted, so I let my vote stand.

Mr. DAVIS (after having voted in the affirmative). I have a general pair with the junior Senator from Kentucky [Mr. CHANDLER], who I understand would, if present, vote as I have already voted. Therefore I allow my vote to stand.

Mr. MCKELLAR (after having voted in the negative). I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND] which I transfer to the senior Senator from West Virginia [Mr. NEELY] and allow my vote to stand.

Mr. MINTON. I wish to announce that on this vote the junior Senator from Washington [Mr. SCHWELLENBACH] is paired with the junior Senator from Colorado [Mr. JOHNSON]. If present and voting, the Senator from Washington would vote "nay," and the Senator from Colorado would vote "yea."

The result was announced—yeas 34, nays 21, as follows:

YEAS—34

Adams	Capper	Gurney	Shipstead
Austin	Clark, Mo.	Hale	Taft
Bailey	Connally	Hatch	Tydings
Ball	Danaher	Herring	Vandenberg
Barbour	Davis	Holt	Van Nuys
Bridges	Ellender	Johnson, Calif.	White
Brooks	Frazier	King	Wiley
Burke	George	Nye	
Byrd	Gillette	Reed	

NAYS—21

Andrews	Harrison	Miller	Sheppard
Barkley	Hayden	Minton	Stewart
Bilbo	Hill	O'Mahoney	Thomas, Utah
Byrnes	McKellar	Reynolds	
Caraway	Maloney	Russell	
Green	Mead	Schwartz	

NOT VOTING—40

Ashurst	Gerry	Lucas	Smathers
Bankhead	Gibson	McCarran	Smith
Bone	Glass	McNary	Thomas, Idaho
Brown	Guffey	Murray	Thomas, Okla.
Bulow	Holman	Neely	Tobey
Chandler	Hughes	Norris	Townsend
Chavez	Johnson, Colo.	Overton	Truman
Clark, Idaho	La Follette	Pepper	Wagner
Donahey	Lee	Radcliffe	Walsh
Downey	Lodge	Schwellenbach	Wheeler

So Mr. HATCH's motion was agreed to, and the Senate proceeded to consider the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

Mr. HATCH. Mr. President, I ask that the Senate first proceed to consider committee amendments.

Mr. BARKLEY. Mr. President, I have just suggested to the Senator from New Mexico that, in view of the fact that probably Senators are not prepared today to enter into a detailed discussion of the bill, we go over until tomorrow.

Mr. HATCH. I have no objection to that, but I desire to ask unanimous consent that amendments which we shall offer, which have been authorized by the committee and which do not appear in the official print, be first considered.

Mr. BARKLEY. Mr. President, it is a little unusual to have Senate committee amendments considered in that way—amendments which have not been printed in the body of the bill.

Mr. HATCH. They have been printed in the second committee print.

Mr. BARKLEY. I hope there will be a sufficient number of copies of the bill available before the final vote so that Senators will be able to see the bill as proposed to be amended, in order that they may understand what amendments have been suggested by the committee.

The PRESIDENT pro tempore. A large number were printed and distributed to Senators a month ago, and another print has been ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the clerks be instructed to see that a sufficient number of copies of the last print of the bill be printed so that a copy may be placed on each Senator's desk.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATCH. Mr. President, in order that there may be an official print of the bill, I ask unanimous consent that I may report from the Committee on the Judiciary the amendments which the committee heretofore passed upon and authorized to be reported.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATCH. I now ask that the bill be printed showing the amendments reported by me from the Committee on the Judiciary.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL CONTROL OF RAILROADS

Mr. SCHWARTZ. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill

10098, to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation."

Mr. WHITE. Mr. President, I think there was some objection in the committee by the chairman of the committee, as well as by the junior Senator from Kansas [Mr. REED]. Have those objections been met?

Mr. SCHWARTZ. Yes; all those objections have been met. The amendment desired by the Senator from Kansas has been inserted in the bill as reported. The purpose of the bill is to define the word "deficit" in the Transportation Act.

Mr. AUSTIN. I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. AUSTIN. My only reason for objecting is that the Senate is now asked again to proceed in the absence of a Senator who is interested in the measure the subject of the motion. If upon a quorum call the Senator from Kansas appears and does not seem to have an objection to the Senate proceeding to consider the bill, I shall not object on his behalf.

Mr. SCHWARTZ. If the Senator will permit me to make a statement in reference to that matter, I think I can overcome the objection raised by the Senator.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. CONNALLY in the chair). Does the Senator from Wyoming yield to the Senator from Utah?

Mr. SCHWARTZ. I yield.

Mr. KING. Is the bill to which the Senator refers House bill 10098?

Mr. SCHWARTZ. It is.

Mr. KING. I shall object to its consideration until we have further information.

The PRESIDING OFFICER. Objection is heard.

ELIMINATION OF PHOTOGRAPHS IN CIVIL-SERVICE EXAMINATIONS

Mr. MEAD. Mr. President, during the discussion and consideration of the Ramspeck bill in conference, the amendment with reference to the use of photographs by the Civil Service Commission was brought to the attention of the committee of conference, and the committee agreed to delete the amendment in view of an order which was issued by the Civil Service Commission eliminating the use of photographs and substituting the use of the fingerprint method in lieu thereof.

I should like to have published in the RECORD a copy of a letter which I have received, signed by the Civil Service Commissioners, ordering the change to which I have referred.

I should also like to have published a letter from Mr. Edgar G. Brown, president of the United Government Employees, commenting upon the bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 9, 1940.

Hon. JAMES M. MEAD,
United States Senate.

DEAR SENATOR MEAD: In response to your inquiry, you are advised that the Commission has been considering for some time the matter of eliminating photographs in civil-service examinations.

Photographs have been required by the Commission solely for the purpose of preventing impersonation and fraud in examinations, and the Commission is convinced that such impersonations and frauds can best be detected by the use of fingerprints.

For the reason stated the Commission will take steps immediately to abolish the use of photographs in connection with civil-service examinations.

Very sincerely yours,

H. B. MITCHELL,
LUCILLE FOSTER MCMILLIN,
ARTHUR S. FLEMMING,
Commissioners.

OCTOBER 9, 1940.

MY DEAR SENATOR MEAD: We are quite mindful of our profound indebtedness to you for the leadership and success of H. R. 960, as amended and passed by the Senate and agreed to by the conferees. May we again formally and personally thank you on behalf of the organization and myself.

In view, however, of the possible failure of this measure as a result of the House's rejection of the conference report, may we request your further consideration.

First, our feeling is that on page 12, line 9, of the bill, paragraph E and amendment No. 23 should be slightly changed from the present language to read "In carying out the the provisions of this act, the civil-service laws, and the provisions of the Classification Act of 1923," and so forth.

In other words, in the language now suggested for inclusion in the bill for the word "title," "act" is substituted and the words "the civil-service laws" added. This additional insertion will, I believe, give us full and complete protection such as is not now included in the law, which at present only prohibits discrimination on account of politics and religion. This language in the bill will protect citizens against discrimination on account of race or color.

This is the all-important amendment, in my judgment, and I hope you and the other conferees may see eye to eye with us on this matter.

We do and now heartily endorse what you have done in bringing this matter to such nearness of consummation and will support you in your further recommendations. We take this position also because of our confidence in the Civil Service Commission in carrying out the intent of Congress and the Constitution that no person shall be discriminated against under the civil-service laws on account of race, color, or creed.

We hope you every success personally and officially in this matter, and for many years may your distinguished public service merit the rightful acclaim of your State and the Nation.

With kindest personal regards, I am,

Very sincerely yours,

EDGAR G. BROWN,
President, United Government Employees.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations (and withdrawing a nomination), which were referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDENT pro tempore. Reports of committees are in order. If there be none, the clerk will state the first nomination on the Executive Calendar.

DEPARTMENT OF COMMERCE

The legislative clerk read the nomination of Wayne C. Taylor to be Under Secretary of Commerce.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation.

The PRESIDENT pro tempore. Without objection, the President will be immediately notified.

UNITED STATES MARITIME COMMISSION

The legislative clerk read the nomination of JOHN J. DEMPSEY to be a member of the United States Maritime Commission.

Mr. BAILEY. Mr. President, the senior Senator from New Mexico [Mr. HATCH] has informed me that the appointee, Mr. DEMPSEY, desires that the nomination go over at this time, and I am requested to ask that it go over.

The PRESIDENT pro tempore. Without objection, the nomination will be passed over.

STATE DIRECTORS OF SELECTIVE SERVICE

The legislative clerk proceeded to read sundry nominations of State directors of selective service.

Mr. SHEPPARD. I ask unanimous consent that there be added to the nominations previously reported the names of Brig. Gen. Charles F. Bowen, adjutant general of New Hampshire, to be State director of selective service for New Hampshire; Brig. Gen. Charles H. Grahl, of Iowa, to be State director of selective service for Iowa; and Brig. Gen. Ames T. Brown to be State director of selective service for New York.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SHEPPARD. I now ask that the nominations of State directors of selective service be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

WORK PROJECTS ADMINISTRATION

The legislative clerk read the nomination of Robert L. MacDougall, of Georgia, to be regional director for region 5.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Hugh S. Fullerton, of Ohio, to be consul general.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Fred E. Waller, of Michigan, to be Foreign Service officer, unclassified, vice consul of career, and secretary in the Diplomatic Service.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Bartley P. Gorden, of Massachusetts, to be Foreign Service officer, unclassified, vice consul of career, and secretary in the Diplomatic Service.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COAST GUARD OF THE UNITED STATES

The legislative clerk proceeded to read sundry nominations in the Coast Guard of the United States.

Mr. BARKLEY. I ask that the nominations in the Coast Guard be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Coast Guard are confirmed en bloc.

POSTMASTER NOMINATION PASSED OVER

The legislative clerk read the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif.

Mr. McKELLAR. I ask that that nomination be passed over and left on the calendar.

The PRESIDENT pro tempore. Without objection, the nomination will be passed over and will remain on the calendar.

POSTMASTERS CONFIRMED

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters on the calendar, with the exception of that of Thomas E. Trulove, to be postmaster at Inglewood, Calif., be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask that the nominations in the Navy be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Navy are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 1 o'clock and 36 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, November 26, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 25 (legislative day of November 19), 1940

STATE DIRECTORS OF SELECTIVE SERVICE

Brig. Gen. Charles H. Grahl to be State director of selective service for the State of Iowa.

Brig. Gen. Charles F. Bowen, adjutant general of New Hampshire, to be State director of selective service for New Hampshire. (This nomination is submitted at this time for the purpose of correcting an error in the nomination as submitted to the Senate on October 24, 1940.)

CONFIRMATIONS

Executive nominations confirmed by the Senate November 25 (legislative day of November 19), 1940

DIPLOMATIC AND FOREIGN SERVICE

TO BE A CONSUL GENERAL OF THE UNITED STATES

Hugh S. Fullerton

TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE

Fred E. Waller
Bartley P. Gordon

DEPARTMENT OF COMMERCE

Wayne C. Taylor to be Under Secretary of Commerce.

STATE DIRECTORS OF SELECTIVE SERVICE

Alabama: Brig. Gen. Benjamin M. Smith.
Georgia: Brig. Gen. Marion Williamson.
Territory of Hawaii: Col. Perry M. Smoot, National Guard, United States.
Idaho: Brig. Gen. Mervin G. McConnel.
Illinois: Paul G. Armstrong.
Iowa: Brig. Gen. Charles H. Grahl.
Mississippi: Brig. Gen. Thomas J. Grayson.
Nebraska: Brig. Gen. Guy W. Henninger.
New Hampshire: Brig. Gen. Charles F. Bowen.
New York: Brig. Gen. Ames T. Brown.
North Carolina: Brig. Gen. John Van B. Metts.
Oklahoma: Don Welch.
South Dakota: Col. Edward A. Beckwith.
Tennessee: Brig. Gen. Thomas A. Frazier.
Texas: Brig. Gen. J. Watt Page.
Wisconsin: Walter J. Wilde.

WORK PROJECTS ADMINISTRATION

Robert L. MacDougall to be regional director of the Work Projects Administration for region V.

COAST GUARD OF THE UNITED STATES

TO BE CAPTAINS

Louis L. Bennett
Gordon T. Finlay

TO BE CAPTAIN (ENGINEERING)

Charles J. Odend'hal

TO BE COMMANDERS

Edward H. Fritzsche
Raymond J. Mauerman
Frank B. Lincoln

TO BE LIEUTENANTS

John H. Forney
Clarence Herbert

TO BE LIEUTENANTS (JUNIOR GRADE)

Joseph W. Naab, Jr.
Corliss B. Lambert
Victor E. Bakanas
James McIntosh
Maynard F. Young
Harold Land
Mark A. Whalen
William F. Cass
Roger M. Dudley
Albert F. Wayne, Jr.
Clement Vaughan, Jr.
Chester I. Steele
Clarence H. Waring, Jr.
Paul E. G. Prins
Christian W. Peterson
Robert J. Clark
Edward P. Chester, Jr.
Larry L. Davis

TO BE CHIEF BOATSWAINS

Ottar Skotheim
Carl R. Grenager

TO BE CHIEF PAY CLERK

Marius Nordal

TO BE ENSIGN

Robert Franklin Barber

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES

Donald Brandt Robinson to be brigadier general, National Guard of the United States.

Marion Williamson to be brigadier general, Adjutant General's Department, National Guard of the United States.

Ogden John Ross to be brigadier general, National Guard of the United States.

Joseph Aloys Sutten Mundy to be brigadier general, National Guard of the United States.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Maj. Lewis Peyton Jordan.
Capt. Buford Russell Nyquist.

PROMOTION IN THE REGULAR ARMY

Jacob Bell Till, Jr., to be captain, Medical Corps.

PROMOTIONS IN THE NAVY

TO BE REAR ADMIRALS

Raymond A. Spruance
Charles A. Dunn

TO BE COMMANDERS

John B. Lyon	Nealy A. Chapin
Cyril A. Rumble	Edward E. Roth
Ransom K. Davis	Burton B. Briggs
Paul R. Coloney	Charles J. Maguire

TO BE LIEUTENANT COMMANDERS

Harry L. Ferguson, Jr.	Clarence O. Taff
Willard M. Sweetser	John J. Greytak
Clarence W. McClusky, Jr.	Henri de B. Claiborne
Clifford H. Duerfeldt	Theodore C. Aylward

TO BE LIEUTENANTS

Arthur L. Wilson	George Wendelburg
Walter D. Innis	James B. Burrow
Philip W. Cann	Enrique D. Haskins
Louis W. Mang	Wallace A. Sherrill
Paul L. Stahl	Theodore R. Vogeley
James V. Bewick	Albert L. Shepherd
Edwin S. Miller	

TO BE LIEUTENANTS (JUNIOR GRADE)

Charles W. Coker	Walter S. Reid
Robert S. Willey	Francis G. Blasdel, Jr.
Richard A. Waugh	James P. Andrea
Walter J. Stencil	Roger N. Currier

TO BE SURGEONS

Thomas G. Hays	William F. E. Loftin
William S. Cann	Roy F. Cantrell

TO BE PASSED ASSISTANT SURGEON

Anton Zikmund

TO BE PASSED ASSISTANT DENTAL SURGEONS

Eric G. F. Pollard
Frank E. Jeffreys
George R. Tucker

TO BE PAY DIRECTOR

Ray Spear

TO BE PAYMASTER

Thomas W. Baker

TO BE ASSISTANT PAYMASTERS

Selden S. Hoos
Roy O. Yockey

TO BE CHIEF BOATSWAINS

James C. Oster
Rodney F. Snipes
Ray E. Chance

TO BE CHIEF ELECTRICIAN

William L. Taylor

TO BE CHIEF RADIO ELECTRICIAN

Samuel H. Foster

TO BE CHIEF MACHINISTS

Carl F. Lee	Ernest Clark
Stanley R. Hammond	Wright Brinton
Virden J. Wixom	John H. Newcomb
Chester C. Jones	Philip C. Morris
Thorold A. Stone	

TO BE CHIEF CARPENTER

Marshall H. Carver

TO BE CHIEF PHARMACIST

Charles L. Crawford

TO BE CHIEF PAY CLERKS

Goff E. Manuel	Dallas E. Kellum
John A. Hagan	Paul Tasker
Russell C. Thurrott	

POSTMASTERS

ILLINOIS

Frank R. Dalton, Aurora.
Lloyd A. Cooper, Cordova.
William B. Martin, Eldred.
Charles E. Kelley, Franklin Grove.
Raymond Alan Wescott, Hamilton.
Henry B. Gramann, Marine.
Elsie M. Snow, Sheldon.

MICHIGAN

Wells W. Gardner, Hartland.

NEW MEXICO

Howard K. Shaw, Quemado.

PENNSYLVANIA

Samuel W. Spayd, Womelsdorf.

TENNESSEE

Mary S. Franklin, Madisonville.

WITHDRAWAL

Executive nomination withdrawn from the Senate November 25 (legislative day of November 19), 1940

STATE DIRECTOR OF SELECTIVE SERVICE

Brig. Gen. Charles F. Bowan, adjutant general of New Hampshire, to be State director of selective service for New Hampshire.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 25, 1940

The House met at 12 o'clock noon in the caucus room in the New House Office Building, pursuant to the resolution heretofore adopted.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Have mercy upon us, O God, according to Thy loving kindness. According to the multitude of Thy tender mercies, blot out our transgressions. Wash us thoroughly from our iniquities and cleanse us from our sins. Create in us, O God, clean hearts and renew a right spirit within us. Our Father, who art in Heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Friday, November 22, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had—

Ordered, That the Senate, during the period of time the roof of the Senate Chamber is being repaired, shall meet in the old Supreme Court Room of the Capitol Building.

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday next it adjourn to meet on the following Monday.

The SPEAKER. Is there objection?

Mr. HOFFMAN. Mr. Speaker, I object.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address delivered by Mr. George N. Peek.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein excerpts from a debate from the American Forum of the Air broadcast over station WOL, Washington, D. C., and the Mutual Broadcasting System, November 17, 1940, on The Press and the Presidential Election.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent Mr. TREADWAY was granted permission to extend his own remarks in the RECORD.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to have printed in the Appendix of the RECORD an editorial from the Boston Post, of Boston, Mass., dated Saturday, October 12, 1940, under the heading of Merchant Marine Heroes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent Mr. TENEROWICZ was granted permission to extend his own remarks in the RECORD.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks and include an article by Chester Versteeg, of Los Angeles, which appeared in the Boston Christian Science Monitor.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent Mr. LUDLOW was granted permission to extend his own remarks in the RECORD.

LABOR DIFFICULTIES ON THE PACIFIC COAST

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I would again like to draw the attention of this House to the strikes that are proceeding out on the Pacific coast and the sabotage program that the C. I. O. group are throwing into our airplane industry, shipping industries, and other industries out there.

I have repeatedly drawn the attention of this House to one Harry Bridges, who has not been deported, and I would like to know why. Our shipping is being tied up on the Pacific coast and at our airplane plants where we do not have strikes other things are hindering their program, and that program is eventually going to stop. How far is this going to proceed? We have practically no shipping. We cannot get parts into the plants. We cannot get timber for the plants, for the extensions that are being made, and it is due to the program of communism that has been carried on through the C. I. O. I do not see why we should expect anything else when Mme. Perkins has fostered this, and our Attorney General has refused to take action. In a statement appearing in yesterday's paper he said he knew of some of these things going on and he knew when the man skipped his ship. I am asking him why he did not deport him then and why they do not go into this whole program and begin the wholesale deportation of these some 800 undesirable aliens in this country who are carrying forward this program of sabotage. [Applause.]

EXTENSION OF REMARKS

Mr. ALLEN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a brief editorial on some reasons for failure of the adjournment of Congress.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes after the business of the day has been transacted.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COX. Mr. Speaker, I ask unanimous consent that I may follow the gentleman from Pennsylvania for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to follow the gentleman from Georgia for 10 minutes.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that after the legislative business has been disposed of and the other special orders heretofore entered, and before adjournment, I may be permitted to follow the gentleman from Virginia [Mr. SMITH] for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an article on Uncle Sam's New Cavalry, written by Mr. Clark H. Galloway, of the House Press Gallery.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I have three unanimous-consent requests. I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article by the Chief of the Division of Labor of the Pan American Union.

The SPEAKER. Without objection it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes at the conclusion of the other special orders heretofore granted today.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject Will We Keep Out of War, and to insert therein a poem by Mr. Hagedorn.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COSTELLO. Mr. Speaker, I, too, wish to call attention to the serious situation in which California, if not the entire country, finds itself. I do not know whether there is a fixed, preconceived program or not, but out on the west coast there is a strike in the Vultee aircraft factory which is stopping the production of the basic training planes essential for the training of our pilots. On the west coast, also, we have a shipping strike, which I hope will be settled within the next day or two. Meanwhile, however, 27,000,000 board feet of

lumber are being tied up in Los Angeles Harbor, which means that the expansion of airplane-factory facilities cannot be carried forward. Construction at the North American plant is on the verge of being stopped any day. It has been slowed down. Third, you have this new strike at New Kensington, Pa., where a C. I. O. union, in order to collect $12 in delinquent dues, has already cost labor over $65,000 in wages in 2 days.

Mr. Speaker, there may or may not be some agreement in the matter of these three strikes, but it looks like an organized program—possibly a plot. I ask, What are we going to do? Out at Vultee the union refuses to sign an agreement because they will not agree not to strike—will not agree to arbitrate future disputes. Why? Because they want to be free to strike again for higher wages because they fear inflation. Mr. Speaker, it is a deadly spiral. They raise wages and as a result living costs go up. Then the unions want to strike again for another increase in wages. The thing goes around and around and there is no end to it. In all this I ask, Where is the American public? Are they not to be considered? Are their demands for national defense to be sidetracked because labor has totally disregarded its obligations? [Applause.]

The thing I am most fearful about in all this is the position of labor itself in this country. While we are demanding the preservation of democracy and all its rights and prerogatives, are we not witnessing the loss of all freedom on the part of the individual laborer? Recognizing the right of labor to organize, is not labor, in the process of organization, actually surrendering control over itself to a handful of bosses far removed from the local union and too often located even outside the State? The individual members of labor unions must themselves recognize the necessity to protect their own rights and not permit outside agitators and leaders to so dominate their course of action as to deprive them of the control of their unions.

EXTENSION OF REMARKS

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CARTWRIGHT asked and was given permission to revise and extend his own remarks in the RECORD.

The SPEAKER. Under the previous order of the House, the gentleman from Pennsylvania [Mr. RICH] is recognized for 10 minutes.

TAXATION

Mr. RICH. Mr. Speaker, I quite agree with the two gentlemen from California who have addressed us this morning. It is my belief that if conditions throughout the country are such that we are going to have this wave of strikes and organized propaganda, then, certainly this House has legislative work cut out for it. Something should be done to stop the subversive forces that are at work in this country. We should do our duty. If we are good, sound, conscientious American citizens, and if this Congress wants to do its duty, it ought to take some action whereby these "reds" would be put in concentration camps and the American people permitted to proceed orderly with the prosecution of those things that are necessary and vital to the protection of this country, that are necessary to enable us to carry on in case of emergency and defend our liberty and our freedom. I hope this Congress will take such action, and do it now, before it is too late. That is your responsibility. This, however, was not the purpose I had in asking for this time this morning, but I want to express myself so that no one will mistake my attitude, to the end that "fifth columnists" and "reds" be locked up and kept locked up, or deported.

For the first time the House of Representatives meets in the room of its own Ways and Means Committee. I feel that there is no more appropriate time than the present for me to suggest to the Members that in this very Ways and Means Committee room where we are to formulate legislation to conduct the affairs of this Government, in this very room, beginning in January, will be framed the outline of legislation providing new taxes to enable this country to carry on its functions of government. In the last few years I have tried to cut down unnecessary functions of Government, cut out waste and extravagance, useless functions of government not really essential to the welfare of the country, and we have many of them. As we meet today in the Chamber that is dedicated by the Congress and the House of Representatives to the formulation of just taxation, it is entirely fitting that we give a little consideration to this same subject. We must have taxes to produce revenue, economize in spending or "bust."

It is going to be necessary to tax the American people sufficiently that they will realize that the money we have been spending and the obligations we have been incurring must be raised from and borne by the people of this country at this time. We cannot saddle this entire debt on future generations. It is not just, it is not honest, it is not sound. I hope that when the Congress convenes in January, if not before, the Ways and Means Committee will give every consideration to honest, just taxation that will let the people of America know that the spending that is going on must be paid for by the people of this country now, and that we cannot pass it on to future generations; because if we do, as I see it, there will be a wreck of the American Nation.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield for a question?

Mr. RICH. I yield for a question.

Mr. CRAWFORD. Mr. Speaker, I want to clear up in my own mind some thoughts that have been running through it. How far would the gentleman be willing to go in increasing the rate on the excess profits of our industries? In other words, would he be willing to go to 60 percent, 75 percent, or 80 percent on excess-profit taxation in order that we may raise more money?

Mr. RICH. If it is the gentleman's theory that the Ways and Means Committee should place all of that burden on the businessmen of the country you might as well go on and take all of their excess profits. I would, however, hesitate in such taxation as it will place stagnation on expansion and improvements and I do not believe that would be wise.

That is not the kind of legislation we want to bring in here. The Ways and Means Committee will find it necessary to tax the American people until they feel individually that they are paying for the cost of government, a direct tax. May I say first that the cost of government should and must be reduced. It is up to this Congress to cut down expenses.

Mr. Speaker, may I call attention to a financial statement that was put in the Appendix of the RECORD, page 6478, by the gentleman from Colorado [Mr. TAYLOR], chairman of the Appropriations Committee. Every Member of the House ought to study this schedule of appropriations made at the last session. It will astound you; it will, or should, cause you to shudder. We have appropriated, according to the statement of the gentleman from Colorado [Mr. TAYLOR]—and it is a true and correct statement—$19,069,548,775, which is three times as much money as we will receive in the next year in taxes unless the increased business from war preparations will result in greatly increased taxes. We must also take into consideration the authorizations that were made, and if you will refer to item 22 of that statement, it is stated—

> In addition, contracts are authorized to be entered into subject to future appropriations, aggregating $4,066,191,860—

Which makes a large grand total, because you know and I know that those authorizations are going to be contracted for. In 1942 you will have to raise the additional money in order to make ends meet, or you will have the greatest deficit this country has ever had. This administration promised a balanced Budget. Now, let us have it or, at least, try to get it.

Mr. DISNEY. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Oklahoma.

Mr. DISNEY. I agree with what the gentleman is saying about cutting expenditures, but I would like to know where he is going to start the attack.

Mr. RICH. Where we are going to start the attack?

Mr. DISNEY. Yes; what specific items?

Mr. RICH. If we have a Congress and an Appropriation Committee that appropriates everything that every bureau wants, we will never cut down any expenses; they will continually increase. We have got to cut out the nonessential items of government, and the Lord knows we have lots of them that we can cut out. Many bureaus and functions have been created the past 10 years that should be eliminated and cut out next year.

Mr. DISNEY. Have you not specific suggestions? I would like to hear them. I am interested in any specific suggestion.

Mr. RICH. If I were to undertake to give you specific instances I could talk about the Interior Department alone and it would take 10 minutes to enumerate them. If the gentleman will come to my office I will sit down and give him, as a member of the Ways and Means Committee, some recommendations that he might make to the Appropriations Committee to eliminate those items.

Mr. DISNEY. May I offer a suggestion?

Mr. RICH. I will be glad to have it. I hope the gentleman offers it to the Congress. Do not offer it to me because I am here to cut them down, but I will be glad to have the gentleman's suggestion.

Mr. DISNEY. The gentleman suggests that I come by his office. Why does he not, as a member of the Appropriations Committee, make a list of the things that ought to be reduced and file them in the RECORD for the rest of us to see?

Mr. RICH. Was the gentleman at the last session of the House from January to the present time? If he was, he would have heard me time after time after time make recommendations with reference to cutting down appropriations in the one department I am principally versed in, and that is the Interior Department; yet what happened? When the time came for the House to appropriate you put them all in. You do not heed curbing expenses. There is no use of my taking time now to enumerate those things, because it will be for nought. I would use up my 10 minutes and I would not accomplish anything. Also, the things I would suggest now cutting out would only encourage the lobbyists for those things to get busy, and they have more influence with the Congress than I seem to have, I must admit.

Mr. DISNEY. I am not asking the gentleman to enumerate them. Put them in the RECORD as an extension so we will have the benefit of the gentleman's suggestion. I think it is a good one and if he will make definite suggestions as a member of that committee as to what cuts ought to be made, at least it would have a beneficial effect.

Mr. RICH. I appreciate that, and I will from time to time give to the Members of Congress my ideas of the various things that ought to be cut down at the time they are being acted upon on the floor of the House. I realize the seriousness of the situation with which we are confronted. I say we must spend less, tax more, or "bust." Where are you going to get the money?

Mr. DISNEY. Somebody has got to sit down and make up such a list and do the cutting, and every member of the Appropriations Committee wants that done; but unless somebody makes suggestions, it is idle to talk about it.

Mr. RICH. No; the Appropriations Committee has not shown a disposition to cut down appropriations. No one has been more diligent in that respect than I. I am going to continue to do that, even though it is disagreeable for the Members of Congress to listen to me. I have asked the question many times in the Appropriations Committee room, "Where are you going to get the money?" I have asked it on the floor of the House. No one has the answer. Now we are in session in the Ways and Means Committee room. A grand opportunity to suggest where to get the money, by taxes, more taxes, and more taxes till the country rebels. If the Appropriations Committee is going to spend, it is up to the Ways and Means Committee to tax the people so that the people back home will realize the situation, get after the Members of Congress, and compel them to stop making these appropriations. [Applause.]

[Here the gavel fell.]

PARLIAMENTARY INQUIRY

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. Am I correct in my understanding that the unanimous-consent request previously submitted by me that when the House adjourns today it adjourn to meet on Thursday next was agreed to?

The SPEAKER. It was.

Mr. COOPER. Mr. Speaker, I renew the other request at this time. I ask unanimous consent that when the House adjourns on Thursday it adjourn to meet on Monday following.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

Mr. COX. Mr. Speaker, I object.

EXTENDING CLASSIFIED CIVIL SERVICE TO POSTMASTERS OF THE FIRST, SECOND, AND THIRD CLASS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4373) to amend the act of June 25, 1938, entitled "An act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes."

The Clerk read the title of the bill.

Mrs. ROGERS of Massachusetts. Reserving the right to object, Mr. Speaker, and I shall not object, this is the bill that would bring the postmasters into line with the other people in the various departments?

Mr. RAMSPECK. That is correct. It is the bill introduced at the request of the Postmaster General to permit the Department to appoint acting postmasters, where the postmasters have been called into the military service, during the year they serve.

Mrs. ROGERS of Massachusetts. That seems only fair and only just.

Mr. RAMSPECK. I believe so.

Mr. MICHENER. Reserving the right to object, Mr. Speaker, as I understand the bill, it is that if a regularly appointed postmaster is called into the service the Postmaster General will be permitted to appoint anyone he sees fit who qualifies as acting postmaster to hold office during the time the regular postmaster is in the service.

Mr. RAMSPECK. The gentleman is correct.

Mr. MICHENER. Is there anything in the bill providing that this appointment shall be made from among those within the service or who are experienced, or can the Postmaster General pick out any politician in the community and make him postmaster during the time the regular postmaster is in the service?

Mr. RAMSPECK. Under the terms of the bill he could appoint anybody he wanted to. I believe that would have to be true because in some of the fourth-class offices, for instance, there is no one else who could be appointed except some outsider.

Mr. MICHENER. The lady from Massachusetts is the ranking member on the committee. If it is agreeable to the committee, of course, I do not believe there will be any objection on this side. But I do hope that when the Postmaster General reaches the point when he is going to give consideration to the appointment of an acting postmaster for 1 year he will select someone in the office who is qualified and who has civil-service status.

Mr. RAMSPECK. I agree with the gentleman about that, and I hope he will follow that policy.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That section 3 of the act approved June 25, 1938 (ch. 678, 52 Stat. 1077; U. S. C., 1934 ed., Supp. V, title 39, sec. 39a), is amended by the addition of the following: "*Provided further*, That at any post office the postmaster of which has been called for duty as a member of the National Guard or of the Reserve of the Army, Navy, or Marine Corps or pursuant to draft or voluntary enlistment, the Postmaster General is authorized to grant leave of absence without pay to such postmaster and to appoint an acting postmaster at such post office to serve for the period only of the

absence of the regular postmaster on military service, requiring such acting postmaster to furnish suitable bond with surety for the faithful performance of the duties as acting postmaster and releasing the regular postmaster and his sureties of responsibility for the conduct of the office during such period: *Provided further*, That where a postmaster resigns for the purpose of military service as herein described and subsequently wishes to resume his previous position as postmaster he may be permitted, upon being released from military service, to withdraw his resignation and resume the office of postmaster, or be reappointed thereto, in the event the office is being conducted at the time by an acting postmaster: *Provided further*, That appointments of acting postmasters to serve during absences of regular postmasters on leave granted pursuant to the terms of this act shall be made in accordance with the civil-service laws, rules, and regulations, and such appointments may continue until the return to duty of the regular postmaster or until it has been determined that the regular postmaster will not return to duty."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Under a previous special order, the gentleman from Georgia [Mr. Cox] is recognized for 5 minutes.

STRIKES AND SABOTAGE

Mr. COX. Mr. Speaker, the most shameful thing that has happened in this country for a long time are the strikes throughout the country now in progress against the Government. The next most shameful thing that I have witnessed is the adjournment of this Congress from day to day without doing anything about it. [Applause.]

I say to you that if this country is to be saved and if its institutions are to be protected it must be saved and its institutions protected right here in this House. [Applause.] The responsibility is upon you. It is yours and you must meet it. And if there was ever a time when there was a necessity resting upon you to stand up and perform as real patriots now is the time.

Mr. Speaker, we have been saying for a long time that the one great pressing necessity resting upon this country is the development of national defense, the building of a fighting machine adequate to protect us against the combined world. Proceeding along this line, we have mortgaged coming generations to the extent of around $20,000,000,000, and we are conscripting into the Army millions of our young men. Today in the face of efforts being made to defeat the defense program that has been laid out we are saying that Congress has no legislative program, that there is nothing for Congress to do, and that Members might as well go home. This is being said while right under our very noses there is sabotage of the defense program and treasonable conduct on the part of labor racketeers in the shutting down of manufacturing plants which have virtually been conscripted by the Government and which are producing entirely for the Government.

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Oklahoma.

Mr. DISNEY. Just where is the sabotaging of these things by the labor racketeers or the sabotaging of the House's program on various subjects that we have been waiting on for several months?

Mr. COX. Maybe sabotage is not only being practiced on the part of labor racketeers, maybe there are others who are likewise guilty of committing that crime against this country, but it is the labor outlaws that we are after right now. If Congress has not the spirit or the courage to take account of what is happening in this country and to do something in an effort to remedy it, then what is to become of preparedness? How much defense do you expect to buy with the $20,000,000,000 when you must, in any degree, rely upon the loyalty and the cooperation of the people who are now on strike against the Government?

Mr. Speaker, who or what is it that is responsible for this tender solicitude being shown these outlaws, and how much longer must the coddling of these men be tolerated? How much longer must it go on before either the Congress or somebody else rises up and does something about it?

[Here the gavel fell.]

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Are we going to be forced to look to the mothers, the sisters, and the sweethearts of the millions of young men we are sending to the Army to deal with this situation? I believe the responsibility is upon the Congress to act and to act now, to adopt legislation outlawing all strikes at all times against the Government, and outlawing all strikes during an emergency, forcing labor disputes to be submitted to arbitration.

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Oklahoma.

Mr. DISNEY. Suppose this House should pass that kind of legislation, what on earth would become of it, in the gentleman's opinion?

Mr. COX. Well, if there is not a better attitude displayed on the part of administrative agents, a better disposition to enforce the will of Congress expressed in law, than what we find at the present time, it would be a dead letter; it would be an ineffectual law.

Now, Mr. Speaker, instead of our coming here and going through the farcical procedure of listening to a few 1-minute speeches and then submitting to a request to adjourn, we should get down to business and do business. If we are not going to do this, then we might as well go home, for under such circumstances nothing is more foolish than having us come here at all. I submit, Mr. Speaker, we ought to abandon this foolish practice. We ought to come here as real, red-blooded Americans and meet our responsibilities. We ought to outlaw sabotage and the holding up of the defense program. We ought to make the labor unions understand that they, too, must live under the law the same as all others. We ought to force Federal incorporation of all general labor organizations. [Applause.]

[Here the gavel fell.]

The SPEAKER. Under the previous order of the House, the gentleman from Virginia [Mr. SMITH] is recognized for 10 minutes.

STRIKES ARE PREVENTING PROPER OPERATION OF OUR DEFENSE PROGRAM

Mr. SMITH of Virginia. Mr. Speaker, I wish to echo and enlarge upon the sentiments expressed by the gentleman from Georgia [Mr. Cox]. We all know about these strikes that are preventing the proper operation of our defense program, and I want to talk about two of these situations for a very few minutes. Now, take the Vultee strike. That concern has the sole contract for the production of training planes to train the boys that this Congress has conscripted into the service of their country. Now, that in itself is pretty serious. Let us see what caused that strike. We now have the official statement from the Attorney General that behind that strike is the "red" hand of communism. I echo the words of the gentleman from Georgia [Mr. Cox], What is this Congress, that is charged with responsibility, going to do about it? How do a few "red" Communists manage to stop the entire production of training airplanes for this country in its emergency?

Mr. GOSSETT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. GOSSETT. The Congress is now coming in for some lambasting, it seems, and I want to ask the gentleman whether he does not feel that the executive and administrative agencies of this Government have not the power and the responsibility to deal immediately with this situation.

Mr. SMITH of Virginia. In all fairness, I am not sure that they have. I am not sure there is sufficient legislation on the books to do the business.

Mr. COX. Mr. Speaker, will the gentleman yield at this point?

Mr. SMITH of Virginia. I yield to the gentleman briefly.

Mr. COX. But does not the gentleman recognize the responsibility upon the heads of government at least to express disapproval of what is going on?

Mr. SMITH of Virginia. I would wish they would do so, but coming back to the responsibility of this Congress, which

was what I was getting around to, how do a handful of "red" Communists manage to disrupt and interfere with the entire program of this Nation for planes to train the boys you have conscripted into service? How do they do it? They do it because they are members of a labor organization, and under the cloak and under the protection of that radical labor organization they are able to interfere with and stop the program of defense of this country.

Then you will ask how does any minority labor union exert such a power? How can the C. I. O. or any other labor union say to 140,000,000 people, "You shall not build airplanes to train the boys you have conscripted into service"? Because there is a law known as the National Labor Relations Act, which stands behind and protects the activities of labor unions, which time and time again, by its ukase, has said to the employers of this country, "You shall not discharge a Communist from your organization." Time and again that has happened, and I can cite you the cases where they have said that. I can cite you a case decided in the last 90 days where the Labor Board has said to an executive of the New York Times, "You cannot fire your confidential secretary because she is a Communist."

So they operate under the protection of labor unions, and the labor unions, in turn, operate under the protection of the National Labor Relations Act.

Under whose protection does the National Labor Relations Board come? It comes through this Congress. It comes through us who have put it into effect and have not seen to its proper administration and amendment.

So, Mr. Speaker, that brings us right straight back to the proposition of where this trouble lies. We cannot lay it on the administration. We cannot lay it on the labor unions. We cannot lay it on the Communists. It comes straight back to our door, and I repeat the question, What are we going to do about it?

Now, let us consider the aluminum strike for a moment. One of those strikes, I am informed, has been going on for a month, delaying the production of aluminum. Another strike as the gentleman from California has just told you, occurred in the last few days because one man would not pay tribute to a labor union.

Now, he has paid that tribute but still the strike goes on because he has not been discharged. You will recall that in the last 60 days this Congress was called upon for an authorization of $25,000,000 to increase the facilities of the T. V. A. at the request of the Defense Commission. Why? Because we were informed that in our defense program if a bottleneck ever came in that work it was going to come in the production of aluminum, because we were informed that it requires 5,000 pounds of finished aluminum for every airplane, much to my astonishment. We were informed that we must have additional power at the T. V. A. in order to produce that aluminum.

Now, does it strike you as significant that this little handful of radical "reds" in these various key matters have been able to absolutely stop the production of necessary and essential materials in two of the most important things that this country has to deal with?

Mr. Speaker, I have concluded. I just urge the Congress again to wake up and get out of the class of Rip Van Winkle and let us do something about it. [Applause.]

Mr. Speaker, under permission to extend my remarks, I include the following statement from the Vultee Co. as to the situation in regard to their plant:

Failure to reach a settlement of the strike at the Vultee aircraft plant, Downey, Calif., is due solely to the refusal of C. I. O. negotiators to protect national-defense production by agreeing to an arbitration clause in the proposed contract.

No question of wages, hours, or working conditions remain between the company and the union. Full agreement has been reached on those points.

The company, however, insists that for the term of the proposed contract—2 years—any differences arising between the company and the union should be adjusted by arbitration in case agreement by negotiation fails.

Union officials, however, have refused to accept the arbitration clause. They insist on full freedom to strike in case of failure to reach a settlement by negotiation within 5 days.

The 2-year period of the proposed contract covers the term of operations that will be necessary for Vultee to turn out basic training planes contracted for by the Army Air Corps and the fighter planes under contract by the British Purchasing Commission.

The company submits that during this period of intensive production for national defense, public interest—even more than any interest of the company—demands that its aircraft production be protected against arbitrary strikes. Such protection would be afforded by the proposed arbitration agreement.

The right to strike for better wages and working conditions is, of course, a prerogative of labor. But for union leadership to insist on reserving a right to strike during the period of a contract can mean only one thing in the opinion of the company. It means that the union desires to reserve an opportunity further to impede the progress of our national-defense program.

The question of granting that right is one which no company engaged in defense production should be permitted to decide. That decision should rest with the Government and the people.

EXTENSION OF REMARKS

Mr. RICH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders entered for today I may be permitted to speak for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

LABOR DIFFICULTIES

The SPEAKER. Under previous order heretofore entered the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, we can all agree with what the gentleman from California [Mr. COSTELLO] had to say this morning, when he called attention to and condemned the situation existing at the Vultee Aircraft Co., at Downey, Calif. We can approve of what the gentleman from Georgia [Mr. COX] said, when he referred to other strikes which are delaying the national-defense program, and laid the responsibility for the situation directly upon the shoulders of Congress.

We can all applaud wholeheartedly the remarks of the gentleman from Virginia [Mr. SMITH], who reiterated the statement of the gentleman from Georgia [Mr. COX] that the responsibility for a continuation of the present situation was our responsibility.

But neither words nor lofty sentiments, however eloquently and cogently expressed, so far have solved this problem. Although the gentlemen who preceded me, to paraphrase, spoke with the tongues of men or of angels, but proposed no legislation, their words become "as sounding brass, or a tinkling cymbal."

Some of us saw the present danger coming. The plan which now appears in the open was conceived prior to the election of 1936. It first openly manifested itself on the last day of December of that year, when armed men invaded the State of Michigan, instigated and, until June of 1937, carried on, the sit-down strike. It was 2 long years before the Supreme Court announced what every intelligent person knew—that the sit-down strike was illegal.

Those sit-down strikes were conceived in hatred by the Communists who then sought, and who now seek, the overthrow of our representative, republican form of government. Instead of being treated as violators of the law, which they were, the Communists behind that strike were not only tolerated but were given encouragement. The situation has gone from bad to worse until today it is now openly acknowledged that our national-defense program is being delayed by their activities.

For more than 3 long years, I have hammered at the doors of Congress, criticizing, sometimes bitterly, always sincerely, the methods, the procedure, and the objective of this subversive group and those who were aiding it. Over the same period, from time to time, constructive measures have been proposed and, on each occasion, the suggestion for relief was, without comment, quietly pigeonholed.

But "let the dead past bury its dead." Let us think of the future. It is well that on the floor today so many Members

of the majority party to whom the House listens with attention and respect have spoken freely and without reserve of the situation which now confronts us.

TIME TO ACT

The responsibility for the failure to curb the activities of the Communists, of the subversive influences which are delaying our national-defense program, rests, as was stated by the gentleman from Georgia [Mr. Cox], the gentleman from Virginia [Mr. SMITH], upon the shoulders of the Members of this House.

But the responsibility of the House is more properly the responsibility of the majority party. The minority can aid by its votes, but just as long as corrective legislation proposed by the minority is, as has happened to legislation proposed by me, consigned to a pigeonhole, the failure to act is directly chargeable to the majority party and its leadership.

Attorney General Robert H. Jackson on Saturday last charged that the strike at the plant of the Vultee Aircraft Co., at Downey, Calif., where more than $84,000,000 worth of Government defense work is to be turned out, was "caused" and "has been prolonged" by Communists. This strike is now being continued because the company demands and the union refuses to enter into an agreement to submit all differences of opinion which may arise within the next 2 years to arbitration before a strike is called.

If that be the cause of the continuation of this strike, then what we need is a law compelling the arbitration of labor disputes in all industries engaged on the national-defense program. As long as we are in session it should not be difficult for the House to put through such a law and send it to the Senate, sending with it the responsibility for action on the part of the Senate. Unless some Member of the majority party offers such legislation it will be dropped in the hopper by me when next we meet on Thursday.

One of the Members who just preceded me referred to the strike at New Kensington, Pa., where 7,500 employees of the Aluminum Co. of America are on strike. Suspension of operations in the plant of this company tied up work on supplies for planes and other military equipment, including a $1,200,000 order for a new type United States Army field kitchen. The present cause of the suspension of work is the fact that the company refuses to discharge or transfer an employee who failed to pay his union dues amounting to $12.

HAS MAN THE RIGHT TO WORK?

What right has any organization or any man in this so-called free America to demand that before another man can work, he must join a particular organization and pay tribute to it? That is the same question asked by me in February, March, April, May, and June of 1937 on the floor of this House in connection with the General Motors sit-down strike. It went unanswered then. It is still unanswered. It is unanswered because no man, no organization, has such right; because no one can maintain that such a right exists under our form of government. It has gone unanswered because such a practice is but a form of racketeering and the courage to condemn it by legislative action has been lacking.

UNIONS ACCUSE EACH OTHER OF RACKETEERING

Because of the activities of the A. F. of L. at Camp Grant, Ill., where a $4,250,000 construction project is now under way, officials of the C. I. O. United Construction Workers Union contend that the A. F. of L. unions will collect a kitty—"draw down a $350,000 jackpot"—if they succeed in limiting employment to A. F. of L. men.

At this camp the contractor's rules require membership in A. F. of L. unions for all employees, and the men will be required to pay union initiation fees ranging from $50 to $100.

Apparently, the C. I. O. complaint is not based upon the denial of the constitutional and basic right of an American citizen to work in defense of his country but rather upon the fact that the money collected goes to the A. F. of L. instead of to the C. I. O. One day, one place, the C. I. O. levies tribute upon the hapless worker. Another day, at another place, the A. F. of L. is the collecting agency, as at Fort Custer, in Michigan, in the Third Congressional District, where the A. F. of L. insists that, before the common laborer may work to aid in the defense of his country, he must pay $25; before the carpenter may work to build a cantonment for the drafted soldier, he must pay $45, and at no time is there any assurance that the man paying that sum will continue to hold his job for any definite period.

ATTACK ON FORD EMPLOYEES

As we know, the Ford Motor Co. has been awarded contracts on Government defense work amounting to millions of dollars. Yet we learn from the public press that the new president of the Congress of Industrial Organizations has announced that Ford workers are to be "organized." That is to say, although the National Labor Relations Act expressly provides that employees shall be free to bargain through representatives of their own choice, the C. I. O. intends that, by one means or another—and undoubtedly by the exertion of force or the show of force—Ford workers, American citizens, law-abiding and peaceful, are to be forced to join the United Automobile Workers of America.

Words avail us nothing. The words of the gentlemen who have spoken today condemning these outrageous practices are futile unless a remedy is proposed and adopted.

You ask, What is the remedy? The remedy is easy, and we have it in our hands if we want to use it. In the first place, while I voted against conscription, as long as we have conscription I will support an amendment to the conscription law which will conscript these men in the factories, the men everywhere, and require them to render service to their country the same as the soldier in the field. [Applause.] And why not? If we are to have war, then let all share the burden. Do not shove the whole job off on the boys and young men.

Mr. Speaker, we are going to be confronted with this question of price increase. Last week I offered a bill which would freeze prices not only of labor but of services right where they are. If a bill of that kind were adopted, there would be no profiteering for the duration of this emergency, either by those in Wall Street or those in factories. We would all contribute at least something to the defense of our country. Each would make his usual profit, no more, no less. Each would pay something toward the cost of the program for the defense of our country.

Today I dropped into the hopper another bill reciting some of the things which have happened in recent weeks, in the last few days. In this bill it is provided that it shall be unlawful for any person, organization, union, or group to demand that before a man can go to work on a defense program he must either join or refuse to join any organization or pay a fee. That bill would enable American citizens to once more exercise their constitutional, their moral, right to work for a livelihood.

LET US HAVE DEMOCRACY HERE AT HOME

I ask you why today in America a citizen, a man who is law abiding, who is patriotic, should be compelled to pay tribute for the privilege of working for the defense of his home, his fireside, his country?

It is so simple; so simple, that the statement of the proposition brings its own answer.

In this bill it is also provided that it shall be unlawful for anyone engaged on the national-defense program to demand as a condition precedent to employment that the man to be employed join or refuse to join any organization, or that he pay or refuse to pay dues or initiation fees.

If you gentlemen who have spoken from the majority side mean what you said, if you are sincere—and all concede your sincerity—you have the votes, you have the ability to pick up that imperfect bill I placed in the hopper, you have the right to throw it into the wastebasket and bring in legislation of your own to meet and cure this evil of which you speak so truthfully and so feelingly.

Upon your shoulders rests the sole responsibility if you will not accept the legislation which we on the minority side propose to initiate.

As one of the minority, you are by me challenged here and now to propose such legislation, to bring it in while we are in session. And be assured, although I speak only for myself,

that because the minority is patriotic you will find it supporting you. [Applause.]

EXTENSION OF REMARKS

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that I may be allowed to revise and extend the remarks I made previously this afternoon, and that I may include therein a statement from the Vultee Co. as to the situation in regard to their plant.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WALTER asked and was given permission to revise and extend his remarks.

The SPEAKER. Under the previous order of the House, the gentleman from California [Mr. VOORHIS] is recognized for 10 minutes.

THE VULTEE STRIKE

Mr. VOORHIS of California. Mr. Speaker, I am going to attempt in a few minutes to get the House to consider calmly and earnestly some of the same things that have already been spoken of today.

I understand that what our efforts in the United States at the present time consist of is primarily an attempt to defend democracy. I understand that this means an attempt to make our democratic way of life and our democratic form of Government sufficiently successful so that it can stand against the threat of totalitarian philosophy, of totalitarian dictatorship, of totalitarian military challenge.

I think the House at the present time is in a completely totalitarian frame of mind. To speak frankly, the time may come—if it does come, all right, but I hope it will not—when in order for the defense of the Nation to be successfully carried through it will be necessary for us to pass measures essentially dictatorial and to put into the hands of our Government certain powers that heretofore we have not put in the hands of our Government. But if we are going to do this, Mr. Speaker, it is neither fair nor just to propose that we conscript labor on the one hand without mentioning in so much as a single breath the equal justice and the equal necessity, if we are going to propose such things at all, of conscripting on the same basis the services of the executives in industry and also the industrial plants and every dime of profit that might otherwise be made. [Applause.] In other words, it is necessary if we are going to talk this way, Mr. Speaker, that we talk in a wholehearted fashion, that we talk honestly, and that we take all factors into account.

It is my humble judgment—certainly it is my earnest hope—that these measures are not going to be necessary. I believe that America, by an appeal to her democratic basic methods, is going to be able to win through this battle. I do not think we are hopeless. I think we can carry the day. I want to say some things that are going to mean more from me perhaps than they might mean coming from some equally if not more worthy gentleman whose point of view, however, on some of these matters is known to be quite different from mine.

THE FRONT LINE OF NATIONAL-DEFENSE PRODUCTION

There is a certain group of people who are standing in the front line of a battle for national defense. Those people are the men in the ranks of labor who are fighting in those ranks against the influence of communism, nazi-ism, and things of that nature. Those fellows have got a tough job. It is the rank and file of labor upon whom will fall the weight of the blow if, because an indefensible thing is done at the behest of a handful of irresponsible people, the House loses its balance, goes haywire on these matters, and commences to pass legislation to restrict fundamental rights.

Mr. Speaker, it is up to us to not only deal with vigor with the problems we are confronted with, but also to deal on the basis of a careful view of all the factors in the situation. I think the Attorney General's statement about the situation in southern California is a fairly accurate statement. I do not think that just offhand, I think it because of certain things I know. The Vultee strike should have been settled long ago. I do not think that there is any justification under present circumstances for that thing to be prolonged if it is true that the only point of difference is an unwillingness to agree to a 2-year contract under terms whereby there shall not be any strike within 2 years unless the matter has been arbitrated. I do not think that is a justifiable reason for not ending the strike and I think it should be ended. [Applause.]

Mr. HOFFMAN. Will the gentleman yield?

Mr. VOORHIS of California. I do not want to yield until I am through, because I have undertaken a tough job here.

On the other hand, I regret sincerely that not a single speaker so far as I know has made the very important point that it would have been utterly impossible for any bunch of leaders to get any considerable group of American workers, such as those who work in that plant, to go out on a strike unless there had been some substantial reason for complaint. To my mind, that substantial and decent reason was the 50-cents-an-hour wage, which is probably not adequate for workers in the aircraft industry at the present time. I do not think it is, and I think there ought to be a better wage. My understanding is that the company has already agreed to a better wage. On that basis, as I said before, I think the strike should have been settled, and would have been by the right leadership.

Nobody in all the House of Representatives knows better than I do what the ravages can be in a progressive movement or a labor movement in this country when the people who are committed to a totalitarian philosophy of communism or nazi-ism work their work into such movements, because they are not committed to the best interests of American labor let alone the best interests of the United States of America. The fellows who in a democratic nation and a democratic way can keep them out and reduce their influence are the men in the ranks of labor itself. The most important job you can do is to uphold the hands of those men who are fighting that battle. On the whole, they have made a lot of progress. Certainly in the American Federation of Labor that is the case. Moreover, I have sat in the House of Representatives and heard a man unjustly castigated for political purposes by the half hour who only a few days ago went to the C. I. O. convention and there made the central appeal that they should put national defense before other things. I refer to Sidney Hillman. Whether or not you agree with everything Mr. Hillman has done in all his life, no one can doubt the tremendous importance of the stand he takes today on these things, and I think his influence is more constructive than can possibly be the influence of anyone who brings to this problem a general antilabor point of view. If our democracy is to be successful we have got to rely ultimately on the constructive forces within the ranks of labor.

FRANCE AND ENGLAND CONTRASTED

I would like to contrast for you, if I may for a moment, the difference between what happened in France and what happened in Great Britain in recent months. In France it is true there was a popular-front government that carried through many social reforms for a period of time. I might discuss, if I had time, some misconceptions that are abroad about some of that legislation. For example, they passed an act that was very foolish, it seems to me. It was a wage-hour law that said that no one could work more than 40 hours a week. I point out to you we have no such law in the United States. Our law makes no hard and fast limitation of the number of hours a man can work. It says if a man works more than a certain number of hours he shall get time and a half. Then all of a sudden France changed and adopted a dictatorship. Those things were swept away of a sudden by means of dictatorial decree. That is the record. And the tragic result is also a matter of record.

In Great Britain what happened? They had problems there, just as we have and just as every democratic country has on the surface where people can see them, not underneath where you cannot see them. Great Britain had problems, too. What did the Government do? It went to the constructive leaders of labor, the leaders of the people, and said, "You fellows come in here. We have got to have your help to solve this defense problem," and they did come in and they are there today. Look what Great Britain is doing. It is the difference between whether you are going to use the hard-

boiled method and say, in effect, "We cannot rely upon the fundamental patriotism of great groups of American citizens," or whether we will say, on the other hand, "You fellows are responsible with us. We ask your help. We cannot afford these stoppages in the defense industries. How can we together work out a plan to avoid them?"

I submit that up until the last few weeks the record of American labor in not striking has been a most excellent record. Generally speaking—taking the whole Nation into account—the record is still excellent. I am not standing up here to defend strikes in defense industry. I do not think they should be allowed to happen. I think they ought to be avoided and I think they can be avoided if everybody works togegther to that end. But I am not for giving up the democratic method of accomplishing that.

Mr. COX. Will the gentleman yield?

Mr. VOORHIS of California. Briefly, but I want to ask that I do not be requested to yield again.

Mr. COX. Does the gentleman contend it is the right of labor to strike against the Government in time of war or in time of emergency hinging upon war?

Mr. VOORHIS of California. No. I do not contend it is ever the right of labor to strike against the Government.

Mr. COX. This is a strike in a plant producing entirely for the Government.

Mr. VOORHIS of California. This is a privately owned plant. I said previously I think the strike should have been settled before this. If the gentleman is for the Government running our plants and if the gentleman wants to go to the point where the Government is going to run the plants and require by law that there be no such thing, that may be one way. I think it is a basis upon which we can talk. But if the gentleman is supposing that you are going to leave the plant in private hands with private profit to be made out of the production and at the same time regiment only the labor in the plants, then I do not believe that is a balanced view that can be defended.

Mr. COX. Does not the gentleman see that, in fact, the plant is operating as the agent of the Government, producing entirely for the Government, producing for the national defense?

Mr. VOORHIS of California. I may say to the gentleman that I believe the remarks I have made about that, to the effect that I agree with the Attorney General that there has been Communist leadership in connection with that strike—coming from me I believe that is a pretty significant statement.

[Here the gavel fell.]

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. This has nothing to do with what I have said so far, but I should like to get two other points in, if I may.

In the first place, I regret that there should be any conflict between agencies of the Government, whether they be legislative or executive, whose task it is to help to do the job of exposing and combating the subversive or un-American influences in the country. I believe there ought to be cooperation between all such groups, and that it is more important that the work be done decently, fairly, but effectively than that this or that agency or committee gets credit for the work. I wish I had time to go into this further.

In the next place, something has been said about what Congress is going to do about these problems. There is already a law on the statute books which resulted from a bill I introduced. It is Public Law 870. It requires the registration of any political organization under foreign control or a political organization that uses military tactics, with the Department of Justice of the United States. You say, What is that going to mean? I tell you that it means that whether or not organizations register, from now on the Department of Justice of the United States has the opportunity, the right, and the responsibility to find out about organizations as to whether they are under foreign control or engaged in military activities or in preparation therefor. Heretofore there has been no legislation under which such action could be taken.

I should just like to point out to you that progress has been made in some of these matters and that it can be made without violating our fundamental constitutional methods. My appeal to you is that you remember that the essential thing is that the American Nation should be a united nation, that you need every element in this country, and that we must remember that at least 98 percent of all the American people of every group are as loyal to this Nation as you and I, and that those small numbers who are not, ought to be and can be exposed and removed from places where they do not belong. The thing that has to happen is that you must have the united effort of every group and class in this country if you are to accomplish America's purpose. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. MOSER. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks of the gentleman from Texas [Mr. SUMNERS] I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LABOR DIFFICULTIES

Mr. SUMNERS of Texas. Mr. Speaker, we assemble in this Chamber today in a very critical time in the history of our Government and in the history of the world. We assemble under conditions which challenge us to keep our feet on the ground and our heads on our shoulders and do our job, whatever it may be, whatever it may cost. This is no time for any group to seek particular advantage for itself. We are all in the same boat. There is but one business in this country now that is worthy of consideration, relatively speaking, and that is the preservation of this country, which may become the last bulwark of free government on the earth.

I agree with the sentiment expressed by the last speaker that we must have a united people in order to win through. The difficulties which confront this people challenge us to do the best which a united people can do, and there is nothing less in this challenge than that. We have got to measure up to that challenge or lose.

We in America have become accustomed to the notion that there is some sort of a divine providence that is going to protect us against what the other peoples of the earth are having to face. The quicker we get that notion out of our heads the better. We are today dealing with a definite, concrete situation, in a way more important to labor than to any other group of our people. These people who are responsible for these strikes in these industries that are preparing, that are fabricating, in order that these young men who are subject to conscription, the youth of this country, may have the things necessary to defend themselves and to defend this Nation, these people connected with labor who are doing that dastardly thing, are doing more to hurt organized labor in this country than all the agitation that possibly could come from the employer group. We owe it to the decent, self-respecting, patriotic, working people of this country to eradicate these people who would paralyze the agencies of industry, the operation of which is necessary in this situation. The Members of the Committee on the Judiciary are taking the initial steps to see what can be done by them in the premises.

There is naturally going to be a disposition on the part of various groups to take advantage of this condition in order to procure some things for themselves which they have a long time wanted to procure. The thing that immediately concerns the country and concerns the Congress is to keep the necessary machinery in operation to prepare the things re-

quired for the national defense. How any human being in this country, how any Member of Congress in this country who has voted to subject to conscription the youth of America, can tolerate for one minute some dastardly scoundrel who will neither work to help prepare that which they require for their safety and the security of the country, nor permit other people to do it, I cannot understand. [Applause.] Living here beneath the Stars and Stripes of this country, breathing the air of free men, he will neither work nor permit anybody else to do the things necessary to build the planes and to put guns in the hands of these brave boys who are willing to lay down their lives to make democracy secure in this country.

We have coddled that bunch of cutthroats long enough. [Applause.] They respect just one thing, and I am in favor of giving them a double dose of their own medicine. They preach force. The time has come when America has got to subject them to the only sort of argument that they pay any attention to, and that is all there is to it. You can bet your life that that bunch of folks who want to destroy this Government by force are the first ones to cry out for governmental protection when somebody puts their tail in the crack. [Laughter.]

Now, we want to be fair about this thing. We want to be just about it. Organized labor in this country must be rid of that influence or lose the support and respect of public opinion. I know the working people of my section of the country. I will match them in loyalty and patriotism against any other group anywhere. I believe there is the finest and most heroic sentiment in America today that has obtained here in 100 years. I sometimes wonder if we Members of Congress fully appreciate that magnificent thing that is taking place in this country, a soft, pleasure-loving, ease-loving, indifferent people who have accepted our liberties and our privileges without responsibility and without gratitude are being regenerated in America, being reborn in America. They have a right to be, and they are going to be rid of these rats. That is what is going to happen. They come over here, a lot of them do, driven from the countries of their nativity, and they do not more than get to this country until they begin to try to tell Americans how to run this Government. We have had enough of it. I am in favor of being just with them, and with everybody else, but pretty positive with these people who are interfering with our preparedness program. They believe in force. They need not be surprised if the American people should, under the pressure of public necessity, exercise a bit of this force business they have been preaching, and make them like it. [Applause.]

I do not believe it can be accepted that it falls within the legitimate rights of either labor or capital to paralyze these manufacturing plants of this country which must be kept in operation at full capacity if we are to equip before it is too late the youth of America whom we are calling to the defense of this country.

It seems to me that everybody should understand that the patriotism and the common sense of this people must agree there must be a better, a less dangerous method than these paralyzing strikes to settle the controversies arising in the operation of these plants whose production is essential to the national security.

The SPEAKER. Under the previous order of the House, the gentleman from Pennsylvania [Mr. MOSER] is recognized for 5 minutes.

DISLOYALTY, SEDITION, AND ESPIONAGE ACTS

Mr. MOSER. Mr. Speaker, I rise at this time because of what I have heard in the speeches that have preceded my remarks this afternoon, and for the reason I believe that I am the only Member of this body who had the experience of going through the World War period investigating disloyalty, seditious, and espionage cases of that particular period, and seeing them prosecuted in the United States courts. I know that the Government of the United States is today without the strong arm of enforcement that it had in those days.

In 1939, when we met for the beginning of the sessions of the Seventy-sixth Congress, I was approached out here on the street by one of my colleagues who said, "I believe we should immediately proceed to reenact the disloyalty, sedition, and espionage acts of the World War period." Shortly thereafter I received a letter from a constituent, inveighing against international affairs as destined to affect domestic policy. In response my comment on the opinion that was vouchsafed to me by this colleague of mine out here at the front of this very building was mentioned. That constituent, in his zeal, published my letter in a newspaper and the greatest storm of protest that could descend on any man descended upon my head from Socialists and Communists in my district; and the letters and newspaper clippings are a matter of record in the files of my office. This preceded the plot for my projected kidnaping. I was pilloried for my remarks, and I want to say to you now that the Department of Justice, more especially the F. B. I., is today without authority to proceed as it would like to proceed. I know this because I have discussed the matter with a representative of the Department. I have brought matters to its attention and been officially informed that the Department is without legal authority to prosecute.

We are absolutely impotent in dealing with those who are creating the mischief we have heard discussed here this afternoon. Their purpose is obvious. Their plans and objectives are being effected as they calculate they should be and, as an example, a felon who is out of jail on bail pending appeal ran for President of the United States in the election only this month on the Communist ticket. I refer to Earl Browder, whom we could not, under existing law, convict of the treasonable mischief he had been undertaking to create and stimulate; but we had to convict him of a lesser offense, namely, passport fraud. For his conceited assertion on his own devious acts and objectives that "the Government of the United States is ripe for transition," he escapes all consequences for that rash assertion; but there are those of us who believe he would accomplish it.

Kate Richards O'Hare, who, for her activities in the World War period and, among other things, asserted in opposition to the Conscription Act of that day that "American mothers are only brood sows," was convicted and sentenced to a term in Missouri State prison, appeared 3 years ago before the House Committee on Civil Service, inveighing against the Government's administration of the public business and the personnel of its administrators. Her case is an example of the soft policy of the American way of repealing disloyalty, sedition, and espionage acts, and granting amnesty by special acts of Congress to political prisoners.

Al Capone was never prosecuted and convicted of the crimes of which he was guilty in the prosecution of his rackets and open contempt for the laws of this Nation but, to rid society of his obnoxious conduct, he had to be prosecuted and imprisoned for false income-tax returns to the Government of the United States.

There is something defective with our laws and our enforcement agencies of government when we must resort to that indirect approach.

Again, we have the example of Fritz Kuhn in jail, not because of the nefarious Nazi tirade he carried on from coast to coast against the Government of the United States and the other mischief he was creating, but because he embezzled money from the organization he himself set up. I blush with shame for the laws of my country when we cannot properly deal with people of that dubious character.

The gentleman from California [Mr. VOORHIS] is a member of the Committee on Un-American Activities. I have willingly given my complete support to that committee; but I have been disappointed that it has not come forward and given us legislation of the remedial type I feel it should have recommended to and caused to be adopted by the House.

Mr. COX. Will the gentleman yield to me at that point?

Mr. MOSER. I yield.

Mr. COX. Does not the gentleman agree that the Dies committee has probably enjoyed chasing Communists and Nazis and Fascists sufficiently, and that the time has arrived when they should come here and propose in the way of legislation a remedy for the evil which they have been disclosing?

Mr. MOSER. I agree with the gentleman wholeheartedly.

Mr. RICH. Will the gentleman yield for a question?

Mr. MOSER. I gladly yield.

Mr. RICH. Do you not believe that, if the F. B. I. has suggested that legislation should be enacted, the proper committee should now bring in legislation in order that we might get at those who are interested in subversive activities and put them where they ought to be?

Mr. MOSER. I certainly do, and to that end I have introduced a bill, H. R. 10483, as the result of my conferences with the representative of the F. B. I. I have in my office pictures that I have carefully preserved of Kunze, the successor of Fritz Kuhn, and Earl Browder appearing before the junior Senator from Texas [Mr. CONNALLY], condemning consideration of the bill by the gentleman from California [Mr. VOORHIS] as enacted by the Congress and approved by the Executive, they relating complainingly what it would do to their organizations. I care not what it would do to their organization. Let us punish those parasites for what they are doing, what they are advocating, and their practices adopted to accomplish that end by subversion seductively circulated by mail, and by sabotage. Those are the laws that we should enact. Whatever emergency exists in this country today incident to national defense the Congress met nobly and placed an adequate program in the hands of the administrative officials to provide against aggression from without, but that emergency which exists and is the obligation of every patriotic citizen is to see that before we go away from here, before we await out successors' action in January, we pass some legislation to provide against subversion from within and send it to the other body and let the responsibility be theirs. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I sympathize with the laboring man, whether organized or unorganized; but it is difficult for me to get excited over any crowd who is now striking to raise their wages above 50 cents an hour minimum, when the average farmer who toils in the sun in my district gets less than 10 cents an hour for his work, and when we are drafting the youth of this land to go into training camps to prepare to defend their country at $21 a month. I think these men who are striking at this time are making a serious mistake.

Another thing, this sabotage goes deeper than any labor battle. Do not forget that Russian communism has for more than 20 years been dedicated to the proposition of destroying this Government, of fomenting and bringing about a revolution in the United States. They have never receded from that policy. These labor unions should drive these Communists from their organizations and do it now.

But here is another danger: Today the papers tell us we do not have the planes to train our boys with, much less to supply to our friends across the seas, yet this program is being held up by these strikes. The great danger is that if you have these Communists in these factories they are likely to sabotage these planes, and the boys that they ask me and you to draft and send to the service may crash and go down to their deaths as a result.

If our representative Government is saved, it will be saved by the representatives of the American people in the Congress of the United States. I, for one, am willing to do my part, regardless of where the chips fall. This thing must stop, and the sooner we let the world know it is going to stop the better it will be for all concerned.

Mr. COX. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. COX. I wish to applaud the entire statement of the gentleman, but particularly the last utterance of the gentleman. We can no longer look to the Supreme Court as the bulwark of the liberties of America. Now, I have defended the Court——

Mr. RANKIN. I did not mention the Supreme Court.

Mr. COX. I have defended the Court when a majority of the members of the bench were lawyers earnestly interested in conducting the law——

Mr. RANKIN. Mr. Speaker, I cannot yield to the gentleman further. I have not mentioned any other branch of the Government. I was elected to only one branch of the Government; I was elected to the Congress of the United States, the only Representative the 250,000 people of my district have on this floor. They have a right to look to me, as your people have a right to look to you, for protection. They have a right to demand that you do not let these Communists creep in under the guise of organized labor or unorganized labor and sabotage this Government or wreck our defense program. [Applause.]

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOBBS. Mr. Speaker, I simply desire to say that I believe the gentleman from Mississippi [Mr. RANKIN], in his statement, has more than doubled the wage of farm labor. It may be, as he said, 10 cents an hour in Mississippi, but it is less than 5 cents an hour in Alabama, and I believe the national average is considerably less than 10 cents. I rise, simply, to keep the record straight as far as I can by voicing my conviction that the wage of the average farm laborer is nearer 5 cents than 10 cents per hour.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

[Here the gavel fell.]

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. It has been found by the farm leaders of the South that a cotton farmer makes 1 cent an hour on an average for each cent a pound he gets for his lint cotton. Now that the farmer is getting approximately 10 cents a pound for his cotton it yields him about 10 cents an hour for his labor. Think how glad he would be to get even 25 cents an hour for his work.

Mr. HOBBS. But that, Mr. Speaker, is theoretical. I do not know how much per hour is represented by 10 cents per pound for cotton, but I sincerely believe that the average cotton farmer receives far less than 10 cents per hour for the work he does.

There can be no national prosperity until the farmers' incomes approach parity.

EXTENSION OF REMARKS

Mr. GRANT of Alabama asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent that on next Thursday after the disposition of matters on the Speaker's table and after the regular business for the day I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATRICK. Mr. Speaker, I ask the gentleman from Mississippi [Mr. RANKIN], inasmuch as he, as well as others, have made speeches to the effect that this business must stop: What law does he propose? He voted against adjourning Congress. We are all interested. This is as hot as a firecracker and I want to know what law he recommends. I want to know what he and all those of this Congress who have today made these positive statements wish to come forward with right now to do the thing they say must be done—stop it. We all desire that it stop.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield. I asked the question with yielding in mind.

Mr. RANKIN. I may say to the gentleman from Alabama that I have no bill framed at the present time, but this Congress is amply capable of preparing the kind of law that will stop it.

Mr. PATRICK. That is what we want. That is what all of us wish. But are you sure you have the "how"?

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield.

Mr. SMITH of Virginia. If the gentleman referred to me in his inquiry, I answer the gentleman by saying that I have already prepared such a law. Will he tell me how to get it up on the floor of the House for consideration?

Mr. PATRICK. The gentleman is sitting next to a member of the Rules Committee, and is himself on the Rules Committee.

[Here the gavel fell.]

Mr. RICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICH. We have heard earnest speeches against communistic activity. Will the Speaker kindly inform me what committee is clothed with power to bring in legislation to prohibit in this country the activity brought to our attention this morning?

The SPEAKER. The Chair will pass on the proposition of referring bills as they are introduced.

Mr. RICH. I think if we could get that information we probably could get some action.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes p. m.) the House, pursuant to its previous order, adjourned until Thursday, November 28, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2030. A letter from the Acting Secretary of War, transmitting a report of awards under the act of March 5, 1940 (Public, No. 426, 76th Cong.), relating to the division of awards for aircraft, aircraft parts, and accessories; to the Committee on Military Affairs.

2031. A letter from the Acting Secretary of War, transmitting a report of awards under the act of March 5, 1940 (Public, No. 426, 76th Cong.), relating to the division of awards for aircraft, aircraft parts, and accessories; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. PATRICK: Committee on Interstate and Foreign Commerce. S. 4135. An act to legalize the construction by the State Highway Board of Georgia of a free highway bridge across the Withlacoochee River, between Valdosta, Ga., and Madison, Fla., at Horns Ferry; without amendment (Rept. No. 3066). Referred to the House Calendar.

Mr. TENEROWICZ: Committee on Interstate and Foreign Commerce. S. 3934. An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada; without amendment (Rept. No. 3067). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. S. 3765. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., and for other purposes; without amendment (Rept. No. 3068). Referred to the House Calendar.

Mr. KELLY: Committee on Interstate and Foreign Commerce. H. R. 9683. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.; with amendment (Rept. No. 3069). Referred to the House Calendar.

PUBLIC BILL AND RESOLUTIONS

Under clause 3 of rule XXII, public bill and resolutions were introduced and severally referred as follows:

By Mr. HOFFMAN:

H. R. 10698. A bill to render effective the right to work and to provide for the common defense; to the Committee on the Judiciary.

By Mr. MALONEY:

H. J. Res. 617. Joint resolution authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress; to the Committee on Foreign Affairs.

By Mr. REES of Kansas:

H. Con. Res. 94. Concurrent resolution creating a joint committee to provide information relating to national-defense expenditures and contracts; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 10699. A bill for the relief of Vernon Clemons; to the Committee on Claims.

By Mr. GIFFORD:

H. R. 10700. A bill granting an increase of pension to Hattie E. Johnson; to the Committee on Invalid Pensions.

By Mr. HINSHAW:

H. R. 10701. A bill for the relief of Hayato Ozawa; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9388. By Mr. MERRITT: Resolution of the Kings County Medical Society, Brooklyn, N. Y., requesting that the Selective Training and Service Act of 1940 be amended as follows: (1) Any man selected for training and service under this act who has been awarded a degree of doctor of medicine by a recognized medical school or who holds a diploma acceptable to the National Board of Medical Examiners, or who holds a valid license to practice medicine or surgery in any State, Territory, or possession of the United States or District of Columbia, or who is engaged in such practice at the time of his selection, and whose physical and mental fitness for such training and service has been satisfactorily determined shall be commissioned as an officer in the Medical Department Reserve, Officers' Reserve Corps; (2) medical students at recognized medical schools and internes, resident physicians, and surgeons at recognized hospitals shall be exempt from training and service (but not registration) under this act; and (3) physicians who under this act shall be inducted into service shall have credit moratoria extended on their life and property insurance, leases, mortgages, and loans on their offices, homes, and equipment to include automobile for the period that they spend in service and training; to the Committee on Military Affairs.

9389. By Mr. RICH: Resolution of the Garrett Cochran Post, No. 1, American Legion, of Williamsport, Pa.; to the Committee on Foreign Affairs.

9390. By Mrs. ROGERS of Massachusetts: Petition of the World War veterans of the United States merchant marine concerning the national defense; to the Committee on Military Affairs.

SENATE

TUESDAY, NOVEMBER 26, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O holy and blessed Spirit of God, whose indwelling brings the gift of joy to our lives: Fill us with the gladness of God, that we may rejoice in all His works, and only be content when walking in His ways. Remove from us all languor and irritability, and breathe on us with that breath which infuses energy and kindles fervor in the loyal perception and fulfillment of our duty. Let Thy spirit curb our wayward senses and steer the vessel of our life into Thy glorious, gladdening presence, Thou Tranquil Haven of all storm-tossed souls. So shall we be meet to serve Thee this day in the power and understanding of the Christ who hath done all things well, and ever liveth to make intercession for us, in whose name we pray. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, November 25, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 4373) to amend the act of June 25, 1938, entitled "An act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes."

SENATOR FROM VIRGINIA—CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of HARRY F. BYRD, duly chosen by the qualified electors of the State of Virginia a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The PRESIDENT pro tempore laid before the Senate three letters from the Secretary of War, reporting, pursuant to law, relative to divisions of awards of certain quantity contracts for aircraft, aircraft parts, and accessories therefor entered into with more than one bidder under authority of law, which were referred to the Committee on Military Affairs.

LEGISLATION BY THE COUNCIL OF ST. THOMAS AND ST. JOHN, V. I.

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of ordinances and amendments adopted by the Municipal Council of St. Thomas and St. John, V. I., which, with the accompanying papers, was referred to the Committee on Territories and Insular Affairs.

PETITIONS

The PRESIDENT pro tempore laid before the Senate a letter in the nature of a petition from Herman Hertzberger, of New York City, N. Y., transmitting a statement of his opinion concerning measures that should be taken in the interest of American industry in general and the textile industry in particular, which, with the accompanying paper, was referred to the Committee on Commerce.

Mr. HOLT presented a resolution of the Midwest Conference, Religious Education Institute of the Young People's Religious Union, meeting at Lake Geneva, Wis., favoring solution of the fundamental problems vital in making democratic principles of government work, and protesting against war hysteria in the Nation, which was referred to the Committee on Military Affairs.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAILEY:

S. 4432. A bill for the protection of walruses in the Territory of Alaska; to the Committee on Commerce.

By Mr. O'MAHONEY:

S. 4433. A bill authorizing the Secretary of the Interior to issue oil and gas leases on certain lands; to the Committee on Public Lands and Surveys.

REGULATION OF ADMINISTRATIVE PROCEDURE

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have received from Ezra T. Benson, executive secretary of the National Council of Farm Cooperatives, strongly endorsing the so-called Logan-Walter bill, now the unfinished business of the Senate, and urging its passage.

While I have the floor, Mr. President, I desire also to state my own position in support of this measure which I consider to be designed to bring some semblance of order into the chaos that prevails in the conduct of affairs by some hundred-odd Federal administrative agencies.

These administrative agencies exercise quasi-legislative and quasi-judicial functions. They have been granted broad powers to govern and regulate business and individuals. Some have established rules of procedure for conducting hearings; some have not. Some of them are accused of acting arbitrarily, capriciously, and unfairly. It appears that too many of them have been running wild. I do not profess to understand the ins and outs of this measure, but I do feel that the measure has legitimate and necessary objectives, and I have confidence enough in the Judiciary Committees of the two branches of Congress to believe the measure itself is basically sound and that legislation of this sort is imperatively necessary. Therefore I shall support and vote for this bill.

I send to the desk the letter from Mr. Benson, stating the position of the National Council of Farm Cooperatives, an influential group which is deeply interested in the problems of agriculture, and ask that it be printed at this point as part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF FARM COOPERATIVES
(Formerly National Cooperative Council),
Washington, D. C., November 20, 1940.

Hon. ARTHUR CAPPER,
United States Senate.

MY DEAR SENATOR: It is gratifying to this council to learn of the recent renewed interest in Senate consideration of the Logan-Walter bill.

The National Council of Farm Cooperatives believes this to be a fair and just bill aimed at the safeguarding of democratic institutions, and the continuation of a government of laws instead of men. If enacted into law it will, we believe, provide uniformity in procedure in issuing regulations, adequate hearing of controversies between individuals and officials of their Government, and impartial judicial review.

We also believe that the bill is thoroughly sound, greatly needed, and will reduce costs, expedite administrative processes, and increase respect for government.

On behalf of the more than 1,500,000 farmers represented by the National Council of Farm Cooperatives, through some 4,000 farmer-owned and farmer-controlled associations distributed in every State, we endorse and urge passage of the Logan-Walter bill. This action has been taken following careful study of the measure by the executive committee and the president of this council, John D. Miller, and 13 other leading attorneys representing large agricultural organizations.

We earnestly request your immediate consideration and support of the Logan-Walter bill, H. R. 9624 and S. 915.

Respectfully submitted.

EZRA T. BENSON,
Executive Secretary.

EDITORIAL BY WILLIAM E. JACKSON ON THE INDISPENSABLE OPPOSITION

Mr. AUSTIN. Mr. President, I ask unanimous consent to have printed in the RECORD something I regard as very timely and helpful as an expression of civic virtue by a college man whose unique position gives the expression special value at this time. The matter to which I refer is an editorial written

by William E. Jackson, son of the Attorney General of the United States, and published in the Yale Daily News, of which he is vice president. It is entitled "The Indispensable Opposition," and is an appeal to the majority to learn the lessons its adversaries can teach. I want the RECORD to show one particular paragraph. Therefore I read it:

It is always easier to condemn than to understand; and it will be a fatal misjudgment of the temper of the country if the newly commissioned rulers fail to recognize that the men they defeated are indispensable; not as an indulgence to a smug sense of tolerance, not as a concession from infallibility, not just as a sop to the tradition that "all points of view should be heard," but as the realization that a man or a nation never grows very much if it is surrounded and inspired only by those who think and act like unto it. It takes an adversary to teach and an intelligent opponent to learn. In the principle of "honor thine enemy" lies the path to that wisdom and understanding which the governors owe to the governed.

This editorial is republished in the United States News of November 22, 1940, and I wish to give it further publicity. I therefore ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the United States News of November 22, 1940]

THE INDISPENSABLE OPPOSITION—AN APPEAL TO MAJORITY TO LEARN LESSONS ITS ADVERSARIES CAN TEACH—COLLEGE EDITORIAL MAKES PLEA FOR CONCILIATION AFTER BITTERNESS OF THE CAMPAIGN

Occasionally the college press presents an editorial on public affairs which is worthy of attention along with the editorials of the Nation's daily newspapers.

Such an editorial, written by William E. Jackson, vice chairman of the Yale Daily News and a son of Attorney General Robert H. Jackson, seems to us to merit reproduction here this week. Young Mr. Jackson was an ardent supporter of the Roosevelt side of the campaign, yet in the wee hours of the morning of November 6 he wrote for immediate publication an editorial of reconciliation and national unity which pays high tribute to Wendell Willkie and calls him the "indispensable man" of the opposition party.

The editorial in full follows:

"(By William E. Jackson)

"Yesterday we were many people; today we must be one people. That is the sentiment of the great men in both parties this morning. The Nation is fallen upon troublesome days, through forces from without, and now that the campaign is over petty facetiousness must yield in good grace to national unity, in Lincoln's spirit, 'with malice toward none, with charity for all.' For, even to those of us who were most partisan, this is a most sobering victory. None of us has any reason for recrimination, any right to crow.

"There is always a propensity for the vanquished to brood, like the poet, 'majestic in their sadness at the doubtful doom of humankind.' But to my friends who see nought but ruin in the collapse of their hopes, who have said that if Roosevelt were reelected papa would have to lay off 500 men, or resign from three clubs, or flee the country to escape confiscation or socialization—I ask them to temper their apprehensions and not to face the future with distrust or resentment. I think it probable that the American way of life, greatly as its meaning differs among Americans, will somehow last as long as they care to look ahead, perhaps bred to new splendor and greatness through the triumphs it shall win against alien systems. Defeat is bitter, but there are still stars in our flag.

"Yet the burden, I think, falls most heavily on the victors. Those of us who worked, as I did, for the President's reelection must never forget that, right or wrong, many millions of our fellow citizens have shown by their votes that they do not approve his policies or lack confidence in his abilities. For it is not true that 51 percent always has the moral right to coerce or to ignore the other 49 percent, their interests, and their convictions. The democratic device of head counting is useful for settling certain problems, e. g., who shall lead the Nation for 4 years. But equally important and more subtle problems, such as what kind of a nation ours is to be, cannot be settled by head counting alone, or by the inundation of an essential minority by a powerful majority. The mandate of this election must be accepted for what it is—and no more.

"There is, however, still another burden on the victors, and that is to recognize that today Mr. Willkie, or at least his party, is in very truth the indispensable man. The opposition is indispensable. Walt Whitman put it best when he asked: 'Have you learned lessons only of those who admired you, were tender to you, and who stood aside for you? Have you not learned great lessons of those who braced themselves against you and disputed the passage with you?'

"It is not just for reasons of fair play, of sportsmanship, or magnanimity that enlightened men welcome opposition, but to learn from them that dispute the passage. So to do requires a broadness of vision and a largness of view that it is not given some to attain. In the zeal for national unity, let no man assume that his late opponents were the tools of treasons, strategems, or spoils; let no man brush aside their convictions as the mouthings of either knaves or lunatics—as, in the first flush of triumph, it is so uncommonly easy to do.

"It is always easier to condemn than to understand. And it will be a fatal misjudgment of the temper of the country if the newly commissioned rulers fail to recognize that the men they defeated are indispensable. Not as an indulgence to a smug sense of tolerance, not as a concession from infallibility, not just as a sop to the tradition that all points of view should be heard. But as the realization that a man or a nation never grows very much if it is surrounded and inspired only by those who think and act like unto it. It takes an adversary to teach and an intelligent opponent to learn. In the principle of 'honor thine enemy' lies the path to that wisdom and understanding which the governors owe to the governed.

"I have deliberately been harder on my own side than the other, because, through power, theirs is the greater obligation. A poverty of the spirit is our own greatest threat today. A great writer has ably pointed out that our final problem, as always, is a problem in personal morals, for in the end, whether we make America a good or a bad country will depend upon what we make, individually, of ourselves.

"We have said, for all the world to hear, that ours is 'one Nation indivisible, with liberty and justice for all.' And now we are going to show that we meant it."

ARTICLES FROM NEW YORK SUN AND NEWSWEEK REGARDING ADDRESS BY LORD LOTHIAN

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an article from the New York Sun of November 16, 1940, and an article from Newsweek of November 25, 1940, relative to a radio address by Lord Lothian, British Ambassador to the United States, which appear in the Appendix.]

PROPOSED ACQUISITION OR USE OF BRITISH POSSESSIONS IN THE ORIENT

[Mr. KING asked and obtained leave to have printed in the RECORD a letter from Warren E. Seavey, of the Law School of Harvard University, with reference to the proposed acquisition or use by the United States of British possessions in the Orient, and a memorandum accompanying the letter, which appear in the Appendix.]

THE POPE'S PRAYER FOR PEACE—EDITORIAL FROM NEW YORK SUN

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial from the New York Sun of November 25, 1940, entitled "The Pope's Prayer for Peace," which appears in the Appendix.]

GOVERNMENT BY LAW—ARTICLE BY MARK SULLIVAN

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an article from the Washington Post of November 26, 1940, entitled "Government by Law," by Mark Sullivan, which appears in the Appendix.]

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark, Mo.	Hayden	O'Mahoney
Andrews	Connally	Herring	Reed
Austin	Davis	Hill	Russell
Bailey	Ellender	Holt	Sheppard
Ball	Frazier	Johnson, Calif.	Shipstead
Barbour	George	King	Stewart
Barkley	Gillette	Lucas	Taft
Bilbo	Green	McKellar	Thomas, Utah
Bridges	Guffey	Maloney	Vandenberg
Brooks	Gurney	Mead	Van Nuys
Byrnes	Hale	Miller	Wagner
Capper	Harrison	Minton	Walsh
Caraway	Hatch	Nye	Wiley

Mr. MINTON. I announce that the Senator from Arizona [Mr. ASHURST], the Senator from Alabama [Mr. BANKHEAD], the Senators from Washington [Mr. BONE and Mr. SCHWELLENBACH], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senator from Nebraska [Mr. BURKE], the Senators from Virginia [Mr. GLASS and Mr. BYRD], the Senator from Kentucky [Mr. CHANDLER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Delaware [Mr. HUGHES], the Senator from Colorado [Mr. JOHNSON], the Senators from Oklahoma [Mr. THOMAS and Mr. LEE], the Senator from Nevada [Mr. MCCARRAN], the Senators from Montana [Mr. WHEELER and Mr. MURRAY], the Senator from West Virginia [Mr. NEELY], the Senator from

Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent from the Senate.

Mr. AUSTIN. I announce that the following Senators are necessarily absent:

The Senators from Oregon [Mr. MCNARY and Mr. HOLMAN], the Senator from Connecticut [Mr. DANAHER], the Senator from Massachusetts [Mr. LODGE], the Senator from Idaho [Mr. THOMAS], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Maine [Mr. WHITE].

The Senator from Delaware [Mr. TOWNSEND] is absent because of illness in his family.

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, a quorum is present.

REGULATION OF ADMINISTRATIVE PROCEDURE

The Senate resumed the consideration of the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

Mr. BARKLEY. Mr. President, I wish to make a brief statement concerning the Logan-Walter bill, which has been made the unfinished business of the Senate.

As the Senate knows, from time to time, for reasons which have appeared to me to be sound, I have urged the postponement of the consideration of this measure. I think all Senators realized, when the question was raised, that a bill of this importance and complexity should not be passed except after consideration by the Members of the Senate, which could not be given during a call of the Unanimous Consent Calendar. Under the circumstances which prevailed when the bill was called and passed on a previous occasion, during the absence of myself and other Senators opposed to it who had repeatedly objected, I sought a reconsideration of the vote by which the measure was passed, and its return to the calendar. After some negotiations, reconsideration was granted, and the bill was returned to the calendar.

During the negotiations which resulted in the reconsideration I indicated that it would be entirely agreeable, at some convenient time during the present session, for the bill to be taken up and acted on by the Senate. As I stated yesterday, I think Members of the Senate and the Senate itself have to be governed by circumstances as they arise from time to time, and no one, on the previous occasions, could foresee the conditions which would exist in the world and in the legislative history of this country; and when efforts have been made to bring the bill up in the meantime, I have urged postponement, for reasons which still seem to me to be sound. In doing so, I have subjected myself to the criticism and denunciation of those on the outside of this Chamber who have been impatient for the consideration of the proposed legislation.

Yesterday I stated that I did not believe that under the present circumstances the Senate was in a mood to consider a bill of this importance. I do not think so now. Half the Members of the Senate are absent. It is doubtful whether under present conditions many of them could be brought back, or would be willing to return for the purpose of voting on any one particular bill. Many of them undoubtedly would.

We are now approaching the 1st day of December, and, as always has happened, as we remember, when Congress, under the previous provision of the Constitution, met on the first Monday in December, very little legislation could be accomplished in the atmosphere of the preholiday season until after the first of the year, and as a result December was practically wasted.

Somewhat coincidental with the consideration of the pending bill in the present session of the Congress, the President, recognizing that this subject was entitled to deep study, and recognizing that it was under the aegis of the Department of Justice, which presumably would be impartial as among other departments and agencies of the Government, asked the then Attorney General, now Justice Murphy, of the Supreme Court, to appoint a special committee to investigate the subject.

The Attorney General appointed the committee, which is made up of outstanding lawyers. It has been conceded in debate here that no more able committee has ever been appointed to make an investigation of any kind than the committee headed by Dean Acheson, appointed to look into this subject. In making his request, undoubtedly the President had in view the importance of the subject, and the desirability, presumably, of Congress having the most accurate information regarding it.

I have felt all along, and I now feel, that this is not a matter which could be adequately dealt with in haste. I have read every article written and every speech delivered for and against the bill, including the testimony of Dean Pound, referred to yesterday by the Senator from Nebraska; including a brochure prepared and distributed by Mr. O. R. McGuire, the chairman of the subcommittee of the American Bar Association, who has devoted himself almost exclusively to urging the proposed legislation during the last few years; including testimony had before the Committee of the House of Representatives, which was brief, at best, considering the importance of the subject.

I have read the article prepared by Mr. Louis Caldwell, at one time the chief counsel of the Federal Radio Commission, at one time a member of the subcommittee of the American Bar Association, which has sponsored the pending legislation. Recognizing that there was need for some consideration of the subject of administrative law, Mr. Caldwell devoted himself, with the other members of the subcommittee, to looking into it and in the preparation of a bill. The bill which was reported by that subcommittee was of such a character that Mr. Caldwell could not endorse it, resigned from the subcommittee, and has since criticized it in two very able articles. I have read those articles. I have read the very able article written by Dean James M. Landis, than whom I think there is no greater scholar. Lawyers may disagree with his theories, his philosophy of government, and of law and jurisprudence, but no one can deny the ability of Mr. Landis. He devoted himself very industriously and earnestly to this subject.

The committee which, at the request of the President, was appointed by the Attorney General, has been working diligently ever since its appointment. The members of the committee draw nothing in the way of compensation for their work. They have no salaries.

They practice law for a living. It has not been possible for them to devote every hour of every day to the study of this subject, and they assigned to some of their subordinates, and to those who were employed by them, the meticulous and careful and detailed investigation of the various agencies and bureaus and departments of the Government, in order to find out what were the defects of administration, in order to become intimately acquainted with the processes of the governmental agencies, and their practices and methods. They have, as I have previously stated, gone through these bureaus and agencies with a fine-tooth comb, and have now made their report to the Attorney General's committee, and that committee have been for the last month here in Washington sitting daily to consider their report to the Attorney General. I have been advised authoritatively, as I stated yesterday, that their report will be ready for the Attorney General next week.

In spite of that situation, Mr. President, certain newspapers in this country, which have been demanding that Congress remain in session because of the emergency which exists in the world, have usually wound up their editorials by giving as the real reason that Congress ought to vote on the Logan-Walter bill, and on the so-called Smith amendments to the Wagner Act which are now in committee. I do not say that with reference to any Member of this body, but I am bound to conclude that those on the outside of this Chamber who are pressing for a vote and "riding" the opponents of the bill day by day in order to get a vote, are willing for the Senate of the United States to vote without the value and benefit of the information which has been collected by the Attorney General's committee. They have urged us to vote. They are urging us to vote now.

Mr. President, I wish simply to state that I do not now believe the Senate understands the bill sufficiently to know what effect its enactment will have on the various departments of the Government of the United States. These departments were created by Congress. If we made any mistake in their creation, or in their jurisdiction, or in their methods of procedure, Congress could amend the law creating the agency or department and correct the defect, if it wanted so to do.

I have been told by numerous Senators on both sides of this measure that they have not had an opportunity to study it and do not understand it. This may be an intellectual limitation on my part, but I started a while ago to say that, after having read all that has been said about it on both sides, I still am not sure what its passage will do to all the agencies of the Government of the United States. I know it will handicap some of them. I know it will hamstring them. I know they could not function efficiently and as Congress intended they should function if this measure were enacted and were suspended over them in the operation of the functions which Congress has conferred upon them.

I believe it would be wise for the Senate not to act until the next session of Congress. I have already so stated, and I am sincere in that belief. I believe if it acts now it will act without sufficient information; it will act without sufficient knowledge or understanding of what the bill contains and its effect upon the Government of the United States, which, after all, is the Government of the people; and I want the people of the United States to know that those on the outside of this Chamber who are pressing now for a vote prefer that we vote without sufficient information rather than that we pass a wise bill which we may be able to write when we get the benefit of the investigations which have been made more carefully than any which have been made by anyone else, including the American Bar Association.

It has been impossible for those of us who oppose this proposed legislation to convey to the country our real reasons for opposing it. I have spoken from time to time on this bill. Other Senators have also spoken on it. No person beyond the range of my voice ever heard anything I said or that any of the opponents of the measure have said about it unless they happened to read the CONGRESSIONAL RECORD. The American people do not know what the effect of this proposed legislation will be. If they knew what its effect would be, they would not favor it. A provision similar to that contained in this bill was placed in a new constitution which was submitted to the people of New York a year or two ago, and they had a right to vote separately on the different provisions of the new constitution submitted to them, and when they voted on a similar provision in the constitution of New York they voted it down, 10 to 1, because they did not want even the departments of the New York State government to be handicapped by such legislation as this. They were not willing to put those departments into the hands or under the control of the courts, as I believe this bill will do in the case of Federal departments and agencies.

Mr. President, I do not believe the Senate ought to act in haste. It may be said that it has not acted in haste. So far as many individual Members of the Senate are concerned, the bill is no more understood today than it was when it was introduced in the Senate. That is not true of some of those who have taken an active part for or against it, but by and large there are many who do not understand it today, and who will not understand it after weeks of discussion, because it is the sort of bill that the more one discusses it the less he understands it. [Laughter.]

Notwithstanding my belief that it is a mistake to vote on the bill at this session, and that it ought to go over in order to get a really sound bill that can become a law——

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BRIDGES. According to the Senator's statement, would it not be better to vote soon?

Mr. BARKLEY. Yes; and I am coming to that. The Senator is a mind reader, I am afraid.

Notwithstanding my objections to the bill, notwithstanding my opposition to it, notwithstanding I believe that the Senate ought to have the benefit of all the information which can be collected and has been collected, notwithstanding the fact that no harm can come to our Government or our people by delay in acting on this legislation until January, I am willing to vote today, and I am now concluding my remarks with the understanding that if the proponents of the legislation are ready for a vote on it now we are ready for a vote on it now.

SEVERAL SENATORS. Vote! Vote!

Mr. BARKLEY. Let the Senate declare itself, and let the country understand the circumstances under which the vote is taken.

Mr. President, on the passage of the bill, if we are ready for a vote, I ask for the yeas and nays.

The PRESIDENT pro tempore. There are committee amendments.

Mr. BARKLEY. The yeas and nays can be ordered now.

The PRESIDENT pro tempore. The yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. SHIPSTEAD. Mr. President, I am sure everyone has been impressed with the seriousness and conscientiousness of the address made by the majority leader. I cannot understand, in my simple way, why there should be any objection to having an act on the part of an administrative agency of the Government reviewed by a court of competent jurisdiction; and if there is going to be any further debate on this subject, I should like to have an attempt made to explain why that should not be done. Why would review by a court of an act of a bureaucrat in the executive branch of the Government take control of the executive branch of the Government and put it into the hands of the court any more than a court passing upon an act of Congress result in the court taking control of legislation?

The PRESIDENT pro tempore. The clerk will proceed to state the committee amendments.

The first amendment of the Committee on the Judiciary was, in section 2, page 3, line 8, after the word "hearings.", to insert "Such notice shall be published in the Federal Register, shall state the date of the public hearing, which shall be not less than 10 days after the date of the notice, and shall set forth the language of the rules proposed to be adopted. After the public hearing, such rules or amended rules dealing with the same subject may be approved", so as to read:

SEC. 2. (a) Hereafter administrative rules and all amendments or modifications or supplements of existing rules implementing or filling in the details of any statute affecting the rights of persons or property shall be issued by the head of the agency and by each independent agency respectively charged with the administration of any statute only after publication of notice and public hearings. Such notice shall be published in the Federal Register, shall state the date of the public hearing, which shall be not less than 10 days after the date of the notice, and shall set forth the language of the rules proposed to be adopted. After the public hearing, such rules or amended rules dealing with the same subject may be approved. All such rules shall be published in the Federal Register within 10 days after the date of their approval by the head of the agency or the independent agency concerned, and shall not become effective until such publication, except when the President declares that a public emergency exists.

Mr. ADAMS. Mr. President, I have been somewhat amazed at the objection to the bill, accompanied by a demand for an immediate vote on it, without explanation. I happen to be one of the Senators who do not concede the statement that it is impossible to understand the bill if it is explained. I think the proponents of the bill owe it to the Senate to make an explanation of the bill. I, for one, do not want to be driven to a vote on a bill which has not been explained.

The only statements which have been made have been preliminary statements. On the one side the statements have had to do with reasons why we should consider the bill, and on the other side with reasons why we should not consider it. Speakers on both sides have said that they were not discussing the merits of the bill. The bill is stated to be of tremendous consequence; and it seems to me, as an individual

Member of the Senate, that we are entitled to an explanation of the objections to the bill as well as the reasons for it.

I am concerned about the particular paragraph which is now before us, as to what, if any, limitations are to be included. I can conceive of many minor administrative rules, such, for example, as a rule with respect to office hours in a department——

Mr. TAFT. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. TAFT. The Senator will notice that on the first page "administrative rules" are defined to include only rules of general application interpreting the terms of statutes which the agency is charged with administering. Such a rule as the Senator suggests is in no way subject to the provisions of the bill. The Senator will see the definition of "administrative rules" on the first page, in subparagraph (1) of section 1.

Mr. ADAMS. What rule could there be which would not come within that definition? It seems to me that practically every one comes within that definition.

Mr. TAFT. No; a rule setting the hours of work for a department is not a rule interpreting the terms of a statute in any sense. Only rules interpreting the terms of statutes are included.

Mr. ADAMS. That may or may not be true. There might be rules for the regulation of admission to national parks, which are general rules.

I am interested in knowing how far this provision goes. My inclination is to support the bill. I shall not support it if I find that it includes within it a multitude of minor, petty administrative regulations which cannot be put into effect without the process of advertisement.

As I have read the bill, it seems to me to need limitation. It seems to me to need prescription and exception. I am appealing to those who think the bill should be passed to make some explanation. In connection with section 2, I should like to know what is included and what is excluded, other than what is indicated by the mere general statement made by the Senator from Ohio.

SEVERAL SENATORS. Vote! Vote!

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment on page 3, beginning in line 8.

The amendment was agreed to.

The PRESIDENT pro tempore. The next committee amendment will be stated.

The next amendment was, under the heading "Implementing administrative rules", in section 2, on page 3, line 25, after "(c)", to strike out "Any" and insert "Within 1 year after the date of the approval of this act any"; on page 4, line 2, after the word "rule", to strike out "in force on the date of the approval of this act and"; in line 3, after the word "has", to strike out "not"; in the same line, after the word "force", to insert "on such date"; in line 4, after the words "a period of", to insert "less than"; in the same line, after the word "years", to strike out "or more"; and in line 9, after the word "and", to strike out "public hearing, if requested within 10 days thereafter" and insert "a public hearing if the same be requested within 20 days after the publication of such notice", so as to read:

(c) Within 1 year after the date of the approval of this act any person substantially interested in the effects of an administrative rule which has been in force on such date for a period of less than 3 years may petition the head of the agency or the independent agency which administers any statute under which the rule was issued for a reconsideration of any such rule; and the head of such agency or the independent agency shall, after publication of notice and a public hearing, if the same be requested within 20 days after the publication of such notice, determine whether such rule shall be continued in force, modified, or rescinded. All amendments of such rules shall be in accordance with the procedure provided in subsection (a) of this section and all action of the head of such agency or the independent agency on such petitions and all new or amended rules shall be published in the Federal Register as prescribed in said subsection (a) for the publication of rules.

The amendment was agreed to.

The next amendment was, under the heading "Judicial Review of Rules", in section 3, on page 5, line 2, after "Sec. 3", to strike out "In addition to the jurisdiction heretofore conferred upon the" and insert "The"; in line 4, after the words "District of Columbia", to strike out "that court"; in line 5, after the word "filed", to insert "by any person substantially interested in the effects of any administrative rule"; and in line 7, after the word "any", to insert "approved", so as to make the section read:

JUDICIAL REVIEW OF RULES

SEC. 3. The United States Court of Appeals for the District of Columbia shall have jurisdiction, upon petition filed by any person substantially interested in the effects of any administrative rule within 30 days from the date any approved administrative rule is published in the Federal Register, to hear and determine whether any such rule issued or continued in force in accordance with section 2 of this act is in conflict with the Constitution of the United States or the statute under which issued. No rule shall be held invalid except for violation of the Constitution or for conflict with a statute or for lack of authority conferred upon the agency issuing it by the statute or statutes pursuant to which it was issued or for failure to comply with section 2 of this act. A copy of the petition, and copies of all subsequent pleadings shall be served upon the Attorney General of the United States, who shall direct the defense of the rule. The court may refer such petition and any reply thereto for the taking of such evidence as shall be material and relevant thereto. The court shall give preference to such petitions and shall have no power in the proceedings except to render a declaratory judgment holding such rule legal and valid or holding it contrary to law and invalid. If the rule is held contrary to law and invalid, the rule thereafter shall not have any force or effect except to confer immunity as provided in section 2 of this act. Nothing contained in this section shall prevent the determination of the validity or invalidity of any rule which may be involved in any suit or review of an administrative decision or order in any court of the United States as now or hereafter authorized by law.

The amendment was agreed to.

The next amendment was, under the heading "Statutory approval and authority for administrative boards and prescribing their procedure", in section 4, on page 6, line 20, after the word "lawyer", to strike out the comma and "who shall act as chairman of the board"; in line 21, after the words "engaged in", to strike out "the hearing of" and insert "hearing and determining"; and on page 7, line 3, after the words "the rule", to insert "Each employee so designated as a member of an intra-agency board shall, before he enters upon his duties as such member, take an oath or affirmation that he will act impartially with respect to all matters pending before such board without regard to the position of the Government as a party in interest, and that he will decide such matters upon their merits in accordance with law and the evidence presented", so as to read:

STATUTORY APPROVAL AND AUTHORITY FOR ADMINISTRATIVE BOARDS AND PRESCRIBING THEIR PROCEDURE

SEC. 4. (a) Every head of an agency shall from time to time designate three employees of his agency for such intra-agency boards (including the field service of such agency) as may be necessary and desirable. Where there are intra-agency boards existing on the date of approval of this act, they shall be reestablished and function in accordance with this act. Wherever practicable, such boards shall be designated in various sections of the United States to hear any controversy which may have there arisen. At least one employee designated for each such board shall be a lawyer. When the members of any board are not engaged in hearing and determining administrative appeals as hereinafter provided, such employees shall be assigned to other duties in the service of the agency concerned. No member of a board who has participated in a particular case or in the preparation draft, or approval of any rule which may be involved, shall sit in appeal of the case or application of the rule. Each employee so designated as a member of an intra-agency board shall, before he enters upon his duties as such member, take an oath or affirmation that he will act impartially with respect to all matters pending before such board without regard to the position of the Government as a party in interest, and that he will decide such matters upon their merits in accordance with law and the evidence presented.

The amendment was agreed to.

The next amendment was, in section 4, on page 9, after line 16, to strike out:

(d) When the matter in controversy is such that the delay incident to the hearing and decision of the case would create an emergency contrary to the public interest and there is administrative action or inaction, prior to or without such hearing and determination, resulting in the destruction of the property or damage to the aggrieved person involved in such controversy, the findings of fact and decision when made by the board shall state the amount of pecuniary damage suffered by the aggrieved person and upon approval thereof by the head of the agency concerned, the amount of damages so approved, if acceptable to the aggrieved person, shall be certified to the Congress for an appropriation with which to pay the same.

The amendment was agreed to.

The next amendment was, in section 4, on page 10, at the beginning of line 5, to strike out "(c) Where any matter arises" and insert "(d) In any controversy arising"; in line 7, after the word "such", to strike out "matter" and insert "controversy"; in line 8, after the word "trial", to strike out "examiners, who shall file with the independent agency the written record and his written findings of fact and separate decision, which shall be made in all instances, whether by the examiner or the independent agency" and insert "examiners. Whether heard by such examiner or by the independent agency itself, a full and correct written record and written findings of fact, and the proposed decision, shall be filed in the office of the independent agency"; and at the beginning of line 25, to strike out "of the examiner", so as to read:

(d) In any controversy arising out of the activities of any independent agency, it may be provided by rule that such controversy may be heard in the first instance by one of its trial examiners. Whether heard by such examiner or by the independent agency itself, a full and correct written record and written findings of fact, and the proposed decision, shall be filed in the office of the independent agency after reasonable public notice and a full and fair hearing as hereinbefore in this section provided. A copy or copies thereof shall be sent by registered mail to the aggrieved party. The independent agency shall enter at the expiration of 30 days such appropriate decision as may be proper unless within said 30 days the aggrieved party shall signify his written consent to the entry of the decision or shall file by registered mail with the independent agency his written objections to the findings of fact and decision in which event the independent agency shall not enter its decision without first according a public hearing upon reasonable notice to such party. Such hearing shall be before the members of the independent agency, if it has not less than three members, or before any three of such members. If the independent agency has less than three members, an intra-agency board shall be constituted in the manner provided in subsection (a) of this section, upon which the member or members of such agency may serve at his or their election.

The amendment was agreed to.

The next amendment was, on page 11, at the beginning of line 10, to strike out "(f)" and insert "(e)."

The amendment was agreed to.

The next amendment was, under the heading "Judicial review of decisions or orders of administrative agencies", in section 5, on page 12, after line 4, to insert "after the date of receipt of the copy of the final decision or order"; after line 9, to insert "date of the"; in line 15, after the word "served", to insert "by the petitioner"; at the top of page 13, to insert "Upon the filing of any such petition for review, the court to which the same is directed shall have jurisdiction of the proceeding and of the questions determined therein and shall have power to grant such temporary relief by restraining order, mandamus, or otherwise as it may deem just and proper"; on page 13, after line 21, to strike out "(1) that the findings of fact are clearly erroneous; or (2)" and insert "(1)"; in line 24, after the word "or", to strike out "(3)" and insert "(2)"; in line 25, after the word "or", to strike out "(4)" and insert "(3)"; on page 14, line 3, after the word "or", to strike out "(5)" and insert "(4)"; in line 5, after the word "or", to strike out "(6)" and insert "(5)"; and in line 6, after "United States", to strike out the semicolon and "or (7) that the decision is otherwise contrary to law", so as to read:

JUDICIAL REVIEW OF DECISIONS OR ORDERS OF ADMINISTRATIVE AGENCIES

SEC. 5. (a) Any party to a proceeding before any agency or independent agency as provided in section 4 of this act who may be aggrieved by the final decision or order of any agency, or independent agency, as the case may be, within 30 days after the date of receipt of a copy thereof, may at his election file a written petition (1) with the clerk of the United States Court of Appeals for the District of Columbia; or (2) with the clerk of the circuit court of appeals within whose jurisdiction such aggrieved party resides or maintains his principal place of business or in which the controversy arose for review of the decision. Before filing a petition such party may within 10 days after the date of receipt of the copy of the final decision or order make a motion to the agency or independent agency concerned for a rehearing, tendering a statement of any further showing to be made thereon which shall constitute a part of the record, and the time for appeal shall run from the date of the order on such motion if denied or the order made on such rehearing if a rehearing shall be had. The petition shall state the alleged errors in the decision of the agency or independent agency concerned. The Attorney General of the United States and the agency or independent agency shall each be served by the petitioner with a copy of the petition and it shall be the duty of the Attorney General of the United States to cause appearance to be entered on behalf of the United States within 30 days after the date of receipt by him of a copy of the petition, and it shall be the duty of the agency or independent agency, as the case may be, within 30 days or such longer time as the court may by order direct, after receipt of a copy of the petition, to cause to be prepared and filed with the clerk of such court the original or a full and accurate transcript of the entire record in such proceeding before such agency or independent agency. Upon the filing of any such petition for review, the court to which the same is directed shall have jurisdiction of the proceeding and of the questions determined therein and shall have power to grant such temporary relief by restraining order, mandamus, or otherwise as it may deem just and proper. The court may affirm or set aside the decision or may direct the agency or independent agency concerned to modify its decision. Any case may be remanded for such further evidence as in the discretion of the court may be required but no objection not urged before the agency or independent agency, as the case may be, shall be considered by the court unless the failure or neglect to urge such objection shall be excused by the court for good cause shown. To facilitate the hearing of such appeals and avoid delay in the hearing of other matters before the court, such court may constitute special sessions thereof to consist of any three judges competent in law to sit as judges of a circuit court of appeals, which special sessions may be held concurrently with the regular sessions of said court. Any decision of any agency or independent agency shall be set aside if it is made to appear to the satisfaction of the court (1) that the findings of fact are not supported by substantial evidence; or (2) that the decision is not supported by the findings of fact; or (3) that the decision was issued without due notice and a reasonable opportunity having been afforded the aggrieved party for a full and fair hearing; or (4) that the decision is beyond the jurisdiction of the agency or independent agency, as the case may be; or (5) that the decision infringes the Constitution or statutes of the United States.

The amendment was agreed to.

The next amendment was, in section 5, on page 14, line 8, after the word "appeals", to insert "under this section and section 3 of this act", so as to read:

(b) The judgments of the circuit courts of appeals under this section and section 3 of this act shall be final, except that they shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

The amendment was agreed to.

The next amendment was, in section 5, on page 14, line 21, after the word "disagreement", to insert "on any question of law"; and on page 15, line 6, after the word "disagreement", to strike out "Such further" and insert "Further", so as to read:

(c) Where the cause of action is otherwise within the jurisdiction of the United States Court of Claims as provided in section 136 to 187, inclusive, of the Judicial Code, as amended (U. S. C., title 28, secs. 241 to 293, inclusive), the petition provided in this section may be to the said Court of Claims at the election of the aggrieved party.

(d) Where a circuit court of appeals or the Court of Claims finds itself in disagreement on any question of law with a previously rendered decision of another court having jurisdiction under this section, it shall certify to the Supreme Court of the United States a distinct and definite statement of the question or proposition of law upon which such disagreement rests, with a statement of the nature of the cause and of the facts on which such question or proposition of law arises, together with a statement of the reasons in support of such disagreement. Further proceedings shall be as provided in section 239 of the Judicial Code, as amended (U. S. C., title 28, sec. 346).

The amendment was agreed to.

The next amendment was, under the heading "Jurisdiction of courts to impose damages where appeal was for delay and for costs", in section 6, on page 15, line 12, after the word "impose", to strike out "damages" and insert "a reasonable penalty as part of the costs", so as to make the section read:

JURISDICTION OF COURTS TO IMPOSE DAMAGES WHERE APPEAL WAS FOR DELAY AND FOR COSTS

SEC. 6. The courts shall have jurisdiction and power to impose a reasonable penalty as part of the costs in any case where the decision of the agency or independent agency is affirmed and the court finds that there was no substantial basis for the petition for review. In all cases the costs on review shall be allowed the prevailing party after final judgment, to be collected according to law.

The amendment was agreed to.

The next amendment was, under the heading "Exceptions and reservations", in section 7, on page 15, line 25, after the words "relating to", to strike out "the conduct of"; on page 16, line 1, after the word "the", where it occurs the first time, to strike out "conduct of the"; in line 6, after "Interstate

Commerce Commission", to insert "the Civil Service Commission"; in line 7, after "Federal Trade Commission; the", to strike out "conduct of the"; in line 8, after "Department of State; the", to strike out "conduct of the"; in line 9, after the words "Department of Justice", to strike out "and the offices of the United States attorneys, except as otherwise herein specifically provided"; in line 12, after the word "copyright", to insert "personnel"; in line 13, after the words "harbor workers' laws", to insert "or the Agricultural Marketing Agreements Act of 1937 and any act supplemental thereto or amendatory thereof"; and in line 17, after the words "agricultural products", to strike out the comma and "or has failed to receive appointment or employment by any agency or independent agency", so as to read:

EXCEPTIONS AND RESERVATIONS

SEC. 7. (a) Nothing contained in this act shall operate to modify or repeal any rights or procedure as now provided by law for any person to have his controversy with the United States heard and determined in any district court or circuit court of appeals of the United States.

(b) Nothing contained in this act shall apply to or affect any matter concerning or relating to the Military or Naval Establishments; the Federal Reserve Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, Railroad Retirement Board, National Mediation Board, National Railroad Adjustment Board, the Interstate Commerce Commission, the Civil Service Commission, all Federal lending agencies, the Federal Trade Commission; the Department of State; the Department of Justice; or any matter concerning or relating to the internal revenue, customs, patent, trade-mark, copyright, personnel, or longshoremen and harbor workers' laws; or the Agricultural Marketing Agreements Act of 1937 and any act supplemental thereto or amendatory thereof; or any case where the aggrieved party may be dissatisfied with a grading service in connection with the purchase or sale of agricultural products. Sections 2 and 3 of this act shall not apply to the General Accounting Office. No right of review hereunder shall be exercised during the construction of any public building or public works project as to any decision, ruling, or order made with reference to the prosecution of the work.

The amendment was agreed to.

The next amendment was, in section 7, on page 17, line 2, after the word "shall", to strike out "without further requirement" and insert "unless otherwise prohibited by law", so as to read:

(c) Members in good standing of the bar of the United States Supreme Court, any circuit court of appeals, or any district court of the United States, shall, unless otherwise prohibited by law, be eligible to represent clients and practice before any agency or independent agency as defined in this act.

The amendment was agreed to.

The PRESIDENT pro tempore. That completes the committee amendments. The bill is still before the Senate and open to further amendment.

Mr. HATCH. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from New Mexico will be stated.

The CHIEF CLERK. On page 16, line 1, it is proposed to strike out the semicolon following the word "establishments" and insert a comma and the following: "including the Council of National Defense and the Advisory Commission thereto, the Priorities Board, and any other agency or authority hereafter created to expedite military and naval defense."

The amendment was agreed to.

Mr. HATCH. Mr. President, the Senator from Colorado [Mr. ADAMS] made a request, not only that the bill be explained by the proponents of the measure but that the opponents explain their opposition to the bill. I think the request made by the Senator from Colorado is reasonable. The proponents of the measure have spoken on the floor of the Senate, not once but many times. The bill has been explained at length and in detail.

Mr. ADAMS. But the Senator knows that the bill has never been before the Senate except for a very brief moment, when it passed by unanimous consent, and a motion to reconsider was made. In its present form it has never been explained. We have just proceeded to adopt a long series of amendments.

Mr. HATCH. That, in part, is correct. Some of the amendments, I think, have been explained on the floor of the Senate, and certainly what the bill proposes to do generally has been explained not once but several times. The Senator from Colorado, however, is entirely correct when he says that this is the first time the bill has been before the Senate. I know that only too well.

I do not desire to delay the vote on the measure; I do not wish to take the time to explain again what its provisions mean. I do not know, but it may be that it will be impossible to get a conference with the House; perhaps the House will not meet, and perhaps none of these amendments can be agreed upon. I do not know as to that. I only know that some of us have honestly tried to secure legislation upon what we consider to be an important subject. We have been perfectly willing at all times to take up the bill line by line, paragraph by paragraph, to explain and debate it, and let the Senate decide what should be good legislation on the subject. I am willing that the vote be taken.

SEVERAL SENATORS. Vote! Vote!

The PRESIDENT pro tempore. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The bill having been read three times, the question is, Shall it pass? On that question, the yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAVIS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. CHANDLER]. I understand that, if present, he would vote as I am about to vote. I therefore am at liberty to vote, and vote "yea."

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that, if present and voting, he would vote as I intend to vote. I am at liberty therefore to vote, and vote "yea."

The roll call was concluded.

Mr. MCKELLAR. On this vote I have a pair with the senior Senator from Delaware [Mr. TOWNSEND]. I transfer that pair to the senior Senator from West Virginia [Mr. NEELY], and will vote. I vote "nay."

Mr. STEWART. I have a general pair with the Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the Senator from Washington [Mr. SCHWELLENBACH], and will vote. I vote "nay."

Mr. CLARK of Missouri. I announce that the senior Senator from Maryland [Mr. TYDINGS] and the Senator from Nebraska [Mr. BURKE] are unavoidably detained from the Senate. I am advised that if present and voting, they would vote "yea."

Mr. MINTON. I announce the necessary absence of the following Senators: The Senator from Arizona [Mr. ASHURST], the Senator from Alabama [Mr. BANKHEAD], the Senators from Washington [Mr. BONE and Mr. SCHWELLENBACH], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senators from Virginia [Mr. GLASS and Mr. BYRD], the Senator from Kentucky [Mr. CHANDLER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Rhode Island [Mr. GERRY], the Senator from Delaware [Mr. HUGHES], the Senator from Colorado [Mr. JOHNSON], the Senators from Oklahoma [Mr. THOMAS and Mr. LEE], the Senator from Nevada [Mr. MCCARRAN], the Senators from Montana [Mr. WHEELER and Mr. MURRAY], the Senator from West Virginia [Mr. NEELY], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Wyoming [Mr. SCHWARTZ], the Senator from South Carolina [Mr. SMITH], and the Senator from Missouri [Mr. TRUMAN].

I am advised that if present and voting, the Senator from Alabama [Mr. BANKHEAD], the Senators from Virginia [Mr.

GLASS and Mr. BYRD], the Senator from Kentucky [Mr. CHANDLER], the Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GERRY], the Senator from Colorado [Mr. JOHNSON], the Senator from Nevada [Mr. MCCARRAN], and the Senator from South Carolina [Mr. SMITH] would vote "yea."

The Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Wyoming [Mr. SCHWARTZ]. I am advised that if present and voting, the Senator from Maryland would vote "yea" and the Senator from Wyoming would vote "nay."

The Senator from New Jersey [Mr. SMATHERS] is detained from the Senate because of illness in his family.

Mr. AUSTIN. I announce the following pairs on this question:

The Senator from Oregon [Mr. MCNARY], who would vote "yea," with the Senator from North Carolina [Mr. REYNOLDS], would would vote "nay";

The Senator from Connecticut [Mr. DANAHER], who would vote "yea," with the Senator from Montana [Mr. MURRAY], who would vote "nay";

The Senator from Massachusetts [Mr. LODGE], who would vote "yea," with the Senator from Delaware [Mr. HUGHES], who would vote "nay";

The Senator from Idaho [Mr. THOMAS], who would vote "yea," with the Senator from Oklahoma [Mr. LEE], who would vote "nay";

The Senator from Vermont [Mr. GIBSON], who would vote "yea," with the Senator from Florida [Mr. PEPPER], who would vote "nay"; and

The Senator from New Hampshire [Mr. TOBEY], who would vote "yea," with the Senator from New Jersey [Mr. SMATHERS], who would vote "nay."

The following Senators, who are necessarily absent, if present, would vote "yea":

The Senator from Oregon [Mr. HOLMAN], the Senator from Delaware [Mr. TOWNSEND], and the Senator from Maine [Mr. WHITE].

The vote was recapitulated by the legislative clerk.

Mr. BYRNES and Mr. HOLT entered the Chamber and voted.

Mr. MINTON. I ask for a recapitulation of the vote.

The PRESIDENT pro tempore. Is there objection?

Mr. HATCH. I object.

Mr. CLARK of Missouri. Did we not just have a recapitulation?

Mr. MINTON. That was the first call. There has since been no recapitulation, and I am entitled to one.

The PRESIDENT pro tempore. The Chair is advised by the Parliamentarian that the vote has been recapitulated.

Mr. BARKLEY. I wish simply to state for the RECORD that the mere announcement of the call of the roll and the result of it immediately after it is finished has not heretofore been regarded as a recapitulation. Frequently the request for recapitulation is granted. It may be a repetition of some process, but there is nothing unusual about it. So far as I am personally concerned, I do not care whether the request is granted or not, but I see no reason to object.

The PRESIDENT pro tempore. Under the rule, the Chair is advised by the Parliamentarian, when there is objection to a recapitulation, while personally the Chair has no objection to it, it cannot be ordered.

The result was announced—yeas 27, nays 25, as follows:

YEAS—27

Austin	Clark, Mo.	Hatch	Shipstead
Bailey	Connally	Holt	Taft
Ball	Davis	Johnson, Calif.	Vandenberg
Barbour	Frazier	King	Van Nuys
Bridges	George	Nye	Walsh
Brooks	Gurney	Reed	Wiley
Capper	Hale	Russell	

NAYS—25

Adams	Gillette	Lucas	Sheppard
Andrews	Green	McKellar	Stewart
Barkley	Guffey	Maloney	Thomas, Utah
Bilbo	Harrison	Mead	Wagner
Byrnes	Hayden	Miller	
Caraway	Herring	Minton	
Ellender	Hill	O'Mahoney	

NOT VOTING—43

Ashurst	Donahey	McCarran	Smathers
Bankhead	Downey	McNary	Smith
Bone	Gerry	Murray	Thomas, Idaho
Brown	Gibson	Neely	Thomas, Okla.
Bulow	Glass	Norris	Tobey
Burke	Holman	Overton	Townsend
Byrd	Hughes	Pepper	Truman
Chandler	Johnson, Colo.	Radcliffe	Tydings
Chavez	La Follette	Reynolds	Wheeler
Clark, Idaho	Lee	Schwartz	White
Danaher	Lodge	Schwellenbach	

So the bill (H. R. 6324) was passed.

Mr. HATCH. I move that the Senate insist upon its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

The PRESIDENT pro tempore. The conferees will be appointed a little later.

Mr. HATCH subsequently announced the appointment of Mr. KING, Mr. HATCH, Mr. BURKE, Mr. AUSTIN, and Mr. TAFT as conferees on the part of the Senate.

The PRESIDENT pro tempore. Without objection, Senate bill 915 will be indefinitely postponed.

WILLFUL INJURY OR DESTRUCTION OF WAR MATERIAL, ETC.

Mr. SHEPPARD. Mr. President, for the purpose of getting the measure before the Senate, I move that the Senate proceed to the consideration of House bill 10465, the so-called sabotage bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas that the Senate proceed to the consideration of a bill, the title of which will be stated for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 10465) to amend an act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918.

Mr. AUSTIN. Mr. President, is this a motion or a request for unanimous consent?

The PRESIDENT pro tempore. It is a motion. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to, and the Senate proceeded to consider the bill.

Mr. SHEPPARD. Mr. President, this bill amends the existing sabotage law so as to make it applicable in time of emergency. The existing law applies to sabotage in time of war. This bill makes it applicable to national-defense activities, utilities, and structures in time of emergency.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. VANDENBERG. I think we are all interested in having some teeth put into the present law. I am wondering whether the proposal which the Senator now submits does put teeth into the law. I wish the Senator would make plain to us the situation in that respect.

Mr. SHEPPARD. The bill prescribes a maximum $10,000 fine or a maximum of 10 years' imprisonment in the penitentiary, or both such fine and imprisonment, for acts of sabotage.

Mr. VANDENBERG. Are the acts of sabotage sufficiently broadly defined so that we can actually get some protection out of the situation, which up to now apparently we cannot get?

Mr. SHEPPARD. They are very specifically and explicitly defined.

The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill (H. R. 10465) was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the first paragraph of section 1 of the act approved April 20, 1918, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes" (40 Stat. 533; U. S. C., title 50, secs. 101–103), is amended by striking out the word "the" immediately preceding the word "war."

The fourth paragraph of section 1 of such act is amended to read as follows:

"The words 'United States' as used in this act in a geographical sense shall include the Philippine Islands, the Panama Canal Zone, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States as thus defined."

Such act of April 20, 1918, is further amended by adding at the end thereof the following sections:

"SEC. 4. That the words 'national-defense material,' as used herein, shall include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for the use of the United States in connection with the national defense.

"The words 'national-defense premises,' as used herein, shall include all buildings, grounds, mines, or other places wherein such national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other miltary or naval stations of the United States.

"The words 'national-defense utilities,' as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such national-defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures, and buildings, whereby or in connection with which water or gas may be furnished to any national-defense premises or to the military or naval forces of the United States, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any national-defense premises or to the miltiary or naval forces of the United States.

"SEC. 5. That whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, shall willfully injure or destroy, or shall attempt to so injure or destroy, any national-defense material, national-defense premises, or national-defense utilities, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"SEC. 6. That whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any national-defense material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 10 years, or both."

The PRESIDENT pro tempore. Without objection, Senate bill 4297, a similar bill, will be indefinitely postponed.

What is the further pleasure of the Senate?

ORDER OF BUSINESS

Mr. BARKLEY. Mr. President, before proceeding to the consideration of executive business I wish to make a statement for the benefit of Senators.

The passage of the Logan-Walter bill disposes of the only important piece of legislation on the calendar. I have conferred with the Senator from Utah [Mr. THOMAS], and I am advised that there is no probability that the so-called Smith amendments to the Wagner Act will be reported for action at the present session of the Congress. Therefore there is no need for Senators to remain here in order to pass upon the twin virtues that have been extolled in this country under the heading of the Smith amendments to the Labor Act and the Logan-Walter bill.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. I think there is a very good chance that the Smith amendments may be reported to the Senate. This morning there was a meeting of the Senate Committee on Education and Labor at which six members were present, which was a quorum. That quorum was broken by the fact that the chairman of the committee had to leave the committee, saying that he was called by the majority leader to confer with him. He left at 11 o'clock and did not return.

If the chairman of the committee desires to call a meeting of the committee, there is a quorum now in town, and I think the committee can act. I cannot guarantee that the committee's action will be favorable; but certainly action by the committee, which I have been urging for some months, can be taken and should be taken before the Senate adjourns.

Mr. BARKLEY. I simply wish to say that I am making this announcement for the benefit of Senators who may want to govern themselves accordingly. There is certainly no other important legislation on the calendar; and it is my purpose to have a series of 3-day recesses, during which time Senators will be at liberty either to remain in Washington or to depart hence, subject, of course, to the suggestion that if any important legislation shall come up for consideration, or is likely to come up, Senators will be notified in time to return to Washington.

Mr. JOHNSON of California. Mr. President, may we go away with the feeling and the belief that at present there is nothing to require our attention here, and that if anything shall arise we will be notified immediately?

Mr. BARKLEY. The Senator is correct. That is the understanding which I wish to convey.

Mr. JOHNSON of California. The reason why I ask the question is that I am very anxious to go home. I have not been home for a year and a half. I have a grandson who is very ill in the hospital there, and I am anxious to see him.

Mr. BARKLEY. We all appreciate that, and sympathize with the Senator. I wanted to make this announcement so that all Senators might govern themselves accordingly.

Mr. HATCH. Mr. President, I should like to ask the Senator a question.

Mr. BARKLEY. I wish also to state that in the event the House should take any action on the amendments, or on the request for a conference on the bill which has just been under consideration, which would require action on the part of the Senate, an effort will be made to notify all Senators of the situation.

Mr. HATCH. I wish to make an inquiry of the majority floor leader, because some of us still think there is a possibility of the House acting directly on the amendments and accepting them, in which event there would be no necessity for action on the part of the Senate.

Mr. BARKLEY. The Senator understands that the Speaker has advised Members of the House that there is nothing which requires their attendance, and has advised them that they may return to their homes.

Mr. HATCH. That applied to the situation up to this time.

Mr. BARKLEY. And large numbers of the Members of the House have taken his advice.

Mr. HATCH. The Speaker has also notified them that if matters of legislation should arise, he would notify them, and they could return.

Mr. BARKLEY. Oh, yes; that is always the understanding, in both Houses.

Mr. HATCH. There is a matter now which the House should consider, in our opinion, and I am very hopeful the House will act on these amendments, or at least grant the request for a conference, and we can still proceed before the end of this session.

Mr. BARKLEY. I am not in a position to state what the House will do.

Mr. AUSTIN. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. AUSTIN. I think I understand the situation; but before the distinguished leader of the majority makes a motion to recess I wish to clarify my own view a little.

Is it true that if we should adopt the Senator's motion to recess until Thursday——

Mr. BARKLEY. Until Friday. In one or two States Thanksgiving has not yet been observed, and we do not desire to interfere with that. [Laughter.]

Mr. AUSTIN. If we should adopt the motion, there would be nothing in the action we would take which would interfere with the consideration of the Walter-Logan bill in conference, or a conference report on it, if the circumstances called for it?

Mr. BARKLEY. The situation is that the Senate has asked the House for a conference. If the House agrees to the conference, of course, the members of the conference can work; and if they should reach an agreement and bring back a report, it would have to be passed on by the Senate, and, of course, Senators would be notified in time to return to Washington.

Mr. THOMAS of Utah. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. THOMAS of Utah. I should like to present a word of explanation, not in reply to what the Senator from Ohio [Mr. TAFT] said but explaining what I stated to the leader, the Senator from Kentucky [Mr. BARKLEY].

In all the hearings we have held on the so-called Smith amendments as they have come over from the House, there has never yet been a witness who was willing to accept the amendments as they were presented to us. In other words, the amendments which would have to come to the floor of the Senate are in such a state that they would come in a way that would make them, at least, parliamentarily speaking, out of harmony with the Smith amendments. It is for that reason that I made my statement to the Senator from Kentucky. It would not have been accurate for me to say that we could probably agree on some report. I do not think that would be possible, under all circumstances governing us at the present time.

I should also like to call attention to the fact that the Smith amendments and the Walter-Logan bill have been linked together in one sentence. Time after time telegrams have come to us telling us to remain in Washington to pass these two measures. The writers certainly did not understand what they were writing. The Smith amendments contain page after page of procedural matters. The Walter-Logan bill deals with procedure entirely. It would be an extremely interesting situation if the Senate of the United States, in the same breath, passed two procedural amendments out of harmony with each other.

It takes a long time to study measures such as the Walter-Logan bill and the Smith amendments, which deal with procedure. Of course, it is easy to say that we should bring out some report, that we should pass something. But I am pretty sure there is hardly a Senator present who realizes that the amendments passed by the House of Representatives are longer and more complicated than the original act itself. If we should merely want to do a sentimental thing, and bring some amendments to the floor of the Senate and let the Senate accept them or reject them as it saw fit, it would be a gesture for which I, as chairman of the Senate Committee on Education and Labor, would not want to be held responsible. It seems to me these are serious matters, and that we should realize that we have been acting upon one bill today which is quite out of harmony with many of the provisions covered by the Smith amendments; that the two things must be coordinated, that they must be brought into some sort of uniformity, or we legislate greater confusion.

It has been stated that the reason for the Walter-Logan bill is that it would overcome confusion in the administration of our governmental affairs. Let us grant that statement to be true. Should we then in the same breath try to overcome the good that has been accomplished?

Mr. HATCH. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I am glad to yield, if the Senator from Kentucky is willing.

Mr. BARKLEY. I yield.

Mr. HATCH. Merely as one who has had something to do with procedural matters in connection with the Walter-Logan bill, and something to do with the Smith amendments, it has often occurred to me, I think quite correctly, that if the principles of the Walter-Logan bill, as contained in the measure we have just passed, were carried into law, there would be no occasion for the Smith amendments at all.

Mr. THOMAS of Utah. That is exactly what I am saying. I wish I had the ability of the Senator from New Mexico to say it. When we are trying to overcome confusion by enacting a law aimed at overcoming confusion, why should the Senate act, in the same breath, to introduce more confusion into the situation?

There has been no disposition to be unfair in this matter at all. On the floor of the House of Representatives certain amendments were attached to the Smith amendments as offered. The proponent of the Smith amendments is not entirely satisfied with the amendments as they came to us, and that is true of practically every one which came to us.

Mr. TAFT. Mr. President, will the Senator from Kentucky yield to me?

Mr. BARKLEY. I will yield in a moment. What I stated a few minutes ago was not intended in any way to interfere with any action which the committee might take, but I felt that in frankness to the Members of the Senate I should state, in view of what the Senator from Utah has just said, that there is no need for Senators to remain in Washington now on account of the Smith amendments. If the committee takes any action, of course, we will have something on which to act.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. I think the Senator from New Mexico is in error in saying that the Walter-Logan bill will meet the difficulties or problems caused by the National Labor Relations Act and the Smith amendments. There are many things in the Smith amendments which are not referred to in any way in the Walter-Logan bill. I see no reason why specific procedure should not be necessary in the case of particular agencies. Therefore the enactment of the Walter-Logan bill does not remove the need of legislating for many separate departments of Government.

These particular amendments have been before the Committee on Education and Labor for 2 years. They were offered and three different bills were considered. We had hearings for over 4 months. We had hearings from about the 1st of April 1939 until the 1st of July. The House then proceeded by itself. Our committee did nothing. We had before our committee evidence of instances of what in my opinion were the grossest perversions of justice which have ever occurred in the United States. Never in the history of our Nation has there ever been anything like the outrageous procedure of the National Labor Relations Board and its examiners.

The amendments have been before our committee. Consideration of them has been constantly put off—constantly delayed. We have received demands from businessmen in every section of our country for action on the amendments. We have received demands from business organizations in every section of the United States for action on the amendments. We have received demand after demand from the president of the American Federation of Labor for action on the amendments, yet the committee has delayed, and the chairman has called few meetings. I wrote a letter several months ago asking for action. This morning we had a meeting of the committee at which the committee could have acted, but the chairman left the meeting because he is opposed to action. Let it be understood that the reason no action is taken on the amendments proposed to the National Labor Relations Act is because a majority of the Senate Committee on Education and Labor is opposed to making those amendments, and not because of any complications or any difficulties or any lack of time to consider the amendments.

Mr. BARKLEY. I suppose the Senator will agree that if a majority of the committee is opposed to the legislation they are within their rights in not reporting it.

Mr. TAFT. They are, but they are not within their rights in refusing to vote on the motion to report it.

Mr. BARKLEY. Mr. President, I wish to say, for the Senator from Utah, as chairman of the committee, that he left the committee meeting at my urgent request. I was not aware that the committee was in session, and I desired to confer with him about an important matter.

STANDARDIZATION OF BALE COVERING FOR COTTON

Mr. BILBO. Mr. President, I wish to make a statement in reference to House bill 57, an act to provide for the use of net weights in interstate and foreign commerce transac-

tions in cotton, to provide for the standardization of bale covering for cotton. I make the statement so that no one will think that I have been unfaithful to my duty and responsibility to the cotton growers of the Nation.

This bill has been on the Senate Calendar for several months, having passed the House of Representatives, and I have attempted from time to time to get action on it, but at this time I will not insist on action for three reasons. In the first place, there is barely a quorum of the Senate present, and I think matters of important legislation of this character should have consideration by the full Senate.

In the second place, the chairman of the Committee on Agriculture and Forestry, the senior Senator from South Carolina [Mr. SMITH], is very much opposed to the proposed legislation, and I have felt that it was not ethical to press consideration in his absence.

Third, it will be necessary to amend the bill, if it shall be passed by the Senate, providing for the date when the law shall become operative, and I am convinced that the House will not have a quorum to act upon such an amendment.

Mr. President, for these three reasons I shall not press for consideration of the bill at this time. But I serve notice on the Senate that this will be one of the first bills to be brought up after the meeting of the new Congress in January, because its enactment will mean a saving of from twenty to twenty-five million dollars a year to the cotton growers of the Nation; and since we are now having trouble because of the importation of jute from across the sea it becomes very necessary that other provision be made for bale covering for cotton in the future.

ADDITIONS TO UINTAH-OURAY RESERVATION

The PRESIDENT pro tempore. The Chair would like to ask the Senator from Kentucky whether it would be possible at the next meeting of the Senate to consider a bill which is very much desired by the Indian Office and by various agencies.

Mr. BARKLEY. I do not know what the bill is. Why not consider it now, or at least make a request for its consideration? I think the Senate should consider it now rather than have the Senator from Utah ask for consideration of the bill at some other session, when there may perhaps not be a quorum present.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Kentucky yield to the Senator from Utah?

Mr. BARKLEY. I yield.

Mr. KING. The Senator from Colorado [Mr. ADAMS] is interested in the bill. I ask that the Senate proceed with other business for the moment. I understand the majority leader is about to move that the Senate proceed to consider executive business. When the executive business shall have been concluded, I shall ask for consideration of the bill.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HATCH in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR from the Committee on Post Offices and Post Roads, reported favorably the nomination of Ernest Muster, to be postmaster at East Bernstadt, Ky.

Mr. THOMAS of Utah, from the Committee on Education and Labor, reported favorably the nomination of Harry A. Millis, of Illinois, to be a member of the National Labor Relations Board for the term of 5 years from August 27, 1940, vice Joseph Warren Madden.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will proceed to state the nominations on the calendar.

UNITED STATES MARITIME COMMISSION—JOHN J. DEMPSEY

The legislative clerk read the nomination of JOHN J. DEMPSEY, of New Mexico, to be a member of the United States Maritime Commission for a term of 6 years from September 26, 1940.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTER

The legislative clerk read the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

TREATIES

Mr. GEORGE. Mr. President, there are a number of treaties and conventions on the calendar. The first two conventions are known to be controversial, that is to say, objections have been raised to them by certain Senators, some of whom are not present. The first is Executive E (73d Cong., 2d sess.), the International Convention of the Copyright Union as revised and signed at Rome on June 2, 1928. The second is Executive K (75th Cong., 1st sess.) and has to do with liability of vessels for collisions at sea. Both those matters are highly controversial, and certain Senators are interested in them.

I therefore ask, Mr. President, that they be passed over, but I ask for consideration of all the remaining treaties and conventions on the Executive Calendar beginning with Calendar No. 6. They are all treaties or conventions of conciliation or extradition, and all are amendatory of existing treaties.

Mr. VANDENBERG. Mr. President, I suggest to the Senator from Georgia that he also request that the Senate pass over the next two conventions, because they deal with radio problems, in which the Senator from Maine [Mr. WHITE] is particularly interested, and in his absence I would prefer not to have them taken up. Beyond the first four that are on the calendar, therefore, I can agree with the Senator from Georgia that the proposals are substantially routine, and might very well be ratified.

Mr. GEORGE. Very well. Mr. President, omitting the first four Executive orders on the calendar, I ask for the consideration of the fifth and remaining orders on the calendar, because these matters have been considered by the Foreign Relations Committee. They were reported by the late chairman of the committee, the Honorable Key Pittman, and ought to be disposed of now so that they will not go over into the committee after the adjournment of the present session of Congress.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Georgia? The Chair hears none, and it is so ordered.

ECUADOR—SUPPLEMENTARY EXTRADITION TREATY

The Senate, as in Committee of the Whole, proceeded to consider the treaty, Executive B (76th Cong., 3d sess.), a supplementary extradition treaty between the United States of America and the Republic of Ecuador, signed at Quito on September 22, 1939, which was read the second time, as follows:

SUPPLEMENTARY EXTRADITION TREATY BETWEEN THE UNITED STATES AND ECUADOR

The United States of America and the Republic of Ecuador, being desirous of enlarging the list of crimes on account of which extradition may be granted under the treaty concluded between the two countries on June 28, 1872, with a view to the better administration of justice and the prevention of crimes in their respective territories and jurisdictions, have resolved to conclude a supplementary treaty for this purpose and have appointed as their plenipotentiaries, to wit:

The President of the United States of America; His Excellency Boaz Long, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Ecuador, and

The President of the Republic of Ecuador; His Excellency the Minister for Foreign Affairs, Doctor Julio Tobar Donoso.

Who, after having exhibited to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

Article I

The High Contracting Parties agree that the following crimes are added to the list of crimes numbered 1st to 6th in the second Article of the Treaty of Extradition concluded between the United States of America and the Republic of Ecuador on June 28, 1872; that is to say:

7th. Embezzlement by a person hired or salaried, to the detriment of his employer, where the amount of money or the value of the property embezzled exceeds two hundred dollars, or Ecuadorean equivalent.

8th. Perjury or the subornation of perjury.

9th. Malicious destruction, or attempted destruction of railways, bridges, vessels, dwellings, public edifices, or other buildings, when the act endangers human life.

10th. Abortion.

11th. Abduction or detention of women or girls for immoral purposes.

12th. Bigamy.

13th. Kidnaping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

14th. Larceny, defined to be the fraudulent taking of effects, personal property, or money, of the value of twenty-five dollars or more, or Ecuadorean equivalent.

15th. Obtaining money, valuable securities or other property by false pretenses, or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars, or Ecuadorean equivalent.

16th. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars, or Ecuadorean equivalent.

17th. Bribery.

18th. Crimes against the bankruptcy laws.

19th. Crimes against the laws for the suppression of the traffic in narcotics.

20th. Wilful desertion or wilful non-support of minor or dependent children, or of other dependent persons, provided that the crime is punishable by the laws of both countries.

21st. Extradition shall also take place for participation in any of the crimes before referred to as an accessory before or after the fact or in any attempt to commit any of the aforesaid crimes.

The extradition for the crimes or misdemeanors specified in the paragraphs 7 to 21 will be granted when the individual required is accused or condemned as author, accomplice or concealer of an infraction of the Penal Code, punishable in the United States and Ecuador with a penalty of not less than one year in prison.

Article II

The present Treaty shall be considered as an integral part of the said Extradition Treaty of June 28, 1872 and it is agreed that the paragraph or crimes added by the present Treaty and numbered 21st herein shall be applicable under appropriate circumstances to all the crimes listed in the said Treaty of June 28, 1872.

Article III

The present Treaty shall be ratified and the ratifications shall be exchanged at Washington as soon as possible. It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, such period to be computed from its publication in the country last publishing, and it shall continue and terminate in the same manner as the said Treaty of June 28, 1872.

In testimony whereof, the respective Plenipotentiaries have signed the present Treaty, in duplicate, and have hereunto affixed their seals.

Done, in duplicate, at Quito, this twenty-second day of September, one thousand nine hundred and thirty-nine.

BOAZ LONG
J. TOBAR DONOSO

The PRESIDING OFFICER. The treaty is before the Senate and open to amendment. If there be no amendment to be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive B, Seventy-sixth Congress, third session, a supplementary extradition treaty between the United States of America and the Republic of Ecuador, signed at Quito on September 22, 1939.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the treaty is ratified.

LIBERIA—CONCILIATION TREATY

The Senate, as in Committee of the Whole, proceeded to consider the treaty, Executive C (75th Cong., 3d sess.), a conciliation treaty between the United States of America and the Republic of Liberia, signed at Monrovia on August 21, 1939, which was read the second time, as follows:

The President of the United States of America and the President of the Republic of Liberia being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries,

The President of the United States of America:

His Excellency Lester A. Walton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Liberia; and

The President of the Republic of Liberia:

His Excellency C. L. Simpson, Secretary of State of the Republic of Liberia;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following Articles:

Article I

Any disputes arising between the Government of the United States of America and the Government of Liberia, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a Permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Article II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

Article III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

Article IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the Republic of Liberia in accordance with the constitutional laws of the Republic.

The ratifications shall be exchanged at Monrovia as soon as possible, and the treaty shall take effect on the date of the exchange of ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English language and hereunto affixed their seals.

Done at Monrovia this 21st day of August One Thousand Nine Hundred and Thirty-nine.

[SEAL] LESTER A. WALTON
[SEAL] C. L. SIMPSON

The PRESIDING OFFICER. The treaty is before the Senate and open to amendment. If there be no amendment to be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read, as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive C, Seventy-sixth Congress, third session, a conciliation treaty between the United States of America and the Republic of Liberia, signed at Monrovia on August 21, 1939.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the treaty is ratified.

MEXICO—SUPPLEMENTARY EXTRADITION CONVENTION

The Senate, as in Committee of the Whole, proceeded to consider the convention, Executive D (76th Cong., 3d sess.), a supplementary extradition convention between the United States of America and the United Mexican States, signed at Mexico City on August 16, 1939, which was read the second time, as follows:

SUPPLEMENTARY EXTRADITION CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES

The United States of America and the United Mexican States being desirous of enlarging the list of crimes on account of which extradition may be granted under the agreements concluded between the two countries on February 22, 1899, June 25, 1902, and December 23, 1925, with a view to the better administration of justice and the prevention of crimes in their respective territories and jurisdictions, have resolved to conclude a supplementary Convention for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States of America:

Hon. Josephus Daniels, Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico; and

The President of the United Mexican States:

General Eduardo Hay, Secretary of State and of Foreign Affairs.

Who, after having exhibited to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

Article I

The High Contracting Parties agree that the following crime is added to the list of crimes numbered 1 to 21 in the second Article of the Treaty of Extradition concluded between the United States and Mexico on the 22d of February 1899, and to the crime designated in the Supplementary Extradition Convention concluded between the two countries on the 25th of June 1902, and to the crimes designated in the Supplementary Extradition Convention concluded between the two countries on the 23d of December 1925; that is to say:

26. Extradition shall also take place for participation in any of the crimes before referred to as an accessory before or after the fact; provided such participation be punishable by the laws of both the High Contracting Parties.

Article II

The present Convention shall be considered as an integral part of the said Extradition Treaty of the 22d of February 1899, and it is agreed that the paragraph or crime added by the present Convention shall be applied when cases arise to all the crimes listed in that treaty and to the further crimes added by the said Supplementary Extradition Conventions of the 25th of June 1902 and the 23d of December 1925, respectively.

Article III

The present Convention shall be ratified and the ratifications shall be exchanged at Mexico City as soon as possible. It shall go into force ten days after its publication in conformity with the laws of the High Contracting Parties, such period to be computed from its publication in the country last publishing, and it shall continue and terminate in the same manner as the said Treaty of February 22, 1899.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have hereunto affixed their seals.

Done in duplicate at Mexico City, in the English and Spanish languages, this sixteenth day of August one thousand nine hundred and thirty-nine.

[SEAL] JOSEPHUS DANIELS.
[SEAL] EDUARDO HAY.

The PRESIDING OFFICER. The convention is before the Senate and open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of executive D, Seventy-sixth Congress, third session, a supplementary extradition convention between the United States of America and the United Mexican States, signed at Mexico City on August 16, 1939.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

SWITZERLAND—SUPPLEMENTARY EXTRADITION TREATY

The Senate, as in Committee of the Whole, proceeded to consider the treaty, Executive E (76th Cong., 3d sess.), a supplementary extradition treaty between the United States of America and Switzerland, signed at Bern on January 31, 1940, which was read the second time, as follows:

The President of the United States of America and the Swiss Federal Council, animated by the desire to assure better administration of justice and to suppress crime on their territory and under their jurisdiction, have resolved to conclude a supplementary treaty enlarging the list of crimes or offenses which are extraditable under the treaties concluded respectively May 14, 1900 and January 10, 1935, between the United States of America and Switzerland and have named as their Plenipotentiaries:

The President of the United States of America:

Mr. Leland Harrison, Envoy extraordinary and Minister plenipotentiary of the United States of America in Berne;

The Swiss Federal Council:

Mr. Johannes Baumann, Federal Councillor, Chief of the Federal Department of Justice and Police.,

who, after having exchanged their full powers, which were found to be in good and due form, have agreed upon the following articles:

Article I

The list of crimes and offenses for which extradition may be requested, enumerated in Article II of the said treaty of May 14, 1900, as modified by the supplementary treaty of January 10, 1935, is amended as follows:

3. The word "extortion" is added after the word "robbery" and before the words "burglary, house-breaking or shop-breaking".

9. The words "abduction" and "kidnapping of minors" are omitted. The words "traffic in women and children; sequestration, defined as the illegal detention or imprisonment of an individual, or other unlawful deprivation of his freedom; kidnapping;" are added before the words "rape; bigamy; abortion".

Article II

This treaty shall be considered as an integral part of the treaty of May 14, 1900, and Article II of the latter treaty shall be read as if the list of crimes or offenses which appears therein had from the first included the modifications made and specified under numbers 3 and 9 in Article I of this treaty.

This treaty shall be ratified by the High Contracting Parties and shall become effective on the date of the exchange of the instruments of ratification, which shall take place at Washington as soon as possible.

In witness whereof, the above-named Plenipotentiaries have signed this treaty and have hereunto affixed their seals.

Done at Berne, in duplicate, in the English and French languages, the 31st day of January 1940.

[SEAL] LELAND HARRISON
[SEAL] J. BAUMANN

The PRESIDING OFFICER. The treaty is before the Senate and open to amendment. If there be no amendment to be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive E, Seventy-sixth Congress, third session, a supplementary extradition treaty between the United States of America and Switzerland, signed at Bern on January 31, 1940.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the treaty is ratified.

GUATEMALA—SUPPLEMENTARY EXTRADITION CONVENTION

The Senate, as in Committee of the Whole, proceeded to consider the convention, Executive F (76th Cong., 3d sess.), a supplementary extradition convention between the United States of America and the Republic of Guatemala, signed at Guatemala City on February 20, 1940, enlarging and amending the extradition treaty of February 27, 1903, between the two countries, which was read the second time, as follows:

SUPPLEMENTARY CONVENTION TO THE EXTRADITION TREATY CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF GUATEMALA ON FEBRUARY 27, 1903

The United States of America and the Republic of Guatemala, desiring to enlarge the list of crimes and offenses for which extradition may be granted in the terms of the Treaty concluded between the two countries on February 27, 1903; and in the desire also to clear up certain doubts which may arise in the application of the said Treaty, and thus favor the administration of justice and prevent

crime in their respective territories and jurisdictions, have resolved to conclude a supplementary Convention for that purpose and have appointed their Plenipotentiaries, to wit:

The President of the United States of America, Fay Allen DesPortes, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Guatemalan Government; and

The President of Guatemala, señor Licenciado Carlos Salazar, Secretary of State for Foreign Affairs,

who, after having exhibited their respective Full Powers, which were found to be in good and due form, have agreed upon the following Articles:

Article I

The High Contracting Parties agree to the addition of the following crimes and offenses, under number 23, to the list of the crimes and offenses specified in Article 2 of the Extradition Treaty concluded between the United States of America and the Republic of Guatemala on February 27, 1903, namely:

23. Violation of the laws prohibiting or regulating the traffic in narcotics, when the penalty to which violators are liable is one year's imprisonment or more.

The High Contracting Parties also agree to amend number 23 of Article 2 of the said Treaty of 1903, to make it read as follows, renumbering it number 24:

24. Extradition shall also be granted for an attempt to commit any of the crimes or offenses listed above, or for participation in such crimes or offenses as an accessory before or after the fact, provided that all such violations are punishable with imprisonment of one year or more by the laws of both Contracting Parties.

Article II

This convention shall be considered as an integral part of the said Extradition Treaty of February 27, 1903; and it is agreed that the participation as an accessory before or after the fact referred to in the foregoing Article shall be applied, in a proper case, to all the crimes or offenses listed in the said Treaty, and to the crimes or offenses included under number 23 of the Second Article of the above-mentioned Treaty, in the manner previously agreed upon.

Article III

In order to avoid, as far as may be possible, the doubts which might result from difference in the scope of the Spanish word "delito" and the English words "crime" and "offense", as well as the exact translation into Spanish of the expressions "attempt" and "accessories before or after the fact", and the exact translation into English of the words used in the Guatemalan penal legislation "tentativa", "cómplice" and "encubridor", the High Contracting Parties declare that for the application both of the Treaty of Extradition which they concluded on February 27, 1903, and for the application of the present Additional Convention, the Spanish word "delito" is equivalent to the English words "crime" and "offense"; that the Spanish words "delito frustrado" and "tentativa" are equivalent to the English word "attempt"; and that the Spanish names "cómplice" and "encubridor" are translated into English as "accessories before or after the fact".

Article IV

This Convention shall be ratified and the ratifications exchanged in Guatemala City as soon as possible.

It shall come into force ten days after its publication in accordance with the laws of the High Contracting Parties, the said period to run from the date of its publication in the country last publishing, and it shall continue and shall terminate in the same manner as the above-mentioned Treaty of February 27, 1903.

In faith whereof the respective Plenipotentiaries have subscribed and affixed their seals to this Convention, in duplicate in the English and Spanish languages in the City of Guatemala on the twentieth day of February, nineteen hundred and forty.

[L. S.] FAY ALLEN DESPORTES.
[L. S.] CARLOS SALAZAR.

The PRESIDING OFFICER. The convention is before the Senate and open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive F, Seventy-sixth Congress, third session, a supplementary extradition convention between the United States of America and the Republic of Guatemala signed at Guatemala City on February 20, 1940, enlarging and amending the extradition treaty of February 27, 1903, between the two countries.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

UNION OF SOUTH AFRICA—TREATY AMENDING TREATY FOR THE ADVANCEMENT OF PEACE

The Senate, as in Committee of the Whole, proceeded to consider the treaty, Executive G (76th Cong., 3d sess.), a treaty between the United States of America and the Union of South Africa, signed at Washington, April 2, 1940, amending in their application to the Union of South Africa certain provisions of the treaty for the advancement of peace between the United States of America and Great Britain, signed at Washington, September 15, 1914, which was read the second time, as follows:

The President of the United States of America and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, acting for the Union of South Africa, being desirous, in view of the present constitutional position and international status of the Union of South Africa as an independent State, to amend in their application to the Union of South Africa certain provisions of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914, have for that purpose appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, for the Union of South Africa:

Mr. Ralph William Close, Envoy Extraordinary and Minister Plenipotentiary of the Union of South Africa at Washington;

Who, having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

Article I

Article II of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914, is hereby superseded in respect of the Union of South Africa by the following:

Insofar as concerns disputes arising in the relations between the United States of America and the Union of South Africa, the International Commission shall be composed of five members to be appointed as follows: One member shall be chosen from the United States of America by the Government thereof; one member shall be chosen from the Union of South Africa by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by agreement between the Government of the United States of America and the Government of the Union of South Africa, it being understood that he shall be a citizen of some third country of which no other member of the Commission is a citizen. The expression "third country" means a country not under the sovereignty or authority of the United States of America nor under the sovereignty, suzerainty, protection or mandate of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India. The expenses of the Commission shall be paid by the United States of America and the Union of South Africa in equal proportions.

The International Commission shall be appointed within six months after the exchange of the ratifications of the present Treaty; and vacancies shall be filled according to the manner of the original appointment.

Article II

The second paragraph of Article III of the said Treaty of September 15, 1914, is hereby abrogated so far as concerns its application to the Union of South Africa.

Article III

Except as provided in Articles I, II and IV of the present Treaty the stipulations of the said Treaty of September 15, 1914, shall be considered as an integral part of the present Treaty and shall be observed and fulfilled by the United States of America and the Union of South Africa as if all such stipulations were literally herein embodied.

Article IV

The present Treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty in respect of the Union of South Africa. It shall take effect on the date of the exchange of the ratifications which shall take place at Washington as soon as possible. It shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties has given notice to the other of an intention to terminate it.

On the termination of the present Treaty the said Treaty of September 15, 1914, shall in respect to the Union of South Africa cease to have effect.

In witness whereof the respective plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done in duplicate at the City of Washington this second day of April, one thousand nine hundred and forty.

[SEAL] CORDELL HULL.
[SEAL] RALPH W. CLOSE.

Mr. VANDENBERG. Mr. President, I ask the able Senator from Georgia if my recollection is correct at this point. This treaty, and the three subsequent treaties, as I understand, merely change the original treaty between the United States and Great Britain, the 1914 peace treaty, through the recognition of the independent negotiating states of the Union of South Africa, the Commonwealth of Australia, the Dominion of Canada, and the Dominion of New Zealand? Is that the Senator's understanding?

Mr. GEORGE. The Senator's understanding is correct. They provide for the selection of commissioners in accordance with that theory of independence of the Union of South Africa, the Commonwealth of Australia, and the Dominions of Canada and New Zealand.

Mr. VANDENBERG. And the net result is that each of these Dominions or Commonwealths is permitted to act independently rather than under the original general treaty?

Mr. GEORGE. That is the general purpose of the treaties. The Senator's understanding is correct.

The PRESIDING OFFICER. The treaty is before the Senate and open to amendment. If there be no amendment to be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive G, Seventy-sixth Congress, third session, a treaty between the United States of America and the Union of South Africa, signed at Washington, April 2, 1940, amending in their application to the Union of South Africa certain provisions of the treaty for the advancement of peace between the United States of America and Great Britain, signed at Washington, September 15, 1914.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the treaty is ratified.

TREATY FOR THE ADVANCEMENT OF PEACE AMENDED—AUSTRALIA

The Senate, as in Committee of the Whole, proceeded to consider the treaty, Executive L (76th Cong., 3d sess.), a treaty between the United States of America and the Commonwealth of Australia, signed at Washington, September 6, 1940, amending in their application to Australia certain provisions of the treaty for the advancement of peace between the United States of America and Great Britain, signed at Washington, September 15, 1914, which was read the second time, as follows:

The President of the United States of America and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, in respect of the Commonwealth of Australia, being desirous, in view of the present constitutional position and international status of Australia, to amend in their application to the Commonwealth of Australia certain provisions of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914, have for that purpose appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, for the Commonwealth of Australia:

The Right Honorable Richard Gardiner Casey, D. S. O., M. C., His Majesty's Envoy Extraordinary and Minister Plenipotentiary for Australia at Washington;

Who, having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

Article I

Article II of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914, is hereby superseded in respect of the Commonwealth of Australia by the following:

Insofar as concerns disputes arising in the relations between the United States of America and the Commonwealth of Australia, the International Commission shall be composed of five members to be appointed as follows: One member shall be chosen from the United States of America by the Government thereof; one member shall be chosen from the Commonwealth of Australia by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by agreement between the Government of the United States of America and the Government of the Commonwealth of Australia, it being understood that he shall be a citizen of some third country of which no other member of the Commission is a citizen. The expression "third country" means a country not under the sovereignty or authority of the United States of America nor under the sovereignty, suzerainty, protection or mandate of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of the ratifications of the present Treaty; and vacancies shall be filled according to the manner of the original appointment.

Article II

The second paragraph of Article III of the said Treaty of September 15, 1914, is hereby abrogated so far as concerns its application to disputes which are mainly those of the Commonwealth of Australia.

Article III

Except as provided in Articles I, II and IV of the present Treaty the stipulations of the said Treaty of September 15, 1914, shall be considered as an integral part of the present Treaty and shall be observed and fulfilled by the two Governments as if they were literally herein embodied.

Article IV

The present Treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty in respect of the Commonwealth of Australia. It shall take effect on the date of the exchange of the ratifications which shall take place at Washington as soon as possible. It shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties has given notice to the other of an intention to terminate it.

On the termination of the present Treaty in accordance with the provisions of the preceding paragraph, the said Treaty of September 15, 1914, shall in respect of the Commonwealth of Australia cease to have effect.

In witness whereof the respective plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done in duplicate at the City of Washington this sixth day of September, one thousand nine hundred and forty.

[SEAL] CORDELL HULL.
[SEAL] R. G. CASEY.

The PRESIDING OFFICER. The treaty is before the Senate and open to amendment. If there be no amendment to be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive L, Seventy-sixth Congress, third session, a treaty between the United States of America and the Commonwealth of Australia, signed at Washington September 6, 1940, amending in their application to Australia certain provisions of the treaty for the advancement of peace between the United States of America and Great Britain, signed at Washington September 15, 1914.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to and the treaty is ratified.

TREATY FOR THE ADVANCEMENT OF PEACE AMENDED—CANADA

The Senate, as in Committee of the Whole, proceeded to consider the treaty, Executive M (76th Cong., 3d. sess.), a treaty between the United States of America and Canada signed at Washington September 6, 1940, amending in their application to Canada certain provisions of the treaty for the advancement of peace between the United States of America and Great Britain, signed at Washington September 15, 1914, which was read the second time, as follows:

The President of the United States of America and His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, in respect of Canada, being desirous, in view of the present constitutional position and inter-

national status of Canada, to amend in their application to Canada certain provisions of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914, have for that purpose appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, for Canada:

Mr. Loring Cheney Christie, His Majesty's Envoy Extraordinary and Minister Plenipotentiary for Canada in the United States of America;

Who, having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

Article I

Article II of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914, is hereby superseded in respect of Canada by the following:

Insofar as concerns disputes arising in the relations between the United States of America and Canada, the International Commission shall be composed of five members to be appointed as follows: One member shall be chosen from the United States of America by the Government thereof; one member shall be chosen from Canada by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by agreement between the Government of the United States of America and the Government of Canada, it being understood that he shall be a citizen of some third country of which no other member of the Commission is a citizen. The expression "third country" means a country not under the sovereignty or authority of the United States of America nor under the sovereignty, suzerainty, protection or mandate of His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of the ratifications of the present Treaty; and vacancies shall be filled according to the manner of the original appointment.

Article II

The second paragraph of Article III of the said Treaty of September 15, 1914, is hereby abrogated so far as concerns its application to disputes which are mainly those of Canada.

Article III

Except as provided in Articles I, II and IV of the present Treaty the stipulations of the said Treaty of September 15, 1914, shall be considered as an integral part of the present Treaty and shall be observed and fulfilled by the two Governments as if they were literally herein embodied.

Article IV

The present Treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty in respect of Canada. It shall take effect on the date of the exchange of the ratifications which shall take place at Washington as soon as possible. It shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties has given notice to the other of an intention to terminate it.

On the termination of the present Treaty, in accordance with the provisions of the preceding paragraph, the said Treaty of September 15, 1914, shall in respect of Canada cease to have effect.

In witness whereof, the respective plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done in duplicate at the City of Washington this sixth day of September, one thousand nine hundred and forty.

[SEAL] CORDELL HULL.

[SEAL] LORING C. CHRISTIE.

The PRESIDING OFFICER. The treaty is before the Senate and open to amendment. If there be no amendment to be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive M, Seventy-sixth Congress, third session, a treaty between the United States of America and Canada, signed at Washington, September 6, 1940, amending in their application to Canada certain provisions of the treaty for the advancement of peace between the United States of America and Great Britain, signed at Washington, September 15, 1914.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the treaty is ratified.

TREATY FOR THE ADVANCEMENT OF PEACE AMENDED—NEW ZEALAND

The Senate, as in Committee of the Whole, proceeded to consider the treaty, Executive N (76th Cong., 3d sess.), a treaty between the United States of America and the Dominion of New Zealand signed at Washington, September 6, 1940, amending in their application to New Zealand, certain provisions of the treaty for the advancement of peace between the United States of America and Great Britain, signed at Washington, September 15, 1914, which was read the second time, as follows:

The President of the United States of America and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of New Zealand, being desirous, in view of the present constitutional position and international status of New Zealand, to amend in their application to the Dominion of New Zealand certain provisions of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914, have for that purpose appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, for the Dominion of New Zealand:

The Right Honorable the Marquess of Lothian, C. H., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who, having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

Article I

Article II of the Treaty for the Advancement of Peace between the President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Washington, September 15, 1914, is hereby superseded in respect of the Dominion of New Zealand by the following:

Insofar as concerns disputes arising in the relations between the United States of America and the Dominion of New Zealand, the International Commission shall be composed of five members to be appointed as follows: One member shall be chosen from the United States of America by the Government thereof; one member shall be chosen from the Dominion of New Zealand by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by agreement between the Government of the United States of America and the Government of the Dominion of New Zealand, it being understood that he shall be a citizen of some third country of which no other member of the Commission is a citizen. The expression "third country" means a country not under the sovereignty or authority of the United States of America nor under the sovereignty, suzerainty, protection or mandate of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of the ratifications of the present Treaty; and vacancies shall be filled according to the manner of the original appointment.

Article II

The second paragraph of Article III of the said Treaty of September 15, 1914, is hereby abrogated so far as concerns its application to disputes which are mainly those of the Dominion of New Zealand.

Article III

Except as provided in Articles I, II and IV of the present Treaty the stipulations of the said Treaty of September 15, 1914, shall be considered as an integral part of the present Treaty and shall be observed and fulfilled by the two Governments as if they were literally herein embodied.

Article IV

The present Treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty in respect of the Dominion of New Zealand. It shall take effect on the date of the exchange of the ratifications which shall take place in Washington as soon as possible. It shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties has given notice to the other of an intention to terminate it.

On the termination of the present Treaty in accordance with the provisions of the preceding paragraph, the said Treaty of September 15, 1914, shall in respect of the Dominion of New Zealand cease to have effect.

In witness whereof the respective plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done in duplicate at the City of Washington this sixth day of September, one thousand nine hundred and forty.

[SEAL] CORDELL HULL.
[SEAL] LOTHIAN.

The PRESIDING OFFICER. The treaty is before the Senate and open to amendment. If there be no amendment to be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Seventy-sixth Congress, third session, a treaty between the United States of America and the Dominion of New Zealand, signed at Washington, September 6, 1940, amending in their application to New Zealand certain provisions of the treaty for the advancement of peace between the United States of America and Great Britain, signed at Washington, September 15, 1914.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to and the treaty is ratified.

There seems to be come confusion in the minds of certain Senators with respect to the nominations on the Executive Calendar. The Chair distinctly recalls that both nominations on the calendar were read and confirmed. The record will speak accordingly.

Mr. ADAMS. Did I understand the Chair to say that the nominations on the calendar were confirmed?

The PRESIDING OFFICER. They were.

Mr. ADAMS. I am interested in the nomination of JOHN J. DEMPSEY, of New Mexico, to be a member of the United States Maritime Commission. Was Mr. DEMPSEY's nomination confirmed?

The PRESIDING OFFICER. It was.

NATIONAL LABOR RELATIONS BOARD—HARRY A. MILLIS

Mr. THOMAS of Utah obtained the floor.

Mr. KING and Mr. AUSTIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. THOMAS of Utah. I should like to have the floor if I may. On behalf of the Committee on Education and Labor I previously submitted the committee's favorable report on the nomination of Harry A. Millis, of Illinois, to be a member of the National Labor Relations Board for the term of 5 years from August 27, 1940, vice Joseph Warren Madden. Because of the statement which was made by our leader, I now ask that that nomination be acted upon today, if there is no objection.

Mr. AUSTIN. Mr. President, I am informed by Members of the minority on the Education and Labor Committee, that it is entirely appropriate to proceed now, notwithstanding the rule. Therefore, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah to proceed to consider the nomination of Harry A. Millis to be a member of the National Labor Relations Board? The Chair hears none. The nomination will be stated.

The legislative clerk read the nomination of Harry A. Millis, of Illinois, to be a member of the National Labor Relations Board for the term of 5 years, from August 27, 1940, vice Joseph Warren Madden.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. THOMAS of Utah. I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified.

PAYMENTS TO SHORT-LINE RAILROADS

Mr. BARKLEY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate proceeded to the consideration of legislative business.

Mr. GURNEY. Mr. President, in the absence of the Senator from Wyoming [Mr. SCHWARTZ], who yesterday asked unanimous consent for the consideration of Calendar No. 2341, being House bill 10098, I move that the Senate proceed to the consideration of that bill at this time.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota.

Mr. KING. Mr. President, I thought the Senator was asking unanimous consent for the consideration of the bill.

Mr. GURNEY. I did not ask for unanimous consent. I moved that the Senate proceed to consider the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota.

Mr. ADAMS. Mr. President, I inquire what is the bill?

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 10098) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920.

Mr. KING. Mr. President, I hope the Senator will not insist on taking up for consideration the bill at this time. Efforts to defeat consideration would probably prove futile. I had hoped that the amendment which has been suggested would be accepted by those having charge of the measure, but, as I understand, they are opposed to it and are supporting the bill in its present form. I have an amendment pending which I have called to the attention of several of the members of the committee, but they are not willing to accept it. I am not a member of the committee, and I am not sufficiently advised as to the testimony which has been offered and of the questions which have been raised, but from the limited information which I possess it does seem to me that the bill ought not to receive the approval of the Senate in its present form. I have protested against it and, as indicated, had hoped that it would not be brought up for consideration at this session or, at any rate, would not be acted upon without an understanding that the amendment pending would be approved. My information concerning the questions involved, however, is not sufficient to enable me to determine definitely the merits or demerits of the bill, but it does seem to me from the facts which have been brought to my attention that the objections urged are worthy of most serious consideration.

Mr. GURNEY. Mr. President, the bill has passed the House and has been before a subcommittee of the Senate Interstate Commerce Committee, and has the full approval of the Interstate Commerce Committee. As a member of that committee, I feel that it is a very fair bill. With the amendment made to the bill by the committee, I feel that it would be unfair not to consider it in this Congress. I understand that the Senator from Kansas [Mr. REED] will be glad to explain the bill if the Senate so desires.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. BARKLEY. I think the Senate would be interested in understanding how the matter happens to arise at this time. The clerk of the committee brought to my attention the fact that the junior Senator from Colorado [Mr. JOHNSON], who, I believe, is chairman of the subcommittee which considered the bill and is its sponsor, wanted it taken up. He is absent. In his absence the Senator from Missouri [Mr. TRUMAN] would probably be in charge of it, but he is also absent. The Senator from Montana [Mr. WHEELER], chairman of the full committee, is absent.

Mr. CLARK of Missouri. Mr. President, in that connection I wish to state that my colleague would be present to be in charge of the bill except for the fact that his mother, who is very old, fell and broke her leg, and it was necessary for him to leave unexpectedly.

Mr. BARKLEY. I appreciate the Senator's explanation. I happen to know that that is true. Members of the committee interested in the bill happen to be away. I know

that they are interested in obtaining action on the bill. I myself do not know much about it, but I am sure it can be explained.

Mr. REED. Mr. President, I have no desire to detain the Senate. If what is desired is an explanation of the bill, I have had sufficient experience with it in the Interstate Commerce Committee to make the explanation. Of course, if the Senator from Utah intends to suggest the absence of a quorum, there is no use in my taking the time to explain it. Ten or fifteen minutes will be required to explain the bill. In its present form I think it is a meritorious bill, and ought not to have serious objection from anybody.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. KING. I regret that the Senator places me in this embarrassing situation. Objections have been urged to the bill, which it seemed to me were such as to call for further consideration. I am not a member of the committee reporting the bill and do not know what facts were brought to the committee in support of the measure. I do not know what the merits of the bill are or the reason why the provision objected to was inserted in the same. I shall be pleased to have the Senator explain the reason for rejecting the view which opponents of the bill have urged.

An objection is that the bill discriminates against a number of small railroad companies, and that they will not receive the same consideration as other railroad companies, large and small. One of the companies, I might add, is functioning in the State from which I come. If the Senator will make clear that point, the justice and fairness of the bill, I may not attempt to defeat its passage.

Mr. REED. Mr. President, back in 1917 the Government took over all the railroads. In the first part of 1918—about April, I should say—the Director General of Railroads relinquished control of what are known as the short-line railroads, and they went back to their owners. Through the World War period the Government continued to control and operate the trunk-line railroads. Wages increased, and various things happened, and in 1920 the Congress, in what is known as the Esch-Cummins Act, provided for indemnity or relief—whichever one may choose to call it—for the short-line railroads and vested power in the Interstate Commerce Commission to determine the extent of relief.

In writing the law Congress used the term "deficit" in referring to the net operating income of a railroad over a period of several years. The Interstate Commerce Commission gave a certain construction to the word "deficit" which I think was a proper construction. That is to say, it was construed to mean the difference between what the railroad earned before and what it earned during the war period.

Then the Interstate Commerce Commission reversed itself. It reversed itself in a case with which I am sure the Senator from Utah is familiar, and which I am sure he will not object to my mentioning. The case arose in his State in connection with the Bingham & Garfield Railroad.

The Interstate Commerce Commission held in that case, and has subsequently held, that the deficit was not the difference between what a railroad earned during the test period and what it earned during the war period, the test period being the years 1915, 1916, and 1917. The Commission held that in order to obtain relief a railroad must have had an actual deficit in its operations.

As I am sure the Senator knows, the Bingham & Garfield Railroad is owned by the Utah Copper Co., which in turn is owned by the Kennecott Copper Co. I want the record to be clear that this is a statement from recollection. I was not prepared to make the explanation today. I am taking on this burden—if it be a burden—because some of my friends on the Interstate Commerce Committee who were in charge of the bill are absent; but I think I am familiar in a general way with the entire subject.

The Bingham & Garfield Railroad earned about 15 percent on its investment, which was regarded as an entirely adequate earning. Two or three bills were introduced in the Senate and considered by the Interstate Commerce Committee of the Senate in this Congress, and also by the House. The bill originally introduced called for a payment in relief of certain short-line railroads, which payment would have aggregated something like $5,200,000. There was objection to that, because some of the short-line railroads were in the position of the Bingham & Garfield. They had earned an adequate return. So the matter was dropped. The Senate Interstate Commerce Committee did not feel like recommending the bill. However, the House passed House bill 10098 and inserted a provision to which the railroad in Utah referred to by the Senator objects. That provision was that no railroad should receive the reimbursement or relief if it had earned 5¾ percent on the value of the carriers' property. The reason why 5¾ percent was used was because in the Esch-Cummins Act the Congress fixed 6 percent for a period of 6 months following Government operation, after which the Interstate Commerce Commission should determine the percentage which would constitute a fair return.

The Interstate Commerce Commission fixed the rate at 5¾ percent. So the House, in framing its bill, used 5¾ percent, the figure fixed by the Interstate Commerce Commission under authority of Congress 20 years ago. The trouble with the Bingham & Garfield Railroad, if I may suggest it to the Senator from Utah, is that, if my recollection is correct, it earned about 15 percent.

The bill came over from the House to the Senate, was considered by the Senate Interstate Commerce Committee, and was reported favorably by that committee. In order to protect the Public Treasury a further amendment was made by the committee, which amendment is found on page 3, beginning in line 4. The amendment reads as follows:

Provided further, That no claim certified under this subsection shall be for an amount in excess of $150,000.

I think the Bingham & Garfield Railway and other railroads belonging to copper companies and steel companies either have collected or would collect several hundred thousand dollars each.

Under the original bill the Kennecott Copper Co., with which the Senator from Utah is very familiar, would have collected something like $1,700,000.

Mr. KING. I am not familiar with the Kennecott Copper Co.

Mr. REED. Well, the Utah Copper Co., which, as the Senator knows, owns the Bingham & Garfield and the Nevada Northern and some other railroads, is a subsidiary of the Kennecott Copper Co.

So, Mr. President, yesterday the distinguished acting minority leader, the Senator from Vermont [Mr. AUSTIN], objected to this bill in my absence in the belief that I might have some objection to it. I did have objection, for without amendment and limitation there were unusual, extraordinary, and unreasonable payments to be made, but with the bill in its present shape, limiting the relief to any of the short-line railroads—and there are some forty-odd involved in this bill—to 5¾ percent, which is the fair-return figure fixed by the Interstate Commerce Commission, and with the further provision which I shall ask to have inserted, that no railroad shall receive more than $150,000, to me the bill is a very fair one, and, as a member of the Interstate Commerce Committee, desiring and intending to protect the public interest, and being fairly familiar with some of these matters, it is my opinion that the committee finally framed this bill in a way that is beyond any reasonable objection.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED. Certainly.

Mr. KING. Will the Senator explain why the limitation of $150,000 is imposed upon those who might claim some benefit under this bill? That limitation was not imposed upon many railroads that received payments out of the Treasury of the United States by reason of the taking over of their plants and operating them during the period of the war. Will the Senator also explain why he fixes the limit at 5¾-percent interest with respect to those unfortunate organizations that have not as yet received any payment?

Mr. REED. Today 5¾ percent is the limitation fixed by the Interstate Commerce Commission as a fair return; and, where a railroad has already earned a fair return, certainly

there is no equity in giving it more money out of the Public Treasury in addition to its fair return. Some of the railroads did earn during this period not 5¾ percent, but something like 15 percent, if my memory is correct; and the committee was unwilling to advocate a bill that would give more than a limited amount to a railroad, particularly one owned by a copper company or a steel company that made enormous profits.

As the Senator knows, the Bingham & Garfield Railway carries principally the products of the Utah Copper Co. out of Garfield, Utah. That company made enormous profits during the last World War out of copper, just as the steel companies made enormous profits out of steel. Some of these large companies, such as the Utah Copper Co. and the United States Steel Co., have what they call railroads, which are really plant facilities; they are not common carriers in the sense that they serve the general public and the general public only. They carry principally—and that is true of the Bingham & Garfield—the products of the company that owns them, and, having made enormous profits out of the products they carried on their own railroads, and, in addition having made 15 percent on the valuation of the railroads, certainly those organizations cannot come before the Congress of the United States and ask to be put on a basis with those that actually lost money and who were actually and are now actually short lines and common carriers, which are being abandoned from time to time, and which we all know are having a hard time.

Having said this much, I will be very happy to answer any question any Senator may desire to ask while I am on the floor. In my opinion, Mr. President, this bill ought to pass, and I move that the Senate agree to the committee amendment on page 3.

The PRESIDING OFFICER. There is now pending a motion to take up the bill. The motion to agree to the committee amendment would not be in order until the Senate acts on the motion to consider the bill.

Mr. REED. I am sure the Chair is correct.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Dakota [Mr. GURNEY] that the Senate proceed to consider the bill.

Mr. KING. Mr. President, I desire to ask the Senator, before he relinquishes the floor, another question. Was the limitation of 5¾ percent imposed upon all railroads, large and small, that were taken over by the Government of the United States?

Mr. REED. The figure 5¾ percent was fixed following the World War as a fair return by the Interstate Commerce Commission.

Mr. BARKLEY. Mr. President, the fact is that in the Transportation Act of 1920 Congress undertook to fix what was regarded as a fair return on the investment in transportation property. That was 20 years ago, but my recollection is—and I was on that committee and on the conference committee that wrote the bill—that 6 percent was fixed in the law at first, but that was reduced by the Interstate Commerce Commission to 5¾ percent, applying to all roads.

Mr. REED. The Senator from Kentucky has stated the matter correctly. Congress, because of the necessity to fix some figure following the relinquishment by the Government of the railroads, fixed a figure of 6 percent temporarily—I think for a 6 months' period, or perhaps a year—after which it directed the Interstate Commerce Commission to determine what would be a fair return, and the Interstate Commerce Commission fixed 5¾ percent.

Mr. BARKLEY. There was a provision in the law that any excess over a fair return should be recaptured in a certain way provided by the law.

Mr. REED. The Senator is correct.

Mr. KING. May I ask the Senator from Kansas another question?

Mr. REED. Certainly.

Mr. KING. After certain settlements had been made between the Government and a large number of the railroads and the basis which was accepted as the basis of settlement would have applied to all, why did the Interstate Commerce Commission reverse itself so that a number of railroads—30 or 40, as I recall—were left outside, which, if it had not been for that reversal of the policy which had been pursued, would have been the beneficiaries of the provisions of the law under which settlements have been made in the case of a large number of other railroads.

Mr. REED. Of course, I cannot speak as to what was in the mind of the Interstate Commerce Commission. There was a difference of opinion in the Interstate Commerce Commission as to how the term "deficit" should be applied. I stated that in the beginning of my remarks. The Interstate Commerce Commission first applied that to be the difference between earnings during the test period, which was 1915, 1916, and 1917, and the earnings during the World War. Then the Interstate Commerce Commission held that in order to get any relief under that act and under the term "deficit" there had to be an actual operating loss.

If the Senator from Utah will just take my opinion for it, one of the reasons, possibly, was that under the former interpretation of the Interstate Commerce Commission, the first interpretation, the Butte, Anaconda & Pacific Railroad, which is owned by the Anaconda Copper Co., which made enormous profits during the war on its property, and also earned 9 percent following the period of relinquishment, was awarded $487,000, which was a shocking thing to the conscience of any fair-minded man; and the Interstate Commerce Commission, believing that that was an outrageous imposition upon the Public Treasury, asked the Attorney General to sue to recover, and the lower court held that the Government should recover.

The Court of Appeals held that the Government should recover; but the Supreme Court, without undertaking to pass on the merits of the matter at all, merely said that it was a matter which was beyond judicial attention, and reversed both the district court and the appellate court.

If the Senator wants my opinion about the matter, however, it was an outrage upon the public to pay $487,000 to the Butte, Anaconda & Pacific Co. I wish the Government could have recovered it, and it would have recovered it so far as the two lower courts are concerned. The Supreme Court never passed on the merits of the question at all. It merely passed upon the legal side of it.

This bill has endeavored to avoid all of those pitfalls, to do equity where equity is due, and to refuse to pay exorbitant sums to anybody. I think it is a fair bill. I had no responsibility for it. I am assuming this task in the absence of Senators who were on the subcommittee, but with whom I conferred as to the report; and I was present when the bill was favorably reported by the Interstate Commerce Committee. I may say that it meets the approval of the Interstate Commerce Committee. So far as I know, there is not a single objection from any member of the Interstate Commerce Committee to the passage of the bill in its present form; and I hope the motion of the Senator from South Dakota will prevail.

Mr. KING. Mr. President, may I ask the Senator another question? Will the Senator further explain why the limitation of $150,000 has been offered as an amendment? Would that limitation apply to the railroads which have been paid something—perhaps large sums?

Mr. REED. It would not. If the Senator wants to know the truth of the matter, the reason why that limitation was applied is this:

The United States Steel Corporation owns what is known as the Union Railroad Co. It has about 23 or 25 miles of track, located up around Pittsburgh, Pa. It is largely what is known in transportation parlance as a plant facility. It is not a common carrier in the sense that it is a railroad which does a general business. Most of its business is done by and for the United States Steel Corporation. Without this limitation of $150,000 the Union Railroad Co. might have been able to recover about $600,000, which would go to the United States Steel Corporation.

I objected to that.

I am stating these facts from memory. I was not prepared for this discussion. What I am stating to the Senator now is just out of my general knowledge of the situation. The bill as passed by the House would have called for about

$1,900,000, of which 40 percent would have gone to one railroad which was a subsidiary and really a plant facility of the United States Steel Corporation. I am the Senator who objected to that; and to meet that objection a limitation was placed upon the amount that any railroad could recover. The bill as it now reads covers every case, I think, except this one extortionate thing. The committee wrote into the bill that we would limit the recovery of any one railroad to $150,000, which I think is fair, and which covers, I think, every case except this United States Steel Corporation road, which is really a plant facility of its own.

That is the reason of the limitation.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota [Mr. GURNEY].

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 10098) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920, which had been reported from the Committee on Interstate Commerce with an amendment.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

The amendment was, on page 3, line 4, after the word "Act", to insert "*Provided further*, That no claim certified under this subsection shall be for an amount in excess of $150,000", so as to make the bill read:

Be it enacted, etc., That section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920, as amended by the act approved March 4, 1927 (44 Stat. L. 1446), be amended and reenacted by adding thereto the following new paragraphs (i), (j), and (k), as follows:

"(i) That the term 'deficit in its railway operating income,' as that term is used in paragraph (a), shall be construed to mean a deficiency or decrease in the carrier's railway operating income for that portion (as a whole) of the period of Federal control during which it operated its own railroad as compared with its average railway operating income for the corresponding portion of the test period, as held in Construction of the Word 'Deficit' (66 I. C. C. 765, 774).

"(j) That the Commission is hereby authorized and directed to reopen all claims heretofore filed by carriers in compliance with its orders or regulations issued under this section and to ascertain and certify to the Secretary of the Treasury such amounts, if any, as may be payable to any such carriers under said section 204 as hereby amended: *Provided*, That the aggregate of the railway operating income of any carrier during that part of the period of Federal control during which such carrier was not operated by the Director General of Railroads plus the amount certified by the Commission under this act shall not for said period be at a rate in excess of 5¾ percent per annum of the value of the carrier's property determined by the Commission under section 19a of the Interstate Commerce Act: *Provided further*, That no claim certified under this subsection shall be for an amount in excess of $150,000.

"(k) This act shall take effect as of March 1, 1920, but shall not be construed as extending the time for filing claims as limited by paragraph (h) of section 204, as amended by the act of March 4, 1927."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. KING. Mr. President, I desire to enter a motion to reconsider, and to have it pending.

The PRESIDING OFFICER. The Chair understands the Senator to make the motion with regard to the bill just passed, and the motion to reconsider will be entered.

Mr. KING. Yes.

RECESS TO FRIDAY

Mr. BARKLEY. Mr. President, if there is nothing further, I move that the Senate take a recess until 12 o'clock noon on Friday next.

Mr. REED. Mr. President, may I understand the parliamentary situation?

The PRESIDING OFFICER. The parliamentary situation is that the Senator from Utah [Mr. KING] entered a motion to reconsider the vote by which the Senate passed House bill 10098.

Mr. REED. I move to lay that motion upon the table.

The PRESIDING OFFICER. The motion to recess is pending, and has precedence. The question is on the motion of the Senator from Kentucky.

The motion was agreed to; and (at 2 o'clock and 17 minutes p. m.) the Senate took a recess until Friday, November 29, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 26 (legislative day of November 19), 1940

DIPLOMATIC AND FOREIGN SERVICE

William D. Leahy, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France, vice William C. Bullitt, resigned.

John Campbell White, of New York, now a Foreign Service officer of class 1, serving as diplomatic agent and consul general at Tangier, Morocco, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Haiti.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. John Floyd McCartney, Corps of Engineers, with rank from June 13, 1939.

Capt. John Wilson Huyssoon, Coast Artillery Corps, with rank from August 1, 1935.

TO QUARTERMASTER CORPS

Maj. O. D. Wells, Infantry, with rank from July 1, 1940.

Capt. George Edwin Steinmeyer, Jr., Infantry, with rank from June 30, 1936.

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

TO BE COLONELS WITH RANK FROM NOVEMBER 16, 1940

Lt. Col. Harold Mark McClelland, Air Corps.
Lt. Col. Wolcott Paige Hayes, Air Corps.
Lt. Col. Edmund Walton Hill, Air Corps.
Lt. Col. Walter Francis Kraus, Air Corps.

TO BE LIEUTENANT COLONELS

Maj. Don Lee Hutchins, Air Corps.
Maj. Clarence Herbert Welch, Air Corps.
Maj. Ennis Clement Whitehead, Air Corps.
Maj. Alfred Jefferson Lyon, Air Corps.

TO BE MAJORS

Capt. James Bell Burwell, Air Corps.
Capt. Charles Herman Deerwester, Air Corps.
Capt. Charles Winslow O'Connor, Air Corps.
Capt. Bernard Alexander Bridget, Air Corps.

NOTE.—Dates of rank not specified for officers nominated to the grades of lieutenant colonel and major, as such dates will be determined from the dates on which lieutenant colonels and majors herein nominated accept their higher grades.

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICERS

Brig. Gen. Heber Leutner Edwards, Adjutant General's Department, North Dakota National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States.

Brig. Gen. Luis Raul Esteves, Puerto Rico National Guard, to be brigadier general, National Guard of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 26 (legislative day of November 19), 1940

UNITED STATES MARITIME COMMISSION

JOHN J. DEMPSEY to be a member of the United States Maritime Commission.

NATIONAL LABOR RELATIONS BOARD

Harry A. Millis to be a member of the National Labor Relations Board.

POSTMASTER

CALIFORNIA

Thomas E. Trulove, Inglewood.

HOUSE OF REPRESENTATIVES

THURSDAY, NOVEMBER 28, 1940

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou, O Lord, art high above all the earth; light is sown for the righteous and gladness for the upright in heart. We praise Thee that the billowing tides of love and mercy are ever flowing out from the Divine heart. As Thy kingdom is neither meat nor drink, but righteousness, joy, and peace in the Holy Spirit, we thank Thee that herein is the eternal remedy for all human ills. We turn in humble appeal to our Master, who takes unbrotherliness out of the hearts of men, who are so often adrift on the high seas of a turbulent, confusing day. O Thou who art a good God, help us to acquire the best minds and the purest souls which transcend time itself. Blessed Saviour, Thou who art the basis of all worthful progress, clothe the Congress with unswerving loyalty to conscious duty; oh, let knowledge and understanding come and wisdom linger. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Monday, November 25, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the following title:

H. R. 6324. An act to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KING, Mr. HATCH, Mr. BURKE, Mr. AUSTIN, and Mr. TAFT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, without amendment, a bill and a concurrent resolution of the House of the following titles:

H. R. 10465. An act to amend an act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918; and

H. Con. Res. 92. Concurrent resolution authorizing the Select Committee Investigating the Interstate Migration of Destitute Citizens to have printed for its use additional copies of its hearings on interstate migration.

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, cannot that be held until after the unanimous consent requests today?

Mr. COOPER. This is a unanimous consent request.

Mr. HOFFMAN. No; until after the other consent requests have been made.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

Mr. HOFFMAN. Mr. Speaker, I object for the present.

PERMISSION TO ADDRESS THE HOUSE

Mr. TREADWAY. Mr. Speaker, following any other special orders that may have been agreed to for today, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. TREADWAY]?

There was no objection.

EXTENSION OF REMARKS

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered at the one hundred and seventy-second annual dinner of the New York State Chamber of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MARTIN J. KENNEDY]?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a statement by Mr. Robert Jackson issued on November 24.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAWFORD]?

There was no objection.

Mr. DISNEY. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Oklahoma [Mr. JOHNSON] may have permission to extend his own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. DISNEY]?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a memorandum from the Legislative Reference Service of the Library concerning national holidays.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. LEWIS]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders already granted, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I had a special order yesterday, but the House was not in session. I ask unanimous consent that I may address the House today for 20 minutes after any special orders heretofore granted and after the disposition of business on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

EXTENSION OF REMARKS

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a statement by Herbert Hoover on feeding the people of Europe.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. CARLSON]?

There was no objection.

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial appearing in the Brooklyn Eagle of Tuesday.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. KEOGH]?

There was no objection.

Mr. SHAFER of Michigan asked and was given permission to extend his own remarks in the RECORD.

Mr. COFFEE of Nebraska. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech I made on Armistice Day.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. COFFEE]?

There was no objection.

Mr. JONES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial by Frank Ritenour of the Pique Daily Call, and also an address by Robert Kennedy, pastor of the First Methodist Church, of Troy, Ohio.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. JONES]?

There was no objection.

STRIKE RESULTS AT VULTEE AIRCRAFT FACTORY

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, 1 week ago yesterday I called the attention of this body to the unfortunate strike at the Vultee aircraft factory in California. Following the comment which I made, other Members joined, and even a legislative committee has given attention to this subject. Informal groups have discussed the practicability of legislation to deal with strikes which take place in factories working on national-defense orders. From the White House we received news of a conference dealing with this subject.

I say to the Members this afternoon in all earnestness that information I have received indicates that prior to the calling of this strike in the Vultee factory the company itself offered wage increases amounting to $1,140,000 a year, and that when the strike was finally settled, after a 12-day tie-up of production, the increases granted in the contract amounted to $1,300,000. In other words, $160,000 in wages was given to those who had asked increases, and while the strike continued the workers suffered a net loss for the year of $43,240. It will require more than 1 year of employment to recoup the wages lost during the period of the strike.

In the meantime, the Government lost delivery of between 40 and 50 much-needed basic training planes, the Air Corps' pilot-training program was slowed down, the union suffered expense in its strike activities, the company has had expense of a wholly nonproductive nature.

This could have been avoided, with savings and benefits all around, had the dispute between the company and the union continued in negotiation, or been submitted to arbitration, with production continuing during such period of settlement. We must guard against a repetition of this situation. Congress has a responsibility. The Nation looks to us. [Applause.]

EXTENSION OF REMARKS

Mr. CHURCH. Mr. Speaker, I have two requests: First, I ask unanimous consent to extend my own remarks in the RECORD and include therein the remarks of Mr. J. J. Pelley, president of the Association of American Railroads, on November 13.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHURCH. Further, Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by John A. Stevenson, president of the Penn Mutual Life Insurance Co., on the same date. I have obtained an estimate from the Public Printer to the effect that this extension exceeds the usual amount by $30.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection? The Chair hears none.

Mr. RICH. Reserving the right to object, Mr. Speaker, let us have that request go over for a short time. I object for the present.

The SPEAKER. The Chair had already announced that there was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that on Monday next I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an expression of loyalty to the United States on the part of some American citizens of Hungarian birth.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANGELL. Mr. Speaker, I ask unanimous consent that at the conclusion of the other special orders already entered for today I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that at the conclusion of the other special orders heretofore entered for today I may be permitted to address the House for 10 minutes, and to revise and extend my remarks and include therein excerpts from certain letters.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address and accompanying data delivered by Dr. Truitt, of the Department of Agriculture, at an agricultural meeting in Texas.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOXEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein an address delivered by Senator PAT HARRISON, the distinguished Senator from Mississippi, commemorating the ninetieth birthday of Mrs. Modena Lowrey Berry, who was the sister of Congressman B. G. Lowrey, who so ably represented the Second District of Mississippi and was my predecessor.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain newspaper articles and letters dealing with the Mackinac Straits bridge.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GRANT of Alabama. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter addressed to me on the subject of National Defense.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. LAMBERTSON, Mr. HARRINGTON, Mr. COFFEE of Nebraska, Mr. PATMAN, Mr. BURDICK, and Mr. LUDLOW asked and were given permission to extend their own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I make the same request as the gentleman from Michigan [Mr. HOFFMAN], but subordinate to his.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mrs. CLARA G. McMILLAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from South Carolina?

There was no objection.

[Mrs. CLARA G. McMILLAN addressed the House. Her remarks appear in the Appendix of the RECORD.]

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I renew my request that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. The request has already been granted. The Chair had announced there was no objection before the gentleman from Pennsylvania [Mr. RICH] was on his feet.

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a brief article from the New York Times.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SETTLEMENT OF DISPUTES WITH THE UNITED STATES

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. COCHRAN. I object, Mr. Speaker.

SWEARING IN OF MEMBER

The SPEAKER laid before the House the following communication from the Clerk of the House:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D. C., November 28, 1940.

The honorable the SPEAKER,
House of Representatives.

SIR: The certificate of election, in due form of law, of Hon. WILLIAM E. BURNEY as a Representative-elect to the Seventy-sixth Congress from the Third Congressional District of the State of Colorado, to fill the vacancy caused by the death of Hon. John A. Martin, is on file in this office.

Respectfully yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives,
By H. NEWLIN MEGILL.

PERMISSION TO ADDRESS THE HOUSE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TAYLOR. Mr. Speaker, at the election this fall in the Third Congressional District of Colorado the people elected a Republican for the full term of the Seventy-seventh Congress to succeed our late colleague, Mr. Martin. They elected Mr. J. EDGAR CHENOWETH, who is a very distinguished man. [Applause.] They also elected at the same time a Democrat to fill out the unexpired term ending on the 3d of January next. That Democrat, Mr. WILLIAM E. BURNEY, is now present to take the oath of office, filling out the unexpired term of our late colleague, John A. Martin.

WILLIAM E. BURNEY, Representative-elect to the Seventy-sixth Congress, presented himself at the bar of the House and took the oath of office prescribed by law.

SETTLEMENT OF DISPUTES WITH THE UNITED STATES

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I would like to give notice that on next Monday the Committee on the Judiciary will move to take from the Speaker's table the bill H. R. 6324 and seek to have concurrence in the Senate amendments.

The Committee on the Judiciary will insist that this motion is privileged; and if the opposition should make the point of no quorum and it comes to the necessity of having to have a roll call to test the question of a quorum, the Judiciary Committee is going to be prepared to do that. [Applause.] If no quorum should be developed, we will endeavor to hold the House in session until there is a quorum and this matter is disposed of.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MICHENER. As I understood, the gentleman from Texas, who is the chairman of the Committee on the Judiciary, made a unanimous-consent request that this bill, which is the so-called Walter-Logan bill, be taken from the Speaker's table and the Senate amendments be concurred in. The gentleman from Missouri [Mr. COCHRAN] objected. As the matter stands now, this measure will stand over until next Monday, and may I suggest that we all recognize that there are sufficient votes in the House under any conditions to pass the bill in the House, and any delay is simply inconveniencing the Members. If this bill as amended does not pass today, it will pass Monday. Nothing is gained. This should not be a political matter. The result is going to be the same whether we vote today or Monday. I do hope that the gentleman from Missouri [Mr. COCHRAN] will have consideration for the other Members here and those who are not here, in view of the fact that he must know that this bill will pass on Monday, then why not today? [Applause.]

[Here the gavel fell.]

Mr. COCHRAN rose.

Mr. SUMNERS of Texas. I yield with the observation that I hope the distinguished gentleman from Missouri will withdraw his objection and let us dispose of this matter today. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Speaker, when this legislation was before the House I opposed it and I am going to oppose it whenever it comes before the House at the present session of Congress unless a bill is brought in that will not have for its purpose the destruction of New Deal legislation.

One of the reasons why I opposed the legislation was that at the request of the President, the Attorney General appointed an outstanding committee, and I am sure the Judiciary Committee will agree that it is an outstanding committee, to study this very question.

The present bill was born in the mind of an enemy of this administration, who seeks to destroy the progressive legislation that we have enacted, and as far as I am concerned I feel that the welfare of the American public should be taken into consideration rather than the convenience of the Members of this House. I assure you that while I recognize the motion is privileged, on next Monday there is going to be a quorum present in this House to vote upon a motion to agree to the Senate amendments which no one knows anything about. [Applause.]

[Here the gavel fell.]

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WALTER. Mr. Speaker, I do not have the faintest idea who the gentleman from Missouri [Mr. COCHRAN] was referring to when he said that the administrative law bill was drafted by someone who was an enemy of this administration.

Mr. COCHRAN. If the gentleman will yield, I will tell him.

Mr. WALTER. I do not yield.

Mr. COCHRAN. If the gentleman wants to know, I will tell him.

Mr. WALTER. I will tell you what is back of this proposition if you want to know the truth. [Laughter and applause.] The fact of the matter is that this problem was first considered by Senator GEORGE NORRIS, who certainly could not by any stretch of the imagination be accused of being an enemy of the New Deal Administration. Subsequently the Senate considered ways and means of endeavoring to curb the infringements upon all of our rights by an all-powerful bureaucracy, which if not curbed will ultimately destroy this Republic. [Applause.]

The gentleman from Missouri says that the Attorney General appointed a committee. That is true, but I will tell you that this committee has never functioned. It has met but once. The brains of the committee, or the entire committee, is one Walter Gelhorn, a young professor from Columbia University [laughter], who made a speech at the Lawyers Guild that was so radical that Ferdinand Pecora, who has never been accused of being a reactionary, withdrew from that organization. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

Mr. MICHENER. Cannot the gentleman have the time to name some more who withdrew?

The SPEAKER. The Chair cannot recognize the gentleman at this time.

Mr. WALTER. I withdraw the request, Mr. Speaker.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD regarding the homestead lien act in Minnesota; and, second, regarding the high cost of transportation in the United States.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that on next Monday, after the disposition of the regular business and other special orders, I may be permitted to address the House for 10 minutes.

The SPEAKER. Does the gentleman mean after the legislative program?

Mr. SUMNERS of Texas. After everyting is finished and following any other special orders.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Kansas [Mr. REES] is recognized for 10 minutes.

PROGRESS OF THE DEFENSE PROGRAM

Mr. REES of Kansas. Mr. Speaker, I am at this time calling the attention of the membership of the House to House Concurrent Resolution 94 that I introduced in this body on November 25. This resolution provides for a joint committee composed of five members of the House of Representatives, to be appointed by the Speaker, and five members of the Senate, to be appointed by the President of the Senate. The duty of this committee will be to keep itself currently informed on all expenditures that are made under the defense program and to be advised as to the contracts that are made from time to time, and to provide general information and recommendations that may be helpful to Congress and to the people of this country in carrying on the national-defense program.

Our Government is engaged in the biggest peacetime business in its history—that of spending between fifteen and twenty billion dollars within the next few months in order to provide for the adequate defenses of the United States; for a program to defend this country against aggressor nations. It is not the intention of this resolution to interfere in any manner but, on the contrary, to see that the armament program shall be carried on just as efficiently, effectively, and speedily as possible.

Mr. Speaker, this Congress represents the people of this country. I think it is entitled to first-hand information concerning the defense program. During the past few months huge contracts have been let involving billions of dollars to be used directly or indirectly in the building of armaments of all kinds and for providing equipment that is essential to the program. I am not unmindful of the fact that Members of Congress may call and secure information concerning specific items. That is beside the point. Congress should not have to depend upon the press for its information, or read the Wall Street Journal every week in order to find out about the contracts that have been let and their amounts. Information should be provided so that Congress, or a committee representing it, may have a complete picture of the program and detailed information as to the progress that is being made from time to time. The administration and those in charge of carrying out the program should not only be glad to furnish the information but should welcome the advice and suggestions of such a committee.

Right now we hear complaints from various sources that the program is not going forward fast enough. It is alleged from other sources that huge profits are being made by those participating in the program. Why not find out about these matters before they go too far? Time after time resolutions have been introduced in this Congress asking for committee investigation of expenditures for amounts involving only a few thousand dollars. There is nothing wrong about that. But here is a situation where these matters can be brought to the attention of Congress before and while the funds are being expended. There could be no delay in a procdure of this kind. Newspapers are reporting rumblings to the effect that some of the departments of Government having charge of these expenditures do not entirely agree with others as regards certain portions of our program.

It is said that the Defense Commission is a board that acts only in an advisory capacity. It is not a creation of Congress and does not have power to act. It does not, as I understand it, even have a chairman. When members of that Commission are asked what they are going to do about a certain proposition, the reply is made that their position is only advisory and they cannot tell what may or may not be done. It may be advisable that this Commission should have some power and authority in these matters. If so, we ought to provide it. If not, let us find that out, too.

After all, to turn this huge building program over to Army and Navy officers, and even to the President of the United States, is a tremendous responsibility. It is said that a great amount of delay has come about because of disagreements between the Army on the one hand and the Navy on the other. We ought to find out about that and fix the responsibility somewhere. Heretofore, as I understand it, it has been the responsibility of the head of the Army, as well as the Navy, to recommend the best types of defense to be used, the kind and amount of armaments to be provided, as well as the number of personnel that may be needed to carry out a specific program. It seems now that we are giving them the additional authority not only to make plans, but, to a great extent, to make contracts and help carry them out. I am not complaining about that situation, but think the Congress could be most helpful through a committee of this kind. In any event, there should be more coordination between the various groups having charge of providing the huge increases in our defense system.

Our Nation is not at war, and we do not intend to get into war. We do not want to adopt a program of wartime economy, but we are going to get to a place pretty soon, I think, when it is going to be determined by someone in responsi-

bility, for example, just how much priority is to be given the defense program in our industry. Some of these industries are building armaments for other nations. Congress should know just how that situation is being handled. In what respect are we dividing with foreign nations in the building of armaments? Another problem that is going to confront the people of this country is to determine how far the defense program is to take priority in the manufacture and production of things which are not required for our defenses. I mean the things we ordinarily use in our peacetime economy. If we were at war, that situation would be handled rather promptly. Under our present situation it is a matter that ought to have the careful attention of the Congress and the people of this country.

For example, only a few days ago, one of our industries was said to have increased its contracts for airplanes to be used for commercial purposes, to the detriment of Government contracts for war planes. These, together with many other problems, could be carefully studied by this committee, with recommendations to this Congress.

Mr. Speaker, it is unfortunate that it has become necessary to spend these billions of dollars that have been appropriated. Billions more will be expended next year. I think Congress should assume more responsibility in the carrying on of this defense program, with a view of prosecuting it as economically, efficiently, and speedily as possible.

Mr. Speaker, one thing further before I close: While Congress is providing for the great defenses we have mentioned, against enemies from without, we should not be unmindful of the grave responsibility of protecting our country from the enemies that are boring from within. We should deal with them justly, but we should also deal with them promptly.

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts [Mr. TREADWAY] is recognized for 10 minutes.

THANKSGIVING

Mr. TREADWAY. Mr. Speaker, today is the last Thursday in November. Until recently this day was universally set apart throughout the land, by proclamation of the President and the Governors of the several States, as a day of thanksgiving and prayer. Last year, however, the President of the United States departed from this time-honored custom and proclaimed a date 1 week earlier, as he has done again this year, giving as his reason a desire to "lengthen the Christmas shopping period."

It is not my purpose today to take exception to the President's action or to criticize his motives. He had a perfect legal right to do what he did, although there are many who might question whether a religious holiday of this character should be changed for reasons wholly commercial. I rise simply to say that, as a citizen and a Representative of the Commonwealth of Massachusetts, where the custom of thanksgiving had its origin in this country, I am proud that the people of my State, along with the citizens of some 15 other States, prefer to adhere to the traditional Thanksgiving date and are today giving thanks to the Almighty for the many blessings he has conferred upon them.

His Excellency, Governor Saltonstall, of Massachusetts, in his Thanksgiving proclamation of last year, well said that—

> Not for revelry and sport, and not for the inauguration of Christmas shopping, is this day set apart.

In this materialistic age we are prone to forget the spiritual significance of our religious holidays. They have become commercialized to an extent which causes us to lose sight of their true meaning and purpose.

What was the origin of Thanksgiving Day, and why do we celebrate it? We have read in our histories that it was at Plymouth, Mass., in 1621, that a day of thanksgiving was first set apart. It originated with the little band of Pilgrims who had managed to survive the rigors and hardships of that first year in the New World. It was celebrated not as a prelude to Christmas shopping but in gratitude to God. Let me quote further from the Thanksgiving proclamation of Governor Saltonstall last year:

> Let us remind ourselves of the historical origin of Thanksgiving in America and the conditions which surrounded it. One-half of the little Pilgrim band at Plymouth had died during the preceding year. Four households were wiped out entirely, and only four households were left unentered by what Bradford called the "general sickness." They had no prosperity. Their harvest was not bountiful. Yet out of these meager remnants they made their thanksgiving, gave solemn thanks to Almighty God, and shared their scanty store with the Indians.

Since first proclaimed by Governor Bradford, of the Pilgrim colony, in 1621, Thanksgiving has been a New England custom. At first the subsequent Thanksgivings were held only for giving thanks to the Almighty as special occasions presented themselves, but in 1684 the festival became an annual one in Massachusetts, and other colonies soon followed her example.

In 1789, after the Colonies united to form our present Union, Congress adopted a resolution calling upon the President to proclaim a day of thanksgiving. In response to that resolution, President George Washington issued the following proclamation, which I shall insert at this point:

> PROCLAMATION.
>
> A NATIONAL THANKSGIVING.
>
> Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor; and
>
> Whereas both Houses of Congress have, by their joint committee, requested me "to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness:"
>
> Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies and the favorable interpositions of His providence in the course and conclusion of the late war; for the great degree of tranquillity, union, and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.
>
> And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations, and beeseech Him to pardon our national and other transgressions; to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually; to render our National Government a blessing to all the people by constantly being a Government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed; to protect and guide all sovereigns and nations (especially such as have shown kindness to us), and to bless them with good governments, peace, and concord; to promote the knowledge and practice of true religion and virtue, and the increase of science among them and us; and, generally, to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.
>
> Given under my hand, at the city of New York, the 3d day of October. A. D. 1789.
>
> G°. WASHINGTON.

In other words, I call special attention to the fact that both branches of Congress asked President George Washington to declare the date of Thanksgiving.

It was Abraham Lincoln who was responsible for establishing the last Thursday in November as the date for Thanksgiving, and the precedent he set was consistently followed by succeeding Presidents until the date was changed by President Roosevelt last year.

It seems to me that we should have retained the precedent established both by President Washington and President Lincoln.

It was pointed out to us a few days ago the many difficulties which have arisen by reason of the fact that Thanksgiving has been celebrated on two different dates during the past 2 years. Aside from this fact, our traditions are not to be lightly cast aside. We are admonished by Scripture: "Change not the ancient landmarks." I feel that the example which Massachusetts and New England offer in the retention of long-standing custom should be given very careful consideration

before ruthlessly permitting it to be sacrificed for mercenary considerations.

Disrespect for custom and tradition has been given too much encouragement in recent years. How much more appropriate it would be if the people throughout our land might celebrate Thanksgiving on the same day, as of yore. And how much more significance the day would have if it were celebrated on the traditional date. It seems to me that it would be well if the Congress, in accordance with the example set in George Washington's time, would adopt a joint resolution calling upon the President to proclaim the last Thursday in November of each year as a day of thanksgiving.

In closing I desire, in keeping with the occasion, and in the spirit which led the Pilgrim Fathers to hold the first Thanksgiving Day, to insert in the RECORD the following Thanksgiving prayer, which may be found in the Episcopal Prayer Book:

Most gracious God, by whose knowledge the depths are broken up and the clouds drop down the dew, we yield Thee unfeigned thanks and praise for the return of seedtime and harvest, for the increase of the ground and the gathering of the fruits thereof, and for all the other blessings of Thy merciful providence bestowed upon this Nation and people. And, we beseech Thee, give us a just sense of these great mercies, such as may appear in our lives by an humble, holy, and obedient walking before Thee all our days. Through Jesus Christ our Lord, to whom, with Thee and the Holy Ghost, be all glory and honor, world without end. Amen.

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD on two different subjects and to include certain pertinent material.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. HINSHAW]?

There was no objection.

Mr. DITTER asked and was given permission to revise and extend his own remarks in the RECORD.

Mrs. BOLTON asked and was given permission to revise and extend her own remarks in the RECORD.

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RICH] is recognized for 10 minutes.

GOVERNMENT ECONOMY

Mr. RICH. Mr. Speaker, I cannot help but call to the attention of the Members of the House the statement made by Chaplain Montgomery this morning in his prayer when he said:

Thou who art the basis of all worthful progress, clothe the Congress with unswerving loyalty to conscious duty.

It seems to me that every Member of Congress must assume his own responsibility for his action and vote in Congress. I expect to assume mine. I call the attention of the House to the big headlines that appeared in the Washington Post of Wednesday, November 27, "Roosevelt to slash nondefense budget."

I picked up the New York Times of the same day and I read a big headline, "President carves spending for all except defense."

Mr. Speaker, I wonder if it is true? Will it happen? The responsibility rests upon the Members of Congress as well as on the President of the United States. I heard the address delivered here a few moments ago by the gentleman from Massachusetts [Mr. TREADWAY] in regard to the two Thanksgiving Days. A few years ago we talked about having two chickens in every pot. Then we talked about having two cars in every garage, two pair of pants with every suit. Some people want two pay days and two salaries. It seems to me that perhaps two Thanksgiving Days now would not be inappropriate, because we would have a little more time to really give thanks for the things that we have and enjoy in America. If the people of this country would give more thanks to the Almighty God for the blessings we receive, probably we would get further along. Certainly we would not complain so much when we think of and really count our blessings. I feel as if we have much to be thankful for.

The point I want to make here is the fact that the President made the statement that he is going to cut down expenses in everything but defense items for next year's Budget. I am glad that the chairman of the Committee on Appropriations is sitting before me at this time, because I have written him in reference to the statement that he put in the Appendix of the RECORD, page 6478, showing the amount of money we expended this year.

It is a tremendous sum of money, three times more than our revenues will amount to for the year, and in addition to the appropriations we have already made, we authorized the expenditure of over $4,000,000,000. When we try to balance our books on July 31 next we are going to find that we will be in the red so far it will be a very serious thing for this country and we will not know how we are going to get the money to balance the Budget.

For 10 years we have been going in the red from a billion and a half to four and a half billion dollars. This cannot continue indefinitely. You know it, any sensible citizen knows it. I call attention to a statement made by the President on March 10, 1933, when he said in his message to the Congress:

And on my part I ask you very simply to assign to me the task of reducing the annual operating expenses of your National Government. We must move with the direct and resolute purpose now. The Members of Congress and I are pledged to immediate economy.

The President made that statement to the Congress, and of course you all know what the Democratic platform of 1932 pledged to the country. Economy, 25 percent reduction in Government expenses. Notwithstanding those pledges you have not heard very much about economy in the last 2 or 3 years, in fact, the last 6 years, from any New Deal President or Member of Congress. You have forgotten all about that. Now the President comes back and tells the press that he is going to slash the Budget. He makes statements for publicity but he does not do what he says he will do. Why?

You know what happened in January of the present year. All the headlines of the papers were to the effect that Congress and the President would reduce our expenditures, and we would economize. Then look what the chairman of the Appropriations Committee states in his report to which I just referred. It is so far from being economical that it is just laughable. It is deplorable. It is serious. It is a crime against our children, and against future generations. It is not right, it is not just, it is not honorable, and it is not honest.

I want to know what the President means when he tells the news reporters now that he is going to slash the Budget. We are going to follow this up. God giving me health and strength, I am going to be here for the next 2 years and I am going to call this to your attention day after day after day, if it is necessary, because I believe that, as was said by the Chaplain in his prayer this morning, we should have unswerving loyalty to conscientious duty. I believe that is one of my jobs. While it is not pleasant, and while it is not wanted by the Members of the House, yet I feel that if God gives me health and strength I am going to call it to your attention. It is your duty and responsibility. Let me call your further attention to a quotation of the President at Sioux City, Iowa, September 29, 1932, and I quote from his speech:

We are not getting an adequate return for the money we are spending in Washington, or to put it another way, we are spending altogether too much money for Government services that are neither practical nor necessary. And then, in addition to that, we are attempting too many functions. We need to simplify what the Federal Government is giving to the people.

I accuse the present administration of being the greatest spending administration in peacetimes in all our history. It is an administration that has piled bureau on bureau, commission on commission, and has failed to anticipate the dire needs and the reduced earning power of the people. Bureaus and bureaucrats, commissions and commissioners have been retained at the expense of the taxpayer.

And I am going to call it to your attention, Mr. Speaker, of the Appropriations Committee, because you have the responsibility and you have the opportunity to tell the members of the Appropriations Committee that they have to cut down appropriations, notwithstanding the fact that the various departments of the Government may want to increase them. I am going to look to you as an honest citizen, a man whom

I respect and honor, to show that committee that you mean exactly what the President says, and that you are going to demand that the President do that. Do not let him say one thing and do another—it is not honest or honorable to do so.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the distinguished gentleman from Colorado, the chairman of the Appropriations Committee.

Mr. TAYLOR. The gentleman has as many votes on that committee as I do.

Mr. RICH. I have only one. You have great influence with 35 members.

Mr. TAYLOR. Let me make a suggestion. It seems to me that instead of giving a general blast every day in favor of cutting down expenses, the gentleman from Pennsylvania ought to pick out the specific items he would eliminate from each of our appropriation bills. I inserted in the RECORD of October 24 my annual report as chairman of our committee for this year, including all the appropriations made from the 3d day of January last year up to that time. In that report I challenged the Members of this House who had objections to any part of that appropriation, of approximately $25,000,000,000, to specify to the House and to their constituents just what items they would cut out. I wish the gentleman, when he makes a general wholesale criticism, would pick out what he feels our committee or the House itself or the Senate ought to have eliminated. The committee nearly always reports less than the Budget recommends. The House sometimes adds large items, and the Senate nearly always does. The committee cannot override both bodies.

Mr. RICH. Let me say to the chairman of the Appropriations Committee that I am just about as regular an attendant in the committee as anyone on the committee. There never was a time when we had a committee bill under consideration that I did not try to pick out some item that should be cut, and show it to the House. The gentleman knows he let items go through and did not stand up there and say that some of the appropriations ought to be cut. The gentleman let them go right through. Now I am telling the gentleman in public to do that duty. I am showing him his responsibility. I am going to look to him, because I know he is an honest and honorable citizen, and I admire him. However, there are some things that he should do that he has not done in the past. If I told the House beforehand what economies should be effected all the lobbyists in Washington for that particular thing would be after every Member of Congress.

Let me now call your attention to another statement made by the President of the United States:

> The credit of the family depends chiefly upon whether that family is living within its income. And that is equally true of the Nation. If the Nation is living within its income, its credit is good.

[Here the gavel fell.]

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. If that is agreeable to the other gentlemen who have special orders to follow the gentleman from Pennsylvania. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. We have lots of time, and we have nothing to do. We ought to be permitted to have all the time we want.

Mr. HOFFMAN. What was that request?

Mr. RICH. The request is granted. The gentleman is too late.

Mr. HOFFMAN. Reserving the right to object, Mr. Speaker, my understanding was that the gentleman could speak for 10 minutes after I got through.

The SPEAKER. Unanimous consent has already been granted.

Mr. RICH. I tried to protect the gentleman this morning and he ought to protect me.

Mr. HOFFMAN. This is not protection; or maybe it is protection, after all.

Mr. RICH. I am protecting the gentleman and every citizen of the United States. [Applause.]

Mr. HOFFMAN. All right; go ahead.

Mr. RICH. Everyone in this House ought to realize that that is my only motive. I do not have any idea of trying to criticize the President of the United States. God knows that he needs the help of everyone. I am here to give him all the help I can give him. But I want him to do as he says he will do. I do not want him any longer to say one thing and do another. It is not honest.

Let me continue with this statement of the President:

> If, in some crises, it lives beyond its income for a year or two, it can usually borrow temporarily at reasonable rates. But if, like a spendthrift, it throws discretion to the winds and is willing to make no sacrifice at all in spending; if it extends its taxing to the limit of the people's power to pay and continues to pile up deficits, then it is on the road to bankruptcy.

This statement was made by the President of the United States at Pittsburgh on October 19, 1932.

No truer statement was ever made by any man than the statement made by President Roosevelt on that occasion, but I want President Roosevelt to carry out the promises he has made. I want President Roosevelt to go over the sensible and sane statements he made 8 years ago, as well as ones he has made since that time, and I want him to do what he has stated is honorable, right, and just. I cannot for the life of me understand how he can feel that he can go on with a debt now of $49,000,000,000 and the Secretary of the Treasury asking him to increase that indebtedness $15,000,000,000 or $20,000,000,000. We must spend less, tax more, or bust.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. RICH. No; I do not yield. I want the gentleman to get a little of this lesson. The gentleman needs it and a lot of you gentlemen need it.

If we are going to increase this indebtedness $20,000,000,000, then we are just about on the road to ruin. It is not going to be possible for this Nation to carry on with so great a debt. In my judgment it is so serious for the future generations of boys and girls that it seems to me that we should assume our own responsibilities, not pass it to future generations. Why, the Congressmen are just featherweights and do not amount to a tinker's hoot so far as looking after the affairs of this country may be concerned if we permit this to go on.

You know that if you are unable to meet your expenses today you should not pass that burden on to your children or your children's children. Now, what are you going to do about it? Are you going to suggest to the new, incoming Congress that you cut down expenses? What I want to know is whether the President of the United States is going to do what he said he would do—"Roosevelt to slash nondefense budget." He gets big headlines today and then he fools the people. Now, that is not honest.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Colorado, the chairman of the Appropriations Committee.

Mr. TAYLOR. I may say to the gentleman and to the House and to the world that, in my judgment, we are going to spend whatever amount of money is necessary, and do whatever else is necessary to defend our country, our form of government, our freedom, liberties, and modern civilization on this planet. I do not believe there is going to be any limit whatever, insofar as the Congress of the United States may feel that it is necessary for us to go in order to protect our democratic form of government.

Mr. RICH. I am with the gentleman 100 percent on that.

Mr. TAYLOR. And I am just as much in favor of cutting down on the things that do not apply to national defense as is the gentleman from Pennsylvania.

Mr. RICH. Thank goodness for that statement. I am going to look to that aid in the Committee on Appropriations, and every time they want to build up and increase appropriations I am going to remind you and the committee that very thing and then we will hammer them down. We will decrease departmental askings, and, with the gentleman's help and cooperation, I am sure we will succeed. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from New York [Mr. DICKSTEIN] is recognized for 20 minutes.

THE DIES COMMITTEE AND THE F. B. I.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and also to insert excerpts from certain newspapers concerning matters I am going to speak about today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, if anybody has the right to speak on the so-called Dies committee, about which I hope to make some observations today, I think I have that right, and I shall speak about the Dies committee and its activities that have been going on for the last few years.

In the first place, I want to say to this House that the attack made by the gentleman from Texas [Mr. DIES] or any member of his committee, on the Department of Justice is shameful and disgraceful. I would say that I would not exchange one G-man or one man of the Department of Justice for all the Dies committee investigators that have been on his pay roll. I want to say that there is no finer nor better administrator than J. Edgar Hoover, Director of the Federal Bureau of Investigation, a man of fine character, ability, and trustworthiness, so considered by all parties and administrations since I have known him in Washington. I say that every man in the Department of Justice who goes out to do his job does it honestly and faithfully and in an effort to help this country, no matter how dangerous his assignment may be. An attack on them by the so-called Dies committee is unfounded and, in my honest opinion, interfering with due process of law.

I do not believe there is any man in this House who likes to get up here and stand before this Congress and criticize any committee of this Congress, but there are times when one must speak for the good of the Congress and for the good of the country. Now, Mr. Speaker, what is the duty of a committee making an investigation, whether it is investigating un-American activities or any other activity within the borders of the United States?

The duty of a congressional committee, as I understand it, or as I was taught it, is to make an investigation only for the purpose of bringing before the Congress legislation to remedy certain evil conditions that exist in the country. The gentleman from Texas [Mr. DIES] and his committee have not brought in one single recommendation to the Congress of the United States to rid this country of the so-called "fifth columnists," may they be directed by Nazis or Communists—but all we have had was a lot of ballyhoo and some more ballyhoo to arouse the country. The committee is selling us short. They are selling us short because with the appropriation of $220,000 or $230,000 he, the chairman, should have been able to go to the bottom of things instead of going around the country making statements freely, without consideration of the opinion of his colleagues who have given him the opportunity to head that committee.

On Friday, November 22, my good friend the gentleman from Texas [Mr. DIES] flew from Orange, Tex., into Illinois. He had discovered a great nest of espionage. He was going to disclose some very important information. He had a real spy who was going to tell us all about the Gestapo, the German secret police in this country. This so-called spy was going to crack the press and going to tell us so much about what is going on here. After this ballyhoo and these newspaper-press releases, whom do you think he brought before the committee? A man whom I threw out of my office about 2 years ago, a man whom I would not trust under oath; a criminal; a seller of information. And the Department of Justice, by the way, had his record. This man, Heinrich Peter Fassbender, that big secret-service agent of the Gestapo of Germany, is nothing but a squealer, a rat, an informer for a price. And this was the only evidence that cracked the press on November 22 about this great nest of Gestapo police that is going to destroy the United States of America.

This so-called gentleman who calls himself a secret-police agent, is about 22 years of age, incompetent, and of criminal character. He will sell you any information, even if it is perjury, if you will buy it. And this is the type of information he made so much noise about and the Dies committee fell for.

Attorney General Jackson, an able, fine American, has well said in this connection that the Dies committee is interfering with the progress and work of the Department of Justice. Let me quote some of his remarks as reported by the New York Times:

WASHINGTON, November 23.—Attorney General Jackson today accused the Dies Committee to Investigate Un-American Activities of seeking to undermine public confidence in the Federal Bureau of Investigation, which he called the "finest investigating service in the world." In at least one recent case, Mr. Jackson said, the Dies publicity had hampered the work of the F. B. I. and made its efforts fruitless.

Indicating resentment at Chairman DIES' announcement that his committee would investigate the strike at the Vultee Aircraft Corporation, the Attorney General stated that the F. B. I. already had investigated the strike and found that Communist influence had caused and was prolonging the strike.

The F. B. I. had identified the strike leaders either as members of the Communist Party or affiliated with Communists, he added, and this information had been given to the War and Navy Departments and to the National Defense Commission "so that they may take such action as may be warranted in the protection of the Government's interests."

Mr. Jackson's statement was in comment on the publication yesterday of the Dies White Paper, and he caustically accused the committee inferentially of seeking publicity and attempting to arouse public sentiment or emotion.

The activities of the F. B. I., Mr. Jackson said, must of necessity be done quickly and "should not and must not compete with the legislative committee for publicity."

Mr. Jackson's statement follows:

"I very much regret that Congressman DIES has seen fit to accompany his recent disclosures with an effort to disparage and discredit the good work of the Federal Bureau of Investigation under Director J. Edgar Hoover.

"ATTACKS" ARE DECRIED

"I have inclined to the view that there was sufficient field to warrant the publicity activities of a legislative investigating committee even if some of those activities have the effect of endangering by premature exposure the work of this Department. It would not seem, however, that such legislative activities need be accompanied by attacks on the Federal Bureau of Investigation, whose purpose in investigation is quite different from that of a legislative committee and, of course, should not and must not compete with the legislative committee for publicity.

"The fact that much of the work of the Federal Bureau of Investigation is necessarily carried on quietly and without publicity does not diminish its effectiveness. For example, Mr. DIES says that next week he will investigate the strike at the Vultee Aircraft Corporation.

"The Federal Bureau of Investigation already has investigated this strike and has supplied confidential reports to the War and Navy Departments and to the National Defense Commission. This confidential report describes the Communist influence which caused and which is prolonging the strike. It identified those leaders of the strike who are either members of the Communist Party or affiliated with the Communists and the persons who are the contacts between the strike committee and the leaders of the Communist Party.

F. B. I. INVESTIGATION CITED

"While the activities of the parties involved may not constitute a Federal crime warranting prosecution, the details have been furnished to the War and Navy Departments and to the National Defense Commission so that they may take such action as may be warranted in the protection of the Government's interests.

"The Dies committee has published a report on the propaganda activities of Manfred Zapp and Transocean News Service. These activities had been under investigation by the Federal Bureau of Investigation, which was trying to complete a legal case with admissible evidence. The action of the committee made further effort in this direction fruitless, and on October 28 last, based on Federal Bureau of Investigation reports and the Dies material, the Criminal Division of the Department of Justice instituted a grand-jury investigation of Zapp, the Transocean News Service, and others, to determine whether violations of Federal law were involved. This secret grand-jury investigation is now in progress in the District of Columbia.

"At Chicago, Congressman DIES announced that Heinrich Peter Fassbender, described by Mr. DIES as a former Gestapo agent, would describe the full workings of the Gestapo in this country.

"Fassbender has long been known to the Federal Bureau of Investigation. Its files contain a detailed record of his life and activities from his birth in Dusseldorf, Germany, on August 14, 1917, down to the present time. In this country he has operated under different aliases in addition to the name Fassbender. He entered the United States on August 2, 1938, jumping ship when the steamship *Westmoreland*, of the Bernstein Line, docked at pier No. 3 in Hoboken, N. J. He has worked in this country as a waiter in

New York City, as a taxi driver in California, and he has twice been the subject of Federal Bureau of Investigation white slave investigations. He is also suspected of having operated a confidence game.

WITNESS CALLED UNRELIABLE

"In experienced investigative circles Fassbender is known as a professional and unreliable informer. He has been known to offer to sell information on both Communists and Nazis for a price. I make no criticism of Mr. DIES for examining this witness. It may be that he may furnish information or leads which might be useful for the purposes of a legislative investigating committee, but witnesses of Fassbender's type are of limited usefulness for court purpose, and I do not feel that evidence obtained from such a source can properly be used as a springboard from which to launch an attack on the methods of the Federal Bureau of Investigation.

"In the protective field the Federal Bureau of Investigation has been making a highly creditable record. In September of 1939, at the request of the War and Navy Departments, the Bureau initiated a program of surveying the protective facilities of industrial plants. The program extends to all plants in which the War and Navy Departments have a particular interest. To date, the War and Navy Departments have requested surveys of 1,214 plants.

"Surveys have been completed and reports and recommendations have been submitted, or are being submitted, with reference to 1,032 of these plants. A total of 112 plants are in the process of survey at the present time. Among the 70 plants yet to be surveyed are a number in which the survey is being held in abeyance pending completion of building programs, awaiting the outcome of labor difficulties, and for other reasons. It is anticipated that the remaining surveys will have been completed by December 1.

"The rate at which these surveys can be made is indicated by the fact that between October 22 and November 14, 668 surveys were completed.

SCOPE OF SURVEYS NOTED

"The surveys are conducted by a specially trained group of F. B. I. agents and are intended to reduce to an absolute minimum the possibilities of espionage and sabotage operations within the plants surveyed. The surveys cover the entire physical property of the companies upon the priority list and include a study of the plant police force, the communication system, the care of confidential materials, handling of mail, the issuance of identification badges to employees, a study of power lines and sources of power, as well as other sources of essential materials, the establishment of restricted areas, and all other items and factors pertinent to the proper protection of the plant.

"Anticipating increased activity in this type of work in the future in view of the present rearmament program, a course of training has been installed in the Training Division of the Federal Bureau of Investigation, which is designed to qualify all of the special agents of the F. B. I. in this type of work.

"The Dies committee has reported on the activities of Ferdinand Kertess in the field of international business and espionage. The activities of Kertess have been under inquiry by the Department of Justice for a year and a half. Kertess was subpenaed by the Department to appear before the Temporary National Economic Committee in May of 1939 and he appeared and testified in connection with the Department's investigation of the beryllium industry. This investigation, which was the subject of public hearings before the T. N. E. C., demonstrated that the beryllium industry was subject to patent control and penetration by German interests."

HOLDS F. B. I. "FINEST IN WORLD"

"For over 2 years the Department of Justice has been investigating the penetration of foreign influence into American industry. Indictments have already been obtained in three industries. In addition, there are pending investigations in a large number of defense industries involving foreign penetration and control.

"I am disclosing these facts to reassure the American public as to the ability of the Department of Justice and the Federal Bureau of Investigation to cope with any situation which may arise.

"I think it is highly regrettable that Mr. DIES should seek to undermine the confidence of the American public in the Federal Bureau of Investigation, which has long been regarded, and which I think deserves to rank, as the finest investigative organization in the world.

"The F. B. I. has gone about its task in an efficient and workmanlike manner without alarmist tactics and without sensationalism. It will continue to supply the prospective agencies and Government authorities with reliable, thoroughly sifted evidence as to subversive activities in this country. Efforts to arouse public sentiment or emotion, if that be desirable, will have to come from other sources."

I challenge any Member of the House to contradict that. Most of the information gathered by the Dies committee has been based on hearsay, and most of it had been brought to the public's attention before. There is not a scintilla of evidence that you could go before a grand jury and indict any one of the persons whom the Dies committee named in their so-called White Paper, which I had to pay 50 cents for as a Member of Congress. The Red Paper, however, which is being issued now, will cost a little more. It will be $1.25. Whoever heard of a Member of Congress, who had voted to help make this investigation at the expense of the country, having to buy a book of white or red or green or whatever kind of paper the Dies committee chooses to issue? What is the money given to the committee for? To make a study of the problem and present a report to the Congress.

Now, what did he do, my friends? If you want to know something about his investigation, you have to buy a book at $2.50. This book is known as the Trojan Horse in America. That costs $2.50. This is a report not to the Congress, Mr. Speaker, but it is a report to somebody in this country known as the so-called public suckers. And what is in this book? A lot of stuff that we had discarded in the Clerk's room when the McCormack committee filed its report in 1935.

I have noticed in the last 2 weeks that most of the members of the Dies committee were sitting here in Congress. Did they gave the gentleman from Texas [Mr. DIES] a blank check to issue all these statements? I saw a few here last week and the week before. Have they given him a blank check to go on and issue these ruthless statements based upon no evidence? It seems that way.

If you will take the trouble to go to a newsstand and buy the magazine Friday, for 25 cents, it will give you more information about the "fifth columnists" and their un-American activities than you can find in the Trojan Horse book, the White Paper, and the Red Paper put together. If the gentleman from Texas [Mr. DIES] or his committee would have followed the information contained in this magazine they would get the key to the "fifth column"; they would get at the big shots who are pulling the strings instead of picking up small fry and interfering with the work of other Government agencies that are doing an honest and serious job of investigating foreign spies in this country.

I will give him some information if he really wants to subpena the "fifth columnists." But he seems to discriminate between various types of "fifth columnists."

On November 19 I spoke on the floor of this House. You will find it in the Appendix of the RECORD, page 6636. I designated the charges that I have made with regard to un-American activities, going away back to 1933. I give you the date of the talk, the charges that I have made from 1933 up to the present time.

If the Dies committee would only follow up the "fifth columnists" I have enumerated at various times it would have no difficulty in securing legal evidence to present before any grand jury for their indictment, because they are inimical to our form of government and they are not proper people to remain in this country. But no, that has been disregarded. For the last 5 or 6 years, without ballyhoo or press releases I have been calling the attention of the Congress to what is going on. The press has not been as kind to me as it has been to the gentleman from Texas [Mr. DIES]. But that does not disturb me, for I am satisfied, because at least my conscientious endeavor and honest effort was put into my work and I tried my utmost to present the true picture to the Congress and the American people.

Mr. Speaker, the information this Congress wants from the committee is the kind of legislation necessary to rid this country of these subversive groups. A few years ago I tried to establish the fact that we have in this country at least several million people who believe in dual nationality. They are both German-Americans and Fascist-Americans, but not straight Americans. I went before the Rules Committee to ask that power be given to the Committee on Immigration, of which I have the honor to be chairman, to make an investigation and to study from the files and records to be able to suggest a remedy, but we got a run-around for 1 whole year. We could not get the rule out because certain people on that committee were afraid we might show that all this scare about immigration was nothing but ballyhoo, because while the front door is being shut for decent immigrants the back door is wide open and through this back door a lot of cheap peon labor is smuggled into this country to take the place of organized American labor.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman for a brief question.

Mr. HOFFMAN. Could not the gentleman lay that information before the House without being chairman of the committee? Could he not put it in the RECORD?

Mr. DICKSTEIN. I never asked to be made chairman of the committee and I have put a great deal of information in the RECORD at various times. The gentleman from Texas [Mr. DIES], who is a member of the committee, was jealous that I might infringe upon his investigation of un-American activities.

Mr. HOFFMAN. Oh, the gentleman does not mean that, does he, that the gentleman from Texas was jealous of him?

Mr. DICKSTEIN. I do not know; I do not know. We will let it lie as it is. There seems to be somebody somewhere in this Congress who runs the show. The McCormack committee tried hard to get an appropriation of $40,000 or $50,000 to investigate this very question way back in 1933 and all we could get was a little $30,000. We had to go before the Accounts Committee and present evidence; we had to go before the House and submit documents and proof; yet another committee seems able to walk into the Committee on Accounts and get $50,000, $100,000—and I dare you to prove that a bit of evidence is presented by so-called committees to justify the expenditure of the money that has been appropriated for their use, and this applies to at least 10 different committees in the last 5 or 6 years.

Coming back now to what I want to bring home to this Congress: We want the gentleman from Texas [Mr. DIES] and his committee to stop their ballyhoo and present to the Congress recommendations for action and legislation. If the Communist Party is trying to overthrow this Government, let us destroy them by legislation. If the Nazis are trying to control this Government, let us pass laws to stop them.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Certainly; I yield to my distinguished friend from Alabama.

Mr. PATRICK. How long has it been since the Dies committee was first given the power to proceed?

Mr. DICKSTEIN. The Dies committee was set up in 1938.

Mr. PATRICK. Has it brought in any bill or recommended any legislation?

Mr. DICKSTEIN. No; not a thing; and even after reading the so-called White Paper you will find nothing recommended there. It is only a nice job of selling something that means nothing.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield for a brief question.

Mr. HOFFMAN. Can the gentleman explain to us why, if his committee has not brought in anything of value, the membership of the House continues it in force in successive years? Are we all dumb?

Mr. DICKSTEIN. I do not know. The gentleman can answer that himself.

Mr. HOFFMAN. I did not think so. I thought the majority were intelligent and patriotic.

Mr. DICKSTEIN. All right; all right. His committee will be continued next year. He is now asking for $5,000,000 more. He has scared the country with this ballyhoo; he has scared us. Some Congressmen even came to me this morning and said, "I do not think we can get enough votes to beat it." He has taken this Trojan horse around in the different districts until he has the people scared.

Mr. HOFFMAN. The gentleman will admit that the gentleman from Texas [Mr. DIES] is a good showman, then?

Mr. DICKSTEIN. I certainly do.

I want to say to you, Mr. Speaker, and to this House, that, in all sincerity, in 1937 or 1938, before the Dies committee was ever in existence, I made a check-up on the Nazi Camp Nordland. I was there and was accompanied by some good people. We found that the Nordland camp was a menace to this country and a menace to the honest citizens of New Jersey. I came to this House and begged for some action. I told the Congress that the Nordland camp was located within a few miles of the Hercules powder plant, that it was dangerous to allow it to stay there. The records bear out my statement. There is something wrong in Denmark when a camp like that is established next to the largest powder plant in this country.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I do not have to tell you what happened. The place was blown up; 250 people lost their lives, property was destroyed, and the Dies committee did not even check on who the members of that bund were in the Nordland camp. What happened after the explosion?

Mr. HOFFMAN. Will the gentleman yield?

Mr. DICKSTEIN. I cannot yield.

Mr. HOFFMAN. I want to ask a question.

Mr. DICKSTEIN. I want to bring something home to the gentleman.

Mr. HOFFMAN. How do you know they did not check up?

Mr. DICKSTEIN. Well, I know it because they had a hearing a week or two after that in Newark, N. J. They were going to tell us who was behind this whole movement. When the executive meeting was had they brought a couple of cracks from the Nazi bund in and put them on the stand. They repeated their hash, maybe 15 times. This was just to quiet the public and to lead them to believe that they were going into this Hercules plant destruction. If they would have originally subpenaed certain groups of the Nazi Bund in New Jersey, they would have found out who the members were. They should have subpenaed all the people on the list, and investigated their activities. Of course, after the cow is gone, what is the use of the barn?

We want legislation. If it be Communists who are seeking to undermine or destroy our Government, let us destroy them first by legislation, not by publicity. If we have people who seek to overthrow our Government, let us jail them or deport them or send them back to the Feuhrer, Mr. Hitler, in Germany, or to Stalin, or send them wherever they have to go. Two years is enough of reading a lot of incompetent material. Let us get to work, Mr. Speaker, and I plead with you with all the sincerity I have at my command to forget the Dies committee.

We know now what is the trouble. We know what to do. Why not do it without more of these so-called white papers, red papers, green papers, about white shirts, blue shirts, and the dirty shirts? Let us get rid of them. We know what to do. Let us pass constructive legislation and stop scaring the people, which has been done by the Dies committee that has a blank check from the Congress.

Mr. MARTIN J. KENNEDY. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from New York.

Mr. MARTIN J. KENNEDY. Does not the gentleman think that all of the things he has outlined will be definitely settled at this conference on Friday with the President?

Mr. DICKSTEIN. I do not know.

Mr. MARTIN J. KENNEDY. I think the Congress and the country is disgusted with what has happened. Certain things were published at Boston. The committee are denying and they are repudiating these things. Certainly they are embarrassing the administration.

Mr. DICKSTEIN. Notwithstanding that, if the gentleman from Texas [Mr. DIES] comes in with a resolution in January, I venture to say that the Members, who are scared and believe what he says in the newspapers, will be afraid to vote against this so-called ballyhooing around the country.

Let us be men. Let us fight the enemy within because that is the only way we can get rid of them. I will vote for any law that will destroy any man or woman who seeks to undermine this Government. I will go as far as any man in the House to rid this country of undesirables, but let us do it, Mr. Speaker. Let us stop this book writing whereby one Member of Congress has to pay $2.50 to find out what another Member of that body has done. The gentleman from Texas [Mr. DIES] seems to be much more interested in

making reports to the public than he is in making his report to the Congress. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under a previous special order, the gentleman from Oregon [Mr. ANGELL] is recognized for 10 minutes.

THE PLIGHT OF THE AMERICAN APPLE GROWER

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include certain excerpts and some records from the Department of Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

Mr. ANGELL. Mr. Speaker, I call attention to the distressing situation in my section of the United States, the Northwest, due to the importation of fresh apples from Canada. This is not only depressing the price received by our American growers but is depriving many American apple producers of an opportunity to sell their crops at any price. In our district many growers have been compelled to abandon their entire crops owing to their inability to find a market. The Canadian apples, however, are coming into our markets and crowding out our own growers. The reports from the Department of Agriculture for October 21 show arrivals of 68 cars of apples in the Chicago market. On this same day there arrived from British Columbia 33 cars. The Surplus Marketing Administration has attempted to give some relief. Its work, however, is being nullified by the Canadian importations. On October 25 the Surplus Marketing Administration reported it had purchased 792 cars of apples. At the same time 485 cars of Canadian applies had been imported. Our Government is permitting foreign apples to come into our markets, supplanting the American-grown product, and the Government is taking tax dollars which come from the farmers and other taxpayers to buy up the surplus. In effect the United States is buying the Canadian apples in an attempt to aid the American farmer. It is true that we are exporting apples also to Canada. This, however, does not provide a remedy. The unequal rates of duty and of exchange operate against the American farmer. The Department of Agriculture has sent representatives to Ottawa to confer with the Canadian Government seeking a solution of the problem. No effective steps have been taken by our Government to afford protection to our growers. In the meantime their crops have rotted in the orchards. I recently addressed a protest to the Secretary of Agriculture, urging remedial measures be taken. A way out is provided by the terms of the treaty with Canada—raising the duty as Canadian currency is depreciated. No steps have been taken to bring this about. The Tariff Commission may also take action under sections 22 and 32 of the Agricultural Adjustment Act. This is not being done. The Honorable Claude R. Wickard, Secretary of Agriculture, in response to my protest, wrote me under date of November 26, 1940, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, November 26, 1940.

Hon. HOMER D. ANGELL,
House of Representatives,

DEAR MR. ANGELL: Reference is made to your letter of November 12, with which you enclosed a statement forwarded to you by Mr. J. E. Klahre, General Manager of the Apple Growers Association, Hood River, Oreg.

It is true, as Mr. Klahre points out, that the United States duty on imports of apples is 15 cents a bushel and that the Canadian duty is approximately 60 cents a bushel. The American rate was fixed in the 1936 trade agreement with Canada and continued in the agreement of 1939. The Canadian rate was in effect for a number of years before 1936. Notwithstanding the difference in the rates, the United States has been for many years a net exporter of apples to Canada as may be seen in the attached table.

The Department has been keenly aware of the large imports of Canadian apples this season and has recently sent two representatives to Ottawa to consult with Canadian Government officials on the subject. These representatives found that the Canadian authorities had been taking steps which appeared to be bringing matters under control. The situation as reported is described in the enclosed press releases dated November 6 and 11, and in the attached copy of Foreign Crops and Markets for November 12. Approximately 70,000 bushels have been shipped since the Ottawa discussions, leaving a balance of possibly 180,000 bushels yet to be expected. The rate of arrivals has now fallen from an earlier average figure in excess of 20 cars a day to less than 10 cars daily.

At no time has there been evidence of dumping of Canadian apples in the United States. So far as can be learned the Canadian Government has neither subsidized nor otherwise stimulated shipments.

Irrespective of Canadian imports, apple growers in the Northwest were this year faced with a difficult marketing situation owing to the prevalence of large sizes in certain varieties. The Surplus Marketing Administration has given substantial assistance through its surplus relief program. For the week ended November 9 purchases of apples in the United States amounted to 763 cars, while the total for the season up to the same date was 4,463 cars.

Sincerely yours,

CLAUDE R. WICKARD,
Secretary.

Number of bushels of United States fresh-apple imports from Canada

Season:	
1933–34	13,090
1934–35	9,779
1935–36	5,346
1936–37	36,117
1937–38	5,371
1938–39	46,744
1939–40	106,968

Number of bushels of United States fresh-apple exports to Canada

Season:	
1933–34	73,059
1934–35	98,838
1935–36	235,962
1936–37	509,961
1937–38	313,672
1938–39	135,549
1939–40	124,469

NOTE.—There are about 750 boxes per car.

Compiled from official records of the Bureau of Foreign and Domestic Commerce, Office of Foreign Agricultural Relations.

The following is a statement with respect to this matter I called to the attention of the Secretary:

In connection with the movement of Canadian apples into the United States the following facts are of interest:

The Canadian duty, with the dump duty included which is now in effect against apples from the United States into Canada, is approximately 60 cents a box.

The duty of the United States for Canadian apples is 15 cents.

The current quotation for Canadian dollars is 85 cents in United States currency. It is apparent that apples moved into the United States and sold, payment being received in United States money, the difference in the exchange offsets the duty of the fruit into this country. In other words, at the present time there is no duty from a practical standpoint on apples from Canada into the United States, but the Canadian duty is 60 cents plus the exchange depreciation.

Another inequality to be considered is the fact that the fruit being sold in British Columbia is sold on a delivered basis, payment being received in United States currency. The freight rate, however, is paid in Canadian currency at a depreciation of 15 percent, making another inequality which is permitted by the State Department under the present Canadian treaty.

From the beginning of the present season up to October 27, 485 cars of Canadian apples were imported into the United States. At 756 boxes each, the standard load to the car, this amounts to 366,660 boxes already shipped into this country to compete with apples grown in the United States. This is approximately three times the amount of apples shipped into the United States from Canada during all of last season. This competition is affecting prices of apples grown in this country, particularly those grown in the Pacific Northwest. The apples shipped from British Columbia are packed in standard boxes such as are used in this territory and are selected to meet the requirements of the United States markets.

The Surplus Marketing Administration, a division of the Department of Agriculture, has adopted a policy of buying part of the surplus crops of the United States to support the price level at a figure which will tend to insure to the growers of this country the cost of production for the fruit.

To illustrate what is taking place, we would cite the report of the Department of Agriculture issued under date of October 21 for the arrivals of apples in Chicago. These included arrivals over the week end not covered in the previous report. The report showed the arrival of 68 cars of apples, including 25 cars trucked in from Michigan and Wisconsin. The arrivals included shipments from the States of Colorado, Idaho, Illinois, Iowa, Maryland, Michigan, New York, Oregon, Pennsylvania, Washington, West Virginia, and Wisconsin. The arrivals from British Columbia on this single day's report showed 33 cars, or almost half of the arrivals from all points in the United States. It is apparent that had the Chicago market been relieved of one-third of the arrivals of apples on that day that the price would have been considerably higher, just as it was before the market was depressed by these arrivals from the Province of British Columbia in Canada.

Washington announces under date of October 25 that the Surplus Marketing Administration had purchased 792 cars of apples up to that date. It is interesting to note that at the same time

485 cars of Canadian apples had come onto the market in this country, tending to nullify the actions of the Department of Agriculture in their purchasing program. In other words, approximately one-third of this purchase money collected from the taxpayers of the United States has been wasted in taking care of a part of the surplus-apple crop of Canada. This crop has already been subsidized by the Canadian Government, and this amount of apples is dumped on the American markets to the great injury of the American producer, and particularly to the fruit growers of the Pacific Northwest.

The attention of the Department of State and the Department of Agriculture has been repeatedly called to this critical situation. If these shipments continue and Canada is allowed to flood this country with apples subsidized by the Canadian Government, at the present rate of shipment at least 1,500 cars of Canadian apples will come into this country, nullifying absolutely all that the Surplus Marketing Administration has done up to the present time to stabilize the market for apples in this country. How long will the shipment of this Canadian subsidized apples be allowed to continue?

Mr. Speaker, this acute problem facing the apple growers of my district was discussed by Mr. John C. Duckwall, regional director for Oregon of the International Apple Association, in an article appearing in the Oregon Journal, November 23, 1940. The article is as follows:

PROBLEM FACED BY APPLE GROWERS

(By John C. Duckwall, regional director for Oregon of the International Apple Association)

I wish to call your attention to the excessive importation of Canadian apples into this country and the preference given these shipments in comparison to the sale of northwestern apples on our own domestic markets.

This is not a normal movement but one caused by the dislocation of world markets as a result of the war. Last year Canada shipped 150 cars of 756 boxes each into the United States during the entire season. This year, up until November 5, 607 cars have been shipped. It is estimated that 200 additional cars will come into this country in November. In one day in October (the 21st) the Chicago market alone received 33 cars of Canadian apples. Approximately one-third of the apples received that day were from Canada. Although a committee conferred in Ottawa recently, no limitation has been set on this movement from British Columbia.

BUY TO PEG PRICE

During this time the Surplus Marketing Administration of the Department of Agriculture, to support the price of apples, has purchased 3,650 cars for relief purposes. Between 15 and 20 percent of these purchases were in effect to allow a similar amount of apples from Canada to come into the domestic markets, to the detriment of the domestic growers. The British Columbia shippers have an advantage in freight rates as a result of the depreciated exchange, and also gain in the depreciation of exchange as their apples are paid for in American dollars based on delivered prices to our markets. The duty of 15 cents per box is canceled by the exchange depreciation. In comparison, the Canadian duty, including the dumping-protection duty, at this period in the seasons is approximately 61 cents per box.

THE ARGENTINA PROBLEM

The growers of the Northwest feel that a similar condition will soon take place in early 1941 when the shipments of pears from Argentina are imported into the United States.

A further threat is caused by the uneasiness on the part of the trade throughout the country as the result of the unknown factor as to how large a volume of apples will be shipped during the balance of the season and the amount of fruit going into cold storage at the present time. This has a direct and deciding influence on the present market.

Shippers and shippers' organizations in the districts of Wenatchee, Yakima, Hood River, and Medford have protested this abnormal movement. An embargo on these shipments is not being asked, but a limitation is requested in line with former average imports. The Departments of State and Agriculture have been contacted and the representatives in Congress have been advised of the situation. Messrs. MCNARY and HOLMAN in the Senate are working earnestly to secure definite action. Representative PIERCE, of the House Agricultural Committee, has presented this matter, assisted by Representatives MOTT and ANGELL. Governor Sprague has also been advised of the situation. The Portland Chamber of Commerce, we understand, is making a recommendation for limitation of shipments. The Oregon Farm Bureau and the Associated Marketers of Wanatchee have protested to Federal authorities.

Earlier in the season representatives from the State of Washington and Governor Martin repeatedly contacted the Department of State and the Department of Agriculture in protest against excessive shipments. Senator HARRY BYRD, of Virginia, and grower organizations in that district have made protest by letter.

THREE REMEDIES AT HAND

Remedies are available for this situation if action would be taken. First, a remedy is possible under the treaty with Canada whereby the duty would be raised as the Canadian currency depreciated. This action has not been taken, and is recommended. Second, the Tariff Commission should make an immediate investigation with the thought that continued importations are reasonably certain to interfere with the Government program under the Soil Conservation and Domestic Allotment Act under sections 22 and 32 of the Agricultural Adjustment Act. We recommend that global quotas be established and that Canada, for instance, be allotted the same importations which that country has had in the past over a period of years, total shipments to be approximately the total as the average for such a period. These quotas would apply not only this season but in succeeding years, which would give protection to the American produce and would be fair to foreign imports of agricultural products. This would apply not only to Canadian shipments of apples but Argentine imports of pears, which is sure to occur early in 1941 unless some definite action is taken. Third, we believe that added legislation should be enacted to protect the agricultural interests of this country under war emergency legislation. Such legislation would enable action to be taken quickly where our vital interests were affected.

FARMERS HARD HIT BY DECLINE IN AGRICULTURAL EXPORTS

The Department of Agriculture in its report (Foreign Crops and Markets, vol. 41, No. 19, November 12, 1940) shows that while exports of nonagricultural commodities increased by 42 percent over their level 12 months earlier exports of agricultural commodities declined 47 percent. The volume of exports of all farm commodities during September was the lowest for any month as far back as 1915, when the monthly volume index was begun. The 73-percent decline in the index of the volume of total farm exports was accompanied by a 70-percent decline in their value.

The farmer has not only been deprived of his foreign market but the bars have been let down permitting the flooding of the American market with competitive agricultural products. He is not placed on a parity basis with the industrial producer. The American farmer cannot prosper until parity prices are assured to him. America cannot prosper until the farmer prospers. The plight of the apple growers is similar to that of all farmers. Twenty-five percent of our population lives on farms but receives only 6.6 percent of the national income. The farmer receives for his labor only 5 to 20 cents per hour.

Mr. Speaker, I include as a part of my remarks an excerpt from the report of the Department of Agriculture to which I have referred. (Foreign Crops and Markets, vol. 41, No. 19, pp. 713–716, November 12, 1940.) It follows:

INTERNATIONAL TRADE—UNITED STATES FOREIGN TRADE IN AGRICULTURAL PRODUCTS, JULY TO SEPTEMBER 1940

United States foreign trade in agricultural products in the first quarter of the current fiscal year reflected the influence of the European war even more clearly than in preceding periods. Due to unusually heavy exports of industrial commodities (mostly war materials), exports of nonagricultural commodities increased by $254,000,000, or 42 percent, over their level 12 months earlier. Exports of agricultural commodities, on the other hand, in the face of rationing in the great European markets, declined about $70,000,000, or 47 percent.

Imports of nonagricultural commodities into the United States during the 3 months advanced approximately $47,000,000, or 17 percent, over those during the like period last year. Imports of agricultural products showed a somewhat smaller increase, but this was due entirely to heavy takings of complementary agricultural products. The import value of the supplementary group, the one of direct interest to American farmers, declined $18,000,000, or 13 percent.

EXPORTS

The volume of exports of all farm commodities during September was the lowest for any month as far back as 1915, when the monthly volume index begins. The 73-percent decline in the index of the volume of total farm exports was accompanied by a 70-percent decline in their value. As can be seen in the table on the following page, every one of the leading commodity groups involved shows an important decline from the level of September a year ago, as well as from the 10-year average (1929–38). Exports of cotton (including linters) scored the highest percentage decline (86 percent), while the lowest percentage decline (35 percent) occurred in exports of grain and grain products. Exports of each one of the 12 commodities listed in the table on pages 718 and 719 declined 60 percent or more from their September level of last year, with the one exception of oranges.

The decline in cotton exports is particularly striking. Shipments of cotton (including linters) during September were lower than in any month since August 1914. Since cotton generally accounts for about half of total domestic exports of agricultural products, the rapid decline that started last February has had an important adverse effect on the total figures. Prior to that, very heavy cotton shipments (not primarily due to the effects of the war) kept the farm export total high in spite of low exports of most other leading items. The value of cotton exports during January, which was the peak month for the year, amounted to more than 60 percent of the total value of all agricultural exports. By August it had fallen to a little less than 15 percent of the total. Viewed in another light, the value of cotton exports during August shows a

94-percent decrease from the January level, while for the same 2 months the decline in the export value of all agricultural commodities except cotton was 39 percent.

United States: Index numbers of the volume of agricultural exports, adjusted for seasonal variation September 1940, with comparisons

[July 1909-June 1914=100]

Commodity of commodity group	August		September			July-September average [1]	
	1939	1940	1938	1939	1940	1939	1940
All commodities	63	32	66	81	22	58	28
Cotton fiber, including linters	67	18	56	95	13	52	15
All commodities except cotton	70	48	81	66	34	67	45
Tobacco, unmanufactured [2]	122	52	169	127	21	97	38
Fruits	287	28	402	256	80	174	38
Grains and grain products	78	43	76	52	34	78	57
Wheat, including flour	81	28	41	44	24	82	36
Cured pork [3]	23	4	17	17	5	23	4
Lard [4]	68	30	53	70	28	62	41

[1] Based on monthly index numbers not adjusted for seasonal variations.
[2] Includes stems, trimmings, etc.
[3] Includes bacon, hams, shoulders, and sides.
[4] Beginning Jan. 1, 1938, includes neutral lard.

Compiled from official records, Bureau of Foreign and Domestic Commerce.

IMPORTS

Imports of agricultural products, like imports of nonagricultural products, continued to show gains over last year. Improved domestic industrial activity and higher purchasing power have been largely responsible for this. The import value of farm commodities for the first 3 months of the current fiscal year was 11 percent above that for the corresponding period of 1939–40.

The most striking increases occurred in the complementary group of imports. Crude-rubber imports rose 114 percent in value, cocoa or cacao beans 113 percent, drugs 70 percent, and vegetable fibers 46 percent. The entire complementary group rose by $49,000,000, or approximately 36 percent.

The supplementary group, on the other hand, declined by $18,000,000, or 13 percent. The decline in supplementary imports was largely due to the unusually heavy decline scored in imports of sugar, although imports of a few other products (such as flaxseed, meats, cheese, milk, cattle, and some vegetables) also declined considerably.

This comparison with the July-September quarter a year ago fails to bring out a decline that took place between July and September of the current year. As a general rule, the trend of imports into the United States tends to follow that of domestic industrial activity. The decline in imports during this period, however, was accompanied by a rise in the Federal Reserve Board index of industrial production.

The import decline affected both agricultural and industrial groups, as is shown in the table on page 717. Moreover, among the leading supplementary agricultural imports the decline was fairly general. Of the 12 leading commodities listed in the table on pages 720 and 721, all except wool show a decrease from the July level. It should be noted, however, that only a few of the declines were of significant proportions. Vegetable oils and oil seeds and sugar accounted for the bulk of it.

United States imports of tung oil during September fell off, at least partly as a result of the interruption of transportation caused by war in the Orient. The importation of some of the other oils, particularly olive oil, was made difficult by the effect of similar developments in the Mediterranean area. On the other hand, large United States production of oil seeds also tended to discourage imports.

Sugar imports appear to have been affected primarily by the low prices that prevailed during the first quarter of the current fiscal year. Cuba supplies the bulk of this commodity and, because of geographic proximity, is in a position to withhold shipments during periods of relatively low prices in anticipation of more favorable marketing conditions. Moreover, since sugar imports are rigidly controlled by a quota based on calendar-year consumption, it is highly improbable that the monthly fluctuations will have any appreciable effect on the annual total.

Imports of wool into the United States during September advanced 5,000,000 pounds, or about 49 percent, over the July level. This was associated with a 27-percent rise in apparel-wool consumption in the United States.

Summary table: Value of foreign trade in agricultural products, July–September 1939 and 1940

Commodity	July-September [1]			
	1939	1940	1940 increase (+) or decrease (−)	
Agricultural products:	*1,000 dollars*	*1,000 dollars*	*1,000 dollars*	*Percent*
Exports	149,797	79,998	−69,799	−47
Imports (supplementary)	138,280	120,269	−18,011	−13

[1] Corrected to Oct. 25, 1940.

Summary table: Value of foreign trade in agricultural products, July–September 1939 and 1940—Continued

Commodity	July-September			
	1939	1940	1940 increase (+) or decrease (−)	
EXPORTS (DOMESTIC)	*1,000 dollars*	*1,000 dollars*	*1,000 dollars*	*Percent*
Total exports of all commodities	758,544	942,535	+183,991	+24
Agricultural	149,797	79,998	−69,799	−47
Cotton, unmanufactured	53,005	16,638	−36,367	−69
Agricultural, other than cotton	97,986	63,658	−34,328	−35
Principal fruits and fruit preparations	18,869	4,781	−14,088	−75
Tobacco, unmanufactured	21,698	8,283	−13,415	−62
Grains and flours	19,613	18,129	−1,484	−8
Cottonseed and linseed cake and meal	1,892	23	−1,869	−99
Pork and lard	10,339	4,311	−6,028	−58
Other agricultural products	25,575	28,131	+2,556	+10
IMPORTS (FOR CONSUMPTION)				
Total imports of all commodities	550,059	628,519	+78,460	+14
Supplementary agricultural	138,280	120,269	−18,011	−13
Sugar, excluding beet	45,944	29,334	−16,610	−36
Principal vegetable oils, expressed	9,753	12,582	+2,829	+29
Hides and skins	9,857	11,397	+1,540	+16
Tobacco, unmanufactured	9,754	9,989	+235	+2
Flaxseed	3,693	1,735	−1,958	−53
Wool, unmanufactured, excluding free in bond	5,246	8,216	+2,970	+57
Cattle, dutiable	4,646	3,189	−1,457	−31
Nuts and preparations	3,484	3,477	−7	[2]
Cheese	2,589	982	−1,607	−62
Cotton, unmanufactured	2,048	2,118	+70	+3
Beef, canned, including corned	2,876	1,380	−1,496	−52
Molasses	2,555	3,062	+507	+20
Principal feeds and fodders	2,428	2,475	+47	+2
Other supplementary agricultural	33,407	30,333	−3,074	−9
Percentage:				
Supplementary agricultural imports of agricultural exports	*Percent* 92	*Percent* 150		
Agricultural exports of total exports	20	8		
Supplementary agricultural imports of total imports	25	19		

[2] Less than 0.5 percent.

Compiled from official records, Bureau of Foreign and Domestic Commerce.

Mr. Speaker, the Unemployment Conference of the House, of which I am a member, in discussing the farmer, said (H. Doc. 850, 76th Cong., 3d sess., pp. 6, 7):

That while the national income during the last 30 years has increased 250 percent, from $26,415,000,000 to $67,608,000,000, the farmers' cash income in 1939 was practically the same as it was in 1909, and instead of being 16.4 percent of the total, as in 1909, the farmers' cash income from the sale of their crops had dropped to 6.6 percent. That means that 25 percent of our total population must try to live on only 6.6 percent of the total national income. Do you wonder that they leave the farm as quickly as they can get away?

That, at the same time, the small percent of the national income which the farmers receive will today buy less than it would in 1909.

* * * * * * *

Your committee is thoroughly convinced that unemployment cannot be solved, that prosperous conditions cannot be realized, merely by increasing industrial wages or merely by seeking to restore more prosperous conditions in the cities and industrial centers. Our investigation goes back over 100 years, and it appears, without exception, that whenever wages or conditions improve in the towns and cities there is an immediate and substantial rush from farm to city. That is but the human, the natural thing. Today the farmer is receiving for his crops a price which returns him a wage for his labor of from 5 to 20 cents an hour. Any man who seeks to improve his condition, who has any respect for his wife, who wants an education and decent clothing for his children, will move where he is guaranteed at least 30 cents an hour and can have the benefits of unemployment insurance and old-age security.

On the other hand, your committee is convinced that the greatest potential market in the world today is the American farmer, and that, if given a proper return for his crops, if given the purchasing power, he will go into the markets of this Nation and will make necessary the employment of millions of additional workers in our manufacturing and industrial plants. Agriculture is the foundation of all civilization; it is the rock upon which all true progress and prosperity must build; it provides the raw materials which are the basis of all industrial employment; it is the key to many of our present-day problems, including unemployment.

Mr. Speaker, aside from national defense, the Congress is faced with no greater problem than that of bringing permanent relief to the American farmer. By solving the farm problem we will in a great measure find a solution for unemployment, and we will provide markets for industrial America. We can make a start by protecting the markets for our apple

growers, who constitute a large segment of the farm population. While regular channels of foreign commerce in agricultural products have been closed by the war, we should at all hazards preserve our American markets for American farmers.

SPECIAL ORDER

The SPEAKER pro tempore. Under a previous special order the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include excepts from letters I have received.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the gentleman from New York [Mr. DICKSTEIN] stated he would vote for any legislation which would accomplish the purpose toward which he was directing his remarks. The gentleman is present and I want to ask if he has introduced any legislation of that kind.

Mr. DICKSTEIN. I have introduced legislation which the Rules Committee refuses to report.

Mr. HOFFMAN. Has the gentleman filed a petition with the Clerk?

Mr. DICKSTEIN. I intended to file it, but it would be useless. I hope to continue fighting after January 3 next year.

Mr. HOFFMAN. The gentleman says it is useless. Is that because he doubts the intelligence and patriotism of the Members of the House, or why?

Mr. DICKSTEIN. I do not put it that way. I have the highest regard for all Members of the House, including members of the Dies committee as far as they go as Members of the House. I am willing to go as far as the gentleman or any man in this House to rid the country of undesirables if I am given the opportunity to do it.

The Rules Committee should vote out this proposed legislation, as we asked them to do. This legislation is sponsored not only by myself but by both the Republican and Democratic members of the committee.

Mr. HOFFMAN. Does not the gentleman think that if his legislation is good there is intelligence and patriotism enough in the House to get it out for a vote?

Mr. DICKSTEIN. Will the gentleman yield for a question?

Mr. HOFFMAN. Yes.

Mr. DICKSTEIN. If we brought in a bill to do something with regard to ridding this country of the so-called "fifth column," and the gentleman from Texas [Mr. DIES] brought in a resolution, whose resolution does the gentleman think would be adopted, honestly speaking?

Mr. HOFFMAN. I do not speak any other way, nor do I speak other than frankly.

Mr. DICKSTEIN. I know it. That is why I am asking the gentleman that question.

Mr. HOFFMAN. I think, in view of the remarks the gentleman has made so many times and his indication of lack of faith and confidence in Members of the House, that probably, having in mind the vote on the Dies resolution at various times, they would vote for the legislation of the gentleman from Texas [Mr. DIES] if it had equal merit.

Mr. DICKSTEIN. If that is so, why does not the gentleman from Texas bring it up? I will vote for it.

Mr. HOFFMAN. The one matter I wanted to talk about today was an article which appeared in the Washington Evening Star recently. But before proceeding with that let me make some preliminary statements.

AID AND COMFORT TO THE ENEMY—PATRIOTISM ON BORROWED MONEY

Billions of dollars have been appropriated for national defense—all of it borrowed. For a hundred years and more, future generations will be working to make payment of the interest and principal of this debt.

A million and more young men are to be taken from their homes; conscripted for national defense—all this because, we are told, shortly a foreign enemy will be knocking at our doors, seeking to invade our land, destroy our homes, overthrow our Government.

Yet every day, as we sit here idle, an administration which proclaims the danger, whose duty it is to prepare to meet it, by its inaction gives aid and comfort to this enemy. This it does in two ways—by raising the cost of our national defense and by permitting active interference with the program for national defense.

TOO INDIFFERENT OR AFRAID TO ACT

Let us speak of the latter first. Monday, last, four Members of the House, the gentleman from Texas [Mr. SUMNERS], the gentleman from California [Mr. COSTELLO], the gentleman from Georgia [Mr. COX], and the gentleman from Virginia [Mr. SMITH], members of the majority party, rose on the floor of the House and in no unmistakable terms and in all sincerity denounced the strikes which have occurred in industries, the continuous and efficient operation of which are essential if we are to adequately prepare to meet the threatened invasion.

HALFWAY ACTION

Following that irrepressible outburst of patriotic indignation, the Judiciary Committee of the House met, and, according to the press, asked the executive department of the Government if new legislation was necessary to prevent or to end these strikes which were delaying the production of munitions of war and at least one of which, according to Attorney General Jackson, was caused and prolonged by Communists.

Forced to take notice of the fact that the Congress would no longer submit to this treasonable conduct, the executive department forthwith, through its representative, who flew to Downey, Calif., forced a settlement of the Vultee strike, but gave the credit for bringing about the settlement to a C. I. O. union official. In truth and in fact, the settlement of that strike was forced by the action of the members of the majority party, who, on Monday, served notice upon the administration that the public was fed up with its coddling of Communists and subversive groups.

FUTURE PROTECTION NOT GUARANTEED

But the settlement of this one strike does not insure noninterference with our defense program, nor does it restore to the American citizen his constitutional and his God-given right to work. When man was thrown out of the Garden of Eden there was at least a tacit promise that, instead of starving to death, he might have the right to earn his own livelihood. And down through the ages, never a tyrant, until the present day, has been foolish enough, presumptuous enough, cruel enough, to deny that right, for even the slave must eat.

Until the advent of the present "new order," the slave was permitted to take from what he produced enough to keep body and soul together, and the wiser masters permitted him enough to maintain his strength so that he might labor the longer.

But today, although men are drafted to train and fight for the preservation of our Nation, they are denied, until they have paid tribute to the modern bloodsucker and parasite disguised as a union organizer or official, the right to work for the preservation of that Nation, for the food which maintains life in their bodies so that they may serve their country.

RIGHT TO WORK STILL DENIED

Since Monday, an Executive frown settled the Vultee strike. But we have no word from the executive department, no action, which indicates that the constitutional right of the American citizen to earn his livelihood without the payment of tribute is to be restored to him.

Long years ago one Chief Executive of our Nation sent our warships to teach the Barbary pirates that they could not levy tribute upon our people. Today another Executive ignores the racketeering, the criminal acts which take from the worker a portion of his pay check as a prerequisite to rendering a needed service to his country.

Apparently, by adjourning from Monday to Thursday to Monday, and by refusing to consider proposed legislation, the Congress intends to let this procedure continue while hun-

dreds of thousands—yes, millions—of dollars are collected from the wage earners.

This administration has often proclaimed its desire to aid the American worker. Today not only is it permitting the American worker to be exploited, a part of his pay check to be taken from him without an adequate return, but by its inaction it is hindering and delaying the prompt carrying out of our preparations to meet the enemy, who, it has told us, is shortly to invade our land, and the cost of defense skyrocketed.

To this administration let me commend the words of Emerson, who wrote—

Go put your creed into your deed; nor speak with double tongue.

WASHINGTON STAR RETRACTS

In the Washington Evening Star of November 20, the Star's reporter, Robert Bruskin, gave an account of how he obtained a carpenter's job at Fort George G. Meade, Md., where the wage is $1.25 per hour. The substance of the story was that, by agreeing to pay $57.50 to a union, he was enabled to obtain a job as a carpenter, even though he had no experience in that trade.

In a subsequent issue, the Star, at the demand of Henry W. Blumenberg, general representative of the union, retracted that portion of the story which stated that the job was obtained without a statement as to the reporter's qualifications for his job.

It appears that the reporter signed a questionnaire in which he declared that he had had 4 years' experience as a carpenter and that then he was given a temporary, rather than a permanent, union card.

Assuming that the reporter did sign a questionnaire in which it was stated that he had had 4 years' experience, it is quite evident that it was signed as a matter of routine and that the union made a practice of accepting the applicant's statement as to his qualifications, at least for a temporary job.

Perhaps one of the reasons for this willingness to accept the applicant's statement is found in the following application permit issued to Mr. Bruskin. It reads as follows:

Local No. 101, U. B. of C. and J. of A.
Application permit
Baltimore and vicinity. Phone Vernon 2814.
715 N. Eutaw St.
2299
Nov. 18, 1940.

This is to certify that Mr. Robert Bruskin has paid the amount of $——— on his application for membership in the above local union and permission for him to work at carpenter work or any of its branches is hereby granted from Nov. 18, 1940, to Nov. 29, 1940.

Balance due $57.50.

----------, *Fin. Secretary.*
JOHN J. MOLLOY, *Bus. Agent.*

Note the statement, "Balance due, $57.50." From a subsequent statement, purporting to be made by a union official and published in the local press, it appears that, under these permits, the applicant was permitted to work 3 days. If, at the end of 3 days, he was found to be incompetent, he was discharged. Under this procedure, it was stated that a thousand workers had been discharged for incompetency, although apparently granted cards by the union.

That certainly is a wasteful and expensive method of selecting workers. The thousand incompetent workers, if they received the usual pay, were entitled to $1.25 an hour, which, for an 8-hour day—and there is time and a half for overtime and double time for holidays—would mean $10 per day, or, for the thousand, $30,000 for the 3 days' work—an added burden to the taxpayer and all for inefficient service.

In the first place, why should the union be charged with the responsibility or given permission to issue permits to work on a Government job, especially when that procedure in this one instance alone, according to the statements of the union official, resulted in an unnecessary cost to the Government of $30,000 for 3 days' work on one job?

When we consider the number of jobs and the number of workmen employed throughout the country on defense work, it is evidence that there should be some more efficient method of employing those who are to receive Government wages.

NO RETRACTION ON THE VITAL ISSUE

Moreover, the real point in Mr. Bruskin's whole story is that before a man can work on a Government job he must either agree to pay or pay a fee to a union official.

Just who is this man Blumenberg? Just what sort of an organization does he represent which justifies him or it in saying to an American citizen that before he can assist in the Nation's defense program he must sign an agreement to pay or pay $57.50?

As stated in the Star's retraction of a portion of its story, "The card obtained by Bruskin is merely a temporary permit to work." Why should Bruskin or anyone else be required to obtain a temporary permit to work? Let the Star answer that question. Let this House answer it.

The Star, in its partial retraction, further states:

In actual practice, it was explained today by union representatives, an agreement between the union, construction contractor, and the Quartermaster Corps has been reached under which all applicants who appear to fill the qualifications are issued temporary permits and put to work for 3 days without collection of any union fees.

Neither a union nor its officials has the moral or the legal right to determine who shall and who shall not work in aid of the national defense. It is only because the laws of the States, of the Federal Government, and the provisions of the constitutions of States and the Nation are disregarded and strong-arm methods permitted that this practice continues.

Men who do not belong to a union are not exempt from conscription. American citizens who do not belong to the union are not exempt from taxation. Union men are not the only ones who are subject to conscription, who pay taxes. Until members of a union are willing to take over and monopolize the duty of fighting for the country, of paying the taxes which support it, there is no justification for their attempting to create a monopoly as to jobs, the right to draw a wage from the Federal Treasury.

Let the Star, the Quartermaster Corps, or the union official explain just how, if citizens who do not belong to unions are to be deprived of jobs in Federal industry on the defense program, they are to pay their share of the tax which pays the wage of the union worker.

FURTHER INTERFERENCE WITH OUR DEFENSE PROGRAM IS INTENDED

There are two significant news items in the current press. One, made by the organizer of the C. I. O., is to the effect that a drive will be put on to force southern California aircraft factories, which have some $800,000,000 worth of orders for military aircraft for the United States and Great Britain, and which employ 45,000 workers, to "raise pay * * * up to automobile wage rates."

This means that aid to Great Britain is to be hindered, the cost of the domestic defense program skyrocketed, in order that these particular men may receive a higher wage. It means that a special class of wage earners working on a defense program is to be created.

What, may I ask, is to be the wage of the white-collar worker in store, in factory, in small business, throughout this land? What, may I inquire, is to be the wage of the farmer, upon whose efforts the feeding of all of these workers is dependent?

It is all very well for the gentleman from California [Mr. VOORHIS] to say on the floor, as he said the other day, that the Vultee strike was justified because of low wages. But what about the other workers in the United States? Are the farmers throughout this land of ours to work, as many of them do work, for 10 cents or less an hour so that those in the motor industry, in the aircraft industry, may receive a minimum of 62½ or 80 cents per hour?

If the farmers of this Nation adopted the same theory and employed the same methods that some of these union officials and their supporters advocate and employ, those working in the motor industry and in the aircraft industry would find eggs costing 25 cents each and butter $2 a pound.

Let us have a little reasonableness, a little fairness, a little equality, in our program. Talk about princes of special privilege, economic royalists. Compare, if you will, the less than

15 cents an hour wage of the agricultural worker in the United States with the more than 80 cents an hour wage in the motor industry. Compare the wage received in the motor industry, in the aircraft industry, with the compensation given the conscripted man, the individual who serves his country in the ranks.

I am not talking about cutting wages. I am talking about equality of wages, and I will be glad to hear something from the gentleman from California [Mr. VOORHIS] along that line.

FURTHER SUBVERSIVE ACTIVITIES

The other statement carried by the press, which is significant and alarming, is to the effect that a drive is to be made to organize Ford, Bethlehem Steel, and other key industries.

What is the purpose of this drive, and by whom is it instigated? Under the National Labor Relations Act as it exists today there is no doubt whatever but that any group of employees can organize and bargain collectively through representatives of their own choosing. If the workers at the Ford Motor Co., at Bethlehem Steel, or in any other industry do not choose to avail themselves of the type of organization sponsored by the C. I. O., or to yield submission to the officials of that organization, why should that organization be permitted to force their views upon those hundreds of thousands of men who are now satisfied with their jobs and with their labor organizations?

Is the C. I. O. but waiting the inauguration of the Democratic Governor in Michigan in order to again invade that State, as it did in the General Motors sit-down strikes, which began with the inauguration of Governor Murphy? Is Michigan again to have an era of lawlessness, of the seizure of private property, the driving of men from their jobs, so that union officials can collect hundreds of thousands of dollars by way of dues and special assessments?

Are we to sit here idle day after day when we see plans maturing to close the plant of the Ford Motor Co., which has millions of dollars worth of orders, the execution of which is necessary for national defense? And do not forget that by labor itself—yes; by members of the C. I. O.—Ford was designated as the man who had done the most for labor in this country.

Are we to remain silent day after day while plans go forward to compel American taxpayers to give up a part of their earnings to an organization which seems to be interested only, not in national defense, not in the welfare of the country as a whole, but in obtaining for its members special privileges, compensation over and above that given to any other group?

Is the cost of our whole national-defense program to be doubled and the added burden thrown upon the shoulders of the taxpayer, who is deprived of an opportunity to serve his Government until he has paid tribute?

Is there back of this drive against Ford, against Bethlehem Steel, a deeper purpose, a purpose to cripple and render ineffective our whole defense program? Is one of the objectives aid and comfort to Hitler by the slowing up of our industries? [Applause.]

That taxpayers and citizens generally are awakening to what is happening, let me quote from just a few typical letters out of many received since Monday and which refer to H. R. 10698—the right-to-work bill. For obvious reasons the names of the writers are omitted. Quoting from these letters does not indicate that I either approve or disapprove of the writers' sentiments.

Here is one from Detroit, Mich.:

> Why don't you make the bill to cover all instead of defense programs You know there are a lot of us that are getting tired of paying the New Deal unions for the right to work. Enclosed find clipping which states that the Tennessee men are allowed to work if they can dig up $10. We in the automobile industry can work if we pay the damn New Deal C. I. O. each month. I wish you would show this letter and clipping to the President and tell him we call this New Dealisms and wish you good luck in your work.
>
> Yours truly,
>
> X DEMOCRAT.

The clipping is headed "Tallahoma, Tenn., November 8." It states, among other things, that more than 7,000 workmen are now employed on the Camp Peay Army cantonment project; that the weekly pay roll is expected to approximate $150,000. The initial fee for common labor has been reduced to $10 for this project, and the workmen are permitted to make this payment within 2 weeks from date of employment. The union office for skilled workmen has been forced to move three times on account of their business interfering with traffic. Seven thousand workmen, if only common labor, at $10 each, means $70,000 for the union—tribute exacted for the privilege of working on a national-defense program.

Here is one from a New York City bricklayer, who was transferred from one W. P. A. job to another. He writes:

> I was told by the bricklayer foreman that I would have to knock off because I was not a member of the bricklayers' union.

He made complaint; carried his appeal to the National Labor Relations Board; to the field officer; to the Army officer in charge; but he learned that even though he was on W. P. A. work in connection with an airport, a part of the national-defense program, he could not work unless he joined the union.

We have given many blank authorizations to the President of the United States. From what source do the union officials get their authority? Congress did not grant it to them. Did the President give it to them? Or do they just exercise it, while Congress and the executive department by their silence condone it?

Jacksonville, Fla.:

> Congratulations from a lifelong Democrat of three generations. If you can keep those disloyal ——— from their un-American principles in this day of need, I promise you I will never vote anything but the Republican ticket from this day and forever.

Baltimore, Md.:

> It certainly is time that some Member of Congress has awakened to the fact that unless we do something about these conditions very promptly and stop the present racketeering leadership, which is no doubt backed by some foreign power, this country will never be prepared for anything, regardless of the fact that we are spending billions for preparedness. There seems to be a peculiar silence in Washington.

Lynbrook, N. Y.:

> I am surely in favor of men securing a fair compensation for their labor and good working conditions, but I think that it is a disgrace for our politicians to be so controlled by labor's votes that they are afraid to come out into the open and expose the labor racket.
>
> Recently on Government work on Long Island a man had to be either a union man or make an application to join the union, pay a part of the initiation fee, and agree to pay part of each week's wages until the full amount due would be paid. Others could not get a job.
>
> I have served 7½ years in Government service—am one of those that joined the service and learned a trade. Do you think I could get a job without paying union tribute?
>
> In conclusion, let me state that there are thousands of men desirous of being free men in this country and feel that they should not be hampered by any organization in their right to work or forced to pay tribute to some group that they might join in labors that will uphold their principles and be of service to their country.

Montpelier, Vt.:

> A friend of mine and myself, both in our early twenties, just returned from a job-hunting expedition along the Atlantic coast. We visited Portsmouth, N. H., where they are constructing 600 houses and numerous other places, and couldn't obtain employment because we did not have the $25 to buy a union card in order to get a job.

Pittsburgh, Pa.:

> We all have to share in taxpaying and our husbands should be given a chance, at least, to show if he is able to work. A man of 50 to 55 is as able to work as a man of 40.

Oakmont, Pa.:

> I realize that some of the labor legislation now on the statute books of America has done a lot of good, but there is an urgent need for some balancing to be done.
>
> No man can tell me that because I differ with another workman in my ideas that he should have the right to stand at the entrance to my factory where we both work and prevent me from going to my job, if I choose, by threatening me or my family with a club or other deadly weapon, and not only threaten me but carry out his threats and get away with it. If he can persuade me to see his viewpoint and get my support, all well and good, but when it comes to forcing me that is not what I believe true Americanism.
>
> Now, then, there is the forced collection of dues to unions that claim a majority. * * * Rackets have become so prevalent in

the union movement that a man that once belongs has nothing to say in a great many cases. He works on and does what he is told for fear of bodily harm. * * * The only thing I object to in your resolution, Mr. HOFFMAN, is that it only covers defense industries.

Kent, Ohio:

The Federal Government came to locate one of their shell-loading arsenals about 12 miles east of here and selected some 21,000 acres for the reservation. * * *

Applying for work, I found a notice nailed on the door of the farmhouse they were using for temporary headquarters that "only members in good standing in the American Federation of Labor would be employed."

I was told that all carpenters must pay $100 into the A. F. of L. for membership union dues besides the monthly dues before being hired, and common laborers tamping ballast under ties on the trackage being put down to service the many buildings must pay $15 and monthly dues of $2 before they go to work. No one is hired outright but works on probation for first few weeks, and if let off after a few weeks of employment, as some 40 carpenters were the other day, then the A. F. of L. is ahead $4,000.

I have no quarrel with any union * * * but I think that these Federal jobs are paid for from the taxes of our American citizens for the defense of America and that any of us should be able to be free to apply and, if found competent, should be able to find ready employment without the membership in any organization being brought into the picture. * * * I have paid hundreds, probably thousands of dollars, in taxes but must be idle.

Battle Creek, Mich.:

Positively you cannot work on the construction work at Fort Custer unless your dues are paid in full up to date. * * * I'll furnish evidence to this statement. Also you won't need to be surprised if you find the United States Employment Bureau linked in with the union, for it is; also you will find one of the heads of the union was at one time eating off welfare and picketing a job being done for the Salvation Army. I am not guessing at that either. You will easily find that many of these men who have to pay to the union need the cash to keep body and soul together. I know several laid off by the union to make room for men who were not union men yet and started in with $5 paid down, so much next pay day, and so on, until paid in full, and one fellow paid $25 union dues and earned $28 and he was out, and really, Mr. HOFFMAN, he borrowed the $25. * * * Now, how do I know all this? I am foreman for constructing quartermaster.

Tampa, Fla.:

Do you know at Tampa, Fla., months before they laid the keel of the first boats, organizers opened up an office in Tampa. The shipyard management would say, "You must go to see the union as we can't hire you." So the racketeers would then charge common labor $30 to join, then $2 a month dues. Mechanics had to pay much more.

Rockford, Ill.:

They are working the same racket, $30 for laborers to work on the job, then dues every month. Carpenters, etc., have to pay $100. Who gives these men the power to charge such a price for a man to work?

Pittsburgh, Pa.:

I am willing to take oath that every word I say is absolutely true and did happen to me. I was employed at the J. & I. Steel Corporation. This plant was and still is rolling steel for the Government. I was handed an application to join the C. I. O. with the expression that they thought I would do, provided I pay $4. I cannot go into details of my expense at that time, but hospital and doctor records will bear me out that I could not afford this amount and the additional $1 per month dues. I refused to join the C. I. O. and then the picket line was formed. I managed to get through the line three nights, but on the third night, six of these hoodlums were waiting for me outside the gate. * * * then they proceeded to freeze me out; they would not allow me to work in the mill under any circumstances. They refused to allow any of their members to speak to me or give me any line-up on jobs to be welded.

I went to the Labor Board about this, but they claim they could do nothing about it. I ask the foreman for help and he said I or the company could do nothing. I am only one of several hundred who were forced to join the C. I. O. or quit.

If it meant anything to join this outfit I would of joined but I got 99 cents per hour as a nonunion welder and the union rate in the mill is 94 to 96 cents per hour.

My forefathers fought to fill this country, and to settle this grand country and I sure do feel pretty sore that foreigners and "reds" can come and dictate to me, when I am a born citizen.

Berkeley, Calif.:

During the last World War I worked in an emergency shipyard where the selfish tyrannical unionized element virtually controlled the yard and compelled a closed shop in that wartime, when 5 good godly ship carpenters and a good foreman were compelled to leave their employment by being laid off to please the union that threatened to strike because I refused to join their organization. * * * It was a shame or a crime against national defense then as all good ship carpenters were needed then building wooden vessels. Yes, sir; at the very time, the best of that town had volunteered and gone to serve as soldiers at $1 a day wages. * * * The heroes were fighting to protect their country, and the stay-at-home union slackers or shirkers and agitators were demanding closed-shop conditions at high wages and even had an orchestra-band organized to play at the lunch room hour for their unionized enjoyment.

Also in today's mail came a newspaper clipping stating that on the Logan Heights cantonment nonunion carpenters who came from distant places to work on the Government job were stranded in El Paso:

The nonunion carpenters are unable to get jobs despite an impending shortage of carpenters—

They said.

One union carpenter wrote the press:

I have been here nearly 3 weeks, and I know several more that have been here just as long as I have, and I have never worked an hour; neither have the others I speak of.

When I first came here, the natural thing to do was to go out to the job to see when I could go to work. On the job I was told to go to the Texas State employment-service office. There I was told to report to the carpenters' local union and get a permit and not to go to the job until the union called me.

Every few days I have either called the union or went out there in person to try to find out when I could go to work, but I do not know any more about it than I did when I first came here. After I had done everything that I was told to, I figured I would go right to work, so I spent the most of my ready cash replenishing my tool chest of tools I was short on. Now I am in debt for my board and room and can't very well leave; yet I can't stay unless I go to work.

I know of men who have come from as far away as Los Angeles long after I came here, yet they are working. The reason for that is they had union cards, and a lot of the rest of us didn't. That's all right; I have no quarrel with the union. I have paid almost $200 in initiation fees myself, but don't have a card now.

BERKELEY, CALIF.

Here is one from a commanding lieutenant colonel, Inactive Reserve, Ordnance, United States Army:

On behalf of a man who was desirous of having employment in a national-defense industry, I called up the employment office of Moore Drydock Co., Oakland, whose executive officers are known to me. The employment office informed me that they—Moore's—being fully unionized, could only hire men sent to them by the unions.

PERMISSION TO ADDRESS THE HOUSE

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that at the conclusion of the previous special orders for today I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SPECIAL ORDER

The SPEAKER. Under the previous order of the House, the gentleman from Alabama [Mr. HOBBS] is recognized for 10 minutes.

Mr. HOBBS. Mr. Speaker, in this morning's Washington Post the leading editorial is a very apt and timely one, very well written, and has a great deal of meat and merit in it. At the same time, however, I think there is one generalization, or two, in the editorial that are unfortunate. Commenting upon the decision of the Supreme Court just handed down in a case arising in Harris County, Tex., it treats the practice condemned in Texas as though it were prevalent all over the South.

I quote:

By this means the Court is bringing very real pressure upon the Southern States to modify practices which all too frequently have mocked the concept 'equal justice under law.'

This may be true as to some States, but I am of opinion that there are several southern States in which there are no such practices to modify. In this opinion I may be mistaken; but even if I be, what good is done by condemning unheard States whose conduct in administering their jury laws is utterly dehors the record of the case under discussion? Does not the foregoing quotation show an error into which estimable gentlemen of the press sometimes fall by generalizing too broadly from a narrow base of one instance?

I am persuaded that there is no State—north, east, south, or west—that does not respect and seek to uphold the Constitution of the United States and every guaranty of it. When

one fails in some respect, is it not sufficient to point the moral if the comment be limited to the offender? I simply rise today to call attention to the fact that where there is only one case in which the decision of the Supreme Court has recently held that the guaranty of the fourteenth amendment has been denied in one county, in one southern State, a great editor immediately condemns the whole South for such practices.

Having the honor to represent a portion of one State in the South, I feel it my duty and esteem it a privilege to call attention to the fact that the State of Alabama and many other southern States have written into their jury laws guaranties that make absolutely certain respect for every guaranty contained in the Federal Constitution.

I am not going to take up the time of the House to go into detail, because that is not of particular interest. I wish to make it clear that I subscribe very cordially to many of the expressions in this editorial. But the cap that may fit the jury commissioners of 1 county out of the 254 counties of Texas may not fit elsewhere in Texas. It may not fit the State of Texas nor any other State. I do not think there is anything in the decision of the Supreme Court which, rightly interpreted, criticizes or condemns the law of Texas, except in one respect, and that is that the law of Texas which is quoted as a footnote to the opinion leaves almost unlimited discretion to the jury commissioners, and the Supreme Court says in this case that that discretion was abused in Harris County. It may be that the discretion is too wide and deep in the Texas statute.

That is not true in Alabama and, I think, in other southern States. Our law in Alabama, which has been considered a model, and which in my deliberate judgment, after a careful study of the jury systems of every nation on earth, is the best jury law ever devised by man, specifically requires a nonpartisan, nonpolitical jury commission the members of which can have no other office and who cannot be employed in any other public office, to place in the jury box and on the jury roll for jury service, both grand and petit, every male adult who possesses the qualifications there specified, to wit, that he is a man of character and intelligence, esteemed throughout his community for his honesty, intelligence, sound judgment, and high character.

It is the precursor of "the blue ribbon jury law" of New York which is admittedly accomplishing most beneficent results in the administration of justice in that great State.

Every man who possesses those qualifications is a juror; wholly without regard to race or color. Our jury commissioners sit as a court, oath-bound, and charged with the single duty of keeping the springs of justice pure. There is no discretion in our jury commissioners. The law prescribes the qualifications of those who are to sit in judgment on their fellows. Any man who meets the fixed qualifications must be listed for jury service. Some commissioners may have been recreant to their trust. I know of no such case. But, if so, neither Alabama, nor the South, should be held accountable.

Mr. Speaker, I ask unanimous consent to extend my remarks by including in them the editorial, the decision of the Supreme Court in the case of Edgar Smith, petitioner, against the State of Texas, and pertinent parts of the Alabama jury law.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matters referred to are as follows:

EQUAL JUSTICE

Justice in the South is being greatly strengthened by Supreme Court decisions requiring the States to grant their citizens "the equal protection of the laws." A consistent line of opinions from the high bench has invalidated convictions or indictment of Negroes by juries from which members of that race have been systematically excluded. Now the Court has gone a step further by reversing the conviction of a Negro youth in Harris County, Tex., because the local officials made only a pretense at including Negroes in grand juries.

The reasoning of the Court, as outlined by Justice Black, is unassailable. "The fact that the written words of a State's laws hold out a promise that no such discrimination will be practiced is not enough," he writes. "The fourteenth amendment requires that equal protection to all must be given—not merely promised. * * * If there has been discrimination, whether accomplished ingeniously or ingenuously, the conviction cannot stand." An essential element of "equal protection" is indictment or trial by a jury selected without prejudice against the defendant. Where Negroes are excluded from juries, or granted only token representation, the danger of unjust convictions becomes very real.

In effect the States have been put on notice that enforcement of their laws, so far as Negroes are concerned, can be attained only by systematic avoidance of racial discrimination in jury service. It is now crystal clear, thanks to the forthright stand the Supreme Court has taken, that convictions will not be upheld if any element of a fair and unprejudiced trial is omitted. By this means the Court is bringing very real pressure upon the Southern States to modify practices which all too frequently have mocked the concept "equal justice under law."

There is cause for general satisfaction every time the Constitution is thus invoked to protect minority rights. By this means the principles of democracy can be ever more firmly rooted in our political thought and practice. By this means State law-enforcement systems will be improved at their weakest points; nor should we overlook the fact that the constructive method by which the Supreme Court is dealing with this difficult problem is precisely the opposite from that prescribed by the unconstitutional anti-lynching bill. By such decisions the Court throws back upon the States full responsibility for correcting defects in their law-enforcement systems instead of breaking down that responsibility, as the antilynching bill would tend to do.

[Supreme Court of the United States. No. 33. October term, 1940. *Edgar Smith, petitioner* v. *The State of Texas.* On writ of certiorari to the Court of Criminal Appeals of the State of Texas. November 25, 1940]

Mr. Justice Black delivered the opinion of the Court.

In Harris County, Tex., where petitioner, a Negro, was indicted and convicted of rape, Negroes constitute over 20 percent of the population and almost 10 percent of the poll-tax payers; a minimum of from three to six thousand of them measure up to the qualifications prescribed by Texas statutes for grand-jury service. The court clerk, called as a State witness and testifying from court records covering the years 1931 through 1938, showed that only 5 of the 384 grand jurors who served during that period were Negroes; that of 512 persons summoned for grand-jury duty, only 18 were Negroes; that of these 18, the names of 13 appeared as the last name on the 16-man jury list, the custom being to select the 12-man grand jury in the order that the names appeared on the list; that of the 5 Negroes summoned for grand-jury service who were not given the number 16, 4 were given numbers between 13 and 16 and 1 was numbered 6; that the result of this numbering was that of the 18 Negroes summoned, only 5 ever served, whereas 379 of the 494 white men summoned actually served; that of 32 grand juries empanelled, only 5 had Negro members, while 27 had none; that of these 5, the same individual served 3 times, so that only 3 individual Negroes served at all; that there had been no Negroes on any of the grand juries in 1938, the year petitioner was indicted; that there had been none on any of the grand juries in 1937; that the service of Negroes by years had been: 1931, 1; 1932, 2; 1933, 1; 1934, 1; 1935, none; 1936, 1; 1937, none; 1938, none.

It is petitioner's contention that his conviction was based on an indictment obtained in violation of the provision of the fourteenth amendment that "No State shall * * * deny to any person within its jurisdiction the equal protection of the laws." And the contention that equal protection was denied him rests on a charge that Negroes were in 1938 and long prior thereto intentionally and systematically excluded from grand-jury service solely on account of their race and color. That a conviction based upon an indictment returned by a jury so selected is a denial of equal protection is well settled [1] and is not challenged by the State. But both the trial court and the Texas Criminal Court of Appeals were of opinion that the evidence failed to support the charge of racial discrimination. For that reason the appellate court approved the trial court's action in denying petitioner's timely motion to quash the indictment.[2] But the question decided rested upon a charge of denial of equal protection, a basic right protected by the Federal Constitution. And it is therefore our responsibility to appraise the evidence as it relates to this constitutional right.[3]

It is part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community. For racial discrimination to result in the exclusion from jury service of otherwise qualified groups not only violates our Constitution and the laws enacted under it,[4] but is at war with our basic concepts of a democratic society and a representative government. We must consider this record in the light of these important principles. The fact that the written words of a State's laws hold out a promise that no such discrimination will be practiced is not enough. The fourteenth amendment requires that equal protection to all must be given—not merely promised.

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[1] *Pierre* v. *Louisiana*, 306 U. S. 354; *Martin* v. *Texas*, 200 U. S. 316, 319; *Carter* v. *Texas*, 177 U. S. 442, 447.

[2] 139 Tex. Crim. —; 136 S. W. (2d) 842.

[3] *Chambers* v. *Florida*, 309 U. S. 227, 228; *Pierre* v. *Louisiana*, 306 U. S. 354, 358; *Norris* v. *Alabama*, 294 U. S. 587, 590.

[4] "No citizen possessing all other qualifications * * * shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude * * *." 18 Stat. 336, 8 U. S. C., sec. 44.

Here the Texas statutory scheme is not in itself unfair; it is capable of being carried out with no racial discrimination whatsoever.[5] But by reason of the wide discretion permissible in the various steps of the plan, it is equally capable of being applied in such a manner as practically to prescribe any group thought by the law's administrators to be undesirable. And from the record before us the conclusion is inescapable that it is the latter application that has prevailed in Harris County. Chance and accident alone could hardly have brought about the listing for grand-jury service of so few Negroes from among the thousands shown by the undisputed evidence to possess the legal qualifications for jury service. Nor could chance and accident have been responsible for the combination of circumstances under which a Negro's name, when listed at all, almost invariably appeared as No. 16, and under which No. 16 was never called for service unless it proved impossible to obtain the required jurors from the first 15 names on the list.

The State argues that the testimony of the commissioners themselves shows that there was no arbitrary or systematic exclusion. And it is true that 2 of the 3 commissioners who drew the September 1938 panel testified to that effect. Both of them admitted that they did not select any Negroes, although the subject was discussed, but both categorically denied that they intentionally, arbitrarily, or systematically discriminated against Negro jurors as such. One said that their failure to select Negroes was because they did not know the names of any who were qualified and the other said that he was not personally acquainted with any member of the Negro race. This is, at best, the testimony of 2 individuals who participated in drawing 1 out of the 32 jury panels discussed in the record. But even if their testimony were given the greatest possible effect, and their situation considered typical of that of the 94 commissioners who did not testify, we would still feel compelled to reverse the decision below. What the fourteenth amendment prohibits is racial discrimination in the selection of grand juries. Where jury commissioners limit those from whom grand juries are selected to their own personal acquaintance, discrimination can arise from commissioners who know no Negroes as well as from commissioners who know but eliminate them. If there has been discrimination, whether accomplished ingeniously or ingenuously, the conviction cannot stand.

Reversed.

SECTIONS 8603 AND 8605 OF THE CODE OF ALABAMA

8603. Qualifications of persons placed on jury roll and in jury box: The jury commission shall place on the jury roll and in the jury box the names of all male citizens of the county who are generally reputed to be honest and intelligent men, and are esteemed in the community for their integrity, good character, and sound judgment; but no person must be selected who is under 21 or over 65 years of age, or who is an habitual drunkard, or who, being afflicted with a permanent disease or physical weakness, is unfit to discharge the duties of a juror, or who cannot read English, or who has ever been convicted of any offense involving moral turpitude. If a person cannot read English, and has all the other qualifications prescribed herein and is a freeholder or householder, his name may be placed on the jury roll and in the jury box (act of 1909, p. 305).

8605. Persons exempt from jury duty: The following persons are hereby exempt from jury duty, unless by their own consent: Judges of the several courts; attorneys at law during the time they practice their profession; officers of the United States; officers of the executive departments of the State government; sheriffs and their deputies; clerks of the courts and county commissioners; regularly licensed and practicing physicians, dentists, or pharmacists; teachers of public or private schools while actively engaged in their profession; officers and regularly licensed engineers of any boat plying the waters of this State; train dispatchers, railroad station agents, telegraph operators when actually engaged and in charge of any office; regularly licensed embalmers while actually engaged in their profession; and rural and city or town mail carriers while engaged in their work (act of 1909, as amended, 1923 and 1927).

Mr. HOBBS. In conclusion, may I not appeal to the membership of the House and to the general public, especially our friends of the fourth estate: Give us a chance. Visit upon us condemnation for our sins whenever blame is due, but be not hasty with generalizations that would bring into condemnation those who deserve none. Generalizations are not always fair, and I am sure the press always desires to be fair.

In that faith, I have the temerity to make this plea. [Applause.]

[5] The statutory scheme is set out in the Texas Code of Criminal Procedure, arts. 333–350. At each term of court, 3 grand-jury commissioners are appointed; at the time they are sworn in the judge instructs them as to their duties; they are required to take an oath not knowingly to select a grand juror whom they believe unfit or unqualified; they must then retire to a room in the courthouse, taking the county assessment roll with them; while in that room they must select a grand jury of 16 men from different parts of the county; they must next seal in an envelope the list of the 16 names selected; 30 days before court meets the clerk is required to make a copy of the list and deliver it to the sheriff; thereupon the sheriff must summon the jurors.

The SPEAKER. Under previous order heretofore entered the gentleman from Missouri [Mr. COCHRAN] is recognized for 5 minutes.

THE WALTER-LOGAN BILL

Mr. COCHRAN. Mr. Speaker, this morning following the remarks of the distinguished gentleman from Texas, the chairman of the Committee on the Judiciary [Mr. SUMNERS], I stated that the bill providing for a review of administrative decisions by Federal courts was born in the mind of an enemy of this administration, a man who wanted to see the progressive laws that we have enacted destroyed. I did not at the time mention this man's name. The gentleman from Pennsylvania [Mr. WALTER] challenged my statement as he did when the bill was under consideration in the House. He declined to yield to me so that I could tell him the name of the man. The name of that man is O. R. Maguire, a former attorney in the General Accounting Office. He took the original bill to the late Senator Logan, of Kentucky, and Senator Logan introduced the bill. If he was not the first, he was one of the first witnesses to appear before the Judiciary Committee of the House in support of the bill, as the hearings will show.

Mr. Maguire sold his idea to the American Bar Association. He traveled around the country making speeches in support of his idea and in my own State——

Mr. CHURCH. Will the gentleman yield?

Mr. COCHRAN. Not just now. After I have concluded my statement I will yield if I have time. He was in my own State. A scheme of propaganda seldom equalled, in my long experience in Congress, was devised to put this measure over. First the letters came to us from lawyers throughout the United States. Then the lawyers had their clients, businessmen, write us in behalf of this legislation. I received letters the same as you did. When some of the letters came from businessmen, friends of mine, I wrote them and asked them what they knew about the legislation, and invariably I received the same reply "I know nothing about it. I was asked to write the letter by our attorney."

The gentleman from Pennsylvania [Mr. WALTER] stated that Senator NORRIS advocated legislation of this character. It is true that years ago Senator NORRIS expressed the idea that there should be some appeal from some administrative decisions. Senator NORRIS' idea was carried out by the Congress of the United States when the Congress itself provided for appeals to the Federal courts in reference to some administrative decisions. Those laws are still on the statute books as you are aware. I can speak with authority, because since the gentleman from Pennsylvania [Mr. WALTER] made his statement about Senator NORRIS, I have checked up, and I can say now without fear of contradiction that Senator NORRIS opposed the original Walter-Logan bill, he opposed the bill as it passed the House and he opposes the bill as it passed the Senate with the amendments the other day that the gentleman from Texas [Mr. SUMNERS] desires to agree to.

It is not the senior Senator from Nebraska [Mr. NORRIS] who is so anxious to have this bill passed. It is the junior Senator from Nebraska [Mr. BURKE], the one who but recently changed his party affiliation from Democrat to Republican, who wants this bill passed. So far as I am concerned, I am going to scrutinize with extreme care any legislation advocated by the junior Senator from Nebraska [Mr. BRUKE] which affects New Deal legislation.

To prove my statement that Mr. Maguire is an enemy of this administration, let me say that during the 1932 campaign he went among the civil-service employees of the General Accounting Office and collected money from them for the Republican National Committee to assist in the election of Mr. Hoover. When this information reached the Civil Service Commission—it is a matter of record, I am not making these charges myself—the Commission called Mr. Maguire before them and required Mr. Maguire to return every dollar of that money to those civil-service employees. When he did they agreed to close the case, but they wrote a letter to the then Comptroller General, Mr. McCarl, himself a Republican, and

instructed Mr. McCarl to advise Mr. Maguire that he should familiarize himself with the law and the rules and regulations and not again violate them, because if he did, he would be removed from the service. He remained in the service under Mr. McCarl, but when former Senator Brown was made Acting Comptroller General it was not long until Mr. Maguire resigned.

Now, what is the situation before us? We find that the Senate calls up a bill with approximately 3½ pages of amendments, pages in the CONGRESSIONAL RECORD, and passes the bill without one word of explanation in reference to a single one of the amendments.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COCHRAN. The Senate, remember, passed that bill without one word of explanation in the Senate by any one Senator as to the changes made in the House bill. The bill was passed after Senator BARKLEY made a statement as to why he thought it was not sound business to consider the bill at this time. It comes to us messaged over this morning, and immediately the distinguished gentleman from Texas [Mr. SUMNERS] asked to concur in the Senate amendments. But who knows what is in the Senate amendments? Not many Members who were here this morning knew what the Senate amendments were. Still they were ready to agree by supporting the request of the gentleman from Texas.

I realize I am in the minority. I was in the minority when I opposed this bill on the floor of the House. There are times when those in the minority are right.

I have followed the distinguished gentleman from Texas [Mr. SUMNERS] time and again when I thought he was right, but I did not hesitate to oppose him when I thought he was wrong; and I say now in my opinion he is wrong today when he attempts to put legislation of such vast importance through this body without due consideration and without waiting for the report of the committee which was appointed by the Attorney General at the request of the President of the United States to consider this very subject. You have not had such legislation in over 150 years. A month or two delay now surely will do no harm.

The gentleman from Pennsylvania [Mr. WALTER] said this special committee appointed by the Attorney General has held only one meeting. He does not know what he is talking about, nor does he know anything about Mr. Walter Gellhorn. He attacked Mr. Gellhorn when this bill was under consideration in the House. It so happens that I never met the gentleman in my life, but he did come from my home city, St. Louis. I know his mother and I know his father. He, however, has the reputation of being one of the outstanding professors of Columbia University, where he occupies a chair and where he is today. He secured a leave of absence to come to Washington to help make this investigation for the committee headed by Dean Acheson. Mr. Gellhorn has been meeting with this committee. He has been the director, I think. I say this committee has been meeting. It has met several times this month. It met during October. It met in September. It met in August. How do I know? Because since Mr. WALTER made the statement I checked up and found that it has been meeting. It has another meeting set for next week and will soon submit its report to the Attorney General.

I have checked up on the statement of the gentleman from Pennsylvania [Mr. WALTER] that Judge Pecora resigned from the Lawyers' Guild after Mr. Gellhorn had made a speech. I find it is true that Mr. Gellhorn did make a speech before the Lawyers' Guild, but I also find that it was a technical analysis of what is needed in connection with administration law. Consult those who know Mr. Gellhorn, and they will tell you he ranks among the foremost professors of administration law in the United States. One gentleman who heard that speech said he was confident if the gentleman from Pennsylvania [Mr. WALTER] had heard it, he would have considered it an argument for legislation of this character, but, of course, Mr. Gellhorn at the time did not refer to this or any other bill. He addressed himself to the subject. It so happens the relations between Judge Pecora and Mr. Gellhorn are excellent, according to the information I received. Look over the high caliber of the men who make up this committee, leave Mr. Gellhorn out if you desire, and then find someone who will attack that committee. You just cannot find anyone.

The committee is now preparing its report. It was not Mr. Gellhorn's speech that caused Judge Pecora to resign. When that report is ready, of course, it will come to the Judiciary Committee of the House.

Would it not be better for us to wait until January and get the report of this committee, find out what they think should be in a law of this character, and then consider it, or go ahead and agree to three and one-half pages of Senate amendments without knowing what is in the Senate amendments and the effects they will have?

I stated that if the gentleman from Texas exercises his right on Monday, which he said he proposed to do, and asked that this House agree to the Senate amendments, I would ask that a quorum be present. I meant what I said then and I mean it now, but I urge the gentleman from Texas not to require me to embarrass so many of our colleagues who are not here by asking for a quorum on Monday. I hope that he will come here on Monday and ask that this bill be sent to conference. That is the proper procedure. Why should it not be sent to conference? The Senate, after the passage of the bill, requested a conference with the House. It was granted by the Senate. Senate conferees have been appointed and are ready to go into conference with the House. The conferees might be able to bring back some agreement that we could accept without feeling it was going to destroy progressive legislation that has been placed on the statute books in the last 8 years. One of the laws which our distinguished Speaker was responsible for—the Securities and Exchange Act—would be affected by this legislation as it stands today.

Mr. CHURCH. Will the gentleman yield?

Mr. COCHRAN. Mr. Speaker, I hope the gentleman from Texas will follow the usual procedure of this House in handling important legislation and on Monday ask that this bill go to conference. I am perfectly willing for the bill to go to conference. I will wait to see what is brought back here before I arrive at a decision.

I now yield to the gentleman from Illinois [Mr. CHURCH].

Mr. CHURCH. I know the gentleman wants to be fair. He made a statement awhile ago that Mr. Maguire sold his ideas to the American Bar Association. I do not know Mr. Maguire, but I do not believe the gentleman meant to say that.

Mr. COCHRAN. Of course, I did not mean he received a monetary consideration for his idea.

Mr. CHURCH. You did not mean to imply anything dishonest to the American Bar Association or to any of its members?

Mr. COCHRAN. Certainly not. When I said "sold" I did not mean to infer that he received anything. He convinced them his idea was worth supporting. By no means did I attack Mr. Maguire's integrity by that statement. Of that the gentleman from Illinois can be assured, and I thank him for calling my attention to my remark.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. MICHENER. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman opposed this bill when it was before the House?

Mr. COCHRAN. Yes.

Mr. MICHENER. The gentleman did so with all the might he had?

Mr. COCHRAN. Yes.

Mr. MICHENER. And the House passed the bill by 282 to 97.

Mr. COCHRAN. Why?

Mr. MICHENER. The gentleman has been here a long time, he is a very distinguished Member, he knows how to get legislation through the House, and he knows also how to kill legislation. As a matter of fact, the gentleman knows, does he not, that the very purpose of sending this bill to conference—if it goes to conference—is to kill the bill? That is what the gentleman, along with his 96 colleagues out of a membership of 435, wants to do?

Mr. COCHRAN. I will be honest with the gentleman. I would be most pleased if I could find a way to kill the bill. Let the conferees bring back a bill that is not so objectionable, one that we may be able to improve on in the future, one that will not be so obnoxious as this one, one not so drastic, and I probably would not make a point of no quorum, but I am not going to agree to two or three pages of Senate amendments that no one today knows what they are.

Mr. MICHENER. The gentleman wants to be fair and he is distinguished for his tolerance. He says he will be honest with me. The House required no such assurance from the gentleman from Missouri. It would be impossible for him to be otherwise now, when he realizes that 282 Members thought one way and he and a few others thought the other way about this bill. Is there not a possibility that the gentleman from Missouri and his few colleagues might be in error? Could that not have happened?

Mr. COCHRAN. There might be a possibility also that the 282 were influenced by the letters received from lawyers and businessmen, while I was not.

[Here the gavel fell.]

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns next Monday it adjourn to meet on the following Thursday.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BLOOM, indefinitely, on account of important official business.

To Mr. HULL (at the request of Mr. GEHRMANN), indefinitely, on account of illness.

To Mr. SCRUGHAM, for 3 weeks, on account of official business.

To Mr. DUNN, for 1 day, on account of illness.

To Mr. ROMJUE, indefinitely, on account of illness in his family.

EXTENSION OF REMARKS

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a table discussed in the remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. JARMAN]?

There was no objection.

Mr. PATRICK asked and was given permission to revise and extend his own remarks in the RECORD.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10465. An act to amend an act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918.

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 4373. An act to amend the act of June 25, 1938, entitled "An act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes."

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 2 minutes p. m.), under its previous order, the House adjourned until Monday, December 2, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2032. A letter from the Secretary of War, transmitting a report of awards made under the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2033. A letter from the Secretary of War, transmitting a report of awards made under the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2034. A letter from the Secretary of War, transmitting a report of awards made under the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2035. A letter from the Acting Secretary of the Interior, transmitting one copy each of the legislation passed by the Municipal Council of St. Thomas and St. John; to the Committee on Insular Affairs.

2036. A letter from the Acting Secretary of the Interior, transmitting one copy each of the legislation passed by the Municipal Council of St. Croix; to the Committee on Insular Affairs.

2037. A letter from the Acting Secretary of Commerce, transmitting a report that the film described in House Report No. 1067, Seventy-sixth Congress, first session, was transferred to the National Bureau of Standards for experimental purposes; to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KEOGH: Committee on Claims. S. 3729. An act for the relief of Hjalmar M. Seby; with amendment (Rept. No. 3070). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H. R. 10702. A bill to record the lawful admission to the United States for permanent residence of certain aliens who have lawfully entered the United States upon visitors' permits and are refugees from or unable to return to their country of origin by reason of the emergency created by the existing war in Europe; to the Committee on Immigration and Naturalization.

By Mr. COLE of Maryland:

H. R. 10703. A bill authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate a free highway bridge across the Potomac River at or near Sandy Hook, Md., to a point opposite in Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. CULLEN:

H. R. 10704 (by request). A bill to amend the Tariff Act of 1930, as amended by section 34 (c) of the Customs Administrative Act of 1938 (U. S. C., 1934 ed., Supp. IV, title 19, sec. 1001, par. 1529 (a)); to the Committee on Ways and Means.

H. R. 10705 (by request). A bill to amend section 402 (c) of the Tariff Act of 1930, as amended, and for other purposes; to the Committee on Ways and Means.

By Mr. ELSTON:

H. R. 10706. A bill to create a War Resources Administration, and for other purposes; to the Committee on Military Affairs.

By Mr. SMITH of Virginia:

H. R. 10707. A bill amending the Criminal Code by prohibiting acts of sabotage with respect to the performance of national-defense contracts, and by prohibiting certain unwarranted practices in relation to strikes and lockouts in connection with national-defense contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. HOFFMAN:

H. R. 10708. A bill to promote the national defense and to eliminate certain oppressive labor practices affecting the national-defense program, and for other purposes; to the Committee on the Judiciary.

H. Res. 639. Resolution requesting certain information from the Secretary of War; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9391. By Mrs. ROGERS of Massachusetts: Petition of the Massachusetts State Guard Veterans, urging an amendment that will include State guard veterans in the act that exempts veterans on Work Projects Administration employment from the 30-day provisions; to the Committee on Ways and Means.

9392. By the SPEAKER: Petition of the governmental affairs committee of the St. Louis County Junior Chamber of Commerce, petitioning consideration of their resolution with reference to legislation concerning the electoral college; to the Committee on Election of President, Vice President, and Representatives in Congress.

SENATE

FRIDAY, NOVEMBER 29, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, creator and preserver of all mankind, giver of all spiritual grace, author of everlasting life: As again Thou has folded back the mantle of night to clothe the world in the golden glory of the day, do Thou drive away all gloomy thoughts and make us glad with the brightness of hope shed abroad in our hearts by the indwelling of Thy blessed spirit. Grant that we may effectively aspire to those hitherto unattained virtues which alone can mellow our judgment and enable our lives to enforce the well-tempered utterances of our lips.

From the depths of our understanding hearts we beseech Thee to comfort and sustain, in these hours of tragic sorrow, our beloved friend and colleague and those nearest and dearest to him. May the sacrament of our sympathy be the earnest and pledge of Thy tender love as revealed in Him who bears our grief and carries our sorrows, even Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, November 26, 1940, was dispensed with, and the Journal was approved.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on November 22, 1940, that committee presented to the President of the United States the following enrolled bills:

S. 1433. An act to add certain lands to the Siuslaw National Forest in the State of Oregon;

S. 1681. An act to amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes;

S. 3133. An act for the relief of the Cherokee Indian Nation or Tribe, and for other purposes;

S. 3991. An act to authorize the disposal of tools and equipment on the New England hurricane damage project;

S. 4107. An act to transfer the jurisdiction of the Arlington Farm, Va., to the jurisdiction of the War Department, and for other purposes;

S. 4224. An act to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps;

S. 4311. An act to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes; and

S. 4374. An act to amend the Agricultural Adjustment Act of 1938.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On November 22, 1940:

S. 4374. An act to amend the Agricultural Adjustment Act of 1938.

On November 25, 1940:

S. 1433. An act to add certain lands to the Siuslaw National Forest in the State of Oregon;

S. 3991. An act to authorize the disposal of tools and equipment on the New England hurricane-damage project; and

S. 4311. An act to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

On November 27, 1940:

S. 1681. An act to amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes; and

S. 3133. An act for the relief of the Cherokee Indian Nation or Tribe, and for other purposes.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 4373. An act to amend the act of June 25, 1938, entitled "An act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes; and

H. R. 10465. An act to amend an act entitled "An act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of JAMES M. TUNNELL, duly chosen by the qualified electors of the State of Delaware a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of HAROLD H. BURTON, duly chosen by the qualified electors of the State of Ohio a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

Mr. STEWART presented the credentials of KENNETH D. MCKELLAR, duly chosen by the qualified electors of the State of Tennessee a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of War, reporting, pursuant to law, relative to divisions of awards of certain quantity contracts for aircraft, aircraft parts, and accessories thereof entered into with more than one bidder under authority of law, which was referred to the Committee on Military Affairs.

HOUSING PROGRAMS FOR DEFENSE WORKERS

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of the Navy, in response to Senate Resolution 324, requesting the Secretary of the Navy and the Secretary of War to make a full and complete study and investigation of all school facilities at or near navy yards, Army and naval reservations, and bases at which housing programs for defense workers are being carried out or are contemplated, reporting that he had requested the Federal Security Agency (U. S. Office of Education) to assist in making the necessary survey and that such survey is now under way, and also that it is expected a report in conformity with the above-mentioned resolution can be submitted on or before December 30, 1940, which was referred to the Committee on Naval Affairs.

AIR-STATION CONTRACTS OF THE NAVY DEPARTMENT

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Navy, transmitting, pursuant to law, a report relative to certain naval air-station contracts negotiated under the provisions of section 4 of Public Act No. 43, Seventy-sixth Congress, during the period commencing April 25, 1939, and ending June 10, 1940, which, with the accompanying paper, was referred to the Committee on Naval Affairs.

LEGISLATION BY MUNICIPAL COUNCIL OF ST. CROIX, V. I.

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of certain legislation enacted by the Municipal Council of St. Croix, V. I., which, with the accompanying papers, was referred to the Committee on Territories and Insular Affairs.

PETITION

The PRESIDENT pro tempore laid before the Senate a letter in the nature of a petition from José Alberto Estádes, of New York City, N. Y., praying for the settlement of his claim against the United States in connection with certain properties in Puerto Rico alleged to be affected by the treaty under which the United States took over Puerto Rico from Spain, which was referred to the Committee on Claims.

STATEMENT OF EMERGENCY PEACE CONFERENCE

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a statement of the purpose of the emergency peace conference, which met recently in Washington. The conference was sponsored by O. K. Armstrong, of Springfield, Mo., and other members of the American Legion, and was called for the purpose of organizing a vigorous Nation-wide no-foreign-war campaign.

I desire to state that I am in hearty agreement with the purposes of the conference, as set forth in their statement, and propose to do all in my power to further such a program.

There being no objection, the statement was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

It is our common purpose to keep our country from involvement in war.

We call upon all patriotic American citizens to unite in an immediate Nation-wide campaign to halt our steady drift toward war.

We demand that no American boys be sent to fight in wars in Europe or Asia.

We propose to expose and combat with all our ability and vigor all propaganda designed to lead us into war and all forces seeking to foster conflict between the United States and other countries.

We call upon our Government to declare what is the geographical extent of our defense.

We insist that all who are in places of responsibility in our Government refrain from utterances and acts designed to create hostility and conflict, and that our defenses be not used to increase the danger of our participation in war.

We oppose all forms of dictatorship and seek to conserve democracy in the United States, to solve our domestic problems, and to promote peace and good will among men and nations.

O. K. Armstrong, Springfield, Mo., was elected chairman. Dr. Charles F. Boss, Jr., of Chicago, executive secretary of the Commission on Peace of the Methodist Church; Mrs. Mildred S. Olmstead, Philadelphia, secretary of the Women's International League for Peace and Freedom, were elected vice chairmen. Frederick J. Libby, of Washington, D. C., executive secretary for the National Council for Prevention of War, was elected secretary.

LETTER FROM PETER TRACY ON PENDING LEGISLATION

Mr. DANAHER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I have received from Mr. Peter Tracy, secretary of the International Association of Machinists, at Hartford, Conn., who is well known for his independence of thought and action. He writes an excellent letter expressing his views with reference to the Walter-Logan bill and other pending legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF MACHINISTS,
CAPITOL CITY LODGE, No. 354,
Hartford, Conn., November 25, 1940.

Hon. JOHN A. DANAHER,
Senate Office Building, Washington, D. C.

DEAR SENATOR: We understand the Senate will have before it this week amendments to the National Labor Relations Act and the Walter-Logan bill.

We believe the National Labor Relations Act might well be amended to protect the bargaining rights of craft unions, but rather than have the act weakened by detrimental amendments we would prefer to have the law remain as it is.

We consider the Walter-Logan bill a subtle attempt to tie up by court action labor and social legislation, and we are opposed to its passage.

In our daily lives as workers our task must be completed to a reasonable degree or we are paid off. Would it not be better for the Congress to follow the same plan with commissioners or administrators who fail to follow the intent and purpose of enacted law rather than lower the high plane of social and labor legislation to the level of unsatisfactory enforcement.

We know William Green has spoken in favor of changes in the N. L. R. A., and with this stand of his we disagree.

Very truly yours,

PETER TRACY, *Secretary.*

INVESTIGATION OF RAILROADS, HOLDING COMPANIES, AND AFFILIATED COMPANIES

Mr. BARKLEY (for Mr. WHEELER and Mr. TRUMAN), from the Committee on Interstate Commerce, pursuant to Senate Resolution 71, Seventy-fourth Congress, authorizing an investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, submitted an additional report on the Pennroad Corporation—formation and initial financing, which was ordered to be printed as part 24 of Report No. 25.

CIVIL LIABILITIES OF CERTAIN PERSONS IN THE ARMED FORCES—AMENDMENT OF ACT OF CONGRESS

Mr. SHEPPARD. I introduce a joint resolution correcting a clerical error in the printing of the Civil Liabilities Act which substitutes the word "insurer" for "insured," and I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the joint resolution (S. J. Res. 305) to amend Public, No. 861, Seventy-sixth Congress, approved October 17, 1940, an act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That section 413 of the act entitled "An act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard," Public, No. 861, Seventy-sixth Congress, approved October 17, 1940, be, and the same is hereby, amended by striking out the word "insured" where it first occurs in the second line and substituting in lieu thereof the word "insurer," so that section 413 shall read as follows: "This article shall not apply to any policy which is void or which may at the option of the insurer be voidable, if the insured is in military service, either in this country or abroad, nor to any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium."

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASES OF OIL AND GAS BY THE NAVY

Mr. GILLETTE submitted the following resolution (S. Res. 335), which was referred to the Committee on Naval Affairs:

Whereas reports have been currently circulated through the public press and through other publicity media that the Navy Department

has accepted bids and negotiated contracts under such bids for the purchase of fuel oil for Navy use where the accepted bids were higher than competitive bids filed by other responsible bidders; and

Whereas such current reports ascribe the rejection of lower bids to the reason that such bids covered the purchase of fuel oil from wells which are owned by the Mexican Government and expropriated from former United States owners and that such alleged facts are untrue; and

Whereas, if the reports reflect true facts, the refusal of the Navy Department to accept the lower bids adds unnecessarily to the cost of preparation for national defense; and

Whereas, if such reports are true, such refusal to consider lower bids would be in effect a partial embargo against Mexican oil effected by the Navy Department without the authorization of law and would seriously endanger our efforts to foster amity, friendship, and cooperation with our neghbors of the Western Hemisphere: Therefore, be it

Resolved, That the Secretary of the Navy be requested to submit a report to the Senate showing in detail the specific bids and awards in all Navy Department purchases of fuel oil, Diesel oil, aviation gas, gasoline, and other petroleum products since July 1, 1940.

THE PROCESSES OF CONSTITUTIONAL AMENDMENT (S. DOC. NO. 314)

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent to have printed as a Senate document an article by Dr. Denys P. Myers entitled "The Processes of Constitutional Amendment."

The PRESIDENT pro tempore. Without objection, it is so ordered.

POINTS OF HISTORIC INTEREST IN THE NATIONAL CAPITAL (S. DOC. NO. 313)

On motion of Mr. BARKLEY, it was

Ordered, That a revised edition of Senate Document No. 4, Seventy-fifth Congress, first session, entitled "Points of Historic Interest in the National Capital," be printed, with illustrations, as a Senate document, and that 15,000 additional copies be printed for the use of the Senate Document Room.

RULES AND REGULATIONS AFFECTING NETWORK BROADCASTING

Mr. GURNEY. Mr. President, I notice in this morning's Washington Post a story relating that the Federal Communications Commission has issued proposed rules and regulations affecting the established practices of the operation of network broadcasting in this country, and on which oral argument is to be held by the Commission December 2 and 3.

I have obtained the published notice of the Commission announcing its procedure for the oral argument on the network-inquiry report. In fairness to the Commission, it should be stated that the proposed regulations have not yet received the approval of the Commission.

However, the proposed regulations are based on the report of a committee of the Commission, which report was involved in the confirmation hearings of Thad H. Brown before the Senate Interstate Commerce Committee. That report was severely criticized and generally discredited because of its inaccuracy and demonstrable bias. Now the Commission has proposed rules flowing from this inaccurate and biased report. The proposed rules would strangle, if not impose a death sentence, upon the established networks, which render such outstanding broadcasting service to the people of the country, and which, in fact, are the backbone of all broadcasting service.

What is our country coming to when a commission proposes regulations in excess of its authority, though it has made no finding of abuses? To the contrary, the public appreciation of the service rendered by the networks is probably greater and more widespread than the public appreciation for any other industry.

How does the Commission, in proposing these rules, square its thinking with the decision of the Supreme Court of the United States given in the Sanders Brothers case only a year ago, in which it said:

> But the act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the progress of business management or of policy.

And how does the Commission square its thinking with the statement it made in its brief in the Supreme Court case I have just mentioned, when it said:

> But the act confers on the Commission no jurisdiction whatsoever on the business in connection with which the transmitting equipment is used.

How does the Commission square its proposals with the further statement of the President of the United States in his letter of only last Tuesday to the broadcasting industry congratulating it on its twentieth anniversary? In that letter the President said:

> Your Government has no wish to interfere or hinder the continued development of the American system of broadcasting. Radio was born and developed in the real American way, and its future must continue on that basis.

Out in the West we use the expression "loco" to characterize such actions. If the Commission adopts these rules and thus strangles the service of broadcasting to the American people, it surely will have gone loco. Apparently some of its members have eaten the loco weed and have construed its strange effects as giving the Commission power far in excess of that actually bestowed upon it by Congress.

Perhaps the only cure would be a complete investigation of the Commission by the Senate Interstate Commerce Committee.

So that all members of the Senate may know of the extreme nature of the proposals, I wish to offer for the RECORD the complete text of the Commission's public notice, No. 45189, issued yesterday.

The PRESIDENT pro tempore. Without objection, the notice will be printed in the RECORD.

The notice referred to is as follows:

PROCEDURE FOR ORAL ARGUMENT ON NETWORK INQUIRY REPORT

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D. C., November 28, 1940.

The Federal Communications Commission today announced procedure for the oral argument on the committee network inquiry report, made public June 12, 1940.

The hearing is scheduled for Monday and Tuesday, December 2 and 3, in Hearing Room A, Interstate Commerce Commission building, starting at 10:30 a. m.

Each party will be allowed a maximum of 1 hour of argument on the issues of fact and policy raised in the committee report. The order of argument will be as follows:

National Broadcasting Co.
Columbia Broadcasting System.
Independent Radio Network Affiliates, Inc.
Mutual Broadcasting System.
Rock Island Broadcasting Co. (WHBF).
Voice of Longview (KFRO).
World Broadcasting System, Inc.
Association of Radio Transcription Producers of Hollywood, Inc.
American Federation of Musicians.
Independent Artists' Representatives.
Associated Music Publishers, Inc.

In order to facilitate the oral argument, counsel are requested to consider the advisability and effect of the promulgation by the Commission of the following special regulations with respect to chain broadcasting. In several instances these suggestions are in the alternative, and the Commission desires to hear argument on the advisability and effect of alternative suggestions. It is to be understood that the regulations have not received the approval of the Commission, and are to be taken as suggestions by the Commission intended to focus the attention of counsel upon the issues raised in the report. It should also be understood that counsel are not in any way limited to a discussion of these regulations but may address themselves to any of the issues of fact or policy raised by the report of the chain broadcasting committee.

1–A. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which provides for or has the effect of establishing an exclusive affiliation with the network organization; or

1–B. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which provides for or has the effect of establishing an exclusive affiliation with the network organization: *Provided*, That such restriction shall not apply to licensees of stations located in or rendering primary service to cities receiving adequate primary service from five or more full-time stations.

2. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with any network organization which gives the network organization an option on the hours of operation of the licensee's station for the broadcasting of commercial programs (a) for more than 30 percent of the converted hours of operation in any city receiving adequate primary service from three full-time stations with comparable facilities; (b) for more than 20 percent of the converted hours of operation in any city receiving adequate primary service from two full-time stations with comparable facilities; (c) for more than 10 percent of the converted hours of operation in any city receiving adequate primary service from one full-time station; (d) for a total number of converted hours exceeding by more than 25 percent the converted hours during which such licensee has broadcast commercial programs transmitted to the licensee by the network organization during the 6 months preceding the effective date of the contract.

3–A. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with any network organization the terms of which exceed in duration the effective period of the license granted by this Commission. For the purposes

of this section, an agreement shall be considered as exceeding in duration the effective period of the license if the agreement gives either party an option to extend the contract beyond the termination of the license: *Provided*, That this restriction shall not be construed as preventing a licensee from entering into a contract with a network organization a reasonable period of time, not to exceed 30 days, in advance of the expiration date of the existing contract; or

3–B. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which gives the network organization any rights with respect to the renewal or cancelation of such contractual arrangement not given to the licensee; or

3–C. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization for a period longer than 2 years.

4. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which controls, restrains, limits, or in any other way interferes with the establishment of the rates to be charged by the licensee for the sale of available broadcast time to advertisers or other clients.

5. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which has the effect of or will result in the broadcasting of the programs of one network company by two or more standard broadcast stations rendering adequate primary service to the same city.

6–A. After January 1, 1942, no licensee of a standard broadcast station shall, directly or indirectly, own or be owned by, or be under common control with or have any interests in a chain or network organization: *Provided*, That the Commission will grant reasonable extensions of time in the event that the licensee is unable to meet the requirements of this restriction before its effective date; or

6–B. No person engaged in network broadcasting shall be licensed to operate more than two clear channel stations or more than three standard broadcast stations of all classes; or

6–C. No person engaged in network broadcasting shall be licensed to operate any standard broadcast station located in a city receiving adequate primary service from less than five full-time standard broadcast stations.

7. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, which prevents the licensee from rejecting, for reasonable cause, any program offered by the network organization. The contracts between station licensees and network organizations shall expressly guarantee the right of program rejection by the licensee, and the judgment of such licensee shall be prima facie evidence of the reasonableness of rejection claims.

Mr. GURNEY. I also offer for the RECORD the letter of the President of the United States to the National Association of Broadcasters, dated November 25, 1940.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

LETTER FROM THE PRESIDENT FELICITATING AMERICAN RADIO ON ITS TWENTIETH BIRTHDAY

NOVEMBER 25, 1940.

MY DEAR MR. MILLER: On the occasion of the twentieth birthday of broadcasting, I wish to extend, through you, my congratulations and best wishes to the industry. The growth of broadcasting as we know it in America has been one of the outstanding achievements of this generation. Since the days of 20 years ago, when attic experimenters tinkered with crystal sets and the reception of a distant signal was a mere novelty, the modern receiver has become a necessity in the American household.

With this fine record of technical achievement, the radio industry also has rendered excellent public service. It has brought information and entertainment of quality to the millions of American homes which otherwise could not have enjoyed such benefits. In fact, it might be said that radio has erased the old boundaries of time and space. As millions of American families gather each day about their receivers, we become neighbors in a new and true sense.

Today the need is greater than ever that broadcasting should perform its function as a medium of public information. Factual and accurate news made available to all of our people is a basic essential of democracy. Radio has done its job well in this field. Elsewhere radio and the press are instruments of the state—used by dictators without regard for truth or justice. I reaffirm to you my belief that democracy will not tolerate any attempts at domination or control by government at the free and open avenues of public information. The best assurance that this will continue to be so is the proper discharge of the public responsibilities by those who operate these media.

The nations of this hemisphere are engaged in a cooperative undertaking to keep war and aggression from our shores. It is my hope that radio will increase and continue its efforts to create a broader understanding among the people of this hemisphere. The exchange of programs among the broadcasting stations of the Americas and the origination of special broadcasts from and to our neighbors serve to strengthen the common purpose which unites us at home.

Again I felicitate the radio industry on its twentieth birthday. You have reached an amazing maturity for one so young. Your Government has no wish to interfere or hinder the continued development of the American system of broadcasting. Radio was born and developed in the real American way and its future must continue on that basis.

Sincerely,

FRANKLIN D. ROOSEVELT.

Mr. GURNEY. Mr. President, and to show that radio is appreciated by others than the President of the United States, I offer for the RECORD a letter written by Wendell L. Willkie, also addressed to the National Association of Broadcasters, November 26, 1940.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

LETTER FROM WENDELL L. WILLKIE FELICITATING AMERICAN RADIO ON ITS TWENTIETH BIRTHDAY

NOVEMBER 25, 1940.

DEAR MR. MILLER: Through you I would like to congratulate American radio broadcasting on its twentieth birthday and all those men and women who have achieved such a splendid and outstanding performance in bringing this medium of communication and entertainment to its present level of perfection.

Those closely associated with radio broadcasting in this country can take pride in this achievement, as well as in the fact that they have kept the ether waves clear for free expressions of all shades of thought. As one who has just come through a national political campaign as a major participant, I can bear testimony to the fairness and high sense of responsibility of those in control of our radio facilities. May it ever be so. A free radio, along with a free press, constitutes the cornerstone of a system of free men.

With very best wishes for the future of American radio, I am,

Sincerely yours,

WENDELL L. WILLKIE.

NATIONAL CONFERENCE ON PALESTINE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a part of the proceedings of the National Conference on Palestine held in St. Louis, Mo., on November 9, 10, and 11, containing addresses by Jacob Sincoff, Israel Goldstein, and Senator Barkley, and a letter from the President of the United States, which appear in the Appendix.]

ADDRESS BY HON. M. S. SZYMCZAK ON DEVELOPMENT OF FEDERAL RESERVE BANKING

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address by M. S. Szymczak, a member of the Board of Governors of the Federal Reserve System, at the annual fall dinner meeting of the Chicago District Illinois Bankers Association, at the Blackstone Hotel, Chicago, Ill., on Thursday, November 14, 1940, which appears in the Appendix.]

ADDRESS BY HON. ALFRED M. LANDON ON THE NEUTRALITY ACT

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an address by Hon. Alfred M. Landon, of Kansas, entitled "Stand by the Neutrality Act," delivered at the meeting of the Kansas City Cooperative Club, November 26, 1940, which appears in the Appendix.]

ADDRESS BY HON. JAMES A. FARLEY AT JESUIT-XAVIER JUBILEE DINNER

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an address delivered by Hon. James A. Farley at the civic testimonial dinner of the Jesuit-Xavier jubilee on November 24, 1940, which appears in the Appendix.]

TRIBUTE TO HEROES OF THE MERCHANT MARINE, BY EDWARD N. HURLEY

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address delivered before the Philadelphia Chamber of Commerce on September 27, 1918, by Edward N. Hurley, paying tribute to the heroes of the merchant marine, which appears in the Appendix.]

ADDRESS BY MANUEL ROXAS ON PHILIPPINE-AMERICAN RELATIONS

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an address on Philippine-American relations, delivered by Hon. Manuel Roxas, secretary of finance in the Philippine cabinet, which appears in the Appendix.]

ARTICLE BY JOHN THOMAS VANCE ON LATIN-AMERICAN LEGAL STUDY

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD an article by John Thomas Vance, law librarian of the Library of Congress, entitled "Need for a Center of Latin-American Legal Study," published in the American Bar Association Journal for September 1940, which appears in the Appendix.]

ARTICLE BY BERNARR MACFADDEN ON HEALTH IN WARTIME

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD an editorial under the heading "War—Health—Doctors," written by Bernarr Macfadden and published in Liberty magazine of the issue of November 30, 1940, which appears in the Appendix.]

ARTICLE BY EDITH O. NEWBY ON THE DRIFT TOWARD WAR

[Mr. HOLT asked and obtained leave to have printed in the Appendix an article entitled "It Can Be Stopped," by Edith O. Newby, dealing with the drift to war, published in the Christian Century for October 30, 1940, which appears in the Appendix.]

PERSONAL STATEMENT—CHICAGO TRIBUNE EDITORIAL

Mr. BARKLEY. Mr. President, I have here an editorial from the Chicago Tribune which I desire to read, and upon which I desire to make some brief comments.

I have no purpose to try to rehash the recent election in the United States, nor the more remote election held in the State of Kentucky; but I am going to read this editorial in order that I may characterize it for what it is.

The heading is:

SENATOR BARKLEY'S RESERVATION

When WAYLAND BROOKS took his oath as Senator from Illinois, Senator BARKLEY, of Kentucky, asserted that he was reserving the right to object later. His action was obviously based on the hope that Senator Slattery, whom Senator BROOKS defeated, will start some sort of a contest.

If there were any doubt as to the validity of Senator BROOKS' election, which there is not, Senator BARKLEY is the last man any honest Democrat would choose to dispute it. The country has not forgotten that BARKLEY'S own renomination and election to the Senate were procured by shameless bribery of the voters of Kentucky with Federal funds. It was a use of money which President Roosevelt not only condoned but brazenly recommended in his statement reminding Kentuckians of the grants that he had been pleased to bestow on his "yes man," and it was so flagrant that it aroused the indignation of a Senate investigating committee, the majority of whose members were of BARKLEY'S own party.

There is not enough partisan greed in the Senate of the United States to make successful any move to unseat Senator BROOKS for such a character as Strongbox Slattery. Slattery bears a double stigma, that of the strongbox and that of the disgraceful secret deal to keep him in office, by which a few renegade Republicans were persuaded to attempt at the last minute to knife the nominee of their own party.

In any event, the grand jury is still sitting at Springfield. It is entirely possible that Strongbox will be too busy there as a defendant to appear in Washington as a plaintiff.

Mr. President, I realize how futile it probably is for any man in public life to take notice of all the scurrilous and unvarnished lies that are printed about him; but I desire to brand this editorial, insofar as it applies to me, as an unvarnished, unmitigated, premeditated, malicious lie, and to brand the Chicago Tribune, whose editorial it is, as a malicious, hide-bound, bitter partisan liar. If I can make my language any stronger than that, I will accept suggestions from any of my colleagues.

I shall not go into the history of the election in my State to which this contemptible editorial refers. There is nothing in my public life in Washington for which I have any apology to make to anybody, and especially the Chicago Tribune. There is nothing in the conduct of my campaign 2 years ago, or at any other time, insofar as I was connected with it, for which I have any apology to make. I shall not go into that subject. It has been discussed on the floor of the Senate before and I shall not rehash it here.

The very first statement made in this editorial is a falsehood, and could have been known to be if the editor, whoever he is—whom I do not know and whose name I do not know—had taken the time and the opportunity and the trouble to investigate. The trouble with the Chicago Tribune is that it does not want the truth, and, if it ascertains it, it never uses it, and would not publish it if another course would do injustice to some Democrat.

Here is what occurred with respect to the Senator from Illinois: When he was presented in the Senate to be sworn in I rose and made this statement, which I not only had the right to do but which it was my duty to do; and I could not have done anything less in view of the statements that had been made to me. I did not say that I reserved the right later to object to his admission to the Senate. I did state—and I will read what I stated:

Mr. President, I wish simply to state that I have been informed informally that there may be some question raised with respect to this matter; in which event, of course, the Senate would not waive any of its rights with respect to the election by having Mr. BROOKS take the oath of office, as I understand. So, under the circumstances, I shall not object.

There is nothing there which intimated that I ever had any intention later to object to the seating of the Senator from Illinois. I merely wished by that remark to state to those who had brought to me informally some question about the conduct of the election in Illinois that the seating of the Senator from Illinois did not in any way militate against the Senate taking action in the future if there should be any occasion to take it. I do not know that there is any occasion; I do not know that there will be; and, so far as I am concerned, I certainly have no intention, and had no intention then, to object to the Senator from Illinois being seated, unless from other sources there should be presented here evidence that would justify the Senate in taking up the matter for investigation. So the very first statement made by this editorial in the Chicago Tribune was a falsehood, and it could have been known to be a falsehood if the editor had taken the trouble to read in the RECORD what I said.

But the Chicago Tribune takes up these observations of mine in the Senate—which were proper, I think, as will be agreed to by any Senator, under the circumstances—in order to hang on them its hat of malicious, blind, partisan, bitter criticism of me, and incidentally of the President, or vice versa, as the case may be.

Of course, I realize that it has been so long since the Chicago Tribune supported any candidate for President or any administration that did anything for the American people that it has either forgotten or ignored the technique of any candidate or any party laying before the people what he or it has done in their behalf.

In the recent campaign in the United States the Chicago Tribune, I think, will be recognized and acknowledged as the most bitter, the most ruthless, and the most unrelenting newspaper in the United States against President Roosevelt. It had the most vicious and the most scandalous and scurrilous cartoons that were published in any newspaper in the United States. The Chicago Tribune has a wide circulation in the Middle West. It has more in Illinois than it has elsewhere; and yet it has so little influence in Illinois and in its own city of Chicago, where it is published, that notwithstanding three times it has opposed the election or reelection of President Roosevelt, the State of Illinois has gone overwhelmingly in his behalf. Notwithstanding that in three campaigns it has maliciously and bitterly and scandalously opposed him, the very city in which it is published has gone in all those campaigns overwhelmingly in behalf of Mr. Roosevelt. Notwithstanding its vicious and bitter attacks upon city administrations in Chicago and its opposition to them, the same result has occurred in Chicago, where it is published; and the most thunderous applause that any speaker in Chicago can obtain, no matter what subject he is discussing, is to denounce the Chicago Tribune in the very city in which it is published.

I have no knowledge about the campaign in Illinois, and nothing that I say here is intended as in any way a reflection upon the Senator from Illinois [Mr. BROOKS]. I hope that he and I, so long as we are both Senators, shall be friends, and that we shall have in and for each other the mutual confidence and respect that ought to prevail among Senators. But I cannot, Mr. President, ignore this contemptible editorial in the Chicago Tribune and the basis of it. All my life I have been fighting, in public and private life, for honest and clean elections and against corruption; and I have been more consistently active in that behalf than have all those who have been connected with the Chicago Tribune ever since I have known anything about it.

I do not wish to make any unnecessary statements about the recent election in which President Roosevelt and Mr. Willkie were involved, but it is a matter of common knowledge

that more money, collected from more devious sources, was spent in more different ways to defeat Mr. Roosevelt during the last campaign than was ever expended or collected in the history of the United States in any previous campaign. If Mark Hanna's spirit broods over the affairs of our country and the details of the actions of men, and takes any interest now in the elections held in this country, it will become green with envy over what happened last year; and it might be interesting to know to what extent the Chicago Tribune or those who are connected with it participated in the collection and expenditure of the enormous campaign fund which was expended. It was impossible to travel anywhere in the United States without seeing evidences of it.

Mr. President, in behalf of the very political purity and decency for which the United States Senate stands, and for which I believe every Senator here stands, I hope some way will be found to ascertain the amount that was really collected and expended in the recent campaign and the sources of its collection.

I served in the Senate with the former Senator from Illinois, Mr. Slattery. I entertained for him—and I believe I can say truthfully that every Member of the Senate of the United States entertained for him—the highest admiration and respect. I think he had the confidence and the respect of Members of this body on both sides, and I believe that I can truthfully state that as a result of his conduct and demeanor, his bearing, and his demonstrated ability, during his short service in this body, no man attained a position commanding more unanimous respect and confidence of the Members with whom he served than did Senator Slattery. I feel that that statement is due him from me, and I believe that I but express the views of every Member of this body, without regard to politics.

I have no knowledge concerning the things about which this editorial comments maliciously. It seems to gloat over the fact that the grand jury is still in session in Springfield, and it gloated over it during the campaign. It may be that its gloating, connected with the operations of the grand jury about a personal matter, contributed to the defeat of Senator Slattery. I do not know about that. I do know that some publicity was given to the fact that the grand jury was in session. It might be interesting to know why these matters were aired only on the eve of an election in which he was involved.

The editorial refers to some mysterious secret deal in which an effort was being made to reelect Senator Slattery. I venture the suggestion that there is not the slightest foundation in fact for the assertion that there was any secret deal or any other kind of deal to elect Mr. Slattery to the Senate. Of course, the editorial refers to the attitude of the Chicago Daily News, which is owned and operated by the present Secretary of the Navy, Col. Frank Knox, who, although a Republican, and although he supported Mr. Willkie and his paper supported Mr. Willkie, came out in an editorial a week or 10 days before the election in behalf of Senator Slattery as against his opponent. And because he did that he is denounced in this editorial as a renegade Republican.

Mr. President, in the opinion of the Chicago Tribune, any Republican who votes for a Democrat becomes immediately and automatically a renegade Republican, but if any Democrat deserts his own party and votes the Republican ticket, the paper takes him to its arms, and on the front pages holds him up as a patriot, and as a paragon of all virtues. It is a bad rule that does not work both ways.

Mr. President, I do not like to use the term "renegade" with respect to anyone. Colonel Knox is an honored man. He was a Republican candidate for Vice President, and he made a dignified and clean race for that office. He was handicapped by his running mate at the time, and by the conditions then existing which resulted in the overwhelming reelection of President Roosevelt. He was patriotic enough, in the present crisis of our Nation's history, to abandon his partisanship, to the extent that he accepted a Cabinet place under Mr. Roosevelt, but announced when he did so that he was not surrendering his political views; that he was doing it in order to serve his country. He is serving his country eminently, and to the satisfaction of the American people.

If Colonel Knox and those who are associated with him in the operation of the Chicago Daily News became renegades, disgraceful, and contemptible, beneath the notice of great patriots such as the Chicago Tribune, because they supported Mr. Slattery for the Senate, I wonder if the Chicago Tribune would publish a list of the prominent Democrats in the United States who supported Mr. Willkie, and write editorials condemning them, or denouncing them as renegade Democrats who were welcomed during the campaign in the cloisters of the Republican candidate for President.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MINTON. As the Senator knows, I happen to live in the State adjoining Illinois, where the Chicago Tribune is published in Chicago. I do not think the Senator should concern himself much about what the venal, mendacious, low-lived, racketeering Chicago Tribune has to say about anyone. No one in that section of the country pays any attention to it. In the election just held we carried Lake County, which lies immediately adjoining Chicago in Indiana, by a larger majority than at any other time except once in all its history. I carried it by 5,353 in 1934 and I carried it by almost 27,000 in the recent election. So the people who reside in Lake County, Ind., next door to Chicago, know the Chicago Tribune for what it is, and no one in that section ever pays any attention to the Chicago Tribune.

Mr. BARKLEY. I appreciate that, and I stated a while ago that it had so little influence that it could not carry either its State or its city against the President of the United States.

Mr. President, I think we find ourselves in a situation and in a posture in this country when men in public life cannot completely ignore the malicious efforts of those who are bitterly opposed to them, and those who do not represent or speak the truth, to poison the minds of the American people concerning those attempting to serve them in public office. I have always been a believer in the freedom of the press. I have fought all my life not only for the freedom of the press, but for the freedom of assembly and the freedom of speech, and I would be the last man to vote for any legislation which would handicap or in any way hinder freedom of speech, of the press, of assembly, of worship, or any other of the freedoms which we enjoy in the United States. But there is no greater disservice, there is no more contemptible disservice, than that rendered in the United States by that part of the press which seeks deliberately, consistently, and habitually to break down the confidence of the people of the United States in those whom they have trusted and those who are attempting to serve them.

I am not making these remarks by reason of any personal feeling. I do not care what the Chicago Tribune thinks of me. I wanted to have the editorial printed in the RECORD to show what it thinks of me in order that I might say what I think of it. Having said what I think of it, I now, as is said in the Federal Trade Commission, for the time being cease and desist. I thank the Chair and the Senate for the courtesy with which they have listened to my remarks.

EXECUTIVE SESSION

The PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. MILLER, from the Committee on the Judiciary, reported favorably the nomination of Joseph Warren Madden,

of Pennsylvania, to be a judge of the United States Court of Claims, vice Green, retired.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of William L. Galloway to be postmaster at Arcadia, La., in place of W. L. Galloway.

Mr. SHEPPARD. From the Committee on Military Affairs I report certain nominations in the Army, and later in the present session I shall ask for their consideration.

Mr. GEORGE, from the Committee on Foreign Relations, reported favorably without amendment Executive Q, Seventy-sixth Congress, third session, a supplementary extradition convention between the United States of America and the Republic of Colombia signed at Bogota on September 9, 1940, and submitted a report (Ex. Rept. No. 14) thereon.

Mr. GEORGE. Mr. President, from the Committee on Foreign Relations I submit a favorable report on the nomination of Admiral William D. Leahy, of Georgia, to be Ambassador Extraordinary and Minister Plenipotentiary of the United States of America to France, vice William C. Bullitt, resigned.

I also submit a favorable report from the same committee on the nomination of John Campbell White, of New York, now a Foreign Service officer of class 1, serving as diplomatic agent and consul general at Tangier, Morocco, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Haiti.

I ask that the reports be placed on the calendar.

The PRESIDENT pro tempore. The reports will be placed on the calendar.

If there be no further reports of committees, the clerk will state the nomination on the calendar.

POSTMASTER

The legislative clerk read the nomination of Ernest Muster, to be postmaster at East Bernstadt, Ky.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. BARKLEY. Mr. President, in view of the fact that for some time there has been a vacancy in the postmastership the nomination for which has just been confirmed, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified of the confirmation.

That concludes the calendar.

JOSEPH WARREN MADDEN

Mr. MILLER. From the Committee on the Judiciary I have today reported favorably the nomination of Joseph Warren Madden to be a judge of the Court of Claims.

Mr. BARKLEY. That report is not on the calendar. It is understood that it was submitted today by the Committee on the Judiciary.

The PRESIDENT pro tempore. It is so understood by the Chair. Unless request is made for immediate consideration of the nomination, and the request is granted, the nomination automatically goes to the calendar.

Mr. MILLER. I wish to submit the request that the nomination be now presently considered.

Mr. VANDENBERG. I object.

The PRESIDENT pro tempore. Objection is heard. The report will be placed on the calendar.

Mr. ASHURST. Mr. President, how far I should be heard and tolerated at this juncture I am not competent to judge, and I confess to some embarrassment in speaking now. It will not be forgotten that 84 Senators, in fact, all Senators in Washington at that time, signed a petition, without my knowledge or consent, asking that I be appointed a judge of the United States Court of Claims. The President, for good reason, reason which I approve, did not see fit to make that nomination, but has sent in the nomination of Mr. Madden, and I am perfectly reconciled. What little disappointment I could have felt—and I felt none—is swallowed up by the circumstance that the nominee, Mr. Madden, is a gentleman of capability, experience, courage, and high character; and I wish, politely and respectfully, of course, to express the hope that Mr. Madden's nomination will be confirmed at an early date. It would be the gracious thing for the Senate to do. Whatever private or official views Mr. Madden may have entertained in another duty or another place would not influence him in the performance of his duties as a judicial officer. I have much faith in his competency, in his character, and in his courage. I trust that at the appropriate time, if it may not be done today, the nomination of Mr. Madden to this judgeship of the Court of Claims will be confirmed.

I now take the opportunity to thank the Senators—and they embrace all those who were in the city at that time—who signed the petition asking that I be appointed a judge of the Court of Claims. My gratitude to them is very real, but I know that they would wish me to do the gracious thing. Why not, therefore, confirm the nomination of this gentleman, since there is nothing against his character or his attainments? He is a man of good repute. If confirmation may not be had today, I urge that it be had at an early date. Mr. Madden's nomination was referred to the Senate Committee on the Judiciary. It was there considered by a subcommittee of five Senators. They held a meeting and considered the nomination. It has been reported favorably by a majority of the committee—by all those members who could be contacted.

Before I sit down let me say that I am affected by the memories clustering about this Chamber—the old Senate Chamber. I listened with attention to the speech of the Senator from Kentucky. I hope he will not take too much to heart statements which may be made in publications. History is opulent with irony, but probably the startling irony of American history is that one of the most gentle, one of the most polite, and one of the most pacific of all Vice Presidents who ever served—Martin Van Buren—was required to preside for some weeks over the Senate in this old Chamber with a brace of pistols in his pockets.

These are better days than the bygone ones. Harsh things are said in print and on the stump, but the Vice President of the United States is not required to sit in the Senate Chamber with a brace of pistols in his pockets.

Mr. BARKLEY. Mr. President, I can assure my very dear friend the senior Senator from Arizona that not only have I never for a moment carried upon my person such a weapon but that I have never even been the owner of one, and can visualize no future exigency which would require a change in this course of conduct.

JOSEPH D. NUNAN, JR.

Mr. GEORGE. Mr. President, for the chairman of the Finance Committee, I submit a favorable report on the nomination of Joseph D. Nunan, Jr., of Douglaston, Queens County, N. Y., to be collector of internal revenue for the first district of New York, vice Almon G. Rasquin, deceased.

Because of the fact that there has been a vacancy in this office of some weeks standing. I submit a unanimous-consent request for the present consideration of the nomination.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Georgia? The Chair hears none. The nomination will be stated.

The legislative clerk read the nomination of Joseph D. Nunan, Jr., of Douglaston, Queens County, N. Y., to be collector of internal revenue for the first district of New York, vice Almon G. Rasquin, deceased.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. WAGNER. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination of Mr. Nunan.

The PRESIDING OFFICER. Without objection, the President will be notified.

IN THE ARMY

Mr. SHEPPARD. Mr. President, I ask that the routine Army nominations which I reported earlier today be considered and confirmed.

The PRESIDENT pro tempore. Without objection, the nominations in the Army will be confirmed.

Mr. SHEPPARD. I ask that the President be notified of the confirmation of the Army nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified.

AMBASSADOR TO FRANCE—WILLIAM D. LEAHY

Mr. GEORGE. Mr. President, I ask unanimous consent for the immediate consideration of the nomination of Admiral William D. Leahy to be Ambassador Extraordinary and Plenipotentiary to France.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia?

Mr. VANDENBERG. Mr. President, in this instance I have no objection. On the contrary, I think the appointment is admirable and that the nomination should have immediate attention.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. GEORGE. I ask that the President be immediately notified.

The PRESIDENT pro tempore. Without objection, the President will be notified.

MINISTER TO HAITI—JOHN CAMPBELL WHITE

Mr. GEORGE. Mr. President, I ask unanimous consent for the present consideration of the nomination of Mr. John Campbell White to be Minister to Haiti.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia? The Chair hears none. Without objection, the nomination is confirmed.

Mr. GEORGE. I ask that the President be immediately notified.

The PRESIDENT pro tempore. Without objection, the President will be notified.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 12 o'clock and 50 minutes p. m.) the Senate took a recess until Monday, December 2, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, November 29 (legislative day of November 19), 1940

COLLECTOR OF INTERNAL REVENUE

Joseph D. Nunan, Jr., of Douglaston, Queens County, N. Y., to be collector of internal revenue for the first district of New York, in place of Almon G. Rasquin, deceased.

APPOINTMENT IN THE NAVY

MARINE CORPS

Maj. Gen. Thomas Holcomb to be the Major General Commandant of the Marine Corps for a period of 4 years from the 1st day of December 1940.

POSTMASTERS

ALABAMA

Edith Joy Ray to be postmaster at Munford, Ala. Office became Presidential July 1, 1940.

Cora T. Culverhouse to be postmaster at Speigner, Ala. Office became Presidential July 1, 1940.

Margaret Dora Hamel to be postmaster at Woodward, Ala., in place of G. M. Anderson. Incumbent's commission expired June 1, 1940.

ALASKA

Alexander King to be postmaster at Kodiak, Alaska. Office became Presidential July 1, 1939.

ARIZONA

William D. Spangler to be postmaster at Benson, Ariz., in place of L. D. Redfield, retired.

Charles W. Montgomery to be postmaster at Whiteriver, Ariz., in place of C. G. Montgomery, resigned.

ARKANSAS

Felix E. Stephenson to be postmaster at De Witt, Ark., in place of F. E. Stephenson. Incumbent's commission expired June 25, 1940.

Fred H. Bond to be postmaster at Stephens, Ark., in place of Fred Smith, deceased.

CALIFORNIA

Wilton R. Young to be postmaster at Bijou, Calif. Office became Presidential July 1, 1940.

Salve Bue to be postmaster at Burney, Calif. Office became Presidential July 1, 1940.

Russell F. Neely to be postmaster at Girard, Calif. Office became Presidential July 1, 1940.

Spencer H. Cooley to be postmaster at Healdsburg, Calif., in place of Magdalena Seawell, resigned.

Ruth E. Baumgartner to be postmaster at Hilts, Calif., in place of I. F. Tallis, resigned.

Harry H. Chapman to be postmaster at Hornbrook, Calif., in place of H. H. Chapman. Incumbent's commission expired March 29, 1940.

Delmo Bernard Badasci to be postmaster at Riverdale, Calif., in place of D. B. Badasci. Incumbent's commission expired June 1, 1940.

Reid E. Shamhart to be postmaster at Santa Maria, Calif., in place of R. E. Shamhart. Incumbent's commission expired August 26, 1939.

Allan F. Walker to be postmaster at Sepulveda, Calif. Office became Presidential July 1, 1939.

COLORADO

John R. Kraxberger to be postmaster at Arriba, Colo., in place of J. R. Kraxberger. Incumbent's commission expired June 16, 1940.

Frank E. Lilley to be postmaster at Fairplay, Colo., in place on N. K. Lilley. Incumbent's commission expired January 21, 1939.

FLORIDA

Flode Jones to be postmaster at Deleon Springs, Fla. Office became Presidential July 1, 1940.

Edward A. Jensen to be postmaster at Pahokee, Fla., in place of W. D. Larrimore, removed.

J. Alex Morrell to be postmaster at Umatilla, Fla., in place of J. H. Dutill. Incumbent's commission expired August 9, 1939.

GEORGIA

Ernest L. Hanger to be postmaster at Manchester, Ga., in place of G. W. Griffith, transferred.

HAWAII

Frederick L. Fernandez to be postmaster at Aiea, Hawaii, in place of R. D. Austin, removed.

IDAHO

Ralph L. Woodard to be postmaster at Atlanta, Idaho. Office became Presidential July 1, 1940.

Alice A. York to be postmaster at Carey, Idaho, in place of Stella Hurst. Incumbent's commission expired April 28, 1940.

ILLINOIS

William Harry Bruns to be postmaster at Camp Point, Ill., in place of Harry Bruns. Incumbent's commission expired June 1, 1940.

John A. Miller to be postmaster at Nameoki, Ill. Office became Presidential July 1, 1940.

Charlotte H. Eekhoff to be postmaster at Nokomis, Ill., in place of A. J. Eekhoff, deceased.

Lawrence P. Luby to be postmaster at Rockford, Ill., in place of L. P. Luby. Incumbent's commission expired February 7, 1939.

INDIANA

Grace Cross to be postmaster at Brownstown, Ind., in place of L. M. Welsh, deceased.

Francis A. Hehn to be postmaster at Collegeville, Ind. Office became Presidential July 1, 1940.

De L. Cartmell to be postmaster at Hagerstown, Ind., in place of Elnora Root, deceased.

John Nichols to be postmaster at Odon, Ind., in place of John Nichols. Incumbent's commission expired April 24, 1940.

IOWA

Nelle M. Parsons to be postmaster at Letts, Iowa. Office became Presidential July 1, 1940.

Joseph L. Lichty to be postmaster at Luverne, Iowa, in place of J. L. Lichty. Incumbent's commission expired April 24, 1940.

KANSAS

Thomas W. Moore to be postmaster at Republic, Kans., in place of E. E. Conzelman, transferred.

George I. Althouse to be postmaster at Sabetha, Kans., in place of G. I. Althouse. Incumbent's commission expired July 27, 1939.

Lyell D. Ocobock to be postmaster at Scandia, Kans., in place of W. S. English, removed.

KENTUCKY

Everett E. Warren to be postmaster at McHenry, Ky., in place of E. E. Warren. Incumbent's commission expired July 1, 1940.

Robert S. Welch to be postmaster at Scottsville, Ky., in place of R. S. Welch. Incumbent's commission expired June 26, 1939.

Sanna Bowling to be postmaster at White Plains, Ky., in place of Sanna Bowling. Incumbent's commission expired July 1, 1940.

LOUISIANA

William Z. Lewis to be postmaster at Alco, La. Office became Presidential July 1, 1940.

Emile M. Benoit to be postmaster at Arnaudville, La., in place of Pierre Mistrot. Incumbent's commission expired June 3, 1940.

Ardie L. Page to be postmaster at Rayville, La., in place of H. J. Coenen, removed.

Alydia B. Darnall to be postmaster at Weeks, La. Office became Presidential July 1, 1940.

MAINE

Mrs. Marion J. Ricker to be postmaster at Lisbon, Maine. Office became Presidential July 1, 1940.

MARYLAND

Emma J. Wilson to be postmaster at Colora, Md. Office became Presidential July 1, 1940.

Ruppert W. Suman to be postmaster at Glenn Dale, Md. Office became Presidential July 1, 1940.

Alexander Roy Woodland to be postmaster at Marion Station, Md., in place of A. R. Woodland. Incumbent's commission expired June 17, 1940.

MICHIGAN

William W. Jones to be postmaster at Franklin, Mich. Office became Presidential July 1, 1940.

Roy Mellon to be postmaster at Goodrich, Mich, in place of W. J. Putnam, deceased.

Monica M. Parks to be postmaster at Highland, Mich. Office became Presidential July 1, 1940.

Walter C. Schoof to be postmaster at Imlay City, Mich., in place of W. C. Schoof. Incumbent's commission expired April 21, 1940.

William M. Hankerd to be postmaster at Munith, Mich. Office became Presidential July 1, 1940.

John P. Shear to be postmaster at New Hudson, Mich. Office became Presidential July 1, 1940.

Frances A. Leece to be postmaster at Ortonville, Mich., in place of B. L. Tower. Incumbent's commission expired February 14, 1940.

MINNESOTA

Paul M. Saemrow to be postmaster at Morristown, Minn., in place of P. M. Saemrow. Incumbent's commission expired March 23, 1939.

Maude E. Williams to be postmaster at Mora, Minn., in place of M. E. Williams. Incumbent's commission expired March 12, 1939.

Ray N. Tabaka to be postmaster at Longville, Minn. Office became Presidential July 1, 1940.

John S. Gould to be postmaster at Southard, Okla. Office became Presidential July 1, 1940.

Andrew Lubinski to be postmaster at Greenbush, Minn., in place of Andrew Lubinski. Incumbent's commission expired June 3, 1940.

MISSISSIPPI

R. V. Lindley to be postmaster at Moselle, Miss. Office became Presidential July 1, 1940.

MISSOURI

Gladys S. Henderson to be postmaster at Bunker, Mo. Office became Presidential July 1, 1940.

Benjamin F. Carney to be postmaster at Crane, Mo., in place of L. D. Carney, resigned.

Lottie Breedlove to be postmaster at Rogersville, Mo., in place of Lottie Breedlove. Incumbent's commission expired June 18, 1940.

NEBRASKA

Charles M. Brown to be postmaster at Sutton, Nebr., in place of C. M. Brown. Incumbent's commission expired May 19, 1940.

NEVADA

Spencer E. Blackburn to be postmaster at Mountain City, Nev. Office became Presidential July 1, 1940.

NEW HAMPSHIRE

Albert Dean Holmer, Jr., to be postmaster at Exeter, N. H., in place of E. K. Sweeney, removed.

William H. Roberts to be postmaster at Raymond, N. H., in place of J. W. Prescott, deceased.

NEW JERSEY

Samuel Munyan to be postmaster at Gibbstown, N. J., in place of Samuel Munyan. Incumbent's commission expired May 19, 1940.

Milton E. Henderson to be postmaster at Leesburg, N. J. Office became Presidential July 1, 1940.

NEW YORK

William E. Kreiger to be postmaster at Latham, N. Y. Office became Presidential July 1, 1940.

Milly L. Hendershot to be postmaster at Sparrow Bush, N. Y., in place of M. L. Hendershot. Incumbent's commission expired July 1, 1940.

NORTH CAROLINA

Edward K. Morris to be postmaster at Atlantic, N. C. Office became Presidential July 1, 1940.

James Kelly Bridgers, Sr., to be postmaster at Nashville, N. C., in place of J. K. Bridgers, Sr. Incumbent's commission expired May 19, 1940.

Lois D. Braswell to be postmaster at Princeton, N. C., in place of L. D. Braswell. Incumbent's commission expired July 1, 1940.

NORTH DAKOTA

Mabel L. Pederson to be postmaster at Courtenay, N. Dak., in place of William Anderson. Incumbent's commission expired May 20, 1940.

Ronald H. Beechie to be postmaster at Nome, N. Dak. Office became Presidential July 1, 1940.

Glen E. Mark to be postmaster at Tioga, N. Dak., in place of S. E. Garland. Incumbent's commission expired March 11, 1940.

Katherine P. Ferrell to be postmaster at Warwick, N. Dak., in place of C. B. Stinson. Incumbent's commission expired February 27, 1940.

OHIO

Charles H. Larrabee to be postmaster at Croton, Ohio. Office became Presidential July 1, 1940.

Audrey M. Neptune to be postmaster at Farmersville, Ohio. Office became Presidential July 1, 1940.

Eusebio Pera to be postmaster at Geneva-on-the-Lake, Ohio. Office became Presidential July 1, 1940.

Clara E. Fleming to be postmaster at West Middletown, Ohio. Office became Presidential July 1, 1940.

OKLAHOMA

Emmett D. Schimmel to be postmaster at Bokoshe, Okla., in place of W. M. Carter, removed.

Garland A. Douglas to be postmaster at Ketchum, Okla. Office became Presidential July 1, 1940.

OREGON

Ruth E. Walter to be postmaster at Clackamas, Oreg., in place of E. M. Foster, deceased.

George F. Kennedy to be postmaster at Seneca, Oreg. Office became Presidential July 1, 1940.

Thomas G. Tucker to be postmaster at Umatilla, Oreg. Office became Presidential July 1, 1940.

PENNSYLVANIA

Arthur F. Ellis to be postmaster at Cambridge Springs, Pa., in place of H. W. Van Matre. Incumbent's commission expired June 20, 1940.

Ottis S. Williams to be postmaster at Canton, Pa., in place of O. S. Williams. Incumbent's commission expired May 8, 1939.

Roy A. Reisenweaver to be postmaster at Conyngham, Pa. Office became Presidential July 1, 1940.

John R. Macalak to be postmaster at Daisytown, Pa., in place of H. L. Levy, resigned.

Avery S. Van Campen to be postmaster at Elmhurst, Pa. Office became Presidential July 1, 1940.

Elwood M. Stover to be postmaster at Kulpsville, Pa., in place of E. M. Stover. Incumbent's commission expired May 2, 1939.

Harry Reinsel to be postmaster at Mayport, Pa. Office became Presidential July 1, 1940.

Rose Guzzetti to be postmaster at New Galilee, Pa. Office became Presidential July 1, 1940.

Bernard J. O'Rourke to be postmaster at Norristown, Pa., in place of J. B. Hackman, removed.

Alexander Alexander to be postmaster at Sellersville, Pa., in place of Alexander Alexander. Incumbent's commission expired June 25, 1940.

Charles F. Mowry to be postmaster at Ulster, Pa., in place of C. F. Mowry. Incumbent's commission expired June 25, 1940.

Stella C. K. Miecznik to be postmaster at Woodlyn, Pa. Office became Presidential July 1, 1940.

PUERTO RICO

Judson Ulery McGuire to be postmaster at Bayamon, P. R., in place of J. U. McGuire. Incumbent's commission expired June 17, 1940.

Tomas Mulero Gonzalez to be postmaster at Culebra, P. R. Office became Presidential July 1, 1940.

Armando Rivera to be postmaster at Jayuya, P. R. Office became Presidential July 1, 1940.

SOUTH CAROLINA

Hazel V. Walpole to be postmaster at Frogmore, S. C. Office became Presidential July 1, 1940.

John George Waters to be postmaster at Inman, S. C., in place of J. C. Williams, resigned.

Rosa B. Grainger to be postmaster at Lake View, S. C. Office became Presidential July 1, 1940.

Birdie B. Carpenter to be postmaster at Warrenville, S. C. Office became Presidential July 1, 1940.

SOUTH DAKOTA

Merlyn A. Terry to be postmaster at Claremont, S. Dak. Office became Presidential July 1, 1940.

Iva M. Bowen to be postmaster at Egan, S. Dak. Office became Presidential July 1, 1940.

Tillie M. Cowman to be postmaster at Gayville, S. Dak. Office became Presidential July 1, 1940.

Walter R. Garner to be postmaster at Herrick, S. Dak., in place of G. M. Foltz, removed.

TENNESSEE

Hugh E. Davenport to be postmaster at Crossville, Tenn., in place of H. E. Davenport. Incumbent's commission expired July 18, 1939.

John Cort Sadler to be postmaster at Gainesboro, Tenn., in place of J. C. Sadler. Incumbent's commission expired April 21, 1940.

Dewey Darnell to be postmaster at Hornbeak, Tenn. Office became Presidential July 1, 1940.

Cecil Hitchcox to be postmaster at Pikeville, Tenn., in place of W. L. Tollett. Incumbent's commission expired May 18, 1940.

TEXAS

R. Nelson Gray to be postmaster at Bertram, Tex., in place of R. N. Gray. Incumbent's commission expired April 24, 1940.

Glen E. Greebon to be postmaster at Blanco, Tex., in place of Lee Brown, removed.

Carrie G. Williams to be postmaster at Bronte, Tex., in place of R. J. Epperson, deceased.

Mollie Gee to be postmaster at Call, Tex. Office became Presidential July 1, 1937.

Alphonse Boog to be postmaster at D'Hanis, Tex. Office became Presidential July 1, 1940.

Mabel Darden to be postmaster at Holliday, Tex., in place of Mabel Darden. Incumbent's commission expired June 1, 1940.

Johnye H. Way to be postmaster at Jourdanton, Tex., in place of H. M. Peel, retired.

Ray N. Anderson to be postmaster at Kamay, Tex. Office became Presidential July 1, 1940.

Boyd D. Vick to be postmaster at New London, Tex. Office became Presidential July 1, 1940.

James Bruce Moore to be postmaster at Reagan, Tex., in place of T. B. Higgins, retired.

Joseph M. Pickerill to be postmaster at Saratoga, Tex., in place of R. L. Hooks, removed.

Herman B. Vezey to be postmaster at Sweeny, Tex. Office became Presidential July 1, 1939.

VERMONT

Ella M. Martin to be postmaster at Rochester, Vt., in place of E. M. Martin. Incumbent's commission expired May 1, 1940.

VIRGINIA

Ulys S. Staples to be postmaster at King George, Va. Office became Presidential July 1, 1940.

William M. Walden to be postmaster at Saluda, Va., in place of Claude Neale, deceased.

Vernon L. Spence to be postmaster at Tangier, Va. Office became Presidential July 1, 1940.

J. Howard Craig to be postmaster at Verona, Va. Office became Presidential July 1, 1940.

WASHINGTON

Cora L. Sherman to be postmaster at Dryden, Wash. Office became Presidential July 1, 1940.

Dessie M. Hewett to be postmaster at Lyle, Wash. Office became Presidential July 1, 1940.

Richard J. Caretti to be postmaster at Port Orchard, Wash., in place of E. R. Hanks. Incumbent's commission expired June 17, 1940.

Francis G. Bunn to be postmaster at Wishram, Wash. Office became Presidential July 1, 1940.

WEST VIRGINIA

Charles G. Price to be postmaster at Smithfield, W. Va., in place of R. L. Francis, removed.

Swepson J. Richter to be postmaster at White Sulphur Springs, W. Va., in place of S. J. Richter. Incumbent's commission expired June 8, 1940.

WISCONSIN

Adolph H. Meinert to be postmaster at Albany, Wis., in place of A. H. Meinert. Incumbent's commission expired June 25, 1940.

Lawrence C. Porter to be postmaster at Cambridge, Wis., in place of L. C. Porter. Incumbent's commission expired June 25, 1940.

Mae I. Swann to be postmaster at Cascade, Wis. Office became Presidential July 1, 1940.

Jessie I. Sweney to be postmaster at Endeavor, Wis. Office became Presidential July 1, 1940.

Edward E. Bengs to be postmaster at Greendale, Wis. Office became Presidential January 1, 1940.

H. Shirley Smith to be postmaster at Holmen, Wis., in place of H. S. Smith. Incumbent's commission expired June 17, 1940.

Harris Gilbert Hanson to be postmaster at Iola, Wis., in place of H. G. Hanson. Incumbent's commission expired July 30, 1939.

Clarence L. Peck to be postmaster at Kennan, Wis., in place of C. L. Peck. Incumbent's commission expired July 1, 1940.

Rudolph H. Wirth to be postmaster at Lake Tomahawk, Wis. Office became Presidential July 1, 1940.

Mary E. Meade to be postmaster at Montreal, Wis., in place of M. E. Meade. Incumbent's commission expired July 1, 1940.

Margaret F. McGonigle to be postmaster at Sun Prairie, Wis., in place of Margaret McGonigle. Incumbent's commission expired June 1, 1940.

Richard M. Grimsrud to be postmaster at Westby, Wis., in place of R. M. Grimsrud. Incumbent's commission expired February 14, 1940.

WYOMING

Anna P. Davis to be postmaster at Green River, Wyo., in place of O. O. Davis, deceased.

Althea E. Rollins to be postmaster at Lyman, Wyo., in place of A. E. Rollins. Incumbent's commission expired July 1, 1940.

Frank L. Hunter to be postmaster at Osage, Wyo., in place of M. A. Jackson. Incumbent's commission expired February 5, 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 29 (legislative day of November 19), 1940

DIPLOMATIC AND FOREIGN SERVICE

William D. Leahy to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

John Campbell White to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Haiti.

COLLECTOR OF INTERNAL REVENUE

Joseph D. Nunan, Jr., to be collector of internal revenue for the first district of New York.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. John Floyd McCartney.
Capt. John Wilson Huyssoon.

TO QUARTERMASTER CORPS

Maj. O. D. Wells.
Capt. George Edwin Steinmeyer, Jr.

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

TO BE COLONELS

Harold Mark McClelland	Edmund Walton Hill
Wolcott Paige Hayes	Walter Francis Kraus

TO BE LIEUTENANT COLONELS

Don Lee Hutchins	Ennis Clement Whitehead
Clarence Herbert Welch	Alfred Jefferson Lyon

TO BE MAJORS

James Bell Burwell	Charles Winslow O'Connor
Charles Herman Deerwester	Bernard Alexander Bridget

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES OF THE ARMY OF THE UNITED STATES

GENERAL OFFICERS

Heber Leutner Edwards to be brigadier general, Adjutant General's Department, National Guard of the United States.

Luis Raul Esteves to be brigadier general, National Guard of the United States.

POSTMASTER

KENTUCKY

Ernest Muster, East Bernstadt.

SENATE

MONDAY, DECEMBER 2, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, whose love reacheth to the ends of the world, who art always long-suffering, abundant in goodness and truth: We stand in Thy presence, and because of our unworthiness we know not how to speak; yet from our contrite hearts we pray that by Thy grace we may cast away the works of darkness and put upon us the armor of light in these days of testing and of judgment in the world. And as once more we dedicate ourselves to the highest, holiest things in life, so do we dedicate the country Thou hast given us to a purer, nobler patriotism and a deeper, finer loyalty to the kingship of Thy well-beloved Son. And if there be among us those who are cast down amid the ruins of their happiness or of their integrity, give them the courage to rise up and to rebuild the holy places, in the name and by the methods of Him who by His tender love toward mankind hath become for us the true and living way that leads to the city of our God, even Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, November 29, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on November 29, 1940, the President had approved and signed the following acts:

S. 4107. An act to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdiction of the War Department, and for other purposes; and

S. 4224. An act to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of ERNEST W. MCFARLAND, duly chosen by the qualified electors of the State of Arizona a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of HARRY S. TRUMAN, duly chosen by the qualified electors of the State of Missouri a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

SENATOR FROM CONNECTICUT—CREDENTIALS

Mr. DANAHER. Mr. President, I send to the desk credentials, duly certified to by the Governor and the secretary of state of the State of Connecticut, showing that FRANCIS MALONEY was duly chosen by the qualified electors of the State of Connecticut to be a Senator from that State for the term of 6 years beginning on January 3, 1941.

The PRESIDENT pro tempore. The credentials will be read and filed.

The credentials were read as follows:

STATE OF CONNECTICUT,
EXECUTIVE DEPARTMENT.

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the fifth day of November nineteen hundred and forty FRANCIS MALONEY was duly chosen by the qualified electors of the State of Connecticut a Sentaor from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January nineteen hundred and forty-one.

Witness: His Excellency our Governor, Raymond E. Baldwin, and our seal hereto affixed at Hartford, this 29th day of November, in the year of our Lord nineteen hundred and forty.

RAYMOND E. BALDWIN, *Governor.*

[SEAL] SARA B. CRAWFORD, *Secretary.*

GENERAL ELECTION ON NOVEMBER 5, 1940

The PRESIDENT pro tempore laid before the Senate a letter from the Under Secretary of State, transmitting certain correspondence relating to the general election on November 5 last, which, with the accompanying papers, was ordered to lie on the table.

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AS AMENDED—REPORT OF NAMES, ADDRESSES, AND PAYMENTS

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of Agriculture, submitting a report, pursuant to law, as to the name, address, and amount of payment to each person receiving $1,000 or more under the 1938 programs administered under provisions of the Soil Conservation and Domestic Allotment Act, as amended, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

RELIEF OF CERTAIN DISBURSING OFFICERS

The PRESIDENT pro tempore laid before the Senate a letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to relieve disbursing officers, certifying officers, and payees in respect of certain payments made in contravention of appropriation restrictions regarding citizenship status, which, with the accompanying paper, was referred to the Committee on Claims.

REPORT OF DISTRICT COMMISSION ON LICENSURE, ETC.

The PRESIDENT pro tempore laid before the Senate a letter from the president of the Commission on Licensure Healing Arts Practice Act, District of Columbia, submitting, pursuant to law, the report of the Commission for the fiscal year ended June 30, 1940, which, with the accompanying report, was referred to the Committee on the District of Columbia.

PETITION

Mr. TYDINGS presented a resolution unanimously adopted by the Society for the Americas, Brooklyn, N. Y., favoring the granting of statehood to the Territory of Hawaii, which was referred to the Committee on Territories and Insular Affairs.

NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

Mr. CAPPER. Mr. President, on numerous occasions I have called the attention of the Senate to the great injustice being done the people of the District of Columbia through the continued denial to them of those fundamental rights of representation in our Government enjoyed by all other Americans. Now, of all times, when representative democratic government has been banished from so many countries and we are claiming to hold high the banner of democracy, there appears to me to be special need for us to remove this serious blot from our own democracy. The first step to accomplish this is to amend the Constitution so as to make possible the participation by the people of the District of Columbia, through their duly elected representatives, in the councils of this great Nation.

It was my hope, after our Democratic friends put a District of Columbia suffrage plank in their national Democratic platform, that the long fight of these good Americans of the District would be ended shortly so far as the initial steps by Congress were concerned. With the reporting by the House of Representatives Committee on the Judiciary of the Sumners proposed amendment to the Constitution (H. J. Res. 257–S. J. Res. 288) and the support of that proposition announced by the leaders of both of the major parties in the House and Senate, there was promise of immediate favorable action. I thought that surely the Congress by two-thirds vote of each House would send the proposed amendment on to the several State legislatures for ratification. I entertained the hope that this would be done before the national election, but in this I have been disappointed.

This act of simple justice must be performed early in the Seventy-seventh Congress. The people of the District desire and are entitled to have these privileges. No sound American reason can be given for longer denying them. Congress can no longer afford to continue so un-American a condition to exist at the Nation's Capital, unless it is willing to confess unbelief and faith in a representative democratic form of government.

I notice that at a recent meeting of the Society of Native-Born Washingtonians resolutions were adopted indicating a determination to press this proposal before the Seventy-seventh Congress. As these resolutions are of timely interest, I submit them for publication in the RECORD and for proper reference.

The PRESIDENT pro tempore. Without objection, the resolutions will be printed in the RECORD and referred to the Committee on the Judiciary, to which measures proposing a constitutional amendment for the purpose indicated have been referred.

The resolutions presented by Mr. CAPPER and referred to the Committee on the Judiciary are as follows:

Whereas the Society of Natives of the District of Columbia has, from the day of the organization, supported the proposal to amend the Constitution of the United States so as to empower the Congress to grant to the people of the District of Columbia voting representation in the Senate and House of Representatives and among the electors of President and Vice President, as well as the right to sue and be sued in the courts of the United States; and

Whereas the Democratic National Convention at Chicago included in its 1940 national party platform the following plank: "We also favor the extension of the right of suffrage to the people of the District of Columbia"; and

Whereas the party leaders and many members of both parties in both the Senate and House of Representatives have, through interviews in the press and by other means, declared their support of these proposals to Americanize the Washingtonians and thus permit them to participate with other Americans in the councils of the Nation: Therefore be it

Resolved by the Society of Natives of the District of Columbia in meeting assembled this 25th day of November 1940:

1. That we congratulate the members of the District delegation to the Democratic National Convention for their success in obtaining the adoption of the District suffrage plank in the 1940 platform—the first time any such plank was inserted in the national platform of any political party—and to express to them the sincere hope that the local Democratic organization will see to it that this platform pledge is kept.

2. That we call on the leaders of both the Democratic and Republican Parties in both Houses of Congress to take early and favorable action on the proposed constitutional amendment in the approaching session of the Seventy-seventh Congress, so that it may be submitted to the States and ratified and the people of the District of Columbia be enabled to vote in the next national election.

3. That we favor the proposal known as the Sumners amendment (H. J. Res. 257, 76th Cong., in its original form) and pledge to the Citizens' Joint Committee on District of Columbia National Representation, of which our honored member, Theodore W. Noyes, is chairman, our continued and hearty support in favor of that proposal.

Resolved further, That the President of this society be, and he is hereby, authorized and directed to, in the name of the society, petition the House and Senate of the Seventy-seventh Congress for the passage of the Sumners resolution, and that such petition be filed as soon as it shall be reintroduced.

Adopted by unanimous vote.

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

S. 4434. A bill to expedite the fulfillment of the national-defense program by providing a method for the settlement of labor disputes in defense industries without resort to strikes and lock-outs; to the Committee on Education and Labor.

By Mr. O'MAHONEY:

S. J. Res. 306. Joint resolution extending the time for submitting the final report of the Temporary National Economic Committee; to the Committee on the Judiciary.

ECONOMIC DEFENSE BOARD

Mr. VANDENBERG. Mr. President, I introduce a bill to create the economic defense board of the United States.

It is predicated on the unescapable fact that, regardless of the trends of military war, we face an inevitable international economic war which will be just as ruthless and, in its economic aspects, just as deadly as the military war, regardless of the outcome of the latter. Indeed, we are in it already.

But we have no adequate national instrumentality through which to cope with this economic war. We have no

concentrated responsibility anywhere in the Government to plan and execute our essential international protections in this vital economic field.

Our foreign-trade controls are scattered through the Tariff Commission, which still theoretically administers the flexible tariff; the State Department, which still theoretically administers reciprocal tariffs on an unconditional most-favored-nation basis, which obviously is no longer possible and cannot be in a world at economic war; the Export-Import Bank; the R. F. C.; the White House; the Department of Commerce—a final total of at least 30 agencies dealing with this uncoordinated and therefore ineffectual undertaking.

This bill proposes to bring this total effort into one united undertaking where the whole problem can be met as circumstances may require from time to time. It abolishes the Tariff Commission and transfers its functions to the new economic defense board. It transfers reciprocal-trade agreements from the State Department to the new economic board, and thus, incidentally, distinguishes between the foreign commercial and financial activities of the United States, on the one hand, and its diplomatic and political activities, upon the other. It creates an instrumentality clothed with authority to combat barters with barters, if desirable, and to deal realistically with all of the other economic devices which are now used, far more often than tariffs, to dominate and channel foreign trade. It reasserts the constitutional responsibility of the Congress, yet does not hamper realistic results. In a word, it is an essential part of the national defense which should no longer be left to pell-mell expediency or to fortuitous circumstance.

Mr. President, I hasten to say that a subject of this magnitude cannot be reduced to adequate or appropriate legislative pattern by any one man or set of men. I disclaim any notion that there is finality in a single word or phrase of this proposal. It is simply a conscientious effort to personify and dramatize a problem. Its sole hope is that it may raise a concrete issue and invite its effectual study.

This bill follows the general lines of an original proposal which I introduced last spring. It was refined in a proposal submitted by Representative WOODRUFF of Michigan in the House last October after many mutual consultations. It is here further refined and presented as a text for exploration and advice by all the American people, in and out of the Government, who deal with these interrelated problems of foreign and domestic trade. It asks parity protection for American agriculture, preservation of American industrial wage and living standards and price levels, and every possible aid to American export. It asks national, economic defense.

I ask that the bill be referred to the Finance Committee, and that it may be printed in the CONGRESSIONAL RECORD so that we may invite the broadest possible discussion and advice.

The PRESIDENT pro tempore. Without objection, the bill will be received, referred as requested, and printed in the RECORD.

There being no objection, the bill (S. 4435) to provide for the economic defense of the United States, and for the protection of American price and wage levels and American standards of living against destructive foreign competition, and for the protection and promotion of American foreign trade, and for other purposes, was read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That this act may be cited as the "Economic Defense Act of 1940."

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the Congress—

(a) To promote effective policies and to provide efficient administrative machinery for the economic defense of the United States;

(b) To protect American agriculture, labor, and industry from unfair and destructive foreign competition in the home market, and thereby to maintain American price and wage levels, working conditions, and living standards against competition from countries employing low-wage or forced labor or having depreciated currencies;

(c) To provide the United States with the means of effectively preserving and developing its export trade in the face of disturbed world conditions, present and prospective, and in competition with state-controlled foreign economies;

(d) To encourage the exchange of products between the United States and foreign nations on a mutually advantageous basis, having due regard for the interests of American producers and consumers and for the general welfare of the United States;

(e) To provide adequate governmental assistance in facilitating and in financing exports and imports and the exchange of commodities between the United States and other nations or the agencies or nationals thereof;

(f) To restore to the Congress its constitutional control over the regulation of foreign commerce and the adjustment of tariff duties, and to require that all governmental activities with respect to the foreign trade of the United States shall be administered in accordance with policies and legislative standards established by the Congress;

(g) To promote policies with respect to the foreign commercial and financial activities of the United States that will supplement and conform to national domestic policies;

(h) To provide for separate and unified administration of the foreign commercial and financial activities of the United States (as distinguished from the diplomatic and political activities thereof);

(i) To eliminate overlapping and duplication of effort and to reduce expenditures in the administration of foreign commercial and financial activities of the United States;

(j) To maintain uniform, accurate, and current records of the commercial and financial relations of the United States with each individual foreign country.

ECONOMIC DEFENSE BOARD

SEC. 3. (a) There is hereby established an agency of the Government to be known as the Economic Defense Board (hereinafter referred to as the Board). The Board shall be composed of six members, who shall be appointed by the President, by and with the advice and consent of the Senate, and one of whom the President shall designate as chairman and one as vice chairman. The members of the Board shall be so selected as to afford the broadest possible representation to agriculture, industry, labor, finance, commerce, and transportation, through the appointment of persons duly qualified and experienced in one or more of each of the fields named, and so as to afford representation of each of the principal geographic regions of the country. Not more than three members of the Board shall be members of the same political party. Each member shall devote his full time to the business of the Board. Each of the members of the Board shall receive a salary at the rate of $10,000 per annum. Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(b) Terms of office of the members first taking office after the date of the enactment of this act shall expire, as designated by the President at the time of nomination, one at the end of each of the first 6 years after the date of the enactment of this act. The term of office of a successor to any such member shall expire 6 years from the date of the expiration of the term for which his predecessor was appointed, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) The Board is authorized to appoint and fix the compensation of such officers and employees, and to make such expenditures, as may be necessary for carrying out its functions, in the same manner as is now provided by law for the United States Tariff Commission. The Board may delegate any of its functions to such of its officers and employees as it may designate.

(d) The Board may, with the consent of any Government agency, including any field service thereof, avail itself of the services of the officials, employees, and facilities thereof, and secure any information necessary for the carrying out of its functions. All such agencies shall make available to the Board (upon request, and wherever practicable in the form requested) any information, statistics, and data they may have available pertaining to world trade or other matters relating to the functions of the Board: *Provided*, That any such information, statistics, or data may be made available in confidence, if, in the judgment of the President, it is incompatible with the public interest to have them made public.

(e) The chairman of the Board shall be chairman ex officio of the board of trustees of the Export-Import Bank of Washington.

TRANSFER OF FUNCTIONS OF TARIFF COMMISSION

SEC. 4. (a) The United States Tariff Commission is hereby abolished, and all of its functions are transferred to the Board. All provisions of law applicable to the United States Tariff Commission shall, insofar as they are not inconsistent with the provisions of this act, be applicable in the same manner and to the same extent to the Board.

(b) All officers and employees (except the Commissioners), and all property (including office equipment and official records) of the United States Tariff Commission, and such officers and employees and such property (including office equipment and official records) of the Department of State as the President shall determine to have been employed or used in the exercise of the functions transferred by section 10 and shall specify by Executive order, are transferred to the Board. The transfer of such personnel shall be without reduction in classification or compensation, except that this requirement shall not operate after the end of the fiscal year during which such transfer is made to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. Such of the personnel so transferred as do not already possess a classified civil-service status shall not

acquire such status by reason of such transfer except (1) upon recommendation of the Board within 1 year after such personnel have been so transferred and certification within such period by the Board to the Civil Service Commission that such personnel have served with merit for not less than 6 months prior to the transfer, and (2) upon passing such suitable noncompetitive examinations as the Civil Service Commission may prescribe.

(c) All unexpended balances of appropriations available for use by the United States Tariff Commission, and such unexpended balances of appropriations as the President shall determine to have been available for expenditure by the Department of State in the exercise of the functions transferred by section 10 and shall specify by Executive order, are transferred to the Board and shall be available for expenditure by it in the exercise of its functions.

MODIFICATION OF EXISTING DUTIES OR OTHER IMPORT RESTRICTIONS

SEC. 5. (a) In order to maintain at all times duties and other import restrictions which conform to the policy of Congress by this act intended, and to provide for the prompt and scientific readjustment thereof in accordance with such policy, the Board (1) upon request of the President, or (2) upon resolution of either or both Houses of Congress, or (3) upon its own motion, or (4) when in the judgment of the Board there is good and sufficient reason therefor, upon the application of any interested party, shall investigate the conditions of competition in the domestic market between any domestic product and like or similar foreign products. In the course of its investigation the Board shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings. The Board is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. The Board shall report to the President the results of its investigation and its findings with respect to such conditions of competition. If the Board finds it shown by the investigation that the existing duties or other import restrictions do not equalize the difference in the American selling price of the domestic article and the import price of the like or similar foreign article, the Board shall specify in its report such increases or decreases as it finds shown by the investigation to be necessary to equalize such difference.

(b) The President shall by proclamation approve the increase or decrease in duties or other import restrictions specified in any report of the Board under this section, if in his judgment such changes are shown by such investigation of the Board to be necessary to equalize such difference in price between the domestic article and the like or similar foreign article.

(c) Nothing in this section shall be construed to allow the increase or decrease of any existing duty or import restriction by more than 50 percent of the statutory rate established by act of Congress; but the Board may recommend, and the President may proclaim, transfers from the dutiable list to the free list or from the free list to the dutiable list, provided that such transfers shall not take effect for 90 days in which time a resolution by either or both branches of Congress shall suspend and nullify the transfer. Where the Board finds that the limitations imposed by this subsection operate to restrict the changes which it would otherwise specify in its report to the President, it shall make a report of such fact to the Congress and recommend for appropriate action by the Congress such further changes as it deems necessary to carry out the purposes of this section.

(d) Commencing 30 days after the date of any Presidential proclamation of approval, the changes in duties or other import restrictions specified in the report of the Board shall take effect.

(e) Any increased or decreased duty or other import restriction which has taken effect as provided in this section may be modified or terminated in the same manner and subject to the same conditions and limitations as is provided in this section in the case of original changes.

(f) The President is authorized to make all needful rules and regulations for carrying out his functions under the provisions of this section.

(g) For the purposes of this section—

(1) the term "domestic article" means an article wholly or in part the growth or product of the United States; and the term "foreign article" means an article wholly or in part the growth or product of a foreign country;

(2) the term "United States" includes the several States and Territories and the District of Columbia;

(3) the term "foreign country" means any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions);

(4) the term "duties and other import restrictions" includes (1) rate and form of import duties and classifications or articles, and (2) limitations, prohibitions, charges, and exactions other than duties, imposed on importation or imposed for the regulation of imports;

(5) the term "existing" as applied to duties and other import restrictions means duties and import restrictions in effect at the time of the enactment of this act;

(6) the term "American selling price" means the price, including the cost of all containers and coverings of whatever nature and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for delivery, at which a domestic article is freely offered for sale to all purchasers in the principal market of the United States, in the ordinary course of trade and in the usual wholesale quantities in such market, or the price that the manufacturer, producer, or owner would have received or was willing to receive for such merchandise when sold in the ordinary course of trade and in the usual wholesale quantities, at the time of exportation of the like or similar imported article: *Provided*, That in the case of agricultural commodities, the American selling price shall not be deemed to be less than the parity price therefor, as defined in paragraph (7) of this subsection;

(7) the term "parity price" as applied to agricultural products means (A) the price that will give the domestic agricultural product the same purchasing power, with respect to nonagricultural products, as such product had during the period August 1909 to July 1914, as ascertained from the latest available statistics of the Department of Agriculture by the Secretary of Agriculture, except that (B) in the case of any product with respect to which the Secretary of Agriculture has ascertained the fair exchange value or parity price under any agricultural adjustment or conservation program in effect since September 31, 1932, the parity price shall be the latest price so ascertained; and

(8) the "import price" means the price paid for an imported article by the person by whom or for whom it is imported, plus, when not included in such price, the cost of all containers and coverings, transportation (not including transportation within the United States), and all other costs, charges, and expenses (except import duties and other import restrictions) incident to the delivery of such goods in the United States.

(h) Section 336 of the Tariff Act of 1930, as amended (flexible tariff provision), is hereby repealed.

RECIPROCAL-TRADE AGREEMENTS

SEC. 6. (a) For the purpose of expanding the foreign trade of the United States, the President is hereby authorized to enter into negotiations with any foreign government or instrumentality thereof with a view to the arrangement of trade agreements wherein reciprocal and mutually advantageous concessions may be secured; but such trade agreements shall not become effective for 90 days in which time a resolution by either or both branches of Congress shall suspend and nullify the trade agreement. The President shall consult with the Board in connection with the negotiation of such trade agreements, and it shall be the duty of the Board to recommend to the President such concessions on the part of the United States as the Board deems may be made without injury to any substantial branch of domestic agriculture, labor, or industry, and the President shall make no concession on the part of the United States which is not approved by the Board. No existing duty or other import restriction shall be reduced under the provisions of this subsection by more than 50 percent of the statutory rate established by act of Congress. Before any trade agreement is negotiated with any foreign government or instrumentality thereof under the provisions of this subsection, the President shall give reasonable notice of the intention to negotiate an agreement with such foreign government or instrumentality, and any interested person shall have a reasonable opportunity to present his views to the Board, either orally or in writing. The concessions on the part of the United States made under any such trade agreement may be extended by proclamation of the President to any other countries if, after investigation and report to him by the Board, he finds as a fact that through the extension of such concessions to another or to other countries concessions or benefits of comparable value will be extended to the United States by such other country or countries.

(b) The authority of the President to enter into foreign trade agreements under section 350 of the Tariff Act of 1930, as amended, is hereby terminated.

(c) Each foreign trade agreement heretofore entered into under section 350 of the Tariff Act of 1930, as amended, shall be terminated by the President on the earliest date on which it is possible to terminate such agreement (whether for cause or otherwise) without violating the terms thereof.

EXCHANGE OF COMMODITIES

SEC. 7. (a) For the purpose of promoting the foreign trade of the United States, extending the foreign markets of the United States, or advantageously disposing of surplus commodities of the United States in export markets, the Board, by and with the advice and consent of the President, is authorized to negotiate and conclude with foreign countries or their nationals agreements or arrangements (1) for transactions providing for the exchange of articles grown, produced, or manufactured in the United States for articles grown, produced, or manufactured in foreign countries, and (2) fixing the terms and conditions of such exchange. Nothing in this section shall be deemed to authorize any change in the rate of import duties applicable with respect to any article involved in such exchange.

(b) Any such agreement or arrangement may provide for the disposal of any commodities owned or held by any Government agency, and such agency may, with the approval of the President, dispose of such commodities in the manner and for the purposes provided for by such agreement or arrangement, without regard to any other provision of law relating to the disposal of such commodities. Any Government agency may acquire any commodities in the manner provided for by any such agreement, and may use or dispose of such commodities in any way authorized by law or may hold and store such commodities until their disposition shall be provided for by law.

GENERAL POWERS AND DUTIES

SEC. 8. In order to effectuate the policy of this act, the Board shall, in addition to carrying on the functions transferred to or conferred upon it by other provisions of this act—

(a) Coordinate the foreign commercial and financial policies and activities of the Government;

(b) Obtain, review, and coordinate the information, statistics, and data pertaining to foreign trade and financial activities collected or prepared by any Government agency, or elsewhere;

(c) Advise the President and the Congress, from time to time or upon request, on all matters affecting the foreign commercial or financial policies and activities of the United States, and recommend such additional measures for the economic defense of the United States as it may deem necessary or advisable;

(d) Approve, forbid, or modify any specific foreign-trade or financial transaction in which any Government agency participates as a party, whether a financing transaction, barter transaction, or in any other form. No Government agency shall conclude any such transaction without the approval of the Board;

(e) Carry on negotiations with respect to specific trade transactions with any individual, corporation, association, group, or business agency interested in obtaining assistance from the Government with respect to (1) financing transactions, (2) barter transactions, or (3) any other form of foreign-trade transactions. The Board shall bring such proposals with respect to these transactions as it deems necessary to the attention of any other Government agency affected by, or having an interest therein, for appropriate action, and shall keep the President advised concerning the action proposed by such other agency. If any Government agency authorized to participate in any such transaction refuses to participate in such manner as may be recommended to it by the Board, the Board shall make a special report to the President and to the Congress concerning such refusal; and

(f) Assist the President in the preparation of commercial, trade, and financial agreements or treaties with foreign countries by making such investigations, conducting such negotiations, and holding such hearings as the President may prescribe, and by making recommendations to the President in connection therewith.

REPORTS ON CERTAIN FINANCIAL TRANSACTIONS

SEC. 9. Whenever the Board finds as a fact, on the basis of information obtained by it and after such further investigation as it deems necessary that any foreign country is discriminating against citizens of the United States in the payment of obligations contracted by it or by its nationals, either as to the manner or amount of such payments, or is unnecessarily withholding or delaying such payments to citizens of the United States, it shall report to the Congress and to the President its findings and recommendations.

FUNCTIONS TRANSFERRED FROM DEPARTMENT OF STATE

SEC. 10. The functions transferred to or vested in the Secretary of State and the Department of State by subsections (a) and (b) (relating to the functions of the Foreign Commerce Service of the United States and the Foreign Agricultural Service of the United States) of section 1 of Reorganization Plan No. II, submitted to the Congress on May 9, 1939, are transferred to and shall be exercised by the Board.

FURTHER REORGANIZATION BY THE PRESIDENT

SEC. 11. (a) The President shall investigate the present organization of all Government agencies which deal directly or indirectly with the foreign commercial and financial activities of the United States and shall determine what changes therein are necessary to accomplish any of the following purposes:

(1) To separate the administration of foreign commercial and financial activities of the United States from the administration of diplomatic and political activities thereof;

(2) To eliminate overlapping and duplication of effort; and

(3) To reduce expenditures in the administration of foreign commercial and financial activities to the fullest extent consistent with the efficient operation of the Government.

(b) After such investigation, the President may transmit to the Congress, under the provisions of the Reorganization Act of 1939, a reorganization plan affecting such agencies insofar as their functions relate to such foreign commercial and financial activities. The provisions of section 3 (b) and section 12 of the Reorganization Act of 1939 shall not be applicable with respect to such plan, but the plan shall not take effect unless it is transmitted to the Congress within 2 years after the date of enactment of this act.

PENDING PROCEEDINGS

SEC. 12. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any Government agency or function transferred to the Board under the provisions of this act, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed.

(b) No suit, action, or other proceeding lawfully commenced by or against any such agency or any officer of the United States, in his official capacity or in relation to his discharge of his official duties, shall abate by reason of any transfer of authority, power, and duties to the Board or any officer thereof under the provisions of this act, but the court, on motion or supplemental petition filed at any time within 12 months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the Board of any officer thereof to whom the authority, powers, and duties are transferred.

ANNUAL REPORT

SEC. 13. The Board, in addition to making other reports required of it, shall made a report to the Congress at the beginning of each regular session containing a statement of its expenditures during the past fiscal year, a summary of its activities, and such recommendations as it may deem calculated to promote the efficiency of the board and the purposes of this act.

DEFINITION

SEC. 14. When used in this act, the term "Government agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government.

SEPARABILITY

SEC. 15. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

EFFECTIVE DATES

SEC. 16. The provisions of section 3 of this act shall take effect upon the date of its enactment; and the provisions of all other sections of this act shall take effect upon the sixtieth day after the date of its enactment.

BILL RECOMMITTED

On motion of Mr. KING, the bill (H. R. 10418) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Peter Florey was taken from the calendar and recommitted to the Committee on the District of Columbia.

CAMPAIGN EXPENDITURES—EXTENSION OF TIME FOR COMMITTEE'S REPORT

Mr. GILLETTE. I submit a resolution, which I ask may lie on the desk.

The Special Committee to Investigate Campaign Expenditures, under the terms of its organization, is to report on the first day of the next term of Congress. In the course of our work we have been investigating the expenditure of large sums of money throughout the Nation, and to enable us to secure a complete picture we have to have the reports from the various State central committees. Many of these committees are not required to report until 30 days subsequent to the election; as a result many of them have not yet filed their reports and will not have to do so before the 5th day of December. Because of that, we have not the material, and it may well be that, with the Christmas season intervening, we will not have the report ready to file on the first day of the opening of the next Congress.

The resolution I have submitted, which may be necessary, merely proposes to extend the time for filing a report to the 20th of January, and, if necessary, a member of the committee will call it up.

The PRESIDENT pro tempore. The resolution will be received and lie on the table.

The resolution (S. Res. 336) was ordered to lie on the table, as follows:

Resolved, That Resolution No. 212, agreed to February 9, 1940, authorizing a Special Committee to Investigate the Campaign Expenditures of Presidential, Vice Presidential, and Senatorial Candidates in 1940, hereby is continued in full force and effect until the committee shall submit its final report, which shall not be later than January 20, 1941.

RECONCENTRATION OR REWAREHOUSING OF COTTON

Mr. McKELLAR. Mr. President, on behalf of the Senator from Georgia [Mr. GEORGE], the Senator from Mississippi [Mr. BILBO], the Senator from Texas [Mr. SHEPPARD], the Senator from Missouri [Mr. TRUMAN], and myself, I submit a resolution, which I ask to have read, and then I shall ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 337) was read as follows:

Resolved, That the Commodity Credit Corporation and the Department of Agriculture be, and they are hereby, requested not to ask for, or, if already asked for, not to receive bids or make contracts for the reconcentration or rewarehousing of cotton in the Southern Cotton States until the matter can be taken up and considered by the Congress at its ensuing January session.

Mr. McKELLAR. Mr. President, I desire to make a brief explanation of the resolution.

Recently the Commodity Credit Corporation asked for bids for rewarehousing the Government cotton which is now warehoused largely in the interior warehouses of the southern part of the country. It seems that one or two of the larger cotton dealers who have heretofore used warehouses of their own, built by them for their own business, in view of the fact that their business has fallen off on account of the war in Europe,

have earnestly insisted that the cotton be taken out of the interior warehouses and sent to their warehouses along the coast.

The entire southern delegation, so far as the Senator from Georgia and I have been able to find out—and a considerable number of them were here last week—are protesting in person against the rewarehousing of this cotton right in the middle of the year, without any real reason therefor. I have also taken the trouble to advise by telegram with certain southern Senators who are away, and I now desire to read a few telegrams to show exactly how they feel about the matter. In other words, so far as we have been able to ascertain, the southern Senators and Representatives from the cotton districts are a unit in not desiring this cotton to be rewarehoused, or reconcentrated, as it is frequently called, at this time.

Here is a telegram from Montgomery, Ala.:

Your telegram. Agree fully with you and Senator GEORGE reference cotton warehousement and reconcentration of cotton. Please speak for me. Regards.

LISTER HILL.

Another telegram from Jackson, Miss.:

Re tel.: I am greatly opposed to the proposal of the Commodity Credit Corporation to reconcentrate and rewarehouse all Government-owned cotton in the Southern States, and I wish to join you and Senator GEORGE in a Senate resolution requesting the Secretary of Agriculture not to accept bids for reconcentration until the matter can be brought before Congress. It is my idea that the reconcentration of Government-owned cotton as proposed would bring about an added expense to the Government and would cause the warehouses to materially increase their present rates on individually owned cotton.

THEODORE G. BILBO.

The following telegram is from Winder, Ga.:

Heartily approve any action necessary to prevent reconcentration of cotton. Will strongly support resolution. Please advise if you think it necessary for me to return to Washington immediately.

RICHARD B. RUSSELL,
United States Senator.

JASPER, ALA.

Re tel.: I favor resolution requesting Secretary of Agriculture not to accept bids for reconcentration of cotton until the matter can be brought up before Congress. Who is handling matter in the Department? Is it Wickard or Appleby? I want to get in touch with him. I want to do anything I can without coming back to Washington, and you are authorized to speak for me. Notify Senator GEORGE.

J. H. BANKHEAD.

LYNCHBURG, S. C.

Telegram received. I am with you in your fight against reconcentration.

E. D. SMITH.

SAN FRANCISCO, CALIF.

Re tel.: Will favor resolution as suggested.

ELMER THOMAS, U. S. S.

WASHINGTON, D. C.

Telegram from yourself and Senator GEORGE received. Please sign my name to resolution requesting the Secretary of Agriculture not to accept bids for reconcentration until matter can be considered by Congress .

MORRIS SHEPPARD.

KANSAS CITY, MO., *December 2.*

Hon. KENNETH MCKELLAR,
Washington, D. C.:

I am with you on your proposed resolution regarding the concentration of warehouse cotton. Will be glad to join you in the resolution or to support it.

HARRY S. TRUMAN.

Mr. CLARK of Missouri. Mr. President, will the Senator yield at that point?

Mr. MCKELLAR. Yes.

Mr. CLARK of Missouri. I think the Senator should add that in addition to personal appearance by a large number of Senators and a great many Representatives at the Agricultural Department the other day, a very representative delegation of outstanding cotton farmers from the South made a separate appearance that afternoon before Dr. Robbins, of the Commodity Credit Corporation, and that the farmers rather than the warehousemen are the principal parties in interest.

Mr. MCKELLAR. What the Senator from Missouri says is entirely true. On last Friday a large number of Senators and Members of the House of Representatives called on Secretary Wickard and on Dr. Robbins, and urged that no action be taken on the matter at this time. It was urged, among other things, that so far as we were able to ascertain the farmers are a unit about it. Naturally, the interior warehousemen are a unit in opposition to the proposed action. In addition to that, we had an experience along this line in 1935, as I recall the year, when it cost an enormous sum of money to rewarehouse and reconcentrate the Government-owned cotton.

The only excuse given by the Department for the proposed action was that there are some 92,000 bales of cotton, I think, in western Texas which are not adequately warehoused. Every one of us urged very strongly that that cotton could be taken care of without undertaking to readjust and to change the entire cotton warehousing of the country in order to accomplish it.

Mr. BARKLEY. Mr. President——

Mr. MCKELLAR. I will yield to the Senator from Kentucky in a moment.

The Department was to let us know what was decided upon. They have not let us know, and I understand that the bids are to come in tomorrow. As there is such unanimity among the Senators and Representatives from the South, it seems to me that a resolution such as this could well be adopted, simply requesting the Department not to receive bids about the matter until the Congress can look into it.

I now yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, this matter is new to me, and I am asking simply for information. As I understand, the cotton which is held by the Government is now located in numerous warehouses throughout the country.

Mr. MCKELLAR. It is.

Mr. BARKLEY. Does the Senator know how many warehouses there are?

Mr. MCKELLAR. There are, I believe, six and a half million bales, and I understand they are in several hundred warehouses all told.

Mr. BARKLEY. The cotton has been warehoused very largely in the sections of the country where it was produced?

Mr. MCKELLAR. That is true, very largely; and so far as all of the country except a small portion of western Texas is concerned, the present warehousing is entirely satisfactory, so far as we know.

Mr. BARKLEY. The cotton is now in warehouses under contracts that exist between the Government and the warehousemen?

Mr. MCKELLAR. That is true.

Mr. BARKLEY. Does the law require that it shall be reshuffled now, or not?

Mr. MCKELLAR. It does not; quite the contrary. These contracts having been made in good faith, we believe that they ought to be carried out for this year. There was a great deal of argument about the matter when we were down there, and only two practical reasons were given for the action which the Department contemplated. One was that there are 92,000 bales of cotton in Texas which are not properly warehoused.

Mr. BARKLEY. Can that quantity be rewarehoused without affecting the remainder of the cotton?

Mr. MCKELLAR. Certainly. Rewarehousing that cotton has nothing in the world to do with the remainder of it.

Mr. CLARK of Missouri. There are plenty of warehouses in Texas to take care of that cotton.

Mr. MCKELLAR. Yes; there are plenty of warehouses in Texas to take care of it.

Mr. BARKLEY. So, if I correctly understand the situation, the operation would result either in removing the cotton from where it now is, or in entering into new contracts with the present warehouseman?

Mr. MCKELLAR. No; it would not require new contracts with the present warehouseman. The contracts would continue just as they are now. The Department claims that it is possible that they may save some money by this operation, if they receive lower bids, and that may be true. I do not know; but the cost of the reconcentration in 1935 is easily

ascertainable from the records. As I remember the year, it was either 1935 or 1936. The records of that time show that to reconcentrate all the Government-owned cotton and move it down to the coast, and then perhaps move it back when it is sold, would cost a great deal more than would be saved by securing a lower price for the warehousing. The farmers, however, take the position—and it is a very strong position—that if the Government-owned cotton is taken away from the interior warehouses the interior warehousemen will have to raise their rates, and the cotton farmers will have to pay the bill; and there is not any question that that is correct.

Under those circumstances it seems to me that we might delay the proposed action until it can be looked into more thoroughly than it apparently has been looked into by the Department.

Mr. BARKLEY. Do the present contracts run indefinitely, or do they expire at a given time?

Mr. McKELLAR. I will ask the Senator from Georgia to answer that question. I cannot do so. My recollection is that they are indefinite.

Mr. GEORGE. No; they were made for a specific time. My understanding is—and I think it is correct—that the contracts have expired, or else the Commodity Credit Corporation had a right to call for new contracts and make new contracts November 1; and on or about the 19th of November they did ask for bids. They decided to let contracts on a competitive-bidding basis, and they asked for bids to be submitted by the 22d of November. A group of Senators and Representatives, together with warehousemen and farmers, went to see the Secretary of Agriculture and found him absent; but they took up the matter with Under Secretary Appleby and Mr. Rathell, the Director of the Cotton Division of the Commodity Credit Corporation. The President of the Commodity Credit Corporation, Dr. Robbins, also was out of the city.

The bids were referred until December 3; that is, the date for the reception of the bids was merely deferred until tomorrow.

Mr. BARKLEY. I assume that where contracts have expired, or are about to expire, there would be no objection to entering into a new contract with the same warehouse for the storage of the cotton there if any saving were possible. What the protestants object to, as I understand, is the concentration of the cotton in one section of the country, the cost of which they ultimately will have to bear.

Mr. McKELLAR. Paying the freight, and the cost of resampling the cotton.

Mr. BARKLEY. So that even if a new contract were required, and could be obtained at a lower rate, there would be no objection to that.

Mr. McKELLAR. Oh, no.

Mr. GEORGE. They are quite willing to make new contracts. They do not want to have them on a competitive bidding basis, for the reason that there would be an undue advantage to the large cotton shippers who have warehouse facilities in the ports, for which they have little use, the export of cotton having, of course, declined very rapidly, and practically come to an end, as the result of the war in Europe and in the east. They feel that the shippers with these large facilities could so far underbid them that they would be compelled to let the cotton go.

Mr. BARKLEY. Is there any fear on the part of the growers or others that if the market for cotton should be reopened, the cotton now held by the Government being close to the shipping facilities would have some advantage over cotton grown in the interior?

Mr. McKELLAR. That was not suggested. That was not the reason given. This is the first time bids have ever been asked, although the law has been on the books during all the time the Government has handled part of the cotton of the country. This is the first time bids have ever been asked, and it is generally believed that the motive in asking for them at this time is in order to take advantage of the empty warehouses along the coast which formerly were used by those dealing in export cotton.

Mr. GEORGE. Mr. President, there is no contention anywhere that the rates charged by the small warehouses in the interior are exorbitant. Those rates of storage have gone down from about 30 or 35 cents a bale a month to 12½ cents. That covers the handling and keeping of the cotton, the insurance, and all the other charges; so that if anything is to be paid to the warehouseman at all for handling cotton, the present rates are certainly very low.

At this particular juncture, with empty warehouses in the ports, it is quite likely that such warehouses would bid below 12½ cents a bale a month. But that is a temporary condition, due largely to the fact, if not entirely, that the war has prevented the export of cotton, and these warehousemen or the cotton merchants can afford to take cotton at the ports with no charges whatever, because they handle cotton as merchants. They are interested in four or five different transactions, whereas the interior warehouses, in the communities where the cotton is grown, small warehouses, often owned by the farmers themselves, handle it only as bailees; that is to say, they take possession of the cotton and handle it only for storage purposes. They perform all the primary duties and assume all the primary obligations to the farmer. They receive the cotton, concentrate it, go down at night and let the farmers in, and perform services of that kind. They receive cotton even on Sunday, if the cotton should not be delivered from the gins until Sunday, after the week's work is ended; and after the cotton is concentrated in large warehouses they can, of course, offer very advantageous terms for lots of cotton, say, thousand-bale lots, move it into the warehouses at the ports or elsewhere, and carry it at a very low charge. The farmers are not protesting the rates paid at present. They are directly and immediately interested in keeping the cotton in the local communities at their own points of production.

It is perfectly obvious at this time that most of the American-grown cotton must be used by American mills. Movement to the ports practically in all instances merely is a removal of the cotton a longer distance from the point where it actually will be consumed. In a few instances that is not so, where cotton may move coastwise to particular plants, but cotton-textile manufacturing plants, with a few exceptions in the East, are not located at the ports.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. VANDENBERG. In view of what seems to be the unanimity of the Senators representing the cotton-producing area, I do not understand why the Department of Agriculture would persist in this program, unless it thought it had a good reason. What does the Senator say is the attitude of the Department on the subject to justify its refusal to surrender its view even temporarily to the united southern point of view?

Mr. GEORGE. The Department's position first was that there was some cotton that was not in storage, cotton exposed to the weather. On inquiry that condition was discovered to exist only in west Texas, whereupon it was readily agreed that that cotton might be moved anywhere, to any port warehouse or any other warehouse.

Mr. CLARK of Missouri. They have authority under the law to do that.

Mr. GEORGE. They have authority under the law to do that, and there is no request that any cotton improperly stored anywhere be left at that point. It is only that the cotton that is properly cared for in warehouses be left there, or that the Department abandon its request for competitive bidding, because obviously the small cotton warehouses all over the Cotton Belt would be at a very great disadvantage in bidding competitively against a few large shippers with very ample and, in fact, idle warehouse facilities at this time.

If the rates were not proper, or if they were deemed to be high, the Commodity Credit Corporation would have the right to offer the cotton for storage at whatever rates it thinks proper, and on our first visit we insisted that they offer to leave the cotton in storage upon a rate named by the

Commodity Credit Corporation. They, of course, objected to that, because they said that so many factors entered into what was a proper carrying charge for the warehousing of cotton they did not wish to assume the responsibility of naming the rate.

The only other reason given is that it is believed that by the end of this season the Government stock of cotton will be heavy, which, of course, is true, and that it will be necessary or might be necessary to move portions of this cotton into vacant warehouses, empty warehouses, in order to prevent the inducements which might prevail on the local people in the inland territory to build additional storage facilities in order to get Government contracts. That, however, is not even a possibility, though the Commodity Credit Corporation advanced it as a reason.

The only possible saving on the storage as a result of moving the cotton would be the gross saving of the difference between 12½ cents a month and what might be bid below that. Even if it should be bid down to a basis of 7 or 8 cents a bale a month, which would be below the actual cost of carrying the cotton in small inland warehouses, in 90 percent of all cases, in my judgment, the gross saving to the Government, or to the Commodity Credit Corporation, would not amount to more than two or three million dollars, from which there would necessarily come tremendously high costs or charges for the concentration of the cotton, including freights, and including the general supervision of the warehousing.

Mr. McKELLAR. Mr. President, let me call the attention of the Senator and of the Senate to the practical working of the system of reconcentration in the middle of the year, as demonstrated in 1935. It appeared in the evidence that a colored man had one bale of cotton stored in the warehouse at Holly Springs, which was re-stored in New Orleans, and he had difficulty in finding it. When he finally found it, that bale of cotton had to pay the freight from Holly Springs, which is in the northern part of Mississippi, down to New Orleans, and then the cotton was hauled by the Illinois Central Railroad right back through Holly Springs to the point of delivery where it had been sold, somewhere in Ohio. The result was that the poor colored farmer had to pay additional freight, and an additional amount for sampling the cotton.

Mr. CLARK of Missouri. Mr. President, I do not profess to be an expert on cotton, although cotton is the greatest cash-money crop in my State. I live about 250 miles from the Cotton Belt in Missouri, but since I have been in the Senate I have been diligently trying to familiarize myself with the cotton situation. I may say, however, that without professing to be an expert on cotton, I know a good deal more about it than some of the bureaucrats in the Department of Agriculture because I am at least willing to listen to those who do know—which many of the bureaucrats are not. I have conferred with a great many growers and dealers in cotton in southeastern Missouri, and in this situation I have been particularly impressed, not only with the unanimity of opinion among those interested in cotton in my State but with the unanimity of opinion among the Senators and Representatives and the farmers from the great cotton-growing States of the South, that it would be a very great blow to the farmers, and to the cotton industry in the United States as a whole, to permit the proposed concentration of cotton in the port warehouses.

There was no difference of opinion expressed at the meeting held the other day at the Department of Agriculture. I think there were 10 Senators from the Southern States present at the meeting. There were 15 or 20 Representatives present. There were most impressive delegations of farmers present. They were men who said they did not have any ownership or interest in any warehouses or any compresses, and had no interest whatever in the cotton business except as farmers, and their contention was that the proposed step would be the greatest blow that has ever been struck at the cotton industry in the United States. One reason for this was that it would inevitably raise prices for storage on the farmer's own cotton. Another was that it would put the farmer's cotton where he could not profitably dispose of it.

I am not putting too fine a point on the matter. The only effect of the concentration of cotton in the ports will be to strengthen a monopoly, to strengthen the hand of the great monopolistic house of Anderson, Clayton & Co., who are not only warehousemen, but who are cotton merchants, cotton producers. They have even gone down to South America and produced a great deal of cotton there in competition with our own cotton. They have these great warehouses which are used in ordinary times for export trade. Now that the export trade has been hampered by the conflict abroad, they are undertaking to hamstring the cotton industry of the interior, both with respect to the farmers and the warehousemen, by concentrating cotton at the warehouses at the ports which are empty because of this particular exigency.

The firm of Anderson, Clayton & Co. can afford to take this cotton for 1 cent a pound. They can afford to take it for nothing. The proof of that lies in the fact that last Thursday night at midnight they proceeded to purchase a big warehouse at Mobile, which happened to be empty, for about one-third or one-fourth of its value, for the anticipated purpose of storing this cotton, for which they intended to underbid interior warehousemen, and to concentrate this cotton at the ports.

Mr. President, as the Senator from Georgia [Mr. GEORGE] has said, the local warehouseman performs a function and renders a service in season and out of season, day by day, and hour by hour. He runs his warehouse Saturday nights and Sundays in the cotton season. The warehousemen collect the cotton; they render the farmers service, and under the Wage and Hour Act they have to pay overtime for every bit of extra service they render the farmers.

Now it is proposed to move that cotton from the local warehouses. Anderson, Clayton & Co. make seven or eight different profits out of their business. The profits are perfectly legitimate profits. I do not mean to cast any reflections on the legitimacy of what they do, but it is not of record that any cotton which has been stored in any of the Anderson, Clayton & Co.'s warehouses has ever been purchased by anyone other than Anderson, Clayton & Co. Whoever goes down that winding stair will never come back again. The proposed action can only have the effect of giving the firm of Anderson, Clayton & Co., or anyone they happen to be associated with, a strangle hold both on the farmer and on the local warehouse.

The farmers of Missouri, who had a bad year last year, were able to sell their cotton at the local warehouses at $30 and $40 a bale. If it had gone into Anderson, Clayton & Co.'s warehouses at the ports, the farmers would not have gotten anything for their cotton, because the charges would have eaten up the value of the cotton.

At the meeting held at the Department of Agriculture the other day Representative COOPER testified that in the immediate cotton-growing section in which he lived there are four or five large cotton mills. The action proposed to be taken by the Department would entail shipping cotton from that particular district in Tennessee, perhaps to New Orleans or Houston or Savannah, and then possibly shipping it back to the very district in Tennessee in which it was produced, in order to have it milled.

It was also testified at the meeting the other day by a Representative from the Delta country in Mississippi that a few years ago they took their cotton and concentrated it in New Orleans, but afterward shipped it back through Greenwood, Miss., to the mill, but in the meantime had divested it of a particular value that certain cotton has by being shipped from Delta points.

I am not casting any aspersions on anybody in the Department, but it seems to me to be singular that every 4 or 5 months in the last couple of years all the Senators and all the Representatives from the cotton-growing States and all the representatives of the farmers from the cotton-growing areas have been forced to turn out in order to repeal incursions by the firm of Anderson, Clayton & Co.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution offered by the Senator from Tennessee?

There being no objection, the resolution (S. Res. 337) was considered and agreed to.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the Secretary of the Senate be instructed to send a copy of the resolution which was just agreed to to the Honorable Claude R. Wickard, Secretary of Agriculture, and to Dr. Carl B. Robbins, President of the Commodity Credit Corporation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McKELLAR subsequently said: Mr. President, in connection with the resolution just passed, I have been asked to state that the Senator from Mississippi [Mr. HARRISON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. MILLER], the Senator from South Carolina [Mr. BYRNES], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Florida [Mr. ANDREWS] take the same position as do the other Senators to whom I have referred.

ACTIVITIES OF COMMITTEE TO DEFEND AMERICA BY AIDING THE ALLIES

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial from the New York Times of the issue of November 29, 1940, under the heading The Inside Story, which appears in the Appendix.]

ARTICLE BY WILLIAM HENRY CHAMBERLAIN ON "WAR—SHORT CUT TO FASCISM"

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an article entitled "War—Short Cut to Fascism," written by William Henry Chamberlain, and published in the American Mercury for December 1940, which appears in the Appendix.]

COLLEGE MEN AND THE WAR—EDITORIAL FROM DELPHI (IND.) CITIZEN

[Mr. MINTON asked and obtained leave to have printed in the RECORD an editorial from the Delphi (Ind.) Citizen entitled "College Men and the War," which appears in the Appendix.]

ADDRESS BY DONALD KIRKPATRICK BEFORE ASSOCIATION OF AMERICAN RAILROADS

[Mr. BURKE asked and obtained leave to have printed in the RECORD an address delivered by Donald Kirkpatrick, of the Farm Bureau Federation, before the annual meeting of the Association of American Railroads at the Biltmore Hotel, New York City, November 13, 1940, which appears in the Appendix.]

ADDRESS BY PAUL G. HOFFMAN BEFORE CONVENTION OF AMERICAN TRADE ASSOCIATION EXECUTIVES

[Mr. BURKE asked and obtained leave to have printed in the RECORD an address delivered by Paul G. Hoffman before the twenty-first annual convention of American Trade Association Executives at Chicago, Ill., September 26, 1940, which appears in the Appendix.]

ENGLAND'S RECORD OF DEMOCRACY

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article entitled "England's Record of Democracy," which appears in the Appendix of the RECORD.]

AMERICA AND THE WAR

Mr. HOLT. Mr. President, a very interesting article appears in this morning's Times-Herald of Washington, D. C., which bears the headline Most Officers See United States Going to War Soon—Believe They'll Lead American Soldiers on Foreign Battlefields.

I wish to read three significant paragraphs from this article, because the officers in question are the men who know what the United States is planning to do. It is not what the President says we are going to do, it is what the plans indicate. Let me read these three significant paragraphs:

A majority of the officers of the United States Army feel this country will enter the war some time next year and believe they will lead American soldiers into action on foreign battlefields.

This was indicated by a casual poll taken by this correspondent during an 8-day inspection tour of national-defense progress at various military establishments, undertaken with 16 other newspapermen at the invitation of Gen. George C. Marshall, Army Chief of Staff.

Then the article proceeds to say:

They declared that already the British are making the first move to bring this country in as an ally by initiating a campaign for credits. These officers were confident the quest for funds will be successful. After we send money, we will have to send men, they said.

Then the article goes on to outline the fact that they have actually discussed the military possibility of landing troops in Portugal, Greece, and many other countries.

I shall now read the last few paragraphs, which are very important. I say they are important because these officers know what is happening on the inside. They know that some are planning for an overseas war, regardless of what is said by them about peace.

Let me read the last two paragraphs:

Many officers said they were not convinced this country would enter the war until the defense program got under way. Only when they saw camps mushrooming, training time stepped up, and hustle and bustle of preparation did they feel American entry into the war is a certainty.

"What are we building an army of 1,200,000 men for, if we don't intend to get into the war?" one officer asked. "We don't need that big an army to defend us when the nearest two possible enemies is more than 3,000 miles away."

I think the article is very interesting. It is not startling to me, because for a long time I have been saying what the article says. I say that these individuals in charge of our foreign affairs have hypocritically been preaching peace while planning for war; that they have attempted from the very first day of this war to get America into it, no matter what they say now, no matter whether or not they say it is an overseas war and that we will not enter it.

Mr. President, I ask unanimous consent to have the article in question printed at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times-Herald of December 2, 1940]

MOST OFFICERS SEE UNITED STATES GOING TO WAR SOON—BELIEVE THEY'LL LEAD AMERICAN SOLDIERS ON FOREIGN BATTLEFIELDS

(By Walter Trohon)

A majority of the officers of the United States Army feel this country will enter the war some time next year and believe they will lead American soldiers into action on foreign battlefields.

This was indicated by a casual poll taken by this correspondent during an 8-day inspection tour of national-defense progress at various military establishments undertaken with 16 other newspapermen at the invitation of Gen. George C. Marshall, Army Chief of Staff.

POLL IS CASUAL

During the 8 days the war sentiments of 183 officers from generals to the youngest lieutenants were sounded out. The officers were not told they were being polled but were asked casually during conversations how they felt about the possible entrance of this country into the conflict.

Here is how they responded:

America will enter the war, 149.

America will not enter the war, 23.

No expression, 11.

The vast majority of officers are convinced America is already economically in the struggle and will enter the war as a combatant because this country cannot see England go down to defeat. If this appears imminent, the American public will demand war, they said.

SEE BRITISH DRIVE UNDER WAY

They declared that already the British are making the first move to bring this country in as an ally by initiating a campaign for credits. These officers were confident the quest for funds will be successful. After we send money we will have to send men, they said.

Many of the officers who said America will not enter the war believe Britain has more than enough manpower, and needs machines and munitions, money and food more than men from this country.

Officers were divided in opinion as to when this country may enter the war, but most of them felt the declaration will come by spring as a step to bolster British morale. Naval cooperation, they said, would be immediate, while Army cooperation would not come for some months.

GREEK STAMINA CALLED THE KEY

They were also uncertain as to where they might lead troops on foreign soil. Many officers were following the Italian-Greek clash with interest, saying if the Greeks could hold out it would be highly possible that theater of war would become the road toward Berlin, either through the Balkans, where Yugoslavia might be expected to join the Allies, or through Bulgaria and Rumania, where Turkish

help could be counted upon. Another route would be through Italy herself, conducting landing operations on the heels of crumbling Italian morale which would follow Greek victories.

Most officers felt America will fight on the battlefields of the first World War. They expressed the belief that if England gained mastery of the air the United States will be called upon to conduct landing operations with British forces on the French coast and move toward Berlin along familiar roads.

PORTUGAL GOOD SPRINGBOARD

Some pointed to Portugal, England's traditional ally, as an excellent avenue of operations. From Portuguese bases, they said, offensive armies could conduct operations across Spain and upward into France in French areas where they could count upon help from the inhabitants and outflank Nazi coastal positions.

At the same time other armies could drive toward Italy and sever the Rome-Berlin Axis, these officers argued. They said Portugal offers an ideal road to war.

Many officers said they were not convinced this country would enter the war until the defense program got under way. Only when they saw camps mushrooming, training time stepped up, and hustle and bustle of preparation did they feel American entry into the war is a certainty.

"What are we building an Army of 1,200,000 men for, if we don't intend to get into the war?" one officer asked. "We don't need that big an army to defend us when the nearest of two possible enemies is more than 3,000 miles away."

Mr. HOLT. Mr. President, I think time will verify what is said in this article. I wish to say that the blood of many an American boy will be on the hands of many individuals in this country who are planning for war.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. BARKLEY. Does the article give the names of any of the officers who are quoted in it?

Mr. HOLT. No; it does not. However, that is natural, because under the present political control of the Army, the best way for an Army officer to get into trouble would be to give his name in connection with such a statement.

Mr. BARKLEY. I have not read the article, and I do not know how reliable it is. Is it a signed article?

Mr. HOLT. It is signed by Walter Trohon.

Mr. BARKLEY. Who is Mr. Trohon?

Mr. HOLT. I do not know him personally. It is a signed article published in the Washington (D. C.) Times-Herald.

Mr. BARKLEY. Does the article say that General Marshall had authorized the taking of a poll by this correspondent?

Mr. HOLT. No; but the article says that General Marshall invited and authorized him and 16 other newspapermen to go on a national 8-day inspection tour of national-defense progress at various military establishments, and while making this tour he discussed the question with various Army officers.

Mr. BARKLEY. The article does not say that General Marshall authorized the correspondent to take a poll of these different officers with respect to whether they believed the United States would enter the war?

Mr. HOLT. No.

Mr. BARKLEY. It simply says that General Marshall authorized these correspondents to make an inspection tour?

Mr. HOLT. Yes.

Mr. BARKLEY. I shall not object to the article being placed in the RECORD, as the Senator has requested, but I do not think the statements of a few Army officers, who some enterprising newspaper correspondent asks what they think about the United States getting into war, are to be taken in any way as seriously reflecting the policy of this Government.

We all knew before we passed the draft act that there would have to be mushroom camps and cantonments erected in order to train these men. The article does not disclose that these officers of the Army have given to the country information or facts which we did not know in advance of the enactment of the law itself.

It seems to me that Army officers would be better serving the country by doing their duties at these various posts than by giving their opinion as to whether the Congress of the United States is going to declare war against some country, or whether anybody connected with the Government is secretly designing to carry out some war program. If there is no other service that this article can render, it certainly ought to teach the Army officers some caution in being quoted, even though anonymously, by everyone who comes along to gather information. Their opinion as to whether we are going to war is not worth any more than the opinion of the same number of men in any other vocation.

Mr. HOLT. I think their opinion is worth much more, because they are on the inside and know what the plans are. I have been told by Army officers that an army is being equipped for an overseas war and that certain equipment which is unnecessary for a defensive war is being built for an overseas war. No one can tell me that men on the inside do not know more about what is going on than men on the outside. Army officers know what they have been training soldiers to do. They are training them for an overseas war.

One hundred and forty-nine of the officers interviewed said we would enter the war; 23 said we would not; and from 11 there was no expression. I do not agree with the Senator from Kentucky when he says that the officers are not doing their duty. It would require only a few seconds to answer that question.

Mr. BARKLEY. I am not imputing to them any lack of diligence in the performance of their duties; but certainly it is not one of their duties to be interviewed by newspaper reporters. I asked the Senator who Mr. Trohon is. I am advised that he is one of the correspondents of the Chicago Tribune. I think the Senator will agree that it is not one of the duties of Army officers to answer questions as to whether we are going into the war.

Mr. HOLT. I thoroughly agree that that is not part of their duty.

Mr. BARKLEY. I know how difficult it is for men who are not experienced in being asked questions by enterprising and skillful reporters to refuse to answer, or to give answers which are not subject to misinterpretation. But certainly an Army officer who is possessed of any degree of responsibility ought to know, without anybody telling him, that it is not part of his duty to be interviewed or quoted, even anonymously, on whether we are going to war.

I will say further that I seriously doubt whether the Congress of the United States would consult any Army officer who had been interviewed or approached, or any other Army officer, as to whether we should declare war on any other nation.

Mr. HOLT. I will say again to the Senator from Kentucky that I do not say now, nor did I say, that it is their duty to be interviewed by newspapermen. However, I do not believe it is un-American for an Army officer to answer the question of a newspaperman. Army officers know that going on behind the scenes is a drive for war, and they know that it is a premeditated drive for war. They are familiar with the propaganda which is being put out and its effect.

Mr. White was in Washington during the past few days in an effort to drive home a little more propaganda for our entrance into the war. Of course, we may brush it aside and say that it does not mean anything. I say that it does mean something. Army officers know what it means.

DANIEL WEBSTER—HISTORIC INTEREST OF TEMPORARY SENATE CHAMBER

Mr. TOBEY. Mr. President, I count it a very interesting experience to be privileged to sit as a Member of the Senate in this historic Chamber, so rich in associations and memories of the past.

As I have sat here for the past 15 minutes I confess that I have indulged in reminiscences of some of the noted men who have sat in this Chamber, and also their remarks. Of the many great leaders of the past who have fearlessly enunciated their theories of government and their principles and convictions in this historic Chamber, one such comes to my mind at the present time. He was a native of my State of New Hampshire, and a graduate of Dartmouth College. He became a great Senator from the State of Massachusetts. I refer to the immortal Daniel Webster, eloquent and powerful defender of the Constitution. In this room he made many

important speeches, an excerpt from one of which I wish to bring home to the Senate today, for I believe it most timely.

Speaking in this historic Chamber in the first half of the nineteenth century, in a time of crisis in our Nation's affairs, Webster said:

> Other misfortunes may be borne and their effects overcome. If disastrous wars shall sweep our commerce from the ocean, another generation will renew it. If they exhaust our Treasury, future industry will replenish it. If they desolate and lay waste our fields, still, under a new cultivation, they will grow green again and ripen unto future harvests. But who can reconstruct the fabric of demolished government? Who can raise again the well-proportioned columns of constitutional liberty? Who can frame together the skillful architecture which unites national sovereignty with State rights, individual security and public prosperity?
>
> No—

Webster thundered:

> If these columns fall, they will be raised not again.

Mr. President, Webster being dead, yet speaketh to the American Nation today. In my judgment, the purposes of the Senate can rise to no greater heights, and no greater privilege is ours, than to see to it, as United States Senators, regardless of party, race, or creed, that these columns of constitutional government shall not be impaired in our land, but that we shall still carry on a Government of laws, and not of men, and that in the heart of every citizen there shall be established the great affirmative conviction and belief that only through obedience to law shall come liberty. In so doing we shall pass on unsullied to those who come after us the great heritage which came down to us from the fathers.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Joseph Warren Madden to be judge of the United States Court of Claims.

Mr. VANDENBERG. Mr. President, at the last meeting of the Senate, this nomination went over on my objection. I wish to make a brief statement about it.

Some of us are not convinced of Mr. Madden's judicial eligibility, and wish at least to have a full hearing on the subject before the Senate. Others of us feel that the Madden nomination is one of those matters of major controversy which fall outside the agreement which was entered into in connection with 3-day recesses of the Senate.

This morning I received from the Senator from Ohio [Mr. TAFT] a telegram which reads, in part, as follows:

> Expected to be in Washington today, but cannot because of funeral of close, personal friend. In my opinion Madden confirmation is matter of major controversy, and I desire to present argument to a full Senate. Therefore I ask that a quorum be assembled before any action is taken.

Under the circumstances, while I have no parliamentary right to object to the consideration of the nomination, I express the hope that it may not be pressed, because if it is, I shall have to ask for a quorum.

Mr. BARKLEY. Mr. President, I have no desire to urge this matter if the Senator has any objection to the nomination being considered. Under the circumstances it probably will be necessary that the matter go over until the next session of Congress, because it was not contemplated a few days ago, when we entered into the arrangement for 3-day recesses, that the Senate would be called back for the purpose of considering a nomination, however important it might be. It will be unfortunate if this nomination cannot be acted upon before January. Does the Senator from Michigan feel that under those circumstances it would be proper for the nomination to be postponed from day to day until the next session?

Mr. VANDENBERG. Mr. President, the Senator from Kentucky has successfully explored the prospectus which, in my opinion, is involved. I see no possibility, without the presence of a quorum, of considering the matter of the nomination at the present session of Congress.

The PRESIDENT pro tempore. Objection is made, and the nomination is passed over.

POSTMASTER

The PRESIDENT pro tempore. The clerk will state the next nomination on the calendar.

The Chief Clerk read the nomination of William L. Galloway to be postmaster at Arcadia, La.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the calendar.

WORK PROJECTS ADMINISTRATOR NOMINATION REPORTED AND CONFIRMED

Mr. McKELLAR. From the Committee on Appropriations, I report favorably the nomination of Harry E. Harman, Jr., of Georgia, to be Work Projects administrator for Georgia, and ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the nomination? The Chair hears none, and the clerk will state it.

The Chief Clerk read the nomination of Harry E. Harman, Jr., of Georgia, to be Work Projects administrator for Georgia.

Mr. McKELLAR. I will say that the nomination is endorsed by the two Senators from Georgia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. GEORGE. I ask unanimous consent that the President be notified immediately of the confirmation of the nomination of Mr. Harman. He is acting administrator, the former administrator having been appointed regional director, and it is proper that the President be given immediate notice of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified, as requested.

POST-OFFICE NOMINATIONS REPORTED AND CONFIRMED

Mr. McKELLAR. From the Committee on Post Offices and Post Roads, I report favorably a number of post-office nominations which have been submitted to the Senators from the several States for which the postmasters are appointed. I ask unanimous consent for immediate consideration en bloc of the nominations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the nominations are confirmed en bloc.

TREATIES

Mr. GEORGE. Mr. President, I should like to ask for the consideration of two treaties on the calendar. I refer to Calendar Nos. 7 and 32. Calendar Nos. 2, 4, and 6 are all treaties that cannot be disposed of at this time, because certain Senators are opposed to one or the other of those treaties. But Calendar Nos. 7 and 32 may, I think, be considered.

Mr. VANDENBERG. Mr. President, with reference to the treaty known as Calendar No. 7, I objected to the treaty. My objection is now withdrawn, and I agree with the Senator from Georgia that both treaties to which he has referred justify ratification.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of the treaties indicated.

CONVENTION WITH PANAMA TRANSFERRING TWO RADIO STATIONS

The Senate, as in Committee of the Whole, proceeded to consider the convention, Executive D (74th Cong., 2d sess.), a convention between the United States of America and the Republic of Panama, providing for the transfer to Panama of two naval radio stations, signed at Washintgon on March 2, 1936, which was read the second time, as follows:

TRANSFER OF RADIO STATIONS

The United States of America and the Republic of Panama, in order to arrange for the transfer to the Government of Panama of the United States Naval Radio Stations at Puerto Obaldía and La Palma, Republic of Panama, have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America, and Mr. Sumner Welles, Assistant Secretary of State of the United States of America; and

The President of the Republic of Panama:

The Honorable Doctor Ricardo J. Alfaro, Envoy Extraordinary and Minister Plenipotentiary of Panama to the United States of America, and The Honorable Doctor Narciso Garay, Envoy Extraordinary and Minister Plenipotentiary of Panama on special mission;

Who, having communicated to each other their respective full powers, which have been found to be in good and due form, have agreed upon the following:

Article I

The Government of the United States of America will turn over to the Government of the Republic of Panama for its exclusive official use all buildings and appurtenances owned by the United States of America and now located at the radio stations at Puerto Obaldía and La Palma, in condition as at present.

Article II

In lieu of the radio equipment removed by the Government of the United States of America when the above-mentioned stations ceased to be operated by the United States Navy on July 6 and 18, 1935, the Government of the United States of America will install at each of these stations, subject to the purchase of the material by the Government of the Republic of Panama, the following:

(a) One transmitting set with an output of 100 watts, complete with accessories and necessary wiring, capable of operating on such high frequencies as the Government of the Republic of Panama may adopt in accordance with the terms of the Convention for the Regulation of Radio Communications, signed today.

(b) One commercial short wave receiver of a design approved for tropical use complete with tubes and accessories.

(c) Antennae, wiring, and connections complete for proper radio operation and lighting of the station.

Article III

The Government of the United States of America will furnish the labor to install the new high frequency equipment complete and to place the same in efficient operation.

Article IV

The Government of the Republic of Panama will provide the source of power to operate these stations.

Article V

The Government of the Republic of Panama, after taking over the operation of the aforementioned radio stations, will be responsible for all expenses connected with their upkeep, maintenance, and operation.

The United States Naval Radio Station in Balboa will cooperate with the Panama National Telegraph in furnishing such technical advice as shall be necessary and as the latter may request to insure the efficient operation of the said stations.

Article VI

The operation of the aforementioned stations will be in accordance with the provisions of the Convention for the Regulation of Radio Communications, signed today, it being understood that the Government of the Republic of Panama remains at liberty to operate the said stations or to abandon them or to change their location, as it may find convenient.

Article VII

The present Convention shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place at Washington.

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Convention in duplicate in the English and Spanish languages, both texts being authentic, and have hereunto affixed their seals.

DONE at the city of Washington the second day of March 1936.

[SEAL]	CORDELL HULL.
[SEAL]	SUMNER WELLES.
[SEAL]	R. J. ALFARO.
[SEAL]	NARCIS GARAY.

Mr. GEORGE. Mr. President, I will say in connection with this convention that the Navy has abandoned the radio stations and has removed all apparatus. The convention, being one of a number entered into simultaneously or at about the same time, simply authorizes the transfer of the stations without their equipment.

The PRESIDENT pro tempore. The convention is before the Senate and open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDENT pro tempore. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive D, Seventy-fourth Congress, second session, a convention between the United States of America and the Republic of Panama, providing for the transfer to Panama of two naval radio stations, signed at Washington on March 2, 1936.

The PRESIDENT pro tempore. The question is on agreeing to the resolution of ratification [putting the question]. Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

SUPPLEMENTARY EXTRADITION CONVENTION WITH COLOMBIA

The Senate proceeded to consider the convention, Executive Q (76th Cong., 3d sess.), a supplementary extradition convention between the United States of America and the Republic of Colombia, signed at Bogota on September 9, 1940, which was read the second time, as follows:

SUPPLEMENTARY CONVENTION OF EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COLOMBIA

The United States of America and the Republic of Colombia, being desirous of enlarging the list of crimes on account of which extradition may be granted under the Convention concluded between the two countries on May 7, 1888, with a view to the better administration of justice and the prevention of crimes in their respective territories and jurisdictions, have resolved to conclude a supplementary convention for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States of America: Spruille Braden, Ambassador Extraordinary and Plenipotentiary in Colombia; and

The President of the Republic of Colombia: Luis López de Mesa, Minister for Foreign Relations,

Who, after having exhibited to each other respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

Article I

The High Contracting Parties agree that the following crimes are added to the list of crimes numbered 1 to 12 in Article II of the Convention of Extradition concluded between the United States of America and the Republic of Colombia on May 7, 1888; that is to say:

13. Abortion.

14. Abduction or detention of women or girls for immoral purpose.

15. Bigamy.

16. Kidnaping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or colombian equivalent.

18. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars, or colombian equivalent.

19. Fraud or breach of trust by a bailee, banker, agent factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars, or colombian equivalent.

20. Bribery.

21. Crimes against the bankruptcy laws.

22. Crimes against the laws for the suppression of the traffic in narcotics.

23. Extradition shall also take place for participation in any of the crimes before referred to as an accessory before or after the fact or in any attempt to commit any of the aforesaid crimes.

It is further agreed that the paragraph or crimes added by the present Article and numbered 23 herein shall be applicable under appropriate circumstances to all the crimes listed in the said Convention of May 7, 1888.

Article II

The High Contracting Parties also agree that the second sentence of Article III of the said Convention of May 7, 1888 is hereby amended so as to read as follows:

"If the person whose extradition is demanded has already been convicted, the demand must be accompanied by a duly authenticated copy of the sentence of the court in which he was convicted, and with the attestation of the proper executive authority; the latter of which must be certified by a diplomatic representative or consular officer of the Government upon which the demand is made."

Article III

The present Convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible. It shall be considered as an integral part of the said Extradition Convention of May 7, 1888. It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, such period to be computed from its publication in the country last publishing, and it shall continue and terminate in the same manner as the Convention of May 7, 1888.

In testimony whereof, the respective Plenipotentiaries have signed the present Convention in the english and spanish languages, equally authentic, and have hereunto affixed their seals.

Done, in duplicate, at Bogotá, this ninth day of September one thousand nine hundred and forty.

SPRUILLE BRADEN LUIS LÓPEZ DE MESA.

The PRESIDENT pro tempore. The convention is before the Senate and open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDENT pro tempore. The resolution of ratification will be read.

The Chief Clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive Q, Seventy-sixth Congress, third session, a Supplementary Extradition Convention between the United States of America and the Republic of Colombia signed at Bogota on September 9, 1940.

The PRESIDENT pro tempore. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

RECESS TO THURSDAY

Mr. BARKLEY. The Senator from Wyoming [Mr. O'MAHONEY] advises me that the matter which he desires to present is not quite ready for presentation. Therefore there is no need of holding the session in waiting any further. So I move that the Senate take a recess until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 1 o'clock and 4 minutes p. m.) the Senate took a recess until Thursday, December 5, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 2 (legislative day of November 19), 1940

FEDERAL HOUSING ADMINISTRATION

Abner H. Ferguson, of the District of Columbia, to be Federal Housing Administrator for the unexpired portion of a term of 4 years from June 30, 1938, vice Stewart McDonald, resigned.

WORK PROJECTS ADMINISTRATION

Harry D. Williar, Jr., of Maryland, to be Work Projects administrator for Maryland, effective December 1, 1940.

FEDERAL BOARD FOR VOCATIONAL EDUCATION

Robert Watt, of Massachusetts, to be a member of the Federal Board for Vocational Education to serve for the duration of the term of Henry Ohl, Jr., of Wisconsin, deceased, expiring July 16, 1941.

COAST GUARD OF THE UNITED STATES

Boatswain William C. Hart to be a chief boatswain in the Coast Guard of the United States, to rank as such from December 1, 1940.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. Albert Neil Hickey, Infantry, with rank from June 30, 1937.

TO QUARTERMASTER CORPS

Capt. Edward Francis Merchant, Infantry, with rank from June 30, 1936.

TO SIGNAL CORPS

First Lt. Winfield Lee Martin, Infantry (captain, Army of the United States), with rank from June 12, 1940.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be major

Capt. Robert Eugene Bitner, Medical Corps, from December 12, 1940.

To be captains

First Lt. Thomas Earl Patton, Medical Corps (captain, Army of the United States), from December 1, 1940.

First Lt. Albert Willard Kuske, Medical Corps (captain, Army of the United States), from December 3, 1940.

First Lt. Walter Joseph Reedy, Medical Corps (captain, Army of the United States), from December 3, 1940.

First Lt. Jay James Palmer, Medical Corps (captain, Army of the United States), from December 3, 1940.

First Lt. Henry Clay Vedder, Medical Corps (captain, Army of the United States), from December 17, 1940.

First Lt. Leon Joseph Numainville, Medical Corps (captain, Army of the United States), from December 17, 1940.

DENTAL CORPS

To be captain

First Lt. Charles Sidney Winston, Dental Corps (captain, Army of the United States), from December 1, 1940.

CHAPLAIN CORPS

To be major

Chaplain Frederick William Hagan (captain, United States Army), from December 3, 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 2 (legislative day of November 19), 1940

WORK PROJECTS ADMINISTRATION

Harry E. Harman, Jr., to be Work Projects Administrator for Georgia.

POSTMASTERS

ARKANSAS

Felix E. Stephenson, De Witt.

KENTUCKY

Everett E. Warren, McHenry.
Robert S. Welch, Scottsville.
Sanna Bowling, White Plains.

LOUISIANA

Emile M. Benoit, Arnaudville.
William L. Galloway, Arcadia.

MAINE

Mrs. Marion J. Ricker, Lisbon.

PUERTO RICO

Judson Ulery McGuire, Bayamon.
Tomas Mulero Gonzalez, Culebra.
Armando Rivera, Jayuya.

HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 2, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

All hail to the Lord's anointed! Thy name shall stand forever, giving hope and peace through all the aching, human years, wider than the world, longer than the ages. Thou who art the miracle and the might of our Heavenly Father

upon earth, forbid that we should obscure Thy truth, for it is the power of God unto salvation. Teach us to submit ourselves to Thee, O Christ, for Thou art rich in mercy, love, and pity. Within the sweep of Thy redeeming power, grant that all drooping spirits may be inspired by the life hopeful and the life courageous. We humbly pray for the presence of humanity's Lord and King that He may arrest all passion and prejudice and lift man to the heights from which he is being struck down. Dark though the day may be, we entreat Thee to make our faith unwithering, unwasting, and commensurate with our needs and appeals. Heavenly Father, hear us for this burdened world, threatened with moral and spiritual paralysis, for its countless hosts whose names shall never be graven on a stone, and for all languishing hearts that give no sign. Thou art the one God and the one man our souls can follow through all the future, widening years. In the urgency of these days, we pray Thee that Thy strength, vision, and wisdom may be given our President, our Speaker, and the Congress. In our Saviour's name. Amen.

The Journal of the proceedings of Thursday, November 28, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Baldridge, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 305. Joint resolution to amend Public Law No. 861, Seventy-sixth Congress, approved October 17, 1940, an act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 305. Joint resolution to amend Public Law No. 861, Seventy-sixth Congress, approved October 17, 1940, an act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard; to the Committee on Military Affairs.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

NOVEMBER 29, 1940.

The Honorable SAM RAYBURN,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Will you kindly accept my resignation from the Committee on Foreign Affairs, to be effective December 1, 1940?

Sincerely yours,

ROBERT G. ALLEN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEE

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution, as follows:

House Resolution 640

Resolved, That HERMAN P. EBERHARTER, of Pennsylvania, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Foreign Affairs.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. LANHAM. Mr. Speaker, permission was given me on Thursday to extend my remarks in the RECORD, and include certain material. This material takes up a little more than two pages of the RECORD. I renew my request to extend my remarks in the RECORD, and submit with it an estimate from the Public Printer.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HAWKS asked and was given permission to extend his own remarks in the RECORD.

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein an article by Mr. Victor Schoffelmayer, agricultural editor of the Dallas News, which appeared in the Gilmer Weekly Mirror November 28, 1940. This article concerns the significance and importance of the sweetpotato crop to the farmers of east Texas, and, therefore, to the farmers in the Third Congressional District, the district I represent.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Here is a letter dated November 29, from Washington, D. C. It is one of many; some from members of unions; some from those who do not belong to any labor organization. All protest against the un-American procedure of requiring a man who contributes to the support of the Government to pay an individual or an organization either a so-called initiation fee, membership dues, or special assessments, before the constitutional right to work, which is the heritage of every American citizen, can be exercised.

Let me quote from this letter:

I am a labor foreman at Fort Belvoir, and work for Potts & Callahan Co. The Building Laborers Local No. 74, located here in Washington, has given me until tonight, Friday, November 29, as a deadline to join their union or be dismissed. The organizer told me Tuesday, Friday (today) would be my last day unless I joined. The cost of joining is $58.

I get $50 a week straight time now. The union scale is 92½ cents per hour, or $37 for a 40-hour week. By joining I leave myself open for a cut. So I am not joining even though I am dismissed.

They are after all the labor foremen. None of them I have talked to intend joining, or so they tell me. So they may all get let out if the union has the power to do it.

Hope you will look into this situation.

I am turning it over to the House.

This letter presents a fundamental issue. This man asks whether he must take a $13 a week cut or give up his job on a Government project.

That is the issue he presents in his letter. I am presenting that issue to the Congress. Has the Congress the courage to give this man the answer to which he is entitled?

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to revise and extend any remarks I may make today and include therein some excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROFIT SHARING IN DEFENSE INDUSTRY

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HINSHAW. Mr. Speaker, the Vultee strike is over but the problem it presents is not solved. The Attorney General has rightly condemned the Communist interest in promoting such strikes in defense industries, and we here join him heartily in that condemnation. Yet condemnation does not solve a problem. This problem extends its roots in many directions, but the taproot is the "cost-plus" contract, an

evil considered to be necessary in these times. The cost-plus contract leads labor to believe that increased wages are of little consequence to the manufacturer, and the manufacturer meantime knows that most all his profit will be taxed away from him as excess profits.

Common sense leads us to the knowledge that mounting costs of production including mounting wages when projected into future time of peace will place our industry and our labor in a most disadvantageous position in competitive foreign trade. Therefore, for the good of all, and in the best interest of our Government and its budget, I earnestly propose that both labor and industry consider sharing the plus in the cost-plus rather than raising the cost. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, it has been well said that death loves a shining mark. Two of the most outstanding, distinguished, and beloved citizens of Alabama have, since the last meeting of this House, passed to the Great Beyond and to their eternal reward. Each was a brother of a Member of this House. Dr. Albert S. Steagall, of Abbeville, Ala., and Judge Matt Boykin, probate judge of Mobile County, Ala., beloved brothers, respectively, of our beloved colleagues, HENRY B. STEAGALL and FRANK W. BOYKIN, have gone from the scenes of their earthly activities to a well-earned rest, amid the plaudits of their fellow men, to receive the heavenly plaudit, "Well done, good and faithful servant," which will be theirs.

I know that every Member of this House will be distressed by this sad news, and that our hearts will go out in sympathy to our bereaved Members and to the other members of the stricken families.

EXTENSION OF REMARKS

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein an article from the Christian Science Monitor.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I have two requests. First, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution adopted by the Inglewood Realty Board, of Inglewood, Calif., in respect to the need for military protection for airplane plants working on production under the national-defense program.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LELAND M. FORD. Further, Mr. Speaker, I ask unanimous consent that after all regular business has been completed today I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address delivered by myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects, and include in each some short articles.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative program today and following any special orders heretofore entered I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. CARLSON. Mr. Speaker, last Thursday I was given permission to extend my own remarks in the RECORD and include therein a statement of Herbert Hoover on feeding Europe. I find that it exceeds the limit slightly, and I, therefore, ask unanimous consent to include it regardless of that fact.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement addressed to the President relative to highways.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BENDER asked and was given permission to revise and extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, the Sunday papers announce that there will probably be two budgets, a budget for the regular establishment and then one for the war emergency. I am reminded of 1933, when the regular Government expenses were reduced a little for a while and those items of the so-called economic emergency were considered separately, and soon they were made permanent, and then there was only one budget. What I am contending is there is no use in having two budgets. The war emergency is going to be made permanent, too, and last just as long as this administration lasts, and we might just as well accept that and have one budget now instead of two. [Applause.]

EXTENSION OF REMARKS

Mr. MAHON asked and was given permission to revise and extend his own remarks in the RECORD.

APPOINTMENT OF UNDER SECRETARY OF WAR

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4370) authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe the duties, and concur in the Senate amendment to House amendment No. 2.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment to the House amendment.

The Clerk read as follows:

At the end of the matter inserted by said House amendment insert the following: "The compensation of the Assistant Secretary of War shall be at the rate of $10,000 per annum."

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain exactly what this amendment does and why it is necessary?

Mr. COSTELLO. The amendment merely sets forth the salary that is to be paid to the Assistant Secretary of War of $10,000, which is the amount that the Assistant Secretary of War is now receiving. The purpose of inserting it in the bill is to clarify the situation and make definite that this amount should be paid to him. At the present time he is receiving that amount of salary, but if the legislation passes without

this provision being enacted, there might be some doubt as to whether he should or should not receive a salary at all.

Mr. MICHENER. In other words, the bill that passed the House the other day created a new position of Under Secretary of War; and how much salary does that position carry?

Mr. COSTELLO. The bill carried a salary of $10,000 for the Under Secretary of War, but it did not mention the salary that was to be paid to the Assistant Secretary of War.

Mr. MICHENER. And the real purpose of that bill is to create a new office in between the Secretary of War and the Assistant Secretary of War, so that this new officer will outrank the present Assistant Secretary of War. Is that correct?

Mr. COSTELLO. The gentleman is quite correct.

Mr. MICHENER. Am I correct in this statement, that when the President appointed Secretary Stimson, as reported in the press, Mr. Stimson took the position with the understanding that he was to select his own Assistant Secretary of War, who would be responsible to him? Now under this proposed law, this Under Secretary of War will be appointed by the President and will be responsible directly to the President, and the Assistant Secretary of War, Mr. Patterson, will be a figurehead, and the purpose of this amendment is to see that this figurehead continues to get $10,000 a year. Am I correct about that?

Mr. COSTELLO. The Under Secretary of War would be responsible to the Secretary.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, so that another body may have time to consider the Smith amendments, while we are thinking this over, I object.

The SPEAKER. Objection is heard.

SETTLEMENT OF DISPUTES WITH THE UNITED STATES

The SPEAKER. The Clerk will report the Senate amendments to the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 8, after "hearings", insert: "Such notice shall be published in the Federal Register, shall state the date of the public hearing, which shall be not less than 10 days after the date of the notice, and shall set forth the language of the rules proposed to be adopted. After the public hearing, such rules or amended rules dealing with the same subject may be approved."

Page 3, line 19, strike out "Any" and insert "Within 1 year after the date of the approval of this act any."

Page 3, lines 20 and 21, strike out "in force on the date of the approval of this act and."

Page 3, line 21, strike out "not."

Page 3, line 21, after "force", insert "on such date."

Page 3, line 21, after "of" where it appears the second time, insert "less than."

Page 3, line 22, strike out "or more."

Page 4, lines 1 and 2, strike out "public hearing, if requested within 10 days thereafter" and insert "a public hearing if the same be requested within 20 days after the publication of such notice."

Page 4, lines 19 and 20, strike out "In addition to the jurisdiction heretofore conferred upon the" and insert "The."

Page 4, line 21, strike out "that court."

Page 4, line 22, after "filed", insert "by any person substantially interested in the effects of any administrative rule."

Page 4, line 22, after "any", insert "approved."

Page 6, lines 8 and 9, strike out ", who shall act as chairman of the board."

Page 6, line 10, strike out "the hearing of" and insert "hearing and determining."

Page 6, line 16, after "rule", insert "Each employee so designated as a member of an intra-agency board shall, before he enters upon his duties as such member, take an oath or affirmation that he will act impartially with respect to all matters pending before such board without regard to the position of the Government as a party in interest, and that he will decide such matters upon their merits in accordance with law and the evidence presented."

Page 8, strike out lines 23 to 25, inclusive, and lines 1 to 10, inclusive, on page 9.

Page 9, line 11, strike out "(e) Where any matter arises" and insert "(d) In any controversy arising."

Page 9, line 13, strike out "matter" and insert "controversy."

Page 9, line 13, strike out all after "trial" down to and including "agency", in line 17, and insert "examiners. Whether heard by such examiner or by the independent agency itself, a full and correct written record and written findings of fact, and the proposed decision, shall be filed in the office of the independent agency."

Page 10, line 1, strike out "of the examiner."

Page 10, line 11, strike out "(f)" and insert "(e)."

Page 11, line 5, after "days", insert "after the date of receipt of the copy of the final decision or order."

Page 11, line 9, after "the", where it appears the third time, insert "date of the."

Page 11, line 15, after "served", insert "by the petitioner."

Page 11, line 25, after "agency", insert "Upon the filing of any such petition for review, the court to which the same is directed shall have jurisdiction of the proceeding and of the questions determined therein and shall have power to grant such temporary relief by restraining order, mandamus, or otherwise as it may deem just and proper."

Page 12, lines 17 and 18, strike out "(1) that the findings of fact are clearly erroneous; or (2)" and insert "(1)."

Page 12, line 19, strike out "(3)" and insert "(2)."

Page 12, line 20, strike out "(4)" and insert "(3)."

Page 12, line 23, strike out "(5)" and insert "(4)."

Page 12, line 24, strike out "(6)" and insert "(5)."

Page 13, lines 1 and 2, strike out "; or (7) that the decision is otherwise contrary to law."

Page 13, line 3, after "appeals", insert "under this section and section 3 of this act."

Page 13, line 16, after "disagreement", insert "on any question of law."

Page 13, line 24, strike out "Such further" and insert "Further."

Page 14, line 6, strike out "damages" and insert "a reasonable penalty as part of the costs."

Page 14, line 18, strike out "the conduct of."

Page 14, line 9, after "establishments", insert "including the Council of National Defense and the Advisory Commission thereto, the Priorities Board and any other agency or authority hereafter created to expedite military and naval defense."

Page 14, line 19, strike out "conduct of the."

Page 14, lines 23 and 24, after "Commission", insert "the Civil Service Commission."

Page 14, line 25, strike out "conduct of the."

Page 14, line 25, and page 15, line 1, strike out "conduct of the."

Page 15, line 1, strike out all after "Justice" down to and including "provided" in lines 2 and 3.

Page 15, line 4, after "copyright", insert "personnel."

Page 15, line 5, after "laws", insert "or the Agricultural Marketing Agreements Act of 1937 and any act supplemental thereto or amendatory thereof."

Page 15, lines 8 and 9, strike out "or has failed to receive appointment or employment by any agency or independent agency."

Page 15, lines 17 and 18, strike out "without further requirement" and insert "unless otherwise prohibited by law."

Mr. SUMNERS of Texas. Mr. Speaker, I move to concur in the Senate amendments, and I ask for recognition.

The SPEAKER. The gentleman from Texas moves that the House concur in the Senate amendments. The gentleman from Texas is recognized for 1 hour.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, the amendments, put in the bill by the Senate, that have just been read are principally clarifying amendments. However, there are several amendments that go to the substance of the bill. I shall direct my remarks to two of those amendments.

The Senate amended section 4 by striking out all of subsection (d). This was a section in which it was provided for the payment of damages where a person's property was taken without there being an adjudication or final determination of the matter in controversy and provided for the payment of pecuniary damage. That applied principally to orders of the Department of Agriculture, where, for example, a shipload of salmon was ordered destroyed without there being a hearing on the question of whether or not the entire shipload was contaminated. It applied to the destruction of orchards in Florida, where the Department of Agriculture ordered that certain sections be destroyed in order to eliminate the fly pest and similar other cases.

The Senate struck that out, which means, of course, that citizens will be relegated, in the event this bill becomes law, to the remedy that they have under existing law.

One of the other amendments that goes to the substance of the bill has to do with the setting aside of a decision of the administrative agency. The Senate struck out the provision that was in the bill as it passed the House, requiring the Court to set aside a decision where the findings of fact are clearly erroneous.

In the judgment of the Committee on the Judiciary, that is not of great importance, because the Supreme Court in the case of the Appalachian Power Co. against National Labor Relations Board has laid down a rule with respect to substantial evidence that permits the Court to go as far

in setting aside a decision as the majority of the members feel the Court should go. In that case the Supreme Court held that substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

Probably the elimination of this one reason for the setting aside of a decision is a good thing at this time. I am not so certain. However, our committee has accepted that amendment as well as all of the others.

Now let me call attention to some recent decisions of the Supreme Court that offer conclusive proof that this legislation is needed, and is needed now.

The law of the land, the last pronouncement of that Court on this subject is the case of Federal Communications Commission against Pottsville Broadcasting Co., decided some time in the early spring of this year. In that case the Supreme Court said this:

> It is always easy to conjure up extreme and even oppressive possibilities in the exertion of authority. But courts are not charged with general guardianship against all potential mischief in the complicated tasks of government. The present case makes timely the reminder that "legislatures are the ultimate guardians of the liberties and welfare of the people in quite as great a degree as the court." (*M., K. & T. Railway* v. *May*, 194 U. S. 267–270.)
>
> Congress, which creates and sustains these agencies, must be trusted to correct whatever defects experience may reveal. Interference by the courts is not conducive to the development of habits of respectability in administrative agencies.

My friends, there is an engraved invitation from the Supreme Court of the United States to the Congress to enact legislation that will permit the courts to review the decisions of administrative agencies.

In that particular case the court said, in effect, that the agency was wrong in its decision; that the conclusions that were reached by the Federal Communications Commission were away beyond any authority given to that Commission by the Congress. But the Supreme Court said that that is a matter for the Congress to correct. So, I repeat, there in that decision is an engraved invitation for us to meet this situation.

This decision follows the decision in the case of Lukens against Perkins. All of you are acquainted with the so-called Walsh-Healey Act. In that act we provided for the payment of minimum prevailing rates of wages in localities in which work, and so forth, is to be done for the United States. The Labor Department found as a fact that 62½ cents an hour—a wage which, incidentally, is not enough—was the minimum rate of wages, when in fact it was the maximum. It was the rate paid by one of 64 steel companies in the eastern part of the United States. The Labor Department found that 62½ cents an hour was the prevailing rate, when it was the exceptional rate.

One of the so-called Little Steel companies took an appeal to the circuit court of appeals from the decision of the district court refusing to grant an injunction against the Secretary of Labor. The circuit court of appeals overruled the district court in a sound opinion that could not be honestly criticized. The case then went to the Supreme Court of the United States. The Supreme Court said, in effect, that even though the decision of the Labor Department was erroneous, and it clearly was, Congress did not provide for a review of the decisions of that agency and therefore the aggrieved citizen was without a remedy. In its opinion the Court ignored entirely the very plainly expressed intent of Congress in its desire to pass on to the Congress the responsibility of compelling the agencies which we create to carry out their work in accordance with the law. These are only two of a great many instances of clear abuse of power which I could stand here and enumerate if I had the time and the inclination.

Since the turn of the century the courts have gradually departed from the old rules of providing for judicial review of decisions of administrative agencies and have come around to this final pronouncement. I say that it offers conclusive proof that we, the Representatives of the people, must insure to every citizen his day in court through the enactment of this bill or a similar one. A great deal of time—many months—has been spent in the consideration of this legislation, and I have yet to hear a valid argument against it. When the Senate had the bill under consideration it is very significant to note that no opposition to the merits of the bill was offered, and in that I am indeed disappointed, because I did want to know what could be said against the bill. To those who criticize the bill without advancing any reasons for their criticism except the bare statement that it will hamstring the agencies of government, let me point out the fact that there are provisions for court review of decisions of administrative agencies and those agencies are not prevented thereby from carrying out the functions they were created to perform. [Applause.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 20 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, last week the chairman of the Judiciary Committee gave notice that on today the Committee would move to take from the Speaker's table the Walter-Logan bill, H. R. 6324, and seek to have concurrence in the Senate amendments.

Why is this House being asked to concur in the bill as it passed the Senate instead of sending the bill to conference so that the long list of Senate amendments can be thrashed out and explained? Could it be that the explanation for this unusual procedure is that the Senate amendments cannot stand analysis?

The circumstances under which the Senate made the amendments to the bill are most significant. The Committee on the Judiciary did not offer any explanation of the proposed amendments either by way of a committee report or on the floor of the Senate. On November 26, 1940, Senator BARKLEY, the majority leader, after stating his opposition to the measure and his belief that the Senate ought not to act upon the bill without the benefit of further information, informed the Senate that—

> If the proponents of the legislation are ready for a vote on it now, we are ready for a vote on it now. * * * Let the Senate declare itself, and let the country understand the circumstances under which the vote is taken.

The clerk thereupon proceeded to state the committee amendments, and the Senators were called upon to vote. The Senate Committee on the Judiciary offered 13 amendments to the bill. All of these were adopted summarily without the benefit of any debate upon their merits. Similarly, an amendment offered by Senator HATCH was agreed to without any discussion.

The House is now being asked to accept on faith alone these 14 amendments which were made in the Senate without debate or discussion. Among these amendments are an unconstitutional provision, an amendment deleting a provision which this House had voted to retain, and an amendment failing utterly to carry out its obvious purpose of reconciling this bill with the interests of national defense. An examination of only 5 of these 14 amendments to the bill will demonstrate the necessity of a thorough exploration of the purposes underlying them and of the adequacy of the language used to carry out the ends in view.

First. Section 2 (a) of the House bill provided that administrative rules shall be issued "only after publication of notice and public hearings." The Senate has amended this provision so as to require that all notices of hearing "shall set forth the language of the rules proposed to be adopted." Only the rule proposed, or that rule as amended, can be promulgated.

This amendment bears the earmarks of hasty, ill-considered action. We all know that many agencies, dealing with new problems, find it necessary to hold hearings in order to obtain information upon the basis of which regulations may be drafted. These are "informational hearings," whose purpose it is to discover whether, in the public interest, any regulation should be issued at all, and if so, what form the regulation should take. It would defeat the whole purpose of such a hearing if the agency had to issue in advance a proposed draft of a rule.

Now suppose as informational hearing is held without a proposed rule, and the agency has received full information and has given full opportunity for the expression of views by all interested parties. Even though the rule which the

agency wants to put out is satisfactory to all concerned, there will have to be another hearing on the proposed rule before it can be made effective.

One looks in vain for some evidence that the Senate has considered the practical effect of this amendment upon the actual workings of the agencies. Is it not the obvious duty of the House to inquire more closely into the question before taking final action on the Senate amendment?

Second. Section 4 (d) of the House bill affords a full and fair hearing on any matter arising out of the activities of any independent agency. The Senate has amended this provision so as to strike out the word "matter" and substitute in its place the word "controversy."

Now this might seem, on casual inspection, to be a minor change not worthy of much attention. Yet, let us examine the amendment a little more closely. The word "controversy" is defined by section 1 (9) of the bill to mean "any dispute or disagreement concerning any claim, right, or obligation for or against the United States and any refusal to grant any license, permit, or other privilege." Suppose the Labor Board issues a complaint charging an employer with an unfair labor practice. This is a matter on which a hearing is now required. Yet is this a "controversy" within the meaning of the Senate amendment? Clearly not. It is not a dispute concerning a claim, right, or obligation for or against the United States, nor is it a refusal to grant any license, permit, or other privilege. Under the Senate amendment an employer may find himself without the right of hearing in such a case. Do the proponents of the bill in the House conceive this to be its purpose?

Similarly the Civil Aeronautics Administration now holds a hearing before issuing a certificate of public convenience and necessity. Such a proceeding does not fall within the definition of "controversy" and, consequently, under the Senate amendment, there is no right to a full and fair hearing.

Is the House going to accept an amendment with such peculiar consequences upon faith and faith alone?

Third. Section 5 (a) of the bill, as passed by the House, provided, in part, as follows:

> Any decision of any agency or independent agency shall be set aside if it is made to appear to the satisfaction of the court (1) that the findings of fact are clearly erroneous; or (2) that the findings of fact are not supported by substantial evidence; or (3) that the decision is not supported by the findings of fact. * * *

The Senate adopted an amendment striking out "(1) that the findings of fact are clearly erroneous." This deletion of the provision for judicial review of findings of fact was made without explanation and apparently without any realization of what was being done.

This clause was the subject of considerable study and debate while the bill was before the House. For example, in the hearings held before the subcommittee of the House Committee on the Judiciary, several witnesses called attention to its importance. The gentleman from New York, Representative CELLER, in his minority report of the Judiciary Committee, emphasized the fundamental changes which would be accomplished by the provision:

> Section 5 (a) would permit the courts to review the weight of evidence and upset the findings of fact of administrative bodies and officers if the courts deemed them contrary to the weight of evidence. This far-reaching result is to be accomplished by the seemingly innocuous clause which would permit the court to reverse findings of fact if clearly erroneous. What constitutes "clearly erroneous" is, of course, a matter of opinion. These are the words of rule 52 of the Federal Rules of Civil Procedure, which have been construed as permitting the courts to review the findings of a trial court. There is, of course, a vast difference between the findings of a trial court and the findings of an administrative tribunal or officer. It is a principle that has been deeply imbedded in administrative law for a great many years that findings of the latter type should not be subject to appellate review, unless it appears that they are not supported by substantial evidence. The Supreme Court has recognized this principle in its decisions; the Congress has done so in legislation providing for court review in certain quasi-judicial matters. Finality in respect to findings of fact must reside somewhere if the operations of government are not to be constantly delayed and fettered.

In explaining the bill to the House, its sponsor, the gentleman from Pennsylvania, Representative WALTER, stated (86 CONGRESSIONAL RECORD, page 4537):

> There is a serious question as to how far the courts may go in setting aside the decisions of any agency. The bill provides seven grounds for the reversal of a decision of an agency. The first ground is that the findings of fact are clearly erroneous. This is the rule of the Supreme Court of the United States, that applies when a circuit court passes on the judgment of a judge trying a case without a jury.

After considerable discussion of the merits of this clause authorizing the court to set aside an administrative order where the findings of fact upon which it is based are clearly erroneous—probably more discussion than on any other provision of the bill—the gentleman from Mississippi, Representative RANKIN, offered an amendment on April 17, 1940 (86 CONGRESSIONAL RECORD, page 4670), striking out this provision. The gentleman from Pennsylvania [Mr. WALTER] on behalf of the Committee on the Judiciary, agreed to the amendment of the gentleman from Mississippi [Mr. RANKIN]. Nevertheless, when the question was put to a vote, the House voted—by a teller vote of 106 to 70—to reject the amendment.

It is apparent, therefore, that the Senate, without any independent consideration of the merits or significance of its action, has amended the House bill so as to eliminate a provision which was regarded in the House as being of fundamental importance. After full consideration and debate, the House rejected the amendment which was made by the Senate without the benefit of any explanation whatever.

Is not this House entitled to an explanation why it is being asked to accept, without a conference, an amendment previously rejected?

Fourth. The Senate amended section 5 (b) of the act to provide for review by the Supreme Court of decisions of the District of Columbia Court of Appeals reviewing administrative rules under section 3 of the bill. This provision is clearly unconstitutional.

Section 3 of the bill, as passed by both the House and the Senate, provides that the District of Columbia Court of Appeals shall have jurisdiction to hear and determine whether any administrative rule is "in conflict with the Constitution of the United States or the statute under which issued." It is further provided that the court "shall have no power in the proceedings except to render a declaratory judgment holding such rule legal and valid or holding it contrary to law and invalid."

During the course of the debate in the House the gentleman from Iowa [Mr. GWYNNE] called attention—86 CONGRESSIONAL RECORD, page 4538—to this provision and to the indisputable proposition of law that an advisory opinion on an administrative rule as provided for in section 3 of the bill does not come within the "case or controversy" requirement of article III of the Constitution, and, consequently, such advisory opinions could be rendered only by the District of Columbia Court of Appeals, which is a so-called legislative court. Obviously, the Supreme Court cannot be vested with jurisdiction to render advisory opinions under section 3 of the bill—the jurisdiction of the Supreme Court is limited to actual cases or controversies. This is a fundamental principle of constitutional law which has repeatedly been reaffirmed by the Supreme Court. As an example, I call your attention to the case of *Keller* v. *Potomac Electric Power Co.* (261 U. S. 428), at page 444.

In explaining the bill to the House the gentleman from Pennsylvania [Mr. WALTER] took notice of this elementary rule of constitutional law. He stated that the court of appeals' power to render advisory opinions under section 3 was final, and that this finality of decision was desirable because "we would not want the business of our Government * * * tied up through endless litigation; so the right to review lies in the circuit court of appeals and from that decision there is no further appeal."

The majority report of the House Committee on the Judiciary also referred to this question:

> It cannot be stated with certainty at this time whether the Supreme Court of the United States would review the decisions of the United States Court of Appeals for the District of Columbia in the exercise of jurisdiction under section 3 of the bill. It is to be hoped that the Supreme Court will do so in proper cases, but even if it does not do so the individual will receive greater protection than he now has through the exercise of greater care on the part

of the administrative agencies to make their rules conform to the terms of the law and through the subsequent review by the United States Court of Appeals for the District of Columbia.

It is obvious that the Members of the House were aware of the constitutional prohibition against vesting the Supreme Court of the United States with so-called advisory jurisdiction to render abstract judgments with respect to the validity or invalidity of administrative rules.

Nevertheless, the Senate amended section 5 (b) of the bill to add the italic words:

> The judgments of the circuit courts of appeals *under this section and section 3 of this act* shall be final, except that they shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 244 of the Judicial Code as amended.

Under the Senate amendment, the advisory opinions of the District of Columbia Court of Appeals are subjected to review by the Supreme Court of the United States. This amendment flagrantly disregards the provisions of the Constitution and the decisions of the Supreme Court interpreting the Constitution. Any student who has taken even the most elementary course in constitutional law knows that the Senate amendment is unconstitutional. I am dismayed that the distinguished chairman of the Judiciary Committee—known the length and breadth of this land as a profound scholar in the field of constitutional law—should ask this House to concur in such an amendment.

Fifth. At the last minute, Senator HATCH offered an amendment proposing to insert in section 7 (b) of the bill, which enumerates the agencies excepted from the provisions of the bill, the following: "Including the Council of National Defense and the advisory committee thereto, the priorities board, and any other agency or authority hereafter created to expedite military and naval defense." This amendment was agreed to without explanation or discussion.

This amendment is a legislative afterthought, hastily drawn and hastily enacted, designed to prevent the Walter-Logan bill from hampering the national-defense program. Yet, even superficial examination makes it clear that the amendment falls far short of accomplishing this purpose. For example, it is extremely debatable whether an agency set up to exercise the price controls which might be necessary in a period of national emergency would be considered an agency "created to expedite military and naval defense." If it were not so considered, its every action would be subject to the paralyzing provisions of the bill. It would not be difficult to name at least a dozen other agencies whose functions might be necessary to the successful operation of the national-defense program and as to which there would be grave doubt whether they were agencies "created to expedite military and naval defense."

Moreover, the exception covers, in addition to the agencies expressly named, only those defense agencies which are created hereafter. Yet, no one can deny that several existing agencies are performing functions which are indispensable to the workings of our defense program. In this connection, it is sufficient merely to refer to the functioning of the Defense Communications Board, which works in cooperation with the Federal Communications Commission, Army, Navy, and other government Departments. If the President found it necessary to delegate some of his emergency powers to an executive department or to any one of the great number of agencies which are subject to the provisions of this bill, this amendment would not achieve its purpose of freeing the defense program from the bill's restrictive provisions. It is extremely doubtful, moreover, whether the administration of the Selective Service Act is excepted from the provisions of the bill as amended by the Senate.

The House passed this bill before the fall of the French Republic, before our great national-defense effort got under way. The Senate had a chance to deal with the problem but it failed.

I say to you that the Senate amendment fails to take care of the needs of national defense. I say to you that the Walter-Logan bill, as it stands before you today, would throw a monkey wrench in our great defense effort. The House must see that this amendment is so written as to carry out its obvious purpose—or take the consequences.

These are 5 of the 14 amendments made by the Senate. Can there be any doubt that further study and conference is necessary before any action should be taken on these 5 amendments as well as the other changes made by the Senate? The passage of this bill, encumbered by these ill-conceived, hastily-drafted, never-explained Senate amendments, is an abuse of the legislative process far worse than any of the abuses charged to the administrative agencies by the proponents of this legislation.

Mr. Speaker, why is there such a desire to rush this bill through this House? As I said the other day, we have gone along for over 150 years without legislation of this character. Is it going to be harmful for us to go along without it for another 2 or 3 months? I say to you in all sincerity that, in my judgment, the movement to send this bill to the White House today is not sound legislative procedure. No one knows this better than the gentleman from Texas [Mr. SUMNERS] and the gentleman from Pennsylvania [Mr. WALTER].

The gentleman from Pennsylvania [Mr. WALTER] said on this floor the other day that the President's committee named by the Attorney General had held only 1 meeting. It has held 26 meetings—6 were public meetings—and it will hold another meeting this week. It has secured information from every Government agency. It is going along in a proper orderly way to bring before this Congress information that it needs in order to properly consider legislation of this character. We can all wait until this information comes to us. There seems to be no reason why this bill should be hurried along.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. In a moment. Mr. Speaker, I may say to the gentleman from Michigan [Mr. MICHENER], who asked the other day: "Why make this a political question? This is not a political question." No; it should not be a political question; nor do I want to make it a political question. Let us think of the welfare of the people of our country and not of politics. But when you look at the vote in the House of Representatives on this bill and you find a solid Republican vote in favor of the bill, and then to the other side of the Capitol and find a solid Republican vote in favor of the bill, what conclusion must you draw as to who made it a political question? Surely it was not the Democrats.

I say to my colleagues who have stood on this floor and worked night and day in behalf of the progressive legislation we have enacted during the last 8 years: Here is an effort to destroy that legislation; here is an effort to take away from the masses of the people of this country all the benefits we have granted them. That was the issue in the last campaign. Do you want to keep your benefits, or do you want to let someone destroy them? The American public by a great majority said they wanted to retain those benefits. Here is an opportunity to retain them. Retain them by voting down the motion offered by the gentleman from Texas [Mr. SUMNERS]. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, this is a very important item of legislation. In the beginning I want to direct the attention of the House to one amendment referred to by the distinguished gentleman from Missouri [Mr. COCHRAN], who has just spoken. This amendment and the provision of the bill of which it is amendatory is a thing in which everybody in the House is tremendously interested. They have to do with selective training, or what is popularly known as compulsory military service. if the conclusion of the gentleman from Missouri [Mr. COCHRAN] is sound—that the Senate amendments or the bill as amended would result in retarding the defensive efforts on the part of this country—then I agree the motion which I have made to concur ought to be defeated.

This bill was formulated in the Committee on the Judiciary when I was in the hospital last year, and I am not as familiar with the details of the bill as are other members of the com-

mittee. The gentleman from Pennsylvania [Mr. WALTER], chairman of the subcommittee, has had major responsibility. But this particular amendment was called to my special attention and I have looked into it carefully. I am positive that my good friend's apprehensions are not well founded. Insofar as I know, that view is held by the membership of the committee. For the purpose of the record, I want to make a brief statement with regard to that amendment.

The question is, Does the language contained in the bill as amended in the Senate exempt the activities of the Selective Training and Service Act from the powers of this bill? This is the language of the applicable portion of the amended bill. I quote subsection (b), section 7, near the bottom of page 15:

> Nothing contained in this act shall apply to or affect any matter concerning or relating to the Military or Naval Establishments, including the Council of National Defense and the Advisory Commission thereto, the Priorities Board, and any other agency or authority hereafter created to expedite military and naval defense.

It will be observed that the word "matter" is used, which is perhaps as broad a word as there is in the language.

I know of no broader word in the language—at least, no word of more general use or of broader meaning wherever appropriately used. It is not only broad in its whole scope, capable of covering the physical universe, litigation, and everything else that I know anything about, but it is broad particularly in the field of legislation, government, and judicial decisions.

The provision of the bill under examination is that "nothing contained in this act shall apply to or affect any matter concerning or relating to the Military or Naval Establishments." The word "matter" is used as a synonym to "thing" in this provision. It is broader, however, than "thing."

It will be observed from this language that the bill not only excludes from the operation of this bill the specific agencies that are having to do with the Army and the Navy, but it excludes whatever any other agency not excluded may do concerning or related to the Military or Naval Establishments; not merely the Army and Navy but more broadly to the "Military and Naval Establishments." It is perhaps broader than the authors intended it to be. It covers everything that may be done by any agency concerning or relating to the Military and Naval Establishments.

Certainly nobody will contend that the activities under the Selective Training and Service Act—I believe that is the title—or those who are operating the machinery established by the Selective Training and Service Act, are not doing a thing that is of "concern" to the Naval or Military Establishments or that "affects" them. They are providing for those establishments all their personnel that does not reach the Army and Navy by volunteer enlistment. There can be no controversy about that. It was largely for the specific purpose of exempting those activities that the Senate amendment was incorporated.

The next question is, Does the inclusion of the Council of National Defense, and so forth, in the Military and Naval Establishments by specific mention, under the rules of construction "the expression of one thing is the exclusion of another," bring the activities under the Selective Training and Service Act, done to provide Army and Navy personnel, within the provisions of the bill? It will be observed that the language "including the Council of National Defense and the Advisory Commission thereto, the Priorities Board, and any other agency or authority hereafter created to expedite military and naval defense" broadens the normal definition of the Military and Naval Establishments. It brings these particular activities into the Military and Naval Establishments and is language of expansion of those establishments and not language of exclusion. When you come back to make an examination of the language to which I first directed your attention, you will find, as I have already indicated, that this language in its application is not at all limited to the Army and Navy Establishments, whether considered within their normal limits or as expanded by the provisions of this bill, but it goes far afield in the anxiety and purposes of everybody connected with this legislation that it do not interfere with the preparedness program, an important part of which is provided for in the Selective Training and Service Act. It has gone so far afield as to exempt acts done by any agency that concerns or is related to the Military or Naval Establishments.

Now may I say just a word with regard to this sort of legislation to which my friend is in opposition. He made some observations that we have gotten along for 150 years without this sort of legislation. That is true, but the plain fact is, and everybody knows it whether you approve of it or not, that in the last 10 years we have gone infinitely further in the direction away from which this bill would seek to turn our faces than we have gone in the remainder of the 150 years of that history. That is just the plain fact. Whether you approve it or disapprove it, that is so. This is another fact which cannot be controverted, the direction in which we are now traveling, with reference to individual rights and the allocation of governmental powers, whether you believe it necessary or not, it must be agreed, is in the opposite direction from that which we have believed we were traveling for over a thousand years of what we believed was democratic progress. We have gone so far and traveled so fast that if we are to turn back, we must now call upon the legislative genius of America and the administrative purposes of America to devise some plan, speaking specifically to the purposes of this bill, under which private citizens aggrieved by the determinations of these boards may have adjudication by a court, or else we have to abandon our system of government. There is no use trying to fool ourselves about that. [Applause.] I know it is difficult to reverse the trend. I am not sure how we are going to do it. I am not sure we have got the will to make the fight and pay the price in order to retain a government of laws and the necessary governmental machinery and the necessary distribution of powers of a democracy, but I am not willing to abandon the effort because it is difficult. It is certain we cannot do this job unless we try.

Speaking practically, I do not know now how we can reach the road we left. I know the general direction and I know where this road we are traveling now leads to, and I do not want to go there. I believe in the people and their capacity to govern themselves, but we have got to preserve democratic institutions and a democratic distribution of governmental powers if we are to preserve a democratic government. While millions of other peoples are risking their lives to preserve the possibility of such a government we are moving governmental powers into an appointed personnel and are fighting only whether we shall subject the exercise of those powers to a judicial review. Trying to turn back against the pressure of the present trend, of course, will be a difficult job. We are probably going to find out how to do it only by trying to do it, by working at it. It cannot be done in a partisan spirit. This is a job for all the people. There is no use in criticizing these administrative officers. They are trying to do their jobs. They are running true to form under the sort of government we are now operating. They do not want to be interfered with by some court. That is a natural attitude under the circumstances. That is an attitude associated with the kind of power they possess. I have heard people get up on the floor of the House and criticize this administrative officer or that administrative officer. Fundamentally considered the fault is not with them. Personally I like the ones I know. They are trying to do a good job. They do not want to give up any of their power. That is a natural thing. They do not want any court interfering with it. The greater their arbitrary power the less the disposition to submit its exercise to review. These things are basic in human nature, not personal.

I doubt if either Hitler or Mussolini would consent to have their acts reviewed by a court proceeding under the provisions of law and the rules of evidence. We cannot deal with the great problems of government by criticizing persons. It is a natural, established limitation of human nature that with the consciousness of great power there goes its oppressive exercise. That is the lash of nature punishing people who clothe officials with powers which cannot be questioned else-

where. In a free government men are not supposed to exercise arbitrary power over other men. There is supposed to be some tribunal to examine the conduct of every human being, whether public official or private citizen, whose conduct affects any other human being. It is recognized that that ideal cannot be fully attained, but it is the objective toward which the people of a democracy should constantly struggle.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, what I am saying is not in criticism. It was stated recently on this floor that this bill is a reflection upon the President. It is not. We have got to get away from that attitude. There is only one big job in America, and that is preserving this, the greatest system of popular government that has even been evolved through the processes of the ages. [Applause.] That is not an easy job, but it is the big job, worthy of the supreme effort of a great people, who, unfortunately, have not been working much lately at the job of governing themselves. It is a job that challenges the supreme effort of as great a genius as was developed by any legislative body on earth. The question is, Can we make the grade? Every trend of these times is pushing us backward on what has been universally recognized as the road of progress of popular government. This does not mean we have to yield to that pressure any longer. That is where we make a mistake these days. We seem to assume that the way we should go is the easy way. The easier way is the way downhill. The way of progress is up hill. There is lots of sweating, straining, and effort. The fast way, the easy way, is the way downhill; it is the way that leads to the crash, to death and destruction. It takes a great people to climb the hill that is in front of us. Climbing the hill, surmounting the difficulties, make a great people. Only a great people can retain their freedom in times like these. A people who will surrender their great institutions and fundamental rights because it is difficult to operate the former and preserve the latter cannot win in times like these.

I recognize the difficulties in this situation. It is a job for all of us. I wish we could one day come on the floor of this House and discuss fundamental principles of government and their practical importance without anybody wanting to confuse their consideration by injecting the person element of some public official. I wish the newspapers would help to bring these matters to the deliberate consideration of the people, unconfused by party interest or attitude toward public officials. We have got to close up these lines of cleavage. Policies change. But great principles of free government are as eternal as the God of whose economy they are a part. I wish we could get rid of slogans for a little while, look at the compass, read the signs which the generations which have gone before us along the road of democratic progress have erected for our guidance and our warning.

I have supported much of what is called New Deal legislation, but fundamentally we can get ourselves a new deal when we get ourselves a new god, and not more quickly than that. These great principles of government are evolved out of God Almighty's great economy. He intends that people may be free. That is why they love liberty, that they may struggle to be free and develop by the struggle and develop by the thinking and the doing incident to governing themselves.

We seem to think that just because we are able to go somewhere faster than other generations went, even though we may know less what to do when we get there than any other generation, that nobody else had any sense but us. We are not so sure about that as we were a little while ago.

We have had everything to make us a happy, contented people. Here we are in this tremendous governmental mess, and everybody knows it. I take my part of the blame and the shame of it all. I would like to do something about it. We owe it to those who are to follow us in responsibility.

Talk to me about defense and preparation. What we have to have in this country is a great generation prepared not only to fight but to pay the price in civic service incident to the maintenance of free government on the earth. [Applause.]

Mr. THOMAS F. FORD. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from California.

Mr. THOMAS F. FORD. My distinguished friend says that we are struggling up hill.

Mr. SUMNERS of Texas. We have to struggle up hill.

Mr. THOMAS F. FORD. For 20 years we slid down, and now we have been struggling back.

My distinguished friend, the gentleman from Texas, says this measure, the so-called Logan-Walter bill, is designed to check a trend. I assume he refers to the trend that the Congress set in motion when it placed on the statute books the various New Deal measures, measures designed to broaden the opportunities of the average man. All who have studied this measure must realize that if it becomes a law every agency of the Government that was set up to administer New Deal measures will be hog-tied and hamstrung. All activities designed to aid labor, to insure the people cheaper electric rates, to provide unemployment insurance, and old-age pension assistance will be throttled. In fact, this measure will do to the New Deal what Willkie's election was intended to accomplish. The passage of this measure is a complete repudiation of the popular vote given President Roosevelt on the 5th day of November, 1940. I shall vote "no."

Mr. SUMNERS of Texas. Bringing about a condition under which a man cannot go before the courts of his country and have adjudicated a question of individual rights, I do not believe in that respect we are making much progress. I know our job is difficult, but I want to begin trying to do it. The longer we put it off the more difficult this job will become, and the less our capacity to do it will become. The capacity to do a thing begins to disappear immediately after you quit working at it. This bill may have a lot of imperfections. It points in the right direction. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield such time as he may desire to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, the Logan-Walter bill is one of the most important measures that has been considered at this session of Congress. Briefly, the bill provides for uniformity of procedure and appeal in the administrative agencies of our government. It provides that if a citizen is substantially affected by an order or regulation of one of these agencies and wants to appeal to an unbiased court—he shall have the right to do so. It would make the decisions and regulations of the various boards, bureaus, and commissions and other agencies, subject to judicial review by the courts. Review would be allowed on the grounds and according to the procedure set out in this legislation. The purpose of the bill is to regulate the administrative bureaus and agencies that have grown up like mushrooms in this country, and to bring their activities under the Constitution and principles of due process of law—which are binding upon the courts of our land. This bill has been described as a measure to regulate the regulators.

This proposed legislation attempts to follow a fundamental principle of our Constitution—that every person is entitled to his day in court and to "equal protection under the law."

Only a few years ago we had approximately 20 or 25 bureaus and commissions as a part of the administrative agency of our Government. That number has increased so rapidly during the past few years that we now have about 130 of these bureaus, boards, and commissions, clothed with more power and more authority than anyone could imagine.

Mistake was made, of course, in not providing procedure of this kind when these agencies were created—but Congress, in its eagerness to carry on the objectives of the administration, created these agencies and granted them the power and authority that has just been described. As a matter of fact, under the present scheme of things, we have practically set up a fourth branch in our Government—by giving these independent offices a combination of legislative, executive, and judicial authority, whose orders are not subject to review by any court, but are absolutely final. No governmental agency should have the right to make its own rules and regulations and then be the final arbiter in such cases.

Mr. Speaker, in my judgment, a good many of the agencies of government have been omitted that could well have been included in this bill; but since the committee have seen fit to leave them out, I am not at this late day going to question their judgment.

A growing power of bureaucracy in a representative government is dangerous, and, if permitted to continue, will destroy democracy itself. These bureaucrats, who may be well-intentioned, are, after all, not responsible directly to the people but only to the administration that appointed them; and it is only human nature for those in charge of the various agencies of our Government to take unto themselves all the power and authority they can assume.

Our Government is one of checks and balances, and this law, when put into effect, will help protect the people against any autocratic control that may come about because of the authority and power which has been placed in the hands of these agencies. Contrary to the fundamental principles of democracy, there has been a trend among these commissions and bureaus by which the fancies and ambitions of men are directing the destiny of this great Nation. In other words, we are becoming a people governed by men and not by law.

Similar provisions to those contained in this measure were included when the Food and Drug Act was enacted; and, by the way, up to this time, I am informed, there have never been any appeals from the decisions of that agency. The very fact that such provision was included in the law, I think, has had a wholesome effect. So far as I can find out, the only serious objections made to the present bill during the hearings were made by the representatives of the bureaus. We do not find representatives of large groups of people of this country opposing this measure, but, on the other hand, we do find groups like the American Federation of Labor, the Grange, the American Bar Association, and others who are asking that it be enacted into law.

Democracy, with all its progress and its ever-increasing complexities, is on trial. Vitally important right now, when we have so many troubles from within as well as without, is the question as to how to further protect our representative form of government, which is rapidly becoming a government of boards, bureaus, and commissions, which, if continued unchecked and unregulated, may destroy the very form of our Government itself.

Mr. Speaker, the whole problem is whether we are to be governed by bureaucrats, rather than by law and the orderly processes of the courts. Or, by putting it another way, we must decide whether or not our Government is to be a democracy controlled by men or governed by law. Unless the situation is checked now, we are headed for a government of administrative absolutism.

Let me quote the great American statesman, the late Senator Borah:

> Of all forms of government which have ever been permitted to torture the human family, the most burdensome, the most expensive, the most demoralizing, the most devastating to human happiness, and the most destructive of human values is a bureaucracy. It has destroyed every civilization upon which it has fastened its lecherous grip.

The people of this country are looking to Congress to see that the sacred rights reserved to them under our Constitution and the law of the land are properly protected. The passage of the Logan-Walter bill will, in my judgment, protect those rights.

Mr. SUMNERS of Texas. Mr. Speaker, I yield such time as he may desire to the gentleman from South Dakota [Mr. MUNDT].

Mr. MUNDT. Mr. Speaker, any sound interpretation of liberalism means that the individual citizen must be protected alike against the evils of economic and political monopoly. The Walter-Logan bill, therefore, is definitely a piece of liberal legislation which will help protect our citizens against abuses of power and excesses of authority by political boards and bureaus of the Central Government. All true liberals will support this legislation. It is probably the most forward-looking piece of legislation to come before Congress in many years.

For many years, and more especially during the past 8 years, the drift toward the centralization of economic and political authority in Washington has gone forward at an alarming pace. No one interested in genuine self-government and the liberal concepts of the American system whereby the individual citizen is safeguarded from discrimination and dictatorial acts by powerful interests, political or economic, can fail to support the Walter-Logan bill on which we shall vote in a few minutes. The gentleman from Texas [Mr. SUMNERS] well said in his remarks today that the biggest problem confronting America today is the preservation of our system of self-government. I agree with him most emphatically. And to the end that the framework of self-government may be retained and protected in this country, I know of no more important step which this Congress can take than to enact this legislation today by accepting the Senate amendments and passing the bill along for the approval of the President.

Some commentators, both in and out of Congress, have sought to discourage passage of the Walter-Logan bill on the grounds that President Roosevelt would consider it a limitation upon the powers of his Executive appointees and would therefore veto the bill either upon those or upon some less forthright grounds. No man, I believe, is today in position to promise that the President will approve or disapprove this bill and no man can arise today and state for a certainty whether or not this bill is in harmony with the President's plans. I hope those who assume that President Roosevelt is so determined to expand the powers of the Executive to the point of vitiating the entire system of checks and balances upon which our governmental structure rests are totally and eternally wrong. I hope so for the sake of all America. I cannot make myself believe that the President's zest for personal power can be so great that he would veto a bill which has such universal acclaim and support. But, whether this legislation faces Presidential approval or disapproval is not the question at issue; the important thing is not whether or not this bill is in harmony with the Presidential pattern. The thing that really counts in this decision is that the provisions of the Walter-Logan bill are in harmony with the American system of self-government. In fact, in view of recent trends toward the totalitarian technique in this country, it can almost be said that the provisions of this legislation are indispensable to the preservation of the American system of self-government.

This House cannot prevent a Presidential veto, but we can and must keep faith with freedom-loving people everywhere by passing this legislation now that we have it within our power to do so. It is the country's best safeguard—perhaps its only one—against the development of a vast centralization of power in this country which can defeat the functioning of the democratic processes of life if it does not destroy the structure which gave these processes their origin.

Mr. Speaker, we have come a long way from the Jeffersonian concept that "That Government is best which governs least." Between 100 and 150 Federal commissions, boards, bureaus, and agencies now function out of Washington, and the sum total of their regulations—each with the force of law but coming into being without the due processes of law—would, if collected, fill some 20,000 pages. This is more, in volume, than all the laws passed by Congress since 1789. We are told these regulations include over 5,000 different prohibitions against ways of doing business in America; to violate any one of these is to commit a crime. Still the honest businessman, seeking to avoid conflict with the law, can find no one place where he can find these manifold regulations and consult their implications. New regulations and provisions have been multiplying so fast from these more than 100 sources of laws not made by Congress and never considered by any group of men elected by the people that the collectors and the codifiers have been unable to catch up with them. Surely this bill to give the innocent violator of these bureaucratic laws an opportunity to have his day in court is not an unreasonable degree of protection to give the citizen in this Nation dedicated to the principle of government of the people, by the people, and for the people.

I hope this legislation can receive the near-unanimous support of the Members of this House. If this bill becomes a law, December 2, 1940, may well come to be referred to as another great emancipation day in American history; it will mark the day when the first effective step was taken to return government to the hands of the people and to turn back from the ugly goal of administrative absolutism toward which America has been moving by a process rightfully termed by someone as "creeping collectivism." This bill will tend to restore the check-and-balance system which for a century and a half has served us well and will help protect America from falling into the errors of executive supremacy which are today accountable for so much human misery and unhappiness in Europe and Asia.

Permit me now, Mr. Speaker, to conclude these remarks by quoting briefly from a recent editorial on the subject of the Walter-Logan bill written by the ever thought-provoking Raymond Moley and published in Newsweek in its issue of December 2:

Having produced this monstrous aggregation of rule-making commissions and agencies, Congress, like Frankenstein, appears incapable of finding a way to control its creature. It has now spent over 2 years kicking around the only measure that has a chance to regulate the regulators—the Walter-Logan bill.

The purpose of this bill is "to prevent administrative absolutism." It makes possible a judicial review, not only of the rules laid down by administrative agencies but of the facts in individual cases. Essentially it gives the citizen recourse to the Federal courts as a protection against a process by which the combined functions of prosecutor, judge, jury, and executioner are lodged in the same bureaucrats.

Committees of the Senate and House began considering this bill more than 2 years ago. The House passed it on April 18, 1940. The Senate had passed a somewhat different version of it on July 18, 1939, but, shortly after, Senators BARKLEY and MINTON had maneuvered to get it returned to the calendar. There it rests, together with the House version and a favorable report from the Senate Judiciary Committee.

The bureaucrats and their spokesmen have made every effort to hinder its passage. To possibly legitimate criticisms of detail have been added the most sweeping objections that no "single formula or set of formulas" can properly regulate the bureaucratic agencies. To the initial maneuverings of Senators BARKLEY and MINTON has been added a series of flagrantly obstructionist moves. Twice the Senate has been asked to delay action until it gets a report on the bill from a committee appointed by the Attorney General. Twice the dates on which the report was supposed to have been presented have gone by without so much as a sight of the report. More than twice the administration has tried to get Congress to go home, knowing full well that the Walter-Logan bill will die if it is not acted upon by the Senate before adjournment.

But some Members of the Senate seem to have realized, at last, the danger—the immediate danger—of the Frankenstein's monster they have set in motion. The very strategy the bureaucrats have employed seems to have given these Members of Congress the jolt they needed. For, after they let themselves be twice put off by the request that they wait for the Attorney General's committee report, they awakened to the fact that they had simply been induced to surrender more of their legislative power to the executive branch of government.

The purpose of Congress is to consider legislation on its own account and through its own expert services. When Congress runs to an administrative agency for advice as to how to extricate itself from a mess it created in giving administrative agencies too much power, and when Congress permits itself to be hog-tied by such an administrative agency, it is destroying the primary reason for its existence.

It would do Congress, the bureaucrats, and the public no harm to ponder what Winston Churchill said last week when a new session of Parliament was inaugurated. "We proclaim," he said, "the faith and sincerity of our resolve to keep vital and active, even in the midst of our struggle for life, even under the fire of the enemy, those parliamentary institutions which have served us so well and which the wisdom and civic virtue of our forbears shaped and founded. * * *" If, in a supreme emergency, the Prime Minister can say that, we, in our relatively protected situation, do little credit to ourselves if we permit the surrender of the prerogatives of our supreme legislative body.

Grant that there are imperfections in the Walter-Logan bill. But remember that there was no such real or pretended strain for perfectionism when Congress was engaged in regulating business agencies. Bills were passed in fewer days than the Walter-Logan bill has taken in months. Business was told that some inequities were inevitable in general legislation. Now the shoe is on the other foot. The regulators are to be regulated, and apparently they can't take the medicine they so gaily dished up for others.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein certain quotations from the writings of Raymond Moley.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Mississippi.

Mr. RANKIN. Those of us who oppose this measure have had little or no opportunity to speak on it. I believe this is the most dangerous concentration of power in the hands of the judiciary that has been proposed in this House since I have been a Member. I shall oppose the adoption of these amendments and, if the bill is passed, and vetoed, I shall take pleasure in voting to sustain the President's veto. [Applause.]

Mr. DINGELL. Mr. Speaker, silence is impossible for me as I contemplate the far-reaching effect of this Logan-Walter bill. It is obviously intended to place all the power of government in the hands of the judiciary and to neutralize, if not to nullify, the progressive acts of this administration. In time to come we may well dispense with the inanimate executive and administrative branches of the Government and do likewise with the legislative. The creation of a judicial autarchy will eventually destroy our free Government and our institutions. It is unfair and unwise to satisfy this lust for power on the part of the courts which already have extended their powers beyond what the Constitution permits. It is wrong to adduce to the courts all the wisdom, honesty, and infallability and to label this branch of government the paragon of perfection. I would rather take my chances with a properly balanced administrative board or agency dealing with a special and highly technical problem than to have some judge who is bigoted, partisan, ignorant, or subject to influence pass upon a matter which affects my business or profession. The courts are not infallible, they are not perfect, and they must not become the one and only all-powerful branch of government, for if they do, and we are headed that way, then I fear the final outcome.

An administrative agency after long and tedious study of fact and the law decides a case and for trivial reasons the problem is then taken to the courts. An autocratic or labor-hating judge can, and often will, without much deliberation and without compunction destroy the work of a duly constituted agency or board of the Government. There are sufficient safeguards now in the laws; there ought not to be any further tampering at this time, and by a "lame duck" Congress bent on venting its spleen upon the administration which has received the historic and precedent-establishing imprimatur of a third term at the hands of a grateful people. As for me I shall have to vote "No," because I demand for myself additional time for study. Should the report be approved, I trust the President will veto the bill.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD, giving my views on the pending measure.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. The Walter-Logan bill has been pending before the Congress for many months. Extended committee hearings were held in the House. All those interested in the enactment of this legislation on either side, and who so desired, were fully heard. The bill passed the House months ago by a vote of 282 to 97. Practically every leading newspaper in the country has commented editorially on the contents of this bill. It has been spectacularized in the news columns and on the radio. It is, therefore, far fetched indeed for the gentleman from Missouri [Mr. COCHRAN] to even suggest that the Members of the House are not familiar with the terms of the bill. I am sure that he would not intentionally reflect on either their diligence or their intelligence.

Business organizations, commercial organizations, civic organizations, labor organizations, women's clubs, and all the rest have given study to the need for this legislation, and many of these organizations have sent memorials to the Congress urging enactment. They at least are familiar with the bill. The gentleman from Missouri deprecates these

memorials, and in his speech last Thursday he charged the Congress with being influenced by letters and opinions of their constituents and from those engaged in business and industry in our respective districts. Well, for my part, I am always glad to have the views of my constituents on any proposed legislation. I do not always agree with all of these constituents, yet, if my constituents are enough interested in legislation to inquire about it, get copies of the proposals, study the terms, and then express opinions as to the merits or demerits of the bill, I for one do give consideration to their views. I do not condemn them for speaking their minds.

The gentleman from Pennsylvania [Mr. WALTER], coauthor of the bill, and who as chairman of the subcommittee conducted the hearings on the bill, has explained intelligently and accurately the only material amendments added to the bill in the Senate. That explanation has not been challenged and cannot be successfully challenged.

Those who are opposed to administrative absolutism in its most virulent form feel that the Walter-Logan bill should become a law. They are opposed to law by bureaucratic fiat and without appeal. Of course, this is not a perfect bill. Of course, there are theoretical possibilities that might question the efficacy of some of its provisions. Yet no legislation is perfect. As long as men are human it necessarily follows that the laws they enact are fallible. The general purpose of this bill will be most wholesome, and a fair administration of the law and a judicial consideration of the rights of those affected by the law will do much to better present conditions.

As I suggested on this floor last Thursday, this is not a political measure. It will pass this House by a substantial vote of both Republicans and Democrats. It will then go to the President, where, we are advised through the press, a veto awaits it. If this is true, then the bill will not become a law at this session of Congress. Regardless of that eventuality, the very fact that the Congress has so definitely indicated its opposition to a bureau or board acting as prosecutor, jury, and final judge is bound to serve notice on these bureaucrats as to what is going to happen if they continue some of their autocratic conduct. The Congress has the power to wield the big stick in the interests of the people if it has the courage. After all, what is wrong with having the court pass upon the legality of a decision by a commission, a board, or a bureau? Are these agencies above the courts? When the Congress makes a law, which is tantamount to a regulation or ruling of one of these creatures of Congress, then the courts are always open to the appeal of any citizen who feels himself discriminated against by the law. Are these boards, bureaus, and commissions of higher power and authority than the Congress? Certainly not. To hold otherwise is to abandon our form of government.

The explanation of this bill made by the distinguished chairman of the Judiciary Committee, the gentleman from Texas [Mr. SUMNERS], is pregnant with common sense and the philosophy of our form of democracy. It is difficult to understand how one can read this bill, consider these amendments, listen to the explanation of the gentleman from Pennsylvania [Mr. WALTER], and consider the remarks of the chairman of the committee and then vote against the amendment.

If these amendments should be rejected on the roll call that is soon to follow, that will mean that the bill, as amended, will still be on the Speaker's table. It will remain there unless sent to conference or referred back to the Judiciary Committee. Either course means the death of this legislation for this session of Congress without the bill ever reaching the President. It is apparent that there is a quorum present. Are you going to reverse the position you took when this bill passed the House, or are you going to again assert your independence? In the final analysis the safety of the Republic resides right here in the legislative branch of the Government. Why should not the courts be permitted to function as contemplated by the Constitution?

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their own remarks in the RECORD on the pending measure.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GUYER of Kansas. Mr. Speaker, it appears to me that the approval of this conference report is just what is needed at this time to put a rein on the unbridled bureaucracy that is overwhelming us with arbitrary agencies which assume and exercise all the functions of prosecutor, judge, and jury. Our democratic-republican form of government has no room for agencies which exercise such arbitrary power and the way to curb their unwarranted power is to subject their arbitrary decrees and decisions to an impartial court which is just what one of these Senate amendments provide. This will give both employee and employer an impartial tribunal where justice may be rendered to all. That is the supreme object of a free government.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Missouri.

Mr. COCHRAN. Is it not possible that the gentleman can yield to some members of the committee who understand these Senate amendments to let them explain to the House just what is in these amendments, so that the Members can vote on them intelligently? Nobody seems to be explaining the amendments. Everyone is extending his remarks in the RECORD.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. WALTER. The only amendments the Senate made to the bill, as I stated before, were as to form, and all those that went to the substance of the bill were explained.

Mr. COCHRAN. I do not understand the word "clarifying," after reading these amendments, in the same manner as the gentleman from Pennsylvania.

Mr. WALTER. Maybe the gentleman does not understand the amendments.

Mr. COCHRAN. Probably I do not; but I understand them about as well as the gentleman from Pennsylvania.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House concur in the Senate amendments.

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 134, noes 33.

Mr. COCHRAN and Mr. FITZPATRICK objected to the vote on the ground that a quorum was not present.

The SPEAKER. In the opinion of the Chair, a quorum is not present. The Clerk will call the roll.

The question was taken; and there were—yeas 176, nays 51, not voting 203, as follows:

[Roll No. 236]

YEAS—176

Alexander	Carter	Doxey	Gwynne
Allen, Ill.	Chapman	Drewry	Hall, Edwin A.
Andersen, H. Carl	Church	Elliott	Hall, Leonard W.
Anderson, Calif.	Clevenger	Elston	Hancock
Anderson, Mo.	Coffee, Nebr.	Engel	Hare
Andresen, A. H.	Cole, N. Y.	Englebright	Harness
Angell	Colmer	Faddis	Harter, N. Y.
Austin	Cooley	Fenton	Hartley
Ball	Cooper	Fish	Hawks
Barden, N. C.	Corbett	Ford, Leland M.	Hess
Bates, Mass.	Courtney	Ford, Miss.	Hinshaw
Beckworth	Cox	Gamble	Hobbs
Bender	Cravens	Gartner	Hoffman
Blackney	Crawford	Gearhart	Holmes
Bolles	Crowther	Gehrmann	Hope
Bradley, Mich.	Curtis	Gerlach	Horton
Brown, Ga.	Darden, Va.	Gillie	Jacobsen
Bryson	Davis	Goodwin	Jarman
Buck	Dies	Gore	Jarrett
Burch	Disney	Gossett	Jensen
Burdick	Dondero	Graham	Johns
Camp	Doughton	Grant, Ala.	Johnson, Ill.
Carlson	Douglas	Guyer, Kans.	Johnson, Okla.

Jones	Michener	Rogers, Mass.	Tarver
Jonkman	Mills, La.	Rutherford	Tibbott
Kean	Monkiewicz	Sandager	Tolan
Kefauver	Moser	Satterfield	Treadway
Kilday	Mundt	Schiffler	Van Zandt
Kinzer	Murray	Secrest	Vorys, Ohio
Kitchens	O'Brien	Shafer, Mich.	Vreeland
Knutson	Osmers	Sheppard	Wadsworth
Lambertson	Patton	Short	Walter
Landis	Pittenger	Simpson	Ward
Lanham	Plumley	Smith, Maine	Wheat
Lewis, Colo.	Polk	Smith, Va.	Whelchel
Lewis, Ohio	Powers	Smith, W. Va.	White, Ohio
Luce	Randolph	Sparkman	Williams, Del.
McGregor	Rees, Kans.	Springer	Winter
McLean	Rich	Stearns, N. H.	Wolcott
McLeod	Risk	Sumners, Tex.	Wolfenden, Pa.
McMillan, John L.	Robertson	Sutphin	Wolverton, N. J.
Mahon	Robsion, Ky.	Sweet	Woodruff, Mich.
Martin, Iowa	Rockefeller	Taber	Woodrum, Va.
May	Rodgers, Pa.	Talle	Youngdahl

NAYS—51

Bradley, Pa.	Dunn	Izac	Pierce
Burney	Eberharter	Johnson, Lyndon	Rankin
Claypool	Edelstein	Keogh	Sacks
Cochran	Fitzpatrick	Lynch	Sasscer
Connery	Flannagan	McGranery	Schwert
Costello	Ford, Thomas F.	Mitchell	Sheridan
Crosser	Fulmer	Myers	Smith, Wash.
Crowe	Hart	Norton	Snyder
Cullen	Havenner	O'Connor	Somers, N. Y.
D'Alesandro	Hennings	O'Toole	Voorhis, Calif.
Delaney	Hill	Parsons	Weaver
Dickstein	Hook	Patrick	Wood
Dingell	Hunter	Pfeifer	

NOT VOTING—203

Allen, La.	Duncan	Kocialkowski	Ramspeck
Allen, Pa.	Durham	Kramer	Reece, Tenn.
Andrews	Dworshak	Kunkel	Reed, Ill.
Arends	Eaton	Larrabee	Reed, N. Y.
Arnold	Edmiston	Lea	Richards
Barnes	Ellis	Leavy	Robinson, Utah
Barry	Evans	LeCompte	Rogers, Okla.
Barton, N. Y.	Fay	Lemke	Romjue
Bates, Ky.	Ferguson	Lesinski	Routzohn
Beam	Fernandez	Ludlow	Ryan
Bell	Flaherty	McAndrews	Sabath
Bland	Flannery	McArdle	Schaefer, Ill.
Bloom	Folger	McCormack	Schafer, Wis.
Boehne	Fries	McDowell	Schuetz
Boland	Garrett	McGehee	Schulte
Bolton	Gathings	McKeough	Scrugham
Bonner	Gavagan	McLaughlin	Seccombe
Boren	Geyer, Calif.	McMillan, Clara	Shanley
Boykin	Gibbs	Maas	Shannon
Brewster	Gifford	Maciejewski	Smith, Conn.
Brooks	Gilchrist	Magnuson	Smith, Ill.
Brown, Ohio	Grant, Ind.	Maloney	Smith, Ohio
Buckler, Minn.	Green	Mansfield	South
Buckley, N. Y.	Gregory	Marcantonio	Spence
Bulwinkle	Griffith	Marshall	Starnes, Ala.
Burgin	Gross	Martin, Ill.	Steagall
Byrne, N. Y.	Halleck	Martin, Mass.	Stefan
Byrns, Tenn.	Harrington	Mason	Sullivan
Byron	Harter, Ohio	Massingale	Sumner, Ill.
Caldwell	Healey	Merritt	Sweeney
Cannon, Fla.	Hendricks	Miller	Taylor
Cannon, Mo.	Houston	Mills, Ark.	Tenerowicz
Cartwright	Hull	Monroney	Terry
Case, S. Dak.	Jeffries	Mott	Thill
Casey, Mass.	Jenkins, Ohio	Mouton	Thomas, N. J.
Celler	Jenks, N. H.	Murdock, Ariz.	Thomas, Tex.
Chiperfield	Jennings	Murdock, Utah	Thomason
Clark	Johnson, Ind.	Nelson	Thorkelson
Clason	Johnson, Luther A.	Nichols	Tinkham
Cluett	Johnson, W. Va.	Norrell	Vincent, Ky.
Coffee, Wash.	Kee	O'Day	Vinson, Ga.
Cole, Md.	Keefe	O'Leary	Wallgren
Collins	Keller	Oliver	Weatherford
Creal	Kelly	O'Neal	Welch
Culkin	Kennedy, Martin	Pace	West
Cummings	Kennedy, Md.	Patman	White, Idaho
Darrow	Kennedy, Michael	Pearson	Whittington
Dempsey	Kerr	Peterson, Fla.	Wigglesworth
DeRouen	Kilburn	Peterson, Ga.	Williams, Mo.
Dirksen	Kirwan	Poage	Zimmerman
Ditter	Kleberg	Rabaut	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Massachusetts (for) with Mr. Boland (against).
Mr. Barton of New York (for) with Mr. Martin J. Kennedy (against).
Mr. Kleberg (for) with Mr. Patman (against).
Mr. Mott (for) with Mr. Magnuson (against).
Mr. Ludlow (for) with Mr. McAndrews (against).
Mr. Eaton (for) with Mr. Gavagan (against).
Mr. Hendricks (for) with Mr. Maciejewski (against).
Mr. Jenkins of Ohio (for) with Mr. Johnson of West Virginia (against).
Mr. Whittington (for) with Mr. Tenerowicz (against).
Mr. Reece of Tennessee (for) with Mr. Edmiston (against).
Mr. McLaughlin (for) with Mr. Healey (against).
Mr. Peterson of Florida (for) with Mr. Geyer of California (against).
Mr. Pearson (for) with Mr. Byrne of New York (against).
Mr. Reed of New York (for) with Mr. Bloom (against).
Mr. Tinkham (for) with Mr. Welch (against).
Mr. Ditter (for) with Mr. Bonner (against).
Mr. Maas (for) with Mr. Celler (against).
Mr. Hull (for) with Mr. Michael J. Kennedy (against).
Mr. Caldwell (for) with Mr. McKeough (against).
Mr. Case of South Dakota (for) with Mr. Ramspeck (against).
Mr. Cole of Maryland (for) with Mr. Sabath (against).
Mr. Keefe (for) with Mr. Shanley (against).
Mr. McGehee (for) with Mr. Fay (against).
Mr. Chiperfield (for) with Mr. Bulwinkle (against).
Mr. Stefan (for) with Mr. Beam (against).
Mr. Dirksen (for) with Mr. Cannon of Missouri (against).
Mr. Kilburn (for) with Mr. Williams of Missouri (against).
Mr. Halleck (for) with Mr. Flannery (against).
Mr. Kunkel (for) with Mr. Folger (against).
Mr. Andrews (for) with Mr. Keller (against).
Mr. Thomas of New Jersey (for) with Mr. Fries (against).
Miss Sumner of Illinois (for) with Mr. Kirwan (against).
Mr. Wigglesworth (for) with Mr. Lesinski (against).
Mr. Reed of Illinois (for) with Mr. O'Leary (against).
Mr. Gilchrist (for) with Mr. Nichols (against).
Mr. Brown of Ohio (for) with Mr. Poage (against).
Mr. Culkin (for) with Mr. Steagall (against).
Mr. LeCompte (for) with Mr. Thomas of Texas (against).
Mr. Jennings (for) with Mr. Leavy (against).
Mrs. Bolton (for) with Mr. Coffee of Washington (against).
Mr. Thill (for) with Mr. Cummings (against).
Mr. Mason (for) with Mr. Ellis (against).
Mr. McDowell (for) with Mr. Ferguson (against).
Mr. Byrns of Tennessee (for) with Mr. Flaherty (against).
Mr. Gifford (for) with Mr. Larrabee (against).
Mr. Johnson of Indiana (for) with Mr. Rogers of Oklahoma (against).
Mr. Grant of Indiana (for) with Mr. Romjue (against).
Mr. Arends (for) with Mr. Shannon (against).
Mr. Cluett (for) with Mr. Ryan (against).
Mr. Routzohn (for) with Mr. Smith of Connecticut (against).
Mr. Allen of Pennsylvania (for) with Mr. Spence (against).
Mr. Smith of Ohio (for) with Mr. Vincent of Kentucky (against).
Mr. Brewster (for) with Mr. Wallgren (against).

Until further notice:

Mr. Luther A. Johnson with Mr. Jenks of New Hampshire.
Mr. O'Neal with Mr. Lemke.
Mr. McCormack with Mr. Miller.
Mr. Boykin with Mr. Oliver.
Mr. Mansfield with Mr. Seccombe.
Mr. Bland with Mr. Marshall.
Mrs. O'Day with Mr. Darrow.
Mr. Pace with Mr. Gross.
Mr. Cartwright with Mr. Dworshak.
Mr. Richards with Mr. Jeffries.
Mr. Bell with Mr. Schafer of Wisconsin.
Mr. Creal with Mr. Thorkelson.
Mr. Duncan with Mr. Marcantonio.
Mr. Rabaut with Mr. South.
Mr. Mills of Arkansas with Mr. Garrett.
Mr. Brooks with Mr. Durham.
Mr. Schulte with Mr. West.
Mr. Harrington with Mr. Sweeney.
Mr. Taylor with Mr. Buckley of New York.
Mr. Gathings with Mr. Zimmerman.
Mr. Kerr with Mr. Lea.
Mr. White of Idaho with Mr. Vinson of Georgia.
Mr. Fernandez with Mr. Kramer.
Mr. Peterson of Georgia with Mr. Collins.
Mr. Barnes with Mr. McArdle.
Mr. Robinson of Utah with Mr. Dempsey.
Mr. Smith of Illinois with Mr. Green.
Mr. Kee with Mr. Houston.
Mr. Nelson with Mr. Monroney.
Mr. Boehne with Mr. Arnold.
Mr. Maloney with Mr. Barry.
Mr. Allen of Louisiana with Mr. Massingale.
Mr. Bates of Kentucky with Mr. Schaefer of Illinois.
Mr. Clark with Mr. Schuetz.
Mr. Starnes of Alabama with Mr. Gregory.
Mr. Griffith with Mr. Harter of Ohio.
Mr. Scrugham with Mr. Casey of Massachusetts.
Mr. Kocialkowski with Mr. Boren.
Mr. Merritt with Mr. Burgin.
Mr. Norrell with Mr. Cannon of Florida.
Mr. Byron with Mr. Mouton.
Mr. Evans with Mr. Kelley.
Mr. Thomason with Mr. Murdock of Utah.
Mr. Sullivan with Mr. Kennedy of Maryland.
Mr. Martin of Illinois with Mrs. Clara G. McMillan.
Mr. Murdock of Arizona with Mrs. Gibbs.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. DREWRY. Mr. Speaker, I desire to announce the absence of my colleague the gentleman from Virginia [Mr. BLAND] due to illness, in a hospital at Richmond.

Mr. ROBSION of Kentucky. Mr. Speaker, I wish to announce that the gentleman from Tennessee [Mr. JENNINGS]

is necessarily absent. If he were present, he would vote "yea" on this motion.

Mr. GRANT of Alabama. Mr. Speaker, I wish to announce that my colleague the gentleman from Alabama [Mr. BOYKIN] is at home on account of the death of his brother. If present, he would vote "yea."

EXTENSION OF REMARKS

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD concerning veterans' statistics.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. McLEAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HJALMAR M. SEBY

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3729) for the relief of Hjalmar M. Seby.

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, reserving the right to object, is the gentleman from New York [Mr. HANCOCK] familiar with this bill?

Mr. HANCOCK. The bill has just been called to my attention. I find it is disapproved by the Comptroller General and by the officers of the W. P. A., and I object.

Mr. PITTENGER. Will the gentleman withhold his objection a moment?

Mr. HANCOCK. There is a report of about 72 pages, and I have not had time to read it. I have read the first 2 pages and I find it is objected to by the officials concerned, and therefore I object, Mr. Speaker.

Mr. GARRETT. Mr. Speaker, I wonder if the gentleman will withhold his objection and give me an opportunity to explain the bill. It is certainly most meritorious and should be immediately passed by the House.

The SPEAKER. Let the Chair make a statement. The Chair never agrees to recognize any Member with respect to any measure unless they tell him they have consulted with the so-called objectors.

Objection is heard to the consideration of this bill, and the Chair recognizes the gentleman from Massachusetts.

BRIDGE ACROSS MISSISSIPPI RIVER BETWEEN ST. LOUIS AND EAST ST. LOUIS

Mr. HOLMES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9683) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MICHENER. Mr. Speaker, reserving the right to object——

Mr. HOLMES. Mr. Speaker, this comes with the approval of the entire Committee on Interstate and Foreign Commerce. This act originally passed in 1934. There has been some difficulty during these many years to secure the financial structure with which to build this bridge. This bill has been amended in such a way that in a period of years it is going to be a free bridge. That was not in the original bill.

Mr. MICHENER. The bill has the unanimous approval of the entire committee?

Mr. HOLMES. It has the unanimous approval of the entire committee, and, as far as I know, every Member of the House.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., authorized to be built by the city of East St. Louis, Ill., by an act of Congress approved May 3, 1934, and heretofore extended by acts of Congress approved August 5, 1935, May 1, 1936, June 2, 1937, June 29, 1938, and July 25, 1939, are hereby further extended 1 and 3 years, respectively, from May 3, 1939.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, after line 5, insert:

"SEC. 2. That portion of the second sentence in section 4 of the act approved May 3, 1934 (48 Stat. 661), which reads 'or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management,' is hereby repealed; the amended sentence will then read, 'After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls.'"

Page 2, line 16, change the figure "2" to the figure "3."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., and for other purposes."

A motion to reconsider was laid on the table.

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday next it adjourn to meet on the following Monday.

The SPEAKER. Is there objection?

Mr. HOFFMAN. Mr. Speaker, I object.

RESIGNATION FROM COMMITTEES

The Speaker laid before the House the following resignation:

DECEMBER 2, 1940.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I herewith tender my resignation effective immediately, as a member of the following-named committees:

Claims; Elections No. 1; Public Buildings and Grounds; the District of Columbia; Coinage, Weights, and Measures.

With assurance of my continued regard, I am,

Sincerely yours,

HERMAN P. EBERHARTER.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. KLEBERG, indefinitely, on account of attending the inauguration of the President-elect of Mexico.

To Mrs. BOLTON (at the request of Mr. ENGLEBRIGHT), indefinitely, on account of illness.

To Mr. PEARSON (at the request of Mr. COOPER), for 10 days, on account of illness in his family.

To Mr. RABAUT, Mr. CARTER, and Mr. STEFAN (at the request of Mr. TAYLOR), on account of official business;

To Mr. SHEPPARD, for 20 days, on account of important business.

To Mr. LECOMPTE (at the request of Mr. MARTIN of Iowa), for 10 days, on account of illness.

To Mr. DITTER (at the request of Mr. ENGLEBRIGHT), on account of official business.

To Mr. MERRITT, indefinitely, on account of important official business.

To Mr. ROBINSON of Utah and Mr. MURDOCK of Arizona (at the request of Mr. HILL), for 2 weeks, on account of official tour of inspection of national parks as members of the Public Lands Subcommittee.

To Mr. SMITH of Connecticut, indefinitely, on account of official business.

To Mr. MAY, on account of sickness in family.

EXTENSION OF REMARKS

Mr. BATES of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and insert therein an article by Nicholas Cefalo, chairman of the legislative committee, World War Veterans of the United States Merchant Marine.

The SPEAKER. Is there objection?

There was no objection.

MINE INSPECTION

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, we now know that the 31 miners entombed in the coal operation near Cadiz, Ohio, have perished. The reason I mention this today is that there is pending on the Speaker's desk petition No. 35, which would bring to this floor the so-called Federal mine-inspection bill, looking toward the health and safety of miners in this country.

This bill, sponsored by Senator NEELY, of West Virginia, has passed the Senate of the United States by unanimous vote. During the time it has been pending on Capitol Hill more than 1,600 miners have perished while engaged in the operation of mines in the United States. This House should have an opportunity during this session to discuss on this floor the merits of this measure. I trust that some of those who have been giving serious thought to placing their names on that petition, in order that the bill could come before us, will now give it further consideration, and do just that. [Applause.]

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks and include a copy of certain correspondence.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I want to add a little to what the gentleman from West Virginia [Mr. RANDOLPH] has just said.

About 3 months ago I called the attention of this House to a similar accident in which 34 lives of miners were snuffed out in an explosion. It is very likely that if we had had in effect a Federal mine-inspection bill, for which there is a discharge petition on the Speaker's desk, those lives could have been saved and we would not now have the widows and children of those miners to take care of.

The bill should not have any objection from the industry and certainly it has the complete support of every workingman in the mines and those who are familiar with the problems which they have. I do hope that this House will seriously take into consideration this bill and pass it and in the future save the lives of these miners whose lives are lost because the mine owners do not have proper inspection. [Applause.]

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, a parlimentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Mr. Speaker, the Walter-Logan bill passed the Senate and the Senate amendments have been agreed to by the House this morning. The bill now goes directly to the White House.

The SPEAKER. As soon as it is enrolled.

Mr. MICHENER. Yes; as soon as it is enrolled. Am I correct in assuming that the President is going on a vacation in the Caribbean, and that we shall not have the bill back here for vote on veto, before the 16th day of December when he returns, at the earliest?

The SPEAKER. If the present occupant of the Chair finds out what day the President will act on this bill he will certainly notify the gentleman from Michigan and all other Members.

Mr. MICHENER. On behalf of those on this side of the aisle, I thank the Speaker.

The SPEAKER. Under the previous order of the House, the gentleman from California [Mr. VOORHIS], is recognized for 10 minutes.

THE COOPERATIVE MOVEMENT—AMERICA'S SOCIAL CEMENT

Mr. VOORHIS of California. Mr. Speaker, we are seeking as Americans to unify our Nation and make it strong. We are seeking a unity of spirit and a common economic bond for all of us. We are seeking to reach down into the wells of human desire and find there forces that can be channeled into a stream of common effort.

But we are hopeful that we can accomplish all these things without any increased reliance on Government. We want less, not more dependence of our people upon the public purse. Above all, we hope to see an increase of responsibility and initiative in the solution of problems and the development of constructive forces among the people of the thousands of American communities.

All these things I am convinced are possible. As I have studied and listened to the stories of the quiet, steady, substantial growth of cooperative associations among the consumers and the farmers of America, I have become more and more convinced that here is the thing that can, to a very great extent, answer the need we find in our country today. For the interest of the people as consumers is a universal interest—the one universal and therefore unifying economic interest in all modern life. As producers, each of us, each group of us, has a particular interest which frequently comes in conflict with the interests of other producer groups. But the interest of the consumer is the interest of the whole Nation; there is no difficulty whatsoever in including in a consumer group all sorts and conditions of citizens, whether they be rich or poor, employers or employees, farmers or factory workers.

Moreover, here is a method requiring no action by Government, no regulation, no law, no penalty, no subsidy, no bounty whereby the central economic problems of this machine age can be attacked and overcome. By means of the cooperatives, even great monopolies can be compelled to behave and serve the public interest for a fair, rather than an exorbitant, return.

This year, organized consumers in Ohio taught the fertilizer trust another lesson. The Farm Bureau Cooperative Association of Ohio invested about $250,000 in three fertilizer compounding plants. Immediately, the trust cut the price of fertilizer by $4 a ton. That price cut applied only to Ohio. It was made, obviously, to crush the consumer cooperative. But the consumers met the competition, unfair as it was. The net result was the farmers in Ohio saved this year $700,000 in fertilizer cost and on an investment by the cooperative of only $250,000 in permanent plants. And the benefits of this action went to every farmer in Ohio whether or not they were members of that cooperative. But it was the co-op members who did the job.

The central problem of achieving a balance between the power to produce and the power to consume can, at the very least, be advanced a long way toward solution by increasing the buying power, yes, and bargaining power, of the rank and file of the consumers of the Nation. The problem of parity for agriculture—a problem as central to our national health as any problem in the whole broad land—not only can but to a degree has been solved by means of cooperative action of consumers—in this instance, again farmers—in Ohio. Listen to this testimony from Mr. Murray D. Lincoln, manager of the Ohio Farm Bureau Cooperatives and vice president of the Cooperative League of the United States, given before the Senate Committee on the District of Columbia, on April 16, 1940.

I hope all of us who are struggling and have been struggling to solve our farm problem will pay particular attention to this quotation from Mr. Lincoln, because he tells how the consumer cooperatives in Ohio have begun to solve the farm problem. We have been seeking parity prices for the farmer for years, spending billions of dollars to get parity, and we have not got parity. But in Ohio, in those commodities,

where the cooperatives have developed, they have parity and better for the farmer consumers. And it has not cost the government a cent to do the job. And, more than that, it has been done through the consumers themselves, and thus certainly it has contributed greatly to the building of character among those people. I want you to listen to Mr. Lincoln, because, as he says, here may be the way out we have long been seeking.

Now—

He testifies—

I have been the secretary of the Ohio Farm Bureau since 1920, and we have gone through the McNary-Haugen bill, and all the other things that you folks in the Senate have tried to do for agriculture, and we now recognize—not criticizing what has been done all the way up to the present—but we recognize we have been trying to get parity, and we haven't got it. The figures of the Bureau of Agriculture Economics seem to indicate that we have spent better than eight billion and a half dollars since the passage of the Farm Board bill trying to get parity, and we have not gotten it.

Meanwhile, the farmers, thinking of this entirely incidentally, have gone to work to organize their purchasing around what we call the user approach. I interpolate that is the consumer approach. And I would like to show you * * * how the farmers, through their own user organizations, have gotten better than parity.

In other words, where we organized to buy our own fertilizer this year and produced it—as we are doing in cooperation with the G. L. F. of New York (another farm-cooperative organization), the Indiana Farm Bureau, and the Michigan Farm Bureau, and others—farmers today are going to buy their fertilizer in Ohio at an index figure of 80, or, if they buy double strength, at an index of 64.

I stop here in reading Mr. Lincoln's quotation to remind you that is from 20 percent to 36 percent better than parity. Now I continue with the quotation:

We are now buying automobile insurance at 54 percent of parity. Our gasoline, because we have gone into the gasoline business, we are buying at 62 percent.

There is the story of how they are getting parity in Ohio. In fertilizer they are from 20 to 36 percent better off than parity; in automobile insurance they are 46 percent better than parity; in gasoline they are 38 percent better than parity. And in Ohio, as well as elsewhere, they are developing other buying and producing fields, as I shall later show.

The workers in the factories of this country, the men and women who labor to produce our wealth, are entitled to the hope that in some good day and in some good way they will become the owners of their factories and the masters of their own destiny.

I hope these workers will read carefully the story told by Mr. Howard C. Cowden, president of the Consumers Cooperative Association of Kansas City, in a speech delivered at the silver anniversary celebration of the Cooperative League of the United States, the organization which is the voice of the consumers' cooperative movement in this country. It is an inspiring story that Mr. Cowden tells—the story of how factories may be free to the workers who desire to own them. I wish that every worker in this country would read this statement and then write to the Cooperative League of the United States for further information. The league has its headquarters at 608 South Dearborn Street, Chicago, Ill. Incidentally, I wish they would get from the league and study a little pamphlet, Organized Labor and Consumer Cooperation, written by James Myers.

It is fortunate, indeed, for this great country of ours—fortunate for you and me—that our workers may still aspire to ownership; that they have not lost faith that in this country and under our democratic processes of government they may become the masters of their own destiny. If that hope should perish from the hearts of the men and women who toil at the lathe, the bench, or the spindle, we might well fear that our democracy was doomed. We must all recognize that a democracy is a spiritual entity. It must live and grow in that deep desire which is in the breast of every man—that desire for the greatest measure of freedom for himself and likewise for his fellow man; and in this world of material things, of necessary food and drink and shelter and clothing, we must admit that freedom for the man who toils must be intimately associated with ownership of the means of life.

This is no wild, no radical concept. We may recall that one of the greatest forces in the world for law and order, the Catholic Church, spoke out several years ago for methods which would encourage and help the workers to share in the ownership of the factories in which they worked.

Recently, while I was passing through Chicago, I stopped off for a few minutes at the hall where the Cooperative League of the United States was having its silver anniversary celebration. I wish that I had had more time to participate in that convention and I wish that all of you could have viewed the exhibits there. I doubt there are many of us who realize how rapidly the consumer cooperatives have grown—how they now own their oil refineries, their oil wells, their pipe lines, their fleets of trucks, their fertilizer factories, paint factories, grease-compounding plants, coffee-roasting plants, their casualty and life insurance companies, and, now, two small banks.

And in this connection I think you should know of the inspiring story of how the Consumers Cooperative Association of Kansas City financed in part its great modern refinery at Phillipsburg, Kans. The stock certificates stipulated that the maximum dividend that ever could be paid on the stock would be 4 percent. The association had no trouble in selling enough stock to make their refinery possible. Now, it might seem impossible to those who think in terms of high finance, stock-market gambling, to sell stock in a refinery when the stock could never pay more than 4 percent, but it was done. It was done by this consumer cooperative organization—and they could do it again.

The most recent encouraging development in this cooperative movement is that the cooperatives have found the consumer approach to our economic problems and they have turned their great energies in that direction. I think most of us think in terms of farm cooperatives when we refer to the cooperative movement because it was the farm cooperatives which made the first real strides in cooperative organization in the years after the farm crash of 1920. They were altogether properly encouraged as a method of helping the farmer. Unfortunately, we did not broaden the concept at that time and encourage them as an instrument of the entire public interest, not alone for the farmer but also as a means of help to the man in the city. Most of the cooperatives among farmers were and are today marketing or producer cooperatives. They have done a splendid service—those marketing cooperatives—and they form one of the principal bases for solution of our agricultural problem. But I think there is a warning sign for them in facts and in economic philosophy.

The marketing cooperatives, fine as they were and are, inspired as they have been to do a great service, cannot be wholly free or effective so long as they are dependent on a market which is controlled by the buyers of farm commodities. And if the market is controlled by any monopoly, the marketing cooperatives have to deal with that monopoly. I call your attention now to a recent proposal from a great distributing organization to set up a gigantic buying pool. This proposal has not developed sufficiently to give us a clear indication of what it might lead to, but I refer to it now to indicate how the marketing cooperatives may be forced to fit their pattern to the monopoly cloth.

But the marketing cooperatives have the road to freedom open to them. Their salvation is in the development of the consumer cooperatives. The consumer cooperatives, organized in accordance with the Rochdale principles, where men and not money control the business, are free economic agencies, and they must continue that way. And if they do, and if they grow, they can offer a fair market outlet for a great proportion of what the farmers' producer cooperatives have to sell.

I am glad to learn that the marketing cooperatives throughout the country are beginning to turn their energy into the development of the consumer base for the whole movement.

The cooperatives must grow, must expand. That is a sound principle in cooperative philosophy. They must not be bound to or associated with any class movement. They must not be imprisoned within any group. If we try to build fences around the cooperative movement, or cooperatives, if we try to fetter or bind or to confine them to farmers or to city workers, then we try to fetter and imprison the one great element in

the cooperative movement which makes certain that cooperatives can be successful. We try to fetter and bind and imprison that spiritual impulse which is necessary to the cooperative movement. We try to fetter and imprison a soul. In effect, we try to make the cooperatives a class movement, a selfish thing; and, I repeat and emphasize, the cooperative movement cannot be selfish and live.

Therefore I am glad to have this opportunity to give Mr. Cowden's inspiring story to the readers of the CONGRESSIONAL RECORD. I hope that through this story, and other similar stories, the workers in the cities will be inspired to take the road to ownership and to freedom, inspired to be masters of their own destiny. Here is the opportunity for leadership. Likewise, I am hopeful that this story may be helpful in inspiring every leader in the cooperative movement to strike down and destroy utterly any proposal or condition which may fetter the growth of cooperatives, which may encourage them to become associated with selfish class interests. I am sure there are few, if any, such leaders, because the cooperative movement destroys the incentive to selfishness. But I want the cooperative leaders to justify their faith. They have been given a great gift, the opportunity to know and understand the inspiring truths of a great human movement. They have now a responsibility to spread the gospel and unite every phase of the cooperative movement in the one great cause, the common good, the consumers' welfare, and thus the welfare of all America.

Mr. Cowden's speech to the Congress of the Cooperative League of the United States was as follows:

Along in 1932, at the bottom of the depression, a farmer in the Rio Grande Valley of Texas, where they grow fruits and vegetables, wired his Congressman:

"If you don't do something to improve the exchange relationship between farm and industrial products, we're going to have a lot of fat and naked farmers running around down here."

This matter of exchange has been no joke to the farmer since the end of World War No. 1. When the price of wheat, for example, falls from $1 a bushel to 50 cents, debts of the farmer in the Wheat Belt are doubled. When the price falls to 25 cents a bushel, the obligations are quadrupled. We have seen these very changes in the prive level since the World War of 1914–18. But we have not seen corresponding swings in the prive level of finished goods.

Relatively low prices for farm products and relatively high prices for finished products brought finally a complete collapse in both country and city. The evidences of that collapse still are to be seen all about us. Even after thousands of foreclosures, the farm-mortgage debt still remains close to seven and one-half billion dollars—a staggering total. The drift toward tenancy and the concentration of our land resources into fewer and still fewer hands has been greatly accelerated by depression. Thousands of farmers were forced off the land altogether, into the towns and villages and cities, there to compete in a labor market already glutted. Or they joined the ranks of migratory workers, to become the "Okies" pictured in The Grapes of Wrath, to become wanderers on our highways. You can see them today along the roads in every State. Government estimates have set the present tragic total at 500,000 homeless wanderers. And the thing that should be sobering to every person in a position of leadership is the further Federal estimate that 40,000 persons, who have not been on the road before, are joining the procession each year.

Every time a farmer slips down the ladder from landowner to tenant; every time a tenant is squeezed off the land to become a migratory worker; every time land ownership is given into fewer and fewer hands, our political democracy is undermined by that much. When economic freedom is having convulsions, political freedom cannot long remain unaffected. Certainly we cannot maintain free political institutions in the face of a rising feudalism.

How the prostrate condition of agriculture has affected industry and the city workers is told graphically in Thurman Arnold's new volume, The Bottlenecks of Business. I quote:

"In 1920 the American farmer got 50 cents of each dollar spent by the American consumer. He was spending that 50 cents to buy manufactured products. Today he gets only 30 cents of each consumer's dollar. He cannot buy the same proportion of manufactured goods. He has lost 40 percent of his proportionate purchasing power. That loss expressed in dollars is $1,800,000,000 each year. The manufacturer did not get this money. It has simply disappeared. * * * How is the farmer making up that loss? He is getting $1,000,000,000 subsidy from the Government. But he is still $800,000,000 short if we keep to these rough figures * * *."

Under such conditions the factory must look in vain to the country for customers able to buy products in the quantity that would be good for them and good for industry. Hence the unemployment problem grows in the cities, and the farm problem grows at the same time, because urban unemployed are not good customers for farm products. Farm surpluses pile higher and city bread lines lengthen. It is a vicious circle in which both the farmer and the urban wage worker find themselves. And let me say here that every time a city worker is thrown out of his job, every time he returns home after tramping the streets vainly in an effort to find work, democracy is weakened to that extent.

The small-scale businessman is being slowly but surely crushed out along with the people he has served, and every time one of them is forced to the wall—not through inefficiency but through the ruthless tactics of some monopoly—democracy is weakened to that extent. On the other hand, corporations having assets of a billion dollars or more each have increased from 6 in 1919 to 26 at the end of 1938. Reports of the Temporary National Economic Committee and the National Resources Committee ought to be required reading for cooperators. They present a startling picture of wealth concentration, of the growing power of monopoly over the lives of the people and their local, State, and Federal Governments.

The great disparity between prices received by farmers and prices paid by farmers over a 20-year period has transferred much of rural wealth from many hands to the hands of a relatively few men at the head of great financial and nonfinancial institutions in our large cities. Under such a system the collapse of agriculture was inevitable, and with it the break-down of our total economy. The drain, being always one way, eventually transferred the ownership of land from the agricultural areas to the financial centers. There has been a veritable revolution in agriculture in the 20 years or more since the first World War.

All these suggestions of the appalling problems we face—and I have mentioned only a few of them—are so elementary, so well known to most of you, that I repeat them here with some misgivings. I do so only to contrast the distance we yet have to go with the distance the consumer cooperation movement has traveled thus far in the United States. There may be a tendency on the part of many of us to grow satisfied with the progress the movement is making when we gather once every 2 years to survey results. There may be a feeling that we're doing a whale of a job, that we're becoming an important factor in our national economic life, that we are the real consumer movement in this country.

May we be saved from such smooth content. While the economic juggernaut is creating derelicts faster than they can be rehabilitated through social agencies; while we have millions of young people for whom there is no place in the economic scheme of things; while we have millions of old men and women living at or below a subsistence level after a lifetime of hard toil; while all these things and more exist, may we recall the words of the poet: "Lord, keep me still unsatisfied."

Actually, of course, we have only scratched the surface of our possibilities. Actually we have barely made a start, as a movement, in supplying consumption goods used in the home. Primarily, the movement remains one for purchasing farm supplies, when farmers spend more money for consumption goods used in the home than for consumption goods used in production.

We are just now getting into manufacturing in a few fields. In the insurance field, which has piled up billions of wealth in the money centers, to be controlled by a few men, we are just now making a belated start. In the vital building-supply field, controlled by a few giants, we are not even an important factor. We still have a long, long way to go in the distribution of food for human beings, a field in which several regional wholesales have not yet made a start. We are not manufacturing a single product as a national movement, and we ought to be.

We are yet a long way from being the closely integrated movement regionally and nationally that we eventually must be if we are to give this economy the "institutional balance" suggested in the report of the cooperative committee of the National Education Association. We have not yet reached the point in most regions where we can reverse the banking process, which piles up our spare change in the money centers. We have not developed fully "loan capital" plans like the one now in effect among Scottish cooperators—a plan which has given the wholesale at Glasgow more capital than it needs. Our savings, all too often, are financing our competitors.

We have not yet built the number of credit unions we need, or rather we have not yet shown consumers in many areas the value of pooling their excess funds, and increasing them through savings, to meet their small-loan needs. We have not yet built a coordinated educational program nationally that links up and supplements our educational efforts regionally.

We have made progress, to be sure, but we still have a long, long way to go, and "it's later than you think." Our task is to check the drain of wealth into the hands of those who already have more of this world's goods and more of power than is good for any set of men. Those whom the machine age has disinherited must acquire the ownership of stores, wholesales, factories, and the machinery that makes and distributes goods. This means that our problems must be attacked from the consumer end. This means there must be organization of consumers along every major front if ownership of the machinery that ministers to life, and all that such ownership implies, is to be restored to those who work. To save our political freedom and give it meaning we must implement it with the economic freedom implicit in the consumer cooperative program.

Turning now to the subject of this address, Factories are Free for Cooperators, I want to tell briefly how far along the road we of Consumers Cooperative Association have traveled since 1929. Now and then, on looking back over the depression years we have operated, it seems we have come a long way. We realize fully, of course, that we are just getting started.

When Consumers Cooperative Association began business as a petroleum wholesale in North Kansas City, Mo., in 1929, it began to

compound lubricating oils. It did so because it found it could not depend upon the quality of the oil supplied by an old-line oil company.

So C. C. A. put in its own oil compounding equipment. In only a few months the savings had paid for the plant. By merely charging themselves the same price they'd have paid anywhere else, Consumers soon had title to an oil-compounding plant of their own. What had been profit to the privately-owned oil company became savings for cooperators.

Savings made in the oil-compounding plant made it possible for Consumers Cooperative Association to buy its present home in North Kansas City—the office and warehouse built originally by an oil company that failed to survive the depression—an oil company which once declared the business of C. C. A. too small to bother with.

When C. C. A. moved into its new quarters in September 1935 there was equipment on hand for making one type of grease. Equipment for making other types was added and the first shipment made in December of that year. By the end of 1936 the savings had more than paid for the original and all the added equipment necessary to make all types of grease generally in use.

By charging themselves the same price for grease they would have paid anywhere else, cooperators made enormous savings. They not only had control of quality in their own hands, but they brought out new and improved greases for their own use. Consumers still are making important savings in the manufacture of grease, all because they own and control the process, and support it loyally with their patronage.

Early in 1936, C. C. A. began manufacturing paint in a small way. The savings paid for the paint plant in less than 6 months. A new paint mill was added in 1937. Other new equipment is being added now. It is producing two and a half times as much high-quality paint under the co-op label as it did 3 years ago—at a saving to member cooperatives.

Petroleum products, with their originally wide margins, allowed the wholesale to accumulate capital rather rapidly. Because of it, we literally lubricated our way into other commodities, such as groceries, building supplies, electrical appliances, and other products used on the farm and in the farm home. When our volume of refined fuels reached above 50,000,000 gallons a year, and when margins in the retail field began to dwindle, members and directors saw the need for a refinery of their own.

Even though retail distribution was the least profitable field of the petroleum industry, major oil companies still were making enormous profits out of crude oil production, refining, and pipeline transportation. Directors and members felt that C. C. A. should claim for consumers the savings to be made in those fields, so members of the board voted, in the summer of 1938, to build a refinery at Phillipsburg, in northwestern Kansas. Later they voted to build a 70-mile pipe-line connecting the refinery with oil wells in three nearby counties. It was the first cooperative pipe-line in the world and the first cooperative refinery in the United States. The 3,000-barrel plant, now turning out 11 different kinds of refined fuels, and the connecting pipe-line, represent an investment of some $850,000.

The plant not only gave a degree of balance to a purely agricultural economy, but it also furnished employment to a great number of men during construction and to 90 men regularly after it was placed in operation. Oddly enough, employment in the consumer cooperative movement has expanded rather steadily throughout the depression. Besides these things, the coming of the refinery resulted in the construction of new homes in Phillipsburg, the drilling of new oil wells nearby, the creation of a market for 90,000 barrels of crude oil a month, increased payments to farmers from whose wells the oil was taken, a greatly improved business condition throughout the whole region, a region which had been hard hit by drought.

Someday we hope to set out in book form the dramatic difficulties we had in getting a contractor to build the refinery. Someday we want to tell in full the story of our difficulties in getting sufficient crude oil after the new refinery was placed in operation, difficulties which, before they were solved, required us to spend $45,000 for 22 miles of additional pipe-line. It will, we believe, make an interesting sidelight on the tactics of major oil companies.

The quest of big business for profits, by the way, is at the base of nearly all the international complications that flare into the headlines. The recent revelation of the New York Herald Tribune of the connection between Capt. Torkild Rieber and Dr. Gerhard Alois Westrick, Hitler's ambassador-off-the-record to United States businessmen, is a case in point. Rieber, chairman of the board of the Texas Corporation, a major oil company, was forced out when the spotlight of pitiless publicity was turned on his alleged relationship with the Nazi envoy. Rieber is the man, by the way, who furnished Fascist Franco with petroleum products, during the civil war there, in return for a virtual monopoly of that country's oil business.

Contrast, if you will, the peace-loving cooperative movement with the peace-disturbing combines. The co-ops are interested in exchange of goods to serve human need, without profit. The combines are interested in profit primarily, even at the expense of exploiting other peoples to get it. A system which is based upon the high principle of service has the ability to coax out the good in people, according to Albin Johansson, of Sweden, while a system based upon a desire for profit, upon gain at the expense of others, must influence people in exactly the opposite direction. I agree.

Consumers will pay for the 92-mile pipe line in a few years merely by charging themselves the same rate for every barrel of crude oil flowing through it that a privately owned company would collect for a similar service. They will pay for the refinery in a few years by selling refined fuels to themselves at the going price—the price they'd have to pay other refiners. They've paid for other pipe lines and other refineries many, many times in the past 25 years, but they've never acquired title to them. This time they're on the high road to unencumbered ownership through their day-to-day purchases from their own cooperatives. Today they are in position to make savings in pipe-line transportation, in the transportation of refined products, in refining operations, and in retail distribution.

Late last month, members of C. C. A. took the fourth and final step into the petroleum industry—they purchased an interest in a 160-acre lease near their cooperative pipe line. This lease has one 400-barrel-a-day well producing crude oil now. There are 10 wells producing 42-gravity oil on three sides of this tract. Through its Cooperative Oil Producing Association, a subsidiary, C. C. A. will drill three wells immediately, and perhaps four more later. Crude oil is a farm product as much as wheat, corn, or cotton, and it is being produced in 90 of the 105 counties in Kansas. Heretofore it has been piped away to enrich a few men. Oil produced cooperatively will go toward making life and living a little better for thousands of consumers. If the field develops, as we feel sure it will, we will then have an integrated set-up extending into the principal phases of the petroleum industry—a complete, efficient, compact unit.

The wells yet to be drilled, if they prove to be producers, will pay for themselves out of the crude oil they furnish to the cooperative refinery. It may be the beginning of a production program which will eventually furnish the refinery with all its requirements. However, the State has an Oil Proration Act which at present allows a well to produce only about 2 percent of its potential. That is, if a well can produce 400 barrels a day, the allowable under present regulations would be around 8 barrels per day. The State makes no attempt to regulate drilling of oil wells, but does restrict their flow once they have been brought in. And it does it all in the name of conservation.

The first cost of launching factories must be met, of course, but the difference between the cost of a product and the selling price—the thing known in privately owned business as profit—is the margin that enables consumer cooperation to pay for factories of their own. Because profit is an overcharge that is taken in addition to the cost of a product after all other charges have been met. Cooperatives recognize it as an overcharge and use it to capitalize new industries, or enlarge present facilities and services, or return it to members in proportion to their purchases.

A new decade began January 1, 1940. In the past decade of depression, members of C. C. A. have built an oil-compounding plant, a grease plant, a paint factory, a refinery and pipe line, and an oil-producing association in addition to making substantial savings otherwise. What can they do in this decade? Their progress should be substantially greater because the effect of cooperative building is cumulative, like a snowball rolling downhill. Savings from the various factories make it easier to take the next step into production when the volume of consumer purchasing warrants it.

The keyman in the picture is the consumer and what he does with his buying power. When he spends his dollars he is casting his economic ballot. He can spend them to build assets for others, or he can spend them to build cooperative assets for himself and his fellows. If he elects to help the type of business in which he has no voice and no vote, he cannot logically complain about wealth concentration, the ups and downs of the business cycle, or of the other evils that exist in the competitive business world. He is voting every time he makes a purchase, and the way he votes determines what businesses shall grow and prosper and what businesses shall languish and die.

The people of Sweden have given their answer already. Some 635,000 families or 2,000,000 persons, in a country of slightly more than 6,000,000 persons, are buying through cooperatives. Without the aid of a single antitrust statute, they have learned to control monopoly prices and to break trusts once and for all by the simple expedient of using cooperative savings to build cooperative factories. In England, some 8,404,000 members are buying at a saving through cooperatives—and they own close to 200 factories. The annual dividend of British co-ops is roughly $125,000,000. Think of the factories that sum would build every year.

In Scotland, the Scottish Cooperative Wholesale Society numbers 900,000 families in the membership of its retail societies—three-fifths of all the Scots in Scotland. In any one of the three countries it is possible to buy nearly any material need from the cradle to the grave through cooperatives. Factory after factory, built out of the savings of members, are bringing them millions of dollars a year and are operating to keep prices in line with buying power. They were built out of the patronage of consumers. The simple act of making everyday purchases on the part of millions of people, and always at the co-op, have built these consumer-owned institutions.

Other regional cooperative wholesales in the United States are moving forward into manufacturing and processing at a rather steady pace. There are feed and flour mills in various areas, a coffee-roasting plant, three refineries, a number of fertilizer plants, a tractor and power-farming-equipment factory, and many other enterprises turning out products for the cooperative movement. Another encouraging sign is the way producer and consumer cooperatives are working together, with consumer groups furnishing valuable and dependable outlets for producer groups. There will be more and more of such economic collaboration as time goes on.

Factories are free to consumers who combine their spending power back of their own cooperatives. And there's no good stopping place. One step leads logically to another. One factory is often comple-

mentary to another. The Scots found, for example, when they began their cooperative burial service that it increased the volume of business of its draperies department, of its wood-working department, and that chips of stone from its monument department made excellent paving blocks. That sounds suspiciously like a Scottish joke, but I'm told on excellent authority that it's true.

Starting in 1929 with only $3,000 capital, and with consumer incomes at a low ebb during most of the intervening years, the North Kansas City Wholesale has made a modest start in the field of manufacture. Most of the goals in our first 5-year plan were realized. We are writing another 5-year plan now which will be submitted to members next month. Among other things, it calls for crude oil production, and we have made the start already; additional refineries when found advisable; a flour mill, feed mill, and bakery whenever volume justifies; the manufacture of salt from salt beds which underlie the cooperative refinery; a battery plant, a soap factory, and a cooperative printing plant.

These are to be regional undertakings for the most part. However, the day is not far distant when National Cooperatives, Inc., should make a start in the field of manufacture, in my opinion. It might be a tire factory, because the combined tire and tube volume of the various wholesales would perhaps warrant a start in the not-distant future. Or it might be some other commodity carried generally by the wholesales. Once such an enterprise was launched, it would pay for itself in only a few years. Factories are free for cooperators, whether on a regional or national basis, and they're the lifeblood of the movement. And I can think of no other one thing that would tend to give the national movement greater cohesion than to enter manufacturing in one or more fields.

The productive works already built by the consumer cooperative movement in the United States undoubtedly are but the forerunners of other and larger factories to be owned by consumers. These plants, fine as they are, must be only the beginning. The world is at war again. Peace is its great need, and this is a movement that makes for peace and plenty. We must continue to build. The nonsense of racial supremacy is sweeping the world again, and this is a movement that all men may join freely regardless of race, color, or creed. We must continue to build. Millions in our land are living close to the borderline of want, with many in dire need. They need this movement just as much as the 28 poverty-stricken weavers of Rochdale. We must continue to build. The rise of dictatorship in many lands is a warning to us that we must build an economic basis that will support our political democracy, and cooperatives are democratic instrumentalities. We must continue to build.

Each of us, no matter what his job may be, is helping build the world of tomorrow. Although I am no prophet, although forecasting is hazardous, I am confident in my own mind that the world of tomorrow will be one in which the cooperative way of life, the cooperative way of doing business, shall play a leading role.

Mr. Speaker, I do not, I cannot contend that through an expansion of the cooperative movement among the people, all the problems of this Nation will be solved. I believe that the establishment of a scientific and constitutional monetary system is likewise necessary if industry and agriculture are to go continuously forward, if unemployment is to be overcome, and if the burden of debt is to be gradually lightened instead of becoming a more and more insufferable yoke about the neck of our people.

But what I do contend is that this cooperative movement is 100 percent constructive, that it is the one movement I know of that develops out of its own experiences an unselfish rather than a self- or group-centered spirit and interest, and that upon it can be builded a new hope for all America, a hope that is akin to the hope of the pioneer who crossed trackless wastes to seek new and fertile lands, a hope of ownership, of clear possession of the means of a better life—but a hope which once realized shuts the door of equal hope in no neighbor's face, but rather opens the door for him.

I ask the passage of no law, the granting of no special privilege for cooperatives. I only bespeak your interest, your constructive encouragement, your thoughtful—yes, even perhaps your prayerful consideration of this great consumer-cooperative movement.

Mr. Speaker, I ask unanimous consent that in connection with my speech I may have permission to include a speech by Mr. Howard A. Cowden, president of the Consumers' Cooperative Association of Kansas City, Mo., delivered at the convention of the Cooperative League of America in Chicago on October 17 of this year.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, the gentleman spoke about the benefits of cooperation. Does the gentleman believe that the farmer and the farmer's son should have the right to work on these defense projects without paying tribute?

Mr. VOORHIS of California. I think anybody has the right to work on defense projects, but that has nothing to do with the speech I made today.

Mr. HOFFMAN. It is cooperation.

Mr. VOORHIS of California. The speech I made today is on a subject that I felt the gentleman from Michigan may be interested in, a constructive approach to these economic problems, upon whose constructive solution so very much depends.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

Mr. PIERCE. Mr. Speaker, reserving the right to object, where there has been one successful cooperative, there have been many failures, resulting from the men who control the lines, in which they are trying to cooperate to their mutual advantage, and they are prevented by the people who control. Is the gentleman not aware that the failures are many more than the successes?

Mr. VOORHIS of California. The gentleman has reference to cooperative electric lines?

Mr. PIERCE. Yes.

Mr. VOORHIS of California. I know the struggle they are up against. I am familiar with that. What I have reference to in this speech is the whole cooperative idea, not only in connection with electricity, but also in connection with the buying, selling, and production of commodities and things of that sort.

Mr. PIERCE. Is the gentleman not aware of the fact that it is almost impossible for the people to combine in many lines of activity? For instance, would there have been any rural electrification in America had not the Government stepped in and put over the R. E. A. projects in the United States? Could the people have done that themselves?

Mr. VOORHIS of California. Certainly I am very earnestly in favor of the R. E. A. projects and of the Government's aid to them in the form of loans, but I believe the gentleman will concede the fact that the cooperative feature has been very important.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

The SPEAKER pro tempore. Under special order, the gentleman from California [Mr. LELAND M. FORD] is recognized for 10 minutes.

SUBVERSIVE ACTIVITIES

Mr. LELAND M. FORD. Mr. Speaker, last Monday I had the privilege of addressing the House for 1 minute, during which limited time I tried to bring before the House some of the conditions that exist on the Pacific coast with reference to strikes, sabotage, un-American activities, and subversive organized effort to destroy our national-defense program. In that limited time of 1 minute, of course, I could not very fully cover this subject, but just to speak of some of the high lights in that section and again draw attention to Harry Bridges, who should long ago have been deported.

I think if the whole matter is fully gone into you will find that Harry Bridges has been the moving spirit back of most of these strikes and un-American activities.

It does seem peculiarly singular that this man can remain in this country in spite of all that has been said about him, in spite of the things that he has done, and in spite of the efforts of this very Congress itself to have him deported.

As you already know, this House passed the bill to deport Harry Bridges by a vote of some 343 to 40. This certainly was a nonpartisan question and certainly was the result of thought after much time and study had been given to Mr. Bridges' record. Many have read the Landis whitewash report and all any open mind has to do is to again read this report and see the admissions that Harry Bridges makes, see where he has sought aid and has given aid to subversive interests, see what he says about disrupting industry in this country, see what his plans and moves are, and if one has any mind whatsoever the connection may be seen between his

activities and all this unrest. We may ask the questions, Does Harry Bridges have to come into Washington and actually wreck the Capitol, the Government itself, the Constitution, the Bill of Rights, before our officials who are supposed to carry out their duty will actually admit that there is something wrong? Who is it who gives this protection to a man of this character, who is not a citizen of this country, who is an undesirable alien, who has indulged in perjury, lawbreaking, disturbing the peace, violating the rights of the public, the individual rights of our people themselves who are workers, the rights of all our industrial concerns, and who, according to the statement in the RECORD by the gentleman from Missouri, Congressman ARTHUR ANDERSON, may be guilty of conspiracy to murder, guilty of sabotaging the steamship *Pennsylvania*, and still can remain in this country? I ask why, and who, and would like these questions answered.

I think, in a great measure, the welfare and safety of this country not only depends on having these questions answered but it also depends upon our properly authorized officials carrying out their duty without political consideration or any other consideration. It appears to me that this ruthless element, among whom may be classified the Communists, the Nazis, and the Fascists, who would destroy this country, is being given an undue and illegal protection, that the laws are being stretched, and technicalities resorted to to protect them. While, on the other hand, it might appear that the Attorney General is going to great lengths to carry out a program that parallels, in some respects, the ideas of these Communists, Nazis, and Fascists. I refer distinctly to the things that the Attorney General is doing, particularly in my community, namely, the institution of a suit to overturn the titles to our California tidelands. I mention this because the Supreme Court decisions are against him. I ask the following question of the Attorney General and for the benefit of this entire Congress. Is it his idea to write a new kind of law, through new Supreme Court decisions, that will destroy the titles to the lands, first in California and then in all of the remaining States wherein they have tidelands? The Attorney General can find time to do this, but he cannot find time to deport a man like Harry Bridges, who should be deported, nor find time to first cancel the citizenship papers of Fritz Kuhn, in spite of the fact that we have some 54 precedents whereby this may be done. I ask again, Why is it that these men, who have as their motive the destruction of this country itself, receive this protection?

It appears also to me that this Attorney General can, when he so desires, actually deport people, and I call your attention to the recent deportation proceedings against Mrs. Browder, and while at the same time I am holding no brief for Mrs. Browder or anyone who may belong to the Communists, Nazis, or Fascists, the fact remains that where this Attorney General wants to take action against people, where there is far less evidence than against Harry Bridges or Fritz Kuhn, he can accomplish his purpose. I ask again, Why is it that he can find time to enter into this program of harassing and prosecuting on technicalities, oil companies, private interests who own tidelands, cities, counties, and States who own tidelands, and many other companies who are working on national-defense orders, and not find time to send out of this country such men as Harry Bridges, Fritz Kuhn, and many others, but slips out of taking action by making dubious explanations and giving technical answers.

We all know that there are some 800 undesirable and dangerous aliens that have received the protection of Mme. Perkins by her refusal to carry out deportation proceedings, nearly all of whom are engaging in subversive activities, preaching a doctrine of destruction of this Government, spreading a propaganda for slowing down, hampering, and injuring our national-defense program, with the ultimate object of finally destroying that defense program if they are able. Why is it this Department cannot go into this necessary thing and deport those who are hurting us more than anything else and slowing down more than anything else our defense program?

Who are these people, to have this protection from officials of the United States Government itself? When we stop to contemplate this question while this program is carried along so consistently, and these people are being protected so consistently, is there any reason why we should not think that these officials are working hand-in-hand with these subversive interests? I hesitate to make such a charge as that, but I am only using my reasoning powers to put two and two together, and to say to our Attorney General and to Mme. Perkins, that the people in this country are fast coming to the same thought that I have developed here. And in this same connection, I would like to draw attention to these officials, that in the long run they must know that the people of the United States and the personnel of this Congress are not going to stand for any such program.

Now, if these thoughts are different than the thoughts, or are different than the intentions, that our governmental officials have, the best way to dissolve these thoughts is to take action, and then, by their action, we will know what they mean. Up to now, in my opinion, their lack of action has been very suspicious, and in my own particular case has developed the thought that they, at least, were acting with those subversive interests against the interests of the United States as a whole.

Now, let us take a look at our picture. Out on the Pacific coast we have the steam schooner strike, now in its sixth week, retarding the expansion of aircraft construction plants requiring lumber, and otherwise interfering with our defense industry and program.

The Vultee aircraft strike, stopping production of training ships for the Army, for the alleged purpose of securing higher rates of pay, but with the evidence now in the hands, admitted by the Attorney General of the United States, that the communistic and subversive influences are at work here. Minimum wages put forth as a major reason is only a smoke screen, and their real purpose is to destroy and to stop our defense program.

Another incident is the strike in the Lacy Manufacturing Co. plant, which results in delay in the construction of the first large Navy auxiliary ship to be built at Los Angeles harbor and now under contract.

Another is in connection with the construction of mosquito-fleet boats, auxiliary to the Navy, and upon which delivery is requested at the earliest possible moment, now threatened by a strike which would tie up the small boat builders at Los Angeles harbor who have these contracts.

Why is it that so many explosions in our plants that are manufacturing the things that we need in our defense program occur, so many in one day? These explosions, these accidents, this retardation of our industrial defense program are spreading like a cancer, with the ultimate object to destroy not only the body of our national-defense program but the country itself, with all of the institutions therein, and as we look at the picture we see the officials of the country standing idly by, letting this cancer spread, and, apparently, so far as results are concerned, letting the program continue; and by the actions indicated above, in California, not only not trying to stop this spread but aiding it.

It does not make any difference whether you are Republican or Democrat, how any loyal American can stand by and see these things gradually proceed until such times as they destroy us is beyond my conception.

This propaganda used to be subtle, but as these groups, such as C. I. O., Bridges, Kuhn, Communists, Fascists, and Nazis, gain in power through the spread of their propaganda, the program is now becoming bolder and hard-boiled. Perhaps this is on account of the fact that when it has come to a show-down they have found our Federal officials without the necessary intestinal fortitude to meet conditions as they should and who either lack the desire or the intestinal fortitude to do their duty. There can only be one result from any such program, and that will be to destroy the American form of government as we have known it, to destroy our defense program, to render us helpless, and, finally, make us into one of the totalitarian forms of government, whichever one of the totalitarian forms of government happens to be the strongest when the final time arrives.

I do not believe there is any question that if this is the net result of N. L. R. B. as presently set up, N. L. R. B. must be revised according to the Smith amendments or it is going to destroy us through the control in its administration by racketeers, subversive and communistic interests. I do not want the Attorney General to misunderstand the spirit in which I speak these words, but I do want him to know that, along with myself, are many others who think enough of the United States of America to really get busy and take action on these things. The net result on Bridges' deportation so far is, as you all know, that the Bridges bill was stopped after it passed the House. In this connection, I think the question should be asked, Would this country be better off today with Harry Bridges out of it, or would it be better off with him in it spreading the propaganda of destruction of our national defense, which he is doing? Anybody who is familiar with the facts today knows that he has done more to destroy the shipping and our merchant marine, that he has done more to destroy delivery of lumber and many parts used in our national defense, than any other man; that he has gone so far as to stop the shipment of food; and this program cannot be considered anything less than destructive. What do our officials think is going to happen? Are they going to try to save this country after it has been destroyed?

It seems to me that the Attorney General has used many sugar-coated and high-sounding phrases in his explanation as to why he does not prosecute these people. It seems to me that the only answer we get from this Department is that everything is under investigation, but we never find any prosecutions that terminate in convictions.

It seems to me that the Attorney General can find time to fight the Dies committee, who are bringing forth and throwing the light of publicity upon his failures. If there is no other reason for the continuation of the Dies committee, I think that this committee should be continued because it throws the light of publicity upon either the failure of the Attorney General to act or upon his cooperation with the subversive interests.

In this same connection I want to say that I think the F. B. I. is one of the best organizations of its kind that there is, that it is capable of doing a good and full duty, but that it is limited in that which it can do by the support that the Attorney General either does or does not give it. I would like to say, too, that if there is any criticism to be directed, it should not be directed at the F. B. I., but should be directed at the Attorney General for his lack of cooperation and lack of leadership, or lack of doing his duty toward the F. B. I. itself and toward the country as a whole.

I notice in the Washington Post that Peter Fassbender, described by the gentleman from Texas [Mr. DIES] as a former Gestapo agent, would describe the full workings of the Gestapo in this country. The Attorney General says that Fassbender has long been known to the Federal Bureau of Investigation; that its files contain a detailed record of his life and of his activities down to the present time; that he has operated under 15 different aliases, in addition to the name of Fassbender; that he jumped his ship when he entered this country on August 2, 1938, the ship *Westmoreland,* of the Bernstein Line, docked at pier No. 3 in Hoboken. I submit to you that if the Attorney General knew that this man had jumped his ship and was in this country illegally, with the knowledge of him that he had, the Attorney General should then and there have deported him. What good does it avail to have the F. B. I., the Dies committee, or any other agency, develop these facts if the Attorney General does not act upon them and get these deportations? It again begins to look like the Attorney General either does not want to or is incapable of fulfilling the duties of his office. In either event, he should either resign, be discharged, or be impeached.

In my opinion, the Dies committee has done a good job. So has the F. B. I., but they have not had the support from the Justice Department to which they are entitled, and I may say to both Mme. Perkins and Attorney General Jackson, that the people of this country are fast approaching the position when they are not any longer going to tolerate their activities of not doing their sworn duty toward the people of this country. The election is now over, and if there was any political reason or subterfuge involved, that is now out of the picture and we would like to hear from the Attorney General, not in words, but by his action in at least deporting Bridges, whose deportation would have a salutary effect on this country, and the cancelation of the citizenship papers of Fritz Kuhn, and then his deportation.

I think, too, that special attention should be given to the destroyers of industrial plants, who may be termed saboteurs, and that they should be speedily brought to justice, sentenced, and that it should be seen to that these sentences are carried out to the maximum.

Mr. Attorney General, you have an explanation and an accounting to make to 130,000,000 people, and it is by your action, not by your word, that we are going to know you.

Mr. Attorney General, there is such a thing known as patriotic performance of duty, and the whole people of the United States have a prior claim to any political consideration, particularly when this country is in such a crisis as it now is in. Can you see it that way, and, if you do, what are you going to do? [Applause.]

The SPEAKER. Under a previous special order, the gentleman from Michigan [Mr. CRAWFORD] is recognized for 5 minutes.

LABOR CONDITIONS

Mr. CRAWFORD. Mr. Speaker, in the Department of Labor we have what I consider to be some very capable men, but I have here a letter from a worker in Pittsburgh who mentions some of their names.

I ask unanimous consent, Mr. Speaker, to insert in the RECORD a copy of a letter issued by Hubbard & Co., of Pittsburgh, Pa., also a statement issued by the same company covering 10 provisions they have agreed to place in the labor agreement the union is seeking.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The letter follows:

PITTSBURGH, PA., *November 8, 1940.*

To the Employees of Hubbard & Co.:

We are entering the eighth week of this unfortunate strike. We are being swamped with calls from our employees who want to return to work. The union is still insisting that we grant a union-shop contract, thus forcing all of our employees to join the union and pay dues for the privilege of working at Hubbard & Co. We had made wage concessions before the strike started and with some granted since then, they represent a substantial advantage to the employee.

We invite you to consider carefully the wage and other concessions shown on the attached memorandum which we have offered the union representatives. The union, however, has indicated that wage increases mean nothing to them compared to the granting of the union-shop contract. The granting of a union-shop contract is a matter of principle which we cannot and will not concede. We will not agree to a union-shop contract or any form or variation of a union-shop contract. A man may work for Hubbard & Co. whether he belongs to a union or not, and no one will be required to pay dues to anyone for the privilege of working at our plant.

We have notified Mayor Scully that we intend to attempt to operate the plant if the union refuses to accept the offers we have already made them. We shall make demands upon the police for protection. If the mayor totally disregards his duty and fails to furnish police protection, we will shut the plant down indefinitely. This is our official and final decision given to the mayor of Pittsburgh.

We want to know how many of our employees are willing to return to work with the wage and other concessions listed on the enclosed memorandum. If a sufficient number of our employees indicate their desire to resume work, we will advise you when to report. Sign your name and check number on the enclosed card and mail it to us or write us your desires. Your reply will be kept confidential. Failure to reply will indicate your unwillingness to return to your job.

We are going to do everything in our power to protect our employees who want to go back to work. If the majority of them are not sufficiently interested in their jobs to be willing to return to work under these conditions, then you will have to consider your service with us terminated.

HUBBARD & CO.,
JOSEPH V. SMITH,
Vice President.

HUBBARD & CO.,
Pittsburgh, Pa., November 8, 1940.

To Our Employees:

In our various negotiations we offered the union the following concessions to be incorporated in a new contract:

1. The establishment of a minimum wage for men of 62½ cents per hour equal to $5 per day for an 8-hour day. Effective immediately.

2. The granting of a raise of 2 cents per hour to all men not affected by the raise in the minimum and will adjust the rates of any man who had not received a full 2-cent raise by the upping of the minimum. Effective immediately.

3. The granting of an increase for women to 50 cents per hour equal to $4 per day for an 8-hour day. Effective immediately.

4. Granting of a rate of 52 cents per hour for those women who are operating machines. Effective immediately.

5. We agree to incorporate in the new contract a clause under which the union or ourselves could open up the question of wages at any time upon 10 days' given notice.

6. We agreed to revise the vacation plan so that employees would be entitled to 1 day vacation with pay for each year of service up to a maximum of 5 years, provided however, that said employee worked at least 1,040 hours during the 12 months preceding July 1 of the year in which the vacation is to be received.

7. We agreed to carefully study and establish a workable plan involving seniority and job classifications. We cannot convey complete advices on these points at this time, as the working out of this program will require very careful study. However, we promised to perfect a workable plan even though it necessitated bringing in outside practical help to assist us.

8. We insisted that wherever feasible grievances must be made in writing at least 3 days prior to the regular date for grievance meetings and the company in turn would wherever possible reply in writing on such grievances.

9. We agreed to the naming of an impartial umpire and will suggest certain names for consideration in due time.

10. We agreed to incorporate into a new contract the military clause reading approximately as follows:

"If an employee is called to serve the armed forces of this country the time lost in its relationship to seniority rights shall be fully considered."

We agreed that other provisions not covered by the above suggested changes should remain as incorporated in the last signed contract.

Mr. CRAWFORD. The gentleman who writes this letter states that being an employee of Hubbard & Co., Pittsburgh, he encloses these letters for information as explanatory matter. He says:

PITTSBURGH, PA., *November 29, 1940.*

Hon. HERMAN P. EBERHARTER,
House Office Building, Washington, D. C.

MY DEAR MR. EBERHARTER: Being an employee of Hubbard & Co., Pittsburgh, Pa., I am enclosing letters sent me by them, which are self-explanatory.

As this strike has kept us all out of work for the past 11 weeks, and the most of my fellow employees desire to work, we find it impossible to do so.

Being chairman of a group of employees, known as a group wishing to go back to work, I appeal to you for such help as you could render us. We have appealed our case to Mayor Scully and Sheriff Heinz, of Pittsburgh, but we have not accomplished anything.

The majority of our employees desire to return to work, but we find it impossible to do so, as our Mr. J. V. Smith will not allow any bloodshed on account of the present situation.

Mr. Dewey, the Government conciliator, forbid the C. I. O. to call a strike at Hubbard & Co., but the union defied him and acted on their own initiative and declared this strike.

Unfortunately we do not have any Government defense orders, to the best of my knowledge, and other strikes both in and around Pittsburgh have been settled peaceably, we are still taxpayers and are doing our best to get back to work so as our families can have an enjoyable Christmas.

None of us want to live on Government dole or relief, but our situation is a pitiful one.

Government Conciliators Dr. Steelman and Mr. Dewey have tried on numerous occasions to adjust this strike, but without avail, so any help which you may render us will be greatly appreciated.

I am also enclosing copies of these letters to the Honorable CLARE E. HOFFMAN, of Michigan.

Anxiously awaiting a reply, I remain

Very truly yours,

L. A. DAUER.

Then another letter has been received from Fort George Meade, Md., which reads as follows:

I know that Fort George G. Meade, Md., is strictly a union job, because I try to get on as a steamfitter you positively have to have a union card. Also, Fort Belvoir, Va., is also a closed shop because I was down to Fort Belvoir, I saw Mr. Lucas, superintendent of construction for the Thompson & Co., he told me you have to be a union man to work here as a steamfitter or a plumber their no openings for a steamfitter, but we can use some plumbers. Why can a union on a Government job call for a closed shop? I am a steamfitter, I drop my union card due to circumstances today it is impossible to get a job without a union card. I have to pay $220. I don't mind paying a fine of $10, $20 assessment, and $100 initiation fee, if I can go to work and pay out of income. I am walking the streets looking for work when there are Government jobs going beggin at $14. It seems a shame that a man cannot get a chance to earn an honest living for his family. What right has a body of men to keep a man from making a living on Government projects its a crime.

Mr. Speaker, these letters indicate some of the great difficulties labor and industry and the departments of Government are up against. We may have to deal with many touching problems before we work out of the difficulties of present day. Union men, and those who are not members of unions, all have their own views and feelings. Most all of us are greatly controlled by our emotions and desires. This is a representative Government; every man is entitled to his day in court; and every worker wonders why he is not privileged to work on jobs financed by Government funds which are in turn furnished by the worker and taxpayer and without having to pay tribute to any organization or person.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, my colleague from California [Mr. LELAND M. FORD] made quite an oration on Mr. Bridges and the strike conditions in California. I believe, however, that the gentleman has failed to advise the House that the matter has been investigated by the Attorney General and the Department of Justice, and the Department of Justice has rendered a report to the Attorney General, who, I am sure, is giving the matter careful study and consideration. I have every confidence that the Attorney General will make a proper survey of the conditions about which my colleague the gentleman from California spoke. I have every reason to believe that J. Edgar Hoover and his men have made their survey honestly and fearlessly. I am sure that all the charges made here will be very soon disposed of in the proper light.

It is pathetic to see any Member attack any department heads. I have heard so much said about Mme. Perkins, that she has failed to do this, that, and the other thing. Mme. Perkins did her job in the best way the law would give her the right to do. Unfortunately, a lot of us do not realize that you cannot deport even the worst kind of criminal unless there is a place to send him to. I need not tell you that after the last war some aliens that should have been deported could not be deported because there were no countries to send them to. The countries were wiped out under the Treaty of Versailles, and, unfortunately, we had these criminals on our hands. Mme. Perkins could not possibly enforce some of the deportations, and the criticism against her is unjustified.

Criticism of any head of a department is unfair at this particular time, when we are trying to and should work together in the defense of our country, irrespective of political beliefs or affiliations. I do not believe it is fair at this time to make these serious charges of failure to do certain things that the law requires her to do, knowing full well that the Department has done the very thing it was supposed to do; that is, to investigate the Bridges situation and other radical conditions in this country. I am sure a satisfactory solution will be had in a report to this Congress. [Applause.]

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the gentleman just said it is pathetic for anyone to criticize a department of the Government at this time. I wonder just how sincere the gentleman is in that statement.

Mr. DICKSTEIN. I am just as sincere as any man in this House, including yourself.

Mr. HOFFMAN. We will admit that. Then why not be consistent as well as sincere, and why get up every day we meet when opportunity offers and jump on the Dies committee and on a fellow Member from Texas, Mr. DIES? Why do you not get together with the Dies committee instead of every day——

Mr. DICKSTEIN. I am always willing to cooperate and have offered my cooperation several times right here on the floor. How about yourself?

Mr. HOFFMAN. Instead of on every occasion defending Bridges and Mme. Perkins, why do you not get together with other Members of the House and forego criticizing those who are trying to get those Communists deported? Why not let us get together on some platform except your own?

Mr. DICKSTEIN. Why do you not talk common sense? My criticism is constructive criticism.

Mr. HOFFMAN. Fine.

Mr. DICKSTEIN. I have no objection to being criticized by you or anybody else if the criticism is deserved.

Mr. HOFFMAN. Now, you have had your say.

Mr. DICKSTEIN. And I will have my say whenever I want to have it.

Mr. HOFFMAN. By a vote of more than 3 to 1 the House turned down your judgment as to the value of the Dies committee on three occasions. Now, why do you not get together with the majority of the House instead of so often as you did last Thursday, November 28 (RECORD, pp. 13769–13770, inclusive) speaking against the gentleman from Texas [Mr. DIES] and the so-called Dies committee?

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Mr. Speaker, I yield back the balance of my time.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I have never opposed the Dies committee; neither have I appeared on the floor opposing it. I was responsible for bringing it out of the Rules Committee. I presented all the evidence before the Rules Committee. The gentleman from Texas, Representative DIES, has not presented one single document before the Rules Committee, or made one single talk in behalf of that resolution. I am not criticizing the gentleman from Texas, Representative DIES. I want him to do his duty and bring in some laws to rid this country of all the subversive elements in this country instead of giving us this "ballyhoo" we have been receiving from the committee for 2 years. The gentleman is unjust when he asks why am I not consistent. I think it is unfair for him to make that statement. I am consistent, and you should be more consistent because you have been so contradictory that I was not able to keep up with your arguments in the last year.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield for a question?

Mr. DICKSTEIN. If I have the time, I will be glad to yield.

Mr. HOFFMAN. You say you have not opposed the Dies committee or criticized the gentleman from Texas, Representative DIES.

Mr. DICKSTEIN. Not until recently, when it became necessary. I have helped to bring that resolution out. I brought it out with my own efforts, with my own material, and with my own evidence, and I did not oppose it and I did not oppose the appropriation, but I serve notice on the House now that unless something is done I am going to oppose it.

[Here the gavel fell.]

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday next it adjourn to meet on the following Monday.

Mr. HOFFMAN. Mr. Speaker, I object.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Friday, November 29, 1940, present to the President, for his approval, a bill of the House of the following title:

H. R. 10465. An act to amend an act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 23 minutes p. m.) the House, in accordance with its previous order, adjourned to meet on Thursday, December 5, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Tuesday, December 3, 1940, at 10:30 a. m. for the consideration of Senate private bills and unfinished business.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2038. A letter from the Secretary of War, transmitting a copy of awards made under the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2039. A letter from the Secretary of War, transmitting a copy of the Annual Red Cross Report with a copy of the Annual Report of the retirement system of the Red Cross; to the Committee on Military Affairs.

2040. A letter from the Secretary of the Navy, transmitting a draft of a bill to authorize major alterations to certain naval vessels; to the Committee on Naval Affairs.

2041. A letter from the Acting Secretary of the Navy, transmitting a report of contracts negotiated pursuant to the provisions of section 4 of Public, No. 43, Seventy-sixth Congress, during the period commencing with April 25, 1939, and ending with June 10, 1940; to the Committee on Naval Affairs.

2042. A letter from the Administrator, Veterans' Administration, transmitting a draft of a proposed bill for the relief of disbursing officers and certifying officers and payees in respect of certain payments made in contravention of appropriation restrictions regarding citizenship status of Government employees; to the Committee on Claims.

2043. A letter from the President, Commission on Licensure Healing Arts Practice Act, District of Columbia, transmitting a report showing the activities of the Commission for the fiscal year which ended June 30, 1940; to the Committee on the District of Columbia.

REPORTS OF THE COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3071. Report on the disposition of records in the custody of The National Archives; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3072. Report on the disposition of records by the Department of the Interior; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3073. Report on the disposition of records by the United States Attorney at Hartford, Conn., with approval of the Department of Justice; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3074. Report on the disposition of records by the United States marshal for the district of Nebraska, with the approval of the Department of Justice; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3075. Report on the disposition of records by the Department of the Interior; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3076. Report on the disposition of records by the Department of Agriculture; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3077. Report on the disposition of records by the Civil Aeronautics Authority; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3078. Report on the disposition of records by the Veterans' Administration; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3079. Report on the disposition of records by the Interstate Commerce Commission; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3080. Report on the disposition of records in the custody of The National Archives; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3081. Report on the disposition of records by the Veterans' Administration; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3082. Report on the disposition of records by the Office of Education, Federal Security Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3083. Report on the disposition of records by the Public Health Service, Federal Security Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3084. Report on the disposition of records by the Department of Labor; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3085. Report on the disposition of records by the Department of the Interior; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3086. Report on the disposition of records by the Treasury Department; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3087. Report on the disposition of records by the Treasury Department; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3088. Report on the disposition of records by the Department of Commerce; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3089. Report on the disposition of records by the Department of Labor; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3090. Report on the disposition of records by the Federal Trade Commission; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3091. Report on the disposition of records by the Department of Agriculture; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3092. Report on the disposition of records by the War Department; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3093. Report on the disposition of records by the War Department; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3094. Report on the disposition of records by the Treasury Department; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3095. Report on the disposition of records by the Department of State; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3096. Report on the disposition of records by the Work Projects Administration, Federal Works Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. Hiuse Report No. 3096. Report on the disposition of records by the Work Projects Administration, Federal Works Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3098. Report on the disposition of records by the Work Projects Administration, Federal Works Agency; without amendment. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANGELL:

H. R. 10709. A bill authorizing the appointment of certain persons as second lieutenants in the Regular Army Air Corps; to the Committee on Military Affairs.

By Mr. BROOKS:

H. R. 10710. A bill to equalize the rates of pay of commissioned officers of the United States Army; to the Committee on Military Affairs.

By Mr. EBERHARTER:

H. R. 10711. A bill declaring the Thursday next preceding the last Thursday in November of each calendar year as Thanksgiving Day; to the Committee on the Judiciary.

By Mr. FORD of Mississippi:

H. R. 10712. A bill to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.; to the Committee on the Public Lands.

By Mr. HORTON:

H. R. 10713. A bill to grant vacant, unreserved, unappropriated lands to accepting States, and to authorize the disposition of certain areas of public domain; to enable the United States, the States, and individuals to exchange lands for the consolidation of mingled areas, and granting lands to certain States to achieve that purpose; to provide for continuance to expiration of existing permits or leases; to provide for the control, disposition, and protection of stock-watering places and of intrastate and interstate stock driveways, and for other purposes; to the Committee on the Public Lands.

By Mr. SUMNERS of Texas:

H. J. Res. 618. Joint resolution extending the time for submitting the final report of the Temporary National Economic Committee; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H. R. 10714. A bill for the relief of Mateo Castellvi (Bartolomé), his wife Pilar Casal de Castellvi, his sister Carolina Castellvi (Bartolomé), his son John Castellvi (Casal), and his daughter Pilar Castellvi (Casal); to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Maryland:

H. R. 10715. A bill for the relief of David Stiefel; to the Committee on Claims.

By Mr. O'TOOLE:

H. R. 10716 (by request). A bill for the relief of Wolf Maurer; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9393. By Mr. CASE of South Dakota: Petition of Alfred Night Pipe and others, appealing to Congress for exemption from the operations of the Wheeler-Howard Act of June 18, 1934, that sections 1, 2, 14, and 15 of the Indian Reorganization Act be protected from the act; to the Committee on Indian Affairs.

9394. By Mr. ENGEL: Memorial of Irene Miller, of Mesick; Mrs. A. B. Marsh, of Falmouth; Ethel Goettler, of Ferry; Juna V. Turner, of Newaygo; Effie Germiquet, of Ravenna; Leota Corrie, of Fremont; Mrs. Niels Christensen, of Grant; and 222 others of the Ninth Congressional District of Michigan, urging the President and Congress to withdraw from all entanglements that might lead to war on foreign soil; to the Committee on Foreign Affairs.

9395. By Mr. HOFFMAN: Petition of Nellie Long and other citizens of the Fourth and other Congressional Districts, protesting against actions which might lead to the United States becoming involved in a foreign war; to the Committee on Foreign Relations.

9396. By Mr. MARTIN J. KENNEDY: Petition of the Medical Society of the County of New York, N. Y., concerning an Army regulation in August 1940 which provides that only graduates from accredited grade A American and Canadian medical schools will be acceptable for commissions in the Medical Corps of the Regular Army and the Reserve of the United States, and expressing their opposition thereto; to the Committee on Military Affairs.

9397. By Mr. WOODRUFF of Michigan: Petition of the women of the Michigan State Grange, urging withdrawal from all entanglements leading to wars on foreign soils, and expressing the willingness to sacrifice for the protection of America, but not for the protection of American interests or other interests in foreign countries; to the Committee on Foreign Affairs.

9398. By the SPEAKER: Petition of the Alameda County Industrial Union Council, Oakland, Calif., petitioning consideration of their resolution with reference to slum clearance; to the Committee on Banking and Currency.

SENATE

THURSDAY, DECEMBER 5, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal God, Who dost reveal the fuller life in us only in our welldoing, help us in dutiful loyalty, often so difficult to maintain, to persevere in the effort to attain unto that which seems unattainable, as, day by day, we are confronted with new and ever-changing tasks. Give to us persistence in hope when the outlook is forbidding, persistence in love when love meets with little or no response; and strengthen us that we may run with patience the race that is set before us, looking unto Him who is the Author and Finisher of our Faith.

O most merciful Father, who, through Thine own dear Son, hast entered into the suffering, pain, and woe of all Thy children, we beseech Thee to look with compassion upon all who must endure the miseries of this cruel war, those who, by night and by day, are constantly imperiled, and grant unto them a speedy deliverance out of all their troubles.

O God of Justice, abase the men of violence who have wrought such havoc and disaster upon the earth. Bring them and their followers to repentance, that the eternal message of Thy Son, "Peace on earth," may be heralded by "men of good will" to the ushering in of a new age of national and international righteousness. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. MINTON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, December 2, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

The message also announced that the House had passed a bill (H. R. 9683) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes, and it was signed by the President pro tempore.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of ALBERT BENJAMIN CHANDLER, duly chosen by the qualified electors of the State of Kentucky a Senator from that State for the remainder of the term of the late Senator Logan, which were read and ordered to be filed.

He also laid before the Senate the credentials of ABE MURDOCK, duly chosen by the qualified electors of the State of Utah a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of HENRIK SHIPSTEAD, duly chosen by the qualified electors of the State of Minnesota a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of GEORGE L. RADCLIFFE, duly chosen by the qualified electors of the State of Maryland a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

TRIBUTES TO THE LATE SENATOR PITTMAN

The PRESIDENT pro tempore. The Chair invites attention to the fact that the Secretary of the Senate has received from the State Department a number of communications from various countries noting the demise of our beloved colleague, Senator Pittman. In these communications the senders express their regrets at the loss which our country has sustained and tender their sympathy. The communications will lie on the table.

The messages of condolence received by the Department of State upon the occasion of the death of the Honorable Key Pittman, late Senator from Nevada and chairman of the Foreign Relations Committee of the Senate, are from—

The Honorable Dimitri Naoumoff, Minister of Bulgaria;

His Excellency Señor Dr. Pedro Martínez Fraga, Ambassador of Cuba;

Señor Don Guillermo Gazitúa, Chargé d'Affaires ad interim of Chile;

The Honorable Señor Don Andrés Pastoriza, Minister of the Dominican Republic;

The Honorable Señor Dr. Don Hector David Castro, Minister of El Salvador;

The Honorable Robert Brennan, Minister of Ireland;

The Honorable Dr. Alfred Bilmanis, Minister of Latvia;

His Excellency Señor Dr. Don Jorge E. Boyd, Ambassador of Panama;

The Honorable William Dawson, American Ambassador to Panama, quoting resoution of Panamanian National Assembly;

Mr. Brutus Coste, Chargé d'Affaires ad interim of Rumania;

His Excellency Constantine A. Oumansky, Ambassador of the Union of Soviet Socialist Republics;

His Excellency Señor Dr. Don Diógenes Escalante, Ambassador of Venezuela;

His Excellency Dr. Gustavo Herrera, Acting Minister for Foreign Affairs of Venezuela; and

The Honorable Constantin Fotitch, Minister of Yugoslavia.

FINAL ASCERTAINMENT OF ELECTORS

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of State, transmitting, pursuant to law, copies of the certificates of the Governors of the States of Delaware, Illinois, Minnesota, Mississippi, and Vermont of the final ascertainment of electors for President and Vice President in their respective States at the election of November 5, 1940, which, with the accompanying papers, was ordered to lie on the table.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of War, reporting, pursuant to law, relative to divisions of awards of certain quantity contracts for aircraft, aircraft parts, and accessories thereof entered into with more than one bidder under authority of law, which was referred to the Committee on Military Affairs.

EMERGENCY PLANT FACILITIES UNDER NAVAL CONTRACTS

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of the Navy, transmitting, pursuant to law, a supplemental report of naval contracts entered into under authority of law for buildings, facilities, etc., which, with the accompanying report, was referred to the Committee on Naval Affairs.

RECONCENTRATION OR REWAREHOUSING OF COTTON

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of Agriculture, acknowledging the receipt of Senate Resolution 337, requesting the Commodity Credit Corporation and the Secretary of Agriculture to receive no bids or make no contracts for the reconcentration or rewarehousing of cotton prior to action by Congress on such matter (agreed to December 2, 1940), and stating that in accordance with the request of the Senate "such bids will not be accepted until the Secretary of Agriculture has an opportunity to consider the request and to communicate with Members of the Senate," which was ordered to lie on the table.

MILEAGE ALLOWANCE TO CIVILIAN OFFICERS OR EMPLOYEES TRAVELING BY PRIVATELY OWNED AIRPLANE

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Act of February 14, 1931, as amended, so as to permit the compensation, on a mileage basis, of civilian officers or employees for the use of privately owned airplanes while traveling on official business, which, with the accompanying paper, was referred to the Committee on Expenditures in the Executive Departments.

PETITION

The PRESIDENT pro tempore laid before the Senate a postcard in the nature of a petition from W. W. Mooney, of Washington, D. C., praying that aviation be placed under the old regulations, which was referred to the Committee on Commerce.

SPECIAL COMMITTEE OF THE HOUSE TO INVESTIGATE UN-AMERICAN ACTIVITIES

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD and appropriately referred a letter from J. E. Welch and nine other prominent citizens of Concordia, Kans., urging that the Dies Committee to Investigate Un-American Activities be continued. I am aware that the Dies committee is a committee of the House of Representatives, but I feel that the Members of the Senate are equally interested in the work it is doing.

I think the Dies committee, granting excessive zeal possibly in a few instances, has done an outstanding piece of public service. In this connection I ask unanimous consent to have printed at this point, as part of my remarks, an editorial from the Washington News of December 4, 1940, with which I find myself very much in agreement.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. DIES HAS MORE WORK TO DO

Representative DIES, we think, has made a very good case for the continuation of his committee investigating un-American activities.

With all respect due to the Justice Department and J. Edgar Hoover's efficient G-men, and admitting that the Dies committee has pulled some bonehead plays, we still think that the committee has shoveled up enough pay dirt to warrant continuing its good work.

The Dies committee was the first to expose William Dudley Pelley and the Silver Shirts racket; the first to tackle Fritz Kuhn's German-American Bund; the first to focus public attention on the fact that the Communist Party was functioning as a tool of the Moscow Foreign Office; the first to reveal how the National Youth Congress and other once-influential groups with high-sounding peace-and-democracy titles were just so many "front" organizations guided along the Communist Party line.

When Mr. DIES was just getting started, his efforts were opposed by some of the same administration spokesmen who are now declaring that his committee should disband and let them take over all investigation of subversive activities.

By the nature of their task, law-enforcement agencies must confine their work to apprehending criminals in overt acts of sabotage or other traitorous enterprises. But a congressional committee has broad and free-swinging powers of inquiry. Sometimes they seem too broad and free swinging. But in the fight against "fifth columnists" our Nation needs all the weapons it can muster—and not the least of these is the spotlight of publicity focused by a continuing congressional investigation.

Today's Gallup poll reports that 65 percent of the American people favor keeping Mr. DIES on the job.

Mr. CAPPER. I also believe the suggestion made in the letter I have received from representative businessmen of Concordia—that before Britain asks the United States for credits and loans it would be advisable for the United States to purchase from England some of her island possessions in the Western Hemisphere that are of strategic value to the United States—is worthy of serious consideration.

The PRESIDENT pro tempore. Is there objection to the reference and inclusion in the RECORD of the letter submitted by the Senator from Kansas?

There being no objection, the letter was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

CONCORDIA, KANS.

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR SENATOR CAPPER: The undersigned, residents of Concordia, Cloud County, Kans., think it is almost time the United States was trying to give the Dies un-American investigating committee all the help they can, as it seems to us they are doing a fine piece of work getting all of the evidence they can on people trying to sabotage the United States defense work, and they should be given the extra expense money they ask for.

There is no reason that we can see why they should not work in harmony with Mr. Hoover's F. B. I., if they have a thorough understanding with each other about different cases.

They are both good organizations and doing good work, and it seems to the undersigned, with all the money the Government has wasted on a lot of different things, they should back up these two organized branches and clean out some of our un-American organizations, and do it quickly.

We are enclosing you an article from the Topeka Capital of November 21 which we have read and think the United States and Congress should get busy and back up the Dies and F. B. I. workers at once and not delay the work, or the first thing we know they will do a lot of damage to factories working on United States defense material. We certainly want all of our plants making defense material to be kept busy and not hampered in any way. Please give this work your immediate attention and get busy on it.

We have also sent Congressman CARLSON a duplicate of this letter, so you can talk it over with him, and we certainly hope you will both get busy at once, and not delay. We would also suggest the Government pass laws that unions or any other labor cannot go on a strike in any company working on Government defense goods until the Government has investigated it thoroughly for 6 months or a year and tried to arbitrate the trouble by appointing two members of labor, two members of the company doing the Government work, and two members appointed by the Government, and fix a law so that they must abide by the arbitration board decisions, and the ones not agreeing to be given a heavy fine and also a penitentiary sentence of 5 to 10 years, and the arbitration board to have this power within 30 days, and so it cannot be carried to any other court.

The undersigned are all in favor of giving Great Britain all the airplanes and other war material or foods they wish, as long as

they have money to pay for it at once, or any credits they have in the United States, and if they run out of that we might buy some of their territory that lies close to the United States at what it is worth and not more. But let's get busy and send them all the fighting material they can use and want at once.

Yours very truly,

J. E. Welch, secretary, B. P. O. E., No. 586; E. G. Crawford, president, First National Bank of Concordia; A. C. Wilson, furniture and undertaking; Vernon D. Martin, Martin Drug Co.; Harry Venning, Venning Drug Co.; E. H. Moore, 5- and 10-cent store; C. A. Lasuier & Sons, dry goods; Carl Conley, Conley Mortgage Co.; Carl P. Rogers, theaters; Geo. F. Mante, retired.

FINANCIAL RESOURCES OF GREAT BRITAIN—ARTICLE BY JOHN T. FLYNN

Mr. CLARK of Missouri. Mr. President, I was very much startled on yesterday to read in the newspapers a statement by the Secretary of Commerce and Federal Loan Commissioner, Jesse Jones, to the effect that he regarded Great Britain as a good lending risk. I have known Mr. Jones for many years and have the very highest respect and affection for him. I regard him as one of the ablest businessmen in the United States. I happen to be familiar with the fact that Mr. Jones for many years has been engaged very successfully, indeed, eminently successfully, in the private banking business. I was startled, for that reason, in view of Mr. Jones' own very successful private banking career to read his statement that Great Britain was a good lending risk, because I do not believe it can be demonstrated that in the whole history of Mr. Jones' private banking business did he ever lend money in very large sums to borrowers who later not only failed to pay any part of the principal but the interest, but also thumbed their noses at him and denounced him as "Uncle Shylock" and a barbarian, as Neville Chamberlain did the United States for suggesting that any part be collected, only to have him 23 years later say that such borrowers are good lending risks. Such a thing never happened in Mr. Jones' private business history, and in my opinion never will. There is no excuse for anything to happen in regard to the public finances of the United States which a reasonably prudent individual would not permit to happen in regard to his own affairs.

In connection with the resources of Great Britain I ask that there be inserted as a part of my remarks, in the body of the RECORD, an article from yesterday's Washington News by Mr. John T. Flynn, one of the really great economists of the Nation, on the subject of Great Britain's resources in the United States. It shows conclusively that Great Britain is starting its demands for money early in a further effort to involve us in active participation in the war.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLAIN ECONOMICS

(By John T. Flynn)

NEW YORK, December 4.—When the war started, Americans were told that Great Britain had in this country all the money she needed to pay for what she bought here. That was true. She had over $5,000,000,000—perhaps over six billion. She had $1,235,000,000 of negotiable securities here and $940,000,000 of dollar balances.

The Treasury Department now reports that in the first year of the war Britain withdrew $320,000,000 of funds from banks here. This does not mean that this was taken out of the country. Probably most of it remained here but was paid out to others.

An interesting feature of this report is that $158,400,000 of these payments of British funds here represented liquidation of British-owned American securities. That is, Britain in that year sold $158,400,000 of American securities held here by her own nationals, banked the proceeds and drew against it for purchases here.

If this is true, we will see that Britain in the first year of the war has scarcely scratched the surface of her security holdings here.

Britain has made large contracts here, but of course it takes time to make planes, ships, etc., which she must pay for later. She has not actually yet made any serious reduction in her available assets in this country. Britain and Canada together have sold so far only $193,000,000 of their securities here.

If this is true, then why is it necessary now to lend money to England when she has these immense balances here with which to pay for her purchases? What is the reason for the propaganda which has been started for these loans?

The answer, of course, is plain. As every American knows, all the warring countries are making all sorts of propaganda to gain their ends here. Germany and Italy, as has been shown by the Dies committee, have been busy here to persuade Americans to their way of thinking. Equally the British Government, like the German and Italian, is spending millions to gain her objectives here.

Her objectives, as we all know, are not just to get our sympathy but to get us into the war. William H. Stoneman, London correspondent of the Chicago Daily News, writes: "The fond idea that the United States can help Britain more by staying out of the war than by coming in is, in the opinion of responsible British leaders, just so much bunk."

Propaganda to that end never stops here. And the present stage of it is to get us to advance billions to England and thus implicate us to that extent in a material way in the war.

An American loan to England would be a grave offense against America—although it is now getting to be a serious sin to indulge in any propaganda for America. England does not need the credit. It will be another step to war. It will plague us for the next generation after the war.

TEMPORARY NATIONAL ECONOMIC COMMITTEE—EXTENSION OF TIME FOR REPORT

Mr. O'MAHONEY. From the Committee on the Judiciary I report back favorably without amendment Senate Joint Resolution 306. The joint resolution provides for the extension until the 3d of April of the life of the Temporary National Economic Committee, in order that it may make its report. I am anxious to secure action upon the joint resolution, because I have every reason to believe that it will be passed without objection, and the other House will remain in session to act upon it. No additional funds are authorized by the joint resolution. Therefore its passage merely means that the time will be extended so that the Committee may make its report on or before the 3d of April 1941, which is desirable in order that proper consideration may be given by the Committee to the material which has been gathered.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. VANDENBERG. My understanding is that the extension is exclusively for the purpose of making a report?

Mr. O'MAHONEY. The Senator is entirely right.

Mr. VANDENBERG. I have no objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (S. J. Res. 306) extending the time for submitting the final report of the Temporary National Economic Committee was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That notwithstanding the provisions of section 4 (c) of the joint resolution entitled "Joint resolution to create a temporary national economic committee", approved June 16, 1938, the time for submitting the final report of such committee is hereby extended to April 3, 1941, and the unexpended balances of the appropriations made for such committee shall be available to it until such date for the purpose of making such report.

Mr. O'MAHONEY. I ask unanimous consent to have printed in the RECORD, as a part of my remarks, a letter which I have received this morning from the Superintendent of Documents, which points out that there has been a rather extraordinary demand by the public for the documents which have been published by the Temporary National Economic Committee to date, including the hearings.

I should like also to include two lists showing the distribution of these publications.

There being no objection, the letter and lists were ordered to be printed in the RECORD, as follows:

UNITED STATES GOVERNMENT PRINTING OFFICE,
DIVISION OF PUBLIC DOCUMENTS,
Washington, D. C., December 5, 1940.

Hon. JOSEPH C. O'MAHONEY,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: In response to telephone request for statement regarding sales of Temporary National Economic Committee Hearings and Monographs, I am attaching a list showing the number received, on hand, and sold.

At the end of each list you will note entries designated by asterisks, which means that we have had to reorder, and the number of copies ordered should be added to those listed in the "Received" column to give the total figure of that particular issue.

The munitions and un-American activity hearings were very good sellers, but it would appear from the interest shown in the hearings of the Temporary National Economic Committee and also the monographs that these publications are destined to be the best sellers of the three.

Very truly yours,

ALTON P. TISDEL,
Superintendent of Documents.

Temporary National Economic Committee hearings, Dec. 5, 1940

Part	Total number received	Total number on hand	Sold
1	2,211	11	2,200
2	1,066	[1] 0	1,066
3	1,004	[2] 35	969
4	2,039	612	1,427
5	1,003	284	719
5-A	1,003	238	765
6	1,000	349	651
7	1,010	214	796
8	2,000	1,259	741
9	1,006	347	659
10	1,004	391	613
10-A	4,599	837	3,762
11	1,000	705	295
12	1,000	545	455
13	1,000	555	445
14	1,005	527	478
14-A	1,009	488	521
15	1,000	571	429
15-A	1,000	588	412
16	1,024	593	431
17	1,000	680	320
17-A	1,000	665	335
18	1,000	848	152
19	1,028	899	129
20	1,012	879	133

[1] Part 2—500 copies ordered; 13 delayed orders.
[2] Part 3—500 copies ordered; no advance orders.

Temporary National Economic Committee monographs, Dec. 5, 1940

Number	Total number received	Total number on hand	Sold
1	2,709	1,675	1,034
2	3,229	2,086	1,143
3	730	[1] 0	730
4	1,291	559	732
5	1,000	478	522
6	1,000	548	452
8	1,000	514	486
10	1,000	249	751
11	1,000	474	526
14	1,000	[2] 4	996
16	1,078	587	491
20	1,000	631	369
23	1,000	495	505

[1] No. 3—1,000 copies ordered; 150 advance orders.
[2] No. 14—1,000 copies ordered; no advance orders.

Mr. O'MAHONEY. The figures shown in the lists are rather interesting, in that they indicate a widespread and continuous interest upon the part of the public in the work of this committee. When it is remembered that the committee itself received 8,000 copies of each published volume of its hearings, all of which were distributed upon request to interested persons throughout the United States, it will be seen that the continued sale of these publications by the Superintendent of Documents is striking evidence that the people of the country are thinking seriously of fundamental economic problems.

There are 56 public libraries on the mailing list of the committee; but university and other libraries, law offices in all parts of the country, and other libraries, number 655. In addition to this 585 foundations and organizations of various kinds dealing with economic and political problems have applied for copies of all of the publications of the committee. There are on the list 734 Government officials, including Members of Congress, 327 college professors, and 85 newspapers, magazines, and similar publications.

The publication of each monograph brings forth scores of letters and inquiries. Even during the past several months we have been receiving every week approximately 300 requests for information of various kinds.

The following is a list of the monographs which have already been released by the committee, with the prices for which they may be obtained from the Superintendent of Documents:

MONOGRAPHS OF THE TEMPORARY NATIONAL ECONOMIC COMMITTEE

1. Price Behavior and Business Policy, by Edward S. Mason, Saul Nelson and Walter Keim, Bureau of Labor Statistics, Department of Labor, 45 cents.

2. Families and Their Life Insurance, by Donald H. Davenport and Gerhard A. Gesell, Securities and Exchange Commission, 25 cents.

3. Who Pays the Taxes? by Gerhard Colm and Helen Tarasov, Department of Commerce, 10 cents.

4. Concentration and Composition of Individual Incomes, by Adolph J. Goldenthal, Department of Commerce, 15 cents.

5. Industrial Wage Rates, Labor Costs and Price Policies, by Douglass V. Brown, Charles A. Meyers, and John A. Brownell, Bureau of Labor Statistics, Department of Labor, 25 cents.

6. Export Prices and Export Cartels (Webb-Pomerene Associations), contains: A Sample Study of Differences Between Domestic and Export Pricing Policy of United States Corporations, by Milton Gilbert, Department of Commerce; Direct Foreign Investments in American Industry, by Paul D. Dickens, Department of Commerce; Operation of the Export Trade Act (Webb-Pomerene Law), 1918–40, by the Federal Trade Commission, 35 cents.

8. Toward More Housing, contains: Some Economic Aspects of Housing, by Peter A. Stone, T. N. E. C. staff; The Relations of Productivity to Low-Cost Housing, by R. Harold Denton, Department of Commerce, 30 cents.

10. Industrial Concentration and Tariffs, by Clifford James, Edward C. Welsh and Gordon Arneson, T. N. E. C. staff, 35 cents.

11. Bureaucracy and Trusteeship in Large Corporations, by Marshall E. Dimock and Howard K. Hyde, T. N. E. C. staff, 30 cents.

14. Hourly Earnings of Employees in Large and Small Enterprises, by Jacob Perlman, under the supervision of Edward S. Mason and Aryness Joy, Department of Labor, 15 cents.

In addition to the foregoing, I append a list of the hearings which are available through the Superintendent of Documents, together with the price for which each volume may be obtained:

Hearings available through the Superintendent of Documents, Government Printing Office, Washington, D. C.

Part 1. Economic prologue—Dec. 1, 2, and 3, 1938—general economic statements by Messrs. Lubin, Thorp, and Henderson $0.25

Part 2. Automobile patent hearings—Dec. 5 and 6, 1938; also glass container patent hearings—Dec. 12, 13, 14, 15, and 16, 1938—Evidence of the use of patents in these industries ..... .75

Part 3. Patent hearings—Jan. 16, 17, 18, 19, and 20, 1939—General data on patents as presented by Conway P. Coe, Commissioner of Patents ..... .35

Part 4. Insurance hearings—Feb. 6, 7, 8, 9, 10, 14, 15, 16, and 17, 1939—Testimony on the size, growth, holdings, operating practices and other general information on insurance companies ..... .50

Part 5. Monopolistic practices in industries, presented by the Federal Trade Commission—Feb. 28; Mar. 1, 2, 3, 6, 7, 8, and 14, 1939; also development of beryllium industry, presented by the Department of Justice, May 8 and 9, 1939, including testimony on the international exchange of patent rights ..... .75

Part 5-A. Federal Trade Commission report on monopolistic practices in industries—Mar. 2, 1939—Case studies by the Federal Trade Commission of monopolistic practices ..... .15

Part 6. Liquor industry hearings—Mar. 14, 15, 16, and 17, 1939—Testimony on the ownership, financing operations, and sales practices in the liquor industry ..... .40

Part 7. Federal Trade Commission presentation on monopolistic practices in the milk and poultry industries—Mar. 9 and 10, 1939, including reports by the Federal Trade Commission; also rebuttal testimony regarding the milk industry—May 1, 2, and 3, 1939 ..... .75

Part 8. Hearings on consumer problems as presented by Consumers' Counsel of the Agricultural Adjustment Administration—May 10, 11, and 12, 1939 ..... .25

Part 9. Hearings on savings and investment as presented by the Securities and Exchange Commission—May 16, 17, 18, 22, 23, 24, 25, and 26, 1939 ..... .75

Part 10. Insurance hearings on intercompany agreements, terminations, savings bank insurance, and legislative activities—June 6, 7, 12, 13, 14, 15, 16, 20, and 21, 1939 ..... .75

Part 10-A. Securities and Exchange Commission report on "Operating results and investments of the 26 largest legal reserve life insurance companies in the United States, 1929–39" ..... .35

Part 11. Hearings on Construction, June 27, 28, and 29; July 6, 7, 11, 12, 13, and 14, 1939 ..... .75

Part 12. Hearings on Insurance—Industrial Insurance, Aug. 23, 24, 25, 28, 29, 30, 31, and Sept. 5, 6, and 7, 1939 ..... .75

Part 13. Hearings on Insurance—Travelers Insurance Co., Shenandoah Life Insurance Co., Equitable Life Assurance Society, Northwestern Life Insurance Co. of Dallas, Reinsurance & Rewriting Illinois Bankers Life Assurance Co., Sept. 11, 12, 13, and 22; Oct. 26 and 27; Dec. 7, 8, 14, 15, 20, 21, and 22, 1939 ..... .75

Part 14. Hearings on the Petroleum Industry, sec. I, Sept. 24, 26, 27, 28, 29, and 30, 1939 ..... .75

Part 14-A. Petroleum—Economic Outline and Data Belonging to the Petroleum Industry, Sept. 25, 1939 ..... .75

Part 15. Hearings on the Petroleum Industry, sec. II, Oct. 2, 3, 4, 5, 6, and 7, 1939 ..... .75

Part 15-A. Petroleum Industry—Report on Marketing Practices in the Detail Distribution of Motor Fuel and Motor Lubricant Products, Oct. 7, 1939 ..... .35

Part 16. Hearings on the Petroleum Industry, sec. III, Oct. 9, 10, 11, 12, 13, and 16, 1939 ..... 1.00

Hearings available through the Superintendent of Documents, Government Printing Office, Washington, D. C.—Continued

Part 17. Hearings on the Petroleum Industry, sec. IV, Oct. 17, 18, 19, 20, 23, 24, and 25, 1939 ..... $.65
Part 17–A. Petroleum Industry—Replies of Oil Companies to the Committee Questionnaire on Financial Data and Related Topics, Oct. 20, 1939 ..... .30
Part 18. Hearings on the Iron and Steel Industry—Iron Ore, Nov. 1, 2, and 3, 1939 ..... .30
Part 19. Hearings on the Iron and Steel Industry—General Price Policies, Nov. 6, 7, and 10, 1939 ..... .35
Part 20. Hearings on the Iron and Steel Industry—Price Policies on Specific Products, Pacific Coast Problems, Steel Export Association, Nov. 8, 13, 14, and 15, 1939 ..... .35

The following additional volumes of hearings are scheduled to appear from time to time during the next few months, which will also be obtainable from the Superintendent of Documents, Government Printing Office:

Part 21. War and Prices.
Parts 22, 23, and 24. Investment Banking.
Part 25. Cartels at Home and Abroad.
Parts 26 and 27. The Econometrics of Steel as Presented by the United States Steel Corporation.
Part 28. Insurance.
Part 29. Interstate Trade Barriers.
Part 30. Technology and Concentration of Economic Power.
Part 31. Investments, Profits, and Rates of Return for Selected Industries (exhibit material).

BILL INTRODUCED

Mr. NEELY introduced a bill (S. 4436) to amend an act entitled "An act to provide for the appointment of an additional district judge for the northern and southern districts of West Virginia," approved June 22, 1936, as amended, by eliminating the provision that the judge of the district court of the northern and southern districts of West Virginia shall succeed to the office of district judge of the northern district of West Virginia upon a vacancy in the latter office, which was read twice by its title and referred to the Committee on the Judiciary.

HOUSE BILL REFERRED

The bill (H. R. 9683) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., and for other purposes, was read twice by its title and referred to the Committee on Commerce.

ADDITIONAL STAND FOR INAUGURAL CEREMONIES

Mr. NEELY. Mr. President, I submit a concurrent resolution and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read the concurrent resolution (S. Con. Res. 56), as follows:

Resolved by the Senate (the House of Representatives concurring), That, in order to conform to the seating accommodations for the inaugural ceremonies in 1937, the Committee on Arrangements for the Inauguration of the President-elect of the United States on the East Plaza of the Capitol on January 20, 1941, be, and it is hereby, authorized to have erected, under the supervision of the Architect of the Capitol, an additional stand, the expenses of which shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

PAN AMERICAN COTTON CONGRESS

Mr. McKELLAR. Mr. President, I move that the Committee on Foreign Relations be discharged from the further consideration of the joint resolution (S. J. Res. 302) authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress, which resolution was introduced by me on the 18th ultimo.

The motion was agreed to.

Mr. McKELLAR. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read.

The Chief Clerk read Senate Joint Resolution 302, as follows:

Resolved, etc., That the President of the United States is authorized and requested by proclamation or in such manner as he may deem proper, to invite all foreign countries and nations to the Pan American Cotton Congress to be held at Memphis, Tenn., during the year 1941, with a request that they participate therein.

Mr. VANDENBERG. Mr. President, is there any contemplated appropriation to defray the expenses of the hospitality which is to be thus extended?

Mr. McKELLAR. None whatever; merely an invitation is to be extended.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

ADDRESS BY SENATOR GILLETTE ON WORK OF CAMPAIGN EXPENDITURES COMMITTEE

[Mr. MINTON asked and obtained leave to have printed in the RECORD a radio address delivered by Senator GILLETTE on December 2, 1940, on the subject of the work and policies of the special Senate Committee on Campaign Expenditures, which appears in the Appendix.]

ADDRESS BY SENATOR JOHNSON OF COLORADO ON A REALISTIC NATIONAL DEFENSE

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a radio address delivered by him on November 25, 1940, on the subject of A Realistic National Defense, which appears in the Appendix.]

ACTIVITIES OF COMMITTEE TO DEFEND AMERICA BY AIDING THE ALLIES

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD a copy of the November 30 issue of Uncensored, with particular reference to the activities of the Committee to Defend America by Aiding the Allies, which appears in the Appendix.]

FREEDOM OF THE PRESS—ARTICLE FROM NEW YORK TIMES

[Mr. MINTON asked and obtained leave to have printed in the RECORD an article from the New York Times of December 3, 1940, on the subject of freedom of the press, which appears in the Appendix.]

"BILLIONS WILD"—EDITORIAL FROM THE SATURDAY EVENING POST

[Mr. TAFT asked and obtained leave to have printed in the RECORD an editorial entitled "Billions Wild," published in the Saturday Evening Post of December 7, 1940, which appears in the Appendix.]

TECHNOLOGICAL DEFENSE

Mr. DAVIS. Mr. President, I desire to make a few brief remarks about our technological defense.

The spirit of discovery and invention has been the supreme achievement of our New World. From the time of Columbus to the present day this hemisphere has made its economic and cultural advances following the commanding leadership of great inventive minds. This remarkable progress has been achieved through freedom. It could have come in no other way. The perpetuation of our liberties is necessary to the continued fruitfulness of the inventive mind.

As we face the problems of national defense it is now apparent that the protection of our economic, material, and technological resources is of very first importance. We cannot permit our inventive genius, our scientific findings, our patents, our patent-holders, our new industrial techniques, to be despoiled by hostile powers. It is as necessary for us to protect American inventors and American patent-holders as it is that we build a two-ocean navy, or recruit a new and powerful army. This may not, at first glance, seem to be obvious; it is, nevertheless, true.

I have introduced Senate Joint Resolution 304, which has been referred to the Banking and Currency Committee, as a national-defense measure. The distinguished Senator from New York [Mr. WAGNER], chairman of the committee, has assured me that hearings will be arranged, and every effort

made to bring out the joint resolution. I know of no American citizen who is opposed to it. I do not believe the Government departments which are concerned with patents and international exchange are in any way essentially averse to it; and I am fully convinced that, after hearings have been held, the joint resolution can be amended in any way suitable to the needs of our national defense in patents, trade-marks, secret formulas, processes, copyrights, inventions, and the American citizens who have their economic security wrapped up in them.

Mr. President, I am constantly in receipt of letters such as I have just received from Mr. H. Albertman, of the Jacquard Knitting Machine Co., of Philadelphia, which encloses a copy of a letter directed to the Secretary of the Treasury. I ask unanimous consent to have these two letters included in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letters are, as follows:

JACQUARD KNITTING MACHINE CO., INC.,
Philadelphia, Pa., December 4, 1940.

Senator JAMES J. DAVIS,
Senate Office Building, Washington, D. C.

DEAR SIR: Enclosed you will find a copy of a letter which is self-explanatory.

We would appreciate it very much if you would interest yourself in this matter.

Respectfully,

JACQUARD KNITTING MACHINE CO., INC.,
Per H. ALBERTMAN.

DECEMBER 4, 1940.

To the SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: It is our understanding that American manufacturers in this country, licensed under German patents by German concerns, have been and are now paying royalties without interruption to these German firms.

We have a similar license contract with a large German firm whereby we received royalties for a license to manufacture under our patents. These payments were made regularly and promptly until the present German regime came into power, when they were discontinued entirely. This in the face of the fact that manufacture under our patents is still going on. Machinery under our patents have during this period been offered for sale, especially to South American countries, and with more effort and vigor in recent years.

Money due us at this time amounts to many thousands of dollars under a clear and just contract. Some means should be taken so that we, as well as other American manufacturers in our position, can obtain redress. To this end we wish you to consider this letter a formal complaint.

We suggest that royalties paid by American manufacturers should be held by our Government against money due American concerns by German firms.

Your kind consideration of this letter will be greatly appreciated.

Respectfully,

JACQUARD KNITTING MACHINE CO., INC.,
Per H. ALBERTMAN.

[Letter similar to this one also sent to Secretary of State, Washington, D. C.]

Mr. DAVIS. Mr. President, Americans have gradually awakened to the fact that our own national defense is being jeopardized in major ways through the control of patents by foreign corporations; through financial control, sometimes hidden, by foreign corporations, many of which are owned, lock, stock, and barrel, by foreign governments; through interlocking patent royalty rights which have the effect of restricting American production of vital war materials. It is a fact that by means of such patent royalty agreements foreign governments not only profit from our vast expenditures on national defense but also have ready access to production plans and programs of our defense effort.

The joint resolution I have introduced proposes that a revolving fund be set up which will segregate American funds due firms of foreign countries which have restricted payments to the United States so that sums due our manufacturers can be paid from this fund. This joint resolution will not only help American interests through paying them the money rightfully due them but will advance our national defense, since royalty statements will not be sent to foreign powers, which would give information contrary to our best interests. The joint resolution will also limit funds sent to foreign powers which might be used in subversive activity against the United States.

The measure I have introduced forms part of a more general plan to protect the economic framework of our country in this time of need. More than 18 months ago I issued a statement, which was printed in the United States News, advocating the establishment of a National Defense Commission. I then urged that representatives of labor, industry, investment, and other important groups be called in to consider our defense needs. Particularly I was thinking in terms of defending our domestic economy as well as advancing military and naval measures. We have been and continue to be weak on the economic front within our own borders.

Mr. President, in line with this thought I ask unanimous consent to have printed in the RECORD as a part of my remarks an article by Frank C. Waldrop, foreign and political editor of the Washington Times-Herald, which appeared in the Times-Herald of December 4, 1940.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

PREPAREDNESS: UNITED STATES BUREAU OF ECONOMIC DEFENSE URGED IMMEDIATELY—GERMAN PENETRATION OF INDUSTRY IN AMERICA CITED AS PERIL

(By Frank C. Waldrop, foreign and political editor of the Times-Herald)

What is the United States doing to prepare itself against the real German invasion—the one that began in 1921?

Nothing. But the President is to receive shortly a proposal for an American Bureau of Economic Defense, compared to Britain's University of Economic Warfare, as the basic step toward repelling the invasion.

This invasion cannot be made to appear as spectacular as a flight of bombing planes or a fleet of ships at sea, but it is infinitely more effective and more deadly to our national interest.

And, what is more, if this invasion is properly met we have less and less to fear of the other kind.

Loosely, you might call it an economic invasion. It started as soon as the Germans revived their applications for patents in the United States after the first World War.

That is, German intelligence and design in the generation past have inserted German power within American industry and business at key points so that at the proper time that industry and business can be stopped dead and made ineffectual either for peaceful or military competition.

The worst part about this invasion is that it is mostly a legal one, operating under the full protection of the Constitution and the laws of Congress.

It is not difficult to remedy, however, and it is not too late for us to do something important about it, though it may be too late if the neglect runs any longer.

This real invasion was being discussed here in Washington a few weeks ago with one of the greatest industrialists in England. Some few Federal officials who really understand how it works were checking their judgment with the Briton's.

He said:

"We are paying a terrible price in our country today for neglecting to understand and cope with German-concealed control of British industries. It set us back 6 months or a year in our war effort.

"And we know now that it was the tie-up between the French and German industrial cartels that prevented France from preparing.

"When the French got ready to rearm they found they were literally strapped to the floor. They had allowed Germans to weaken their native industrial system and to conceal, in France, from the French, facts of modern science concerning important war elements of chemistry, nonferrous metals, and alloys.

"The French found, when they had to go on their own, they couldn't make things they had to have if they were going to survive."

In the production of serums and dyes, he said, Britain found itself without twenty-odd of critical importance to national health, and had to spend 6 months of precious time and $10,000,000 of research to develop technical knowledge of how to make these.

Even yet it has not reached a production capacity equal to need in these essentials to domestic safety.

And he declared the United States is worse off than England. The Federal officials agreed with him.

He wondered why nothing is being done here to develop the self-sufficiency of this country, in view of the state of the world.

The Federal officials couldn't give him an answer. They pointed out that our system of economic defense is so loose that Germany is actually placing orders with United States manufacturers to make goods shipped from here to Latin America to complete sales made by Germans to Latin-American firms.

This, in the face of the tremendous effort the Federal Government is making to capture the Latin American market for this country while Britain's Navy is preventing the Germans filling orders with goods from their own factories.

It was agreed at this meeting the United States needs something similar to the British Ministry of Economic Warfare.

Efforts by the Federal Government to do something about German economic penetration in the United States and the Western Hemisphere are varied but uncontrolled. The Dies committee runs off in one direction; the Treasury Department has its own plans; the Justice Department has others; Army and Navy Intelligence, and in the Senate the Wheeler committee, operate separate attacks.

Nobody has tried to integrate their efforts, and nobody really knows the state of the economic war between the United States and Germany, especially with respect to concealed German control of American industry.

A few revelations have been made concerning German use of the patent laws to control United States output of military optical goods, war chemicals, and metal alloys, and the consequences have been window shaking.

But for all the excitement nothing specific has been done to find out the real scope of this economic warfare and to break it while time remains.

Before long a paper will be laid before the President asking him to act in this matter. To do it he will have to cut across bureaucratic lines and injure the standing of some old-line governmental agencies. The officials who plan to ask him to act declare they will do so on the ground that this is an emergency superseding in importance even the manufacture of bombing planes.

"If we don't know how to make the materials that go into the best bombing planes," said one of them, "what good is it to build second raters? We already know, for instance, American pursuit ships can't stay in the air against the Messerschmidts.

"If we don't get busy on the reasons for that, we may as well fold up. And the reasons lie in our inability to use all the knowledge there is available for light metal alloys. We could make those alloys if we weren't hamstrung on the patents. And so it goes all through the war production system. We've got to have economic defense before military defense to get ahead."

Mr. DAVIS. The independent inventor who has done so much to advance the economic frontiers of the Nation has seldom been rewarded for his labors. History is replete with instances of men of genius who have sacrificed everything to the furtherance of their ideas, only to meet with ridicule, handicaps, cruel obstruction, poverty, and neglect.

To show how the United States Patent Office regards the role of the pioneer inventor in the useful arts, I wish to quote from Patent Commissioner Coe's testimony before the Temporary National Economic Committee. On page 866 of the record, Commissioner Coe testified:

My conviction is that the poor inventor [financially poor], and through him the public, suffers injustice precisely for the reason and to the extent that the monopoly, the exclusive right, purportedly bestowed on him is not now fully safeguarded. What we need is not to decrease but to enhance the monopoly called a patent. Genuine protection in that form would be the last surviving bulwark standing between the inventor and the onslaught of mighty corporations.

To show how Dr. Vannevar Bush, President of the Carnegie Institution of Washington, regards the status of the independent inventor, I ask unanimous consent to have printed in the RECORD as a part of my remarks a brief extract from the Temporary National Economic Committee hearings, at page 871.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. DIENNER. Under modern conditions in industry, how do new ideas come forward? I mean by that, consider the individual, consider the corporation, or other forms under which enterprise is conducted. How do these ideas come forward? What produces them?

Dr. BUSH. There are two ways that are important. First, they result oftentimes from the long program of research, careful and meticulous analysis of the situation by a group of men, through large industrial research laboratories or scientific institutions, and the like, which produces new knowledge out of which come new applications. In addition there is the independent inventor, whose day is not past by any means, and who has a much wider scope of ideas and who often does produce out of thin air a striking new device or combination which is useful and which might be lost were it not for his keenness.

Mr. DIENNER. Considering the past history of the introduction of new ideas into industry, do you consider that the lone individual has in the past been an important factor in introducing such an invention as might form a taproot of an industry?

Dr. BUSH. He has been and still is a very important factor.

Mr. DAVIS. I am indebted to my friend, Mr. Samuel Diescher, eminent consulting engineer of Pittsburgh, himself an independent inventor, for the following illustrations, taken from Patent Office records, showing the extent of employment made possible to wage earners through inventive genius:

Eli Whitney's cotton gin, McCormick's reaper, Morse's telegraph, Goodyear's vulcanizing of rubber, Westinghouse's air brake, the Hyatts' celluloid, Glidder's barbed wire, Bell's telephone, Thompson's electric welding, Tesla's motor, Hall's aluminum process, Mergenthaler's linotype, Ives' halftone printing, Acheson's electric furnace for producing carborundum, Owens' bottle-making machine, and the Wright brothers' airplane.

There is attributed to but part of these inventions the employment of about 2,250,000 wage earners. The inventive items just given and the employment arising from them constitute but a fragment of all that could be so listed. For instance, only one of Westinghouse's inventions is listed and none of Edison's. The amount of employment arising from this kind of pioneering inventiveness would run into the tens of millions. The unemployment of the present age may be accounted for in a striking degree by the fact that society has permitted conditions to develop which tend to discourage the independent inventor.

Many workers feel hostile to some inventions which they believe have brought them technological unemployment. This has come about chiefly because of the limitations which have been placed on inventions which would develop new enterprises. For example, many unemployed steel workers feel hostile toward the new steel strip mills. We can readily understand this, because insufficient provision is made to find employment for those displaced.

Millions could have had additional employment had the old type of inventor been permitted to exist unhampered by adverse, unjust, and confiscatory legislation. From these conditions there has arisen an additional sinister byproduct. Much of the pioneering in invention was done by artisans and workmen. Westinghouse started as a machinist and Edison as a telegrapher. In Pittsburgh alone there were many such pioneers as Capt. William Jones, who started as a rolling-mill hand and introduced revolutionary improvements in the steel industry, and Dr. John Brashear, who started in a glass works as a lehr boy and became a world-famous builder of spectroscopic astronomical instruments.

Commissioner Coe has recommended that Congress enact modifications of the income-tax laws pertaining solely to individuals, whereby no levy of taxes shall be assessed on gains accruing to an inventor or to coinventors from his or their assigning original patent rights, regardless of the country issuing them, to a corporation created within the United States for the purpose of exploiting the assigned patent rights, nor on any gains from such patent rights prior to their being thus assigned. This kind of provision would protect the independent inventor.

Mr. President, in conclusion I wish briefly to suggest that national defense can be maintained only as we take a realistic attitude toward the men and women who toil. They are the producers of our national wealth. They are the ones who bear the burdens of the Nation. From their ranks comes the mental and moral, the physical and spiritual strength necessary to carry on the struggle for existence. From long years of personal association with these everyday Americans I know their needs, their aspirations, their loyalty, their good will, their great spirit of service. I wish to bespeak for them the protection of a just government, to the end that their labors shall not be in vain, and that from their enterprise they may reap a fair reward, to which they are justly entitled.

USE OF STABILIZATION FUND FOR MAKING LOANS

Mr. TAFT. Mr. President, I greatly regret that because of the death of a close friend I was unable to attend, last Monday, the meeting of the Banking and Currency Committee held that morning. I have had, however, a full report of the testimony before the committee. Secretary Morgenthau and Secretary Hull appeared before the committee to ask informal approval of the use of the stabilization fund for the purpose of loaning $50,000,000 to China.

I do not wish to discuss the question of policy of loaning money to China for the purchase of war materials, except to say that this vitally important question has never been submitted to Congress, and that no authority to make any such loan is contained in the statutes except through the Export-Import Bank, the total loaning capacity of which Congress has carefully limited. The question discussed with the Banking and Currency Committee was not the policy of loaning to China, but the question whether such loans could be made through the stabilization fund. If I had been present at the meeting I should have strenuously protested against the use of the stabilization fund for that purpose, and I desire now to enter my protest on the record of the Senate.

The stabilization fund was not created for the purpose of making loans to any nation; and I seriously question whether there is any legal authority, under the act creating the fund, to use it for that purpose. In my opinion, the use of that fund, regardless of any action of the Banking and Currency Committee, will be a usurpation by Secretary Morgenthau of the authority granted by Congress, and a breach of trust by him as trustee of the stabilization fund. If he wishes authority to loan money to China he should come to Congress and ask for such authority. The Banking and Currency Committee cannot speak for Congress.

In March 1939 Secretary Morgenthau came before the Banking and Currency Committee in support of a bill extending the operation of the stabilization fund. He described the functions of that fund, and obtained the approval of the committee on the basis of that description. The functions which he described did not include the making of loans directly or indirectly to any foreign nation.

I should like for a moment to read some of the testimony of Secretary Morgenthau at that time, because it shows what he said the purpose of the stabilization fund was. He stated:

The purpose of the fund is to stabilize the exchange value of the dollar.

So far as I can see, a loan to China will not stabilize the exchange value of the dollar. The Secretary continued:

In carrying out this purpose, the fund undertakes a variety of operations.

Sometimes it is called upon to prevent violent fluctuations in exchange rates induced by acute political developments which cause flights of capital from one country to another. Such, for example, was the situation created in the fall of last year when, as a consequence of the Czechoslovakian crisis, a large volume of funds sought to leave Europe for the United States. The outflow of funds was so large that the amount of gold which it was necessary to ship from Europe to provide dollar balances was far greater than could be taken care of through normal commercial channels. If there had been no stabilization fund to cooperate with the other funds, the dollar exchange would have fluctuated so violently as to disrupt our trade. International monetary chaos might have ensued.

The occasions which call for operations of the magnitude undertaken by our fund last fall are, however, sporadic. Normally the stabilization fund is concerned with hour-to-hour and day-to-day fluctuations in the dollar-exchange rate. When the exchange markets are quiet and there are no unusual disturbances, it is not necessary for the fund to take an active part in the market. At such times it operates in relatively small amounts and participates in a relatively small number of transactions each day, and may even not enter the market at all.

When, however, for one reason or another the operations in the various exchange markets become speculative or panicky in character, with abnormal fluctuations, then the stabilization fund steps into the market and becomes active in buying and selling gold and foreign exchange for the purpose of minimizing fluctuations.

That has been the purpose of the stabilization fund throughout its history.

Later I questioned the Secretary as to whether or not the fund might be used for the purpose of making loans to foreign nations, and I think the questioning at that time throws considerable light on the uses of the stabilization fund. I read from the testimony:

Senator TAFT. Mr. Secretary, you say that a billion eight hundred million has never been used but has been tied up in gold throughout the whole period of the life of the stabilization fund. Is there any reason why the stabilization fund should not be reduced to $200,000,000?

Secretary MORGENTHAU. Well, the only reason why I do not think it should be is, first, that I think the very size of it is impressive.

I later asked:

What is the advantage of the other $1,800,000,000 that never has been used?

Secretary MORGENTHAU. Well, the advantage is that it represents, as I say, the increment or profit. It has been there. The President has demonstrated that he does not have to use it. It serves notice on the world that we have a fund which is bigger than anybody else's, except England's, in case they should start.

I suppose with competitive devaluation of the currency.

Later I asked him:

Why can't that be done with $200,000,000 instead of $2,000,000,000? It always has been done, up to today?

Secretary MORGENTHAU. Up until now it always has. There are two things: As I say, there is the psychological effect, which is there; and the other reason, which I feel very strongly on, is that the fund is there as reserve, so that when we do use it, it will be used to retire part of the outstanding debt.

That was the way the whole matter of the stabilization fund was presented to Congress. I asked the Secretary whether something of this nature might be done in the way of a loan to England. I suggested—

In effect, could you not create an English credit here of $2,000,000,000; and we would wake up, in the end, and find ourselves with $2,000,000,000 worth of pounds that were worth nothing? I am not asking whether you would do it. My question is whether that is not legally possible. Isn't that legally possible?

Secretary MORGENTHAU. Well, if I lost all sense or reason in the performance of my duty, I might do a lot of things.

In other words, if he loses all sense or reason in the performance of his duty he might use this fund with which to make loans. That is what he has done; he has lost all sense or reason in the performance of his duty. I read further:

Senator TAFT. In other words, it is legally possible?

Secretary MORGENTHAU. Well, a lot of things are legally possible, which you would not do under the rule of common sense.

Now he is proposing to proceed in violation of the rule of common sense.

During the debate a few days ago I believe reference was made to the fact that when I asked the Secretary a question, he said this:

If there is a war in any foreign country, before we would use the stabilization fund or any money in the Treasury to assist any country in prosecuting that war, I would come up before the committee and ask for guidance.

Senator TAFT. I have no doubt you would.

But I do not see how that could constitute any agreement on the part of the committee that if he comes up and asks for guidance the committee is going to confer upon him authority which is not contained in the act. I cannot see how this particular statement can be so construed. All I have to say is that the function of the Banking and Currency Committee is not to guide the Secretary of the Treasury, and it has not authority to authorize loans to China without action by the Congress itself.

I am more concerned about the action because after the hearing on Monday, the Secretary, according to the Washington Post, indicated "that under a new policy the Treasury's stabilization fund will become a diplomatic war chest to support the economies of friendly nations from China to Latin America." In other words, he seems to feel that his appearance before the Banking and Currency Committee and his explanation of the Chinese loan removes all further restrictions on the stabilization fund so that the whole $2,000,000,000 can be used to loan foreign countries. If he has legal authority to lend it to China, he has legal authority to lend it to England, or to France, or to any other belligerent in the world.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CLARK of Missouri. We have heard much talk about two budgets, a defense budget and a nondefense budget. In which of those budgets does the Senator think such a loan as this would fall?

Mr. TAFT. I assume that it would go into a third budget, or a loan budget which does not count as a third or any other but which ultimately will produce the same result on the debt of the United States.

Mr. President, the question of loans to foreign countries is going to be before the Congress, and it may well be necessary to make such loans. Personally I approve the making

of a loan to China, but it is a matter for Congress to decide and not something to be accomplished indirectly by the Secretary of the Treasury by abusing the powers which he claims to have over the stabilization fund.

RECONCENTRATION OR REWAREHOUSING OF COTTON

Mr. McKELLAR. Mr. President, there is on the clerk's desk a letter from Mr. Appleby, Acting Secretary of Agriculture, written to the Vice President of the United States, which I think should be in the RECORD, and as it is very short, I shall read it. It is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, December 4, 1940.

The VICE PRESIDENT,
United States Senate.

DEAR MR. VICE PRESIDENT: In the absence of the Secretary of Agriculture I wish to acknowledge the receipt of a copy of Senate Resolution 337 requesting that the bids recently received by the Department for the storage of Government stocks of cotton not be immediately accepted.

You may be assured that in accordance with this request such bids will not be accepted until the Secretary of Agriculture has an opportunity to consider the request and to communicate with Members of the Senate.

Sincerely yours,

PAUL H. APPLEBY,
Acting Secretary.

CAMPAIGN EXPENDITURES—EXTENSION OF TIME FOR COMMITTEE'S REPORT

Mr. GILLETTE. Mr. President, at a former session I submitted a resolution extending the time for filing the report of the Special Committee to Investigate Campaign Expenditures, and I asked to have the resolution lie on the table. I have been instructed by the committee to call up the resolution, if possible, at this time. I ask unanimous consent for the present consideration of Senate Resolution 336.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceed to consider the resolution.

Mr. GILLETTE. Mr. President, the resolution as offered calls for an extension of time for filing the report from the first day of the next session of Congress to the 20th of January. I ask permission to modify the resolution to extend the date to the 30th of January.

The PRESIDENT pro tempore. The Senator has the right to make a modification, and the resolution will be modified as suggested.

Mr. VANDENBERG. Mr. President, I understand the extension is solely for the purpose of the making of the report.

Mr. GILLETTE. Solely for that purpose. There is no request for any additional money. As I explained a few days ago, many of the States require the filing of reports of election expenditures within 30 days after the date of holding the election, and the 30 days expire today, and we have not had the reports from all the States. I ask for the adoption of the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That Resolution No. 212, agreed to February 9, 1940, authorizing a Special Committee to Investigate the Campaign Expenditures of Presidential, Vice-Presidential, and Senatorial Candidates in 1940, hereby is continued in full force and effect until the committee shall submit its final report, which shall not be later than January 30, 1941.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. BAILEY, from the Committee on Commerce, reported favorably the nomination of Boatswain William C. Hart to be a chief boatswain in the Coast Guard of the United States, to rank as such from December 1, 1940.

Mr. THOMAS of Utah, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment, by transfer, in the Regular Army.

FEDERAL HOUSING ADMINISTRATION

Mr. HERRING. Mr. President, from the Committee on Banking and Currency I report favorably the nomination of Abner H. Ferguson, to be Federal Housing Administrator for the unexpired portion of a term of 4 years from June 30, 1938, vice Stewart McDonald, resigned, and as in executive session I ask unanimous consent that the nomination be now confirmed.

Mr. VANDENBERG. Mr. President, let the nomination go to the calendar for one session.

Mr. HARRISON. Mr. President, the Senate is now meeting after 3-day recesses. Mr. Ferguson has been in the employ of the Federal Housing Administration for a long time. There is no opposition to his appointment to be Administrator that we have heard from any source. I hope the Senator from Michigan will allow his nomination to be confirmed at this time.

Mr. VANDENBERG. Mr. President, I know of no opposition. The fact remains that I have had no opportunity to inquire into the matter, and I shall be prepared to deal with it conclusively when the Senate meets next Monday.

The PRESIDENT pro tempore. Objection is heard. The nomination will go to the calendar.

Mr. McKELLAR. Mr. President, with respect to the nomination of Mr. Ferguson to be Federal Housing Administrator, I wish to say that I was glad to hear that no opposition has developed to the nomination, and I hope that on Monday Mr. Ferguson's nomination may be confirmed. Mr. Ferguson has for a long time been employed by the Federal Housing Administration, and I believe he will make an excellent Administrator.

The PRESIDENT pro tempore. If the Chair may be permitted to do so, he will say that he shares the view expressed by the Senator from Tennessee.

POST-OFFICE NOMINATIONS REPORTED AND CONFIRMED

Mr. McKELLAR. Mr. President, as in executive session, from the Committee on Post Offices and Post Roads I report favorably several nominations of postmasters which have been approved by the Senators from the States involved. I ask unanimous consent that the nominations referred to may be confirmed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and, as in executive session, the nominations of postmasters are confirmed en bloc.

Mr. McKELLAR. I ask unanimous consent that the President may be notified of the confirmation of the post-office nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified.

WORK PROJECTS ADMINISTRATION

Mr. McKELLAR. Mr. President, from the Committee on Appropriations I report favorably the nomination of Harry D. Williar, Jr., of Maryland, to be work-projects administrator for Maryland, effective December 1, 1940, and ask unanimous consent for immediate confirmation of the nomination.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the nomination is confirmed.

RECESS TO MONDAY

Mr. MINTON. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 12 o'clock and 38 minutes p. m.) the Senate took a recess until Monday, December 9, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 5 (legislative day of November 19), 1940

WORK PROJECTS ADMINISTRATION

Harry D. Williar, Jr., to be work-projects administrator for Maryland.

POSTMASTERS

ALASKA

Alexander King, Kodiak.

COLORADO

Frank E. Lilley, Fairplay.

FLORIDA

Flode Jones, Deleon Springs.
Edward A. Jensen, Pahokee.
J. Alex Morrell, Umatilla.

IDAHO

Ralph L. Woodard, Atlanta.
Alice A. York, Carey.

IOWA

Nelle M. Parsons, Letts.
Joseph L. Lichty, Luverne.

KANSAS

Thomas W. Moore, Republic.
George L. Althouse, Sabetha.
Lyell D. Ocobock, Scandia.

MICHIGAN

William W. Jones, Franklin.
Roy Mellon, Goodrich.
Monica M. Parks, Highland.
Walter C. Schoof, Imlay City.
William M. Hankerd, Munith.
John P. Shear, New Hudson.
Frances A. Leece, Ortonville.

MINNESOTA

Andrew Lubinski, Greenbush.
Ray N. Tabaka, Longville.
Maude E. Williams, Mora.
Paul M. Saemrow, Morristown.

NEBRASKA

Charles M. Brown, Sutton.

NEVADA

Spencer E. Blackburn, Mountain City.

NEW YORK

William E. Kreiger, Latham.
Milly L. Hendershot, Sparrow Bush.

OHIO

Charles H. Larrabee, Croton.
Audrey M. Neptune, Farmersville.
Eusebio Pera, Geneva-on-the-Lake.
Clara E. Fleming, West Middletown.

OREGON

Ruth E. Walter, Clackamas.
George F. Kennedy, Seneca.
Thomas G. Tucker, Umatilla.

VIRGINIA

Ulys S. Staples, King George.
William M. Walden, Saluda.
Vernon L. Spence, Tangier.
J. Howard Craig, Verona.

WEST VIRGINIA

Charles G. Price, Smithfield.
Swepson J. Richter, White Sulphur Springs.

WYOMING

Anna P. Davis, Green River.
Althea E. Rollins, Lyman.
Frank L. Hunter, Osage.

HOUSE OF REPRESENTATIVES

THURSDAY, DECEMBER 5, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thy word, O God, is with us: "Attend to know understanding; get wisdom and forget it not." We pray Thee, enable us to heed and clothe this divine injunction in the radiant vestments of gracious, consecrated activity, finding ourselves each step nearer the blessed ideal and nearer the deeper meaning of life's mission. Oh, let nothing come between us and the light; free all minds from prejudice, for only in the tolerance of others do we really live. Permit not that sad day to come when material achievement has outrun the unaging sanctities of the immortal soul; let it ever be the sanctuary of the spirit of the son of man. In these forbidding days, we beseech Thee; hold us to the realization that evil may be wrought by the lack of thought, thus marring the divinity within our own natures. We praise Thee for the Infinite One, whom we may ever approach, but never surpass—the dateless, timeless Christ who is the same yesterday, today, and forever. In His holy name. Amen.

The Journal of the proceedings of Monday, December 2, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Baldridge, one of its clerks, announced that the Senate had passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. J. Res. 302. Joint resolution authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress;

S. J. Res. 306. Joint resolution extending the time for submitting the final report of the Temporary National Economic Committee; and

S. Con. Res. 56. Concurrent resolution authorizing the erection of an additional stand for the inauguration of the President-elect of the United States, on January 20, 1941.

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SPEAKER PRO TEMPORE

The SPEAKER. The Chair desires to make a short statement.

The membership will understand that I am in my eleventh month of this year in Washington. As we are not adjourning sine die and as it appears there will be little to do in the House until a message may be received from the President within a week or something like that, the Chair desires at this time to recognize the gentleman from Tennessee [Mr. COOPER] in order that he may offer a resolution to elect a Speaker pro tempore, in the absence of the Speaker, as I do desire just a few days of holiday between now and the beginning of what may be a long session in January.

I will probably be back before you will want to adjourn for the holidays, if you do.

I wish you all, as you go away, a pleasant trip home and that you will all be back in fine fettle in January. [Applause.]

Mr. COOPER. Mr. Speaker, I offer a privileged resolution for immediate consideration.

The Clerk read as follows:

House Resolution 641

Resolved, That Hon. JOHN W. MCCORMACK, a Representative from the State of Massachusetts, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the Clerk of the election of Hon. JOHN W. MCCORMACK as Speaker pro tempore during the absence of the Speaker.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that immediately after the disposition of matters on the Speaker's table today I may be permitted to address the House for 20 minutes on the question of the reapportionment of Congress.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. CROWE, by unanimous consent, was granted permission to extend his own remarks in the RECORD.

CIVIL AERONAUTICS AUTHORITY

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HINSHAW. Mr. Speaker, since the effective date of Reorganization Plan No. IV, which provided for the abolition of the Air Safety Board and the transfer of the Civil Aeronautics Authority to the Department of Commerce, three major air-line disasters have occurred, air-line disasters in which the passenger fatalities have been something terrific. Prior to these important changes nearly a year and a half passed without a single passenger fatality on the air lines—a splendid record.

I am presenting a resolution to the House today which I wish I could offer for immediate consideration, calling for the appointment of a special investigating committee and its immediate investigation into the causes of these disasters and into any other questions that may relate thereto. As there are about 30 days before the convening of the next Congress, it seems to me that this committee could obtain in that time all the necessary information to present to the House in order to aid in stemming this tide of accidents.

The first of this series of accidents occurred at Lovettsville, Va., on August 31, 1940, when 25 lives were lost, the entire list of crew and passengers, including the distinguished Senator from Minnesota, our friend the Honorable Ernest Lundeen. This accident occurred in an electrical rain squall. The second disaster was that of an air liner which flew off course in a snowstorm in Utah on November 4, 1940, and piled up on a mountain top. Here 10 lives, the entire list of passengers and crew, were lost. The third occurred yesterday, December 4, 1940, as an air liner, which had been forced to circle the field at Chicago for 28 minutes because of traffic, and in conditions of ice and sleet, plummeted to the ground in landing. It fell perhaps 150 feet, but many lives have been lost and others hang in the balance of fate.

I beg your cooperation, Mr. Speaker, if it is within the province of the Speaker to do so, in order to aid in promoting this immediate investigation to help prevent such accidents and to determine the future course of civil aeronautics. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent to extend my remarks four times in the RECORD, as follows:

First, by inserting an address delivered in New York by the gentleman from California [Mr. LEA] at the annual dinner of the Association of American Railroads.

Second, to include an article by Dr. William Jennings Price, of Danville, Ky., and Washington, D. C., entitled "Danville Was the First Post Office Established in Kentucky and in the Territory Beyond the Alleghenies."

Third, an address by former Chief Justice Edward C. O'Rear, of Kentucky, on the one hundred and fiftieth anniversary of the Supreme Court of the United States, entitled "Supreme Court Justice Thomas Todd, the Man."

Fourth, resolutions adopted at a memorial session of the Court of Appeals of Kentucky in commemoration of the life and public service of the late Senator M. M. Logan.

The SPEAKER. Without objection, the requests are granted.

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I have two unanimous-consent requests.

I ask unanimous consent to extend my own remarks in the RECORD and include a resolution adopted at the twentieth annual convention, California-Nevada District of Kiwanis International, Santa Barbara, Calif., in which a proposed amendment to the immigration and naturalization law is suggested.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent that after the business of the House is completed today I may address the House for 15 minutes, following the other special orders.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to quote very briefly from an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I desire to submit two unanimous-consent requests: First, to extend my own remarks in the Appendix of the RECORD; and, second, after the conclusion of the other special orders for the day that I be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the requests of the gentleman from Michigan?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I desire to submit two unanimous-consent requests: First, to extend my own remarks in reference to the C. C. C. program; and, second, to extend my remarks with reference to the continuation of the food-stamp plan.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech by C. B. Whitney, of New York.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a speech by Judge Hall, of the superior court of Los Angeles, in connection with the induction of the first men into the selective service.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein an address delivered by John C. Page, Commissioner of the Bureau of Reclamation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today at the conclusion of the other special orders.

The SPEAKER. Without objection, it is so ordered.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a letter I have received.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein letters addressed to me by Hon. Dean Aicheson, chairman of the Attorney General's committee on administrative procedure.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to to extend my own remarks in the RECORD, and to include therein an article on the Poles, by Cedric Larson.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein two short newspaper articles.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of House Joint Resolution 610, entitled "Prepare for Peace."

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a letter which I am addressing today to the Secretary of Agriculture.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent Mr. LAMBERTSON asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to address the House today for 20 minutes at the conclusion of other special orders on the subject of cotton warehousing and wheat concentration.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AIRPORT FACILITIES AT CHICAGO

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CHURCH. Mr. Speaker, for some time I have been endeavoring to emphasize the need for improved aircraft facilities and additional landing fields in the Chicago area. Chicago is the hub of the Nation. It is the point where East meets West.

Nothing more graphically indicates the need for better aviation facilities in Chicago than the airplane crash reported in the press this morning. I find among the list of those killed and injured several of my personal acquaintances.

The major cause of this unfortunate accident was the fact that the United Airlines plane was unable to land when it reached the municipal airport. Mr. Harold Crary, vice president of the United Airlines, is quoted as saying:

> A light snow was falling when the plane arrived and it circled the airport for 28 minutes, waiting for the traffic-control department to give clearance into the airport.

Imagine a condition where a passenger plane must fly back and forth across an airport for approximately a half hour before it can land at its destination because of the heavy traffic at the landing field.

Congress has inaugurated a program for the development of airports in the United States. We have authorized an expenditure of $30,000,000 for this purpose. I have repeatedly emphasized the need for improved facilities in the Chicago area, and I sincerely hope that the Civil Aeronautics Authority will now recognize this need.

On a number of occasions during the last few years, both before my Committee on Naval Affairs and on the floor of the House, I have urged aircraft development. I have spoken not only of enlargement of our air-defense forces, but I have endeavored to emphasize the importance of creating underground hangars and the moving of airplane factories inland for defense purposes. I am one of those who has supported the program for enlarging existing airports and building new ones.

This airplane accident shows how great this need, is and it shows, beyond any doubt whatsoever, that new and improved airport facilities are needed in the Chicago area. I am quite unable to understand why new airports should be built in isolated spots, save perhaps for political purposes, when a great industrial and transportation center is without adequate facilities to meet present demands. It was the absence of adequate facilities which caused the crash last night and cost the lives of several of my personal acquaintances.

UNDER SECRETARY OF WAR

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4370) authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Senate amendment: At the end of the matter inserted by the House amendment insert the following:
> "The compensation of the Assistant Secretary of War shall be at the rate of $10,000 per annum."

Mr. ROBSION of Kentucky. Mr. Speaker, reserving the right to object, and it is not my purpose to object, the House about a year ago passed a bill covering the case of a doctor and his family who were injured by a drunken driver and a truck. A bill passed the House to give them some relief. It went to the Senate and was passed by the Senate. There was a conference report, which has been here a long time. We cannot get consideration of the conference report. There ought to be something done about matters like that. No one apparently is willing to call it up.

The SPEAKER. It has not been called to the attention of the Chair. Nobody has moved to take it up.

Mr. ROBSION of Kentucky. I understand that under the rules of the House nobody can bring it up except the chairman of the committee, the gentleman from Maryland [Mr. KENNEDY].

Mr. RANKIN. If the gentleman will ask unanimous consent to call it up, it can be brought up.

Mr. ROBSION of Kentucky. I will do that.

The SPEAKER. The Chair will be glad to recognize the gentleman from Kentucky, if the chairman of the Claims Committee is not present, for a unanimous-consent request.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, is this the same matter that was brought up here the other day?

Mr. COSTELLO. Yes.

Mr. HOFFMAN. Does the gentleman know whether any other department or body of the Government has taken any action on the Smith amendments we sent over to the Senate a long time ago?

Mr. COSTELLO. I do not know what the other body is doing about the Smith amendments. This bill has nothing to do with that matter, however.

Mr. HOFFMAN. Does not the gentleman think they ought to do something about them while we are waiting here?

Mr. COSTELLO. I thoroughly agree with the gentleman. It would be proper for them to take up and consider the Smith amendments.

Mr. HOFFMAN. Does the gentleman know of any way that we can get the Smith amendments considered over there?

Mr. COSTELLO. I am afraid that is rather difficult for us.

Mr. COOPER. Get yourself elected to the Senate.

Mr. HOFFMAN. That is an impossible task, in view of the fact that the administration is spending so much money to elect people of its own political faith.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. COSTELLO]?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

There was no objection.

Mr. HOBBS. Mr. Speaker, Col. Sumpter Smith, Air Corps, Alabama National Guard, and air officer of the Thirty-first National Guard Division, has just resigned his position as special airport adviser to the Administrator of the Civil Aeronautics Authority and as chairman of the Interdepartmental Engineering Commission for the Washington National Airport.

He has gone into the military service of the Nation to join the colors and take charge of the air service of his division.

The Washington National Airport is nearing completion. It will be open for landings within the next few days. It will go into full service next spring. It is said by competent authorities to be the finest air terminal in the United States. It has been built with remarkable expedition and economy. Colonel Smith was appointed, under the general supervision of the Administrator of the Civil Aeronautics Authority, to coordinate the activities of the several governmental agencies engaged in the design and construction of the Washington National Airport and to exercise general supervision of design and construction. Therefore, to him must be paid a large part of the commendation due for this signal achievement.

Colonel Smith brought to bear upon this task, entrusted to him by the President of the United States, a skill and experience which belies his years. Although still a young man, with the enthusiasm of youth, he has participated as engineer in charge or consultant in design, construction, or improvement of more than 650 airports—probably the widest experience any man has ever had in such work.

His career as a builder of airports has reached its high-water mark in his work for the Washington National Airport. Its beauty and utility will soon be demonstrated. All honor to him, his superiors, and the cooperating agencies who have labored together in this achievement, in which there is glory enough for all.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a statement made by former President Hoover on the subject of America and the famine in the five little democracies.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

Ther was no objection.

HJALMAR M. SEBY

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the bill (S. 3729) for the relief of Hjalmar M. Seby be taken from the Speaker's desk and given immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. GARRETT]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman state what the bill covers?

Mr. GARRETT. Mr. Speaker, I may say to the gentleman this bill covers a claim by Mr. Hjalmar M. Seby, a contractor, of Abilene, Tex., against the Federal Government which was originally $31,000. It was in connection with the extension and remodeling of a United States post-office building at Vernon, Tex., for which Mr. Seby had been awarded a contract.

A difference between Mr. Seby and an agent of the United States Government. The agent claimed that Mr. Seby had violated the N. I. R. A. Code. As a result, an affidavit was made by the agent of the Federal Government, a warrant issued, and Mr. Seby was arrested. The Federal grand jury, however, upon hearing the evidence, refused to return an indictment against Mr. Seby. Finally, after being harrassed and annoyed by the agent of the Government, Mr. Seby's contract was canceled and his tools and equipment taken over by the Federal Government and never returned to him. The tools and equipment so taken being itemized and valued at $9,864 as shown by the committee's report accompanying this bill. Furthermore, Mr. Seby was entitled to $6,218.90 additional for work which he had completed under the contract and for which he had not been paid.

The bill, as I have heretofore stated, was originally for $31,000, and was reduced in the Senate to $14,369.61. There was a complete and exhaustive discussion and debate on the floor of the Senate concerning this measure and it was passed over there unanimously.

The bill was brought up last Monday, but was objected to by the gentleman from New York [Mr. HANCOCK], who has since studied the report and has authorized me over the telephone, just a few moments ago, to say to the Members of the House that it is a most meritorious bill and should pass. He further authorized me to say that he had no objection whatever and if it was agreeable to the gentleman from California [Mr. COSTELLO], it was certainly agreeable with him that the bill be passed.

Mr. MICHENER. The gentleman from New York [Mr. HANCOCK] is one of the official objectors on the Private Calendar, and he objected to the bill when it was called up last week. He stated at that time there was an adverse report from the Department, and that the bill was not meritorious. If he has investigated and finds he was in error, of course I would not want to object.

Mr. GARRETT. I give the gentleman my word that Mr. HANCOCK told me, not 5 minutes ago over the telephone, that whatever the gentleman from California [Mr. COSTELLO] agreed to was entirely agreeable with him.

Mr. REES of Kansas. Reserving the right to object, Mr. Speaker, has this bill been on the Private Calendar for some time? Has it been before the House before?

Mr. GARRETT. Not a great while. It has been before the House before, on last Monday, as I indicated a moment ago. However, it has not been on the calendar very long for the reason that the Committee on Claims did not have many meetings after July, but they all favor this measure. In the absence of some five or six of the ranking members of the committee, I am bringing the bill up today. The members of the committee are heartily in favor of the passage of the bill.

Mr. REES of Kansas. It seems that there is quite an amount of money involved here. It does not seem to be proper procedure just to bring it up and pass it without having any particular discussion about it, and without knowing something about it.

Mr. GARRETT. I shall be glad to discuss and explain the bill in detail if the gentleman desires and if time will permit.

Mr. PITTENGER. Reserving the right to object, Mr. Speaker, I may say to the gentleman from Kansas that I have gone into this bill very carefully, although I have no personal interest in it whatever. I am a member of the committee. This was one of the last bills to come over from the Senate. Unfortunately, there was not a companion House bill. This accounts for the delay. I know of no more meritorious bill that has ever been before this body than this one. I am giving the gentleman my word for that, and I can stand here for 20 minutes demonstrating those facts.

Mr. GARRETT. May I say to the gentleman from Kansas that the beneficiary under this bill is an elderly gentleman, probably 61 years of age, and because of this injustice done him has been prevented from continuing his contracting business? He has not only been absolutely ruined financially but is broken both in spirit and in health. Furthermore, although this is not necessarily material to the bill under discussion, Mr. Seby is an ex-service man and was a commissioned officer in the first World War. He is highly recommended by dozens of the finest citizens and leading business concerns of Abilene, Tex., where he has been in the contracting business for many years.

Mr. REES of Kansas. How long has it been since this damage occurred?

Mr. GARRETT. It was about the year 1934, I believe.

Mr. REES of Kansas. Six years ago?

Mr. GARRETT. Something like that.

Mr. REES of Kansas. And this matter is just now brought before the Congress?

Mr. GARRETT. He has had the matter up with quite a few attorneys and there was some disagreement as to the procedure; they have disagreed on the procedure to follow.

For that reason it is barred by limitation from going into the Court of Claims. For that reason there is no other way for Mr. Seby to be reimbursed other than by a private bill. This is certainly a just claim, and I most sincerely hope that there will be no objection to the passage of this bill. I can vouch for that personally, because I have studied it for hours and hours. Incidentally, I am in possession of a letter from my predecessor to Mr. Seby in which he states that his claim for $31,000 is a just one and that he would introduce a bill in Congress to collect this amount for him as that was the only way in which it could be collected.

Mr. REES of Kansas. I do not want to be the only Member of the House to object to its consideration, but I just do not like this kind of procedure.

Mr. GARRETT. I may say to the gentleman that the gentleman from New York [Mr. HANCOCK] in objecting to the passage of the bill last Monday gave as his reason the fact that he had not had time to read the report. Since that time he has been furnished and has read the report and has also, I believe, read a brief on the case.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $14,369.61 to Hjalmar M. Seby, general contractor, of Abilene, Tex., in full settlement of all claims against the United States for damages and losses sustained by him at the hands of representatives of the United States Government through (1) unjust cancelation of contract No. 4646, United States Government Form No. P. W. A. 51, for extension and remodeling United States post-office building, Vernon, Tex., known as Public Works Administration project No. 41; (2) failure of United States Government representatives to pay him for work done and materials furnished; (3) improper interference by United States Government representatives with him in the performance of his functions and duties as contractor under contract beforementioned; and (4) confiscation by United States Government representatives of materials and tools belonging to said Hjalmar M. Seby: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 8, after "him", strike out the remainder of line 8 and down through the word "for" in line 11, and insert "as the result of his entering into a Government contract, No. TLSA-4646, dated November 28, 1933, in connection with the."

Page 2, line 3, after "remodeling", insert "of."

Line 5, strike out the semicolon after "41" and down through the word "Seby" in line 12.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan asked and was given permission to extend his own remarks in the RECORD.

INAUGURATION OF THE PRESIDENT-ELECT OF THE UNITED STATES

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

Senate Concurrent Resolution 56

Resolved, by the Senate (the House of Representatives concurring), That, in order to conform to the seating accommodations for the inaugural ceremonies in 1937, the Committee on Arrangements for the Inauguration of the President-elect of the United States on the east plaza of the Capitol on January 20, 1941, be, and it is hereby, authorized to have erected, under the supervision of the Architect of the Capitol, an additional stand, the expenses of which shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. MICHENER. Reserving the right to object, Mr. Speaker, as I recall, when the matter of the expenses of the inaugural ceremonies was given consideration before the election, by the committees, first, by the Committee on Accounts, of which the gentleman from Missouri is a member, and later by the Committee on Appropriations, which appropriated the money, it was felt that in view of the conditions existing in the country, in view of the large Treasury deficit, and in view of the necessities of the Treasury, the amount involved should be reduced, and the committee did reduce slightly, the amount formerly appropriated for inaugural purposes. As I understand and recall, that action met with the hearty approbation of the press and the people of the country. In view of our financial condition, the people of the country do not expect a lavish and expensive inaugural ceremony in Washington this year.

As I recall, the amount of $35,000 was appropriated. This bill would increase the appropriation in order that additional seating capacity might be made available for the few who are successful in getting tickets from their Members of Congress and their Senators. I do not believe that it is good policy to authorize at this time the construction of 7,000 additional seats, the cost to be taken out of the pockets of the taxpayers of the country, in order that a few more favored people in Washington may have grandstand seats during the inaugural ceremony. These seats will be used but a few minutes at most. Therefore why should the Government borrow the money to build them. There is no logical answer.

The gentleman from Missouri is always talking about economy. Here is a chance for a practical demonstration. When I know that he realizes the predicament the country is in, as far as national defense is concerned, it seems to me he should be the last man in the world to come here and ask for this money out of the Treasury in order that he, and I, possibly—if I am so fortunate—may get a few more reserved seat tickets to give to our constituents. The mass of the people will be standing. This should be a peoples' inauguration and no favorites should be played.

This is a small matter, of course, but we are only going to get anywhere with economy if we commence to whittle. Every dollar necessary for essentials, but not a dollar for luxuries. I should like to know the reasons the gentleman has for thinking that what I have said is not material and should not be observed.

Mr. COCHRAN. The gentleman from Michigan is only in part correct. The Committee on Accounts did not consider this matter. The Committee on Appropriations did. It was later disclosed that due to the increased prices of materials, there will be approximately 4,500 seats less in front of the Capitol for the inauguration this year than there were previously, not only during the Roosevelt inaugurations but during the Hoover inauguration, the Coolidge inauguration, and the Harding inauguration.

As a result of this, it appears that the Members of Congress will receive under present arrangements four or possibly five tickets. I do not recall exactly the number of tickets they received in prior inaugurations, but I know the number I received was not in keeping with the demands, and now you have a situation where you are going to inaugurate a President for the first time in the history of the country for a third term, and there is more than the usual interest. I know there are going to be a large number of people from the gentleman's State who will want to see this inauguration. They will want to see the President sworn in. I do not know whether $7,000 is involved or $6,000, although I do not think it will cost more than $7,000, but $3,500 of that amount would come out of the contingent fund of the House, and $3,500 would come out of the contingent fund of the Senate.

I have discussed the matter with the ranking Republican member on the Committee on Accounts, the gentleman from Illinois [Mr. ALLEN] who is present, and who is in favor of the concurrent resolution. At the gentleman from Michigan's suggestion I also discussed the matter with the gentleman from Kansas [Mr. LAMBERTSON] who is a member of the Committee on Appropriations.

This, of course, is a matter for the House to decide. As far as I am concerned I will find a way to get along if I do not get any tickets, much as I would like a liberal supply, but you are inaugurating the President of the United States, and the question involved is whether you want your constituents and

my constituents to have the same privilege from the standpoint of seating capacity at the inauguration in January that they had in 1937 and in 1933, and also at the time Mr. Harding and Mr. Coolidge were inaugurated.

Mr. MICHENER. Further reserving the right to object, conditions in the country are a little different right now. If the country is not actually in war it is perilously near war. The Congress has been scraping the bottom of the barrel to get funds for national defense. Times are different now. Every dollar the Congress spends it must borrow.

Mr. COCHRAN. They are not any worse now.

Mr. MICHENER. At the time Mr. Coolidge was inaugurated the country was prosperous, and we were reducing taxes, and had been reducing them throughout the Harding administration. There was a surplus in the Treasury and today there is a deficit. At the time Mr. Hoover was inaugurated the same condition existed. At the time Mr. Roosevelt was inaugurated the first time there was a slight deficit. At the time Mr. Roosevelt was inaugurated the second time there was an appalling deficit, and now we have the third term, which the gentleman suggests is unique, and should be given special attention. The deficit has climbed and climbed until now it is around $49,000,000,000, and nobody knows where the top of this deficit is going to be at the end of the third term. It seems to me that if we follow the program of the gentleman from Missouri, when the fourth term comes, where will it be? I do not agree with him that special rejoicing should be indulged in because of the breaking the third term principle. I am opposed to additional appropriations to spectacularize that occurrence.

Mr. COCHRAN. We might get all the way over to the Supreme Court and the Library for the fourth term [laughter], but right now I will tell the gentleman from Michigan that under the present arrangement you are not going to have sufficient space for the members of the House and Senate Press Galleries, who are entitled to enter the House and Senate Press Galleries, and they certainly should have seats at the inauguration.

Mr. MICHENER. Further reserving the right to object, of course the press should have ample seats. Those seats have already been provided for. For my part, instead of having 4 or 5 people from my district, I shall probably have 200 or 300, and I do not know that I am doing myself any good or anybody else any good in giving 4 of them seats while the other 296 who come down here for the inauguration are obliged to stand with the masses. I think it would be better if we did not have a single grandstand. The President should come up here in the spirit of humility and be sworn in without all this show and ostentation, without all this expense, without all this grandstand, without all this pomp and regal splendor, and without all this useless expenditure of money at a time when dollars are bigger than horse blankets to every man in America. Let us put the money in defense. The boys in the camps will not have such luxuries. This is still a democracy.

Mr. COCHRAN. It is no useless expenditure of money in arranging a proper setting for the inauguration of a President of the United States.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, the gentleman from Michigan [Mr. MICHENER] has made a somewhat lengthy talk, one that is very sensible and very convincing. However, he seems not to have been able to convince himself to the point of being willing to object; but he has convinced me, and I object, Mr. Speaker.

Mr. MICHENER. I wanted the gentleman to have an opportunity to make a speech.

The SPEAKER. Objection is heard.

TEMPORARY NATIONAL ECONOMIC COMMITTEE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 306) extending the time for submitting the final report of the Temporary National Economic Committee.

The Clerk read the title of the Senate joint resolution.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That notwithstanding the provisions of section 4 (c) of the joint resolution entitled "Joint resolution to create a temporary national economic committee," approved June 16, 1938, the time for submitting the final report of such committee is hereby extended to April 3, 1941, and the unexpended balances of the appropriations made for such committee shall be available to it until such date for the purpose of making such report.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. SUMNERS]?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain the resolution?

Mr. SUMNERS of Texas. Mr. Speaker, this resolution is self-explanatory, I believe. It proposes an extension of the time allowed by the original resolution in which the Temporary National Economic Committee may make its report. The investigation authorized to be conducted by that committee has been completed, but due to the prolonged session and the general demand upon the time of Members, with which you are all familiar, the committee has not been able, and will not be able within the time allowed by the resolution, to make as helpful a report as it feels ought to be made.

This resolution calls for no additional expenditure. I am advised that the organization of the committee has been cut down to not more than 12 people. There is enough money that has already been allocated to this committee to carry forward the work of completing its report.

With the permission of the House, I would like to make this additional statement. This resolution has been considered by the Committee on the Judiciary, which had jurisdiction in the first instance with reference to the main resolution, and I believe was unanimously agreed to by the members of the Committee on the Judiciary.

I now yield to the gentleman from Michigan.

Mr. MICHENER. I just wanted to state that. There are some Members who have suggested to me that they were opposed to continuing this matter. I hope there will be no objection, because this committee at one time had on its pay roll 162 employees, as I recall, the largest-staffed investigating committee ever created and operating in the Congress. The number is now 12. It is just a question of ending the work of the committee and making the final report.

I think that should be done and I hope there will be no objection on this side.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House resolution was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that on next Monday, assuming the House is in session, after the disposition of business on the Speaker's table and the special orders entered for that day, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

HIGHWAY BRIDGE ACROSS WITHLACOOCHEE RIVER, GA. AND FLA.

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4135) to legalize the construction by the State Highway Board of Georgia of a free highway bridge across the Withlacoochee River, between Valdosta, Ga., and Madison, Fla., at Horns Ferry.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MICHENER. Mr. Speaker, reserving the right to object, has this bill the approval of the minority members of the committee?

Mr. CHAPMAN. It has been reported unanimously by the committee of the House. This is a Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Board of Georgia to complete construction, in accordance with plans accepted by the Chief of Engineers and the Secretary of War, of a free highway bridge and approaches thereto across the Withlacoochee River, between Valdosta, Ga., and Madison, Fla., at Horns Ferry, and to maintain and operate said bridge as a lawful structure subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS THE COLUMBIA RIVER AT ASTORIA, OREG.

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3765) to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MICHENER. Mr. Speaker, reserving the right to object, has this bill the approval of the committee?

Mr. CHAPMAN. It has.

Mr. MICHENER. Will the gentleman state what the bill is?

Mr. CHAPMAN. This is a bill to extend the time for commencing and completing the construction of a bridge which was authorized by the Congress in 1934, to be built by a joint board of the State of Washington and the State of Oregon.

The SPEAKER. Is there objection?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oregon, authorized to be built by the Oregon-Washington Bridge Board of Trustees by an act of Congress approved June 13, 1934, as amended, as heretofore extended by acts of Congress approved August 30, 1935, January 27, 1936, August 5, 1937, May 26, 1938, and August 5, 1939, are further extended 1 and 3 years, respectively, from June 13, 1940.

SEC. 2. That so much of section 4 of the act approved June 13, 1934 (48 Stat. 949, 950), which reads as follows: "or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management," is hereby repealed.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS THE ST. MARYS RIVER AT SAULT STE. MARIE, MICH.

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3934) authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MICHENER. Mr. Speaker, reserving the right to object, this is what is known as the Straits Bridge Commission?

Mr. CHAPMAN. That is right, I think.

Mr. MICHENER. I did not know it was coming up. The gentleman had not said anything about it. This bill would authorize the State of Michigan to build a 5-mile bridge across the straits. It would cost approximately twenty-six or twenty-seven million dollars. Practically every newspaper in Michigan south of Grand Rapids is bitterly opposed to it, as are the people of those communities. In the northern part of the State one or two districts are for it. Two or three of the Members from Michigan, however, have made a strenuous fight against this bill. I yield to the gentleman from Michigan [Mr. DONDERO], one of those opponents.

Mr. DONDERO. Mr. Speaker, reserving the right to object, I do not really fully understand the purpose of the bill, because it has not been explained. I supposed that this matter had passed the House, and I do not understand why it is back here.

Mr. CHAPMAN. This is a Senate bill, I may say to the gentleman from Michigan, accompanied by the report of the House Committee on Interstate and Foreign Commerce. The gentleman of course is thoroughly familiar with the bill, has discussed it many times. It would authorize the State of Michigan to construct a bridge or series of bridges or causeways across the St. Marys River.

Mr. MICHENER. Further reserving the right to object, if the gentleman has stated the title of the bill correctly I do not believe it is the bill we had in mind. Is this the Straits bill or some other bill?

Mr. CHAPMAN. It would authorize the construction of a toll bridge or series or bridges, causeways, and approaches thereto across the St. Marys River from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada.

Mr. MICHENER. This is another proposition entirely. I am not familiar with it. Do I understand it comes to the House with a unanimous report from the committee?

Mr. CHAPMAN. It does.

Mr. MICHENER. Does the gentleman know of any Member of Congress from Michigan who opposes the bill?

Mr. CHAPMAN. I know the gentleman from Michigan [Mr. DONDERO] has opposed one bill, but I do not believe this is the bill.

Mr. DONDERO. Mr. Speaker, if the gentleman will yield, I may say to the gentleman from Kentucky that this is an entirely different proposition, located 75 miles from the Mackinac Straits bridge. This bill therefore has nothing to do with the so-called Straits bill.

Mr. CHAPMAN. I know the gentleman from Michigan [Mr. DONDERO] was opposed to the other bill.

Mr. MICHENER. Further reserving the right to object, Mr. Speaker, may I suggest to the gentleman from Kentucky that if he has any more of these bills he follow the custom, the practice, and the understanding in the House of consulting this side before he attempts to call them up by unanimous consent.

Mr. CHAPMAN. Mr. Speaker, every custom and practice of this House has been followed in this instance. This is brought to the floor with the unanimous approval of the Members of both sides on the committee.

Mr. MICHENER. I might remind the gentleman that he has not conferred with anybody on this side of the House with reference to calling this bill up by unanimous consent, and that is the custom. To pass legislation by unanimous consent is a harsh method.

Mr. CHAPMAN. This is the last bill. Does the gentleman object?

Mr. MICHENER. It places one in a rather peculiar position. Not knowing anything about the bill I do not want to be put in the position of objecting to a meritorious bill. If the gentleman will follow the usual custom in these matters then situations like this would not arise.

Mr. CHAPMAN. Then, Mr. Speaker, regardless of the orders of the committee I should always consult the gentleman from Michigan in the future.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) in order to facilitate international commerce, improve the postal service, and provide for military and other purposes, the State of Michigan, acting through the International Bridge Authority of Michigan, or the successors to said authority, be, and is hereby, authorized to construct, maintain, and operate a bridge, or series of bridges, causeways, and approaches thereto, across the St. Marys River, so far as the United States

has jurisdiction over the waters of such river, from a point suitable to the interests of navigation, in or near the city of Sault Ste. Marie, in the State of Michigan, to a point in the Province of Ontario, Canada, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in the Dominion of Canada.

(b) There is hereby conferred upon the State of Michigan and the International Bridge Authority of Michigan, or the successors to said authority, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Michigan needed for the location, construction, operation, and maintenance of such bridge, or series of bridges, causeways, and approaches thereto, as are possessed by railroad corporations for railroad purposes or by bridge corporations, or bridge authorities, or the State of Michigan, for bridge purposes in the State of Michigan, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

(c) The State of Michigan, acting through the International Bridge Authority of Michigan, or the successors to said authority, is hereby authorized to fix and charge tolls for transit over such bridge, or series of bridges, causeways, and approaches thereto, and the rates of toll shall be so fixed and adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating such bridge, or series of bridges, causeways, and approaches thereto, and to provide a sinking fund sufficient to amortize the cost of such bridge, or series of bridges, causeways, and approaches thereto, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 40 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge, or series of bridges, causeways, and approaches thereto, shall thereafter be maintained and operated free of tolls. An accurate record of the cost of such bridge, or series of bridges, causeways, and approaches thereto, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SEATING AT THE INAUGURAL CEREMONIES

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, I renew my request of a short while ago and now ask unanimous consent for the present consideration of Senate Concurrent Resolution No. 56.

The Clerk read the resolution, as follows:

Senate Concurrent Resolution 56

Resolved by the Senate (the House of Representatives concurring), That in order to conform to the seating accommodations for the inaugural ceremonies in 1937 the Committee on Arrangements for the Inauguration of the President-Elect of the United States on the east plaza of the Capitol on January 20, 1941, be, and it is hereby, authorized to have erected, under the supervision of the Architect of the Capitol, an additional stand, the expenses of which shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. LAMBERTSON. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Mr. Speaker, I yield to the gentleman from Kansas, who is a member of the Subcommittee on Appropriations which considered the original item.

Mr. LAMBERTSON. And I happen to be the ranking minority member of the committee present, or I would not ask these questions. I think it is a little strange that this resolution was not brought up Monday when we had a majority of the members present. That was only 3 days ago.

Mr. COCHRAN. I may say to the gentleman from Kansas that it was the intention of Senator NEELY, of West Virginia, to take care of this matter prior to the election. The Senator happened, however, to be a candidate for Governor of his State and was called home, and the matter was overlooked. There has just been a meeting of the committee with the committee that was appointed to handle the inaugural ceremonies by the President. After a thorough discussion of the matter the committee concluded that it was absolutely essential to increase the number of seats to make it conform to the number at the previous inaugurations.

Mr. LAMBERTSON. That is not the point. The point is why it was not brought up last Monday or why it could not wait until next Monday.

Mr. COCHRAN. I do not know. The resolution just came over to the House a few moments ago. It was passed by the Senate this morning.

Mr. LAMBERTSON. In response to that I should like to ask some questions about this appropriation. Does the gentleman know what the expenditure is going to be for seating?

Mr. COCHRAN. No; I do not know what the expenditure will be for the entire seating, but I do know that more money will have to be provided in order to furnish the same number of seats that was furnished at previous inaugurations. As I said a moment ago, the committee has been required to reduce the number of seats even for the members of the press, and when I say the press, I mean only those entitled to entrance to the House Press Gallery and the Senate Press Gallery.

Mr. LAMBERTSON. I understand that about $68,000 represents the estimated expenditure for seating. Am I correct in my understanding? Does the gentleman know what it will cost?

Mr. COCHRAN. I do not know exactly what it will cost but the appropriation so far has been $35,000, and with the additional $7,000 will be $42,000.

Remember a large amount is contributed by the people of the District of Columbia for general expenses, including seats along the line of march. There is always a deficit and it is the people of the District who absorb the deficit. There is a difference between the two. Congress controls the inauguration at the Capital and always has while the private inaugural committee take care of the rest.

Mr. LAMBERTSON. Can the gentleman tell us what the total expenses of the inaugural are going to be?

Mr. COCHRAN. As far as the Congress is concerned, it is limited to the amount appropriated by the gentleman's committee, plus this amount. All other expenses are paid by the citizens of the District of Columbia.

Mr. LAMBERTSON. There are a lot of new activities that are new and different from what we have had before. For instance, Mr. Davies has designated a Miss Dorothy Thompson to sell the inaugural to the whole country, which is something new. Can the gentleman tell us what has been set aside as an expenditure to sell the inaugural to the whole country?

Mr. COCHRAN. I may say to the gentleman that I have never had the pleasure of meeting this distinguished columnist Miss Dorothy Thompson. I do not know what her idea is, or Mr. Davies' idea, but the Congress is not providing any money for this purpose nor does it always follow the ideas of columnists.

Mr. LAMBERTSON. The chairman of the committee has designated her for a distinct function and I was wondering if they had set aside a certain amount of money for her.

Mr. COCHRAN. If they set any money aside for Miss Thompson it would come out of the money that the business people of the District of Columbia provide and not the money appropriated by the Congress.

Mr. LAMBERTSON. I am sure it is the attitude of the Appropriations Committee that an adequate sum shall be allowed to do the job, but this inaugural should not be a gaudy affair.

Mr. COCHRAN. Of course, that is correct. I am sure the gentleman correctly states the attitude of his great committee.

Mr. MICHENER. Mr. Speaker, reserving the right to object, the gentleman from Michigan [Mr. HOFFMAN] objected a minute ago.

Mr. COCHRAN. The gentleman from Michigan [Mr. HOFFMAN] is not now objecting.

Mr. MICHENER. Has the gentleman talked with him?

Mr. COCHRAN. I have talked with him.

Mr. MICHENER. He objected very vociferously a minute ago.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. COCHRAN]?

There was no objection.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PAN AMERICAN COTTON CONGRESS

Mr. COOPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 302 for immediate consideration.

The Clerk read the Senate joint resolution as follows:

Senate Joint Resolution 302

Resolved, etc., That the President of the United States is authorized and requested by proclamation or in such manner as he may deem proper to invite all foreign countries and nations to the Pan American Cotton Congress to be held at Memphis, Tenn., during the year 1941, with a request that they participate therein.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, I stated to the gentleman from Tennessee [Mr. COOPER], a minute ago that this was a minor matter and that I would not object, but it seems to me when the resolution is read it is a very important matter. In the first place, there has never been a resolution of this kind pass the Congress since I have been here that has not been followed by a request for an appropriation somewhere along the line. If we are going to invite the Pan American countries here to a celebration, we must properly receive them, we must make arrangements for them, and this cannot be done without expense.

Mr. COOPER. If the gentleman will permit, I may say that I have the assurance of the senior Senator from Tennessee [Senator MCKELLAR], who lives in Memphis, and others interested, that there is no expense involved to this Government. The local people are making all the arrangements. This is simply an invitation to the countries to participate with no expense involved to the Government.

Mr. MICHENER. I respect what the gentleman says, but the gentleman from Tennessee [Mr. COOPER] has been here about as long as I have. We can remember that every world's fair and every celebration of any kind, name, or nature, where this country by proclamation has asked foreign countries to participate, has caused at a later date an appropriation to be made out of the Treasury of the United States. If the gentleman from Tennessee can name a single instance where that has not occurred, then I will hesitate to object to this matter.

Mr. KEFAUVER. May I say that I have the assurance of the senior Senator from Tennessee that no request for an appropriation will be made, so far as he is concerned.

Mr. MICHENER. Yes; but in the case of the New York World's Fair, New York Members gave their personal assurance; in the case of the World's Fair at Chicago the Members from Chicago gave us their personal assurance; and in the case of the World's Fair at Philadelphia the Members from Philadelphia gave us their assurance there would be no request for appropriations. But somebody else later on comes along and says, "We have invited all of these foreign countries. We have to treat them courteously, we have to remember that we are Americans, and we must in this case extend the hospitality for which the Old South is noted," and there will be an appropriation. In view of that I shall object for the present.

EXTENSION OF REMARKS

Mr. PATRICK asked and was given permission to extend his own remarks in the RECORD.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made previously in the House and include certain brief quotations.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. Under a previous special order, the gentleman from Mississippi [Mr. RANKIN] is recognized for 20 minutes.

REAPPORTIONMENT

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein the bill which I have introduced, and also a table showing the number of Representatives each State now has and the number that will be allotted to each State if the bill becomes law.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, if we are to retain democracy in this world it means that we are to perpetuate representative government. Democracy, as the English-speaking world knows it, is representative government.

It was built up first by the Whigs in England, and then perpetuated by all political parties in the United States that have yet come into power. It is very essential that the House of Representatives pass its own reapportionment laws and that those Representatives be apportioned as equitably as possible among the people of the various States, if our democracy is to endure.

As ranking Democrat on the Committee on the Census, I have today introduced a bill for the reapportionment of Congress, with a slight increase in the membership of the House.

It would increase the number of seats in the House of Representatives from 435 to 450, beginning with the Seventy-eight Congress which is to be elected in November 1942.

By an increase of but 15 seats in the House, and the use of the method of equal proportions, only two States, Oklahoma and Kansas, would lose a Representative. California would get 3 new Members in the House, and one new Member would be given to Alabama, Arizona, Florida, Georgia, Kentucky, Michigan, Minnesota, New Mexico, New York, North Carolina, Oregon, Tennessee, Texas, and Wisconsin. The present number of seats would be retained by all the other States. Arkansas, Iowa, Indiana, Illinois, Massachusetts, Pennsylvania, Nebraska, and Ohio would not lose a Representative, as they would under an apportionment of only 435 Members by the method of major fractions.

My bill provides that the method of equal proportions shall be used, because this method, which has been developed since the method of major fractions in 1910, is recognized by scientific bodies as superior to other methods of apportionment, including the method of major fractions. In 1921 the Census Advisory Committee reported as follows:

The method of equal proportions, consistent as it is with the literal meaning of the words of the Constitution, is logically superior to the method of major fractions.

A report by the National Academy of Sciences prepared at the request of Speaker Longworth in 1929 concludes as follows:

The method of equal proportions is preferred by the committee because it satisfies the test (of proportionality) when applied either to the sizes of congressional districts or to numbers of Representatives per person, and because it occupies mathematically a neutral position with respect to emphasis on larger and smaller States.

The method of equal proportions equalizes as far as possible the congressional districts belonging to the several States, and also the individual shares belonging to the several States—that is, the number of Representatives per million people—inequalities being measured on the basis of relative differences. In fact, the method of equal proportions may be defined as the only method which will apportion a given number of Representatives among the several States, so that the ratios of population to Representatives, and also the ratios of Representatives to population, shall be as equal as may be among the several States. See Senate Document No. 304, Seventy-sixth Congress, third session, especially chapter 1.

Sections 2 and 3 of the bill are intended to restore the statutory provisions for the election by States of Representatives at Large in the absence of adequate State legislation for this purpose. The passage of the automatic reapportionment provision in the Fifteenth Census Act, approved June 18, 1929, was held to repeal the Reapportionment Act of August 8, 1911, which, like previous apportionment acts, had made

provision for the election of Representatives at Large (*Wood* v *Broun*, 287 U. S. 1). Some provisions for the election of Representatives at Large in the absence of State legislation on this subject is desirable, if not necessary.

These sections do not contain the questionable features of prior reapportionment acts requiring that Members of the House be elected from districts, and setting up unenforceable requirements as to compactness, contiguity, and equality in population in the districts.

The following table is self-explanatory; it shows the present number of Representatives from each State and the number each State will have if this bill becomes a law:

	Present number of Representatives	Proposed number of Representatives	Changes	
			Gains	Losses
United States	435	450	17	2
Alabama	9	10	1	
Arizona	1	2	1	
Arkansas	7	7		
California	20	23	3	
Colorado	4	4		
Connecticut	6	6		
Delaware	1	1		
Florida	5	6	1	
Georgia	10	11	1	
Idaho	2	2		
Illinois	27	27		
Indiana	12	12		
Iowa	9	9		
Kansas	7	6		1
Kentucky	9	10	1	
Louisiana	8	8		
Maine	3	3		
Maryland	6	6		
Massachusetts	15	15		
Michigan	17	18	1	
Minnesota	9	10	1	
Mississippi	7	7		
Missouri	13	13		
Montana	2	2		
Nebraska	5	5		
Nevada	1	1		
New Hampshire	2	2		
New Jersey	14	14		
New Mexico	1	2	1	
New York	45	46	1	
North Carolina	11	12	1	
North Dakota	2	2		
Ohio	24	24		
Oklahoma	9	8		1
Oregon	3	4	1	
Pennsylvania	34	34		
Rhode Island	2	2		
South Carolina	6	6		
South Dakota	2	2		
Tennessee	9	10	1	
Texas	21	22	1	
Utah	2	2		
Vermont	1	1		
Virginia	9	9		
Washington	6	6		
West Virginia	6	6		
Wisconsin	10	11	1	
Wyoming	1	1		

Mr. ENGLEBRIGHT. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from California.

Mr. ENGLEBRIGHT. As I recall, I had the pleasure of serving with the gentleman on the last Census Committee that put out the 1929 Census bill.

Mr. RANKIN. A great share of that pleasure was mine, I assure the gentleman from California.

Mr. ENGLEBRIGHT. It was mutual, I am sure.

Is the gentleman contending that the present law does not provide for the election of Representatives at Large or is he reading the statement as an opinion?

Mr. RANKIN. No; I contend the present law does not provide for the election of Representatives at Large.

Mr. ENGLEBRIGHT. Did not many of the States after the 1929 Census Act elect Representatives at Large where the legislature had failed to act? Kentucky, Missouri, and several other States did so, as I recall.

Mr. RANKIN. I think the States had such legislation on their statute books.

Mr. ENGLEBRIGHT. The States individually?

Mr. RANKIN. Yes; or else had legislation passed to provide for that very contingency.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Missouri.

Mr. COCHRAN. As a matter of fact, the bill which was passed and became law during the present Congress was enacted solely for the purpose of taking care of a situation where the Congress itself failed to perform its constitutional duty as it did after the 1920 census. Is not that true?

Mr. RANKIN. No.

Mr. COCHRAN. Why not?

Mr. RANKIN. It was simply what some people said was our constitutional duty, but even that duty will be thoroughly performed if this bill becomes a law.

Mr. GEARHART. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from California.

Mr. GEARHART. As I understand it, the matter of Representatives at Large is determined by whether a State wins or loses in representation and upon the further fact whether the State legislature in a given State acts or not.

Mr. RANKIN. Yes.

Mr. GEARHART. If a State gains and the legislature does not act, the additional members are elected at large automatically.

Mr. RANKIN. That is what this law provides.

Mr. GEARHART. And if a State loses and the State legislature refuses to enact a law, then all the Representatives of that State are elected at large and that is an automatic procedure.

Mr. RANKIN. There is some question about that, and for that reason I inserted this provision in this bill. I will say to the gentleman from California that under this bill his State would gain three additional Representatives.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Illinois.

Mr. CHURCH. I wonder if the gentleman intends to ask to suspend the rules and pass a bill at this session.

Mr. RANKIN. I hope to do so, and I will say to the gentleman from Illinois that this bill makes the following changes: If we were to fail to reapportion Congress and the automatic reapportionment went into effect the States of Massachusetts, Pennsylvania, Ohio, Indiana, Illinois, Iowa, Nebraska, Kansas, Oklahoma, and Arkansas would each lose a Member. The States of North Carolina, Tennessee, Florida, Michigan, New Mexico, Arizona, and Oregon would gain a Member, and the State of California would gain three. The other States would retain their present representations.

Under this bill Massachusetts, Pennsylvania, Ohio, Indiana, Illinois, Iowa, Nebraska, and Arkansas would all retain their present representations. Therefore it would not be necessary to tear up the Representatives from those States.

The States of Alabama, Arizona, Florida, Georgia, Kentucky, Michigan, Minnesota, New Mexico, New York, North Carolina, Oregon, Tennessee, Texas, and Wisconsin, would gain one Member each, and the State of California would gain three. The only two States left that would lose would be Oklahoma and Kansas—States that have lost population as a result of being in the Dust Bowl. The House would have to be raised to 477 before that could be prevented; 476 for Kansas and 477 to take care of Oklahoma.

Mr. GEARHART. If you increase the membership to 450 in order to prevent all States except 2 from losing, why not raise it to a figure which would prevent any State from losing?

Mr. RANKIN. That question is as old as the Government and has been asked every time a measure has come before the Congress to reapportion the membership of the House. This is the smallest number—450—that will take care of all the States except these 2 that have lost population as a result of the Dust Bowl. I wish it were different. I should like to see every State retain its present membership and take care of the increase, and my opinion is that this figure of 450 will probably be the stabilizing point of the membership of this House and that in future years the population will become more stable and there will be very little change in the representation from the various States.

Let me say to the gentleman from California [Mr. GEARHART] that this proposition does not affect me personally. My State is not involved. Mississippi will not lose or gain if the

membership remains at 435 or if we reapportion under this bill providing for 450.

Mr. GEARHART. If we reapportioned at 477, no States would lose.

Mr. RANKIN. That is true; several additional States would gain and I think probably my State would be one of them.

Mr. GEARHART. California would gain also.

Mr. RANKIN. Probably so, but I think California should be satisfied with a gain of three additional Members.

Mr. GEARHART. I think so, but we are thinking about our brothers in other States.

Mr. RANKIN. I wish it were possible to work out such a proposition. Of course, the membership of the House has the right to pass whatever legislation it pleases.

Mr. MICHENER. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. MICHENER. Of course, the speech the gentleman has made is one that was made in 1920 when he was here—not by him, but by all of us—and the one that was made in 1930. The fundamental thing is, Shall we increase the number of Members of Congress for the purpose of protecting the seats of certain Members now serving here? I said in 1920 and I said in 1930 and I repeat it now, and I think there are many others here who will vote to reduce the membership of the House to 300, because the work of the House is largely done by that number of men, and the weight of the vote of each State under the constitutional apportionment is exactly the same to the State, whether you have 300 or whether you have 3,000.

Mr. RANKIN. Now I will answer the gentleman from Michigan [Mr. MICHENER]. In the first place, the gentleman is entirely wrong. The more you contract the membership of the House, the further you get away from representative government, the further you get from the people. When the Congress was first provided for by the wisest group of men whoever sat under one roof—the framers of the Constitution—they provided that no Member should represent less than 30,000 people. Today, under the last census, we represented 280,000 on the average. Under this bill the average would be 294,000, almost 10 times the number the fathers of the Constitution had in mind when they were bringing about on this continent representative government, which means democracy for America.

Another thing, when I came to the House of Representatives it is true the Republicans were in power. You had just had that glamorous inauguration of President Harding that I was going to speak about a moment ago. I believe it was about the most spectacular performance of its kind I ever saw. The Republicans were in power. I got very little mail from my district, but since that time the business of Congress has grown, the political intelligence of the Nation seems to have increased, and the business of the average Member has doubled many times. The people he represents have more matters, more propositions to take up with him, matters that he must give his individual attention if he is going to properly represent them. I do not see how a Member of Congress can properly represent more than 294,000, which would be the average for each district under this bill.

Now, we have the smallest legislative body in the world for any great country that has a legislature at all. The House is not crowded. We have ample room for the seating of 15 additional Members. We have ample office space. One floor of the New House Office Building has not been completed, I understand. There are a large number of offices in the old House Office Building. A new Member would not mind going to the fifth floor, I suppose. I stayed there for years and enjoyed it. But what I am trying to do now is to bring about a reapportionment of Congress that will come as near doing justice to all States as possible and at the same time hold the House down to a reasonable number of Representatives. I believe this bill will do that very thing.

I now yield to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. I believe the gentleman has already answered the question I intended to ask, which was concerning the space in the office buildings.

Mr. RANKIN. Yes; we have ample space.

Mr. RUTHERFORD. Will the gentleman yield?

Mr. RANKIN. Yes; I yield.

Mr. RUTHERFORD. I have been very much interested in what the gentleman has said on this reapportionment proposition. In conversation with my colleagues I find that under the gentleman's proposition there is only one State that will actually be disturbed, and that is the State of Kansas. In Oklahoma they have a Congressman at Large. So they will just do away with him, and there is really only one State involved in this matter, and that is the State of Kansas.

Mr. RANKIN. There is only one State that would have to be redistricted.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. VOORHIS of California. I heartily agree with what the gentleman said about not making congressional districts include more people. I believe at present it is possible for a Member who tries his best to do it, to maintain very close relationship with a considerable number of people in his district. That means that he can be independent to a large extent in his relationship with those people. If the district were much larger it could not be done. I think, with the gentleman, that that is a very important element in democratic government.

Mr. RANKIN. Now let me say to the membership of the House, in conclusion, that you are the only ones on the Federal pay roll who cannot get there except by a vote of the people in your districts. A man may go from the Vice-Presidency to the Presidency. He may go from the Cabinet to the Presidency. A Senator may be appointed by the Governor of his State; all other Federal employees are appointed; but there is only one way a person can get in this House, and that is by a vote of a majority of the people of his district who go to the polls and express their suffrage in his favor.

That is representative government; that is democracy as the English-speaking nations of the world know it. It is the only kind of democracy that can survive.

If we would maintain democracy in America we must maintain a representative government, and the closer that representation stays to the people back at home the more representative it is going to be and the longer our institutions will live.

You can pile up bureaucracy all you want to; you can increase expenditures; you can delegate your authority; but if you are going to keep alive that democracy for which the world is pleading, and to which civilization is now looking, it is going to be done only by maintaining representative government, keeping it close to the people, and having those representatives exercise the prerogatives vested in them by the Constitution of the United States and by the people who send them here. For these reasons I prefer to see the House pass a measure of this kind and reapportion its own membership.

So far as increasing the House membership from 435 to 450, a slight difference of 15 Members, I say it is amply justified under the circumstances. I trust the committee will report the measure out and that we can get it passed at an early date.

There are some legislatures that meet within the next few days, around the 1st of January. Some of them have a 60-day limit, so I am told. I do not know when they will meet again. It seems to me, therefore, that if we are going to pass any legislation to take care of this situation we ought to do it as quickly as possible. [Applause.]

For the benefit of the Members I am inserting a copy of the bill at this point. It reads as follows:

A bill to provide for the apportionment of Representatives in Congress among the several States under the Sixteenth Census

Be it enacted, etc., That in the Seventy-eighth and subsequent Congresses the House of Representatives shall be composed of 450 Members, which shall be apportioned by the method of equal proportions among the several States according to the population thereof as determined by the sixteenth decennial census.

SEC. 2. In case of an increase in the number of Representatives in any State under any apportionment, such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts then prescribed by law until such State shall be redistricted in the manner provided by

the laws thereof; if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts then prescribed by law until such State shall be redistricted in the manner provided by the laws thereof; and if there be a decrease in the number of Representatives from a State, the Representatives thereof shall be elected by the State at large until such State shall be redistricted in the manner provided by the laws thereof.

SEC. 3. The candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for Governor, unless otherwise provided by the laws of such State.

EXTENSION OF REMARKS

Mr. COOPER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. CELLER] may have permission to extend his own remarks in the RECORD and to include therein a letter written by Mr. Stanley A. Bevin.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from a Washington newspaper entitled "Alter Ego to the F. B. I."

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DOXEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by our distinguished colleague the gentleman from Kentucky [Mr. CHAPMAN] at Fairfax Courthouse, Va., on July 1, 1940, at the unveiling of a tablet containing the names of the Confederate soldiers from Fairfax County, Va.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. Under the special order of the House heretofore entered, the gentleman from California [Mr. LELAND M. FORD] is recognized.

CRIMINAL ALIENS

Mr. LELAND M. FORD. Mr. Speaker, last Monday, December 2, I spoke before the House on subversive activities. In this speech I had some things to say about Mme. Perkins, the Secretary of Labor, and the Attorney General, particularly with reference to the lack of action on deporting undesirable aliens, such as Harry Bridges and some 800 others, and particularly about the cancelation of the citizenship papers of one Fritz Kuhn.

I note in the RECORD, on page 13825, my colleague the gentleman from New York [Mr. DICKSTEIN] has some comments on my speech. I will take these in the order of their sequence. He said that I had failed to advise the House that these matters had been investigated by the Attorney General and Department of Justice and that the Department of Justice had rendered a report to the Attorney General, who, he was sure, was giving the matter "careful study and consideration." If the gentleman from New York [Mr. DICKSTEIN] had paid attention to my speech he would have found therein where I said that we have been given the same answers as he gives here, namely, that "careful study and consideration" was being given the matter. That was the substance of my criticism of both the Attorney General and Mme. Perkins. That was as far as any of these things have ever got—that we were always advised that "careful study and consideration" was being given these matters, but we never have been advised of any prosecutions nor convictions of these criminals. That is the reason that I demanded action from the Attorney General other than verbal action, the only thing we have ever had.

With further reference to this same comment—and I think it was a matter of common knowledge; certainly every Congressman should be cognizant of the things going on in Government—that the F. B. I. has made this report and the Attorney General says it will have to be "studied carefully" for 2 months. This is good conversation, but I submit to you, What can these subversive interests do to our national-defense program in 2 months? We have the heads of our defense program now drawing our attention to lost time, and an editorial, which was a very good one, in the Washington Post says that our "yesterdays" can never be recovered. I think this is a true statement, and I think also that the destruction these subversive interests are now carrying on can never be repaired.

With further reference to the fact that this is under investigation, I will call my distinguished colleague's attention to the fact that I have talked on this for practically 2 years, as every Member of the House knows, and during those 2 years there has been nothing but investigation. I ask my distinguished colleague if he knows that Harry Bridges was never tried before any duly appointed and qualified Federal judge, or any other elected judge, but that he did have a hearing before Dean Landis, who is not a judge and does not bear the title of judge, and that, in my opinion, the department that handled this matter was actually afraid to have it come before the Federal judge in San Francisco on account of this judge's record of having deported aliens under similar conditions, and that they did not want Bridges deported. It is my further opinion that the Department went to great lengths to place this case in a jurisdiction where they knew that Harry Bridges would be defended and not prosecuted; that this hearing before Landis was nothing more than a farce and a whitewash; and I call his attention to the Landis report and the practical confession that Harry Bridges made therein.

I also draw my distinguished colleague's attention to the fact that there is always a certain group who are coming to the aid and assistance of these subversive interests, who are always giving us these words, "Careful study and consideration is being given to the matter." They defend them on technicalities. They say there are other means of handling the situation and make technical objections; but after they have stopped the deportations of the criminals and subversive interests, they never come forward and follow through to see that they are deported. I ask my distinguished colleague from New York if he is now coming to the defense of Fritz Kuhn. If he heard my speech, he certainly knows that I stated that the Department had 54 precedents for canceling Kuhn's citizenship, after which they could then proceed with his deportation. Is this gentleman against any such procedure? For this gentleman's information, I have been after this Department for several months and cannot get any action. If the gentleman will read the CONGRESSIONAL RECORD, he will see wherein I filed my letter asking the cancelation of citizenship papers of Fritz Kuhn. I ask this same gentleman why we should not criticize any official who we think is not doing his duty. I ask him if this country has become so nazified that he thinks that Congressmen are nothing but pawns and should not criticize these bureaucrats.

He says, "it is pathetic to see any Member attack any department head." My answer is that it is pathetic to think that a Congressman has any such concept of his duty as to make that statement. My idea is that Congressmen are sent to the Congress of the United States to represent their people, and when any department head, in any party, fails to do his duty it should be brought to the attention of the Congressmen, and if that failure continues I again make the statement that the official should have to resign, be discharged, or be impeached. I certainly cannot yield to any such concept as this, as it does not coincide with my idea of what constitutes American representation and the duties of a Representative.

Would this gentleman from New York have us sit silently and idly by while this subversive program of destruction is going on?

Does this gentleman from New York defend Harry Bridges, Fritz Kuhn, C. I. O., these Communists, these Nazis and Fascisti, whom I am fighting? If his answer is "No," I again say that it appears to me that criticism of officials who fail to do their duty is entirely proper, and I say to him that it is pathetic to me to see any Member defend these people, directly or indirectly, or defend the officials who in turn are defending them.

With reference to Mme. Perkins, wherein he states that she has failed to do this, that, or the other, but that she did the job in the best way the law would give her the right to do, he also states that you cannot deport a criminal unless

there is a place to send him to. This is nothing more than drawing a herring across the trail. My opinion is that Mme. Perkins has been the worst failure in history of any Cabinet officer. Meeting the criticism of the gentleman from New York fairly, I will say that his answer does not hold water, because Harry Bridges could and should be deported to Australia. Secondly, Fritz Kuhn's citizenship paper can be canceled and he can be sent to Germany. My colleague must certainly know that there is still a Germany and there is still an Australia, and that he, or none of our officials, can hide behind that general statement in the face of the facts, namely, that there still is an Australia and there still is a Germany. Neither can he hide behind the fact that where these criminals—and I use the word as used by my colleague—are found to be criminals, they certainly should be confined either in prisons, immigration stations, or concentration camps. These institutions have not been wiped out by the Treaty of Versailles, and to have him make the statement that Mme. Perkins could not do anything under these conditions and the criticisms against her were unjustified, appears to me to be juvenile and worse than no statement at all.

In the last paragraph my colleague says:

> The criticism of any head of a department is unfair at this time, when we are trying to work together for national defense, irrespective of political beliefs or affiliations.

This is rather an astute statement, but, reduced to plain English, I say that I agree with him that we should stand together for the protection of this country; but the thing that I am criticizing is the protection that these saboteurs and criminals are getting, whose object is to destroy our defense program, and that is exactly what these people whom the Department of Justice and Mme. Perkins have protected are trying to do. My colleague is not consistent, because it is not consistent to protect these criminals and—I use his own words—allow them to run at large, carry on their program, and then say we are defending the country.

I notice he says that "the Department has done the very thing it was supposed to do." My answer to that is this: Supposed to do by whom? By the Communists, the Nazis, the Fascisti, saboteurs, and criminals? Or is their duty to the people who have the welfare of this country at heart? By my colleague's own statement, on page 13825, he says you cannot "deport even the worst criminal unless there is a place to send him to." Are the heads of our departments, namely, Mme. Perkins and Attorney General Jackson, unaware that there are prisons and places to put criminals? Or specifically, in Bridges' and Kuhn's cases, Australia and Germany?

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield at that point for a question?

Mr. LELAND M. FORD. I yield.

Mr. HOFFMAN. Cannot a criminal be sent to jail if he happens to be an alien?

Mr. LELAND M. FORD. If he has committed a crime, yes; by a court of competent jurisdiction, and if our Attorney General wants to carry out the law.

Mr. HOFFMAN. Does the Attorney General have the right to refuse to try a case because the man accused does not have a country to go to?

Mr. LELAND M. FORD. His thought was that the country had been wiped out; but Australia and Germany had not been wiped out. Either one of these men could be sent back to the country from which he came.

Mr. HOFFMAN. Do not our courts have jurisdiction over alien criminals to send them to State prisons or to the Federal penitentiary?

Mr. LELAND M. FORD. In ordinary cases they do, but in this case this man was not tried by a court, was not tried by a judge; he was tried by a university professor.

Mr. HOFFMAN. If, as the gentleman from New York said, these men are criminals, I would like to know the reason why they cannot be sent where they belong, either to State prisons or the Federal penitentiary.

Mr. LELAND M. FORD. They should be sent to prison. Bridges can be held for a felony right now, perjury.

Why should a Member of Congress have to tell the Attorney General that there is a prison to which to send these people, a concentration camp, back to Australia, or back to Germany? I again criticize this official, if that is my colleague's defense of him, and say that this official should at least know that.

This whole procedure, as has been indulged in in the past, appears to me to parallel that type of procedure in some of the larger cities where the gangsters are said to have received their protection.

I again criticize Mme. Perkins and Attorney General Jackson in that they have given explanations that are as full of as many holes as my colleague's criticism is.

When I offered a general bill before the Immigration and Naturalization Committee my colleague from New York said it would be impossible of interpretation, that is, that part of the bill that said when these subversive interests gave aid to Communists, Nazis, and Fascisti, helped, aided, abetted, and so forth, that that language was impossible of interpretation. My answer to him was that the language was parallel to the language used in our criminal codes, which has successfully been used by all the courts for 150 years, namely, that the judges and juries in this country have always been able to determine what an accessory or an accomplice to murder was.

I can only say that my colleague certainly has courage to defend either Mme. Perkins or Attorney General Jackson for lack of action and nonperformance of duty in connection with the deportation of Harry Bridges and the cancelation of Fritz Kuhn's citizenship.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield.

Mr. HOFFMAN. On Monday of this week, the last time the House was in session, the gentleman from New York [Mr. DICKSTEIN] stated in answer to a question which I asked that he had not criticized the gentleman from Texas [Mr. DIES] or his committee. Does the gentleman know anything about the accuracy of that statement?

Mr. LELAND M. FORD. Yes; I know the answer he gave.

Mr. HOFFMAN. What was the answer he gave to my question? The answer that appears in the RECORD was not the answer recorded by the stenographer. As it appeared in the RECORD it did not seem to me to be the one that was made on the floor.

Mr. LELAND M. FORD. His original answer was, "No; I have not."

The corrected answer has been changed entirely, in substance to read: "Not until recently."

Mr. HOFFMAN. What was the question?

Mr. LELAND M. FORD. The question was: "You say you have not opposed the Dies committee or criticized the gentleman from Texas, Mr. DIES?"

Mr. HOFFMAN. And what was his answer then?

Mr. LELAND M. FORD. His original answer was: "No; I have not."

Mr. HOFFMAN. Has the gentleman looked at the RECORD to see whether that appears on the RECORD?

Mr. LELAND M. FORD. Yes; the RECORD is in accordance with the corrected statement, not the original statement.

SPECIAL ORDER

The SPEAKER. Under a previous special order the gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that on next Monday at the conclusion of other special orders heretofore made I may be permitted to proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, it is a pleasure, a privilege to speak before the House when so many of the Representatives from the great State of Pennsylvania are present as they usually are. [Applause.] They have been extremely faithful in attending the sessions of the House while so many on the majority side are absent day after day.

Mr. CHURCH. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Illinois.

Mr. CHURCH. Is the gentleman going through all the States?

Mr. HOFFMAN. No; I think not. I might call attention to the fact, however, that before we recessed there was more or less hysteria about a war somewhere, about the necessity for appropriating billions of dollars for national defense and about the dangers that we were incurring by our failure to at once adopt the conscription law.

Let us consider the statements of the President and some of his supporters. Many people got the idea from their statements that we were going to be invaded at once. It was on the 20th of May last that the President, by his statements indicating that there was danger of an immediate invasion from Germany, that many of the cities of the interior might be blown to dust by German bombers, threw the whole country into hysterics.

I notice, however, that now that the election is over, and although the President for the purposes of the campaign frequently made the statement that he could not be absent from Washington, that he must remain near enough to the Nation's Capital so that he could get back within 12 hours, the danger now appears to have been dissipated by the lapse of time or, perhaps more correctly, by the success of the drive for a third term, and he now finds time, notwithstanding the war is still going on, to take about a 10-day fishing trip.

As on another occasion when he had satisfied his penchant for theatrics by shouting "fire, fire," and calling Congress in special session, at a cost of half a million dollars, he, figuratively speaking, now tucks his tongue in his cheek and goes off on a vacation. It is to be hoped on this one he will not, as he did on a prior occasion, see a mythical submarine. If his ego demands publicity, however, we shall undoubtedly get news reports over the radio that a mysterious submarine, perhaps a sister ship to that one which did not appear off Newfoundland but about which he told us, has been seen in the vicinity of the Presidential fishing cruiser.

Mr. PITTENGER. Will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. PITTENGER. The gentleman mentioned about certain Members being present from Pennsylvania. There are more present besides Members from Pennsylvania?

Mr. HOFFMAN. Oh, yes; the gentleman is always present, and the seats on the minority, the Republican, side are apparently well filled.

Mr. RUTHERFORD. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Pennsylvania.

Mr. RUTHERFORD. I may say that the Republican Members from Pennsylvania are present.

Mr. HOFFMAN. Yes; I noticed that the Republican Members from Pennsylvania were present and referred to the fact.

DEMOCRACY, LIKE CHARITY, SHOULD BEGIN AT HOME

Mr. Speaker, not so long ago, at the cost of billions of dollars, untold suffering, and the death of more than 130,000 men, this Nation fought a war to make the world safe for democracy.

Again the warmongers, who seldom fight and never pay, the money changers, who squeeze their fool's gold out of the blood and the suffering of the common people, are raising the cry that, for the preservation of civilization and our own freedom, we must again join the war-mad nations of Europe in their bloody, senseless, wholesale slaughter of enslaved men, innocent women, helpless children.

It is well, it is good, to be generous; to be helpful to others. It may be expedient for us in our own interest to aid those others, upon whose success, so many would have us believe, our own freedom depends.

One thing is sure. One thing is certain. It is futile to talk, to act, to expend treasure, to waste lives, if, at the end of the road, we find this Nation either unable or unwilling to protect the liberty of its citizens.

"For what shall it profit a man, if he shall gain the whole world, and lose his own soul?" has been ofttimes repeated. What have we gained by fighting to protect the democracies of the world, the freedom of the common man of Europe, if, when the day of battle has ended, when the sun has gone down into a sea of blood, when its light no longer makes visible the graves of the millions of men who have died in vain, our own citizens are deprived of the freedom which for so long has been theirs?

When, because of his sins, God drove Adam from the Garden of Eden, He said, "In the sweat of thy face shalt thou eat bread." From that day to this, man, if he would live, has been forced to work. The right to work is a God-given right. The right to work is a right guaranteed by our Constitution. The right to work is a necessity to man's existence.

Yet here in so-called free America today, men—thousands of them—are denied the right to earn a livelihood for themselves, for their families; to provide for their old age, to render their future secure.

This Government of ours exists only because it can levy taxes upon its citizens. It can levy taxes only when its citizens are profitably employed. Denied the right to work, men cannot pay taxes for the support of their government. How foolish the government which denies protection to the man who earns the wage out of which comes the tax which enables that government to exist. How stupid the government which permits another to share its power to tax. How utterly devoid of political morality is the government which joins hands in partnership with those who by might, without semblance of right, prey upon the man who must earn his daily bread by his toil.

Never, no, never in all history, has a greater shame come to any nation than that which is with us today because of our cowardice, our failure to deal with this situation. The fate of a nation whose boast it is that it is the richest, the greatest, the most powerful Nation in all the world; which loudly proclaims that it is the last outpost of civilization; from whose Statue of Liberty there flames the torch of liberty, rests in the hands of those who are either so thoughtless, so ignorant, or so cowardly that they will not protect the right of the man who but desires to earn the food which sustains life, the clothing which keeps him from freezing, the shelter which protects him from the elements.

The right to work is an absolute right. It is not a qualified right. No man, no organization, no municipality, no government has the right to deny to man the means of sustaining himself—the right to exist.

That this Government of ours is doing that very thing—that is, permitting the levying of tribute, the qualifying of a man's right to keep body and soul together—is shown by the communications which have been placed by me in the RECORD. It is shown by excerpts of a letter attached hereto, and this letter is but one of many.

For almost a year this Congress has been in session. For an equal length of time we have known that democracy no longer prevails in these United States of America. We have known that an essential, constitutional, moral right has been, and is being, denied to thousands of our citizens. For more than a month we have known that the cost of our whole program of national defense has been and now is being increased; that its scope has been and is being limited.

Is it because we fear the voting power of organized minorities that we refuse to take action, to give relief? The most damning thing that can be said against democracy is that when it sees its very existence threatened by unlawful activities—when it knows that its citizens are being deprived of the rights given them under their form of government and which they must have the privilege of exercising, unhampered and untrammeled, if they and the Nation are to endure—it neglects or refuses to take adequate measures for its own protection.

Preserve the democracies of the Old World is the cry. My plea to you is preserve democracy here in America by restoring to the individual the opportunity to work, to labor for the defense of his country, which has so long been denied him.

Aid to preserve the democracies of Europe; yes. But first the restoration of democracy here at home.

To those who insist that we fight the dictators abroad, restore democracy to the people of the Old World, let me quote the words of Saint Matthew, who wrote:

And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

Or how wilt thou say to thy brother: Let me pull out the mote out of thine eye; and, behold, a beam is in thine own eye?

Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

As a preliminary to casting out the dictators of Europe, restoring democracy to the people of Europe, let us here in Congress cast out the dictators, the collectors of tribute, and restore to the American workingman his right to work.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I should like to make this observation in connection with the measure which the gentleman from Michigan has introduced and his speech of the present moment. Yesterday there came to my office a man who has been given a job at Fort Belvoir in a carpenter position in the construction program.

When he went to report for that job he found he could not go to work, even though the Government had a job for him and he had been called, if he was not a member of the carpenters' union. He had a conference with the union here and was told that he would have to pay $75 to work, but that the union officials would accept one-half of that $75, and after he had received his first month's pay the second installment of $37.50 could be paid.

I was told by this man that he had been without employment and that he did not have the money necessary to pay the union. There were tears in his eyes—he was confronted with a very real problem.

I have fought for labor legislation and know organized labor has done much to right many wrongs for those who toil. We do stop and wonder, however, as we meet situations such as the one I have described.

Mr. HOFFMAN. It is to obtain relief from situations similar to that which the gentleman from West Virginia [Mr. RANDOLPH] has just mentioned that I dropped in the hopper today a bill which extends to the national-defense program the provisions of sections 276 (b) and (c), title 40, Code in force January 3, 1935, which were enacted to prevent a kick-back or a reduction of Federal wages on Government work, and which bill would add a new provision, making it unlawful to demand or receive any sum of money as a condition precedent to obtaining work or furnishing materials, or continuing to work or furnish materials, in connection with the national-defense program. This bill seeks to end the racketeering now prevalent on so many Government jobs.

Let me read excerpts from a letter which throw more light on what is happening at Fort Belvoir—within 25 miles of where Congress is in session. Let me quote excerpts from a letter received Tuesday, December 3:

This letter is signed, and the gentleman who sent it to me enclosed his social-security card. He enclosed three work permits, one given him, one for which he paid $5, both of these from a Washington union; a third one, for which he paid $5, purporting to be issued by a union at 25 School Street, Quincy, Mass., but which, as a matter of fact, was obtained at Quantico.

The writer of this letter suggested that I should not use his name, although he did state that I might do so if it would be helpful. He writes:

EAST FALLS CHURCH, VA.,
December 2, 1940.

HONORABLE SIR: The following statements and enclosures are absolutely true and correct in every detail, dealing with the national-defense project at Fort Belvoir, Va.

On Monday * * * I went to Fort Belvoir, Va., seeking work as a laborer. I was asked by the superintendent if I had a union card. I told him no; he advised me I would have to join the union in Washington, D. C., before he could put me to work.

It being late in the afternoon, I went to the laborers' union hall, 523 New Jersey Avenue NW., the next morning. * * * There was a colored man in the office. I told him I would like to have a permit to work at Fort Belvoir, Va. He told me a union card would cost me $58—$25 down and the balance of $33 to be paid within 60 days. This included 3 months' dues. I told him I did not have $25. He told me that was the union rules.

On Monday * * * I went to Fort Belvoir again with a man by name of * * *, a neighbor of mine, but we soon learned we had to pay $25 down for a card before we could go to work. * * * has a family and was in the some predicament as myself.

On Tuesday * * * I heard they were giving permits to laborers for $10. I borrowed $10 and went to Fort Belvoir on Wednesday. I stood in line at office in the rain about an hour. When my turn came I was told that I would have to get a work permit from the union before they could sign me up, but the young man told me that the union representative was out front in his car. I at once went to him with $10. He told me he could not take any money from me but would give me a permit if I would go to the union in Washington, D. C., by * * * and pay $5. I agreed to do this, and he gave me permit signed * * *, good until November 17, 1940. I went to the job on November 14, 1940. However, it was raining, and the superintendent told me to come back and start to work on Monday, November 18, 1940. This I did. So did my neighbor * * *, and we have been working at Fort Belvoir since then.

On Tuesday * * * one of the men I was working with asked me where I had gotten my card. I told him I had paid $5 for permit in Washington, D. C. He then told me there was a laborers' union at Quantico, Va., and that I could get a card for $12, $5 down and balance of $7 in 30 days.

On * * * I found a laborer who lived at Quantico, Va. I gave him my Social Security card and $5, and asked him to get me a permit, and on * * * he brought me this permit issued by Robert Bates, good for 30 days, and issued by Local Union 801, Quantico, Va.

However, when my neighbor * * * went to Quantico to get a permit, Robert Bates, a colored man, advised him the initiation fee had been raised to $23, 2 weeks ago.

* * * * * * *

No one will ever know what my family and myself have gone through these past 4½ years, but, sir, they have been more bitter than all of my past 55 years. And for my family's sake, I am asking that you protect my name if possible.

My work number at Fort Belvoir is * * *. I am working on section * * * and can furnish the names of any number of reputable men who are working on this same job, who have paid $5, $10, $15, and $25 for permits to work on this job and paid it in advance.

The Local Union, 801, in Quantico, Va., was chartered 6 or 7 months ago. At first, the initiation fee was $5. I have been told there are about 150 laborers working at Fort Belvoir from this Local 801 in Quantico.

There is also a laborers' union of the same type in Alexandria, Va., Local Union No. 1079. But for some untold reason the big shots from Washington, D. C., moved in on this job.

* * * * * * *

Will you kindly have these enclosures returned to me by last of this week. I have to show this permit to steward each Monday.

It's grand to be an American citizen, but, sir, it's hell to have to pay tribute to racketeers and crooks as a condition to work.

If I can help you in any way, though it may cost me my life in this fight, I'll be glad to help. You will note that I lost about 3 weeks' work before I went to work on this job, and should this complaint become known, I am sure I will be done for.

The profit in labor is too great and the choice whether to pay or not to pay should rest with the worker, not the labor faker. If you keep up the fight, you are sure to make this a decent place to work in.

Phoned in yesterday morning December 4—by a man who gave his name, who said that he was 63 years old; that he held a union card and had handled labor for many years—was the following information: He said that the contractors at Indian Head were Harwood & Nebbel, who had an office in the fifteen or sixteen hundred block on K Street NW.; that these contractors were putting up houses; that they were not employing carpenters' helpers for the reason that if they did the helpers would be forced to join a union.

He stated that instead of employing carpenters' helpers they were employing common labor at 80 cents per hour on a 40-hour week with overtime at time and a half.

He further stated that if one of these laborers aided in taking lumber from a truck he must at once join a union.

He further stated that a union representative on the ground whenever a truck drove in, at once inquired as to whether the driver was a union man; and if he was not, demanded that he join a union.

The same gentleman gave me further information, which was in substance that a young college graduate who had never had a day's experience as a carpenter was working on a Government job now as carpenter, within a few miles of Washington; that he earned or was paid $120 a week, the wage

rate being $10 per day, but the young man getting in enough time and a half and double time to run the weekly wage to $120.

The gentleman phoning in the information said that he knew what he was talking about as he had relatives on Government work and he was himself a Government employee and a union man. He declined to permit me to use his name, stating that the reason was obvious—that he did not want trouble with union men.

Statements like the foregoing, whether they be true or false, create discontent and unrest, and the House should appoint a committee as I asked it to some days ago, to ascertain the facts as to the many very serious charges which have been made and many of which are not denied.

I am today introducing privileged resolutions in an effort to secure some of this information. Previously I have introduced resolutions seeking similar information, but the information, for some reason or another, has not been given. It is quite evident that the only effective way to uncover and put an end to this racketeering is through an investigating committee of the House.

Whether the Department of Justice is too busy to investigate this condition, whether it has investigated it, or whether it lacks authority to stop this sort of racketeering through prosecuting for conspiracy is all beside the point. The racketeering exists, extortion is being practiced upon the workingman. The cost of the defense program is being unjustly enhanced, the defense program is being delayed.

Sooner or later, unlawful interference with our national-defense program, with the right of a man to work, must be brought to an end. We might just as well do it now as to let it continue.

December 3, a retired major who stated his business was causing him to visit various camps, giving his name and rank, phoned the following information:

He said that at Camp Dix, 14 miles out of Trenton, N. J., the fee that must be paid by carpenters before they can work at the camp is $100; that the wage is $21 a day; that that was not the prevailing wage in that locality; and that when he asked as to why that wage was paid he was advised it was the wage in New York City, from which the carpenters came.

Another man, a resident of Washington, who gave his name and who is listed in the telephone directory but who did not wish to be quoted directly, said that he was studying carpentry in connection with the defense program in one of the Washington high schools.

He then said, "You were correct in your statement yesterday about the necessity of paying in order to get a job at Fort Belvoir. They are using 2,000 carpenters, and each one is required to pay $50—$25 down and the rest at the end of 3 days." He then asked, "Is that not a rake-off of $100,000?"

He further said that nearly 200 carpenters were fired because they were incompetent but that they did not get back the $25 fee paid.

One of the purposes for the introduction of the resolution for an appointment of a committee to investigate is to determine the accuracy of such statements as the foregoing. Some of these statements we know to be true; as to others, there is a dispute. The taxpayers are entitled to know the truth.

EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the bill S. 3729, which the House considered today.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Under a previous special order, the gentleman from California [Mr. COSTELLO] is recognized for 10 minutes.

WAGES IN THE AIRCRAFT INDUSTRY

Mr. COSTELLO. Mr. Speaker, the entire aircraft industry is being threatened at the present moment with an outbreak of strikes, which promise to bring the whole aviation defense program to a standstill. The production of planes, so vital to this Nation as well as to Great Britain, is in danger of being stopped at any moment. The demands now being made for wage increases are not an outgrowth of the Vultee strike, since in many cases the demand for increases was made at about the same time at many aircraft plants. However, the demands have been altered to conform with the Vultee scale of wages, being reduced from the 75-cent minimum originally asked to 62½ cents.

The ink was not dry on the Vultee agreement before it was announced that higher wages would be sought from Ryan Aeronautical Co. at San Diego, North American Aviation, Menasco Manufacturing Co., and the Harvill Aircraft Die Casting Corporation of Los Angeles. Nor are the demands confined to the west coast, since the New York Times of yesterday reports that wage demands and organization efforts are being made at Farmingdale, Long Island, where the Ranger Aircraft Engineering Co., Republic Aviation Corporation, Grumman Aircraft Engineering Corporation, and Liberty Aircraft Corporation are the primary objects of the eastern attack. Workers at the Ranger Aircraft plant voted last month to go on strike, but so far have not done so.

The pretext for these increased wage demands is based upon the difference between the hourly wage rates paid in the automobile industry and the rates paid in the aircraft industry. The average hourly wage scale in the automobile industry is 94.9 cents as of July 1940. That of the aircraft industry for July is 73.8 cents. However, the aircraft industry provides steady annual employment for 52 weeks in the year, while that of the automobile industry is seasonal. In 1938 the average annual earnings of the automobile worker were only $1,184; and in 1939 were $1,440; whereas the annual average earnings for the aircraft worker, even at 73.8 cents an hour, will be $1,584. In the aircraft industry at the present time nearly half of the employees have been working for less than a year, whereas more than half of the automobile employees have worked for more than 5 years in the industry. Aircraft employees after their first year of work receive substantial increases of pay, so that for the older workers the average annual pay exceeds $2,000. The present annual wage of the aircraft industry now far exceeds the average of the automobile worker.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman.

Mr. HOFFMAN. Would the gentleman care to insert here the average wage of the agricultural worker, which is less than $500 a year?

Mr. COSTELLO. I might state to the gentleman that if we go into the nonmanufacturing field we will find it is very much lower than either the automobile or aircraft industry, and likewise the average wage for all manufacturing industries is considerably lower than either of the two I have mentioned.

It is a significant fact that where wages are increased the number of hours worked are usually reduced, so that the annual income of the worker is less than under the lower wage. The automobile industry is a mass-production industry, demanding less of the precision and technique of the aircraft industry. With assembly lines and conveyor belts, quantity is produced in the automobile industry, while the skill of the individual workman is required in the aircraft, so that the two cannot rightly be compared.

Mr. Speaker, the Vultee strike is ended, but the price of the settlement has not been mentioned. The labor cost in aircraft manufacturing is 40 percent of the cost of the finished product. If the Vultee standard of wages is to be forced upon the industry, then the added cost of airplane production will be $250,000,000. This cost is going to be passed on to the Government in the purchase price of the planes now under construction. In a word, the taxpayer will be charged an additional $250,000,000 without receiving the benefit of even one additional plane.

The Vultee scale of wages cannot be forced upon every aircraft manufacturer in the country without completely disrupting the whole economy of many communities in which the plants are located. The Vultee scale of wages cannot be adopted in the aircraft industry without causing a similar increase in wages in all industries throughout the Nation. These increases are the first step in a period of inflation which

threatens to make the silk-shirt days of the World War period look like shreds of cotton. Something must be done to prevent this wild inflationary movement which is now budding. It is up to the Federal Government itself to determine whether it is willing to pay the added cost made necessary by reason of these wage increases. The Government must decide now what policy it will pursue before the movement shall go too far.

Mr. Speaker, I recommend an editorial which appears in this morning's Washington Post, calling upon the Government to appoint some single head as a coordinator of the entire defense program because without such a head no real action can be had.

The Government must decide now whether the taxpayer is going to be called upon to pay the piper $250,000,000 but receive not one additional airplane.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman.

Mr. RANDOLPH. I hope the gentleman will agree with me that there has not been a period in our history, at least certainly not in recent years, when there was greater need for the Congress of the United States to be in session and to have been in session, with its committees functioning and with its Members giving attention to these problems, than at the present time. [Applause.]

Mr. COSTELLO. I think the gentleman is quite correct in that respect. If legislation is required to solve this particular problem, the gentleman knows full well it is a very difficult thing to try to write legislation that will really cover the situation, and unless the committees are functioning, no consideration can be given to this matter until next January, and by that time it may be far too late to attempt to remedy the situation.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman spoke about the editorial in this morning's Post calling for a coordinator.

Mr. COSTELLO. That is correct.

Mr. HOFFMAN. I wonder if the gentleman is aware of the fact that something like 2 weeks ago I dropped a bill in the hopper calling for the appointment of representatives from departments of the Government to ascertain and fix, or rather stabilize where they now are, prices of services and commodities during the period that this emergency may exist; that is, while we are preparing for war, the purpose being not to cut down wages, but to keep everything on an even keel; the cost of living to be kept down and wages to stay where they are and everything to stay right where it is now, so that neither the Wall Street fellow nor the banker nor the labor racketeer can profit.

Mr. COSTELLO. I may state to the gentleman that the Committee on Military Affairs, of which I am a member, has for several years attempted to enact legislation of that character. Numerous hearings have been held on trying to prevent profits from being created in wartimes, and likewise to stabilize prices at the very outbreak of such an emergency as the country is now facing, and I believe something along that line must be done if we are to avoid this period of inflation which is definitely headed our way. Frankly, it does the laborer no good to increase his wages to an exorbitant figure if the prices of all commodities are going to be increased in like manner or in excess of the wage increase. [Applause.]

[Here the gavel fell.]

SPECIAL ORDER

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Michigan [Mr. CRAWFORD] is recognized for 20 minutes.

Mr. CRAWFORD. Mr. Speaker, I propose to discuss a subject here which, to me, is not at all pleasant, which Members from the cotton section of the United States do not dare discuss in the manner in which I am going to present it, but as a Member of this House and as a Representative of the Eighth District of Michigan, with my constituents holding an interest in 6,300,000 bales of cotton, I feel that it is time for some very plain statements to be made. Some things have occurred in the city of Washington in the last few days which have to do with this great basic crop which we call cotton.

In my opinion, there is rank collusion among certain warehouse operators who store cotton belonging to the United States, and also cotton in which the cotton growers of this country have an equity under commodity-credit loans.

Furthermore, I am convinced that these cotton-warehouse operators have been in Washington for the specific purpose of influencing Members of the Congress of the United States, not only to circumvent the law, but to prevent the Commodity Credit Corporation from carrying out its responsibilities to the taxpayers of the United States.

On October 31, the commodity-inventory sheet of the Commodity Credit Corporation shows commodities owned by the Commodity Credit Corporation to include 6,347,787 bales of cotton. The last cotton-information sheet which I am able to obtain from the Department of Agriculture, dated December 4, 1940, shows that 2,239,979 bales of the crop of 1940–41 of cotton have moved into Commodity Credit Corporation loans, as completed and reported to the corporation by States, as follows:

Mr. Speaker, I ask unanimous consent to insert this sheet in the RECORD at this point.

The SPEAKER pro tempore (Mr. KERR). Without objection, it is so ordered.

There was no objection.

The statement is as follows:

COMMODITY CREDIT CORPORATION REPORTS ON 1940 COTTON LOANS

WASHINGTON, D. C., *December 4, 1940.*

Commodity Credit Corporation announced today that through December 2, 1940, loans made on 1940-crop cotton by the Corporation and lending agencies aggregate $107,967,056.98 on 2,239,979 bales.

Cotton loans completed and reported to the Corporation by States are as follows:

State	Number of bales	Amount
Alabama	86,861	$4,167,764.59
Arizona	26,702	1,286,022.98
Arkansas	82,121	3,911,556.37
California	74,459	3,779,813.48
Florida	151	7,320.73
Georgia	141,167	6,771,864.47
Louisiana	80,504	3,898,484.50
Mississippi	58,316	2,682,020.64
Missouri	6,090	284,254.72
New Mexico	1,615	76,511.94
North Carolina	24,219	1,159,809.48
Oklahoma	110,444	5,221,111.94
South Carolina	99,225	5,047,123.39
Tennessee	8,082	397,415.76
Texas	1,171,334	56,349,083.24
Virginia	237	11,465.10
Total	1,971,527	95,051,623.33
Loans by cooperatives	268,452	12,915,433.65
Total	2,239,979	107,967,056.98

Mr. CRAWFORD. Mr. Speaker, the Government of the United States and its taxpayers operating through the Commodity Credit Corporation must pay warehouse charges covering storage and insurance on the cotton while stored, and the Commodity Credit Corporation has up to date, in my opinion, acted in accordance with the law in trying to have this cotton stored and insured at as reasonable a rate as open competitive bids will obtain that service for the United States Government and for farmers who have equities in the cotton stored. For this the Commodity Credit Corporation is to be commended.

When Members of the Senate and the House of Representatives give their assistance to warehouse companies to prevent open competitive bids, in my opinion, we are striking at the very heart and the very bloodstream of honest Government administration on the part of our Government agencies.

In the CONGRESSIONAL RECORD of December 2, 1940, pages 13796–13800, the Members of the House will find certain information. They will find a resolution which reads:

Resolved, That the Commodity Credit Corporation and the Department of Agriculture be, and they are hereby, requested not to ask more or, if already asked for, not to receive bids or make contracts for the reconcentration or rewarehousing of cotton in the Southern Cotton States until the matter can be taken up and considered by the Congress at its ensuing January session.

Now, what was that all about?

Mr. HOFFMAN. It looks like a monopoly.

Mr. CRAWFORD. It is worse than a monopoly. The Commodity Credit Corporation called for open bids under date of November 8, for the purpose of obtaining rates under which to store this Government-owned cotton; not just the farmer-owned cotton, as the debate would lead the unsuspecting public to believe and as certain warehouse operators would lead Members of Congress to believe. I am talking about the rates on Government-owned cotton, as shown by these inventory sheets, 6,300,000 bales.

On November 8, 1940, the Commodity Credit Corporation sent out sheets similar to this I hold in my hand, inviting warehousemen to submit bids for the storage of all cotton, except that from the 1940 crop which is now being harvested, either owned or held as security for loans by the Corporation.

Bids must be submitted prior to noon November 22, 1940, and the rates offered in bids accepted will be effective from December 1, 1940.

The invitations for bids are limited to warehouses located in the cotton-producing areas and ports adjacent thereto.

Why was not New England included in this statement? Apparently, because as stated by Commodity Credit Corporation:

> Cotton stored in these areas is readily available for distribution to all domestic consuming centers and export markets without the loss of transportation expenses.

Following the release of that press notice and the sending out of the invitation to bid and contract forms attached, there are three different types, one where you would bid on storage charges on cotton to be continued in storage; another, where you would bid on storage charges on cotton to be continued in storage and additional cotton to be shipped by Commodity Credit Corporation which you might wish to store in your warehouse; and another type of contract covering reconcentrated cotton or cotton transferred from one warehouse to your warehouse. These bids were to be back not later than November 22, 1940, and they state here, "The bids will be opened on November 22. Each bidder will be notified by a letter postmarked not later than December 16, 1940."

What happened after these requests were mailed out? This group of warehousemen came up here in a flock and began their nefarious work here on this hill.

Mr. HOFFMAN. Will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. HOFFMAN. Maybe those warehousemen thought they had formed a union and were entitled to the sole privilege of storing cotton for the Government.

Mr. CRAWFORD. If the gentleman will read this debate in the RECORD he will come to the conclusion that they thought perhaps they had greater power than that, because if there ever was a scandal spread over this hill I contend this is one. I do not propose to let it go by without branding it exactly what I think it is.

I think we can get plenty of support to break this thing so that it will not revive this question in the next session of Congress because about a year ago this thing came up on the floor of the House and it was completely licked for the time being. This time, however, it was carried to the other body and the Warehouse "Gang" got away with it the second time by having the Senate resolution passed.

You must keep in mind that this Government owns over 6,300,000 bales of cotton outright. This cotton does not belong to the farmers of this country in any way, shape, form, or fashion. It has been taken over lock, stock, and barrel. The cotton in that situation is cotton in which the farmer could not have any equity later on. The United States Government is the largest holder of cotton in the world today. One of these warehouse companies I understand holds over 2,500,000 bales of cotton in its various plants in the Mississippi Valley and it apparently objects to the building of warehouses for storing cotton by any other warehouse company in its territory.

I refer you to the Federal Trade Commission Complaint Docket No. 4090. It has protested against the United States Government agency, the Commodity Credit Corporation, seeking competitive bids for the warehousing of this cotton; and in many cases we have probably paid that outfit enough storage on cotton to pay for the warehouses, lock, stock, and barrel, in which the cotton is stored. At the present time we have some cotton in these warehouses that has been stored since 1935 and on which we have paid perhaps $10 per bale storage. I happen to know enough about contracting and building to know that I could build a warehouse to store cotton at a considerably less cost than $10 per bale.

Mr. SHERIDAN. Mr. Speaker, will the gentleman yield?

Mr. CRAWFORD. I shall be pleased to yield because I want this to be a wide-open discussion, if we can get it.

Mr. SHERIDAN. Will the gentleman relate the procedure in detail by which the cotton is placed in these warehouses, the manner in which it is stored? In other words, will he trace the cotton from the farmer to the warehouse? I understood the gentleman to say that the farmer has no interest whatsoever in this cotton.

Mr. CRAWFORD. The farmer has no interest in certain of this cotton. Do not misunderstand me. The farmer has no interest in the 6,300,000 bales which is held by the Commodity Credit Corporation. The farmer does not have an equity in that cotton.

Mr. SHERIDAN. Does he not still have a contingent equity?

Mr. CRAWFORD. None at all, not in that particular balage. There are 4,000,000 or more other bales in which he has an equity.

Mr. SHERIDAN. In whom does the title to this cotton repose?

Mr. CRAWFORD. It rests in the Commodity Credit Corporation, the United States Government. I now refer to the more than 6,300,000 bales.

Mr. SHERIDAN. Is it not there as collateral against loans to farmers?

Mr. CRAWFORD. It is not.

There are about 2,000,000 bales, in round figures, of the 1938 crop in which the farmer has an equity. There are about 20,000 bales of the 1939 crop and 2,239,979 bales of the 1940–41 balage in which the farmer has an equity, but this cotton is in addition to the 6,300,000-some-odd bales.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. HOFFMAN. The gentleman said the storage charge already amounted to $10 per bale.

Mr. CRAWFORD. Do not misunderstand me. This is a technical subject. I say we have paid as much as $10 a bale on some cotton which is now in storage.

Mr. HOFFMAN. What is cotton worth in the open market?

Mr. CRAWFORD. I am not sure whether it is 9 or 9.5 cents a pound.

Mr. HOFFMAN. How many pounds in a bale?

Mr. CRAWFORD. There are 478 pounds of lint cotton to a bale.

Mr. HOFFMAN. I was just wondering whether it would not be cheaper to give the cotton away than to continue to store it.

Mr. CRAWFORD. You will find that as a result of what we did on this floor last fall we thought we had this combination broken up.

The Commodity Credit Corporation has already indicated that over $10,000,000 per year is being saved on the cost of warehousing the cotton stocks already on hand as a result of those reductions we brought about by what happened some months ago on the floor of the House. The Commodity Credit Corporation was at that time criticized for some of the excess charges that were being made prior to that, wherein we were paying as high as 25 cents per bale per month, or $3 a year. Certain Members of the House from the cotton-growing South criticized the Commodity Credit Corporation for having done that; and now the Commodity Credit Corporation comes along in an attempt to bring about a further saving, and lo and behold all of this situation develops here within the last few days and this resolution is enacted in the other body of this Congress.

I have here the November 1940 report on the cotton situation.

This shows, for instance, in the 1929–38 period you were exporting about 6.3 million bales of cotton per annum. In 1939 you exported 6,192,000 bales. In August to October 1939 you dropped to 1,744,000 bales, and in August to October 1940 you dropped to 350,000 running bales.

Your cotton exports are disappearing. The cotton is piling up in the warehouses, and yet this crowd comes up here and says, "You must not ask for competitive bids on the storing of this cotton." Who is running the United States? Is it this combination of warehousemen, some of whom the Federal Trade Commission has had to file complaints against?

Mr. Speaker, I ask unanimous consent that at this point I may insert in the RECORD comments from Docket 4090 of the Federal Trade Commission, which is a case of the Federal Trade Commission against some of this group I am referring to. These will be brief excerpts covering perhaps two and a half pages of single-space typewritten matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAWFORD]?

There was no objection.

PAR. 5. Said respondent, Federal Compress & Warehouse Co., and said respondent, R. L. Taylor, acting in cooperation with each other and through and in cooperation with the other respondents herein named, for more than 4 years last past, and particularly since February 27, 1936, have entered into and carried out and continued and are now engaged in an understanding, agreement, combination, or conspiracy among themselves and with and through the other respondents herein named to restrict, restrain, and suppress competition in the compressing and storing of cotton and in the sale of jute or burlap bagging and steel bands or ties sold and used in connection with the compressing of cotton, and to create and maintain a monopoly in the compressing of cotton and the sale of jute or burlap bagging and steel bands or ties sold and used in connection therewith, in the respondent, Federal Compress & Warehouse Co.

PAR. 6. Pursuant to said understanding, agreement, combination or conspiracy, and in furtherance thereof, the said respondents have done and performed and still do and perform the following acts and things:

(1) Respondents, Federal Compress & Warehouse Co., and R. L. Taylor, have caused to be erected and have operated and do now operate cotton gins, charging fees for ginning which are below the prevailing fees of competitors in the same territory and are below the actual cost of operation, for the purpose of and with the effect of driving competitors out of business and of securing the cotton so ginned for respondents' various compress plants, and to enable respondent, Federal Compress & Warehouse Co., at its compress plants to sell the jute or burlap bagging and steel bands or ties sold and used in connection with the compressing of said cotton;

(2) Have attempted to induce and have induced customers of competitive compress plants to transfer their cotton to the compress plants of respondent, Federal Compress & Warehouse Co., by means of rebates in the form of drayage allowances granted to said customers;

(3) Have, at cotton gins owned or controlled by said respondent, Federal Compress & Warehouse Co., directly or indirectly through respondent, R. L. Taylor, refused to transfer or forward cotton ginned at said gins to compress plants other than compress plants owned or controlled by said respondent, Federal Compress & Warehouse Co.;

(4) Have transferred from cotton gins owned or controlled by said respondent, Federal Compress & Warehouse Co., directly or indirectly through respondent, R. L. Taylor, cotton which has been ginned to compress plants owned by said respondent, Federal Compress & Warehouse Co., without regard to, and against the direction and orders of the owners of said cotton;

(5) Have sought to obtain control of competing compress plants through the purchase from its stockholders of their holdings in the corporations operating said plants for the purpose of driving said competitive compress plants out of business;

(6) Have, through the individual respondents, Binford Hester, E. F. Wade, and Winston E. Cheairs, all of whom are officers of respondent, Federal Compress & Warehouse Co., and through the individual respondents, W. Dennis Brown and Fred Schneider, all acting as agents of said respondent, Federal Compress & Warehouse Co., attempted to acquire the stock of competing compress plants by means of threats and statements made to the owners of such stock in competing compress plants to the effect that the stock of said competitive compress plants which are generally owned by cotton growers and independent gin operators, will decline in value and be made worthless as a result of the activities of the Federal Compress & Warehouse Co. in erecting competitive gins and ginning cotton at figures below cost of operation, or free of charge, if such a course shall prove necessary to secure the cotton, and by the allowance of drayage and other rebates. By means of said threats and statements, the respondents have caused great concern, anxiety, mental stress and worry to stockholders in said competitive compress plants, and have caused cotton ginners and cotton growers to send their cotton to the compress plants of Federal Compress & Warehouse Co. for the purpose of compressing, and having added thereto bagging and ties as hereinbefore described, rather than to competitive compress plants in which said ginners and independent cotton growers are stockholders;

(7) Have made threats to owners of cotton gins that they would erect cotton gins and gin cotton below cost or free of charge in competition with said independent cotton gins unless the owners thereof shipped the cotton so ginned by them to compress plants owned by the Federal Compress & Warehouse Co. in preference to competing compress plants;

(8) Have, by threats to erect cotton gins and operate the same below cost or free of charge, caused the owners of cotton gins who were also stockholders in compress plants owned by competitors of Federal Compress & Warehouse Co., to ship the cotton ginned by said gins and owned or controlled by the ginners to compress plants of Federal Compress & Warehouse Co. in preference to compress plants in which ginners were financially interested.

Mr. CRAWFORD. Mr. Speaker, this is to let you see what is going on in connection with this combination I am talking about.

This report on cotton also shows approximately half of our exports of cotton formerly went to the continent of Europe. This year, were it not for Russia taking 54,000 bales, our exports to the Continent would be less than 1 percent of the total. Exports of cotton to the Orient have greatly declined in size and relative importance. Exports for the first 3 months of the 1940–41 season were only one-fifth as large as in the same period of last season, and that condition prevails at a time when we have more cotton in storage, insofar as I know, than at any previous time in the history of the world.

This firm to which I refer has a special write-up in what is known as Warehouse Flashes, published November 16, 1940, "for members only." I suppose that is members of the Warehouse Association.

It goes ahead and points out that this firm was organized in the year 1887 by one R. L. Taylor and the late Joe Newberger. From this humble beginning, with a single plant, the Federal Compress & Warehouse Co. has grown until it boasts of 88 plants. The organization is not only the largest of its kind in the world, but also owns the largest single plant in the world, the West Memphis plant, which covers 175 acres of ground and will accommodate about a half million bales.

I put this in for you to read in connection with the debates that occurred on the floor of the other body, and I ask you to read that debate along with this data which I am inserting and arrive at your own conclusions, because the debate proceeds in such a way that would lead the unsuspecting public to believe that this whole case hinges around some 92,000 bales of cotton that happened to find itself down in west Texas without a warehouse into which to crawl, and the presentation is made as if all of the people on earth were being crucified by these competitive bids that are being asked for. The debate would also lead you to believe that the only people affected are the small owners of certain warehouses located in the producing areas. This 88-plant octopus is the real force behind this protest against asking for competitive bids.

When the bids on February 10, 1940, were called for the purpose of storing approximately 300,000 bales of cotton up in the New England area, not a single Member of this Congress made a protest. Where were all of these people who are now so vociferously protesting when these bids were sent out for the 300,000 bales? They did not show up. I am serving notice on the cotton section of the South that it is time for them to clean house in this respect, because no longer does the South only hold cotton. I repeat that the Eighth District of Michigan has an interest in at least 6,300,000 bales, and I do not propose to add my approval to a racket in cotton, sugar, or any other basic commodity, as the Government corporations acquire these vast holdings and, in my opinion, we have just started into the woods.

The debate indicates there was a great delegation of farmers up here that sat in on these conferences that have been held in the last few days. "There was no difference of opinion expressed at the meeting held the other day at the Department of Agriculture," the debate says. There were 10 Senators from the Southern States present at the meeting; there were 15 or 20 Representatives present and there were most impressive delegations of farmers present.

Do you know how many farmers were present? Three.

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAWFORD]?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I am informed there were three farmers present, and that two of those three were among the 10 largest cotton producers in the world. I am also informed that those producers were put in the sweat box by the warehouse gang and led to believe that unless somebody speaking in the name of a farmer or farmers came up here and added their support to kill the asking for these competitive bids the warehouse gang would raise the storage charges on the farmers' cotton. That is going just a little bit too far, and I think when you look into the record you will find those three particular farmers, so-called, very much regret that they got hooked in on this proposal. I think you will also find that there is a general protest in the area for which those three so-called farmers spoke against their ever appearing here as protestants against reducing the cost of carrying cotton. So that might be worth looking into. And, furthermore, why should there have been a difference of opinion in the particular group that turned on the heat? The opposition was not invited into the conference, and by the opposition I mean those warehousemen who are willing to reduce the costs of warehousing and insurance to farmers, the taxpayers, and the Government. Oh, no; the warehouse gang would not have this group sitting in on their conference. Why was this important phase of the discussion overlooked by the honorable gentlemen of another body of this Congress? Well, the record speaks for itself. This was the same old warehouse gang that put through the 25 cents per bale per month charge when they know very well new warehouses are being built on basis of profitable operations charging only 12½ cents per bale per month for warehousing and insurance instead of the 25 cents previously charged.

Is this Congress going to take the position with Government agencies that they shall not ask for competitive bids on these services and goods the Government buys? Is this Congress going to take the position that every time a Government agency has sense and judgment and administrative ability enough to go out and ask for competitive bids we are going to come in here and pass resolutions condemning them and say, "Oh, no; you must not go ahead with this until Congress has a chance to act separately the 1st of January"?

In my opinion, that is one of the most vicious steps ever taken by a body of the Congress of the United States. I do not like it a little bit. The people of my district do not like it a little bit. There is not a straight-shooting businessman in the United States who deals with his cards above the table who likes that kind of procedure, because if Government is to do its trading in the absence of competitive bids there is no foundation on which to stand. Such a system would become a cutthroat, knock-down and drag-out proposition, and the man gets the business who can pay the biggest price for it instead of one who can give the best service at the least money.

I have satisfied myself that the Members of the other body did not inform themselves on this question, and I will leave that to your good judgment after you look into it yourself. I hope the Members from the cotton section will take this floor this afternoon and try to unfold this thing or try to dispute what I have said, if it is subject to being disputed, so that we may proceed to smoke this thing out once and for all.

The chances are that instead of the Commodity Credit Corporation going ahead now with this open, competitive bid procedure, and notifying these warehouses who have divulged their information and submitted their bids, and accepting the lowest bid, the situation will work out about like this. After the Secretary of Agriculture gets back into the city and a few of the other officials get back into the city, I believe if you watch the doors down there you will find that several Members of the House and Senate will run to the Secretary of Agriculture and will attempt to fix this thing up in such a way that those contracts will not be closed under date of December 16. If that occurs, certainly this thing will become a disgraceful act on the part of the Congress and the administrative machinery of this great Nation. That is no way to do business. That is bucket-shop operation if there ever was any. We have no business letting a practice like that start. I hope and trust that the Congress—House and Senate—will permit the Department of Agriculture, along with the decent fellows in the cotton industry—because there are decent fellows in all these big, basic commodities; I know a lot of them, and I know just enough of them to know that they are not in favor of this kind of bucket-shop operation—to clean this situation up before the 1st of January, so that the Committees on Agriculture of the House and the other body and the Committe on Banking and Currency, that handles this situation in connection with the Commodity Credit Corporation, will not have to deal with it. [Applause.]

[Here the gavel fell.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. RABAUT (at the request of Mr. LESINSKI), for 2 weeks, on account of official business.

To Mr. POWERS, indefinitely, on account of illness in his family.

To Mr. CAMP, for several days, on account of illness in his family.

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday next it adjourn to meet the following Thursday.

Mr. HOFFMAN. Mr. Speaker, there may be some developments in the foreign situation, and I object for the present.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 6324. An act to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 32 minutes p. m.), under its previous order, the House adjourned until Monday, December 9, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2044. A letter from the national adjutant, Disabled American Veterans of the World War, transmitting a copy of the minutes of the twentieth national convention of the Disabled American Veterans of the World War (H. Doc. No. 985); to the Committee on World War Veterans' Legislation and ordered to be printed, with illustrations.

2045. A letter from the Secretary of Agriculture, transmitting a report showing the name, address, and amount of payment to each person receiving $1,000 or more under the 1938 programs administered under provision of the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture.

2046. A letter from the Secretary of War, transmitting a report of awards made under the provision of the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2047. A letter from the Archivist of the United States, transmitting recommendation for disposition of lists of papers by the Post Office Department; to the Committee on the Disposition of Executive Papers.

2048. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by

the Department of the Navy; to the Committee on the Disposition of Executive Papers.

2049. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Department of the Navy; to the Committee on the Disposition of Executive Papers.

2050. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Federal Communications Commission; to the Committee on the Disposition of Executive Papers.

2051. A letter from the Archivist of the United States, transmitting recommendation for the disposition of list of papers by the Social Security Board, Federal Security Agency; to the Committee on the Disposition of Executive Papers.

2052. A letter from the Archivist of the United States, transmitting recommendation for the disposition of list of motion-picture films by the Department of the Treasury; to the Committee on the Disposition of Executive Papers.

2053. A letter from the Archivist of the United States, transmitting recommendation for the disposition of list of motion-picture films by the Department of Justice; to the Committee on the Disposition of Executive Papers.

2054. A letter from the Archivist of the United States, transmitting recommendation for the disposition of list of papers by the Library of Congress; to the Committee on the Disposition of Executive Papers.

2055. A letter from the Archivist of the United States, transmitting recommendation for the disposition of list of papers by the Department of Commerce; to the Committee on the Disposition of Executive Papers.

2056. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Work Projects Administration, Federal Works Agency; to the Committee on the Disposition of Executive Papers.

2057. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Work Projects Administration, Federal Works Agency; to the Committee on the Disposition of Executive Papers.

2058. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Social Security Board, Federal Security Agency; to the Committee on the Disposition of Executive Papers.

2059. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Work Projects Administration, Federal Works Agency; to the Committee on the Disposition of Executive Papers.

2060. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Department of Labor; to the Committee on the Disposition of Executive Papers.

2061. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Department of Labor; to the Committee on the Disposition of Executive Papers.

2062. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Department of Agriculture; to the Committee on the Disposition of Executive Papers.

2063. A letter from the Archivist of the United States, transmitting recommendation for disposition of lists of papers by the Department of Agriculture; to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SUMNERS of Texas: Committee on the Judiciary. House Joint Resolution 618. Joint resolution extending the time for submitting the final report of the Temporary Economic Committee; without amendment (Rept. No. 3099). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. REES of Kansas: Committee on Immigration and Naturalization. S. 3204. An act for the relief of Louise Hsien Djen Lee Lum; with amendment (Rept. No. 3100). Referred to the Committee of the Whole House.

Mr. REES of Kansas: Committee on Immigration and Naturalization. S. 3596. An act to enable Eva Sofia Bildstein and her minor son, Jorg Bildstein, to remain permanently in the United States; without amendment (Rept. No. 3101). Referred to the Committee of the Whole House.

Mr. REES of Kansas: Committee on Immigration and Naturalization. S. 4236. An act for the relief of Ida Valeri; without amendment (Rept. No. 3102). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 6966. A bill for the relief of Maurice Victor; with amendment (Rept. No. 3103). Referred to the Committee of the Whole House.

Mr. AUSTIN: Committee on Immigration and Naturalization. S. 3087. An act to record the lawful admission to the United States for permanent residence of Chaim Wakerman, known as Hyman Wakerman; with amendment (Rept. No. 3104). Referred to the Committee of the Whole House.

Mr. AUSTIN: Committee on Immigration and Naturalization. S. 3442. An act to authorize the cancelation of deportation proceedings in the case of Minas Kirillidis; with amendment (Rept. No. 3105). Referred to the Committee of the Whole House.

Mr. AUSTIN: Committee on Immigration and Naturalization. S. 4085. An act for the relief of Max von der Porten and his wife Charlotte von der Porten; without amendment (Rept. No. 3106). Referred to the Committee of the Whole House.

Mr. AUSTIN: Committee on Immigration and Naturalization. S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch; without amendment (Rept. No. 3107). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9105) granting a pension to Lillie Southard, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOFFMAN:

H. R. 10717. A bill to render effective the right to work and to prevent interference with the Government defense program; to the Committee on the Judiciary.

By Mr. RANKIN:

H. R. 10718. A bill to provide for the apportionment of Representatives in Congress among the several States under the Sixteenth Census; to the Committee on the Census.

By Mr. ALEXANDER:

H. J. Res. 619. Joint resolution to prepare for peace; to the Committee on Foreign Affairs.

By Mr. SHERIDAN:

H. J. Res. 620. Joint resolution to define the principle of international reciprocity in the protection of American patents, trade-marks, secret formulas and processes, and copyrights by providing a method for assuring the payments of amounts due to persons in the United States from users thereof in countries restricting international payments from their territories; to the Committee on Patents.

By Mr. HINSHAW:

H. Res. 642. Resolution providing for a special committee to investigate recent air-line accidents; to the Committee on Rules.

By Mr. HOFFMAN:

H. Res. 643. Resolution requesting certain information from the Secretary of War; to the Committee on Military Affairs.

H. Res. 644. Resolution requesting certain information from the Secretary of War; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DIMOND introduced a bill (H. R. 10719) for the relief of Mrs. P. A. Anderson, which was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9399. By Mr. SHAFER of Michigan: Memorial of Effie Burd and 103 women of the Michigan State Grange, requesting withdrawal of all entanglements leading to war on foreign soils; to the Committee on Foreign Affairs.

9400. By Mr. TENEROWICZ: Resolution of the membership of the Metropolitan Club of America, Spirit No. 28, Dearborn, Mich., protesting against proposed legislation introduced by Hon. CLARE HOFFMAN providing price and wage fixing on Federal contracts, a gross tax on all incomes of more than $1,000, and salary cuts for all Federal employees; to the Committee on Ways and Means.

9401. By the SPEAKER: Petition of the United Mine Workers of America, Washington, D. C., petitioning consideration of their resolution with reference to Senate bill 2420, concerning Federal inspection of coal mines; to the Committee on Mines and Mining.

9402. Also, petition of the Greater New York Industrial Union Council, New York, N. Y., petitioning consideration of their resolution with reference to labor's rights in defense; to the Committee on Labor.

9403. Also, petition of George H. Richter, of Savannah, Ga., petitioning consideration of their resolution with reference to the Constitution of the United States; to the Committee on the Judiciary.

9404. Also, petition of the Industrial Insurers' Conference, Atlanta, Ga., petitioning consideration of their resolution with reference to our country's liberty; to the Committee on the Judiciary.

SENATE

MONDAY, DECEMBER 9, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, who hast made all things for man and hast created man in Thine own image: Do Thou sanctify our souls and bodies, our thoughts and our intentions, that whatsoever we do may by us be designed for Thy glory and for the welfare of this Nation, which, with high and true devotion, we desire to serve. Forbid it, Lord, that any pride or self-seeking, impure motive, unworthy purpose, or low imagination should stain our spirits or unhallow our words and actions.

Breathe upon us, we beseech Thee, and keep alive in us that holy flame which the blessed Christ came to kindle upon earth among men, that, being anointed with the spirit of peace, holiness, and true obedience, we may find the consummation of our service in true fellowship with Thee and Thy children everywhere. In our Saviour's name we ask it. Amen.

THE JOURNAL

On request of Mr. MINTON and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, December 5, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, informed the Senate that Hon. JOHN W. MCCORMACK, a Representative from the State of Massachusetts, had been elected Speaker pro tempore of the House during the absence of the Speaker.

The message announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 3765. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., and for other purposes;

S. 3934. An act authorizing the State of Michigan acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada;

S. 4135. An act to legalize the construction by the State Highway Board of Georgia of a free highway bridge across the Withlacoochee River, between Valdosta, Ga., and Madison, Fla., at Horns Ferry; and

S. J. Res. 306. Joint resolution extending the time for submitting the final report of the Temporary National Economic Committee.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House No. 2 to the bill (S. 4370) authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties.

The message further announced that the House had passed the bill (S. 3729) for the relief of Hjalmar M. Seby, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 56) authorizing an increase in the seating capacity for the inaugural ceremonies on January 20, 1941.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of HIRAM W. JOHNSON, duly chosen by the qualified electors of the State of California a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of W. WARREN BARBOUR, duly chosen by the qualified electors of the State of New Jersey a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of ARTHUR H. VANDENBERG, duly chosen by the qualified electors of the State of Michigan a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of TOM CONNALLY, duly chosen by the qualified electors of the State of Texas a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of BERKELEY L. BUNKER, appointed by the Governor of the State of Nevada a Senator from that State to fill the vacancy occasioned by the death of the late Senator Pittman for the remainder of the present term, expiring at noon on January 3, 1941, which were read and ordered to be filed.

SENATOR FROM INDIANA—CREDENTIALS

Mr. MINTON. Mr. President, I send to the desk for filing and notation in the RECORD the credentials of the distinguished Republican who retired me from the Senate.

The PRESIDENT pro tempore. The credentials presented by the Senator from Indiana will be read and placed on file.

The credentials of RAYMOND E. WILLIS, duly chosen by the qualified electors of the State of Indiana a Senator from that

State for the term beginning January 3, 1941, were read and ordered to be filed.

SPECIAL COMMITTEE TO INVESTIGATE CONDITIONS IN THE MERCHANT MARINE

The PRESIDENT pro tempore. The Senator from Ohio [Mr. DONAHEY] has tendered his resignation as a member of the Special Committee to Investigate Conditions in the Merchant Marine, created by Senate Resolution 231, Seventy-fifth Congress.

The Chair appoints the Senator from Louisiana [Mr. OVERTON] to fill the vacancy in the committee.

DISPOSITION OF OLD POSTAL RECORDS

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Postmaster General, transmitting a draft of proposed legislation to amend the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," which, with the accompanying papers, was referred to the Committee on the Library.

DISPOSITION OF EXECUTIVE PAPERS

The PRESIDENT pro tempore laid before the Senate letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Treasury, Justice, the Post Office, the Navy (2), Agriculture (2), and Labor (2); the Library of Congress, Federal Communications Commission, Social Security Board (Federal Security Agency) (2), Work Projects Administration (3), and National Recovery Administration, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. TOBEY members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a letter in the nature of a memorial from C. Pierce, of San Francisco, Calif., remonstrating against the sending of food and supplies to the continent of Europe at the present time, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by a meeting of the New Haven Colony of New England Women, Westville, Conn., favoring the enactment of the bill (S. 4223) to prohibit the transmission through the mails, or in interstate commerce, of certain subversive matter, which was referred to the Committee on the Judiciary.

He also laid before the Senate a letter in the nature of a memorial from Dr. Ray Adair, of Crown Point, Ind., remonstrating against the adoption of a constitutional amendment in connection with a third Presidential term, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution of the Board of County Commissioners of Cascade County, Mont., favoring the enactment of legislation to give relief in lieu of taxes to certain counties with Federal land therein in the State of Montana, which was referred to the Committee on Public Lands and Surveys.

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MINTON (for Mr. BARKLEY), from the Joint Select Committee on the Disposition of Executive Papers, to which were referred, for examination and recommendation, 28 lists of records transmitted to the Senate by the Archivist of the United States, which appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

LOCATION OF INAUGURAL PARADE STANDS

Mr. MINTON. Mr. President, I introduce a joint resolution and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The joint resolution will be read.

The joint resolution (S. J. Res. 307) vesting the chairman of the Inaugural Committee with authority to determine the location of stands along the inaugural parade route, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the chairman of the Inaugural Committee, or such person as he may designate, be, and he hereby is, vested with exclusive authority to determine the location of stands along the route of the inaugural parade, either on public or private property, and the issuance of permits therefor.

The erection of any such stand without a duly authorized permit shall be deemed a misdemeanor and punishable by fine not to exceed $1,000.

Prosecution shall be in the Police Court of the District of Columbia in the name of the corporation counsel or one of his assistants.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

HJALMAR M. SEBY

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3729) for the relief of Hjalmar M. Seby, which were on page 1, line 8, to strike out all after "him" down to and including "for" in line 11 and insert "as the result of his entering into a Government contract, numbered TLSA-4646, dated November 28, 1933, in connection with the"; on page 1, line 12, after "remodeling", to insert "of"; and on page 2, line 2, to strike out all after "41" down to and including "Seby" in line 9.

Mr. MINTON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

GETTING AMERICA INTO WAR—ADDRESS BY SENATOR CAPPER

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address delivered by him on November 24, 1940, on the subject Getting America Into War, which appears in the Appendix.]

AMERICAN INVOLVEMENT IN WAR—LETTER FROM WILLIAM B. LLOYD, JR.

[Mr. HOLT asked and obtained leave to have printed in the RECORD a letter from William B. Lloyd, Jr., director, Campaign for World Government, which appears in the Appendix.]

PROPAGANDA FOR ENTRY OF UNITED STATES INTO WAR

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial from the St. Louis Post Dispatch entitled "What About It, Mr. White?" which appears in the Appendix.]

PROPOSED TRANSFER OF ADDITIONAL DESTROYERS

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial from the St. Louis Post Dispatch of December 8, 1940, entitled "Should Our Navy Be Weakened?" which appears in the Appendix.]

BRITISH INTERESTS IN AMERICAN BUSINESS

Mr. HOLT. Mr. President, when Lord Cornwallis surrendered at Yorktown in October 1781, we are told in the history books that that ended British control of the United States. By a peculiar coincidence, I find that another Lord Cornwallis, of twentieth century England, still has some control over the United States of America. I say that because I find that Lord Conwallis—the present Lord Cornwallis, not the general who surrendered during the Revolutionary War, which some people want to forget, but the present Lord Cornwallis—is a director of the Royal Insurance Co., Ltd., of England, and a director of the Liverpool & London & Globe Insurance Co., Ltd. You may wonder what that has to do with the United States. Well, Mr. President, those companies control a considerable number of American insurance companies, owning some of them outright. Here is a list of some of them:

American & Foreign Insurance Co.;
Capital Fire Insurance Co. of California;
Eagle Indemnity Co.,
Newark Fire Insurance Co.;

Queen Insurance Co.;
Royal Indemnity Co.;
Seaboard Insurance Co.;
Federal Union Insurance Co.;
Globe Indemnity Co.; and
Star Insurance Co. of America.

How I found that out was in this way: I have been checking and double-checking those individuals who are in pro-war organizations as to their financial background, and I found very interesting ramifications of foreign control of United States business. The study of those backing the formation of the conscription drive caused me to check the financial holdings and directorships of certain individuals who wanted conscription. Some were in this group of insurance directors. That is how I ascertained that Lord Cornwallis, of twentieth-century England, had power over American finance.

INTERLOCKING DIRECTORS OF BANKS

It may be said that such control of those insurance companies does not mean anything. Well, I took those insurance companies, ascertained their directors, and checked which of their directors were also directors of other corporations, thus constituting interlocking directorships. What did I find? I found that these insurance companies which were controlled by the two insurance companies I just mentioned, as well as such other English insurance companies as North British & Mercantile Insurance Co., Norwich Union Fire Insurance Society, Ocean Accident & Guarantee Corporation, and others, have on their subsidiary American insurance companies directors of banks in the United States—not small banks but banks of over a hundred million dollars each in resources—with total resources aggregating over $17,000,000,000. That is, these banks have directors who are also represented on British-controlled insurance companies' director lists. If we add to that the other British financial control, what do we find? It is vast, but I shall confine my remarks to insurance alone today. Let me read a few of the names of the banks that have directors in English-controlled insurance companies in America. Here are a few of the banks:

The Chase National Bank;
The Guaranty Trust Co.;
The National City Bank;
The Bankers Trust Co.;
The Central Hanover Bank & Trust Co.;
The Manufacturers Trust Co.;
The Irving Trust Co.;
The Chemical Bank & Trust Co.;
The Bank of Manhattan;
J. P. Morgan & Co.; and
The New York Trust Co.

Of the 12 largest banks in New York City 10 have directors who are also directors of English-controlled insurance companies. Did the Members of the Senate realize that?

When I gave the figure $17,000,000,000 I did not include the small banks that have resources of less than $100,000,000, not even those of fifty or sixty million dollars. I merely included those having over a hundred million dollars in resources, and particularly those in the city of New York. If the smaller ones were added, you would see a much larger figure. When I use the word "small," it is not an accurate term, because these banks are large as compared to most of the banks of our country. Few towns or cities in America have banks that have assets of twenty-five million or more. Outside of New York this interlocking can be found.

In Cleveland, Ohio, the Cleveland Trust Co. has a director who is also a director of an English-controlled insurance corporation. Other cities will be discussed later. I intend to put in the RECORD, as a part of my remarks, a list of these men and a list of their interlocking directorships, because I want the American people to know that this drive to get us into war has a financial tinge. Many of these individuals who are working to get us in war are directly connected with interests in Great Britain; and besides the banks what do I find? I find that directors of many of our large corporations are also directors of British-controlled insurance companies.

INTERLOCKED WITH INDUSTRIAL CORPORATIONS

What are some of these large corporations? Baltimore & Ohio Railroad, Fisk Rubber Co., Steel Car Co., Youngstown Sheet & Tube Co., Flintkote Co., Texas Corporation.

You recall the much ado about the official of the Texas corporation who talked to Dr. Westrick, the German consular agent; yet a director of that same corporation is director of an English-controlled insurance company in our country, but nothing is said about that. I do not comment upon the Westrick case except to say that the people are given only one side of the story.

Let us see what other corporations there are:

Union Carbide & Carbon Co.
Western Pacific Railroad Co.
Western Union Telegraph Co.
Detroit & Mackinac Co.
Commercial Pacific Cable Co.
Union Pacific Railroad.
Union Sulphur Co.
Underwood Elliott Fisher Co.
American Hardware Corporation.
New York, New Haven & Hartford Railroad.
Remington Rand.
Consolidated Edison (New York).
Anaconda Copper Co.
R. H. Macy & Co.
Consolidation Coal Co.
General Foods Corporation.
American Smelting & Refining Co.
Pan-American Airways.
United States Steel Corporation.
Cunard Steamship, Ltd.
All-American Cables.
American Waterworks & Electric Co.
New York Transit Corporation.
General Electric Co.
Kennecott Copper Corporation.
Pullman Standard Car Co.
American Brake Shoe & Foundry Co.
Niagara Hudson Power Corporation.
Pittsburgh Tube Co.
International Baking Corporation.
Montgomery Ward.
Standard Brands.
American Telephone & Telegraph Co.

Directors of all these corporations are interlocked with directors British insurance companies in America; and some of these individuals who are presidents of subsidiaries in America have left out of Who's Who the fact that they were born in England. That was the case with Harold Warner, who is president of the American & Foreign Insurance Co., vice president of the Capital Fire Insurance Co. of California, president of the Newark Fire Insurance Co., president of the Queen Insurance Co. of America, chairman of the board of the Royal Indemnity Co., president of the Seaboard Insurance Co., president of the Federal Union Insurance Co., president of the Globe Indemnity Co., and president of the Star Insurance Co. of America. You may check Who's Who, and you will not find that Mr. Warner was born in Bootle, England, December 12, 1883.

BISHOP WILLIAM T. MANNING

Incidentally, the same thing applies to Bishop Manning. Before the World War he cut out of Who's Who the fact that he was born in England; and it was not until almost 10 years after the war that the fact was put back into Who's Who. Bishop William T. Manning, one of the war hawks of America, was an English subject and has never forgotten his English nativity, except for Who's Who.

Also, many did not know that Dr. Frank Kingdon, of New York University, and active in the war drive in this country, was born in London.

But getting back to the subject, let me say that many of these American subsidiary insurance companies were English citizens who came to this country to look after the interests of the parent companies.

In passing, it is worth noting that Cecil Shallcross was born in Cheshire, England. He is president of Commonwealth Insurance Co., Homeland Insurance Co., and the Mercantile Insurance Co. of America, with its powerful financial directors such as Morgan, Vanderbilt, Porter, Gates, and others.

J. D. Simpson, of Liverpool, England, and one of the active insurance figures of Great Britain is director of American Foreign Insurance Co., Globe Indemnity Co., Star Insurance Co., Federal Union Insurance Co., Royal Indemnity Co., Eagle Indemnity Co. He sits on the board with men who are very active in American industry and finance.

When we realize that these individuals whom we find in banks alone that have assets of over $100,000,000 have a director's voice in control of over $17,000,000,000 worth of banks centralized in New York City, is it any wonder that we are going toward war? Is it any wonder, when they have interlocking directors who exert control in at least six and perhaps more large industrial and utility corporations that have over a billion dollars of assets each in America? Corporate directorships of businesses totaling in the billions are found to be closely identified with British interests.

Lord Cornwallis, in 1781, did fight the last battle of the Revolution; but his descendant, the present Lord Cornwallis, is back to get us into the British Empire once again. Is it "union now"?

CARNEGIE FOUNDATION

We find mixed in also in the individuals who are demanding a return to the British Empire individuals who are connected with the Carnegie Foundation. It will be remembered that Andrew Carnegie said it was a pity that we had a Revolutionary War; that the English people should have gotten along together. The Carnegie Foundation have their ramifications throughout the schools. We find that they are not forgotten among the directors of the British insurance companies. You remember Sir Cecil Rhodes' first will, in which he declared that he wanted America once again to be under British control. Well, you will find plenty of Rhodes interests right here, too. Rhodes has not been forgotten, and Carnegie has not been forgotten; but the distressing thing is that their views are being advocated by native American volunteers who are enlisting to put us once again in the orbit and under the complete control of Great Britain.

I do not want to detain the Senate. I could go into the details of the ramifications of British finance in this country, particularly now, since the British want to borrow money. I do not want to detain the Senate; but I shall ask, Mr. President, permission to insert in the RECORD, after my remarks, the exhibits which I have available to show that British finance exerts an almost unknown pressure on American finance, on American industry, and on American life. It is there that we first have to expose it if we are going to keep out of war. It is there that the interlocking power toward war is being exerted; it is through Americans who have interlocked themselves with British capital.

This is but a small part of the entire story of interlocking control. I shall add more at a later time, including the tie-up between some of our large American life-insurance companies with English finance, as well as a discussion of the intertwining of interests in other cities, although most of this interlocking is found in New York City.

I realize the reference to Lord Cornwallis may be a little facetious, but it does seem an interesting side light on this story of the financial tie-up. Neither Cornwallis is fictitious. The present Cornwallis is the Right Honorable Lord Cornwallis, of Linton, Plovers, Horsmonden, and Kent.

THE NEW YORK TIMES

Mr. President, before taking my seat I also want to make this comment about the very interesting topic of freedom of the press:

The New York Times prints "all the news that is fit to print"—that is, all that the New York Times believes in. Cardinal O'Connell, the dean of the Catholic hierarchy in America, a beloved Catholic prelate, came out on his eighty-first birthday with a very, very important statement about the propaganda to get America into the war. How do you think that rated in the New York Times? It rated 7¾ inches on page 43 of the New York Times—7¾ inches. Certainly the Washington Post is not known for its anti-English attitude, but it had enough interest to give the same statement 18 column-inches on page 3. But here—I wish it could be shown in the RECORD—is the size of the head in the New York Times:

O'Connell condemns war propaganda.

No; that was not worth anything. Also, what did they do? The New York Times cut out this significant paragraph of Cardinal O'Connell's statement:

We can't have a permanent peace without justice. That was the trouble with the Versailles Treaty. It was not just. Power politics in Europe is not a basis of justice. It's a basis of imperialism, which is a cause of all their troubles.

That was not "news fit to print" in the New York Times, from the dean of the Catholic hierarchy of America—No!

I have explained to the Senate, and I will not repeat, the New York Times tie-up. I will not tell how much pressure was put on the New York Times when I exposed Governor Lehman and his war stocks because the Lehman Corporation had directors on concerns which were big advertisers in the New York Times. I will not repeat that, but you know it. I exposed the fact of Governor Lehman's interest and his family's interest in war stocks, and it was almost completely ignored in the newspaper; and I have been told directly from inside the New York Times that there was pressure, of course, from advertisers who knew that members of the Lehman family were also directors of the stores that had advertising in the New York Times. I refer to this just to show what America is going through in the way of complete censorship of anything against war. If Cardinal O'Connell had come out for war, it would have been up on the front page.

(See exhibit A.)

"PLAYING DOWN" STORIES

What else did the New York Times do? When General Pershing—with whom I have disagreed many times—came out for feeding the hungry people of Europe, where did the New York Times play it? On page 45. When he came out in favor of sending the 50 destroyers to Great Britain, where did they play it? They played it all over the front page. It all depends upon what General Pershing has said whether the New York Times is interested in printing it or not; and so it is with much of the press of the country. So it is with the Chicago Daily News, which I intend to expose as to its Kuhn-Loeb connections later, if I have time, on the floor of the Senate, but not today. But I say to you, it is there that we are having the censorship and control of the press of America—not all of them, but such newspapers as the conservative New York Times.

Mr. President, I ask unanimous consent that following my remarks I be permitted to place in the RECORD the matter of which I have spoken this afternoon.

The PRESIDENT pro tempore. Without objection, permission will be granted.

The matter referred to is as follows:

EXHIBIT A

OMITTED FROM NEW YORK TIMES

The New York Times, which prints "all the news that's fit to print," did not print this part of the Associated Press story of Cardinal O'Connell's statement:

"He said that it was 'still a mystery' to him that the voices of people 'who haven't found this country good enough to live in, although they got their incomes here,' should be 'allowed to be praised and even applauded.'

"The cardinal would not say for quotation whom he meant by the 'expatriates.'

"Declaring the United States needs 'the greatest unity and defense,' and that 'we should not fritter away our energies on these useless chimeras,' he said the Nation should strive to weld all its races and religions 'in the strongest bond of brotherly love in the defense of our own country.'"

Then the Times printed the next sentence, but omitted this paragraph:

"We can't have a permanent peace without justice. That was the trouble with the Versailles Treaty. It was not just. Power

politics in Europe is not a basis of justice. It's a basis of imperialism, which is the cause of all their troubles."

The Associated Press story of Cardinal O'Connell's statement:

CARDINAL O'CONNELL APPEALS FOR PEACE—BOSTON PRELATE DECRIES "EXPATRIATES" WHO PROPAGANDIZE FOR WAR—CALLS FOR UNITY, DEFENSE, AND EXAMPLE OF "RELIGIOUS JUSTICE"

(By the Associated Press)

BOSTON, December 7.—William Cardinal O'Connell, declaring this Nation should keep out of war and work for a permanent peace, today denounced "propagandists for war" at home and "certain expatriates" he said were seeking to have America "become a sort of tail-end of a foreign empire."

"Not only should we keep out of war as the best thing for America and Americans," said the dean of the Nation's Roman Catholic hierarchy in an interview on the eve of his eighty-first birthday, "but we might well be turning our thoughts toward a speedy and permanent peace among the nations.

"Notwithstanding the too-prevalent propaganda from all sides, the hope and prayer of the American people today is that we shall be spared the horrors of war. They have taken for granted that the authorities at Washington meant what they said and said what they meant when they promised to keep us out of war."

Alternately raising his right hand in a gesture of blessing as he called for peace "based on justice" instead of on the "power politics in Europe," and pounding his great fist on the arm of his chair as he scored "propagandists," the archbishop of more than 1,000,000 Catholics in 300 parishes said:

"It's hard for me to understand why some of these propagandists are allowed to cry down the normal wish of the American people for peace. What is their purpose? They cannot be real Americans, because real Americans think of their own country first.

"There are certain expatriates—I think you know whom I mean—" he added, "who are raising their voices in loud accents with the preposterous proposition that America sink her individuality and become a sort of tail end of a foreign empire. If this is not an example of exalted hysteria, I don't know what could be."

He said it was "still a mystery" to him that the voices of people "who haven't found this country good enough to live in, although they got their incomes here," should be "allowed to be raised and even applauded."

(The Cardinal would not say for quotation whom he meant by the "expatriates.")

Declaring the United States needs "the greatest unity and defense" and that "we should not frit away our energies on these useless chimeras," he said the Nation should strive to weld all its races and religions "into the strongest bond of brotherly love in the defense of our country." He said we should help provide "an oasis, an island of peace" to which the warring nations could turn for an example of "religious justice" when they have laid down their arms; and he added:

"We can't have a permanent peace without justice. That was the trouble with the Versailles Treaty. It was not just. Power politics in Europe is not a basis of justice. It's a basis of imperialism, which is the cause of all their troubles."

EXHIBIT B

Some insurance companies controlled by insurance companies of Great Britain:

Columbia Casualty Co., controlled by the Ocean Accident & Guaranty Corporation, Ltd.

Potomac Insurance Co., controlled by General Accident, Fire, & Life Assurance Corporation, Ltd., Perth, Scotland.

Monarch Fire Insurance Co., affiliated with Pearl Assurance Co., Ltd., of London, England.

Eureka-Security Fire & Marine Insurance Co., affiliated with Pearl Assurance Co., Ltd., of London, England

Eagle Fire Co. of New York, affiliated with Norwich Union Group of Great Britain.

Sun Indemnity Co., controlled by Sun Insurance Office, Ltd., London, England.

Prudential Insurance Co. of Great Britain, located in New York, controlled by Prudential Assurance Co., Ltd., London, England.

Phoenix Indemnity Co., controlled by Phoenix Assurance Co., Ltd., of London, England.

United Firemen's Insurance Co., controlled by Phoenix Assurance Co., Ltd., of London, England.

Columbia Insurance Co. of New York, controlled by Phoenix Assurance Co., Ltd., of London, England.

Imperial Assurance Corporation of New York, controlled by Phoenix Assurance Co., Ltd., of London, England.

American Union Insurance Co. of New York, controlled by Scottish Union & National Insurance Co., Edinburgh, Scotland.

American & Foreign Insurance Co., controlled by Royal Insurance Co., Ltd., of Liverpool, England.

Capital Fire Insurance Co. of California, controlled by the Royal Insurance Co., Ltd., of Liverpool, England.

Eagle Indemnity Co., controlled by the Royal Insurance Co., Ltd.

Newark Fire Insurance Co., controlled by the Royal Insurance Co., Ltd.

Queen Insurance Co., controlled by the Royal Insurance Co., Ltd.

Royal Indemnity Co., controlled by the Royal Insurance Co., Ltd.

Seaboard Insurance Co., controlled by the Royal Insurance Co., Ltd.

Globe Indemnity Co., controlled by Liverpool & London & Globe Insurance Co., Ltd., Liverpool, England.

Star Insurance Co. of America, controlled by Liverpool & London & Globe Insurance Co., Ltd., Liverpool, England.

Provident Fire Insurance Co., controlled by Royal Exchange Assurance of London.

Yorkshire Indemnity Co. of New York, controlled by Yorkshire Insurance Co., Ltd.

Seaboard Fire & Marine Insurance Co., affiliated with the Yorkshire Insurance Co., Ltd.

Manhattan Fire & Marine Insurance, controlled by the London Assurance, London, England.

Mercantile Insurance Co. of America, controlled by North British & Mercantile Insurance Co., Ltd., of London, England.

Commonwealth Insurance Co. of New York, controlled by North British & Mercantile Insurance Co., Ltd.

Homeland Fire Insurance Co., controlled by North British & Mercantile Insurance Co., Ltd.

Pennsylvania Fire Insurance Co., controlled by North British & Mercantile Insurance Co., Ltd.

Safeguard Insurance Co., controlled by the London & Lancashire Insurance Co., Ltd.

London & Lancashire Indemnity Co. of America, controlled by Orient Insurance Co., which is controlled by the London & Lancashire Insurance Co., Ltd., of London, England.

Central Union Insurance Co., controlled by Scottish Union & National Insurance Co., of Edinburgh, Scotland.

Albany Insurance Co., controlled by Atlas Assurance Co., Ltd., of London, England.

Federal Union Insurance Co., controlled by the Liverpool & London & Globe Insurance Co., Ltd., of Liverpool.

EXHIBIT C

List of directors of English-controlled and affiliated insurance companies in the United States.

THE HOMELAND INSURANCE CO. OF AMERICA

J. S. Breckenridge, C. E. Case, Joseph W. Catharine, L. H. Eckhardt, C. B. Ellard, J. P. Hollerith, W. H. Hotchkiss, Percy Ling, Cecil F. Shallcross, A. R. Thommasson, Frederick E. Hasler, Pierre Jay, John N. G. Walker.

(North British and Mercantile Insurance group.)

SUN INDEMNITY CO.

F. I. P. Callos, S. T. Hubbard, C. W. Dall, E. G. Merrill, James M. Speers, A. G. Thacher, S. R. Benjamin, A. B. Meacham, P. P. Glover, R. G. Barker, New York; W. W. Otter-Barry, London, England: J. F. Stafford, Babson Park, Fla.; Oswald Tregaskis, New York; Philip J. Priore.

(Controlled by Sun Insurance Office, Ltd., London, England.)

COLUMBIA INSURANCE CO.

J. M. Haines, chairman; Percival Beresford, Lindsay Bradford, R. C. Hogan, Thomas J. Irvine, H. Lloyd Jones, Dave H. Morris, Jr., William C. Spelman, Archibald G. Thacher, W. E. Lowther, R. A. O'Brien, John F. Seekamp.

(Controlled by Phoenix Assurance Co., Ltd., of London, England.)

IMPERIAL ASSURANCE CORPORATION OF NEW YORK

James M. Haines, chairman; Percival Beresford, Lindsay Bradford, Joseph P. Day, R. C. Hogan, Thomas J. Irvine, H. Lloyd Jones, Dave H. Morris, Jr., John F. Seekamp, Archibald G. Thacher, W. E. Lowther, R. A. O'Brien.

(Controlled by Phoenix Assurance Co., Ltd., of London, England.)

AMERICAN UNION INSURANCE CO. OF NEW YORK

Thomas E. Stevens, Edinburgh, Scotland; John H. Vreeland, Morgan B. Brainard, L. Edmund Zacher, James H. McCormick, Hartford, Conn.; Charles W. Allen, Wantagh, N. Y.; S. Stanley Gray, New York; Arthur P. Day, Hartford, Conn.; Raymond M. Underwood, Alfred D. Dowrie, William E. King, Brooklyn, N. Y.; John S. Breckenridge, Larchmont, N. Y.; Edward J. Maloy, West New Brighton, N. Y.

(Controlled by Scottish Union & National Insurance Co., Edinburgh, Scotland.)

CAPITAL FIRE INSURANCE CO. OF CALIFORNIA

Alden Anderson, Clyde H. Brand, Ray Decker, Thomas McCormack, W. G. Rich, W. H. Siemer, Harold Warner, H. T. Cartlidge, B. F. Weaver.

(Controlled by the Royal Insurance Co., Ltd., of Liverpool, England.)

EAGLE INDEMNITY CO.

Harold Warner, chairman; H. D. Gibson, J. S. Lovering, F. J. O'Neill, Thatcher M. Brown, James H. Perkins, William S. Gray, Jr., William M. Kingsley, A. Duncan Reid, J. Dyer Simpson, Benjamin Strong, Claude E. Trinder, Thomas R. Young.

(Controlled by the Royal Insurance Co., Ltd., of Liverpool, England.)

NEWARK FIRE INSURANCE CO.

Thatcher M. Brown, H. T. Cartlidge, F. J. O'Neill, James H. Perkins, C. A. Nottingham, Harold Warner, William M. Kingsley, J. J. Cornish, William S. Gray, Jr., J. D. Simpson, Benjamin Strong.

(Controlled by the Royal Insurance Co., Ltd., of Liverpool, England.)

QUEEN INSURANCE CO.

William H. Wheelock, Thatcher M. Brown, E. Gerry Chadwick, Lincoln Cromwell, F. J. O'Neill, James H. Perkins, Harold Warner, H. T. Cartlidge, William M. Kingsley, J. K. Cornish, William S. Gray, Jr., J. D. Simpson, Benjamin Strong.

(Controlled by the Royal Insurance Co., Ltd., of Liverpool, England.)

ROYAL INDEMNITY CO.

Harold Warner, chairman; Thatcher M. Brown, Harvey D. Gibson, F. J. O'Neill, James H. Perkins, William S. Gray, Jr., W. M. Kingsley, John J. Cornish, J. Dyer Simpson, Claude E. Trinder, H. C. Houlihan, A. Duncan Reid, Benjamin Strong.

(Controlled by the Royal Insurance Co., Ltd., of Liverpool, England.)

SEABOARD INSURANCE CO.

Rodney J. Brooks, Thatcher M. Brown, H. T. Cartlidge, M. H. Grannatt, William S. Gray, Jr., William M. Kingsley, C. A. Nottingham, F. J. O'Neill, James H. Perkins, J. D. Simpson, Benjamin Strong, Harold Warner, William H. Wheelock.

(Controlled by Royal Insurance Co., Ltd.)

YORKSHIRE INDEMNITY CO.

Floyd R. DuBois, Malcolm B. Dutcher, Herbert F. Ellen, Luther R. Hayes, August A. Knoepfle, George F. Lee, Orlando H. Lounsbury, Frank B. Martin, Alan O. Robinson, Harold W. Rudolph, Murray McConnel, Herman L. Wilkens.

(Controlled by the Yorkshire Insurance Co., Ltd.)

SEABOARD FIRE & MARINE INSURANCE CO.

L. C. Amos, James A. Beha, A. C. Campbell, William R. Conklin, Douglas F. Cox, Herbert F. Ellen, Meredith C. Laffey, Hugh D. Marshall, E. Francis McCrossin, Harold W. Rudolph, J. Wood Rutter, George E. Warren.

(Affiliated with the Yorkshire Insurance Co., Ltd.)

MANHATTAN FIRE & MARINE INSURANCE CO.

Hawley T. Chester, Frederic J. Fuller, Douglas Elliman, William H. Hotchkiss, Alred B. Meacham, Everett W. Nourse, William A. Read, Chris D. Sheffe; A. P. Villa, New York, N. Y.; Arthur E. Morgan, London, England; J. M. Mendell, San Francisco, Calif.; Reginald H. Fullerton, Clarence M. Fincke, Williamson Pell, James H. Ferus.

(Controlled by the London Assurance, London, England.)

COMMONWEALTH INSURANCE CO., OF NEW YORK

Cecil F. Shallcross, chairman; William H. Barnum, Lawrence B. Elliman, Raymond E. Jones, Dean Sage, G. Palen Snow, William A. W. Stewart, Thomas H. Blodgett, Pierre Jay, R. Keith Kane, Franklin B. Lord, Philip A. Benson.

(North British and Mercantile Insurance group.)

PENNSYLVANIA FIRE INSURANCE CO.

Cecil F. Shallcross, chairman; William W. Bodine, Henry L. Brown, Morris L. Clothier, Edward Hopkinson, Jr., Leonard H. Kinnard, William F. Kurtz, Joseph Wayne, Jr., Isaac W. Roberts.

(North British and Mercantile Insurance group.)

FEDERAL UNION INSURANCE CO.

William M. Kingsley, Thatcher M. Brown, H. T. Cartlidge, William S. Gray, Jr., E. W. Hartney, C. A. Nottingham, James H. Perkins, A. Duncan Reid, Harold Warner, William H. Wheelock, Benjamin Strong, G. C. Peterson, F. J. O'Neill, H. F. Gregg, J. D. Simpson.

(Controlled by the Liverpool, London & Globe Insurance Co., Ltd., Liverpool, England.)

COLUMBIA CASUALTY CO.

John C. Bunyan, San Francisco, Calif.; Henry Collins, New York; William M. Kingsley, Frederick W. Koechert, George L. Larkin, Sir Ashley Sparks, Stevenson E. Ward, Thomas H. Wilson, New York, N. Y.; Louis B. Altreuter, William Betteridge, Chesley R. Palmer, Edward J. Barber, Hiram A. Mathews.

(Controlled by the Ocean Accident & Guaranty Corporation, Ltd.)

THE POTOMAC INSURANCE CO.

John Grady, A. A. Hoehling, Charles K. Hood, C. F. Jacobsen, James F. Mitchell, Thomas C. Moore, Sir Francis Norie-Miller, Bart S. Norie-Miller, C. F. R. Ogilby, Alex K. Phillips, Frederick Richardson.

(Controlled by General Accident, Fire & Life Assurance Corporation, Ltd., Perth, Scotland.)

THE EUREKA-SECURITY FIRE AND MARINE INSURANCE CO.

J. G. Bachman, D. J. Cowie, George L. Doscher, George P. Fetick, V. L. Gallagher, A. L. Merritt, P. H. Mell, George Nikola.

(Affiliated with Pearl Assurance Co., Ltd., of London, England.)

MONARCH FIRE INSURANCE CO.

William R. Daley, H. R. Harris, A. R. Horr, Richard Inglis, S. Livingston Mather, J. G. Bachman, Frederick P. Smith, D. J. Cowie, George L. Doscher, V. L. Gallagher, P. H. Mell, O. H. Carlsson.

(Affiliated with Pearl Assurance Co., Ltd., of London, England.)

THE EAGLE FIRE CO. OF NEW YORK

C. A. Chafey, Everett Colby, Hart Darlington, Russell L. Countryman, William M. Frink, A. G. Thacher, Robert C. Hill, Everard P. Smith, John C. Traphagen, E. F. Williamson, R. J. MacMichael, Clarence G. Michalis.

(Norwich Union group.)

THE PRUDENTIAL INSURANCE CO. OF GREAT BRITAIN, LOCATED IN NEW YORK

Thatcher M. Brown, chairman; Sir George Lewis Barstow, Sir Joseph Burn, H. T. Cartlidge, William S. Gray, Jr., Guy Philip Harben, Sir Edgar Horne, Bart.; Walter C. Howe, William M. Kingsley, C. R. Nottingham, G. L. Purdin, Harold Warner, William H. Wheelock.

(Controlled by Prudential Assurance Co., Ltd., London, England.)

PHOENIX INDEMNITY CO.

A Battrick, Percival Beresford, Lindsay Bradford, Joseph P. Day, J. M. Haines, R. C. Hogan, Thomas J. Irvine, H. Lloyd Jones, Dave H. Morris, Jr., R. Y. Sketch, Archibald G. Thacker, W. E. Lowther, R. A. O'Brien, Gardner W. Taylor.

(Controlled by Phoenix Assurance Co., Ltd., of London, England.)

UNITED FIREMAN'S INSURANCE CO.

J. M. Haines, chairman; Percival Beresford, James E. Gowen, Richard E. Hanson, T. J. Irvine, H. Lloyd Jones, William M. Kingsley, George R. Packard, Jr., Evan Randolph, George V. Smith, John C. Taylor.

(Controlled by Phoenix Assurance Co., Ltd., of London, England.)

AMERICAN & FOREIGN INSURANCE CO.

Thatcher M. Brown, A. Davidson, Joseph Gerli, Martin E. Boetzinger, William S. Gray, Jr., William M. Kingsley, Arthur C. Ness, James H. Perkins, A. G. Thatcher, Harold Warner, Benjamin Strong, H. C. Bellinger, F. B. Zeller, New York; Frank Gair, Macomber, Boston; Gilbert Mather, Philadelphia; J. D. Simpson, Liverpool, England; H. T. Cartlidge.

(Controlled by Royal Insurance Co., Ltd., Liverpool, England, through the British & Foreign Marine Insurance Co.)

GLOBE INDEMNITY CO.

Thatcher M. Brown, Harold Warner, New York City; A. Duncan Reid, Montclair, N. J.; James H. Perkins Greenwich, Conn.; William H. Wheelock, Mount Kisco, N. Y.; F. J. O'Neill, Mount Vernon, N. Y.; W. H. Galentine, William S. Gray, Jr., W. M. Kingsley, New York; J. D. Simpson, Kenneth Spencer, Benjamin Strong, H. T. Cartlidge.

(Controlled by Liverpool & London & Globe Insurance Co., Ltd., Liverpool, England.)

STAR INSURANCE CO. OF AMERICA

William M. Kingsley, F. J. O'Neill, Thatcher M. Brown, H. T. Cartlidge, C. A. Nottingham, James H. Perkins, C. L. Purdin, Harold Warner, William H. Wheelock, Benjamin Strong, William S. Gray, Jr., J. D. Simpson, M. H. Grannatt.

(Controlled by the Liverpool & London & Globe Insurance Co., Ltd., of Liverpool, England.)

PROVIDENT FIRE INSURANCE CO.

Ralph E. Came, S. Sloan Colt, H. P. Davison, Edward W. Elwell, Gayle T. Forbush, Robert A. Lovett, Arthur Waller.

(Controlled by Royal Exchange Assurance, London.)

THE MERCANTILE INSURANCE CO. OF AMERICA

Cecil F. Shallcross (chairman), Charles S. Brown, W. A. Eldridge, Robert L. Garner, Artemus L. Gates, David F. Houston, Lewis Gawtry, Sir Ashley Sparks, Cornelius Vanderbilt, John Y. G. Walker, H. Hobart Porter, Philip J. Roosevelt, H. S. Morgan.

(North British & Mercantile Insurance Co., Ltd., England.)

SEABOARD INSURANCE CO.

Gilbert Kingan, Henry W. Gray, J. V. Fothergill, W. J. Roberts, W. W. Smith, Joseph T. Goeller, W. H. Cooper, Thomas Hobson, Seigfried Gabel, Alfred D. Dowrie, John V. Jewell, Jr., C. W. Chappelear, Stratford D. Mills.

(Controlled by the London & Lancashire Insurance Co., Ltd., London, England.)

LONDON & LANCASHIRE INDEMNITY CO. OF AMERICA

William H. Cooper, Thomas Hobson, W. J. Roberts, Alfred D. Dowrie, J. T. Goeller, John V. Jewell, Jr., Arthur S. Rogers, John Urmson, Seigfried Gabel, Tenry W. Gray, Gilbert Kingan, W. W. Smith, Stratford D. Mills.

(Controlled by Orient Insurance Co., which is controlled by the London & Lancashire Insurance Co., Ltd., London, England.)

CENTRAL UNION INSURANCE CO.

Thomas E. Stevens, Edinburgh, Scotland; J. H. Vreeland, M. B. Brainard, L. Edmund Zacher, Arthur P. Day, J. H. McCormick, W. R. Hills, R. A. Boardman, Hartford, Conn.; Andrew MacKechnie, Jr., Newark, N. J.

(Controlled by Scottish Union and National Insurance Co., of Edinburgh, Scotland.)

ALBANY INSURANCE CO.

Ronald R. Martin, Joseph J. Casey, Cecil H. Falloon, C. M. Gallagher, Charles E. McElroy, Peter D. Kiernan, Ledyard Cogswell, Jr., J. Edward Poole, G. William McEwan, Frank J. Barry, Delancey Palmer, Henry D. Rogers, Irving L. Isdell.

(Controlled by Atlas Assurance Co., Ltd., London, England.)

EXHIBIT D

Interlocking directorships of directors of English-controlled and affiliated insurance companies with American industrial companies.

The corporations listed below have directors who are interlocked in the directorships of the various named insurance companies controlled by the parent companies in Great Britain.

They do not include the banking and financial corporations which appear in another exhibit.

These industrial, railway, and utility corporations have assets of approximately $20,000,000,000.

In presenting this list I do not state that these corporations and companies are controlled by British finance. Nevertheless, they have on their board of directors men who are interlocked as directors of British owned, controlled, and affiliated insurance companies. Some of these men are individuals who have been and are active in prowar drives, such as the William Allen White committee (Committee to Defend America by Aiding the Allies). It was traced after noting that some of the ardent advocates of conscription and those favoring acts of war were directors of these

British-controlled insurance companies. It shows how far the ramifications of interlocking directorships go in using influence for foreign interests.

The list only includes those with assets over $1,000,000. Many have more than one hundred million in property and some over a billion.

Industrial corporations of more than $100,000,000—approximate assets

United States Steel Corporation	$1,700,000,000
American Smelting & Refining Co	175,000,000
Anaconda Copper Co	600,000,000
Chile Copper Co	150,000,000
Fisk Rubber Co	185,000,000
General Foods Corporation	100,000,000
Montgomery, Ward & Co	250,000,000
Paramount Pictures	110,000,000
Texas Corporation	675,000,000
Union Carbide & Carbon Corporation	335,000,000
Western Electric	285,000,000
Youngstown Sheet & Tube Co	250,000,000

INDUSTRIAL CORPORATIONS OF MORE THAN $1,000,000 (NOT INCLUDED ABOVE)

American Chicle Co.
American Home Products Corporation.
American Brake Shoe & Foundry Co.
American Agricultural Chemical Co.
American Hardware Corporation.
American Ice Co.
American Writing Paper Corporation.
Arrow-Hart & Hegeman Manufacturing Co.
Borg Warner Corporation.
Baldwin Locomotive Works.
Basic Dolomite, Inc.
Belding Heminway Co.
Consolidated Laundries Corporation.
Consolidation Coal Co.
Carnation Co.
Cluett Peabody & Co., Inc.
Cleveland-Cliffs Iron Co.
Eisemann Magneto Corporation.
Eaton Manufacturing Co.
Flintkote Co.
Giant Portland Cement Co.
Great Lakes Towing Co.
Great Northern Paper Co.
Hat Corporation.
International Mercantile Marine Co.
Indian Refining Co.
Indiana Limestone Corporation.
Kennecott Copper Corporation.
Kanawha & Hocking Coal & Coke Co.
Julius Kayser & Co.
Keystone Watch Case Corporation.
Lehigh Coal & Navigation Co. (holding).
Mercantile Stores Co., Inc.
Manati Sugar Co.
Munising Paper Co.
Herman Nelson Corporation.
Pullman Standard Car Manufacturing Co.
Pennsylvania Salt Manufacturing Co.
Pan American Airways, Inc.
Pettibone Muliken Corporation.
Philadelphia & Reading Coal & Iron Co.
Pennsylvania Sugar Co.
Rochester & Pittsburgh Coal & Iron Co.
Riverside Metal Co.
Ruud Manufacturing Co.
Remington Rand.
Russell Manufacturing Co.
Selby Shoe Co.
Standard Brands, Inc.
Shuron Optical Co., Inc.
Sanborn Map Co.
Spencer Turbine Co.
Standard Screw Co.
Time, Inc.
Teleautograph Corporation.
Thompson Products, Inc.
United Biscuit Co. of America.
Underwood Elliott Fisher Co.
Virginia Iron Coal & Coke Co.
Virginia-Carolina Chemical Co.

UTILITY AND RAILROAD CORPORATIONS OF MORE THAN $1,000,000 ASSETS

Alleghany Corporation (holding).
Atlanta & Charlotte Air Line Railway.
American Waterworks & Electric Co.
Baltimore & Ohio Railroad.
Bell Telephone Co. of Pennsylvania.
Central New York Power Corporation.
Chicago, Milwaukee, St. Paul & Pacific Railroad.
Consolidated Edison Co. of New York.
Connecticut Power Co.
Cleveland Railway Co.
Detroit & Mackinac Railway.
Elizabethtown Consolidated Gas Co.
Fairmont Park Transit Co.
Frankford & Southwark Philadelphia City Passenger Railway.
Hartford Electric Light Co.
Hackensack Water Co.
Hudson & Manhattan Railroad.
Kansas, Oklahoma & Gulf Railway Co.
Lake Superior & Ishpeming Railroad.
Lehigh Valley Railroad.
Los Angeles & Salt Lake Railroad.
Muskogee Co. (holding).
Natomas Water Co.
New England Public Service Co.
New York Power & Light Corporation.
New York Rapid Transit Corporation.
New York, New Haven & Hartford Railroad.
Niagara Hudson Power Corporation.
Oregon Short Line Railroad.
Oregon-Washington Railroad.
Philadelphia, Baltimore & Washington Railroad.
Pittsburgh, Fort Wayne & Chicago Railway.
Pennsylvania Co. (holding).
Pennsylvania Railroad Co.
Pennroad Corporation (investing).
Reading Co.
Springfield Street Railway.
St. Louis-San Francisco Railway.
Third Avenue Railway.
Union Pacific Railroad.
United Gas Improvement Co.
Western Pacific Railroad Corporation.
Western Union Telegraph Co.

EXHIBIT E

Interlocking directorships of directors of English-controlled and affiliated insurance companies with American financial institutions.

The corporations listed below have directors who are interlocked in the directorships of the various-named insurance companies controlled by the parent companies in Great Britain. They do not include the industrial corporations shown in exhibit D with assets of approximately $20,000,000,000.

As noted in exhibit D, it is not stated that these directors are English controlled, but it does show the ramification of British finance in the United States and the power of that influence in the pro-war drive in this country.

Many of these individuals are active in the William Allen White committee and other prowar organizations. The people are not advised of the financial tie-up.

The list below only includes those with assets of more than $1,000,000. Some have more than a billion in assets.

The banking institutions which have more than $100,000,000 in assets each have total assets of more than $15,000,000,000. The insurance companies which have more than $100,000,000 in assets have total assets of more than $11,000,000,000.

INSURANCE COMPANIES WITH INTERLOCKING DIRECTORSHIP WITH INSURANCE COMPANIES NOTED IN SPEECH

Insurance companies of more than $100,000,000 assets—approximate assets

Aetna Life Insurance Co	$675,000,000
Connecticut General Life Insurance Co	275,000,000
Equitable Life Assurance	2,400,000,000
Home Life Insurance Co	100,000,000
Insurance Co. of North America	100,000,000
Metropolitan Life Insurance Co	5,100,000,000
Mutual Life Insurance Co. of New York	1,500,000,000
Penn Mutual Life Insurance Co	750,000,000
Travelers Insurance Co	175,000,000

Insurance companies whose assets are more than $1,000,000 (not listed above)

Aetna Casualty and Surety Co.
Alliance Insurance Co.
American Eagle Fire Insurance Co.
American Home Fire Assurance Co.
American Re-Insurance Co.
Atlantic Mutual Insurance Co.
Automobile Insurance Co.
Bankers and Shippers Insurance Co. of New York.
Commercial Union Fire Insurance Co. of New York.
Charter Oak Fire Insurance Co.
Century Indemnity Co.
Caledonian-American Insurance Co.
Federal Insurance Co.
Fidelity-Phenix Fire Insurance Co.
Globe & Rutgers Fire Insurance Co.
Hartford Steam Boiler Inspection & Insurance Co.
Hudson Insurance Co.
Jersey Insurance Co. of New York.
Metropolitan Fire Reinsurance Co.
National Surety Corp.
Northern Insurance Co.
Norwich Union Indemnity Co.
North American Reassurance Co.
Northeastern Insurance Co.
New Amsterdam Casualty Co.
Merchants Fire Assurance Corporation.
Merchants Indemnity Corporation.
North River Insurance Co.

Orient Insurance Co.
Quaker City Fire and Marine Insurance Co.
Safeguard Insurance Co.
Standard Fire Insurance Co.
Seaboard Surety Co.
Travelers Indemnity Co.
United States Casualty Co.
United States Guarantee.
World Fire and Marine Insurance.
Washington Assurance Corporation.
Westchester Fire Insurance Co.
Western & Southern Life Insurance Co.

SOME BANKING INSTITUTIONS WITH INTERLOCKING DIRECTORSHIPS WITH INSURANCE COMPANIES WHOSE PARENT COMPANIES ARE IN GREAT BRITAIN

Banking institutions with more than $100,000,000 assets—approximate assets

Chase National Bank	$3,100,000,000
National City Bank	2,500,000,000
Guaranty Trust	2,400,000,000
Bankers Trust	1,250,000,000
Manufacturers Trust	875,000,000
Irving Trust	825,000,000
J. P. Morgan & Co	700,000,000
Bank of Manhattan	675,000,000
Philadelphia National Bank	625,000,000
Emigrant Industrial Savings	500,000,000
Cleveland Trust	400,000,000
Bank of New York & Trust	250,000,000
New York Trust	225,000,000
Savings Bank Trust	200,000,000
East River Savings	200,000,000
Greenwich Savings	175,000,000
United States Trust	150,000,000
Fidelity-Philadelphia Trust	150,000,000
Girard Trust	135,000,000
Commercial National Bank & Trust	125,000,000
City Bank Farmers Trust	100,000,000

Banking institutions with assets of more than $1,000,000 (not listed above)

International Banking Corporation.
Provident Trust.
National Metropolitan Bank of Washington.
Fulton Trust.
United States Trust (Newark).
Textile Banking.
Drexel & Co.
Capital National Bank of Sacramento.
Eutaw Savings.
Grace National.
Fiduciary Trust of New York.
Kings County Trust (Brooklyn).
Title Guarantee & Trust.
Travelers Bank & Trust (Hartford).
Phoenix State Bank & Trust (Hartford).
Morris Plan (Cleveland).
Hartford Connecticut Trust.
Hartford National Bank & Trust.
Discount Corporation of New York.
Central Penn National (Philadelphia).
Connecticut River Banking.
Nyack National Bank & Trust.
Brown Bros., Harriman (private banking).
Federal Reserve.

NOTE.—All directorships are based upon reports as shown in Poor's and Moody's Manuals for 1940. If any changes due to resignation or death have occurred since the printing of the manuals, this may change a few of the corporate connections either by adding others or subtracting those given.

EXHIBIT F

Records and facts of English interests in American business.

ALBERT PURVIS—A BRIEF STORY OF ENGLISH INTEREST IN AMERICAN BUSINESS

British investments in the United States total in the billions. They are very effective in their pressure on the economic and political life of the country.

It is far too large a story to note briefly as an exhibit to the record.

Arthur B. Purvis heads the British Purchasing Mission in the United States. It is interesting to note his connections.

The Poor's Register of Directors shows that Mr. Purvis is a director of General Motors Corporation. Mr. William Knudsen, before accepting the position on the National Defense Commission, was president of General Motors. Serving with him on the board of directors, the volume notes the name of Rt. Hon. Lord Harry McGowan of Ardeer, K. B. E., of London, England. Lord McGowan is chairman of Imperial Chemical Industries, Ltd., one of the important chemical corporations of the British Empire. Not only that, but McGowan is an official of other munition and chemical companies.

Mr. Purvis is chairman of the board of Canadian Industries, Ltd. With him on the board are Americans, Canadians, and Englishmen who are directors of American corporations. C. C. Ballantyne is director of Bordens, Ltd., a subsidiary of Borden Co.; a director of Montreal Locomotive Works, a subsidiary of American Locomotive Co. Sir Edward Beatty is a director of the Waldorf Astoria Hotel and other affiliated corporations. Ross McMaster is director of the Canadian subsidiary of Pratt & Whitney. He is also director of International Nickel and a member of the American Iron and Steel Institute. Serving on the board of which Purvis is director one notes the names of J. Thompson Brown, vice president of E. I. du Pont de Nemours and director of Remington Arms. Also one notes H. G. Haskell, vice president of E. I. du Pont de Nemours and director of General Motors Securities Co. The Dunlop Tire & Rubber Co. is connected with the Dunlop Tire & Rubber Goods Co., Ltd. This company directorate shows E. B. Germain, of Buffalo.

Purvis is also an official of Bell Telephone Co., of Canada. On that board, one notes the name of Walter S. Gifford, president of the American Telephone & Telegraph Co., and William H. Harrison, vice president of American Telephone & Telegraph Co.

The head of the Purchasing Mission is an official of Canadian Investment Fund, Ltd. Other officials of this investing firm show Calvin Bullock, John M. Hincks, and Hugh Bullock, bankers of New York.

He is also an official of Liverpool & London & Globe Insurance Co., the record of its connections being shown in other exhibits.

Purvis is also an official of British American Oil Co., Ltd. One of the officials of that company is Charles L. Suhr, chairman of the board of Pennzoil Co.

He is also an official of Northern Electric Co., Ltd., and on that board one finds R. H. Gregory, E. S. Bloom, C. G. Stoll, of Western Electric.

This is just one example of the interlocking of business connections as it affects Albert Purvis, British purchasing director and close personal friend of the President.

Many American firms that have received large war orders have on their board of directors English citizens. The metal industry has many examples of this tie-up.

USE OF STABILIZATION FUND FOR MAKING LOANS

Mr. VANDENBERG. Mr. President, the able junior Senator from Ohio [Mr. TAFT] made a very important statement at the last session of the Senate regarding the use of the stabilization fund for purposes of international credit. Inasmuch as he was discussing a rather unusual procedure, namely, that of administrative departments coming to a committee of the Congress for approval of their policy, on the theory that that apparently gave the approval of Congress, I do not wish to let the occasion pass without associating myself with the observations offered by the Senator from Ohio, and I wish to submit a supplemental comment. I am not discussing the question of whether loans should or should not be made to belligerent nations; I am discussing the question of the method.

Mr. President, the stabilization fund was never intended to be an international "kitty," if I may use the language of the street, for the purpose of making international loans indiscriminately at the option of the executive departments of the Government. Again I say I am not commenting on the merit of the loans; I am commenting on the method.

When the stabilization fund was established I sought in vain to obtain a very simple amendment to the act which would require reports to Congress at least once a year regarding the details of the transactions. By roll call the Senate twice refused to order even that much publicity regarding the use of this tremendous $2,000,000,000 fund.

When the stabilization fund was finally extended, in 1939, a very poor concession was made to the point of view that Congress and the people were entitled to some information regarding the stabilization fund, and an annual audit was ordered reported to both the President and the Congress. But it still remains in the fundamental law governing the stabilization fund that this $2,000,000,000 may be used by the Secretary of the Treasury, with the approval of the President, "whose decisions shall be final and not be subject to review by any other officer of the United States."

Mr. President, that is the most complete immunity ever given an administrative officer in respect to the expenditure of public funds. I respectfully submit to the Senate Banking and Currency Committee, if it is making any further explorations into the use of the stabilization fund for international loans, never remotely contemplated when the act was originally passed, that at least the fundamental law itself be rewritten so that, if the occasion requires, Congress and the American people may question the use of $2,000,000,000 of their money.

Mr. CLARK of Missouri. Mr. President, I should like to call the attention of the Senate briefly to the fact that the other day, after Mr. Morgenthau had made the announcement with respect to the new use of the stabilization fund, which amounted to the setting up of a new lending agency of the United States, which I insist is contrary to the whole spirit and purpose of the stabilization fund as enunciated by Mr. Morgenthau himself a year and a half ago before the Senate Committee on Military Affairs, and later before the Senate Banking and Currency Committee—I say that after Mr. Morgenthau had announced the policy of converting the stabilization fund into a lending agency, Mr. Warren Lee Pierson, the president of the Export-Import Bank, made a statement in which he said, "I would hate to see the Treasury do better than we," and announced that the Export-Import Bank had also loaned or was about to loan $50,000,000, which, unless it is for the sole purpose of increasing exports of the United States to foreign countries, also violates the statute setting up the Export-Import Bank.

Of course, Mr. Pierson could afford to be very, very generous in these matters. It does not cost him a cent. The money belongs to the taxpayers of the United States. This noble spirit of emulation between rival Government lending agencies in disposing of other people's money may be a spectacle to delight foreign countries which are getting the money, but it is certainly not calculated to be very encouraging toward the hard-pressed American taxpayer whose money is being handed out and who has to foot the bill. Mr. Pierson should remember, however, that he cannot very well afford to play table stakes against the stabilization fund, because there is a statutory limit on the lending of the Export-Import Bank, while the stabilization fund still has about $2,000,000,000.

EXECUTIVE SESSION

Mr. MINTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. Reports of committees are in order. If there be none, the clerk will state the nominations on the calendar.

THE JUDICIARY

The Chief Clerk read the nomination of Joseph Warren Madden to be judge of the United States Court of Claims.

Mr. VANDENBERG. Mr. President, I ask that the nomination go over.

The PRESIDENT pro tempore. On objection, the nomination will be passed over.

FEDERAL HOUSING ADMINISTRATION

The Chief Clerk read the nomination of Abner H. Ferguson to be Federal Housing Administrator.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MINTON. I ask unanimous consent that the President be immediately notified of the confirmation of the nomination of Mr. Ferguson.

The PRESIDENT pro tempore. Without objection, the President will be immediately notified.

POSTMASTERS

The Chief Clerk read sundry nominations of postmasters.

Mr. HAYDEN. Mr. President, from the Committee on Post Offices and Post Roads, I report favorably the nominations of 21 postmasters in several States, none of them objected to by the Senators from the States affected, and I ask unanimous consent that the nominations be confirmed en bloc, along with those appearing on the calendar, and that the President be immediately notified.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc, and the President will be immediately notified.

COAST GUARD

The Chief Clerk read the nomination of William C. Hart to be chief boatswain.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

IN THE ARMY

The Chief Clerk read sundry nominations in the Army.

Mr. MINTON. I ask unanimous consent that the nominations in the Army be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

RECESS TO THURSDAY

Mr. MINTON. As in legislative session, I move that the Senate stand in recess until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 12 o'clock and 30 minutes p. m.) the Senate took a recess until Thursday, December 12, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 9 (legislative day of November 19), 1940

FEDERAL HOUSING ADMINISTRATION

Abner H. Ferguson to be Federal Housing Administrator.

POSTMASTERS

ARIZONA

William D. Spangler, Benson.
Charles W. Montgomery, Whiteriver.

COLORADO

John R. Kraxberger, Arriba.

GEORGIA

Ernest L. Hanger, Manchester.

HAWAII

Frederick L. Fernandez, Aiea.

LOUISIANA

Alydia B. Darnall, Weeks.

NEW HAMPSHIRE

Albert Dean Holmer, Jr., Exeter.
William H. Roberts, Raymond.

NORTH CAROLINA

Edward K. Morris, Atlantic.
James Kelly Bridgers, Sr., Nashville.
Lois D. Braswell, Princeton.

NORTH DAKOTA

Mabel L. Pederson, Courtenay.
Ronald H. Beechie, Nome.

SOUTH CAROLINA

Hazel V. Walpole, Frogmore.
John George Waters, Inman.
Rosa B. Grainger, Lake View.
Birdie B. Carpenter, Warrenville.

TENNESSEE

Cecil Hitchcox, Pikeville.

VERMONT

Ella M. Martin, Rochester.

WASHINGTON

Cora L. Sherman, Dryden.
Dessie M. Hewett, Lyle.
Richard J. Caretti, Port Orchard.
Francis G. Bunn, Wishram.

COAST GUARD OF THE UNITED STATES

TO BE A CHIEF BOATSWAIN

William C. Hart

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. Albert Neil Hickey.

TO QUARTERMASTER CORPS

Capt. Edward Francis Merchant.

TO SIGNAL CORPS

First Lt. Winfield Lee Martin.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be major

Robert Eugene Bitner

To be captain

Thomas Earl Patton	Jay James Palmer
Albert Willard Kuske	Henry Clay Vedder
Walter Joseph Reedy	Leon Joseph Numainville

DENTAL CORPS

To be captain

Charles Sidney Winston

CHAPLAIN CORPS

To be major

Frederick William Hagan

HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 9, 1940

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the alpha and omega, the first and the last, the bright and the morning star, hear our prayer. We pray Thee to make the horizon of our lives broader, remembering that over all, through all, and in all Thou art working. To those whose better natures tremble and are afraid, to those who struggle with poverty and whose labor brings so little comfort and warmth, be Thou a providence unto them. Grant that we may have a deeper conception of the riches of Thy grace. As all creation is yearning and longing to see the manifestation of the sons of God, oh, become a power and a comfort to all those whose noonday is threatened with sunset. Heavenly Father, in this day, with its broken glimpses of light, while the tragical life of the world goes on, grant that the grasping hand of plunder may soon be cut off and the world know that the Christ and not Caesar speaks the final word by which men and nations are to live. Encourage all churches, all schools, and all teachers in their efforts to spread abroad a more vigorous desire for the reformation of morals. We rejoice that Thy mercy is from everlasting to everlasting, and beyond all discordant voices there is true peace and unwearying toil. In our Redeemer's name. Amen.

The Journal of the proceedings of Thursday, December 5, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Baldridge, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 307. Joint resolution vesting the chairman of the inaugural committee with authority to determine the location of stands along the inaugural parade route.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 3729. An act for the relief of Hjalmar M. Seby.

SPEAKER PRO TEMPORE

Mr. COOPER administered the oath of office to the Speaker pro tempore [Mr. MCCORMACK].

EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with civil-service legislation as it applies to Capitol Hill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with the book written by our colleague the gentleman from North Dakota [Mr. BURDICK], Tales From Buffalo Land.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with the St. Lawrence Seaway Conference at Detroit on December 5, and to include therein a letter or an address read by Mr. Berle, which was written by President Roosevelt, and also to include an address by Mr. Berle, Assistant Secretary of State.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

THE DIES COMMITTEE

Mr. MASON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, I have heard much adverse criticism during the last few days on the floor of the House concerning the statement of the chairman of the Committee to Investigate Un-American Activities that he proposed to ask for a 2-year extension of life for the committee and an appropriation of $1,000,000. As a member of that committee, I am concerned over this criticism and want to make my position clear as to the future of our committee and the appropriation that should be requested for the continuation of its work.

I agree with the chairman that in view of conditions that obtain in this Nation today the committee should be continued on the basis of a 2-year program. In my opinion, however, our committee will not authorize its chairman to ask for an appropriation of $1,000,000, but will, instead, instruct him to ask for a reasonably adequate appropriation to carry on the work. I believe necessary expenditures of the committee can and will be granted by the House from time to time as the need arises. To illustrate: I expect to oppose raising the debt limit to sixty or sixty-five billion dollars at one jump, because I believe it is unwise to make this vast sum available for spending at one time. I prefer to support a program of increasing the debt limit two or three billion dollars at a time as the need arises, so that the Congress can exercise its particular function of keeping a tight hold upon the public purse strings. This, in my opinion, would also be a safe and sane procedure to apply to future appropriations for the Dies committee. [Applause.]

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

EXTENSION OF REMARKS

Mr. BOEHNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including President Woodrow Wilson's call to sea for the benefit of the World War veterans of the United States merchant marine.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE LATE GLENN R. GRISWOLD

Mr. BOEHNE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BOEHNE. Mr. Speaker, it is with a very heavy heart that I come to you this morning advising you of the death of a former Member of this House, one of the very best friends

I had in Indiana, the Honorable Glenn Griswold, of Peru, Ind., who died very suddenly last Thursday evening.

Mr. Griswold was known by most of the Members of this body, having served from the Seventy-second to the Seventy-fifth Congresses, inclusive. Indiana has lost a very distinguished son, a man who believed in the rights of all American citizens, and I know that you have likewise lost a very good friend.

Mr. Griswold came to Congress well equipped, having practiced law for a number of years in Peru, Ind., where he later became its city attorney in the years 1922 to 1925. Later he was prosecuting attorney of Miami County and was a member of the Indiana Railroad Commission.

During his service in this body he was a very valuable member of important committees, particularly the Labor Committee and the Committee on World War Veterans' Legislation. His firm conviction that every person held inalienable rights as free men prompted him to take an important part in the development of legislation affecting both the man who toils and former members of the service establishments.

Mr. Griswold was admired for his forthrightness, his ability as a debater, and for the sincere conviction which he always expressed on matters of moment. His voice has now been stilled, but his memory and his spirit will live long after him. I know that I bespeak the sentiments of all of his former colleagues when I publicly offer to his gracious widow our heartfelt sympathy.

Mr. CROWE. Mr. Speaker, it was with profound sorrow and regret that I learned of the death of Hon. Glenn R. Griswold, late of Indiana, who served with me in the Congress of the United States during the Seventy-second to the Seventy-fifth terms, inclusive.

Former Congressman Griswold was an earnest, sincere gentleman, very capable, and a man who looked after the interests of his district in a painstaking, untiring way.

Mr. Griswold entered life in humble circumstances. It was through diligence and work that he arose finally to the position of a good attorney with a good, lucrative practice in Peru, Ind., from which place he was elected to the Congress of the United States. Having followed various occupations from cowpuncher to railroader, he continued during his life and through his terms in Congress to hold his union labor cards. Among his many fine traits, he had one splendid trait which was outstanding. He never forgot the people in the lowly walks of life. His ear was ever open to them and he continued to the end to earnestly work for the uplift and the well-being and the welfare of those who toil and those who earn their living by their toil and their labor. The man who can walk in low estate and who can continue to implement and help those in low estate after he has risen above their standards and who can continue to have the well-being of those at heart whom he once trod with while in lower estate is a man and a man worth while.

In the death of Mr. Griswold his district and State and the Nation have lost a valued public servant.

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include in connection therewith certain excerpts from newspapers and letters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that on next Thursday I may be permitted to address the House for 15 minutes following any other special order that may have been granted.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a poem written by Horace C. Carlisle, of Alabama, who has just achieved the distinction of threescore years and ten and has prepared a salutatory to that event.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ENTRY OF UNITED STATES INTO WAR

Mr. SHANNON. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SHANNON. Mr. Speaker, on yesterday, coming to Washington, I had the good fortune to read the Chicago Daily Tribune, and also early this morning, when I could not sleep, I read the Ohio State Journal. In each of those papers were startling statements concerning our getting into war. One was by the eminent Cardinal O'Connell, of the city of Boston, in which he sounded a note of alarm. Likewise, in the Ohio State Journal was an article by William E. Barrett. I ask unanimous consent that those two articles may be placed in the RECORD, so that America may be informed. Everyone should know what those great men have to say on this subject.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks and include a statement from the Reader's Digest, December 1940, entitled "Hitler's Branch Offices in the U. S. A."

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

HITLER'S BRANCH OFFICES IN THE U. S. A.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I wish to draw every Member's attention to an article appearing in the Reader's Digest, in the December 1940 number, entitled "Hitler's Branch Offices in the U. S. A." I would draw it to the particular attention of the members of the Foreign Relations Committee and ask that they read this and see if what appears to be this overgenerous agreement with Adolph Hitler's government may not be canceled or modified in accordance with safety for this country.

I ask every Member to read this in order that he may know how diplomatic immunity is being exploited. How they send their secret Nazi messages, which are exempt and free from inspection. Whenever any of these spies or saboteurs or subversive agents are caught they are always able to plead diplomatic immunity, in which they are valiantly supported by the German diplomatic service.

This is indicated and proven in the case of the Nazi courier, Herbert Hoehne, at Los Angeles, wherein a trunk, the contents of which were said to have been suspected to include military secrets. This man was caught with no diplomatic pass, but the trunk had upon it a diplomatic seal. This trunk was taken away from our officials when a member of Fritz Wiedemann's staff rushed up with diplomatic credentials and demanded the trunk, flying it on to Mexico, and Hoehne was finally released.

Automobile numbers were checked at the bund camp in Andover, N. J. When their drills were over, five members returned to jobs at the Picatinny Arsenal, largest in the Nation;

twelve to the National Guard; three to the Hercules Powder Plant in Kenville; and three to jobs as engineers in New Jersey's biggest powder plant. The Kenville plant was blown up 2 months later, killing 52. In the same week, Picatinny Arsenal was blown up, killing two more. I am taking this up with the State Department, and I ask that every Member of this House read this and take what he considers appropriate action. Here are some facts you cannot overlook.

[From Reader's Digest for December 1940—Condensed from Current History and Forum]

HITLER'S BRANCH OFFICES, U. S. A.

(By Albert Grzesinski, with Charles E. Hewitt, Jr.)

Amid all the excited discussion of Hitler's "fifth column" in the United States, the mainspring of his sabotage machine, gigantic as it is, and in plain sight of everyone, is overlooked.

I refer to his quite brazen exploitation of the international courtesy known as diplomatic immunity. Under this century-old tradition, diplomats enjoy unique privileges. Their baggage and mail are exempt from inspection. They may not even be tried for murder, nor their houses searched with warrants. In return, diplomats have traditionally behaved with great circumspection.

Then came Hitler, and turned the convenient tradition to his own uses. He sent secret agents abroad with diplomatic immunity to mask their operations. This perversion of international decency put his chief spies, saboteurs, and their files beyond interference.

In America Hitler is particularly fortunate. Under a special treaty with Germany—the most generous in the State Department's library—scores of Nazi officials here enjoy honors no less exceptional than ambassadors. Diplomatic immunity is extended to families of the embassy staffs and to all consular subordinates right down to the janitor—even to "as yet unlisted workers" at the 29 consulates.

The State Department, clinging to the old honorable diplomacy tradition, does not even possess a list of all Germans and their families and servants benefiting from immunities. It has no central file of diplomatic passports. So Nazi propagandists, spies, and troublemakers are swarming over the United States under United States protection.

In the 3 years I have been in America I have seen Nazi diplomatic representation trebled here. Consuls' duties are supposedly confined to aiding their nationals in traveling and business; and German-American trade is now almost nonexistent. Yet in New York the number of officials in the German consulate has risen from 38 to 116. This office has the further frank impertinence to maintain a political department—a thing unheard of in pre-Hitler consular services. The roster of San Francisco's consulate, headed by Hitler's friend, Fritz Wiedemann, has jumped from 8 to 28.

In Philadelphia German consular work was formerly done by an American lawyer in his spare time. But since the war Philadelphia has a new consul, no less than Erich Windels, previously chief Nazi diplomat in Canada. In the spring of 1938 a Dr. Gerhard arrived from Germany to unite all Fascist organizations in Canada under Nazi leadership. He began lavish distribution of cash and literature to that end. The first circulars exhorted all Fascist-minded Canadians to communicate with Gerhard—at Windels' office. Gerhard finally got out of Canada ahead of the police; diplomatic immunity prevented action against Windels. Now the City of Brotherly Love is honored by the presence of Windels in charge of the consulate there—assisted by two other Germans of consular rank.

And what are these consuls with their enlarged staffs up to? Consider the notorious case of Fritz Wiedemann in San Francisco, with his unique powers over all German diplomats in Central and South America. In April last year, when a would-be dictator named Busch seized power for a time in Bolivia, Wiedemann was hailed in the Reich press for "this first glorious result of his work in America." His formal assignment, beyond nazification of weak nations, is to foment all possible friction between the United States and Latin America. Hitler himself wired Wiedemann congratulations "on your fine work in defeating repeal of the Neutrality Act," which is close to an all-time high in effrontery.

Baron Edgar von Spiegel, a naval officer who is consul at New Orleans, has brazenly offered American universities subsidies to remove anti-Nazi professors. He recently warned American businessmen that they would see no contracts from Germany after the war if they continued to aid England now. The State Department did not even administer a personal rebuke, and throughout South America his unpunished insolence was highlighted as evidence of inability to cope with the Nazis.

As recently as January 4, 1939, the present vice consul in New York City, Dr. Friedhelm Draeger, was signing letters as "National Leader of the Nazi Party in America." This meant that he was actual führer of the bund, the storm troop camps, and the seditious newspapers in the United States at the same time that he was an accredited diplomat.

Now, the bund in America is part of a better mass machine of spies, saboteurs, and cash contributors than the Nazis have had in any country in Europe. Its membership list has never been surrendered despite Government subpenas and energetic F. B. I. investigation. The bund claims it has no roster or financial records. This is true; both are kept at the consulates.

Every one of the bund's 40,000 members is, by regulation, an American citizen who nevertheless renews an oath of loyalty to Hitler and the greater German Reich each year on April 20, the führer's birthday. The founder of the bund, Dr. Ignatz Griebl, was convicted of espionage in Federal court in 1938. The court declared in pronouncing sentence that Griebl was "chief of the biggest spy ring ever found in the United States in peacetime." The ring had delivered to Germany, among other data, the plans of America's newest destroyers, a coding machine just purchased by the Navy, and the blueprints of 12 new airplane types. One of the bund spies sent to Leavenworth was in active United States Army service; two of those convicted had been officers. Griebl himself escaped to Germany. He was at that time a lieutenant in the United States Army Reserve.

License plates were checked at the bund camp in Andover, N. J., this summer. When their Nazi drills were over 5 members were found to be returning to jobs at Picatinny Arsenal, largest in the Nation; 12 to positions in the National Guard; 3 to the Hercules Powder plant in Kenvil; and 3 to jobs as engineers in New Jersey's biggest power plant. Two months later New Jersey rocked beneath one of the greatest explosions in America's industrial history when the Kenvil plant went up. Fifty-two died there. Within the same week a blast at the Picatinny Arsenal killed 2 more. The F. B. I. is still investigating.

How the abuse of diplomatic immunity works may be seen from the recent incident when the F. B. I. swooped on a Nazi courier, Herbert Hoehne, as he boarded a plane in Los Angeles with a trunkload of secret documents. He carried no diplomat's pass, but the trunk had a diplomatic seal. The contents were suspected to include American military secrets. The State Department in Washington, notified by phone, was still hesitating to violate the sacred seals when a member of Wiedemann's staff rushed up. Warned from the airport, he arrived with diplomatic credentials, and, demanding the trunk, flew it on to Mexico. The United States released Hoehne. In return the German Embassy was kind enough not to make formal protest about interference with its mail.

American branches of all German businesses have enlarged as mysteriously as the consulates despite complete throttling of their trade by the blockade. The Hapag-Lloyd steamship lines have increased their staff in New York and taken over a whole new floor in Chicago. The German Railways information office (what Americans travel in Germany these days?) still spends its prewar budget of $160,000 a year. Amerop Travel Service has moved from a modest office to a complete floor on Madison Avenue with 60 employees. Public records last year showed it had 20 branches in New York State alone. The confidential files of German business houses are carefully kept out of harm's way—on the sacrosanct grounds of the nearest consulate.

And Hitler is also sheltering his outright propagandists over here under diplomatic immunity. Prince Kurt zur Lippe, de luxe propagandist lecturer, who officially records his address as "care of German consul, San Francisco," carries a diplomatic passport issued back in 1926 in Berlin. The new Nazi commissar of Hitler's public propaganda center in the United States, the German library of information, has a visa issued normally to "educators of repute, from whose teachings America will benefit."

On September 14 this German library of information, with a mailing record of over 3,000,000 items since the war began, was haled into court in New York for failure to register as a business. It had repeatedly disclaimed any connection with Hitler's government. But now that it was in danger, the German Embassy in Washington hurriedly certified that "the library's staff (over 30 men) are all employees of the Embassy and thus immune to American law."

And this branch office of Hitler-Germany, as crucial as the bund, remains unknown to the American public—the Arbeitsfront (labor front). It has still more members and collects more important dues; its membership list and books are also nonexistent.

The Arbeitsfront is a perfect sabotage switchboard in time of war or crisis. In 3 years of industrious research it has located every reliable worker of German descent—from engineer to chemist to laborer—in American industry. With German thoroughness and Nazi ruthlessness the Arbeitsfront has applied the pressure necessary to insure reliability.

The essence of secret policing and the backbone of any large-scale treason organization is voluminous and accurate reports. The 300 crack Gestapo agents here know more about many American companies than their executives know themselves. These huge files are, perforce, kept in the consulates, locked against the F. B. I. by immunity.

The use of diplomatic privilege as a prelude to sabotage and treachery was an essential part of Hitler's technique in his lightning conquest of Europe. The same tactics have been going on in half a dozen South American countries. Plans for armed revolution were seized in Montevideo this June. The local bund chief confessed they were in his own handwriting. The Reich did not apologize. Instead, the German Minister promptly dissolved the bund and took over its properties in trust—barring police from seizing records, cash, or membership lists by virtue of the Legation's diplomatic immunity.

German sabotage in the United States during the last war was run by two gentlemen amateurs, von Papen and von Rintelen, with no previous organization and with meager funds. Yet 34 factories were bombed, 6 railroad terminals and utilities knocked out, and 36 freight ships blown up.

From my experience in German police work and my close study of "fifth column" activities in Europe I know that Hitler's abuse of diplomatic immunity is a vital part of his aim to paralyze America. He isn't trusting to amateurs this time. When der Tag comes again to the United States it will bring, as in so many unsuspecting European nations, wholesale bombings and confusing broadcasts,

destruction of factories and disruption of railroads, stalling of battleships, and break-down of army equipment. That is the way the Nazi high command has planned it, with the world's finest organizing brains to prepare each detail. Hitler means it when he says repeatedly, "America cannot count in this war." One bund chief recently boasted, "America is the easiest country Hitler has tackled yet. We will never have to outfight the Americans; we have outsmarted them already."

Yet it may not be too late for America to defend herself against this undeclared war which Hitler is waging through his diplomats. A few Americans are alive to the peril. A vigorous campaign conducted by the New York Post against Consul Friedrich Ried, promoted to New York City after flagrant "fifth column" work in Brazil, led to his recall. Other newspapers have helped expose the danger. Dorothy Thompson's all-out campaign to "send the Nazi consuls home now" is the most hopeful sign of all. But it will take a concerted drive rather than occasional exposures to make the unsuspecting American public realize the extent and determination of the disguised forces pitted against the United States today.

EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a speech entitled "What Are We Fighting For?"

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix by inserting a compilation of information concerning veterans of the World War.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Most Important Problem Now Confronting America, and to include certain clippings and quotations.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

COMMERCE WITH GREAT BRITAIN

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CRAWFORD. Mr. Speaker, in connection with all the press reports we have these days pertaining to purchases by Great Britain and her need of financial assistance from the people of the United States, I find from the Department of State Press Release No. 500, dated November 28, 1940, that the actual exports of arms and ammunition and implements of war to the entire British Empire during the first 10 months of this year amounted to only $165,580,960; and from the Treasury statement of July 31, 1940, the British war debt in default to the people of the United States of America is $5,651,792,000; that the total exports of all categories to Great Britain alone in the first 10 months was $134,960,000; and that the total export licenses issued in the first 10 months of 1940 amounted to only $591,341,000.

Mr. Speaker, I ask unanimous consent to extend my remarks to expand on the facts in connection with these purchases and shipments and to include two very brief tables.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

Actual exports of arms, ammunition, and implements of war to Great Britain and the British Empire during the 10 months ending Oct. 31, 1940—Total exports 10 months

Australia	$9,605,022
Bermuda	10,638
British Guiana	5,418
British Honduras	270
Canada	18,508,159
Great Britain and Ireland	134,962,563
India	89,462
Kenya Colony	618
New Zealand	189,898
Southern Rhodesia	112,316
Union of South Africa	2,095,696
Total	165,580,060

Total licenses issued 10 months of 1940 amount to $591,341,000 worth of arms, ammunition, and implements of war for the British Isles.

Canadian licenses were $44,500,000 in the same period, of which only $18,508,159 were delivered.

Exports of arms, ammunition, and implements of war to Great Britain, first 10 months of 1940, by categories

Total exports, all categories	$134,962,563
Category I (2) machine guns	10,307,054
Category I (4) ammunition	16,390,561
Category III (1) airplanes assembled, unassembled	60,601,794
Category V (3) aircraft engines	19,768,679
Category VII (1) propellant powders	8,198,976
Category V (2) propellers, air screws, etc	5,628,996

All other categories make up the balance of $134,962,563. Great Britain has not purchased any war vessels or tanks in the 10 months in which deliveries were made.

Mr. CRAWFORD. Mr. Speaker, I would not lead anyone to believe that what Great Britain or the British Empire has done heretofore in the way of placing orders with us for goods is any yardstick for what those countries may find necessary to do in the future. At the same time, until I saw these figures I was working under the wrong impression, and I personally feel that millions of our people are thoroughly uninformed on these matters. In talking with a British subject only last week I pointed out to him that I felt we should require security on such loans as the United States might make to any foreign country, whether it be Great Britain or some other belligerent or country at peace with other nations. It is very clear that the way the situation is now shaping up the people of the United States and the Members of Congress will have to make some very far-reaching decisions on this question within the near future. I believe that it is reasonable to say that the United States will be forced, by events now shaping themselves, to decide between becoming an economic colony of Great Britain again or the official receiver of probably a bankrupt British Empire. I say this for several reasons, and among them I would point out that England is laboring under a terrific first World War debt, in addition to being forced to carry the burden of the present great conflict while her opponents have long ago repudiated or canceled out, through inflation, the war debts created in 1914 to 1920. It is not reasonable to assume that Britain can work out from under her old war debt and the burdens of the present conflict and retain a whole economic fabric and do it unaided. Appeals are now being made to the United States in a most unusual manner, and the Bank of England, with its powerful forces of education and propaganda, along with its friends and connections in the United States, will go a very long way to have our fiscal policies shaped toward tremendous assistance for the British Empire in all of its undertakings. Speaking very plainly and bluntly—and matters of this scope are subject to such words—I have no hesitancy in saying that those in charge of British propaganda will compliment, cajole, and praise us to the skies until we are thoroughly in, or even perhaps until the conflict has been won or lost, and then, having passed that point, we will be the scum of the international crowd. We should do one of two things if we are to go along with financing these operations—either make our contributions in the form of a gift with our eyes wide open or make loans with full security in the way of investments Britain holds in our industries, against our units of government, or, by giving us collateral represented by empire holdings like, for instance, the British West Indies. Then when the war is over and the settlements are to be made, we do the best we can under the circumstances. Every student of this question is well aware of the fact that the administration is lining up every force of government toward the support of the administration's policy covering international affairs and our attitude toward the present war in Europe. It will be a very easy matter for our people to overlook the importance of our retaining foreign trade which operates independent of war orders. If our industries are to be geared to the wartime demands of England, and if we are to build our economy on that demand, permitting British colonies to largely maintain export peacetime trade for the benefit of the Empire, we can rest assured that when orders for armaments, ammunitions, and implements of war cease to flow to our factories there will be a financial and economic

collapse in the United States that will tax every thread in our democratic fabric. It will then remain to be seen whether or not our democracy can survive—and there is little reason for us to assume that it can under the stress that will then be with us. England and every totalitarian country in the world knows this to be true. Let me ask, What world power now operating will worry about our economic and social troubles? What world power has worried about us the last 50 years insofar as helping us was concerned? What country came to our rescue in the so-called dark days of 1929–33 which we hear so much about? What country will support our tottering economic structure if we forfeit our peacetime export trade, lend our substance to other countries, build our debt, double and treble our taxes, regiment our people, and attempt to assume the burdens of all the world when we have such a deplorable mess here at home? Only the other day one of the administration officials appeared before a committee here in Washington and pointed out that 45,000,000 of our people were undernourished. The farm people know very well what has happened to their export markets, what is taking place in the way of advancing prices on the goods they must purchase, and the white-collar class of workers know that they are being caught between increasing local and Federal taxes and a potential collapse in our economy which will again wipe out their equities. We can well afford, Mr. Speaker, to weigh well the blandishments of other nations at this particular moment. After all, there is an internal economy of our people that has not yet been placed on a firm foundation, and it is with such we shall have to deal in the years to come.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a short editorial from the New York Times and a statement by Dr. McCracken, president of Vassar College, on the war situation.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD three times.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short table discussed in the remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JONES. Mr. Speaker, I ask unanimous consent to extend my remarks and include a statement by the city editor of the Lima News.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

DR. B. L. PURSIFULL ET AL.

Mr. EBERHARTER, from the Committee on Claims, submitted a conference report and statement on the bill (H. R. 658), for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little, for printing in the RECORD.

CONFERENCE REPORT—DR. B. L. PURSIFULL ET AL.

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill, H. R. 658, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MICHENER. Mr. Speaker, reserving the right to object, this is a unanimous report of the conferees, as I understand.

Mr. EBERHARTER. It is a unanimous report of the conferees; yes.

Mr. MICHENER. In view of the fact there are a few here, will the gentleman explain in a brief way what the bill is and what it does?

Mr. EBERHARTER. For that purpose I should like to yield to the gentleman from Kentucky [Mr. ROBSION] who introduced the measure, and who knows more about it than I really do myself.

Mr. ROBSION of Kentucky. Mr. Speaker, I believe it was in June 1937, that Dr. Pursifull, his wife, three small sons, and a Mrs. Little, were in an automobile driving on a public highway in Jackson County, Ky., near McKee, when a C. C. C. truck crossed the road and demolished Dr. Pursifull's car. The occupants of the car, whom I have named, were badly injured. It turned out later that the driver of the C. C. C. truck admitted to being drunk when he was driving the truck; and information of his condition was brought to the attention of the foreman before the driver left the C. C. C. camp. It is one of those cases of clear and willful negligence.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. MICHENER. I now recall the case; it comes back to me. The bill was given careful consideration by the House and passed unanimously.

Mr. ROBSION of Kentucky. Yes.

Mr. MICHENER. What was done to the bill in the Senate that caused it to go to conference?

Mr. ROBSION of Kentucky. These people, as I say, were badly injured, and Dr. Pursifull died within a year. Dr. Pursifull was a young physician making from $6,000 to $10,000 a year. The hospital bills alone for these people amounted to $2,000. The House allowed $8,300. The Senate cut it down to $5,100, and the conference committee agreed on $6,025.

Mr. EBERHARTER. It allows about $2,100 or $2,200 less.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 658) entitled "An Act for the relief of the estate of Doctor B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the figures "$1,681.84" insert "$2,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the figures "$1,138.65" insert "$1,500"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the figures "$182" insert "$200"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the figures "$106" insert "$125"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the figures "$1,096" insert "$1,200"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the figures "$961" insert "$1,000"; and the Senate agree to the same.

AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
Managers on the part of the House.

ALLEN J. ELLENDER,
JOHN TOWNSEND,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate

to the bill (H. R. 658) for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little, submit the following statement in explanation to the effect of the action agreed upon and recommended in the accompanying conference report.

This bill as it passed the House provided for the payment of $2,500 to the estate of Dr. B. L. Pursifull, $2,245 to Grace Pursifull, $250 to the legal representative of Ralph Pursifull, $250 to the legal representative of Eugene Pursifull, and $1,850 to the legal representative of Bobby Pursifull, each of whom are infants under the age of 21 years, and $1,200 to Dora Little, all residing at McKee, Jackson County, Ky., for damages sustained on account of bodily injuries received by them on June 6, 1937, when the car in which they were riding was struck by a Civilian Conservation Corps truck assigned to the Forest Service.

When the bill was considered by the Senate and passed they reduced the amount payable to $1,681.84 to the estate of Dr. B. L. Pursifull, $1,138.65 to Grace Pursifull, $182 to the legal representative of Ralph Pursifull, $106 to the legal representative of Eugene Pursifull, and $1,096 to the legal representative of Bobby Pursifull, each of whom are infants under the age of 21 years, and $961 to Dora Little.

At the conference the conferees agreed to the amounts as follows: $2,000 to the estate of Dr. B. L. Pursifull, $1,500 to Grace Pursifull, $200 to the legal representative of Ralph Pursifull, $125 to the legal representative of Eugene Pursifull, and $1,200 to the legal representative of Bobby Pursifull, each of whom are infants under the age of 21 years, and $1,000 to Dora Little.

AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
Managers on the part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

THANKSGIVING DAY

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. PATRICK. Mr. Speaker, I realize there is a big war going on and that we are studying a great many other things, but our plans are to live and get along right here in the United States of America. Today there is something I want to bring to your attention.

Last year a little matter came up about which the people got somewhat exercised. It concerned our Thanksgiving. The President issued a proclamation fixing Thanksgiving on a date different from that on which it is usually observed, and some people reported actual hardships—slight, to be sure. It occurred to me, Mr. Speaker, that if we could adopt a resolution—and I have one I expect to introduce next Thursday; I should like to talk with you about it awhile first, however—if we could get a resolution fixing Thanksgiving in the District of Columbia the first Thursday following the third Sunday in each November, that that would put it far enough back and far enough forward and fix it close enough to operate and not leave anything to fly up and hit us in the face any more. I believe, if we could do that in the District of Columbia, that it would follow through all over the country. For example, let us see: November 19 would then be the earliest day on which Thanksgiving could fall, and Thursday, November 25, the latest date on which it could fall. So I think action on such a resolution would solve the little problem that we have been rocking backward and forward on, and maybe it is of enough importance to bring to the attention of the Congress.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. If I have any unexpired time.

Mr. EBERHARTER. I may say to the gentleman that a resolution touching that subject has already been introduced.

Mr. PATRICK. I am much obliged; if I like it better than mine, I shall support it.

[Here the gavel fell.]

FOREIGN LANGUAGE PUBLICATIONS IN THE UNITED STATES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. RANDOLPH. Mr. Speaker, there are at the present time in the United States published 1,047 newspapers, periodicals, and magazines which are printed in foreign languages.

I do not accuse the majority of these publications of being against the constituted Government of the United States, but information which I have been studying leads me to believe that far too many of these publications printed in foreign languages are being used for the purpose of an attempted overthrow of the Government of the United States.

We have created a committee which I believe by and large is doing good work, the Dies committee, and I am today asking the committee of this House on un-American activities thoroughly to investigate the publication of these periodicals with a view to perhaps stopping what might become a dangerous situation. [Applause.]

[Here the gavel fell.]

PAN AMERICAN COTTON CONGRESS

Mr. COOPER. Mr. Speaker, after a conference with the distinguished gentleman from Michigan [Mr. MICHENER], the acting minority leader, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 302 for immediate consideration.

The Clerk read the Senate joint resolution, as follows:

Senate Joint Resolution 302

Resolved, etc., That the President of the United States is authorized and requested by proclamation or in such manner as he may deem proper to invite all foreign countries and nations to the Pan American Cotton Congress to be held at Memphis, Tenn., during the year 1941, with a request that they participate therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, I objected to this bill when it was before the House the other day for the reason that I understood that this was what would amount in the end to another world's fair, or something of that type, where foreign nations would be requested to present exhibits. I cited the fact at that time that in all past instances the Congress had later been confronted with a follow-up resolution appropriating money to carry out the purposes of the original resolution. However, I now understand that the instant resolution only provides for an invitation to attend a convention or a conference, and that this resolution in no sense contemplates a world's fair or anything that approaches it. If this resolution is enacted, it simply means that the President of the United States is authorized to invite these southern republics to attend a cotton convention or conference to be held in Memphis. If this is true, certainly there should be no objection.

Mr. BUCK. Mr. Speaker, reserving the right to object, may I call the attention of the gentleman from Michigan to the fact that when we passed a resolution inviting foreign countries to attend a similar—you might even call it an exhibition or a fair at Sacramento, Calif., in 1939, commemorating the one hundredth anniversary of the founding of Sutter's Fort at that place—there was no appropriation asked thereafter from the United States Government; consequently, the gentleman is in error when he says that in all cases appropriations have been asked.

Mr. MICHENER. There are exceptions, of course, to all rules. Maybe I have covered too much territory. I was here when that resolution passed. The gentleman did keep faith with the Congress, as he always does, and for that he is to be complimented. No appropriation was asked for.

Mr. BUCK. I kept faith with the Congress, and that is what I rose to say.

Mr. RANKIN. Mr. Speaker, reserving the right to object—and I shall not object—I only regret that this conference is not to be held in Washington where every Member of Congress could attend, especially southern Members.

I want to call attention to the fact that I was one of the Members who opposed what was known as the original Bankhead bill to limit cotton production by law in 1933. The State of Sao Paulo, one of the large cotton-growing States in Brazil, produced only about 100,000 bales of cotton in 1932, the year before the Bankhead law was passed. Since

that law was passed the cotton grown in Sao Paulo alone rose to 1,200,000 bales in 1939. The State of Sao Paulo now produces more cotton than does the State of Mississippi, which is the second largest cotton-growing State in the American Union. I simply want to emphasize the fact that the philosophy of scarcity will not work in a free economy. [Applause.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

There was no objection.

The Senate resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today immediately following the remarks of the gentleman from Michigan [Mr. HOFFMAN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. SHANNON]?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent that after the other special orders for today I may be permitted to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. HINSHAW]?

There was no objection.

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from Texas [Mr. SUMNERS] is recognized for 20 minutes.

STRIKES IN INDUSTRIES PRODUCING WAR MATERIALS

Mr. SUMNERS of Texas. Mr. Speaker, the Members of the House will recall that recently we had some discussion on the floor of the House with reference to strikes in industries producing war materials and I made the statement then that the Committee on the Judiciary was taking notice of the situation. I am not authorized in what I am about to say to state the judgment or indicate definitely the attitude of the Committee on the Judiciary, but most of the Members of the House I am sure will be interested in the statement which I am about to make.

It is appreciated by the Committee on the Judiciary that the situation is serious. The Committee on the Judiciary earnestly wants to be of practical service in this situation. I believe that all members of the committee agree, and I think the Members of the House agree, that our situation is serious and that now, depending upon how we proceed with reference to this matter, we may unite our people or drive some deep lines of cleavage among our people. We want to avoid the latter. Everyone in this country, however they may feel with regard to it, is conscious of the fact that day by day we appear to be drawing closer to actual contact with the World War.

The House and Senate, supported by the country, voted to subject the young manhood of this country to compulsory military service, taking them away from their homes and their business and to interpose possibly their bodies between this country and those who may become this Government's enemies.

I should like to make this statement, and I am stating that which all the world knows. We are not now adequately prepared to supply these young men with those things necessary for their own protection and for the defense of this country. That is a very serious situation. It is a situation so serious and so far reaching in its possibilities that no person in this country who has any intelligence can fail to recognize, speaking generally, that this people have but one business in America that is relatively of any importance, and that is to make this country secure as far as it is possible to do it.

We do not want to repeat in America the mistakes of France, where manufacturers were concerned for a profit and the operatives were concerned for what they called social gains, slowing up defense preparation while Germany unitedly was preparing for their destruction. When we look across to the situation in France now we wonder what those manufacturers and their operatives would now give if they had stood together in those hours of great opportunity and made the frontier of France impregnable. What would they now give if they had done that? We do not want to repeat that mistake.

I speak with assurance with regard to the laboring people of my part of the country when I say they are just as patriotic as the people in the offices of the factories, speaking generally. It is my observation, and I have studied people all my life, that people of the same blood and the same environment are the same sort of people, whether they are in the factories or in the offices of the factories. The quicker we learn that and attempt to deal with our problems on that basis the quicker we will get somewhere.

It is unfortunate in America that each group now is looking at its own perfections and looking to see what is wrong with the other fellow. If we would turn the spotlight on ourselves a little bit, it would help solve this situation. That is the first thing for us to try to find out—"What is wrong with me? What is my attitude?" I believe there is some disposition now to do that. I am certain that if we will develop the right sort of leadership here the American people will present to the world as great and as effective a unity as any people have presented in the periods of our history.

I want to make an additional statement. It is my conviction, and I believe you will agree, that unless we do this we cannot win through the difficulties which now confront us. That is all there is to it.

It is a remarkable thing, when we really look at the situation as it is, that an American citizen in this tragic hour in the history of all time will be considering "What advantage can I personally get out of this situation?"—making merchandise out of the deepest interests and vital necessities of a great republic. We have but one business in America today, and that is to save this country as a place where men may remain free. We have just one business that is worth anything. What business do they have now in England and in many other parts of the world? Just one business. If we will attend to that business now, we may not have to go through what they are going through on the other side.

I want to repeat a statement, and I am going to keep on saying it until somebody will agree with me. It is not a matter of mysticism; I do not profess to be psychic, but I believe the facts justify the conclusion that we will be a foolish people if we imagine that we are going to escape the necessity of meeting the test which the other nations of the earth are now being compelled to meet.

The Committee on the Judiciary wants to cooperate with the administrative agencies of the Government. I have here some letters, Mr. Speaker, which I ask unanimous consent that the Clerk now read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

NOVEMBER 26, 1940.

The Honorable ROBERT H. JACKSON,
Attorney General of the United States.

MY DEAR MR. ATTORNEY GENERAL: I am directed by the Committee on the Judiciary of the House respectfully to inquire if there is any additional legislation necessary and, if so, what, to make as certain as may be that the Government's preparedness program be not interfered with, and particularly that the operation of the manufacturing plants engaged in the production of war materials be not interfered with by such strikes as are now tying up some of these plants. I beg to assure you that the Committee on the Judiciary is anxious to be as helpful as possible in these matters.

I am further directed to ask you to please bring this communication to the attention of the conference which we are advised is to be held at the White House this afternoon with reference to these strikes.

Very respectfully yours,

HATTON W. SUMNERS.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., November 28, 1940.

Hon. HATTON W. SUMNERS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN SUMNERS: I greatly appreciate the cooperative attitude indicated by the Judiciary Committee of the

House in soliciting our suggestions for legislation to prevent delays in the production of defense materials. It is in line with the fine cooperation from your committee this Department always has in its problems.

The particular situation which precipitated your inquiry has now been solved without additional legislation.

This Department has, as you know, no authority or responsibility in the field of general labor policy. We do not execute or approve any contracts and only become concerned when violation of law or subversive activities are involved, and then we are concerned, not because it is a labor situation but because of the specific violations or activities.

Frankly, I do not feel that our collateral relationship to these labor questions justifies us in making recommendations covering the field of labor relations, which is chiefly committed to other departments.

In view of the fact that primarily responsibility for the procurement of materials is upon the War and Navy Departments and members of the Defense Commission in charge of production and that the matter of labor relations is primarily upon the Department of Labor and the members of the Defense Commission in charge of labor relations, any suggestions from me at this time for legislative action could be nothing more than the intrusion of personal views, more likely to complicate than to solve the problem.

Certainly, in the field of law enforcement, with which this Department is concerned, the present situation in respect of strikes presents no law-enforcement problem that is either novel or out of hand. We will take the liberty of suggesting from time to time certain additional legislation which we feel would be helpful in the field of law enforcement. In this field your committee has given us constant support and where our proposals for legislation have been delayed or defeated it has usually been through no failure of your committee to understand or sympathize with our problems.

Sincerely yours,

ROBERT H. JACKSON,
Attorney General.

Mr. SUMNERS of Texas. Mr. Speaker, upon the receipt of that letter from the Attorney General I addressed a letter to the Secretary of Labor, the Secretary of War, the Secretary of the Navy, and the chairman of the Advisory Commission to the Council of National Defense. I ask unanimous consent that the Clerk may now read this letter and the replies thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

NOVEMBER 28, 1940.

HON. FRANCES PERKINS,
Secretary of Labor, Washington, D. C.

MY DEAR MME. SECRETARY: The Committee on the Judiciary is anxious to be as helpful as possible to the agencies of the Government charged with the responsibility of providing for the national defense, and especially at this time in making certain the uninterrupted operation of manufacturing plants engaged in the production of war materials.

I am, therefore, on behalf of the Committee on the Judiciary of the House writing to inquire if any additional legislation is needed, and, if so, what, to aid you in the discharge of your responsibilities in the premises.

Very respectfully yours,

HATTON W. SUMNERS.

Mr. SUMNERS of Texas. Mr. Speaker, will the Clerk now read the reply of the Secretary of Labor?

The Clerk read as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D. C., November 30, 1940.

The Honorable HATTON W. SUMNERS,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: I have your letter of November 28, 1940, telling me that your committee is anxious to be as helpful as possible to the agencies of the Government charged with the responsibility of providing for the national defense, particularly with a view to making certain the uninterrupted operation of manufacturing plants engaged in the production of materials. I appreciate the considerate attitude of your committee.

This Department is keenly aware of the importance of keeping open factories handling defense orders. Until the various aspects of the situation have been studied, I am inclined to think that any proposal which I might make to Congress at the present time would be premature.

As soon as the Department has thoroughly studied the matter, I shall be glad to give you a further report.

Sincerely yours,

FRANCES PERKINS.

Mr. SUMNERS of Texas. There is also a reply from the secretary of the Defense Commission.

The Clerk read as follows:

THE ADVISORY COMMISSION TO THE
COUNCIL OF NATIONAL DEFENSE,
FEDERAL RESERVE BUILDING,
Washington, D. C., December 5, 1940.

Hon. HATTON W. SUMNERS,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Ed Stettinius gave me your letter of November 28, in which you inquire if any additional legislation is needed by the National Defense Commission.

I discussed this matter with the Commission yesterday, and I am authorized to say that at the present time we have no specific suggestions to make for additional legislation. The Commission asked me to say to you that it would appreciate, however, an opportunity to be heard on any proposals that may be made from other sources for legislation affecting national-defense activities.

The Commission also asked me to say to you that it is deeply appreciative of the very considerate attention you have already given to matters affecting it in legislation already passed at this session.

Very sincerely yours,

WM H. MCREYNOLDS,
Secretary.

Mr. SUMNERS of Texas. Mr. Speaker, the committee has received no reply as yet from the Secretary of War or the Secretary of the Navy.

The Committee on the Judiciary has appointed a subcommittee to get in touch with the agencies and instrumentalities and persons most interested in the keeping open of these factories and to study the whole question, both for the purpose of being immediately helpful, if possible, and for the purpose of being fully advised if it should become necessary for the committee upon its own volition to move in the situation, having in mind that if that necessity should develop the committee would probably have to move very quickly. I make these statements only in order that the House and the country may be advised as to the situation thus far developed.

I believe the Committee on the Judiciary and the Members of the House and the country as a whole are agreed on this one proposition and are willing to give proper consideration and, if possible, relief to anybody aggrieved with reference to any condition which obtains in any of these plants producing the necessities of defense or war, but I do not believe that the country will compromise one iota on the proposition that having subjected its young manhood to the possibilities of compulsory military service, having voted these billions of dollars, that it will be tolerated for one split second that anybody can paralyze the operation of these plants upon which the safety of this Nation may depend. [Applause.]

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. RANDOLPH. I think the statement of the distinguished chairman of the Judiciary Committee is most timely and I do feel that he speaks the sentiments of this Congress and the country. I would just like to call attention at this time to the fact that on the west coast and in the northwest country there is a strike going on which we are told is tying up the lumber necessary in the building of the cantonments of this country and 12,000 workers are involved.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. My time is short and I would like to make this statement. The committee wants to avoid any appearance of being officious in this matter. We want to be as helpful as we can in coordinating and bringing about cooperation among all the instrumentalities of government, organized labor, and everybody else who wants to keep these plants open, but we want them kept open.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield on the statement made by the gentleman from West Virginia?

Mr. SUMNERS of Texas. I yield.

Mr. HINSHAW. Not only does this strike in the Northwest affect the defense housing proposition, it also affects the actual defense industries themselves; for example, the several aircraft factories that are out there are needing lumber to expand their own facilities, to say nothing of lumber for crating purposes, and that is one of the sources or the prime source for this material. That is, indeed, a defense industry of the first magnitude.

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, it certainly will be encouraging to the people of the country to learn of the statement of the gentleman from Texas. It is all very well, and it is very generous for the Committee on the Judiciary to ask the advice of the departments of the Government for suggestions as to what should be done; but, after all, Congress is here, and there is a presumption—however faint it may be—that we are qualified and able to deal with some of these problems ourselves.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield for just 1 minute?

Mr. HOFFMAN. I yield.

Mr. SUMNERS of Texas. May I make the observation that while Congress is qualified to enact laws, Congress cannot deal with this problem. It is an administrative job.

Mr. HOFFMAN. Well, as I understand it—and with all due deference to the gentleman from Texas [Mr. SUMNERS]—the Attorney General having advised us that he does not need any laws to end the trouble, it certainly cannot be an administrative or an executive problem. He says that we have law enough, and yet this thing continues. Now, we must assume that the executive department is doing everything that can be done or could be done, and that, therefore, the fault lies in a lack of legislation to meet the situation.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. EBERHARTER. Does the gentleman from Michigan know that since an agency under Sydney Hillman was created to coordinate or promote harmonious relations between labor and capital in defense industries that over 200 differences of opinion between union labor and industry have been settled with very few stoppages of work, and at the present time there are far fewer strikes and dislocations due to strikes than occurred in 1917, when this country was actually at war? So the situation today——

Mr. HOFFMAN. Mr. Speaker, may I have 5 additional minutes? I ask unanimous consent to proceed for 5 additional minutes, Mr. Speaker, if the gentleman from Pennsylvania wants to go ahead.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EBERHARTER. And the situation is not as bad as has been pictured here many times. We all agree there should not be any stoppage of work due to sabotage or anything of that sort, but it is my personal opinion that labor has been very cooperative and that union labor under wise leadership has settled most of the differences that have occurred. In perhaps one or two instances there might be cause for complaint, but I think we are making a little bit too much noise over the one or two stoppages that have occurred.

Mr. HOFFMAN. Well, I thank the gentleman and I call his attention to a letter that he received a few days ago, a copy of which was sent to me, and which was inserted in the RECORD by the gentleman from Michigan [Mr. CRAWFORD]. I think it came from his district and in it attention was called to the fact that although the men up there wanted to work—and this was not on a defense project, and this was in the gentleman's district, and although the employer and the employees had agreed, a minority would not let a majority of the employees go to work.

This is all beside the point I was going to speak about, but it illustrates that all our labor troubles are not settled.

While we are gratified to know that so many have been settled, the fact still remains that there are hundreds of thousands of men who are not permitted to work for the United States Government on what the gentleman from Texas said was our most important job, the preservation of the Union, because a few individuals demand that those men seeking work, pay fees that they did not have and could not get.

Mr. EBERHARTER. Will the gentleman permit me to make a further observation?

Mr. HOFFMAN. I yield.

Mr. EBERHARTER. Is the gentleman aware of the fact that within 2 or 3 days after he received that letter that strike was settled amicably and the plant is in full operation now? So that if Congress had stepped in, probably it would have delayed the settlement.

Mr. HOFFMAN. That is fine. There was no justification for one group preventing, by force, the majority from working.

RACKETEERS DELAY DEFENSE PROGRAM, ADD TO ITS COST—EVIDENCE SUPPORTING CHARGES OF WASHINGTON STAR'S REPORTER, ROBERT BRUSKIN, AVAILABLE

On November 20, the Washington Star published a story by Robert Bruskin to the effect that men seeking work as carpenters at Fort Meade, Md., were required to pay tribute to and join a union before they could go to work on a Government defense job. The reporter also stated that the union made no inquiry as to the applicant's qualifications as a carpenter.

Later, at the demand of a union official, the Star retracted the statement that no inquiry was made as to an applicant's qualifications for his job. However, several men living in the vicinity of Washington have either told me or written me to the effect that they knew of men working at Fort Belvoir and on other Government defense projects as carpenters who never had been carpenters and who could not qualify as such.

GOVERNMENT PERMITS RACKETEERING

No denial was made of that portion of the reporter's statement which alleged that men seeking to exercise their constitutional right to work were denied that right until they had crossed the palm of the union official with folding money. In fact, union officials admit the practice, although they do not cite any law or moral reason which justifies it.

The practice of the unions is just another form of racketeering. There would seem to be no reason why those extorting this money should not be indicted for conspiracy to defraud and for a conspiracy to interfere with the naitonal-defense program.

DEMOCRACY ABROAD—NOT AT HOME

While this country is preparing, through the expenditure of billions of dollars and peacetime conscription of men, to participate in a foreign war, on the theory either of making the world safe for democracy or of protecting our own freedom and civil rights, it shuts its eyes and holds its nose while right here in the shadow of the Capitol men are walking the streets seeking jobs to keep themselves and their families from threatened hunger or application to relief authorities.

The jobs are here. The men are needed. They are qualified. On one side of the street are the jobs. On the other, seeking to get to them, are the men. But in between and preventing them going to the jobs which would support them and their families and keep down the relief rolls, are these union racketeers. They deny to these men their civil rights—the right to work.

Where is the so-called Senate Civil Liberties Committee, which has held so many investigations, printed so many thousand pages of testimony, shed so many crocodile tears over the claimed denial of civil rights to strikers?

No greater hypocrisy was ever exhibited in any nation than that now shown by this administration and its agencies, which loudly and persistently boasts of social legislation and yet refuses to act when hundreds—yes, thousands—of its citizens are denied the right to work for the defense of the Government until they have complied with the demands of these conspirators, who by their demands are lessening the ability of the Government to prepare to meet the threatened invasion which the President said was imminent.

DYNAMITER AND RACKETEER

What is the difference in effect between the man who blows up a munitions factory and the man or the organization which bars the gates against the man who would operate the plant? The dynamiter is condemned on all hands, but those who accomplish the same thing by compelling the payment of tribute before one can work on the program go uncondemned, unpunished by the administration.

RACKETEERING

The whole procedure is racketeering, plain and simple.

In addition to the exploitation of the workingman, for whose interests this administration claims to have done so much, there are other aspects of the situation which are essentially vicious.

COST OF DEFENSE PROGRAM INCREASED, DELAYED

As the gentleman from California [Mr. COSTELLO] so logically and forcefully pointed out on the floor last Thursday, the procedure of some of these unions is adding enormously to the cost of the defense program and will result, if it continues, in giving us less defense for the same amount of money than we otherwise would receive. That is to say, if we have only so much money to spend for defense, we will get fewer planes, tanks, guns, ships, less munitions of war, because of the practice of these unions. The truthfulness of this charge can be easily demonstrated.

Again, the practice of these union racketeers is delaying operations having to do with national defense. When men are striking, they are not working. Saturday's press gave us the information that strikes had completely tied up lumbering operations on the west coast. What is the sense of conscripting men, sending them to camps, then letting strikers deny to workers the lumber necessary to house these conscripted men or to build the ships or the planes which we must have for defense?

MUST WE JOIN TWO UNIONS?

Our forefathers fought to establish this Union. They fought to maintain it, to make it one Union, indivisible. Must we, as members of that great Union, join another union, give to this other union of our property, before we can work to sustain this Union of the United States of America?

If a common laborer on one of these defense jobs must join the A. F. of L. to carry boards for the carpenter, must he join the C. I. O. whose teamsters are hauling the lumber to the yard, before he can unload it from the truck?

The President was very successful in creating a war hysteria prior to election. He was here, there, and all over on his so-called inspection trips, which were merely electioneering trips. Now, safely elected, he deserts the national-defense program. He lets these strikers hold up the defense program. He lets the union racketeers rob men who want to work on that program, and he, on a Government vessel, goes vacationing in comfort and in luxury.

Nero may have fiddled while Rome burned, but the President of the United States, having told us our land is threatened with invasion, having insisted upon the appropriation of billions of dollars to prepare to meet the foreign foe, upon a conscription bill in peacetime, takes his hat in his hand, bows himself out of Washington, and once again goes on a pleasure jaunt.

PRESIDENT AND CONGRESS IDLE—MEN JOBLESS

While the President fishes and vacations in the Caribbean Sea, while Congressmen sit idle in Washington or at home, this Christmas season men walk the streets of Washington, of nearby communities, jobless, their families with hunger or applications to go on the relief roll staring them in the face. Congress meets from time to time. It exerts itself and the sum total of its efforts is an adjournment for another 3-day period.

Here in Washington, although Congress is supposed to be in session, although there is legislation demanding its attention, Congress is no more effective than an old, broody hen setting on a nest full of doorknobs.

EDITOR DENOUNCES BILL WHICH WOULD PERMIT MEN TO WORK WITHOUT PAYING TRIBUTE

The morning mail brought to my desk copy of an editorial from the Detroit Free Press of December 7 last. The editor, after stating that many voices had been raised protesting against the Vultee Aircraft strike at Downey, Calif., and that a "number of so-called solutions" had been advanced, wrote:

> Thursday one of the most vicious of the latter attained the dignity of a congressional bill under the sponsorship of Representative CLARE E. HOFFMAN. HOFFMAN'S measure would outlaw the payment of money as a condition for obtaining work on defense projects. Translated, this means payment of union dues.

The bill means nothing of the kind. It means the end of the practice that only union men can work for Uncle Sam.

This editorial reveals a most amazing lack of information and illogical reasoning or a lapse in mental processes. The bill introduced by me and to which the editor refers makes it an offense for anyone to demand as a condition precedent for employment on a national-defense program the payment of a fee. It in no way prohibits the payment of union dues. It would prohibit under the guise of demanding union dues a demand for the payment of a sum of money from everyone seeking work on a Government job. No doubt the editor of the Free Press would be one of the first to condemn the man who insisted that before the Free Press could be sold on the street or be printed union dues or a fee must be paid to him.

The editor of the Detroit Free Press gives his support to the program which conscripts men regardless of membership in a union while the country is at peace. The editor gives his support to the action of our Government which compels all, whether he be union or nonunion, to pay taxes. On just what principle does the editor of the Detroit Free Press support a policy which requires a taxpayer, the father or the brother of a conscripted man, to pay tribute to a union before he can go to work for the Government for which his son or brother may be forced to fight? Unions are not governmental agencies. No one gives them the right to say who shall or who shall not work for our Nation. No one gives them the right to say that before a man can assist in building a cantonment to shelter a conscripted man he must pay the union tribute.

Does the editor of the Detroit Free Press stand back of that practice which holds that only union men can work on Government jobs? Just how does the editor of the Detroit Free Press justify himself in supporting, for example, the strikers on the west coast who refuse now to cut the timber, manufacture the lumber which is needed for the building of camps to take our influenza-infected conscripts out of the tents in which they have been living, which holds that no one but members of the union can work on the job?

The editor says that a bill which would prohibit a man in Detroit or at Fort Custer from compelling a farmer or a mechanic or a clerk from the Fourth Congressional District obtaining a job at one of those places or elsewhere on Government work is a vicious law.

The editor of the Press would be one of the first, would he not, or would he, to condemn the hold-up man who on the streets of Detroit took a $5 bill from the workingman's pocket; but my efforts to prevent a union man compelling a nonunion man to dig up $45 for the privilege of exercising the right to work as a carpenter at Fort Custer is vicious, so says the editor.

My efforts to prevent a union man demanding that a farmer or a farmer's boy or a clerk in the Third or Fourth Congressional District of Michigan pay $25 for the privilege of working at Fort Custer is a vicious one, so says the editor of the Detroit Free Press—rot and nonsense, and he ought to know it.

It is just such half-baked editorials as this which do so much to discredit the press. Let the editor of the Detroit Free Press back up this racketeering effort if he will. He will learn in time that, no matter what you call it, no matter how you dress it up, nor how you describe it, racketeering is racketeering, and that no man in this free America has the right to demand that before another man can earn his daily bread, render service to his Government, he must pay tribute.

The editorial in the Free Press gives support to an un-American device; it gives support to a practice which is adding billions of dollars to the cost of our defense program; and it encourages those who are fattening upon the blood which they suck from the veins of honest American workers.

WHILE UNION MEN QUARREL DEFENSE JOB WAITS

Mr. Speaker, I have been advised through the press that this morning 75 carpenters employed on the construction of the new building for the War Department, which will cost approximately four and a half million dollars and which, under the contract, should be completed by June 1, 1941, went on strike.

This was here in Washington. These carpenters belonged to the A. F. of L., and they struck, I am advised, because five other men are doing certain work connected with the erecting of backing for metal bases. These men who are doing this work on the metal bases are members of the wood and metal lathers' union, affiliated with the A. F. of L., and the A. F. of L. carpenters, who do not belong to the wood and metal lathers' union, are determined that members of their union shall do the work. The carpenters are getting $1.62½ per hour, the union scale; and, so far as I know, they have no complaint as to wages, hours, working conditions, or nonunion men being employed on the job.

In addition to the authority to compel all who work upon the job to pay dues to a union for the privilege of working, they have now gone one step further, and they have decided that they shall parcel out the work, distribute the jobs, tell each man what part of the work he shall do. They have assumed, in addition to the duty of carpenters, not only the power to levy tribute but to act as construction foremen.

Let the people of Washington thank the good Lord that these carpenters did not decide that this new War Department should be erected in the central part of Michigan, where men stand ready to work for half or less than the sum demanded by these men.

Here is a four and one-half million dollar Government job for the War Department held up because the union men cannot decide who of their number is to do the work. They are all union men, and they are holding up our defense while they quarrel among themselves as to which one is to do a particular job.

If the majority party, upon which rests the responsibility for ending the intolerable situation which confronts us, will not act, we of the minority should let the people know who is responsible for the inaction.

NEED FOR INVESTIGATING COMMITTEE

The need for a committee to investigate this denial of work to our citizens, this levying of tribute without legal or moral authority and to recommend remedial legislation is apparent from what has been printed in the public press, from the excerpts from letters which have heretofore been placed in the RECORD and from the statements which are appended hereto.

Let me repeat some of the statements which have been made to me and are contained in these communications.

FAIRFAX CARPENTER PROTESTS

Last Friday, December 6, Mr. L. B. Burkholder, of Fairfax, Va., who said he lived in the congressional district of the gentleman from Virginia, Mr. HOWARD SMITH, came into the office to relate his experience. He said he was a contractor and had an opportunity to build three homes but that because of the increase in price of materials, common pine framing having advanced from $28 to $47.50 per thousand, the owners were unable to go ahead with their plans.

Five of his carpenters were out of work and when he took them to Fort Belvoir seeking work, he was advised by the officer in charge that they could be given jobs only if they joined a union and was directed to the office of the union in Washington, where he was told that the men would have to pay $27.10 each in order to get a work permit and that $25 more would have to be paid within 2 weeks.

QUALIFICATION NOT REQUIRED TO GET JOB AS CARPENTER

Mr. Burkholder, referring to the statement of the union representative as printed in the Washington Star to the effect that men must have experience as carpenters, said he did not know about the situation at Fort Meade, which was the place visited by the Star reporter but that he did know personally men who were working as carpenters at Fort Belvoir who had been working there for 3 weeks and never had experience as carpenters before going on the job.

Mr. Burkholder further said that he would like to have explained to him a situation which permitted men, denying work to American citizens, until their demands for money had been met, while at the same time men were taken from the same vicinity, yes, from the same community, for services with the Army.

HEAD OF WEST VIRGINIA FAMILY OF NINE LACKS FEE SO CANNOT WORK

Friday, December 6, a man who gave his name, who said he was from Bayard, W. Va., called at the office. He said he was a carpenter; that he had belonged to the union until 1931, then dropped out because there was no union where he then lived; that on December 4 he applied for work at Fort Belvoir; was told that he must join a union. He went to the office of the carpenters' union at Tenth and K Streets NW., and asked for a permit to work. He was advised that, because he had dropped out of the union, he would have to pay a fine of $25 and that the fee for joining was $57.50, of which $37.50 must be paid before he could have a permit, although the balance might be paid later.

MUST PAY CASH FOR PERMIT TO WORK

This gentleman stated that he told the union officials that he could not pay the $37.50 or the fine because he did not have the money, but that he would agree that they might take it out of his pay check, but to this they would not consent.

This man is married. He has in his home five children, two grandchildren. He is out of work. Yet he cannot go to work, although there is a Government job which needs him, because the union will not permit him to do so until he meets its demand for money—a demand which it has no right to make.

Listen to this from a letter written December 3 by a Washington resident:

STEAM FITTER WANTS JOB

DEAR SIR: I am writing from my experience trying to secure a position on one of the defense projects.

I am a steam fitter; was employed at * * * up to * * * when we finished up there. My rate was $1.65 per hour, the Government rate. Since then I have visited three of the largest defense projects the Government is building. I find everything closed so tight it is impossible to get work unless you are a union man.

When I failed to get work at my trade, I tried to get a laboring job; was refused unless I join the union and pay $58 to get a job as a laboring man—as I have a family and owe a doctor bill and I am willing to do any kind of work I can to support my family.

I am only one of many honest men walking the streets while the unions hold a cane over us on the Government work that is needed so much at the present time.

I have worked 17 years in the Federal Government and my rating has always been high, so I have never given any attention to join the union.

I believe, if the Government should investigate, they would find cause to change things so all who are qualified could help and not give all to the unions. We are all American-born mechanics trying to make an honest living.

Please don't give out my address; might cause me to miss a job.

RACKETEERING AT FORT EDWARDS

I realize that open letters to the public often are none too accurate, though the writers have no intention of making misstatements.

The Boston Herald is a great daily of wide circulation. Because I do not believe it would print a libelous statement or a statement that had no foundation, I am going out on a limb and print here a clipping from that paper, which, so far as I know, has not been contradicted.

I am sure that the distinguished gentleman from Massachusetts [Mr. GIFFORD] who has served his district and State so long and so efficiently, can and will, when opportunity offers, if the statements in this letter are not correct, give us the truth in his own entertaining and convincing manner.

The article reads as follows:

CAMP EDWARDS, AS I SAW IT

To the EDITOR OF THE HERALD:

From time to time various articles have appeared in the Boston papers dealing with the situation at Camp Edwards. To the best of my knowledge, none of the men actually employed there have "aired" their experience by means of the press. I worked there as a carpenter from October 9 to November 19, inclusive.

It is undoubtedly well known that the applicant for a carpenter's job was required by the local union (New Bedford in this case) to pay an initial fee of $25 and was allowed 30 days to pay the balance of $50, making a total of $75. There were no questions asked whether or not the applicant had ever had any previous experience as a carpenter—merely a terse question as to whether he cared to risk paying his money. It mattered not to the officials there that possibly the closest previous acquaintance a man may have had of the tools required was possibly a casual glance in their direction in some hardware shop.

My number was in the 9,000 bracket. (Three weeks later, the 20,000 number had been issued.) Is it any wonder that buildings

appeared to spring up like mushrooms? Imagine, if you will, what might have been accomplished had there been in force the efficiency of the auto assembly line. Yes, I've read the recent article comparing it to such.

Seldom, if ever have I worked any harder, or more earnestly, than I did during the first 2 weeks on the job; and I've been around a bit also; the Pontiac assembly line in Michigan, the Portland Cement Co. in Dayton, Ohio; a bronze-casting company, a steel-casting company in Massachusetts; landscape architect in Florida, lumberman, farmer, soda jerker, photographer, and what have you. This was the first time our foreman had ever enjoyed his exalted position, and believe you me, he really enjoyed his superior rank.

In our original "crew" there were some 12 carpenters, two laborers, and the foreman. The first barrack was finished in 7 days, with the exception of putting in the floors, the novelty sidings, partitioning off several smaller rooms, putting in the sheet-rack, doors, windows, and several other finishing details.

All of this could have been accomplished in 7 or more days with our personnel. In other words, it required 15 men 14 days to completely finish one barrack. At this rate, it would require 10,000 men to finish the 1,200 barracks in exactly 25 days.

Work was started at the camp about the middle of September, and we are told by the latest news releases that it may extend until the middle of February, or possibly later, should the present force of 14,000 men be kept intact. True, there are a hospital site, warehouses, roads, mess halls, etc., included as part of the job, but by far the largest item was the construction of the barracks. How to account for this mathematical discrepancy?

Our second (and last) barrack was started on the 17th of October and we left it almost completely finished on the 18th, losing 4 days due to the rainy spell. The "crew" on this barrack reached as high as 30 men and, I believe, a safe daily average was in the vicinity of 20 men.

You guessed it; the last 2½ weeks we all enjoyed a beautiful vacation for which you, our generous taxpayers, were paying us a cool $60 per week. Oh, yes, should any casual reporter or observer happen to pass along, he would discern plenty of activity. Somebody was always sawing a board, driving a nail, or shouldering a plank. Apparently a hive of activity.

During this period I had several talks with some other foremen and they likewise reported that they did not know what to do with themselves or their men except to advise them to appear busy. The attic made a very convenient habitat for unknown hundreds of men.

This pathetic waste of time, and money, went hand in hand with the waste of materials. Lumber and nails were treated as though worthless. In spite of this deplorably evident loss, no reprimand or caution, or threat was audibly uttered by those whose business it was to do so. As a matter of fact, I sincerely believe that they desired it thus. Why? Well, I have my suspicions, but at present they are only suspicious.

A short time after I'd paid my union fee in full, I was handed my pink slip stating no cause for discharge. It may have been only a coincidence in my one case that I got it then, but was it also only a coincidence that the majority of the "pink slip" receivers also were handed theirs after they'd paid in full? As one old-time carpenter expressed it, "The W. P. A. wasn't even in the same class as this."

If this open letter to the public can evoke some thought and serious research as to the manner in which our money is being used in the name of national defense, I will have felt amply repaid.

ANTHONY DE LORENZO,
M. I. T., '33.

KINGSTON.

TEN THOUSAND MEN MUST PAY IF THEY WORK

The Army's new seventh corps cantonment is to be built in Pulaski County, Mo. Mr. Tom McFarland, secretary of the Central Labor Union, is quoted in the Springfield Leader and Press of December 5, as follows:

This means, McFarland explained, that any employee at the camp in any craft over which the Springfield unions have jurisdiction, must, if he is not already a union man when he is employed, either obtain a work permit from the union here or become a regular member of the union here.

"That," said McFarland, "will mean considerable financial aid to the unions here. It will let us participate in the boom which will hit the whole town as a result of the camp."

McFarland said Neuman estimated 10,000 or more men would be employed at the camp when the construction program reaches its peak.

The gentleman who sent in the foregoing wrote:

Why should we be compelled to pay a large sum of our earnings to only be benefited for such a short time and when this job is completed, we will have no jobs to pay our union dues, and then we are kicked out of the local.

The same thing has been done here various times before, and the union and contractor has worked hand in hand and discharged the men and give them no union protection and hired a new bunch and compelled them to join.

LAY IT ON THE LINE

Representative HOFFMAN (Republican, Michigan).

DEAR SIR: I am writing to you in the sense of backing up the article in the Evening Star, of Washington, D. C., as of Monday, December 2, 1940.

Subject: Unfair labor conditions in defense work.

Now this letter is not written with malice, in fact, quite the opposite, and the following is absolutely true:

First. I am a plumber and steamfitter for over 20 years, now 44 years of age, healthy, strong. For the past 6 months I have covered the eastern seaboard from New York to Washington applying for work; failed due to the fact I have not the money to lay on the line as the A. F. of L. demands.

To begin, Fort Belvoir and Fort Meade are exactly as your article in the Evening Star states, plus the fact that after you pay your union initiation fees and dues, you stand a good chance of getting laid off.

A racket—nothing more.

Second. Federal Shipyard & Dry Dock Co., Kearny, N. J.: Application filed; waited 5 days at employment gate and learned you need a letter from Mayor Hague, of Jersey City, to get to work. Well, try and get the letter.

Third. New York Shipbuilding Co., Camden, N. J.: Application filed 4 months ago; no response as yet.

Fourth. Brooklyn Navy Yard: Application filed 2 months ago; no response as yet.

Fifth. Sun Ship & Dry Dock Co., Chester, Pa.: Application filed 3 months ago; no response; appeared in person at employment office four times, and same sign in the door reads, "No help wanted," although every hour a guard steps out in the waiting crowd and asks if you have a letter; if so, you go in. The letter is from "McClure," political boss of Delaware County, Pa. Try and get the letter.

6. Three weeks ago I was given a job by contracting painter on Bendix Corporation, formerly Atwater Kent plant, in Philadelphia; had to see A. F. of L. business agent in Philadelphia. Answer—$10 down and $2 per day for permit to work; this money does not apply to initiation fees, etc. No luck.

A $300 INITIATION FEE

7. Four weeks ago, applied Cramps shipyard, Philadelphia, William M. Anderson, contracting plumber and steamfitter; had to apply to Local 420, A. F. of L., Philadelphia. Answer—$300 initiation fees, 1 year's back dues, and a fine. This due to the fact I belonged to this local and dropped out in 1920. Now where can I get this money? Result, no job.

Now, Mr. HOFFMAN, I sincerely hope you can do something in this matter. I am an American, born in this country and proud of it, and, frankly, why don't you yourself or have a trusted man check on these matters? I will cooperate with you at any time or any place you may wish; in fact, will be only too glad to do so.

If you so wish, I will take a sworn statement on this letter; but, after all, why did I learn a trade years ago to have to buck matters like this when I see men working in these various plants who can hardly speak English?

Believe me, I hope you are as sincere in this matter as I am; still, I know there are plenty of men who have met the same conditions I write of, but they feel it would do no good to complain.

However, I am a resident of Washington, D. C.

You can contact me if you so desire any time. I would appreciate your not publishing my name and address.

(Name and address given.)

WASHINGTON CAB DRIVER PROTESTS

WASHINGTON, D. C., *Friday afternoon.*

Mr. CLARE HOFFMAN.

DEAR SIR: In regards to the working conditions at Fort Belvoir, Va. I drive a cab here in Washington. On Wednesday night, 4th, Picked up Mr. ———, supervisor of the hospital area. While talking to him on our way to Fort Belvoir I asked him for a job. He told me to be down here (Fort Belvoir) at 7:30, he would put me to work as a laborer. The next morning at 7:30 I was there, and he gave me an order (which I am enclosing) to go to union representative at Fort Belvoir to get a labor card. The representative told me they were not issuing any more labor cards. I went back to Mr. ———, told him what the representative told me. He then wrote on the left corner of the order. So I took it back to the representative, and he wrote "No good after December 5, 1940," on it. I went back to Mr. ———; I told him that they could not do anything for me unless I had $25. Mr. ——— told me to come to Washington and go to Local No. 74, at 525 New Jersey Avenue, and give them the order. Local No. 74 said that they had to have $25 on the line. Mr. ——— told me to tell them that there was others that got in for $5, and I wanted to, too. So they said they could not do anything for me; that they had to have $25 on the line. Local 74 said that they were not accepting any more $5 down; that they had some men at Fort Belvoir laid off now and were not accepting any more $5 down until these men went back to work. I went back to Fort Belvoir and told Mr. ——— what they said. To find out for my own curiosity, and asked some of the men that were laid off did they have to work hard, and he said "No; it was cinched." One said that a bunch of them were sent out to unload lumber, and three of them hid out for 3 days in an empty boxcar and got their pay just the same.

So you see why these were laid off. Why should the union make me pay $25 or wait until they put these fellows that will not work back on the pay roll before I can get in for $5?

It certainly seems to be a racket to me. Mr. ——— worked all day and goes back that night and worked all night and the next day. The reason he worked all night, they poured a lot of cement that day, so he went out to see that they kept the fires going to keep the cement from freezing so they could keep the work going, but him trying and the union won't let a person work that will work unless

they pay $25 seems to be a hold-back to the national-defense program, and the union seems to me to be a bunch of racketeers.

(Name signed.)

YORK (PA.) CARPENTER DRIVES 135 MILES—IS ASKED FOR $80 FOR PERMIT TO WORK

Here is a letter from York, Pa.:

I have just heard on the air that you were looking into working conditions on defense projects, of which I have this to say:

On Sunday, December 1, the Philadelphia Inquirer carried a space ad calling for carpenters to work at Fort (camp) Dix, at space ad calling for carpenters to work at Fort (Camp) Dix, at Writestown, N. J. On Monday, December 2, I drove 135 miles to Camp Dix and found the job under contract to the Johnson Co. (three brothers) who told me to report to a Mr. McCarthy, who would fix me up with a union card; this Mr. McCarthy asked me, and many others, to pay him $80 and $3 per week dues or we could not work on the job, or to pay him $20 plus $3 and that $10 and $3 would be deducted from our pay each week.

I refused, because by the time we would have paid the $80 the job would have been completed.

I just thought you might want to know.

(Name and address given.)

HERNDON (VA.) CARPENTER PAYS SIX TAXES—BALKS AT WORK TAX

Here is another one from Herndon, Va.:

I am a carpenter with 9 years' experience and can furnish you or any other one with local references as to my ability for same. I am 36 years of age, with a wife and two children dependent. I am also a citizen, and so were my father and grandfather before me, and as such I must and do pay such taxes, as personal, property, real estate, capitation tax, dog tax, etc. I also pay my share of defense tax. But when I go out to get a job I am told that I must pay some union $57.50 for the privilege of working, of which I think is very unfair.

I worked at Camp Meade until the union moved in and demanded I pay such a fee to be a member of Local No. 101, of Baltimore, of which would be of no benefit to me after this defense work is over.

I have my application permit for Local No. 101 and a lot of other information that I think you might be interested in, such as the union setting up quarters in a Government-built office, built by defense labor out of Government material.

I would be glad, at your convenience, to come in and talk with you, and can prove everything I have said.

In the meantime, I would like to wish you luck in trying to straighten out this matter which means so much to a workingman that doesn't belong to a trade-union.

(Name given.)

TWO HUNDRED DOLLARS AT CAMP DIX

Here is another from Atlantic City, N. J.:

I think it is time to do something about this union racket. Some of the boys of long experience as mechanics could not go to work at Fort Dix unless they put two hundred on the line, and they were crying for good men and holding up the job. How about a treason clause in your bill?

MARYLAND STEAM FITTER BEHIND IN HIS DUES—NO MONEY TO BUY WORK PERMIT—NO WORK, NO MONEY FOR DUES

Here are parts of a letter from a nearby Maryland resident. This man is a steam fitter. He was hurt and was suspended by his local, whose number he gives, because being out of work he could not pay his dues. When he recovered and sought work, he was told by the business agent of his union there was plenty of work; that he was needed but that he would have to pay $124 cash before he could go back to work; that he has had a chance to go on six different jobs but could not take any of them because he could not raise the $124. He is still out of work, though he has been a union man with a card for 39 years. He writes:

When there was no work we would get behind in our dues and when things got better we could always pay back $50 cash and $20 a week until our union book was in good standing again. I have always been a good union man and have been president of the union about eight terms. I also superintended my work for about 25 years, having had charge of some of the largest jobs in this country, which I have credentials to prove same. I had charge of power house at Camp Lee during World War and also held high position with the Government, which I will gladly turn over for your information. I am also a veteran and served in the Philippines during the War with Spain. Would like to state that during the World War we worked both union and nonunion men on the same job. * * * At Fort Meade boys have quit school and are working for $5 a day; some who are only 15 years old, which I think is against the child-labor law. Don't publish my name.

The foregoing is further evidence that the Star reporter was not so far wrong. [Applause.]

[Here the gavel fell.]

SPECIAL ORDER

The SPEAKER pro tempore (Mr. BONNER). Under the special order of the House heretofore entered, the gentleman from Missouri [Mr. SHANNON] is recognized for 10 minutes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. I yield.

Mrs. ROGERS of Massachusetts. I wish to commend the gentleman from Missouri and tell him how much I personally appreciate his putting into the CONGRESSIONAL RECORD the remarks of His Eminence William Cardinal O'Connell, of Boston, regarding the war. Cardinal O'Connell was born in Lowell, now a part of my district. Lowell is extremely proud of its able and illustrious native son. As the gentleman from Missouri knows, Cardinal O'Connell is a very distinguished churchman, scholar, and philosopher, and his views always command the attention of the American people. Everybody hopes for a continuance of his strength and vigor to carry on the fight for righteousness.

Mr. SHANNON. What is his age?

Mrs. ROGERS of Massachusetts. He celebrated his eighty-first birthday yesterday. He has both age and great wisdom.

STUDY AMERICA FIRST

Mr. SHANNON. Mr. Speaker, a few days ago, through the courtesy of this House, I took occasion to review historically something of what I considered would be of interest at this time, relating to the district which I have the honor to represent here and to the grand old State of Missouri and the Members it sent here from Territorial days to the present time. A few days later I supplemented that record—and it is one that Missouri takes just pride in—by a similar review of the able and honorable Members who have rendered memorable service in the senatorial Chamber from David Barton's day to the distinguished gentlemen who are representing our State in the Senate today.

I thought it eminently fitting that the records of those men, both in the House and in the Senate, should not, in these forgetful days of partisan strife and foreign tumult and disorder, be suffered to lapse into the oblivion that too often follows in the footsteps of public servants who have contributed their share to the upbuilding of the State and the Nation throughout periods and circumstances that really tried men's souls.

It was for that reason, primarily, that I sought permission to spread their names and the periods of their service upon the permanent RECORDS of this House. But let me add to that record a brief postscript, embodying a message that occurred to me as I went back over those familiar names—a message which seems to me to be singularly appropriate to many conditions of plans and policies that are engaging the attention and the consideration of the men who, from every State in the Union, are here in both Houses today seeking to solve the grave problems that are coming before us daily for solution.

It seems to me that the time has come when we should confront those problems from a fair, an honest, a frank appraisal of them from a purely national standpoint. We are today engaged in a program of defense. We are preparing to guard our ramparts and to defend our outmost borders from threats of foreign invasion as well as from evils within our own national borders. As you all know, I have never favored war as a means of settling our national or international troubles. You know my views on that subject without the necessity of my repeating them. I look upon war as purely a destructive agency of terror and human sacrifice that never yet has settled anything.

But no one can question my views upon national defense. I look upon my own State and upon every State in this Union as a monument of freedom and individual liberty that it is our duty to defend and preserve in the principles upon which the founders of our Republic stood when they wrote our Declaration of Independence and our Constitution and Bill of Rights. It is for this reason that I stand here today to give utterance to a few warnings of danger and tendencies

that seem to me to be leading in the wrong direction, no matter in what words we gloss them over in the habiliments of sophistry, sympathy, or romantic tradition.

We have been straining our eyes too much at the far horizons. We have been tempting the youth of our land with too much of the glamor, the pomp and circumstance of the wars of the past, whose horrors have been forgotten. We are feeding up the pupils of our schools with tales of medieval days. We are making heroes of the Napoleons, the Wellingtons, the Swedish Charles, the Marshal Neys, the Bluchers, the Julius Caesars, and the Brutuses of far distant days. Our school children are more familiar with the banks of the Tiber, the Rhine, the Rubicon, the Marne, and even the beautiful Blue Danube than they are with the great traditions that surround the mighty rivers and plains of America—the Hudson and the Ohio, the great Missouri, the Mississippi, the far-flung Platte River, the Green River, and the Yellowstone tributaries of the West that contributed so greatly to the spread of our own Nation and to the glories of its historic past. How many of the school children of today are familiar with the histories of the 48 States of this Union, their traditions of growth and expansion, their spirit of liberty, and their principles of civic culture and development? How many have even the faintest conceptions of the great men in the history of this Nation's development from 13 colonies along the Atlantic to a Nation that won two oceans for its borders and vast domains of land for agriculture, for industries of all kinds, for the wealth that this Nation has developed for our preservation?

I said that primarily I had the idea of rescuing from oblivion the men who in this House and in the Senate of the United States contributed to the upbuilding of these 48 States, their railroads, their steamships, their broad highways, their manufactories, their mines, their roads, their cattle, and their marvelous cities stretching across the land from ocean to ocean and from the Canadian border to the Gulf coasts of the Southlands.

We talk of national defense; and we have things to defend—great institutions as well as great principles. So that is the reason that I want to say today, as supplementary to that permanent record which I reviewed a few days ago, that the time has come when we need to forget for a while those old battlegrounds of Europe and Asia, those rivers of glamorous history, and settle the minds of our youth on the glories of the Nation we are now engaged in defending from the very sources of the wars and the destruction and the savagery that those old wars bequeathed to them—the ideals that produced tyrants and serfs, races of military robots, and their deified masters.

Let us impart in our schools the inspirations of our own history. Let our American students study America as one of the noblest as well as one of the most romantic and inspiring nations that was ever evolved from that old world of outworn ideologies. Let us begin teaching our children, our boys and girls, that in these very national halls of legislation there have stood throughout the decades of the past high-minded men whose counsels and treaties and laws contributed to the eternal foundations that have come to be considered the backbone of each of these 48 States and the innermost spirit of a united Republic, pledged to freedom and a Nation one and indivisible, resolved to the end that that Nation must be preserved with unity of purpose and a wise avoidance of foreign entanglements. Let us see to it that our educational institutions, from our grade schools to our great universities, implant that spirit and that respect for the men of the past who preserved that spirit in the minds of the young men and the young women of our land. Let us study America first, last, always.

See that our school children get unlimited opportunities to study their own country's history. There is a sightseers' slogan we hear often in these days of good roads; it is "See America first." That is a good beginning, but it should be followed by another slogan, "Study America first." Let every young American be taught from childhood to love his own country, to believe in its ideals, to cherish it as the greatest Nation and the freest democracy the world has ever known.

Let them get acquainted with the men who laid the foundations of our Government and maintained it and defended it through good report and evil too, through good times and hard times, through all the evils that ever threatened its existence. Let them learn to understand the great services and the great dreams of future greatness that gave us a Washington, who warned us against meddling in Old World affairs; a Jefferson, who won for us a western empire without shedding a drop of blood; a Hamilton, who helped to frame, and a Madison, who taught us to interpret and revere, our constitutional rights; a Monroe, who sent the challenge of a great doctrine across the seas and warned us against Old World menaces to our form of government; a Jackson, who stood for unity and democracy among all the States; a Lincoln, who pledged for us that this Nation, conceived and dedicated to the cause of liberty, should not perish on this hemisphere.

I would like to know that every child and every adult who enjoys the blessings of liberty bequeathed to us by these great forefathers have become acquainted with the lives and the deeds of the men of America—not merely the heroes of wars but the statesmen who stood as human bulwarks for everything down the fateful decades of our history that gave us the Nation we are called upon today to defend. And I want them to know, not only our heroes of warfare, our statesmen in the legislative halls, but those brave souls, the Kit Carsons, the Jim Bridgers, the Fremonts, the Fitzpatricks, the Father Desmets, and the missionaries of every faith that spread across the land the doctrines of peace and good will.

At this point I feel that I should call especial attention to an almost forgotten name, because his career was symbolic of what America holds out to those who come to her shores imbued with the true democratic spirit.

In Missouri there is one name that has become almost a symbol for that word we hear so much of in these days—Americanism. He was foreign-born and yet his public life in my own State and in the Nation was one that exemplified to the fullest true Americanism and independent statesmanship. I refer to Carl Schurz, one of the most remarkable men that ever represented Missouri in the United States Senate.

The story of his life was a romantic one—and yet with all its independent elements he emerged from a country that today is held up as a tyrannical despotism.

Carl Schurz was born in Germany. He was educated in the Gymnasium of Cologne and he became a revolutionary in political life and finally an exiled refugee from his native land. Driven from Germany after the revolution of 1848 he came to America in 1852 and settled in Wisconsin. He served in the Union Army during the Civil War and after the war was over he settled in Missouri and then became in 1869 the first German-born American to be elected to a seat in the Senate. The story of Carl Schurz's public life is a liberal education in American ideals. He adhered absolutely to no party. He supported Lincoln, Horace Greeley, Grover Cleveland, and though he opposed Bryan on the money issue he supported him on the antiimperialism issue. He championed the cause of civil-service reform, and to the end of his public career he was an eloquent advocate of high American ideals and a revered champion of unadulterated Americanism.

The Old World has nothing to teach us now, except fear and terror. The lessons we are to learn now are those which have come to us from our own soil and our own people until, in the language of Washington, we come to a fuller understanding of the name we all rejoice in—that of American. We must make it mean something to every child in this land; and the only way we can do that is to spread our country's history, and the story of its founders and preservers and defenders in books that are not out of reach on high library shelves but distributed across the land on the school desk and within easy reach and comprehension of all our school children, and sunk into the hearts of the growing young patriots of America in every State of the Union. [Applause.]

EXTENSION OF REMARKS

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement showing where the money goes that we appropriate.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House, heretofore entered, the gentleman from California [Mr. HINSHAW] is recognized.

AIR SAFETY BOARD

Mr. HINSHAW. Mr. Speaker, I hesitate to address my colleagues on a subject on which I do not feel well informed, but I rather believe that in this instance I am as well informed as most of the Members of the House. It may be that two or three who are actively engaged in aeronautics do know more about this than I.

Last spring I had occasion to make a trip to my home district and return by air. It was a rather stormy trip, and as we left El Paso on the way to Memphis, Tenn., it was extremely stormy. We were really en route to Nashville, Tenn., but as the plane landed I was very sleepy and went to sleep, and about half past 10 in the morning woke up to find we were in Memphis, and still there, instead of Nashville. The wings of the plane had been covered with canvas and there was a coating of ice over the outside of the plane. For the next several hours the attendants in Memphis hosed hot water on that plane to get the ice off. There was perhaps a half inch to an inch coating of ice all over the plane. I do not know how much such a coating of a half inch or an inch of ice will weigh, but it will weigh a great deal, perhaps as much as a ton, because the wing spread of a plane is considerable, and the fuselage also comprises quite an area.

What had happened in this particular case was that we had run into what is called a "cold front" on landing. I am speaking in terms of meteorology. A cold front is a point at which the cold air comes in contact with warm air. In this particular instance the dew point and the temperature were equal and they were just below freezing. As you may know, it takes the conjunction of a cold body of air with a warm, moisture-laden body of air to cause precipitation in the form of either rain or snow, depending upon the temperature. When the ground temperature is approximately 30, 32, or thereabouts, and the temperature of the moisture-laden upper air is somewhat higher than that, precipitation will occur which, when it reaches the ground, will form ice. We had a terrific example of that in Amarillo, Tex., not long ago when the trees became so coated with ice that all of the branches broke off and it laid the countryside to waste. That particular cold front and warm upper air remained stationary in Amarillo for such a period of time that a very heavy coating of ice ensued.

In this accident that occurred to an air liner in Chicago something similar happened. A cold front was approaching Chicago. The upper air was warm and moist and the lower air was cold. When a plane or anything else finds itself in that peculiar position then ice is bound to form on it, and it can form extremely quickly. It takes very little time for a considerable coating of ice to form on a plane.

We have in the Civil Aeronautics Authority inspectors whose duty it is to go about inspecting the air-line operations offices and also to ride the planes. It is their duty to see that the regulations are lived up to, that minimum operating conditions are observed, and that flights are not made in dangerous weather; that the pilots and equipment are in good condition and that the organization generally is on its toes. There is a great body of regulations which these people must follow.

Now, it may be because of the abolition of the Air Safety Board, or it may be because of the extensive program for civil-aeronautics training which we have dumped onto the Civil Aeronautics Authority, but it seems from the meager information I can find that these inspectors are fewer and farther between on the air lines today than they were last spring.

Certain pilots of air lines have called me to say that whereas inspectors were very much in evidence prior to July 1 last, nowadays they rarely see them. You can understand in any air-lines operations the pilot first goes into the room where they have weather maps and the weather information and examines the weather conditions through which he is to fly. Before he lays out his flight plan he receives all of the available information. If the management of the air line gives him clearance to point of destination, then it is up to the pilot to decide whether or not he will make the trip. You can see that there is a tendency as times goes on for the management to say, "Well, we have made 10,000 or 40,000 trips into this particular destination; and although there is a cold front approaching or there may be some intermediate bad weather, we believe that the pilot can make a successful trip and a successful landing; consequently we will give clearance to the pilot to point of destination." If he happens to be scheduled to go through dangerous weather or into dangerous weather at the other end of his trip, it becomes a matter of daring on the part of the pilot whether or not he will actually take off.

These pilots are paid on the basis of a certain amount in base pay and a certain amount for trip mileage. Whenever he cancels a trip he loses his trip mileage. Whenever the company cancels a trip it loses all of the income that might come from such trip. There is always a strong tendency on the part of the management to want to make their scheduled trips, as the people who have bought tickets are anxious to get to their destinations, and the pilot wants to make the trip because otherwise he loses his mileage pay.

When there comes a relaxation of vigilance on the part of inspectors and the Civil Aeronautics Authority, there is a tendency on the part of first management and then pilots to go a little beyond what may be considered proper prudence and good judgment. They will take some perhaps unnecessary chances—that is, they may not be unnecessary but they certainly are in some respect unwise.

In the case of this crash at Chicago it was known that a cold front was advancing from the north. As a matter of fact, one of the air lines in the early afternoon had stopped all of its flights west of Pittsburgh. Detroit operations were closed down on account of the cold front; yet, at 6 p. m., we find planes flying into Chicago under exactly those conditions.

[Here the gavel fell.]

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended 3 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HINSHAW. Mr. Speaker, a distinguished Member of this body relays to me first-hand from an eyewitness the information that when this plane hit the ground it had perhaps as much as an inch of ice on it, which may have weighed a ton. In other words, as he dropped his landing flaps to slow down the plane, and those landing flaps act like brakes, and as his air speed slowed down, then the plane plummeted to the ground on account of its excess weight. That is a matter for the Civil Aeronautics Authority and its inspectors in the Division of Inspection to determine. I merely relate what a Member of this House told me he received first-hand.

In discussing the Air Safety Board it is not with any sense of "I told you so" or any sense of saying that somebody was wrong in the first instance when the House refused to reject Reorganization Plan No. IV, which abolished the Air Safety Board, but it comes at this point as a matter of common good judgment to the Members of the House whether we should not consider the reinstallation of the Air Safety Board into the Civil Aeronautics set-up. That board stood absolutely independent—as stiff as a rock—between the pilots and the management, and between the pilots and the Civil Aeronautics Authority inspectors themselves, ready to place the blame for any accident that may have occurred definitely upon the real source of the lack of judgment or the violation of the regulations that brought it about.

It is a curious thing, but when you take out from this set-up that independence and place the subject of accident investigation in the Department itself, there is a natural tendency

on the part of the investigators to whitewash the Department. I mean, they do not want the onus to lie on their own immediate heads. But this is too important a matter to fool with, because it is not only civil aeronautics that is involved in this question; there is also the military and naval aeronautics involved, and the lives of a great many thousands of people.

The other day I made bold to introduce a resolution asking for an investigation of these three acidents that have occurred since July 1 last, with a view not only to examine the causes of the accidents themselves but to examine into all questions related thereto. The select committee proposed may have to investigate the subject of the Air Safety Board and the effect of its abolition; it may have to go into the necessity for additional weather information and more prompt dissemination of that information; it may have to go into the subject of a bit sterner rules on the part of the Civil Aeronautics Authority for the handling of operations for aircraft, and it may run into a number of other related subjects. However, there is still time. We can be working on this between now and the 3d day of January. Although I realize that many Members want to go home for Christmas and the holidays, I expect to be here for Christmas, and others expect to be here also. It may be that the program of the majority would not allow such a thing, yet I believe that expedition at this point is very highly important.

The matter is hot at the moment. It will have cooled down later on, and until another accident occurs nothing will be done about it. I therefore suggest to the leadership of the majority that they consider taking up this important matter at the earliest possible date and getting this investigation started. It is not meant to be a fishing expedition or a witch hunt; it is meant merely to find out the truth and do the best possible thing we can to improve and promote civil aeronautics. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HAVENNER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article appearing in a recent issue of the California State Bar Journal, prepared by a constituent of mine, on leading cases construing emergency legislation during the last World War.

The SPEAKER pro tempore (Mr. MCCORMACK). Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday next it adjourn to meet the following Monday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Friday, December 6, 1940, present to the President, for his approval, a bill of the House of the following title:

H. R. 6324. An act to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 38 minutes p. m.), under its previous order, the House adjourned until Thursday, December 12, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2064. A letter from the Secretary of the Navy, transmitting a supplemental report by the Secretary of the Navy for the period commencing with June 28, 1940, and ending with September 30, 1940, on contracts entered into pursuant to the provisions of section 8 (b) of Public Act No. 671, Seventy-sixth Congress; to the Committee on Military Affairs.

2065. A letter from the Attorney General, transmitting draft of a proposed bill which would permit the United States Attorney and the assistant United States attorneys of the District of Columbia to reside within 20 miles of their district; to the Committee on the Judiciary.

2066. A letter from the Secretary of Commerce, transmitting the draft of a proposed bill to amend the act of February 14, 1931, as amended, so as to permit the compensation on a mileage basis of civilian officers or employees for the use of privately owned airplanes while traveling on official business; to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee of conference on the disagreeing votes of the two Houses. H. R. 658. A bill for the relief of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little; without amendment (Rept. No. 3108). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VOORHIS of California:

H. R. 10720 (by request). A bill to provide funds for the national defense; to prevent avoidance of taxes by unlimited investment in advertising; to control uneconomic advertising expense engaged in by the liquor, tobacco, and luxury trades; to discourage advertising on the public highways and to derive revenue therefrom; and for other purposes; to the Committee on Ways and Means.

H. J. Res. 621. Joint resolution authorizing the President to set aside February 16, 1941, as Pan-American Unity Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H. R. 10721. A bill for the relief of Francis I. Reubish; to the Committee on Naval Affairs.

By Mr. LUDLOW:

H. R. 10722. A bill granting a pension to Eva L. Collins; to the Committee on Invalid Pensions.

SENATE

THURSDAY, DECEMBER 12, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty and eternal God, before whom the nations are as the dust of the balance, who hast put down the mighty from their seat and hast exalted the humble and meek: We bless Thee for all the channels of Thy grace, for joy and pain, freedom and necessity, sunshine and rain, sickness and health; yet most of all we bless Thee for the tender ministries of human love, for the love that binds man and woman, for the unselfishness of parents, for the confidence of little children, and for the encouragement of friends. As Thou hast blessed us, so do Thou quicken within us a deep sense of penitence for the foulness of our cities, the shame of our streets, and the misery of the poor. Let the flood of Thy

purifying power cleanse our national life, lest our destruction be determined and we go the way of the nations that have forgotten God. Harken to our prayer, O Lord, for the sake of Thy dear Son, our Saviour, Jesus Christ. Amen.

THE JOURNAL

On request of Mr. STEWART, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, December 9, 1940, was dispensed with, and the Journal was approved.

SENATOR FROM NEVADA

Mr. McCARRAN. Mr. President, Mr. BERKELEY L. BUNKER, who has been designated by the Governor of Nevada to take the place made vacant by the death of our late beloved and lamented colleague, Senator Pittman, is in the Chamber ready to take the oath of office. His credentials have been presented and are on file with the Secretary of the Senate in due form.

The PRESIDENT pro tempore. If the Senator-designate will present himself at the desk the oath will be administered.

Mr. BUNKER, escorted by Mr. MCCARRAN, advanced to the desk and the oath prescribed by law having been administered to him by the President pro tempore, he took his seat in the Senate.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of JOSEPH C. O'MAHONEY, duly chosen by the qualified electors of the State of Wyoming a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of MON C. WALLGREN, duly chosen by the qualified electors of the State of Washington a Senator from that State for the term beginning January 3, 1941, which were read and ordered filed.

He also laid before the Senate the credentials of ROBERT M. LA FOLLETTE, JR., duly chosen by the qualified electors of the State of Wisconsin a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of JAMES M. MEAD, duly chosen by the qualified electors of the State of New York a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

Mr. FRAZIER. Mr. President, I present the certificate of election of WILLIAM LANGER, who was elected on November 5, 1940, to the United States Senate from North Dakota.

The PRESIDENT pro tempore. The credentials will be read and filed.

The credentials of WILLIAM LANGER, duly chosen by the qualified electors of the State of North Dakota a Senator from that State for the term beginning January 3, 1941, were read and ordered to be filed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 302) authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 658) for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little.

TRIBUTE TO THE LATE SENATOR PITTMAN

Mr. TYDINGS presented a resolution adopted by the Chamber of Commerce of Juneau, Alaska, as a tribute to the memory of Hon. Key Pittman, late a Senator from the State of Nevada, which was ordered to lie on the table.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The PRESIDENT pro tempore laid before the Senate two letters from the Acting Secretary of War, reporting, pursuant to law, relative to divisions of awards of certain quantity contracts for aircraft, aircraft parts, and accessories thereof entered into with more than one bidder under authority of law, which were referred to the Committee on Military Affairs.

J. H. REDDING, INC. *v.* THE UNITED STATES

The PRESIDENT pro tempore laid before the Senate a letter from the Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of J. H. Redding, Inc., against the United States, which, with the accompanying paper, was referred to the Committee on Claims.

REPORT OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

The PRESIDENT pro tempore laid before the Senate a letter from the secretary of the Smithsonian Institution, transmitting, pursuant to law, the forty-third report of the National Society of the Daughters of the American Revolution for the year ended April 1, 1940, which, with the accompanying report, was referred to the Committee on Printing.

PETITION

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Military Affairs:

SENATE JOINT RESOLUTION NO. 2—RELATIVE TO PURCHASES OF WOOLEN MATERIALS AND PRODUCTS FOR NATIONAL-DEFENSE PROGRAM

Whereas the Government of the United States has embarked on a program designed to protect the shores of this country against the menace of totalitarianism; and

Whereas as part of this program the Government is purchasing woolen materials and products necessary for adequate defense; and

Whereas consistent with the ideals of democracy which we are striving to defend and preserve is the thought that woolen-goods manufacturers throughout the country should be given an opportunity to do their share toward carrying into effect the defense program; and

Whereas, because of differentials in prices resulting from location, woolen-goods manufacturers on the west coast cannot compete with their competitors in other sections of the country in submitting bids for Government contracts and are thus deprived of an opportunity to participate in the defense program; and

Whereas the inequities in this situation call for desirable changes at the earliest possible date: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the National Advisory Defense Commission and the United States War and Navy Departments are hereby respectfully urged to provide in their specifications for bids for national-defense contracts for the purchase and sale of woolen products, in cases where the bids of west-coast manufacturers of such products would otherwise exceed those of manufacturers in other sections of the country, such excess representing the cost of transporting the products to the place of delivery, either that:

(a) An allowance in the amount of freight will be made in favor of the bids submitted by the west-coast manufacturers; or

(b) The bids submitted by west-coast manufacturers may be based on prices f. o. b. their mills; and be it further

Resolved, That a copy of this resolution be sent to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to each Member of the Senate and the House of Representatives from California in the Congress of the United States, to Mr. Edward Stettinius and each other member of the National Advisory Defense Commission of the United States, to the Secretaries of the War and Navy Departments of the United States, and to the Quartermaster General of the United States Army in command at Philadelphia.

RESOLUTION OF VERMONT STATE CHAMBER OF COMMERCE

Mr. GIBSON. Mr. President, on the 4th of December, at Burlington, Vt., the Vermont State Chamber of Commerce held its annual meeting. It adopted a resolution urging all material aid to Great Britain, and, if necessary, financial aid.

I ask that the resolution be appropriately referred and printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

UNITED STATES AND GREAT BRITAIN

In view of the present situation at home and abroad,

Resolved, That the Vermont State Chamber of Commerce suggests to Vermont local chambers of commerce and other Vermont organizations that they, in the immediate future, consider the adoption of some such resolution as the following for presentation to the Vermont delegation at Washington:

"That the organization urges the further increase and the speeding up of material aid to Great Britain, and, if deemed needful for the protection of the United States and the Americas and Great Britain, the extension of financial aid to Great Britain."

DEMANDS ON KANSAS HIGHWAYS BY NATIONAL-DEFENSE PROGRAM

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a resolution adopted December 2, 1940, by the State Highway Commission of Kansas. The resolution points out the additional load which will be thrown upon the Kansas highway program through demands for extraordinary maintenance and upkeep of highways adjacent to and surrounding the Fort Riley and Fort Leavenworth Military Reservations in Kansas due to the national-defense program. The Kansas State Highway Commission promises to cooperate in every way with the Federal Government in the program but points out that changes in routings and large maintenance costs will be a heavy drain on available road funds, and urges that special appropriations be made for this class of highway construction and maintenance. I desire to call attention of the Senate to this problem and express the hope that it will be taken care of adequately in the next session of Congress.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Whereas the Kansas State Highway Commission is faced with the necessity of coordinating the highway needs of the civilian peacetime traffic with the extraordinary demands that will be made on the Kansas highway system as a result of the Federal Government's preparation for national defense; and

Whereas, recognizing the importance of Kansas highways to the plan of national defense, since Kansas has within its confines two important Army training centers, namely, Fort Leavenworth and Fort Riley, and since it is reliably informed that both of these forts will be used as large training centers; and

Whereas this will place a great deal of purely military traffic upon the highways of Kansas, it is deemed necessary to call the attention of Congress to the importance of the Kansas highways in any military movement in the defense of these United States, particularly to facilitate the movement of traffic in and around the two forts above mentioned; and

Whereas the Kansas State Highway Commission is confronted with a serious shortage of funds to meet the normal demands for highway construction in all parts of the State and, in addition thereto, must provide for extraordinary maintenance and upkeep of highways adjacent to and surrounding the above-mentioned forts and training centers; and

Whereas it is the belief of the Kansas Highway Commission that funds collected through State agencies should not be used for construction and maintenance of roads primarily serving training areas, and that special appropriation should be made available through the Public Roads Administration to meet the other road improvements urgently needed for the military-training-camp areas and for selected portions of the designated State highway system: Now, therefore, be it

Resolved by the Kansas State Highway Commission, That it declares its intention to cooperate with the Federal Government in the construction and maintenance of highways of the Kansas highway system that are considered of strategic military importance by the proper defense agencies.

That it respectfully calls attention to the needs for additional appropriations for the construction and maintenance of roads, the primary purpose of which is to provide access to military training areas as well as Kansas highways which are considered of strategic military importance by the proper defense agencies.

That it tenders the engineering facilities of the Kansas State Highway Commission to the Federal Government for the construction of military roads deemed necessary by the proper defense authorities.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on December 2, 1940, that committee presented to the President of the United States the enrolled bill (S. 4373) to amend the act of June 25, 1938, entitled "An act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes."

BILL INTRODUCED

Mr. GREEN introduced a bill (S. 4437) for the relief of Luigi C. Galatioto and Maria Galatioto, which was read twice by its title and referred to the Committee on Immigration.

REPORT AND CONFIRMATION OF POST OFFICE NOMINATIONS

Mr. HAYDEN. Mr. President, as in executive session, I report from the Committee on Post Offices and Post Roads 26 nominations of postmasters in the several States, the nominations having been approved or not objected to by the Senators from the States in question. I ask unanimous consent that the nominations be confirmed en bloc and that the President be notified.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc, and the President will be notified.

BRITISH DIRECTORSHIPS OF J. P. MORGAN & CO.

Mr. HOLT. Mr. President, when J. P. Morgan contributed the first check to the William Allen White committee known as the Committee to Defend America by Aiding the Allies, was he a representative of J. P. Morgan & Co., of New York City or Morgan, Grenfell & Co., Ltd., of London, England?

The persons in this country are familiar with the vast holdings and powerful connections of the American banking firm, but they are not presented with the data of the vast colonial holdings of the codirectors of Morgan on the directorship of Morgan, Grenfell & Co. These holdings are particularly heavy in India.

The directors of the English banking house are Lord St. Just (Grenfell), Lord Bicester, Lord Catto, Viscount Harcourt, R. H. V. Smith, F. J. R. Rodd, W. W. H. Hill-Wood, and J. P. Morgan.

These directors have wide interest in the British Empire. Lord St. Just is a director of the Bank of England, with its powerful ramification. He is also director of Sun Insurance office and Sun Life Assurance Society. Lord Bicester is director of the Associated Electrical Industries, Ltd., which incidentally is the Westinghouse production in Great Britain, governor of the Royal Exchange Assurance, which is the parent company of United States insurance companies, and chairman of the board of Yule, Catto & Co., Ltd., the East Indies merchants. Lord Catto is director of Amlevant Investment Co., Ltd., Andrew Yule & Co., Ltd., of Calcutta, India, Mercantile Bank of India, Royal Bank of Scotland, Royal Exchange Assurance—note above reference—Tobacco Securities Trust, Yule, Catto & Co.—note above—Union Castle Mail Steamship Co., Ltd., with its South African interests in shipping, Oriental Telephone & Electric Co., Ltd., with its ownership of the Singapore Telephone Co., China and Japan Telephone & Electric Co., and certain India telephone exchanges. R. H. V. Smith is also director of Andrew Yule & Co., Ltd., of Calcutta, English & New York Trust Co., Ltd., Mercantile Bank of India, Ltd., Yule, Catto & Co., Ltd. Francis J. R. Rodd is director of Courtlands, Ltd., which has a heavy interest in the American Viscose Corporation.

ADDRESS BY SENATOR GREEN ON SOCIAL SECURITY

[Mr. GREEN asked and obtained leave to have printed in the RECORD a radio address on the social-security program delivered by him on November 1, 1940, which appears in the Appendix.]

MESSAGE FROM THE PRESIDENT TO DAVID SARNOFF

[Mr. STEWART asked and obtained leave to have printed in the RECORD a message addressed by President Roosevelt to David Sarnoff, president of the Economic Club, and published in the New York Times of December 11, 1940, which appears in the Appendix.]

MESSAGE FROM THE PRESIDENT TO FARM BUREAU FEDERATION

[Mr. STEWART asked and obtained leave to have printed in the RECORD an article from the New York Times of December 11, 1940, containing a message addressed by President Roosevelt to the convention of the Farm Bureau Federation at Baltimore, Md., which appears in the Appendix.]

UNIVERSAL BIBLE SUNDAY—ADDRESS BY HON. GEORGE H. PAYNE

[Mr. HERRING asked and obtained leave to have printed in the RECORD a radio address delivered by Federal Communications Commissioner George Henry Payne on Sunday, December 8, 1940, on the subject Universal Bible Sunday, which appears in the Appendix.]

ADDRESS BY RT. REV. HENRY W. HOBSON ON FOOD OR FREEDOM

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an address on the subject Food or Freedom, delivered by Rt. Rev. Henry W. Hobson, bishop of southern Ohio, which appears in the Appendix.]

INVOLVEMENT IN WAR IN ASIA—ADDRESS BY GENERAL RIVERS

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD a radio address by Maj. Gen. William C. Rivers, United States Army, retired, on the subject Are We Facing War in Asia?, which appears in the Appendix.]

ADDRESS BY CAPTAIN RICKENBACKER ON AIR TRANSPORTATION

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an address delivered by Capt. Edward V. Rickenbacker before the Economic Club of New York on December 10, 1940, which appears in the Appendix.]

TRIBUTE TO THE LATE MRS. HARRIOT STANTON BLATCH

[Mr. BROOKS asked and obtained leave to have printed in the RECORD a resolution adopted by the Illinois Division of the National Woman's Party in tribute to the late Mrs. Harriot Stanton Blatch, which appears in the Appendix.]

THE BRITISH BLOCKADE—ADDRESS BY J. B. PRIESTLEY

[Mr. GIBSON asked and obtained leave to have printed in the RECORD a radio address on the British blockade delivered by Mr. J. B. Priestley from London on November 19, 1940, which appears in the Appendix.]

EDITORIAL FROM RHODE ISLAND FREE PRESS ON WALTER-LOGAN BILL

[Mr. GREEN asked and obtained leave to have printed in the RECORD an editorial from the Rhode Island Free Press on December 6, 1940, on the subject of the Walter-Logan bill, which appears in the Appendix.]

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE BRIDGEPORT (CONN.) TIMES-STAR

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial from the Bridgeport (Conn.) Times-Star entitled "Our One Hundred and Fiftieth Year," which appears in the Appendix.]

EDITORIAL FROM HARTFORD TIMES ON STABILIZATION OF CHINESE CURRENCY

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial from the Hartford Times of December 5, 1940, relating to the use of funds for stabilizing Chinese currency, which appears in the Appendix.]

PLEA FOR WORK

[Mr. HOLT asked and obtained leave to have printed in the RECORD a letter from one of his constituents making a plea for work, which appears in the Appendix.]

ISSUANCE OF TAXABLE SHORT-TERM NOTES BY TREASURY DEPARTMENT

Mr. CLARK of Missouri. Mr. President, 2 or 3 days ago I had occasion to criticize Hon. Henry Morgenthau, the Secretary of the Treasury, for what seems to me to be a diversion of a part of the stabilization fund from the purposes for which it was constituted by law, and its conversion into a lending agency of the United States. I still adhere to that view and will oppose all such conversions of the stabilization fund with all the force at my command. I should like, however, to take occasion today to go on record as commending in the highest terms another action which has been taken by the Secretary of the Treasury and announced since the last meeting of the Senate.

Under the present law the Secretary of the Treasury has authority, either in refunding Government indebtedness or in providing funds for the appropriations made under the various national-defense acts, either to issue short-term notes, which, in his discretion, may be taxable, or to issue long-term bonds, which, under the law, cannot be made taxable. Within the past 2 or 3 days Secretary Morgenthau has announced his purpose in those refunding operations, while Congress is not working at full capacity, to cover the necessities of the Treasury by issuing the shorter-term notes, which, in his discretion, he proposes to make subject to taxation.

I regard this as one of the greatest steps forward in the whole system of taxation which has taken place in the United States in the history of this country. As Senators know, that is a struggle which has been going on for years. So far as I am concerned, I have been actively engaged in it during the 8 years I have been a Member of this body. I offered an amendment to the 1933 tax bill, which was adopted by the Senate by a very substantial majority, for subjecting issues of the United States Government to taxation. That amendment was defeated in conference on that bill by the action of the Senate conferees in receding before the conference was begun. Since that time I have repeatedly offered similar amendments on other tax bills, and other Senators have offered amendments of a similar character, which have usually been defeated on the ground that the subject was one which required careful study, that legislation dealing with it should originate in the House of Representatives, and the subject should not be dealt with in any hasty manner. It has always been pressed as an argument that the particular tax bill which was then before the Senate for consideration was not a proper vehicle for the consideration of that question. Promises have repeatedly been held out on the part of the leadership of the House of Representatives and on the part of the leadership of the Senate that the question of the taxation of Federal Government securities would receive full and adequate consideration either at the session of the Congress then in existence or at the next session of the Congress.

Mr. President, in view of the fact that certain of our large bond issues are coming to maturity, and that it will be necessary to refinance them, and in view of the very large expenditures for defense purposes, that issue will be squarely in the lap of the next Congress for necessary consideration through the action of Secretary Morgenthau in issuing short-term notes instead of long-term bonds, which would be free from taxation. I want to congratulate Secretary Morgenthau on his action, and I want to congratulate the country on having as Secretary of the Treasury a man with the vision and with the courage—and it did take a great deal of courage to take this action—and with the statesmanship to force this issue, and lay it squarely in the lap of the Congress for necessary consideration and action.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Arizona.

Mr. HAYDEN. If it required legislation to accomplish this purpose, in the judgment of the Senator from Missouri, by what authority of law did the Secretary of the Treasury take this action?

Mr. CLARK of Missouri. The Secretary of the Treasury has authority under the law to issue short-term notes subject to taxation. That discretion is specifically given him under the law; but if it is a matter of refunding bonds or issuing long-term bonds, he would have no discretion as to whether or not they should be subject to taxation. What the Secretary of the Treasury is doing is simply making the necessary refinancing at this time under his authority subjecting these notes to taxation and leaving the matter for the consideration of Congress, where it properly belongs.

Mr. HAYDEN. In the judgment of the Senator, will the taxpayer be saved any money by this procedure?

Mr. CLARK of Missouri. That is a question which I shall be very glad to discuss with the Senator. I have frequently discussed it at length. I think the taxpayers of the country will be saved money. I think it will be a very meritorious thing to stop this refuge of owners of capital who at any time do not happen to like the particular policy of the Government in power at the moment—a refuge to take their capital away from any beneficial work for the public, away from any contribution to the defense scheme of the United States, and put it in a position where it will escape from taxation instead of having to go to work. But it was not my purpose to detain the Senate by a discussion of what is more or less a technical matter, on which we have the report of a very eminent and able committee of the Senate, and which will undoubtedly require a great deal of discussion when the matter comes before the Senate, as I apprehend it will, at an early stage of the next session. I was simply desiring to express my admiration for the action of Secretary Morgenthau in leaving the matter for the consideration of the Congress, instead of acting as he might have done and issuing a series of long-term bonds

in the sum of possibly several billion dollars which would be free from taxation for a period of 30 years, which is the ordinary term of bonds.

Mr. HAYDEN. I asked the question because in certain States it was thought proper to tax mortgages, with the idea that the mortgage holder did not pay taxes, and that he ought to do so; and the net effect was to raise the interest rates on mortgages, so, after all, the farmer who had the mortgage on his farm was the one who paid the tax.

Mr. CLARK of Missouri. I say very frankly to the Senator that I think possibly the taxation of Government securities may possibly require raising the interest rates which the Government will have to pay, although I am not at all certain that that result will follow, for the reason that investors in Government securities usually invest in them by reason of the safety of the security offered rather than by reason of the amount of interest paid. But even if that were true—even if the Government were required to make a greater expenditure in interest—I still believe it would be very much to the advantage of the Government in compelling everyone to make contribution for this defense scheme and to prevent the escape of capital, from reasons of pique or other reasons, from being usefully put to work in the public interests.

Mr. AUSTIN. Mr. President, I am interested in this particular address of the Senator from Missouri by virtue of a special study I have made of the question to which he addresses himself; but I cannot agree that we as a country are necessarily to be congratulated because the Secretary of the Treasury has seen fit to make use of a doubtful power to try to enter a wedge into this problem, which is of an adventitious kind, it being a purely legislative one, and, as some of us view it, a problem of constitutional government and constitutional reform rather than a subject of policy and change by mere legislative statute.

I should have said nothing on this occasion about this rather momentous event had I not been caused to do so by the remarks just made by the distinguished Senator from Missouri; but I do comment upon the probative effect already seen of this conduct, and that is that it has already demonstrated beyond any question the additional burden of cost of national defense that is imposed upon the taxpayers of this country by removing the immunity from taxation of Federal bonds. Already it appears that this large issue of short-term notes could have been sold at a cost of one-half of 1 percent to the taxpayers of the country had it been sold as heretofore, free from taxation; whereas, taxed as it is, it must be sold for the much higher rate of three-fourths of 1 percent, which means an annual additional cost to the taxpayers of the country of $2,500,000 to finance this particular issue.

If that be true, as I have been informed it is, we cannot be disturbed in our future consideration of this question by the adventitious claim that this is a procedure necessary to national defense, that it is an expediency which we ought to choose, having such great weight financially and such merit because of the cheapness of this method of financing that we should overcome our qualms respecting the violation of the constitutional principle involved, and take such a revolutionary step as this because it has become necessary in time of world war to find new sources of revenue for our Government.

Mr. President, I am moved to comment that, in my judgment, there is no single step the Congress of the United States could take which has greater significance as an indication of our cooperation in the world revolution, which has a form of war elsewhere, but which nevertheless has for its object in the entire world the setting up of a system of national socialism. It is useless to attempt to avoid or evade it. Every time the Congress of the United States permits a statute to be enacted or a resolution to amend the Constitution to be offered to the people for ratification, which breaks down the barriers and limitations between the two Governments which occupy the same geographical area, we take an important step away from representative government, away from the Republic our fathers established, which we have maintained at some cost for 150 years, and we take a step toward national socialism.

So the question will not be a question of financing of war. The specious claim that it has become necessary to take this course because we must find new sources of revenue to maintain our armies cannot be used, and the issue, I predict, will stand out in full delineation, perfectly clear, a great issue of principle. It will be the spear point of world revolution here, and those who still believe in the republic and who still have a patriotic fervor which excites them to fight for its defense, will stand fast to protect the Federal Government from the incursions of the several States through this essential means of Government, an attack upon this essential means of maintaining the Federal power, namely, the obtaining of its revenues. Those who stand fast to save to the several States, and to the municipalities in them, this essential function of their government, without which they cannot preserve their independence any longer, will be those who are lined up standing fast for liberty, and those who are opposed to it will be attacking that republic and further aiding that system which hands down from on high the rules of conduct in government called the civil law. Those who would replace with these fiats the law that comes up from the ground and from the people and has the consent of the governed would be the same as those who would readily set aside our judicial system, which gives every citizen in his controversy with his government notice and opportunity to be heard, a fair trial before an independent tribunal, and execution of his sentence or his judgment by still another. They would supplant this system of jurisprudence and administration of equal justice, as nearly equal as it can be in human hands, by a bureaucratic system, in which the bureau would become the complainant, the trial court, the judge, and the executioner of the judgment.

Mr. President, we confront that condition. It is my belief that the issue becomes more clean-cut every day; that the Seventy-seventh Congress will have to face this fundamental issue bravely, and that our country, our form of government, will stand or fall by the decisions we make, one at a time, on these several issues. Upon no other issue than this, of the destruction of the immunity of the several States and municipalities from incursion by the Federal Government upon the essential function of raising revenue, and vice versa, upon no other issue will it be more important for us to make a correct decision.

Mr. CLARK of Missouri. Mr. President, I always listen with great interest to the remarks of the distinguished and able Senator from Vermont. It seems to me, however, that in this case his argument has gone rather far afield from anything contained in my remarks. I was merely commending the Secretary of the Treasury on leaving the determination of policy to the Congress, where in my opinion it belongs, rather than exercising the authority which he undoubtedly has under the law to renew bond issues which would necessarily be subject to taxation for 30 years. All the action of the Secretary of the Treasury means is that Congress will have full opportunity to determine the policy of the United States Government. When that time comes the Senator from Vermont and all other Senators will have a right to expound any theory which they may have, and if he or others entertaining views similar to his can obtain sufficient votes in the two Houses of the Congress, to write their views into law.

I do desire to say, however, that I utterly repudiate the suggestion of the Senator from Vermont that Senators or Representatives or others who are in favor of a change of the fiscal policy of the United States which will subject Federal Government bond issues in the future to taxation, a policy undoubtedly within the constitutional authority of the Congress, are guilty of making attack upon the liberties of the people of the United States, as the Senator from Vermont suggested. I suggest that any Senator who entertains such a view has just as good a right to his view as has the Senator from Vermont to his rather reactionary and anachronistic view on the other side.

I further repudiate in the strongest terms the suggestion of the Senator from Vermont that any proposed change in the Constitution of the United States by submission to the people or to the legislatures of the several States, through the orderly process established by the founders of this Government, the framers of the Constitution, and specifically written into the Constitution itself of a proposition for a change in the Constitution, is an attack upon the liberties of the people, or upon the structure of our Government.

Mr. BURKE. Mr. President, there is one phase of this matter about which I would need more light before I should be willing to join with the distinguished Senator from Missouri in rating the present Secretary of the Treasury as the greatest Secretary since Alexander Hamilton.

Mr. CLARK of Missouri. I did not make any such suggestion. What I said was that I entirely approve the action of the Secretary of the Treasury at this time in not committing the Government to a permanent policy as to further bond issues, leaving it to the determination of the Congress; and I repeat that commendation.

Mr. BURKE. Very well; and I repeat my statement that before I am willing to put the Secretary of the Treasury upon the high pedestal I want more information upon one phase of the matter.

I agree fully with my colleague the Senator from Missouri that the Federal Government certainly has the right, and I think very properly could exercise that right, to tax its own issues; but the thing about this whole matter which has always disturbed me is the attempt by the Federal Government to force the States to enter upon a line of policy with which they do not agree.

In the same announcement to which the senior Senator from Missouri has referred, it is stated that the program now worked out by the Secretary of the Treasury is to be used as a club to force the recalcitrant States to enter into the field of taxation of its own securities, the securities of the school districts in the town where I live, and every other bond or obligation issued by any of the Government agencies. Before I acclaim the Secretary of the Treasury, I want to know first whether he is confining himself strictly and limiting himself solely to the taxation of the issues of the Federal Government, or whether this program is proposed to be used as another means of doing what we have come to call the voluntary thing in this country, such as voluntary compliance with the provisions of the Agricultural Adjustment Act, when everyone knows in that instance there is an effective club which removes all semblance of voluntary action. If the Secretary of the Treasury is engaged in such a program or is starting on such a course, I want to be in a position to condemn him as doing a great disservice to the country, rather than doing something which will benefit it, because, in my humble judgment, we have gone altogether too far in breaking down State lines and local autonomy, and for myself I want to be heard in protest against any move along that line.

Mr. CLARK of Missouri. Mr. President, in response to what the Senator from Nebraska has said, I should simply like to say that if he saw any such thing in the statement of the Secretary of the Treasury as that the Secretary proposes to use this note issue as a club to force certain action by the States, he saw a different version of the statement from the one which I saw and a different version than that given by the Secretary of the Treasury to the members of the Finance Committee who happened to be in town. If the Senator from Nebraska has seen any such statement from the Secretary of the Treasury as that which he just made, I think it is his duty to put it in the RECORD so we can all see it.

Mr. BURKE. Mr. President, I suggested that I wanted more light upon the purposes of this move before I reached a final judgment. I did not say that in any official statement made by the Secretary of the Treasury he went beyond the bare point of saying that he would exercise the discretion which the Congress lodged in him. But the reputable newspapers of the country in commenting upon that statement said that the reporters had talked with the Secretary of the Treasury and did not quote him—I did not say that he was quoted in exact language—but they did say that the purpose for which the program was to be used was as I have stated, and at once the attorneys general and Governors of many States in the Union who have been fighting this proposal thought it necessary to go into action to check such a movement. If the Secretary of the Treasury has no such purpose in mind, I will, of course, be free then to praise him almost as highly as has the Senator from Missouri.

Mr. CLARK of Missouri. Mr. President, the Senator in his previous remarks said that in the very same statement of the Secretary of the Treasury there was contained a declaration that it was the purpose to use this means as a club on the States. I insist there was no such declaration in the statement of the Secretary of the Treasury.

Mr. BURKE. I think the Senator from Missouri is entirely mistaken with respect to what I said. At least I am very clear in my own mind that what I intended to say was that in the same announcement the newspapers carried a statement—not in the exact words of the Secretary of the Treasury, but it all came out at the same time—of what the Secretary of the Treasury proposed to do, and the correspondents reported that the plan I have suggested was a part of the program. So I only ask the Senator from Missouri and others to exercise a little reasonable caution, and find out just what is in mind before they talk too loud in their praise of the Secretary's action.

ORDER FOR RECESS TO MONDAY

Mr. STEWART. Mr. President, I ask unanimous consent that when the Senate shall have completed its business today, it stand in recess until Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PAYMENTS TO SHORT-LINE RAILROADS

Mr. JOHNSON of Colorado. Mr. President, on November 26, 1940, the legislative day of November 19, House bill 10098, to amend section 204 of the act entitled "An act to provide for termination of Federal control of railroads," and so forth, was passed by the Senate. As I understand, the senior Senator from Utah [Mr. KING], who now honors this assembly by presiding, made a motion to reconsider the vote by which the bill was passed. That motion has been pending since then.

Mr. President, at this time I desire to move consideration of the motion made by the Senator from Utah to reconsider the vote by which House bill 10098 was passed.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The question is on the motion of the Senator from Colorado.

Mr. AUSTIN. Mr. President, in order that the RECORD may show more clearly what the subject matter is, will the Senator from Colorado make a brief statement of the purpose of the measure?

Mr. JOHNSON of Colorado. I shall be glad to do so. House bill 10098 provides for the relief of the so-called short-line railroads by reason of what occurred at the time of the World War when the railroads were taken over by the Government. After that time the class I railroads were paid by the Federal Government in connection with their operation during the time when they were controlled by the Government. Part of the short-line railroads were also paid under legislation passed in 1920 by the Congress, but during the process of paying the short-line railroads some dispute arose as to the word "deficit," and, due to the change made by the Interstate Commerce Commission in the interpretation of the word "deficit," many of the short-line railroads were not given the relief which the class I railroads and other short-line railroads were given. House bill 10098 was enacted to give a different interpretation to the word "deficit" than had been made by the Interstate Commerce Commission, which would in turn permit the short-line railroads to obtain the relief which they deserved, and which Congress had already extended to them.

During the consideration of the bill the House, in its wisdom, placed a limitation of 5¾ percent on the fair valuation

of the short-line railroads as the amount such railroads should be allowed. That limitation was fixed in order to determine whether or not the railroads had a deficit, and no deficit could be paid in excess of 5¾ percent.

The Senate also added an amendment which provided that no short-line railroad could receive an amount in excess of $150,000. That amendment was sponsored by the junior Senator from Kansas [Mr. REED].

The Interstate Commerce Committee of the Senate had the bill under consideration for a long time, and after these two amendments were placed in it we were able to have the bill favorably reported and passed.

Mr. AUSTIN. Mr. President, will the Senator yield to me for a question?

Mr. JOHNSON of Colorado. I shall be glad to yield.

Mr. AUSTIN. Is it true that if the measure should become law, and a short-line railroad should establish its claim and qualify for relief under it, it could not receive in the aggregate, including what it earned and the sum the Government paid to it under its claim, an amount greater than 5¾ percent per annum on its total valuation?

Mr. JOHNSON of Colorado. I understand that the 5¾ percentage on its total valuation is the total amount of its earnings, and I think the answer to the Senator's question, if I understand it correctly, is, "Yes."

Mr. AUSTIN. I think it should be. As I understand the bill, it should include both the earnings and the amount certified. If it does, that is in accord with my understanding of what ought to have been done.

Mr. JOHNSON of Colorado. I am very certain that that is what the bill does.

Mr. KING. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I shall be glad to yield the floor to the Senator.

Mr. KING. I should like to ask the Senator a question, prompted by the interrogatory of the Senator from Vermont. As I understand the terms of the bill, if the earnings of a railroad exceed 5¾ percent, it is limited to that amount. It may not receive any additional sum whatever.

Mr. AUSTIN. That is the way I understand it.

Mr. KING. So there is an injustice to 66 railroads which were cut off while 72 received a much larger percentage. The Interstate Commerce Commission reversed its ruling, thus denying 66 railroads the relief to which they were entitled, and we are now validating what is believed to be an unjust, if not illegal, act.

Mr. JOHNSON of Colorado. As I understand, that is what the House wanted to do. The House did not want to give any relief payment to a railroad which had earned 5¾ percent. The House thought that such a railroad was not in need of relief. That is the object of the House amendment.

Mr. KING. Mr. President, I am reluctant to intrude upon the Senate at this time and regret that my distinguished friend from Colorado insists upon bringing up the motion which I entered some time ago for the reconsideration of the measure which passed.

In order to present the matter as I understand it, I desire to submit a few observations in opposition to the motion. May I say to my friend that I shall be reluctant to call for a quorum, but I do not think the bill ought to be jammed through at the present time, or that the motion ought to be taken up for consideration in an attempt to force the bill through without a quorum of the Senate to pass upon the question, which is of importance to a large number of the smaller railroads.

The claimed purpose of the bill is to rectify the gross injustice which has been done a number of small railroads by reason of the construction placed upon the word "deficit" by the Interstate Commerce Commission.

In the so-called Transportation Act of 1920, 204 (a), it was provided that railroads taken over by the Government during the war should be reimbursed for their losses occasioned by the Government operation. In the act was contained a formula for determining the "deficit," and controversies arose thereafter as to the meaning of the word "deficit." The question was whether or not the railroads actually had to lose money; that is, that their operating incomes were less than their operating expenses, or whether the incomes of the railroads should be less during the period of Federal control than during the so-called test period.

This question was the subject of a study or report by the Interstate Commerce Commission in Finance Docket No. 1600, entitled "In the Matter of Construction of the Word 'Deficit,'" as used in paragraph (a) of section 204 of the Transportation Act of 1920, decided February 9, 1922. In its decision the Interstate Commerce Commission held as follows:

> We are of the opinion and hold that the word "deficit," as used in paragraph (a) of section 204, should be construed to mean a deficiency or decrease in income under private operation in the Federal control period as compared with the average income for corresponding portions of the test period.

There appears to have been no particular difficulty in the settlement of cases involving the larger railroads. However, there was considerable controversy in the matter of the short-line railroads. Under the decision previously referred to, the claims of 72 carriers for a differential in income—but not a red-ink operating deficit—were balanced in the amount of $2,836,953.57. However, there were remaining the claims of 66 railroads which were rejected under a decision of the Interstate Commerce Commission of October 17, 1925. This decision reversed the one of February 9, 1922, and, of course, eliminated to a large extent, if not wholly, the 66 railroads which did not get in under the line before the Commission reversed its decision.

In conclusion, the decision stated as follows:

> We now find that the words "deficit in its railway operating income" as used in section 204 of the Transportation Act, 1920, mean an excess of railway operating expenses over railway operating revenues, computed as therein provided.
>
> This construction excludes the carriers named above (Bingham & Garfield Co. and others) from the provisions of section 204, and an order dismissing their applications and claims will be entered.

The 66 railroads referred to had their claims pending, and they were being adjudicated in harmony with the former decision of the I. C. C., under which 72 of the larger railroads received compensation on the basis of their earnings during the test period.

Commissioner Esch, one of the ablest Commissioners, dissented and was joined by Commissioners Campbell, Lewis, and Cox. In his dissent, Commissioner Esch stated:

> From my study of section 204 and the facts and considerations connected with its enactment, it seems clear that the purpose and intent of Congress was to reimburse carriers for losses sustained because of Federal control.

The bill before us, H. R. 10098, would legislatively define the term "deficit" so as to conform to the Interstate Commerce Commission's decision of February 9, 1922 (66 I. C. C. 765). However, the bill contains a proviso, as follows:

> *Provided*, That the aggregate of the railway operating income of any carrier during that part of the period of Federal control during which such carrier was not operated by the Director General of Railroads plus the amount certified by the Commission under this act shall not for said period be at a rate in excess of 5¾ percent per annum of the value of the carrier's property determined by the Commission under section 19a of the Interstate Commerce Act: *Provided further*, That no claim certified under this subsection shall be for an amount in excess of $150,000.

That is to say, under the later decision of the Interstate Commerce Commission reversing its former decision the 72 railroads to which I have referred received, under the earlier definition of the word "deficit," a larger amount than is provided under the terms of the bill. Unfortunately the 66 railroads are limited to the provisions of the pending bill, and, of course, the amount which they were entitled to receive, by reason of the Federal Government taking possession of their property and operating it during the period of the war is denied them.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. KING. I yield.

Mr. AUSTIN. I should like to have the Senator discuss for a moment the change in the definition of the word "defi-

cit," and make clear the difference between the two definitions employed by the Interstate Commerce Commission. Is it not true that in the first instance the Interstate Commerce Commission regarded as a deficit the difference between what a railroad company earned in peacetime and before the Government took charge of it, and what it earned in wartime after the Government took charge of it? That was the first definition, was it not?

Mr. KING. Yes.

Mr. AUSTIN. And afterward, in a Utah case, is it not true that they reversed that decision and rendered a new decision which depended upon actual operation of the road, and then said, in effect, that in order to have a certificate on the ground of deficit it must appear that in the actual operation of the road during the time when the Government operated it there was an actual deficit? Is not that what they ultimately held?

Mr. KING. I think that is the effect of the decision.

Mr. AUSTIN. Very well. In order to qualify for this certificate, a road must have actually suffered a deficit in its operations during the period for which the Government had it under control. Is that correct?

Mr. KING. Yes.

Mr. AUSTIN. And a limit of $150,000 per claimant is imposed by this bill. Is that correct?

Mr. KING. That is correct. In other words—and I am repeating—under the first decision the railroads which pushed their claims actively—and there were 72 of them, and they were the larger railroads, because I may add by way of parentheses that the larger claimants are usually more active than the poorer or smaller claimants—those 72 active claimants obtained much larger sums relatively than did the 66 which did not come in before the reversal of that decision. Believing that the limitation of 5¾ percent per annum of the value of the carrier's property is a clear discrimination against 66 railroads whose claims were disallowed under the decision of October 17, 1925 (99 I. C. C. 724), I offered an amendment to the pending bill to strike out all of the matter contained in the proviso in subsection (j).

To review for a moment, briefly, the history of this matter:

The Transportation Act of 1920 provided for the reimbursement of the railroads which were under the control of the Railroad Administration during the war, and which suffered losses by reason of Federal control rather than their own control. The Interstate Commerce Commission on February 9, 1922, decided that the word "deficit" should be construed to mean a deficiency or decrease in income under operation in the Federal control period as compared with the average income for a corresponding portion of the test period. This decision of the Interstate Commerce Commission was reversed after 72 railroads had received payment of their claims, and while 66 other railroads had claims still to be acted upon, by the decision of October 17, 1925. The Commission at that time decided that the word "deficit" meant a "red ink operating deficit"; that is, that while under Federal control the operating income was less than the operating expenses. The claims of the 66 railroads which have been rejected totaled $5,095,963.55. It is contended by those sponsoring the bill that because some of the railroads in question did show a profit which they considered too great during the period the lines were under Federal control, their claims should be rejected.

The decision of the Interstate Commerce Commission of October 17, 1925, seems to be based upon the consideration that because these railroads made a profit they should be precluded from any recovery for that reason, in spite of the fact that they made considerably less money while under Federal control than they made while the railroads were in their own hands.

Attention should also be called to the further proviso contained in subsection (j) to the effect that no claim shall be in excess of $150,000. Five of the claims pending out of the 66 are for more than $150,000, and this would mean that 61 claimants might be paid in full and 5 claims would have to be scaled down to $150,000 if their profits were not in excess of 5¾ percent. This is so manifestly unfair that it seems to me the Senate should reject the bill or accept the amendment which I have offered, and to which I have just called attention.

In view of the fact that the claims of the 72 railroads whose claims were filed under the first ruling of the Interstate Commerce Commission, are similar to the claims of the 66 railroads which were rejected under the second decision of the Interstate Commerce Commission, I introduced the amendment to which I have invited attention.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. VANDENBERG. The Senator, as usual, has made a cogent and persuasive statement; but the most cogent and persuasive thing I heard him say, if I heard him correctly, was at the outset, when he announced that he would have to ask for a quorum if this motion should be pressed. I should like to know if that is his purpose, because, if it is, obviously the motion will have to be withdrawn, and I see no particular purpose in pursuing the exploration of the merits of the question.

Mr. KING. I will frankly state that I am greatly embarrassed because I should like to have the bill disposed of, but in view of the facts and the representations made to me I believe that the bill has some injustices and ought not to be considered in the absence of a quorum; and, reluctant as I am to delay consideration of the bill, I shall ask my friend from Colorado not to press this motion today. Before this Congress ends I feel sure there will be a quorum and then I shall not interpose any objection to the consideration of the motion.

I hope, with that explanation, that my friend—whose suggestions to me are almost commands—will appreciate my situation and not force me to take the step which I should dislike to take.

Mr. JOHNSON of Colorado. Mr. President, I do not share the Senator's optimism about a quorum showing up here one of these days. As a matter of fact, I think most of us know either that Congress is liable to adjourn or the attendance is liable to grow smaller, if that were possible, before the session ends. Therefore, I cannot share the Senator's optimism at all.

This bill was passed by the Congress—the House and the Senate. The Senator from Utah entered his motion to reconsider, and his motion to reconsider has the effect of killing the bill. That is all there is to it; and we shall have to dispose of his motion, or the bill will be killed.

Mr. AUSTIN. Mr. President, I should like to ask the Senator from Colorado a question. It reflects upon the expediency of legislating. Is it true that the aggregate of all the claims that could be paid under this law would be $1,869,353?

Mr. JOHNSON of Colorado. Yes; under this law, as amended, the total amount is $1,119,905. That is the difference between the Senator from Utah and myself. As we know, when claims come before the Congress they are sometimes whittled down, and that is what happened to this claim. This bill originally, and as the Senator from Utah would like to have it passed, provided for the payment of claims amounting to a total of $5,417,480, I think. The two Houses have whittled down the claim until the total amount now is $1,119,905.

Mr. KING. Mr. President, if the Senator will yield, the claims that were filed for $5,000,000, as the Senator indicated, were predicated upon the same ground and followed the same decision that was rendered before the reversal of the decision which was made in 1924. Is not that correct?

Mr. JOHNSON of Colorado. That is exactly true, the Senator is correct in his statement. However, the junior Senator from Kansas [Mr. REED] and Members of the House of Representatives, in their wisdom, obected to making these payments in full, on the ground that some of the so-called short-line railroads were merely facilities of an operation. For instance, in Utah there are some large copper properties, which have short-line railroads in connection with their operations. During the war these copper companies made a very great profit. The railroads were only a part of their

operations, and some Senators and many Representatives felt that corporations operating short-line railroads in the capacity of facilities of plants should not get relief from the Federal Government. That is the reason why Congress cut down this claim. It was cut down from the five million figure to something like $1,800,000. Then the House made another cut of almost $700,000.

Mr. President, that is the whole story. If the Senator from Utah has his way, the bill will be killed, and that will be the end of it. Bills covering claims similar to the one we are discussing have been kicked around Congress for years and years, but we finally reached a basis, after long argument and discussion, and hearings, of which there seemed to be no end, arriving at a decision to settle the whole matter by the payment of $1,119,905. If the Senator will let the bill go through, the matter will be settled.

Mr. KING. Mr. President, the Senator speaks about these claims being "kicked around" Congress for a number of years. That perhaps is not to the credit of Congress; it certainly is not to be regarded as a criticism of the claimants, who have had legitimate claims against the Federal Government pending for years. In many instances we have set up commissions for the purpose of ascertaining the validity of claims against the Government and long years after just claims have been matured, and the claimants perhaps have gone to their great reward, before Congress has favorably acted upon the same.

I think the Senator is not quite fair in saying these claims have been "kicked around," as implying that they were unjust, or that they were not duly pressed. The Congress of the United States set up the Interstate Commerce Commission, and it was authorized to pass upon claims. The Interstate Commerce Commission did pass upon the railroad claims which were pending up to a certain date; their first decision was proper, as was demonstrated by the opinion of Commissioner Esch and others. As to the 66 small roads with claims still pending, testimony having been taken in nearly all of them, I am advised, a majority of the Commissioners reversed their decision. Since that time the claimants have been knocking at the door of Congress to give them justice, to accord them the same treatment that was accorded to the richer and larger railroads.

I repeat what I stated a moment ago, I do not want this matter taken up today. If it becomes apparent that we cannot get a quorum before adjournment, I will not insist upon calling a quorum, but will be content to have the matter again brought before the Senate for action.

Mr. JOHNSON of Colorado. Of course, the Senator understands that the bill originated in the House, was amended in the House, that it came to the Senate and was amended in the Senate, and that there must be a little time, if it is to be enacted, so that the two Houses can agree. The Senator doubtless knows also that the chairman of the Committee on Interstate and Foreign Commerce in the House has stated that he could not accept the amendment offered by the Senator from Utah doing away with the 5¾-percent limitation—that they could not consider it.

Mr. KING. Does the Senator think that the Senate should refuse to pursue a course which it deems just because of a threat that unless we reject an amendment which does not meet their approval they will not approve a measure?

Mr. JOHNSON of Colorado. The Senator knows I am not making a threat, or anything of the kind.

Mr. KING. No; the Senator is not.

Mr. JOHNSON of Colorado. Neither has the House made a threat. It is merely a statement of fact, and the Senator knows it. He knows that the House cannot and will not accept this kind of an amendment because they do not think it is fair. The House does not think it is fair to give to a large corporation operating a railroad merely as a facility of its operation a large amount of relief money, when during the war they made an excessive profit on their major operation, or, at least, a large profit. That is the contention of the House, and, as I understand it, they are not going to back away from that position.

Mr. KING. The Senator suggested that a large number of these railroads would get relief. They would be denied relief if their profits were in excess of 5¾ percent. Several would be denied the rights which the larger railroads had under the former decision of the Interstate Commerce Commission.

Mr. JOHNSON of Colorado. It is true that if the Senator will permit the bill to go through 46 railroads will be relieved, and we will be through with the whole matter; but if the Senator insists on killing the bill, then we will have the claims of the 66 railroads before us, as we have had for a long time.

Mr. KING. I do not think the Senator is fair in saying that I insist upon killing the bill. I do not insist on killing it; I am merely asking that it be amended so that there shall be no discrimination. I make the statement again that when it becomes apparent that a quorum will not be available during this session I shall not object to the Senator moving that the bill be taken up, perhaps some time next week.

Mr. JOHNSON of Colorado. I put the Senator and the Senate on notice that on Monday next, when we meet, I shall renew my request that the motion to reconsider be brought before the Senate.

Mr. KING. I accept the notice, in the presence of a large number of witnesses, and I shall not deny that I have received the notice.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Taylor, its enrolling clerk, announced that the Speaker pro tempore had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 3729. An act for the relief of Hjalmar M. Seby;

S. 3765. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., and for other purposes;

S. 3934. An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada;

S. 4135. An act to legalize the construction by the State Highway Board of Georgia of a free highway bridge across the Withlacoochee River between Valdosta, Ga., and Madison, Fla., at Horns Ferry;

S. 4370. An act authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties;

H. R. 658. An act for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little; and

S. J. Res. 306. Joint resolution extending the time for submitting the final report of the Temporary National Economic Committee.

TOTALITARIAN ATTACK UPON DEMOCRACY

Mr. KING. Mr. President, I desire to discuss for a short time some of the phases of the present world conflict, and particularly the assaults made by the totalitarian states upon democratic nations. The world has become aware of the evil purposes of Hitler and his associates. They plan to destroy democracy and establish autocratic rule in many if not all parts of the world. Hitler waged a merciless war upon Czechoslovakia and Poland, as well as other governments, and has brought within the circle of his activities Mussolini, Stalin, and Japan. In harmony with the conspiracy upon the part of the Axis Powers, Greece has been assaulted, and Mussolini's military forces are endeavoring to conquer Greece and to superimpose upon the brave and heroic people of that country a merciless and despotic rule, a rule which the Axis Powers seek to impose upon the remaining governments not under their iron rule.

There was no justification whatever for the wicked attack by the Fascist Government. The people of Greece were living in peace with the world; they desired to maintain cordial relations with all nations and were pursuing those paths that

would make for the growth and development of their country. Their country is small in area and its population limited. They coveted no territory beyond their borders and, as indicated, sought only the development of their own land and the promotion of the welfare and happiness of their own country. Italy has a population of approximately 70,000,000 people and for a number of years had devoted itself to the building of a powerful military force. Mussolini recently boasted that Italy had 8,000,000 men available for military service and that he would "break the back of Greece within a year." It was a bombastic and brutal fulmination on the part of the Fascist leader. He had conquered the small and feeble state of Albania, had made war upon Ethiopia, and was determined to destroy Greece.

As stated, the attack upon Greece was without provocation and calls for universal execration. It seems inconceivable that a great nation such as Italy should wage a war of aggression upon a small state which had given no occasion whatever for the assault made upon it and its people. History will condemn Mussolini and applaud the Greeks for their heroism and courage and for their defense against a powerful aggressor. The Greeks are defending their homes and their country with that heroism and courage which have always characterized the Greek race. They have demonstrated their greatness in all fields of human endeavor, and Rome and the world are indebted to the Greeks for their invaluable contributions to the cause of liberty and civilization.

In my opinion, the Greeks, in this unequal contest, have the sympathy and high regard of the American people. Moreover, I believe that material aid will be given to Greece—aid not only from individuals and groups but also aid at the hands of our Government.

It can truthfully be said that Great Britain and Greece and China are citadels defending democracy and freedom; they are repelling the assaults of totalitarian states which seek the subjugation of the world.

The President of the United States within the past few days received a message from the King of Greece, in which he stated, among other things:

> The Greek nation is fighting for the principles of justice, truth, and liberty, without which life for us is inconceivable.

The President of the United States, in replying to the King's message, sent a telegram reading as follows:

> HIS MAJESTY GEORGE III, King of Greece:
>
> I thank Your Majesty for your friendly message, which comes at a time when all free peoples are deeply impressed by the courage and steadfastness of the Greek nation.
>
> The American Red Cross has already sent substantial amounts of funds and supplies for the relief of suffering in your country, and I am sure that my countrymen will give generously to the new organizations which are being established for the same purpose.
>
> As Your Majesty knows, it is the settled policy of the United States Government to extend aid to those governments and peoples who defend themselves against aggression.
>
> I assure Your Majesty that steps are being taken to extend such aid to Greece, which is defending itself so valiantly.
>
> FRANKLIN D. ROOSEVELT.

Mr. President, I repeat, when I say that the American people look with deep concern upon the assaults which are being made by the totalitarian states upon nations in various parts of the world. It is apparent that the totalitarian states seek the destruction of republics and democratic institutions and the establishment of a political and economic system which will enslave the greater part of the world. The menacing attitude of the totalitarian states toward this Republic as well as to the few remaining democracies has aroused the American people to the importance of providing adequately for national defense.

Mr. President, we often hear the question asked, What should the United States do in this mad world, when governments are being overthrown and innocent people slaughtered, and its own interests directly or indirectly menaced?

The American people have desired and still desire peace, and look with deep concern upon the conflagration which is raging in so many parts of the world. Following the World War many believed that a new order had come into the world and that by treaties and the application of international law, controversies among nations might be settled and war averted. Treaties were entered into, but they have failed to establish peace; and, as I have indicated, in numerous parts of the world, savage and brutal war is waged against helpless and unoffending peoples.

The list of nations destroyed by the triumvirate of powers which violated treaties and disregarded all moral and international obligations, is appalling; and throughout the world is increasing fear that savagery and barbarism will continue their evil course until civilization is destroyed and the world wasted away. Many Americans believed that by a policy of isolation and multilateral treaties, and neutrality legislation, this Republic would be immune from the conflicts which might rage in other parts of the world. However, the frightful conditions now existing refute the hopeful and optimistic views which were entertained; rights which we surrendered have not made us secure and immune from attack; indeed, in some respects, they have weakened our position and encouraged dictators, and those seeking world dominion, to formulate plans hostile to this Republic.

As stated, neutrality acts and international guaranties have been repudiated, and treaties violated, and Hitler and his associates are devising plans for the further destruction of peace-loving nations, and for the division of the world among four despotic powers.

Peoples who loved peace and enjoyed liberty have been the victims of Hitler, Stalin, Mussolini, and the military cabal in Japan, who, not satisfied with past conquests, are now carrying on ruthless and merciless attacks upon individuals and peoples who stand in the way of their mad ambitions.

Some Americans seem blinded to the dangers which menace this Republic, and hug the illusion to their breasts that this Republic has been and will be free from any attack; that the scorching fires of war, involving so many parts of the world, will not even touch the hem of the garment of this Republic. It has been apparent for some time that Stalin, Hitler, Mussolini, and military leaders in Japan were cooperating to dominate the world, and they have waged relentless and barbarous war upon peace-loving and democratic peoples. The pages of history fail to record more ferocious and barbarous methods of slaughtering human beings, and destroying the monuments of industry and civilization, than those adopted by the four powers referred to. Ruthless methods employed against peace-loving China, resulting in the killing of millions of persons and the driving of tens of millions from their homes, have been and are being employed by the Axis Powers in their determination to destroy democratic nations of Europe.

Japan was a signatory to the Nine Power Pact, which was a solemn obligation to respect the sovereignty, independence, territorial, and administrative integrity of China. The United States was a party to that treaty, as well as others, to which Japan and various nations were signatories. But Japan is not only carrying forward her war of destruction against China but is cooperating with the Axis to deprive Great Britain and France and Holland of their possessions in the Far East.

The Japanese Government, apparently intoxicated by its recent treaty with Hitler and Mussolini, does not hesitate to threaten this Republic if it shall discharge its obligations in the Orient. Japan seeks the destruction of China and the control of the Pacific. Her attitude is one of hostility to the United States and a challenge to this Republic in exercising its rights and discharging its responsibility in the Pacific and in the Orient.

Japan has declared that a new order is being established in Asia and manifests her purpose to become an active participant in the execution of the Axis plans.

Evidence is accumulating that substantially all of Europe is to be brought under the control of the Axis, and that Africa and that part of Asia not allocated and under the control of Japan is to be divided among the victors. Already Norway, Denmark, Holland, Belgium, Austria, Poland, France,

Czechoslovakia, Albania, Luxemburg, Latvia, Estonia, Lithuania, Rumania, and Ethiopia are no longer independent nations. They have been chained to the chariot of the totalitarian states; and military movements are now being carried forward to encircle within the iron chains of the Axis Powers Hungary, Yugoslavia, Bulgaria, Greece, Turkey, and Egypt, and states and governments in western Asia.

If this Republic is immune from attack, as some of our citizens assert, why are we appropriating billions and billions of dollars for military purposes? Why this haste to build more ships and submarines and airplanes? Why the expenditure of stupendous sums for bombs and munitions of war? Against whom are we preparing?

What country with sublime courage and indomitable will is defending itself against the ruthless and barbarous assaults of the Axis Powers? Everyone knows that Great Britain is one of the few democratic nations which has survived the assaults of the totalitarian states. For many reasons the American people desire that Great Britain shall not be conquered; indeed, many desire that she shall triumph over her foes. If she is defeated, it would mean, as many believe, this Republic would be challenged by Hitler and his associates.

Britain's Fleet has been a shield of protection to this Nation. We have not felt it necessary to build a two-ocean navy so long as Great Britain remained as she has been for many long years, a defender of democracy and the principles of liberty and justice.

Now, with Japan associating herself with the Axis, it becomes important that we maintain two powerful fleets—one in the Pacific and one in the Atlantic. For more than a hundred years Britain and this Republic have had many aims in common, and the American people have believed that Great Britain's Fleet was an arm of protection for the Western Hemisphere.

It is clear, therefore, that the billions which we are expending and the billions which we will expend for military preparedness and defense are the result of the policies of the Axis Powers. If Great Britain is saved, the authority of the totalitarian states will be diminished; our expenditures for military purposes reduced, and, moreover, there will be no fear of the intrusion of alien systems into South America, or that the Monroe Doctrine will be challenged by Hitler and his associates.

It should be obvious to everyone who loves America and who desires that dictators shall not rule the world, that Great Britain shall not be destroyed, and that help given in this hour of her heroic struggle is aid to people everywhere who seek freedom and justice. Lovers of liberty in every clime should welcome an opportunity to aid Britain in her heroic struggle. Her enemies treat with contempt all moral and legal obligations, all principles of international law, all restraints imposed by the principles of justice which prevail among civilized peoples.

The world has never witnessed a more heroic and glorious example of a people fighting for liberty and justice than that afforded by Great Britain—and, I should add, Greece and China. They, too, are fighting against the totalitarian powers for the preservation of their countries and for the cause of liberty. They are fighting not alone for themselves but for this Republic and for the remaining democracies in the world, and for peoples, wherever they may be found, who seek liberty, peace, and justice.

We do not forget the struggle of Great Britain in the days of Napoleon, when he contemplated the invasion and destruction of Great Britain, as Hitler plans for the destruction not only of England but of the British Empire. In 1804, when Great Britain was preparing to resist Napoleon's invasion, the younger Pitt said in the House of Commons:

> I need not remind the House that we are come to a new era in the history of nations; that we are called to struggle for the destiny not of this ccuntry alone but of the civilized world. We must remember that it is not for ourselves alone that we submit to unexampled privations. We have for ourselves the great duty of self-preservation to perform; but the duty of the people of England now is of a nobler and higher order. We are, in the first place, to provide for our security against an enemy whose malignity to this country knows no bounds. But this is not to close the views or the efforts of our exertion in so sacred a cause. Amid the wreck and misery of nations it is our just exultation that we have continued superior to all that ambition or that despotism could effect, and our still higher exultation ought to be that we provide not only for our own safety, but hold out a prospect to nations now bending under the iron yoke of tyranny what the exertions of a free people can effect; and that, at least in this corner of the world, the name of liberty is still revered, cherished, and sanctified.

An eloquent address, paralleled in part by some of the magnificent speeches recently made by Churchill, one of the great men of England.

There is daily brought to our attention evidence of the brutal and oppressive rule imposed upon helpless people by the Axis Powers. Great Britain, with more than human courage, is meeting the savage and wicked assaults on liberty and civilization.

The President of the United States, in an eloquent address delivered at Dayton, Ohio, on October 12, on the anniversary of the discovery of America by Columbus, referred to transactions between the United States and Great Britain under which naval bases were acquired by the United States, not only for its protection but for the protection of the whole Western Hemisphere. He declared:

> We of the Americas still consider that this defense of these oceans of the Western Hemisphere against acts of aggression is the first factor in the defense and protection of our own territory and integrity. We reaffirm that policy, lest there be any doubt of our intention to maintain it.

I hope some of our American friends who are talking about isolation, and doing nothing to aid in the defense of democratic nations, will remember the words of our President.

He further stated:

> There are some * * * who suggest that the countries of Europe and Asia will halt us in the path we see ahead for ourselves and democracy.

Referring to Great Britain, he said:

> No combination of dictator countries of Europe and Asia will stop the help we are giving to almost the last free people fighting to hold them at bay.

I respectfully submit that this statement is a declaration that the British people are fighting to hold the dictators at bay, and that this Republic is giving and will continue to give aid to Great Britain.

The President then added:

> Our course is clear. Our decision is made. We will continue to pile up our defense and our armaments. We will continue to help those who resist aggression and who now hold the aggressors far from our shores. Let no American in any part of the Americas question the possibility of danger from overseas. Why should we accept assurances that we are immune? History records that not long ago those same assurances were given to the people of Holland and Belgium. It can no longer be disputed that forces of evil which are bent on conquest of the world will destroy whomever and whenever they can destroy. We have learned the lessons of recent years. We know that if we seek to appease them by withholding aid from those who stand in their way we only hasten the day of their attack upon us.

That is equivalent to stating—it is so clear that it needs no explanation—that Great Britain is holding at bay those who would attack us, and that by any policy of appeasement we are only hastening the day when we shall be the objects of the assaults of totalitarian states.

The President further added:

> The men and women of Britain have shown how free people defend what they know to be right. Their heroic defense will be recorded for all time. It will be perpetual proof that democracy, when put to the test, can show the stuff of which it is made.

I have referred to Japan's association with the Axis Powers and her bellicose attitude toward this Republic. The President, in his important address, had in mind our rights in the Pacific when he declared that:

> When we speak of defending this Western Hemisphere, we are speaking not only of the territory of North, Central, and South America and the immediately adjacent islands. We include the right to the peaceful use of the Atlantic and Pacific Oceans. That has been our traditional policy.

I have believed that the interests of this Republic warranted the aid being given to Great Britain. Accordingly, I introduced a measure, now pending in the Senate, which has

for its object the strengthening of our national defense. To secure that result the President is authorized to enter into negotiations, by lease or otherwise, for the acquisition of islands or other possessions of Great Britain in or bordering on the Pacific Ocean. The President, acting in the interest of our country, has acquired, by proper methods, bases in the Atlantic and in the neighborhood of the Caribbean, but I think we need to acquire some bases in the Pacific.

The bill also authorizes the President to make loans and extensions of credit to Great Britain and its political subdivisions, and also to reduce the amount of her indebtedness to the United States by an amount equivalent to the reduction of the Italian Government's indebtedness to the United States.

The bill seeks to remove provisions of existing law prohibiting loans to Great Britain or its political subdivisions, or loans to persons or associations acting for or on behalf of the Government of Great Britain or its political subdivisions. I may add in passing that the Johnson Act does not prevent our Government extending credit to Great Britain or to any other country.

It is obvious that in affording aid to Great Britain we are protecting the American people and this Republic. We are not only protecting the American people in a material way, but we are protecting them and this Republic, and the democratic institutions for which it stands, against attacks which may follow if Britain should be conquered.

In my opinion, Great Britain is a rampart for the protection of democratic nations, and of liberty and justice in all parts of the world. Because of that belief I favor the passage of the measures to which I have referred, and express the hope that Great Britain, Greece, and China will survive the cruel and barbarous attacks to which they and their people are subjected by the Nazi Government and some of its conspirators.

The American people have a vital interest in the preservation of Great Britain, China, and Greece. For that reason I hope that in this contest which is being waged by Great Britain for liberty, justice, and democracy, the American people will extend not only sympathy but aid to Great Britain, China, and Greece.

Mr. President, I ask unanimous consent to have inserted in the RECORD as part of my remarks a number of statements appearing in various newspapers. They are as follows:

Editorial from the New York Herald Tribune dated September 30, 1940:

WE CANNOT REMAIN INDIFFERENT

As yet the only official American response to the Berlin-Rome-Tokyo treaty is Secretary Hull's statement that the pact "does not substantially alter" the preexistent situation. In a significant sense this is true. All the glittering ceremonial at Berlin, all the grandiloquent flourishes about the three powers coming to one another's assistance if "attacked" cannot affect by one jot their present inability to do so. Words will not shorten the thousands of miles of salt water which separate them; words will not sink the men-of-war which hold these routes, add a barrel of oil or a ton of steel to Japan's slender resources, make Mussolini any less a prisoner of the Mediterranean or Hitler any less a prisoner of the North Sea blockade. These words even fail to clarify the chief uncertainty of the situation, which is the attitude of Russia, and the lesser one, which is the attitude of Spain. As they stand they are a colossal bluff, which in itself alters nothing.

But as the comment rolls in from all over the world it becomes only more obvious that they are a bluff intended as another piece of diplomatic terrorism which would alter everything. To conclude from Secretary Hull's comment, as some Senators have done, that because the treaty does not actually change the situation the United States can afford to remain indifferent to its implications would be profoundly shortsighted. This treaty is an order issued to the United States—with an explicitness which would be amazing in any diplomacy less brutal than that to which the totalitarians have been accustoming us—to allow Hitler and his satellites to destroy Britain and redistribute the world without hindrance. It is a ukase issued without the power to enforce it, a threat from blackmailers who have no means of making it good. But for that reason its whole effectiveness depends upon the manner in which it is received.

If the United States in any way accedes to this unparalleled challenge, or even allows it to pass without appropriate action, it will simply announce to the world that our democracy, like so many others, is now meekly ready to dig its own grave at the command of Hitlerian terror tactics. The effect upon the Russians, who are at the moment watching this country keenly; upon the Spaniards, who are of such critical importance to the whole question of Spanish America; and upon the Italian and German populations, whose rulers have presented them with this diplomatic bauble to divert them from Hitler's failure before the cliffs of England, will be immediate and disastrous for the United States. A treaty which alters nothing in itself may then really succeed in remaking the world. There can be little doubt that the production of this document announces one of the most critical moments of the war, and one to which the United States must respond with all the firmness and clarity at its command.

There is no reason why the United States should attack any of the three powers who have here forbidden us to do so; it would be folly if we did. But by combining their several wars into a single world struggle and then orienting their association directly against the United States, they have only intensified our vital interest in the survival of Great Britain, in the maintenance of order in the Far East, in the security of the Americas, in every other objective which it is our policy to defend; and, in face of this direct threat, we can do no less than make it plain that the defense of these interests must now be strengthened by whatever means seem suitable. Japan, for example, cannot expect that our attitude toward feeding her munitions industries can be the same after this declaration as before; nor can Germany suppose that it will permit us to lessen our aid to Britain. The precise steps, however, by which we are to meet the treaty are a matter for careful consideration; the one overwhelming fact is that we must meet it clearly and emphatically in our own defense.

An article appearing in the Washington Post, dated November 19, 1940, by Walter Lippmann, entitled "The Meaning to America of a British Defeat":

TODAY AND TOMORROW—THE MEANING TO AMERICA OF A BRITISH DEFEAT

(By Walter Lippmann)

As the Nation proceeds to put into effect the policy of supporting Great Britain, it will be most necessary to hold clearly in our minds why this policy, to which both parties have committed themselves, represents the vital interests of the United States. Much has been said on one aspect of the matter, but the whole case has not yet been presented clearly and candidly to the people.

Thus it is well understood by almost everyone that if Great Britain wins the war the safety of the Western Hemisphere and of the main American interests in the Pacific Ocean is assured. It is well understood that the continuing resistance of Great Britain provides the United States with a protective shield behind which it can develop its naval and military defenses. It is well understood that if Britain were conquered the United States would face alone, if not in actual war, then at least in a warlike diplomacy and economic pressure, the combined power of Germany, Japan, Italy, and their satellite states. It is well understood that to be the one great democratic power left in a world of victorious totalitarian powers would be a kind of isolation such as Americans have never dreamed of.

But to have understood all of these things is not yet to have understood the whole reason why the effective support of Great British is the vital interest of America. For in the partial presentation of the case there is the fatally misleading assumption that, if Britain were defeated, the peoples of the British Empire would somehow become a merely neutral force in the relations between the Triple Axis and the Western Hemisphere. Most of the discussion here, except among those who are the best informed and have the clearest insight, supposes that the defeat of Britain would simply mean the withdrawal of the British Fleet and British power as a barrier between the Axis and ourselves, that where Britain stands now there would then be nothing, and that our problem would then be to defend ourselves against, or to get on as best we could with, the victorious Axis. But this would not be the situation, and it could not be.

Though to say so must be a shock to many, the inescapable fact is that a defeated Britain could not be neutral. It would have to be a partner of the Axis. For if the defeat of Britain were a military defeat resulting from invasion of the British Isles, the starvation of the British Isles, or the crushing of the spirit of the people of the British Isles, the Government of Winston Churchill would inevitably be swept away and replaced by a regime which obeyed the orders of Berlin either because it was composed of men who hoped for favors from Berlin or by men who dared not say "no" to Berlin. It would be a regime similar to that of Vichy, except that there remains in France and among all patriotic Frenchmen in Vichy the hope of an eventual liberation through a British victory. This saving hope is what now preserves the neutrality of France; were Britain defeated, there would be no such saving hope for France and none for Britain. For how could a defeated Britain, with the Germans in occupation or with a pro-German government installed in London, hope for liberation from the United States?

The case would be no better if in order to avert a military conquest, the British decided to negotiate a peace with the victorious Axis. For such a peace could not be negotiated by Britons like Churchill and Bevin and Morrison who have sworn that they will never give up; it would have to be negotiated by Britons of a wholly different sort. In such a negotiation is it likely, is it conceivable that the British appeasers would feel in any way bound to think of our interests? Certainly not. Is it not plain that their best chance of getting favorable terms for the British Empire would be to invite Hitler and to help Hitler to carve out his empire elsewhere? Except for strategic points like Gibraltar, Suez, and Singapore, and a few colonies in Africa, there are no important territories under the British Crown that Hitler greatly covets. His

empire in Europe would be the Continent of Europe and his empire overseas would be South America. An Anglo-German peace of appeasement, designed to spare Britain and to satisfy Hitler, would naturally be based on the principle of a free hand for Germany in continental Europe and Latin America.

The effects of the conquest of Britain or of the acceptance of a peace of Nazi appeasement would be world-wide. For while there would no doubt be multitudes of British people everywhere, in Canada and in Australia, and in the colonies, who would never accept such a fate, there would be others who in loyalty to the Crown and with patriotism would feel, as so many Frenchmen do, that they had to cling together and support the policy of the Empire. Our relations with all British lands—Canada among them—would be profoundly unsettled. For we could never know for certain how far any British subject dissociated himself from what would then be the policy of London, from what would then be the obligation of loyalty to King and country.

This is the tragedy of Franco-American and of Franco-British relations today. Although Britons and Americans have not ceased to love the French Nation as the most civilized of peoples or to believe in it as the true defender of all that they cherish, yet they must take into account the terrible and insidious pressure of the German conquerors on the conscience and the loyalty of Frenchmen.

A defeated and subjugated government in London, operated by men who were bound to Berlin, who had given to Berlin hostages such as Vichy has had to give, would cause such a revolutionary unsettlement of all Anglo-American relations as no man can now fully imagine. We should not know in any part of the world who are our friends, who are the neutrals, who are our antagonists.

Thus, there is staked upon the effectiveness of our support to Great Britain much more than many of us have as yet allowed ourselves to realize. For while Britain resistant and victorious is our first line of defense, Britain defeated and subjugated would become a force for disintegration and insecurity behind all our defenses.

Also an article by Mark Sullivan appearing in the New York Herald Tribune, under date of November 16, 1940, entitled "Broadening of Help for Britain Called Surest United States Defense Step":

BROADENING OF HELP FOR BRITAIN CALLED SUREST UNITED STATES DEFENSE STEP—MARK SULLIVAN SAYS AMERICA IS ARMING IN FEAR OF WORLD NAZIFICATION, AND THIS CANNOT TAKE PLACE AS LONG AS BRITISH FLEET CONTROLS THE SEAS

(By Mark Sullivan)

WASHINGTON, November 15.—Our preparedness for war increases cumulatively. Also the nearness of war to us increases. Probably we shall shortly pass into an advanced stage both of preparedness and nearness.

What is the nature of this war we prepare against? It is not an ordinary war about any ordinary issue, such as territory. It is, on our part, a war of defense against aggression. But a special kind of aggression and a special kind of defense.

At the risk of trying to simplify too greatly, the thing we fear from Germany and her allies may be stated thus: We fear that Germany, if she conquers England and gets control of the seas, may impose her totalitarian system on the world, may nazify the world. She announces that intention; repeatedly she declares her intention of destroying democracy everywhere and replacing it with her own system, which she calls a "new world order." We fear that, with all the world nazified except us, we could hardly preserve our own system. We fear that we, too, would be nazified. We fear that the totalitarian system would be imposed on us.

We fear that this would be done to us. But we do not fear, except in a remote sense, that Germany would do this by armed invasion of our soil. We do not seriously fear that a German army would goose step up Pennsylvania Avenue and set up a dictator or gauleiter in the White House.

DANGER IN A DIFFERENT FORM

Our danger, as it is seen by many thoughtful and competent persons, has a different form. The destruction of our American system, which we fear and which we arm to prevent, would come about in a different way.

Again at the risk of trying to simplify too greatly, the steps by which the totalitarian system might be imposed upon us run thus:

Germany conquers Britain. Germany then controls the sea. Germany then has a position of dominance over most of the world, excepting us. Germany then proceeds to nazify the world, to impose the totalitarian system on the world. As respects much of Europe, she does it by arms or threat of arms. As respects other parts of the world, she does it by pressure, chiefly economic.

She begins in most countries by nazifying industry and commerce. She takes that totalitarian system of commerce and industry, which she now operates within Germany, and expands it to cover the world. She makes all the commerce and all the industry of all the world into one unit centering in Germany directed from Berlin. She says to one country, "You shall raise and export wheat." To another country, "You shall raise cotton." To another, "You shall make textiles." To another, "You shall make automobiles."

Certain key industries she would keep for herself. She would keep the armament industry as a matter of course; she would keep the business of ocean transportation mainly for herself. She would keep the shipbuilding industry, or so manage it in other countries as to enable her to have the strongest navy in the world and also the strongest mercantile fleet. Quite likely she would prevent other countries from building ships beyond a certain size or number. For a similar reason she would keep the major airplane industry. She would probably fix the currency for that part of the world which she dominated.

All this, all the separate centers of production throughout the world, all the routes of trade, all the sea lanes, Hitler would weave into one web. It is as if all the world were one great factory operated from Berlin.

We fear that Germany would do this to all the world, except us. And we fear that after it was done to the rest of the world, we could not stay out. We fear that we too would be obliged to adopt the totalitarian system for our commerce and industry. And we fear that, if we adopted a totalitarian system for industry and commerce, we should be obliged to adopt it in the other respects. We should become a totalitarian country, totalitarian form of society, totalitarian form of government.

It is to prevent this that we arm.

What is said here thus far is the view of competent and thoughtful persons. It is, in substance, the view upon which we as a nation are acting.

ANOTHER POINT OF VIEW

There are other persons, of high standing, who do not think it would work out that way. The persons who feel this are as patriotic as any others. Conceivably they may be right. But we as a nation have chosen the other view. We have decided that the danger exists, and exists in the form here outlined. And so we arm against it—against Germany making the world totalitarian and thereby making us totalitarian.

We do not omit possibility of armed invasion. We assume it is possible Germany might get naval and air bases in Latin America, and from there might attack the United States. Against this possibility we arm and otherwise prepare ourselves in many ways.

Against every form of danger that Germany is to us, our best defense is to help Britain. If Britain survives, Germany cannot attack us directly. If Britain survives, Germany cannot impose her system on the world.

Soon we shall realize that the greater the help to Britain the greater the defense for us. We shall increase our help to Britain and extend it to new lines.

Also an article by Walter Lippmann in the Washington Post of December 12, 1940, entitled "Japanese Intervention in American Affairs":

TODAY AND TOMORROW—JAPANESE INTERVENTION IN AMERICAN AFFAIRS

(By Walter Lippmann)

The Japanese Foreign Minister, Mr. Matsuoka, received the foreign correspondents this week and made some interesting remarks about Japan's attitude toward the United States. They will be studied in this country and it is not unlikely that the more they are studied the more remarkable they will appear to be. For what Mr. Matsuoka tells us is that Japan will decide whether measures we may take to defend our security in the Atlantic Ocean are a good reason for launching an attack upon us in the Pacific Ocean. Mr. Matsuoka tells us that he does not wish to go to war with us but that he will go to war with us if Tokyo does not approve of our policy toward the European war. Tokyo is to be the judge of what we may do and what we may not do. Tokyo is to determine whether we have "attacked" Germany or have been attacked by Germany. And if Tokyo's verdict is unfavorable to us, Japan will go to war with us.

There will not be, says Mr. Matsuoka, "any serious clash" if "both of us attend to our own business," and "all depends on whether we mind our business." For, according to Mr. Matsuoka, the United States will not be attending to its own business if it interests itself in anything that happens in the Far East or in Europe. But Japan will be attending to her own business when, in addition to founding a new order in the Asiatic world, she constitutes herself the judge, jury, and lord high executioner in respect to American policy in the western world. According to Mr. Matsuoka, then, the price of peace is not merely to give Japan a free hand in the Pacific but to recognize Japan's right to censor and judge our policy in the Atlantic. If Mr. Matsuoka means what he said, the President and the Secretary of State and Congress will in future be expected to consult Tokyo and get the permission of the Japanese Government before taking any measures they may deem it desirable to take. For Tokyo will decide whether our assistance to Great Britain and Greece is an act of war which does or does not fall under article III of the Berlin Treaty of the Triple Alliance.

It will be difficult for Mr. Matsuoka to persuade the American people that they are a protectorate of the Japanese Empire and that their foreign policy as it affects western civilization is now subject to the control of the Japanese Government. Mr. Matsuoka must either be grossly misinformed by the Japanese Embassy in Washington or he is ignoring the information he receives if he imagines that it is wise or useful to talk in this fashion to the United States. Certainly, we do not wish to go to war with Japan, and if Japan wishes to discuss with us matters in which both countries have an interest, we shall certainly be ready to discuss these matters. But it is not wise or useful to tell us that we cannot be consulted about the Far East and that we shall be attacked by Japan if Japan does not like what we do about Europe.

The effect of such an amazing presumption will be to make Americans ask themselves what Mr. Matsuoka would be saying to us if there were no British fleet in the Atlantic and no Chinese

Army holding Japan in the East. Today we have a navy in the Pacific, supported by important British and Dutch forces, and based upon the powerful forts of Singapore at one end and Hawaii at the other; on the Atlantic side, Japan's two partners are locked up behind the immense power of the British Fleet. Yet in this situation Mr. Matsuoka ventures to claim the right to control our foreign policy in the Atlantic and threatens to fight us if the policy is not satisfactory. Since he has opened the discussion, we may continue it by asking him what he would have to say about our foreign policy if there were no Chinese and there were no British—if we stood alone and isolated with a one-ocean Navy in a world ruled by the Berlin Triple Alliance.

If anything were needed to demonstrate the vital importance of supporting Great Britain and China and the Netherlands Indies and Australia, Mr. Matsuoka has completed the demonstration by threatening us with war if we do not allow him to judge and define our foreign policy in respect to the defense of our vital interests in the Atlantic Ocean. As a result, his interview is bound to raise in very serious form the question whether the necessary answer to such a threat is not to take quickly even more energetic measures in support of China, and even more drastic measures to reduce Japan's capacity to threaten us with war.

For we have the power to take these measures, and the only reason we do not take them is that we do not wish to go to war with Japan, and it is not our habit to make threats of war. But neither are we accustomed to receiving threats of war from other nations. For we should in the end be compelled to take them seriously and to act in order that the threats may never be carried out.

Also an article appearing in the Washington Post dated September 29, 1940, entitled "Italians Call Three-Power Pact 'Last Warning' to America":

ITALIANS CALL THREE-POWER PACT "LAST WARNING" TO AMERICA—"EITHER SINCERE NEUTRALITY OR ENMITY" DEMANDED OF UNITED STATES; HOWEVER, FASCISTS ADMIT PACT IS CHIEFLY PROPAGANDA

ROME, September 28.—Italian commentators abandoned all pretense about the United States today and frankly stated that the three-cornered pact among Italy, Germany, and Japan was aimed at America.

Giovanni Ansaldo, editor of the Telegrafo, calls it the "last warning," and the newspaper Regime Fascista demands "either sincere neutrality or enmity."

The comments and hopes entertained can be summed up as follows:

The United States is warned that any move against Japan or the axis will mean war on two fronts. As a result Americans are expected to be frightened or prudent and to cease helping England.

Therefore the axis, with England isolated, can quickly finish the war while Japan, without fear of the United States, can go ahead in the Far East.

Meanwhile, Russia, already halted in the Balkans and too weak to take the offensive against the axis or even Japan, will remain quiet and perhaps even come to terms.

LITTLE RESULTS EXPECTED

In a practical sense, little is expected of the treaty, since obviously the axis cannot help Japan in her war against China and Japan cannot help the axis in its fight against England. Moreover, it is realized that the axis and Japan cannot even get together against the United States as long as England stands in the way and fights on.

In effect, the chief object of the treaty is considered to be propagandistic.

BULGARIA MAY JOIN PACT

ROME, September 28.—Bulgaria, friendliest of the Balkan countries to Russia, may join the new axis pact.

Spain also was considered likely to be a recruit in the near future to the military accord against attacks by any other power not now at war in Europe or Asia.

Bulgaria traditionally has been amenable to the "brother Slav" influence of Russia.

If Bulgaria entered the new alinement, foreign observers said, it presumably would be for protection against Greece, from which Sofia wants an outlet to the Aegean Sea through Thrace, and also from Turkey, friendly with Britain.

ISOLATION FOR TURKEY

Such an alliance, these observers added, would tend to isolate Turkey in a manner similar to the United States.

Authoritative Fascists have said previously that Italy and Germany want a settlement of still pending problems in southeastern Europe, among which are Albanian and Bulgarian claims on Greece.

A dispatch from Sofia reported that King Boris talked with his foreign minister, Ivan Popoff, and added that the Bulgarian finance minister, Dobri Bojjiloff, who has the close confidence of the King, would visit Berlin and Rome next month at the invitation of the axis governments.

Also, an article appearing in the New York Herald Tribune, by Maj. George Fielding Eliot, suggesting a plan affecting Japan's relation to the United States:

MAJOR ELIOT SUGGESTS A STRATEGY TO STOP JAPAN, CRACK NEW AXIS—UNITED STATES AND BRITAIN WORKING TOGETHER CAN DO IT, HE SAYS, WITHOUT CRIPPLING DEFENSE OF ENGLAND; DELAY OR HALF MEASURES MAY BE FATAL

(By Maj. George Fielding Eliot)

The announcement of the new Berlin-Rome-Tokyo axis confronts the world in general, and the English-speaking nations in particular, with an open acknowledgment of a situation long recognized as existing in fact; it is the motives behind this announcement which call for careful analysis, rather than the cooperation among the predatory powers, which has been going on more or less openly for so long.

Alliances are presumed to be mutually beneficial to all the contracting parties, unless one or more act under duress, which is hardly the case here. On this basis, some early commentators have found it difficult to see what benefit Japan is to expect; yet benefit there must be, or the practical Mr. Matsuoka would not be found in this galley.

Upon careful examination, only one real Japanese gain can be discovered—and that lies in the possibility that the Germans can bring such pressure to bear on Soviet Russia as to compel that country to stop aiding China. No one could confer a greater benefit on Japan than to bring the China incident to a close satisfactory to Tokyo. Japan herself has contrived to close one of the three routes (that by way of French Indochina) which China can still hope to get supplies; the second, the famous Burma Road, is now closed by the rainy season and by a temporary British-Japanese agreement; the third is the road from Soviet Russia. If that can be closed, too, China will be in difficulties, indeed. Only the prompt reopening of the Burma Road can save her.

HOPE TO EMBROIL UNITED STATES

As for the benefits to be gained by Germany and Italy, these are probably, first, a mighty fanfare of trumpets to attract world attention away from the German failure to reduce Great Britain, a failure which is beginning to loom as an accomplished fact; second, as American help to British grows and as the prospects of a long war increase a hope of embroiling the United States in the Orient and thus diverting American attention and munitions to a theater in which neither Germany nor Italy has any real or vital interests. Whatever damage and loss Japan may cause the British Empire and the United States in the Far East is that much net gain to Germany. Moreover, if Britain gets into trouble with Japan, this may prevent or hamper reinforcement of the British position in the Middle East, which may, if the invasion of Britain is given up, become for the moment the main theater of war.

The pact is, in fact, as is openly avowed in the nations concerned, aimed more or less directly at the United States, and (though this is soft pedaled) at the Soviet Union. It is doubtless conceived that the announcement of the pact will produce great division of opinion in the United States as to what ought to be done; that our people, never very attentive to undeclared and obscure foreign situations, will now begin to sit up and take notice, and that we shall have here a Tuscan army in which those behind cry "forward" while those before cry "back."

Some will say that we must now conserve all our munitions for ourselves against the inevitable war with Japan; others will be for keeping out of all foreign entanglements; and so on. It is shrewdly chosen in the matter of time, only a few weeks before a national election, when policy is likely to become a political football, if not between the principals in the contest—for Mr. Willkie has shown a praiseworthy tendency to avoid embarrassing the President in the conduct of current foreign policy—then between their various supporters.

DILEMMA APPEARS UGLY

Indeed, the situation thus created does seem, at first sight, to present this country with an ugly dilemma. If we do nothing in the Far East, the Japanese advance will continue, China's contacts with the outer world may be cut, Japan may possess herself of the whole of Indochina and the Netherland East Indies, as well as reducing China to submission and establishing herself as overlord of all east Asia. If we act to prevent Japan from doing all this, we may find ourselves entangled in far eastern complications at a moment when all our efforts may be needed in the Atlantic, where our interests are much more important, to save Great Britain.

Similarly, if Britain stands fast at Singapore, but does nothing to help China, or to protect the Dutch Indies, she may find the Japanese in Siam, on the frontiers of Burma and Malaya, find Singapore surrounded and cut off, Australia menaced; while if she does take strong steps—as strong as possible—to prevent these things, she may find herself unable to preserve her vital positions around the Suez Canal, which depend so largely for reinforcements on the resources of the British possessions around the shores of the Indian Ocean.

But as the clever Herr von Ribbentrop enjoys a hearty chuckle at the dilemma which he has presented to the English-speaking nations, he might continue a little further the rather short-sighted line of reasoning which has led him to these conclusions. For what the United States might not do alone, what Great Britain might not do alone, they can do together; and very far from having driven them farther apart, as the Axis leaders probably hoped, the announcement of the new pact has made much closer Anglo-American cooperation not only imperative but inevitable.

Take the military situation in Great Britain first of all, as the key piece on which all else, at least for the moment, depends: The basic fact here is that the Germans have completely and signally failed to overcome or even to diminish the fighting power, offensive and defensive, of the Royal Air Force, and that having failed to do so, and being utterly inferior in naval power, for them to

attempt an invasion would be simply suicidal. This means that while these conditions endure, as they seem likely to endure, Great Britain will still be able to maintain the blockade of the German outlets to the sea and of the German-held portions of the continent. The British Home Fleet will still have a base and remain in being.

It is true that our assistance will contribute to the endurance of this state of affairs, but that assistance does not seem likely, for the coming winter, to be needed other than in the form of additional airplanes, certain munitions and supplies, and probably above all else in cooperation in the training of pilots and other flying personnel—this is, on the basis of late information, the greatest British need for the immediate future. It is hardly necessary to say that we should make available, and increase as may be requisite, facilities in Texas and other good-weather localities for this purpose.

In the Far East one member of the new triumvirate which is cut off from any possible contact with the others save by the tortuous route of the Trans-Siberian Railway. This nation, Japan is now engaged in a war on the continent of Asia which has already lasted 4 years and seems likely to go on still longer if the Chinese can be aided by arms and credits. The economic and financial structure of Japan is dependent almost entirely on its foreign trade. There is nothing at all that Germany and Italy can do to help Japan if Japan is suddenly confronted with a serious crisis. On the other hand, if Japan is allowed to wax and grow fat at others' expense, while China goes down, Japan will always be a menace and a check on us and on the British, for the short-sighted Herr von Ribbentrop has been unable to perceive that the Britain he is fighting is not "little England," but a world-wide empire.

HOW COOPERATION COULD WORK

Let us take a hypothetical case of Anglo-American cooperation in the Far East and observe what the two powers can do together, though neither could do it singly:

1. An absolute embargo on all trade with Japan is simultaneously pronounced by the United States and the nations of the British Commonwealth. This cuts off practically the whole of Japan's trade outside the "yen bloc"; that is, the whole of her foreign exchange; it stops almost all her imports of materials useful for the prosecution of war; it confronts her great business houses with imminent ruin; it sets a definite time limit on any military operations she may conduct, within which she must achieve overwhelming victory or acknowledge defeat.

2. The Burma Road is reopened by Great Britain, and British divisions in Burma are moved to the Siamese frontier. Australian troops are dispatched to Burma and Malaya. At the same time British and American economic pressure develops against Siam—and the British Empire takes five-sixths of Siam's exports, while the United States takes two-thirds of the remainder. Observe that this, like the first proposition, cannot be done by either country alone—Siam might fear the Japanese on the east more than the British on the west, did not the United States embargo on Japan give Bangkok pause.

3. Energetic steps are taken by both countries to aid China in every possible way—credits, supplies, support of the Chinese dollar, and such other means as may be devised—and can, with hearty good will.

UNITED STATES WARSHIPS TO FAR EAST

4. The United States dispatches to the Far East, perhaps to the vicinity of Port Darwin, or even to Singapore, certain reinforcements which will make certain that the Japanese dare not attempt an assault on the Dutch East Indies, or British Malaya, save by supporting the effort with their main battle fleet. These reinforcements might consist of such elements as cruisers, submarines, and patrol aircraft in such numbers as might be considered adequate.

5. Britain and the United States proclaim as their joint policy a defensive protectorate over the Netherland East Indies, and military and naval consultations are undertaken with the local Dutch authorities looking to the security of the islands.

6. The Australian Government undertakes the expansion and reinforcement of the base at Port Darwin, the increase of the defenses of Thursday Island and the improvement of interior communications with Darwin and other north coast points.

7. Steps are taken to establish seaplane and other naval facilities in the Solomon and Gilbert Islands and at other points protecting the north flank of the American-Australian line of communications.

It is contended that by this series of steps the Japanese are confronted with an insoluble problem, strategic and economic, from which they can escape in only one of two ways: By establishing a moderate government which will completely readjust the whole far eastern scene on reasonable conditions, including the Chinese problem, or by coming forth to wage war under conditions assuring their defeat.

It is further contended that this course of action is by far the best insurance against war in the Far East at all—the alternative, recession and appeasement, has been proven over and over again to have the opposite result—and insures that if war must be fought there, it will be a short and victorious war for the English-speaking peoples and perhaps the turning point from which other victories will flow.

It will be noted that as far as the United States is concerned, we are mainly involved with our fleet and naval aviation, and we need not curtail our aid to Britain in the meanwhile even if we do become a belligerent against Japan. The local resources of India, Burma, Malaya, and, above all, of Australia and New Zealand, are very great and will help us enormously. The one great risk is that Britain may go down while we are fighting Japan; but that risk is growing less, and in any case, if Britain does fall, our Atlantic danger will not be immediate.

There is indeed risk in anything we may do; there is a risk in sitting still and waiting on events. It is submitted that time is of the essence in modern war, that having learned this lesson we should use it to our advantage; that we have waited and delayed too long, and that the world should be shown that free peoples can act with the force and dynamism which has hitherto been the sole property of the totalitarian conquerors. It is probable that we have before us a winter of war in which Germany will grow weaker. Italy may falter, while China still fights on, while Japan has had no chance of recovery—and should be afforded none. One of our declared enemies is alone, and already weakened; it is we who are the fools if we allow him to grow strong and threatening again.

Also a letter appearing in the New York Times written by Livingston Hartley, dated September 11, 1940, suggesting additional bases in the Pacific:

ADDITIONAL BASES SUGGESTED—PACIFIC AND SOUTH ATLANTIC STATIONS HELD NECESSARY FOR HEMISPHERE DEFENSE

To the EDITOR OF THE NEW YORK TIMES:

In my letter you published on August 9 it was suggested that 50 of our over-age destroyers be released to Britain in exchange for bases at Trinidad, Jamaica, and Antigua. Under the agreement of September 3 five additional bases, among them positions so important strategically as Newfoundland and Bermuda, have been leased in exchange for the destroyers. So comprehensive an advance of our defensive frontier from our eastern seaboard constitutes an unprecedented increase in our North Atlantic security.

We have, however, other oceanic frontiers around this hemisphere which we must now prepare to defend. We have a South Atlantic frontier, nearer to Africa than to the Caribbean, which would be highly vulnerable to attack from West Africa if Germany won in Europe. And since we now share control of the Pacific Ocean with the Japanese Navy, we have a vital interest in improving our strategic position there.

It appears a propitious moment now to follow up this step we have taken in the North Atlantic and obtain additional bases in these other oceans. The war in Europe, the financial strain it has caused our sister republics to the south, and the widespread public approval of what has already been done create an opportunity which, neglected now, may not recur.

In the Pacific it may be possible to lease additional naval and air bases from the British in exchange for war materials now and later. Such bases in the Fiji and Solomon Islands would alter the whole Pacific balance to our advantage. Developed as an extension of the line from Hawaii to Samoa, they would provide us with a southern route westward to the Philippines, the East Indies, Australia, and Singapore which the existing bases of the Japanese Navy would not block.

On our own side of the Pacific we could add greatly to the safety of the Panama Canal by acquiring bases in the Galapagos and Cocos Islands from Ecuador and Costa Rica. Here we might lease the bases outright instead of in exchange for military or naval equipment.

Finally, we must recognize that successful hemisphere defense would require a fleet base on the bulge of Brazil at Rio de Janeiro or Bahia. If Germany should win the war in Europe, the need for such a base would become acute overnight. Here again we would be able to pay for the base in dollars, and so contribute to the prosperity and stability of Brazil.

Facing the present world situation it is not wise to dally in preparing to face any storms the next 12 months may bring. Common sense suggests that we should at once seek to expand the process begun with the destroyers into a comprehensive naval- and air-base program which will improve our prospects of maintaining peace in the Pacific and of keeping war away from the Americas on our Atlantic front.

LIVINGSTON HARTLEY.

NEW YORK, *September 11, 1940.*

The PRESIDING OFFICER. Without objection, it is so ordered.

VIEWS OF WINSTON CHURCHILL

Mr. HOLT. Mr. President, when my good friend from Utah quoted Winston Churchill, I wish he had quoted some remarks of Churchill which I shall detain the Senate but a few moments to give to them.

We have recently seen a move to put a halo around the head of Winston Churchill as a great friend of America. I have compiled out of his writings and interviews comments about his viewpoint in regard to the United States of America which I feel the people should have. I just happened to have a few of them with me today. Here is one:

CHURCHILL BLAMES UNITED STATES AS CAUSE OF DICTATORSHIP

America's entrance into the war was disastrous not only for your country but for the Allies as well, because had you stayed at home and minded your own business we would have made peace with the Central Powers in the spring of 1917, and then there would have been no collapse in Russia, followed by communism; no breakdown in Italy, followed by fascism; and nazi-ism would not at

present be enthroned in Germany. If America had stayed out of the war and minded her own business, none of these "isms" would today be sweeping the Continent of Europe and breaking down parliamentary government.

They want us again to go to their aid and get the same thanks again by Winston Churchill; and if they get into another war in the next 5 years he will come back and love us once again until we finance it but afterward we will be known as Uncle Shylock.

Now let me read what Winston Churchill said in his book on page 110 of The World Crisis. The quotation just given was made in August 1936. From his book, The World Crisis, page 110, I note:

Even in this month of extreme American effort, nearly four British, French, and Italian soldiers were falling every day to one American. The stake of the United States in the European scene was incomparably small.

CHURCHILL SAYS THAT UNITED STATES PLAYED SMALL PART

He does not say that today. He says, "Oh, come on over and help us out once again. You are a great savior," but afterward we would be told our part "was incomparably small."

In the same book, on page 450, I find this quotation:

In the peace conference—to European eyes—President Wilson sought to play a part out of all proportion to any stake which his country had contributed or intended to contribute to European affairs.

Churchill loved us; did he not?

Now, let us look at his book The Great War, on page 1365. Here is what he said:

The United States, which had lost but 125,000 lives in the whole struggle, was to settle down upon the basis of receiving through one channel or another four-fifths of the reparations paid by Germany to the countries she had devastated or whose manhood she had slain.

Wonder if the mothers of the 125,000 boys who gave their lives felt that the sacrifice was insignificant? If we follow Churchill's advice today, the 125,000 will be small in comparison with the number who will be slaughtered in another European war.

CHURCHILL CRITICIZES UNITED STATES FOR NOT ENTERING WAR EARLIER

In the same book, on page 1367, Mr. Churchill again paid his respects to the United States with these words:

If the United States had entered the war after the sinking of the *Lusitania*, they could have judged for themselves how far it was right to go to prevent Rumania being drawn into the orbit of the Central Powers. If even 2 years after the outbreak of war they had joined the Allies, they could have regulated at their pleasure any arrangements made with Japan about Shantung and China generally.

That is Churchill. What will he think of our advice after the war? The same as he did after the last one. This is what Mr. Churchill said about us in the last war, on page 1367 of his book The Great War:

One has a right to stand on the bank; but if one has exercised the right for a prolonged and agonizing period without even throwing a rope to a man struggling in the rapids, some allowance should be made for the swimmer, who now clutches at this rock and now at that in rough or ungainly fashion. It is not open to the cool bystander, who afterward becomes the loyal and ardent comrade and brave rescuer, to set himself up as an impartial judge of events which never would have occurred had he outstretched a helping hand in time.

Those are the words of Winston Churchill about the activity of America in the last war, which caused 100,000 American boys to lose their lives, saying that if we had stayed out Europe would have been in better shape; but now they are inviting us to come over once again. Around the head of Winston Churchill some are trying to put a halo. I ask: "Mr. Churchill, what did you think of us when you did not need us? Will you blame the bad world conditions on us again? Will you pass off as small the sacrifice of our boys on the battlefield? Will you ridicule the attempts to help you as a country that tried to set itself up as the judge of events thereafter? Mr. Churchill, you need us now. Does that make the difference? I agree with your expressed view that we should mind our own business."

RECESS TO MONDAY

Mr. STEWART. I move that the Senate do now take a recess.

The motion was agreed to; and (at 1 o'clock and 35 minutes p. m.) the Senate, pursuant to its previous order, took a recess until Monday, December 16, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate, December 12 (legislative day of November 19), 1940

POSTMASTERS

ALABAMA

Edith Joy Ray, Munford.
Cora T. Culverhouse, Speigner.
Margaret Dora Hamel, Woodward.

CALIFORNIA

Wilton R. Young, Bijou.
Salve Bue, Burney.
Russell F. Neely, Girard.
Spencer H. Cooley, Healdsburg.
Ruth E. Baumgartner, Hilts.
Harry H. Chapman, Hornbrook.
Delmo Bernard Badasci, Riverdale.
Reid E. Shamhart, Santa Maria.
Allan F. Walker, Sepulveda.

INDIANA

Francis A. Hehn, Collegeville.
De L. Cartmell, Hagerstown.
John Nichols, Odon.

LOUISIANA

William Z. Lewis, Alco.

MARYLAND

Emma J. Wilson, Colora.
Ruppert W. Suman, Glenn Dale.
Alexander Roy Woodland, Marion Station.

MISSISSIPPI

R. V. Lindley, Moselle.

MISSOURI

Gladys S. Henderson, Bunker.
Benjamin F. Carney, Crane.

OKLAHOMA

Emmett D. Schimmel, Bokoshe.
Garland A. Douglas, Ketchum.
John S. Gould, Southard.

TENNESSEE

Dewey Darnell, Hornbeak.

HOUSE OF REPRESENTATIVES

THURSDAY, DECEMBER 12, 1940

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We praise Thee, our Heavenly Father, for the eternal precepts enunciated by our Saviour and exemplified in His incomparable life and character. We draw near to Thee in prayer that we may feel His presence and be assured in our quest for a life of devotion to our holy faith, that humanity's hopes may be realized in the timeless Christ. O Blessed One, come to all oppressed hearts with their unfinished tasks, unsolved problems, and with their broken hopes. Give the Congress Thy benediction of grace and show us how to bring together, for the common good of all, the great currents of human life flowing side by side. We pray that our country may be wiser and all homes happier for our passing this way. Heaven's blessings upon all Good Samaritans the wide world over, who

are binding up wounds, bringing strength to the strengthless and God to the godless. In our Redeemer's name. Amen.

The Journal of the proceedings of Monday, December 9, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Baldridge, one of its clerks, announced that the Vice President had appointed Mr. BARKLEY and Mr. TOBEY members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Department of Justice.
3. Department of Labor.
4. Department of the Navy.
5. Post Office Department.
6. Department of the Treasury.
7. Federal Security Agency, Social Security Board.
8. Federal Works Agency, Work Projects Administration.
9. Library of Congress.
10. National Recovery Administration.

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include with my remarks a speech of Mr. William Green at a convention of the American Federation of Labor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I also ask unanimous consent to extend my remarks in the RECORD and to include a short article from the Washington Star; and I also ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. TABER. Mr. Speaker, I ask unanimous consent that after the previous special orders for today that I may be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. EDWIN A. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. EDWIN A. HALL. Mr. Speaker, before very long there will fall upon this House the responsibility of determining whether or not the Dies committee is to be continued for the coming year. It is my opinion that the great majority of the Members strongly approve of the objectives and the general activities carried on by this group over the past 12 months.

One of the first acts of mine upon coming to Congress was to vote for the appropriation to carry the Dies committee along for 1940. At this time I want to reiterate my faith in that committee and to announce that I will strongly support the perpetuation of its work for next year.

I take this position because I have had a clear mandate from the people in my district that they desired the investigation of un-American activities to go on. At a time when there is being precipitated on the American people all kinds of Nazi and Communist propaganda, and when the general public is being subjected to the most subversive attacks, my people back home are anxious to see patriotic endeavors of this kind pushed.

I have never for one moment doubted the sincerity of the Dies committee. It is to my deep regret, therefore, that I observe an apparent coldness toward its work on the part of the executive department and among certain officials in the Department of Justice. Naturally I am in no position to read between the lines and discern an ulterior motive for this attitude. But I feel that it is bad judgment on the part of the executive department to even intimate to the people that there is a rift between parallel agencies of our executive and legislative branches in the method of performing their primary and patriotic duty to the American people—namely, that of eliminating un-American and subversive activities from our midst. Let me assure Chairman DIES and his committee, therefore, that I am in hearty accord with what they are trying to do and will stand unequivocally for the continuation of their patriotic work as long as they proceed as they are now doing. [Applause.]

EXTENSION OF REMARKS

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a news release from the Bureau of Reclamation on the anti-speculation law.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting a radio address in answer to the Dies investigation of un-American activities.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes following the disposition of matters on the Speaker's table and the previous special orders for today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address by Frederic C. Walcott, president of the American Wildlife Institute, on the subject of pollution and other conservation problems.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from Fred Ater, of Rudyard, Mont.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

THE LATE N. B. DIAL

Mr. FULMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. FULMER. Mr. Speaker, I have requested this time for the purpose of announcing to the House the death on last evening of a very distinguished South Carolinian. I refer to ex-Senator N. B. Dial, of Laurens, S. C.

Senator Dial was elected to the United States Senate in 1918, serving one term.

It was my happy privilege to serve in the House during the last half of his term, where I had the pleasure of working with him in the interest of South Carolina and our country as a whole.

Senator Dial was an outstanding businessman. He was practical and a very successful businessman and representative of his people.

He was a stanch friend of mine and, because of the type of life he lived, and just what his life work has meant to the people of the State and the Nation, not only shall I miss

him but his death will be a great loss to South Carolina and to the Nation.

EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent that our colleague the gentleman from New York [Mr. CULKIN] may be permitted to extend his own remarks in the RECORD in connection with the Army and the national-defense program, and to include as a part of his remarks an article appearing in a newspaper in his district.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein an address by R. H. Evans, delivered in Baltimore, on financing the farm program.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's table and other special orders of the day, if any, I be permitted to address the House for 30 minutes on next Monday.

The SPEAKER pro tempore. Is there objection?

There was no objection.

SALE OF INTOXICATING LIQUORS IN TRAINING CAMPS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include therein a letter from The Adjutant General.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I presume Members of the House have, as I have, received a great many letters from constituents concerning the possible sale of intoxicating liquors in training camps and at Army posts. I thought it advisable to obtain an official answer from the War Department on this important matter, and I desire to present herewith a reply from The Adjutant General presenting the law and the view of the War Department concerning that very important subject. The position of the War Department concerning compulsory vaccination and inoculation is also presented.

The letter referred to is as follows:

DECEMBER 6, 1940.

Hon. CARL HINSHAW,
House of Representatives.

MY DEAR MR. HINSHAW: I have your letter of December 3, 1940, with which you enclosed the attached communications from Mrs. ——— ———, Altadena, Calif., and Mr. ——— ———, Glendale, Calif., relative to the vaccination and inoculation of men called for military service and the sale of intoxicating liquors at or near Army training camps or to men in uniform.

With respect to the question of vaccination and inoculation, the principles of preventive medicine and treatment in vogue in the Army are those taught in the leading medical schools of the country and accepted by the American Medical Association. It is considered essential for the health of the Army and the success of the military operations that exceptions to established practice should not be made.

The provision of law which authorizes the President to make regulations governing the prohibition of alcoholic liquors on or near military camps and made it unlawful to sell intoxicating liquors to members of the military forces in uniform was contained in section 12, act of May 18, 1917. This provision was repealed by section 203 of the act of August 27, 1935, Public, No. 347, Seventy-fourth Congress.

Federal statutes now in effect relating to alcoholic liquors as affecting military reservations and personnel are as follows:

Act of February 2, 1901 (31 Stat. 748, U. S. C. 10; 1350), which prohibits the sale of or dealing in intoxicating liquors upon any premises used for military purpose by the United States.

Section 289 of the Criminal Code of the United States, as amended by joint resolution of June 20, 1935, which in effect makes it illegal to do or to fail to do on a military reservation any act or thing which, though not made penal by any law of Congress, is made penal by the State law in which the reservation is located.

Act of March 22, 1933, which provided that nothing in the National Prohibition Act shall apply to beer, etc., containing one-half of 1 percent or more of alcohol by volume, and not more than 3.2 percent of alcohol by weight. This provision is deemed to have declared in effect that such beverage is nonintoxicating.

War Department regulations and instructions have for many years prohibited the sale of or dealing in intoxicating liquors on any premises used for military purposes. Beverage containing one-half of 1 percent or more of alcohol by volume, and not more than 3.2 percent of alcohol by weight, is not deemed intoxicating, and the sale of such beverage is authorized by post exchanges located on military reservations in any State or Territory whose laws permit such sale within its borders. The sale of such beverage is prohibited on reservations located within any State or Territory whose laws do not permit such sale within its borders.

It is believed unwise to deny a soldier, during his few hours of leisure time, the privileges which are enjoyed by other citizens. Experience has proven that permitting the sale of beverages as indicated above has accomplished excellent results. It has encouraged military personnel to remain on the reservation (their home) and enjoy refreshments under conditions far better than exist and are available to them off the reservation.

It would be harmful to the men in the service to direct a prohibition against them that did not apply to other citizens. To do so would inevitably lead to intemperance. As the matter now stands, members of the Army not on military reservations are subject to the same laws, both Federal and State, that govern the conduct of other citizens. They are also subject to the ever-present restriction that they must at no time do anything that will reflect discredit upon the service.

In recent years considerable success has been attained in the matter of control of the use of intoxicating liquors by military personnel through the wholehearted cooperation of responsible citizens in the vicinity of military activities. This is not only true in the vicinity of permanent posts and stations but in the vicinity of maneuver areas and other points of concentration as well. This manner of control has been found to be far more effective than strict prohibition, which furnishes a fertile field for bootleg operations.

Very respectfully,

E. S. ADAMS,
Major General, The Adjutant General.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes after the disposition of the special orders heretofore made.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that on Monday next, after other special orders, if any, I may be permitted to proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

By unanimous consent, Mr. REED of New York was granted permission to extend his own remarks in the RECORD.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein an address which I propose to make tonight over the Mutual Broadcasting System entitled "A New World Order."

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I have two unanimous-consent requests. I ask unanimous consent to insert in the Appendix of the RECORD an article entitled "Danger of War With Japan" and another entitled "World War Service Given Credit in Computing Railroad Retirement Benefits."

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent that I may address the House for 5 minutes after the conclusion of today's business and any other special orders.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

DILATORY TACTICS AND INACTION ON THE PART OF CONGRESS

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I rise at this time to offer my criticism as to the manner in which Congress has been conducting its affairs since it returned after election. The House, by a substantial majority, decided to remain in session. That was a wise decision. But even at that it appears that those in charge of the management of the House determined they would meet just from time to time, and adjourn just as quickly as they could, without taking any action on pending legislation. Mr. Speaker, there are bills on the calendar that are at least entitled to our consideration. Resolutions have been introduced since we came here 4 weeks ago and yet no consideration is being given to them. Committees do not even meet to talk them over. We have passed two or three measures and no more.

Mr. Speaker, I introduced a resolution about 3 weeks ago asking for a joint committee from the Senate and House to provide Congress with information about our defense program with a view of helping those responsible for carrying out this program. That resolution was referred to a committee and that is all.

What I want to say is this, Mr. Speaker, that while we are in session the least we could do is to give consideration to bills pending before the House, to which I have directed your attention. Not a hand has been turned to work on this program. Perhaps they should be supported, and possibly not, but we should vote on them.

Furthermore, Mr. Speaker, a great deal of publicity is being given to the fact that more revenues are going to be required to carry on the ever-growing obligations being charged against the Federal Treasury. The Members of this House know that, and yet our powerful Ways and Means Committee, that has the responsibility of providing for the raising of such revenues, has not held a single meeting in the last month. That committee should have been holding hearings and giving consideration to the most important question of providing revenues so we would have that information at the beginning of the next session.

It is extremely unfortunate, Mr. Speaker, that with all this pending legislation and in view of the complex problems that are facing this Congress and the people that we have not given the attention we should to the matters pending before us. This is no time for dilly-dallying. This is a time when Congress as well as the other departments of the Government should be giving their undivided attention to the ever-mounting and perplexing problems that are before us.

HITLER'S BRANCH OFFICES IN THE UNITED STATES

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, on last Monday my colleague the gentleman from California [Mr. LELAND M. FORD] called the attention of the House to an article that appeared recently in the Reader's Digest entitled "Hitler's Branch Offices in the United States." I read that article some time ago and addressed a letter to the Secretary of State with reference to it, expressing concern. This morning I received a reply from the Secretary of State and a copy of a treaty between the United States and Germany entitled "A Treaty of Friendship, Commerce, and Consular Rights." The title of that treaty is open to some discussion, I should say, among Members of the House, and I am sure they will be interested in the reply of the Secretary of State. I shall ask permission to include it with my remarks.

"Diplomatic immunity" or "consular rights" may be a necessary part of any treaty between the United States and a friendly nation.

If, however, "consular rights" means freedom of action for saboteurs and spies within our borders, it seems to me it is time we changed the law. [Applause.]

DECEMBER 10, 1940.

The Honorable JOHN Z. ANDERSON,
House of Representatives.

MY DEAR MR. ANDERSON: I acknowledge receipt of your letter of November 28, 1940, in which you call this Department's attention to a recent magazine article dealing with German representation in this country.

With respect to the questions treated therein, I feel you might wish to have the following information: The relations between the United States and most countries are generally established by treaty, and in the case of Germany and the United States the pertinent treaty is the Treaty of Friendship, Commerce and Consular Rights, signed at Washington, December 8, 1923, a copy of which is enclosed. This treaty still remains in effect with the exception of certain paragraphs of article VII, which were abrogated by a special agreement signed at Washington on June 3, 1935, a statement concerning which is enclosed with a copy of the treaty.

This treaty determines the status of German consular representatives in this country, and upon a reciprocal basis, of our consular representatives in Germany. I may observe that the privileges which are accorded the respective consular officers in articles XVII, XVIII, XIX, and XX of the treaty, and which were so accorded them for the appropriate exercise of their official functions, conform with general international practice, and do not constitute diplomatic immunity. I may also mention that treaties of a similar nature were subsequent to 1923 negotiated with several other governments.

The Department publishes each month, in the form of a diplomatic list, the names of all those diplomatic officers accredited to this Government, together with their immediate families. The regulations of the Department of State also require a record of the names of the members of the households of these diplomatic officers. The Department of State, furthermore, keeps a record of all foreign consular officers serving in the United States and United States territory; and a record is likewise maintained of all employees, both foreign and American, of foreign diplomatic and consular establishments. These lists are open to inspection by any Member of Congress.

Apart from the groups mentioned above, a record is kept of another category of persons who are associated with foreign agencies. This includes those persons, both foreign and American, who are required to register with the Department of State under the terms of the act of June 8, 1938, as amended August 7, 1939, to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes. This list is open to inspection by the general public.

It may be mentioned that although there has been an increase in the staffs of the German consulates in the United States, these have not been out of proportion to increases in the staffs of other foreign government establishments in this country. In view of press assertions made with specific regard to the German Consulate General at New York, I might mention that the records of the Department indicate that as of October 1, 1939, there were 9 officers and 40 employees in that consulate, and that as of October 1, 1940, there were 8 officers and 40 employees.

This Department has not been unmindful of its responsibility to be informed of the activities of foreign consular representatives in this country, and of determining whether such activities conform with their official status and duties in the United States. In this connection I enclose for your information the Department's statement to the press dated July 5, 1940, regarding the German consul general in New Orleans.

I have endeavored herein to give you all possible information from the Department of State and other authorized sources, in the light of which you may be able to appraise any assertions alleging that the competent agencies of this Government are not closely following such activities within the United States as may be inimical to American interests.

Sincerely yours,

CORDELL HULL.

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein my reply from the Secretary of State.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include therein excerpts from a speech delivered by Mr. John W. Scott, of the Federal Power Commission.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HINSHAW. Mr. Speaker, since making the announcement I did a moment ago a number of Members have asked whether I intended to have reprints made of this letter from The Adjutant General. I do. If there are any Members who desire copies, communicate with my office and we will supply you.

EXTENSION OF REMARKS

Mr. TOLAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement by Dr. Paul Taylor, of the University of California, on the migrant problem.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

THE DIES COMMITTEE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. RICH. Mr. Speaker, I am just as glad to see the Members as they seem to be to see me. [Applause.] But if we spend our time during the next 2 weeks as we did in the last 2, we might as well all go hunting or fishing in a cruiser. [Laughter.]

I rose at this time to comment on the statement made by the gentleman from New York, the Honorable EDWIN HALL, in reference to subversive activities in this country, and to mention the work of the Dies committee. I realize it is going to cost money to continue the Dies committee, but I say that such money will be well spent and cheap insurance measured against the protection it will afford the billions of dollars we are allotting to build battleships and armaments for 2,000,000 men, for the one thing spies and saboteurs cannot stand is his exposure to the light of public opinion. The Dies committee is ferreting out these subversive agents who are trying to undermine this country. More power to them. The committee is working with the help of the Government itself, the police, the F. B. I., the people, but somehow the same Government agencies have not been able to do what we want done in rounding them up. It takes an organization of the Congress to point these things out to the people of the country, and we have enough red-blooded, two-fisted Americans, who will see that they are locked up if we just point them out to them; good, sound Americans, too.

With the help, the aid, and the assistance of the good people of the country and the law-enforcement branches of the Government, we shall be able to put these fellows who are against our country behind bars, where they belong, or else put them up in front of a firing squad. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. YOUNGDAHL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein an editorial from the Minneapolis Times Tribune.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MILLER] may be permitted to extend his own remarks in the RECORD and to include therein an editorial.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. Under the special order of the House heretofore entered, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

UNION MEN, NONUNION MEN, AS WELL AS MIGRANTS, SHOULD BE PROTECTED FROM RACKETEERING

Mr. HOFFMAN. Mr. Speaker, it is gratifying to learn that, at the suggestion of the First Lady of the Land, an investigation was made as to whether an unfortunate migrant, the head of a family, was denied here in Washington the opportunity to earn a livelihood because he could not comply with the demand of a union for the payment of a fee of $300.

The investigation showed that while the union fee was $300, the migrant was given the privilege of making a down payment of $50 and having the balance deducted from his wages by the union.

As a matter of principle, it is immaterial whether the fee was $300 or 3 cents, the point is that no one has authority in this land to levy a fee for the privilege of working. Again, it made no difference to the migrant whether the fee was 3 cents or $300, as long as he did not have it, he could not pay it.

It would be more satisfactory if the House would appoint a committee to determine whether not only migrants but union men and nonunion men were denied the privilege of working on the defense program because they did not have the cash to lay on the dotted line of a union's permit to work or dues card.

For several weeks the House has had before it ample evidence to show that our defense was being rendered more costly, was being delayed, American workingmen forced to pay tribute unjustly. The same facts have appeared in the public press.

The House, though it has been in session, has not seen fit to learn the actual conditions. Beyond question, although not only the occupants of the White House and Members of Congress have been fully advised of the un-American activities which were delaying our aid to England, slowing down our own defense work, no action was taken until the First Lady, appearing before the House committee studying migration problems, listened to the story of Mrs. Thomas, who charged that her husband, an electrician and a migrant, could not obtain employment at Fort Belvoir because he could not meet the union demand. Asked about this situation, the First Lady, put on the spot, suggested, in substance, that it would be well for the committee to call those who knew about the situation and learn the facts.

It is a strange commentary upon our vaunted democracy that although the injustice that was being done our workers and our needy was known to our executive officers, to the Congress, no action was taken until in a public hearing the situation was brought before an occupant of the White House.

Here in Washington, where are housed the Department of Justice, the executive department, and where Congress is in session, it has been a matter of common knowledge that hundreds of men have been just as effectively held up and their money taken from them by the practice of denying employment to those who are not members of a union, on Government jobs, as would have been done had they been robbed on the street at the point of a gun.

Yet no department of the Government, although the situation has been called to the attention of all, has had the courage or the disposition to take the initiative and end the practice or even to inquire into it until a member of the Chief Executive family had the situation bluntly put before her in such a manner that longer delay could not be tolerated.

Back in the early days of the automobile, cars lacked a self-starter; each had to be cranked before the motor would turn over.

It is regrettable that Congress will only move to ascertain the truth or the untruth of such charges as have been made on the floor of the House from time to time when spurred into action by a suggestion from the Executive Mansion.

The story to which the First Lady listened was not a new one. It was not a novel one. It was one which had been told on the House floor and in the press many times. Not as to migrants but as it affected members of unions, workingmen who were not members of a union, men who were on relief,

men who would be thrown on relief if they were not permitted to work. More than one illustration of a similar situation was related by me on the floor of the House. Letters disclosing an unjust and deplorable a condition as that told by the wife of the migrant were placed in the RECORD.

Let me give you a few instances which show that the migrant, Mr. Thomas, is in no worse situation than are thousands of others. The complaints here laid before you were made to me either in person, by letter, or by phone call.

A Purcellville, Va., citizen, married, with two children who enlisted and served in the Navy from 1913 to 1920, then served in the Coast Guard, obtained work at Fort Belvoir only after going to the office of the carpenters union at Tenth and K Streets NW. and paying $27.10 for a permit to work. He agreed to pay $25 more in 30 days and $2.10 monthly. The wage rate was $13 a day. By working on a Saturday he made $29, as the pay for holidays is double-time pay.

A Washington City plumber and steamfitter joined the Association of Journeymen Plumbers and Steamfitters of the United States and Canada when living at Pittsburgh in 1909. Upon coming to Washington 8 years ago, he brought with him his union clearance card and dues book showing dues fully paid as required by sections 166 and 170 of the constitution, bylaws, and rules of his own union. He applied to Washington Local No. 5, which is governed by the same constitution, bylaws, and rules that governed the Pittsburgh union.

Under the constitution and bylaws he was entitled to membership in local 5. In violation of its own constitution, bylaws, and rules of its own local, local 5 refused to accept his application because, as its officers told him, its members here were without jobs. So he was barred from working on a union job. Being unable to work as a union plumber or steamfitter he went to work in an open shop. Then the local union assessed a fine against him of $250—$24 back dues and a new initiation fee of $150. A total of $424.

For 28 years this man was a member of the union, paid all dues, never had a fine assessed against him, and has held every office connected with the organization, including that of president and business agent. He is now 54 years of age, in good health, and able to work.

He made this statement:

Fort Belvoir is a closed shop; the work at Bolling Field is an open shop. The union will not permit any to work at Fort Belvoir until he pays the fine and the back dues of $250, new initiation fee of $150, a total of $424, but at the same time it permits its own members to work side by side with nonunion men on the open shop at Bolling Field.

He says:

There are four in my family. I am out of a job and I would like to know why it is that I cannot go to work on the defense program.

A retired major of the Signal Corps, a man with a record of 25 years' service who came up through the ranks, who served 16 years in the Navy, when he applied for a job at Fort George G. Meade was granted a permit to work by Local 101 of the United Brotherhood of Carpenters and Joiners only on the condition that he agree to pay $23.50 out of his first week's wages and $8.50 weekly thereafter until $57.50 was paid.

Get the situation. It is true this man is not a migrant, but he wanted to work. He served in our Navy for 16 years. He had intelligence enough—he had ambition sufficient to come up from the status of an enlisted man to the rank of major—and yet when the country finds itself in danger of invasion and he desires again to serve it, he can do so only if he agrees to pay an unjustifiable tribute. Strange treatment for a democracy to mete out to one who served her in her time of need.

Another man belonged for 20 years to Local 58 of the Upholsterers and Draperies Hangers. He said he always paid his dues. He is married and has three sons. He was given a permit to work upon his promise to pay the union, and worked 56 hours in 7 days, but because his name did not appear on the pay roll did not receive his pay until the 18th of November, while his permit to work expired on November 9. He could not and did not pay his dues because he had not received his money. He was discharged. When he inquired was told that his job as foreman had been given to a friend of another worker.

Another union man, 40 years of age, married, with two children, came to Washington from Akron, Ohio, about 3 weeks ago. He had been a plumber since he was 16 years old; was a member of a union at Akron, Ohio, where he paid $55 in 1937 to Local 219.

He applied for work at Fort Belvoir on Saturday, December 7. Finally he saw the superintendent for Potts & Callahan Construction Co., who told him he would have to see the union. He saw the union steward who was on the job at Fort Belvoir and was sent to Local No. 5, located at 527 Ninth Street NW. There he was told by E. S. Ott that he would have to pay $12 before he could go to work.

He did not have the $12, so in his behalf I called a District welfare organization, and, finally, through the activities and whole-hearted cooperation of one of its officers, arrangements were made so that this plumber could go to work and with his family stay off the relief rolls. It was agreed that he might pay the union out of his wages, though whether the union waived payment on the dotted line, or whether some charitably inclined person or organization advanced it, I do not know.

Mr. DISNEY. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Oklahoma.

Mr. DISNEY. I understand on reliable authority that at Fort Sill a man cannot get a job unless he first puts up $50 with the union.

Mr. HOFFMAN. That is true all over the United States.

Mr. DISNEY. I only know of conditions in my own State. Has the gentleman gone far enough to find out what is done with this money after it is paid into the union?

Mr. HOFFMAN. No. That was the purpose of the resolution I offered on September 24, which the majority party has not seen fit to take up and put through. That was one purpose of the resolution. I wanted to find out how much was collected, what they did with the money, and if there is any reason why an American citizen cannot exercise his constitutional right to work without paying. I wanted to get this information so that then we might enact legislation which would permit American citizens to work when they wanted to.

A Severn, Md., worker, relates his experience:

I see by the press reports that you are opposed to the shake-down rackets of the various unions on national defense projects.

I would like to call to your attention the fact that the carpenters union, Local No. 101, is using the same shake-down racket at Fort Meade, Maryland, that is being used at Fort Belvoir, Virginia, and other Army posts.

Under this hurry-up of construction at these various posts, good carpenters are at a premium, and they are hiring anything that calls himself a carpenter.

The union is charging these men $57.50 to join the local. They seem to have some sort of working agreement with the contractor to keep them on until their union dues have been paid, and then quite a few of them are laid off and a new bunch is put on.

I am a carpenter and have been working at * * * and other Army posts under temporary civil-service appointments for the past * * * years, and have a good record at all of them at which I have worked.

I am employed by contractor building barracks at * * * at present time. Have been there over 2 weeks. There was nothing said at the time of my employment by contractor or anyone else that I must join the union. Now I am told by union representative that I must join the union and pay $57.50 or lose my job.

This union representative is supposed to be a carpenter working on the job, but the Government is paying him $10 per day and $20 on Saturday and Sunday to work, but all he does is walk around with a book and pencil, trying to scare all of the workmen to pay this kick-back to the union.

To date, to my knowledge, this union representative has cost the Government, for salary alone, $220 since I have been employed here.

I understand there is a representative in each unit and there is about seven units here.

There is one thing that I would like to know. Is this union representative supposed to go around on a Government reservation and at the Government's expense trying to force men on a national-defense project to join the union and pay this kick-back, and can a man be discharged for not paying it?

I understand that there has been quite a few men laid off for this reason, though the books show them to be laid off for other reasons.

I am not opposed to unions if they are run right, but I am opposed to paying a Communist-controlled union for the privilege of working for my Government.

Here is a letter from another Washington carpenter, who could not get work because he did not have the union fee:

> The article I read tonight in the Washington Times-Herald is absolutely true. I tried to get a job last week at Fort Belvoir, Va., as a carpenter. But I was turned down because I couldn't pay the fee the union demanded. I have been out of work for a long time, but I do not want to go on relief if I can help it.
>
> Over at Fort Meade, Md., I was told last week there wasn't any more carpenters needed. But it is common knowledge that if you have the price you can get a job.
>
> How much longer are honest American workmen going to be idle because they haven't the price for a job? I and my family must live in one room because I haven't the money to pay the high rents here in Washington.
>
> Something should be done about getting the unemployed back to work before this, our native land, thinks about embarking upon another European war that will leave us all broke in the end.

As has been stated here on the floor of the House on prior occasions, the Government needs these men. They need the work. The union demands cash down for a permit to work. Now, get that—"permit to work." Where does the union get authority to say that a man shall not work until he has a permit from it?

Congress blanketed into the Federal service a few hundred thousand employees. Postmasters were given jobs for life. But here in Washington are men—family men; men in need; men who, unless they obtain employment, must go on the relief roll or be helped by private charity. These men are not shirkers. The Government needs their services, but they cannot get the Government jobs which are available. There is just one reason: An organization refuses to permit them to work.

Talk about the employer's blacklist, of which organized labor and the Senate Civil Liberties Committee complain so bitterly. Here is a labor organization which has a blacklist of its own. The theory is that you can get on that list if you have the price. Talk about special privilege. Talk about the privileged few. Talk about the economic royalists. Condemn them all as bitterly as you will, and where the criticism is just I will go with you.

Here is a labor organization using every practice which they have condemned when used by the employers and adding to the unfair labor practices of the employers the burden of the payment of a tribute which they have no right to exact, and which, all too often, their fellow laboring men cannot pay.

I ask the executive department, By virtue of what social legislation does one group of workingmen levy tribute upon another?

I ask the Attorney General and the Department of Justice, Where in the Code of the United States, where in the Statutes of the United States, is there authority which permits John Doe, standing at the gate of a factory, to compel Richard Roe to pay a fee before he can enter to work on the job which is awaiting him?

I ask the Work Projects Administration—charged, as it is, with finding jobs for the unfortunate, those who lack food, clothing, and shelter—Why do you submit to the actions of those who deny an opportunity to work to men who, if they cannot work, must, with their families, be supported by your organization?

I go back, and I say to the Department of Justice, which justifies this extortion, Why is it, charged with the execution of the law, with the prosecution of those who violate it, you take no action?

I turn to the Department of Labor, call its attention to the National Labor Relations Act, which provides that every man may bargain through representatives of his own choosing, and I ask the Secretary of Labor, Why is it that, before men can work, they must meet the demands of those who were never chosen by the workers as their bargaining agents?

Again, I ask the Department of Labor, Have you joined forces to compel all workers in America, if they would support themselves by their toil, to join a union, to pay the fees exacted by that union? Or is the right to work here in America still one to be exercised without cost?

I ask the President of the United States, who would have us preserve the democracies of the world, Why is it that, here in Washington and throughout our land, the God-given right to work, the right to work guaranteed by our Constitution, is denied to American citizens? Why is it that American citizens are denied the right to work in defense of their Government, while they are conscripted to fight for it?

Do you speculate as to why, on occasion, men are denied membership in a union even though they are willing and able to pay? The answer is plain. If the number of carpenters or plumbers or steam fitters at work at Fort Belvoir and these other jobs can by hook or crook be limited to members of the unions, then the union members limited in number, those union members are in the class of the privileged few, who get not only a job at a good wage but time and a half for overtime, and for Saturday and Sunday double time. Do you get the point? If you do not, those who are running the unions' business, those who are skimming the cream from Government defense projects, see it and get it.

Another phase of the situation came to notice this past week. A letter came in which stated that two men employed by the District had taken leave, presumably the 30 days and 15 days leave granted Government employees—one without pay, the other with pay—and were working at Fort George G. Meade.

Billions of dollars have been appropriated for relief to create Government jobs for the unemployed. Government employees never miss a pay check. They never have a reduction in their salary. They are secure in their jobs. The Government grants them 45 days' sick and vacation leave. Some of them take that leave, though they are paid for their time, and go out and deprive a man who needs a job of the opportunity of working.

One of these District employees is married, has two sons. He does not own his own home. He stated that he had 52 days' accumulated leave to his credit and, as he wanted to earn money to purchase a home, he took his Government leave and sought employment at Fort George G. Meade, where he received $1.50 per hour. He joined the Baltimore union, and, so far, according to his statement, but 55 cents has been deducted from his 2 days' pay. Quite in contrast to the policy of the local union as testified by C. F. Preller, business agent of the Electrical Workers Union of Washington, who said that their union fee was $300, $50 of which must be paid in cash.

This District employee stated that another man, a painter by trade, employed by the District, took leave without pay and was now working as a carpenter operating a power saw on the job at Fort George G. Meade.

I am not giving the names of these men, for I have no desire to cause them any embarrassment, but in justice to other men who are out of work it does seem proper to call attention to section 58 of title 5 of the United States Code. That section reads as follows:

> Unless otherwise specifically authorized by law, no money appropriated by any act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum. (May 10, 1916, ch. 117, sec. 6, 39 Stat. 120; Aug. 29, 1916, ch. 417, 39 Stat. 582.)

My information is—and it may not be accurate—that each of these men received $2,100 per year. The money to pay that salary is, in part at least, appropriated by Congress. So, too, is the money which they receive at Fort George G. Meade. It would seem advisable that we either repeal this law or that it be enforced, and that we learn through an investigation just how many Government employees, who are entitled to a 30-day and 15-day leave, are working on these Government jobs in competition with men who have no regular employment or who are on relief rolls.

Inasmuch as the Select Committee to Investigate the Interstate Migration of Destitute Citizens (H. Res. 63 and H. Res. 491) was appointed to inquire into the interstate migration of destitute citizens and matters affecting them and has no authority to inquire into matters affecting other citizens, it is apparent, in view of the information which has been given the House, that another committee of the House should be appointed, as was requested in House Resolution 612, introduced by me on September 24, to inquire into the activities of those who are delaying work upon our defense

program, rendering that work more costly, a greater burden to the taxpayers, and exacting an unjustifiable tribute from American labor.

In support of such a resolution, either the one offered by me or one introduced by a member of the majority, your support is earnestly solicited. [Applause.]

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the remarks I made may appear in the Appendix of the RECORD instead of the body of the RECORD, in order that the insertions may go along with it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. PATRICK asked and was given permission to extend his own remarks in the RECORD.

The SPEAKER pro tempore. Under the special order of the House heretofore entered, the gentleman from New York [Mr. TABER] is recognized for 15 minutes.

LABOR AND THE DEFENSE PROGRAM

Mr. TABER. Mr. Speaker, the President of the United States has asked for unity in connection with our defense program. I feel that my record in connection with the defense program entitles me to ask for unity from the President of the United States, that he may force those in the departments and agencies of the Government to conduct themselves in such a manner that patriotic Americans can give unity to the defense program. For my own part, I have supported appropriations for defense in cash amounting to $8,500,000,000 and in contract authorizations amounting to $3,500,000,000, to be used during the fiscal year 1941.

What is our current situation? The barracks for which we provided the money and the camps in which the boys who are drafted and the guard boys who are taken under the resolution that we passed will be placed are not being constructed according to schedule because, they say, we are unable to get skilled help. The work in the factories is not going along as it should and as Americans are able to make it go in the construction of airplanes and munitions and ammunition because they are unable to get skilled help. Why is it they are unable to get skilled help?

You read the other day of the hearing before the Select Committee to Investigate the Interstate Migration of Destitute Citizens in which it was testified that an electrician was unable to secure employment becauses he was asked to pay $300 to join the union. You have heard of many other cases, to which the gentleman from Michigan has called attention, where people were unable to secure employment because they were required to pay exorbitant fees to join the union.

In connection with the construction of barracks all over this country carpenters have been required to pay as high as $75 and $85 to a union in order to be permitted to go to work for a few weeks. Masons and plumbers are required to pay several hundred dollars as an initiation fee. As I understand, it runs up as high as $400 and $500. A man who wants a job as a common laborer in the District of Columbia is required to pay $87 to join the union.

The other day in a camp just outside of Washington a man who had been out of work for a long time applied to the contractor for a job. He was told that he could go to work in the storeroom in charge of the tools. He moved in there, and in a few minutes he was told that the foreman's son had to have that job and that he could go to work as a laborer. He was told that he would receive $6 a day and would have 15 days of work.

He had been at work a couple of hours and dug a couple of holes in the ground, when the walking delegate came around and told him that if he was going to stay on the job he would have to pay $56 to join the union. He might receive 2 weeks' work, 5 days a week at $6 a day; he might receive $60 for his work, but he would have to pay $56 to join the union.

Up in my territory they were told that they would have to pay $75 to join the union and a couple of dollars a week dues to get jobs for 30 days, so that the fees they would have to pay to the walking delegate would be $83 out of a total they might receive of $160. Of course, they could not afford to pay it.

This entire labor program and this entire program we have been told is for the benefit of the workingman has been allowed to degenerate under the operations of the administration into a scheme to promote the welfare of the walking delegates. It is about time that the Secretary of Labor was instructed by the President that those regulations were intended for the benefit of the workingman and not for the benefit of the walking delegate. The entire scheme for privileges for the workingman is going to collapse unless it becomes a scheme for the benefit of the workingman and not of the walking delegate.

We cannot go on and have these things done which prevent our people from being employed, prevent skilled laborers from going to work, and keep them on relief at a time when the Government is anxious to procure workers. I do not know whether or not we have any sense of responsibility here in the Congress, but I think that it is time we take deliberate and progressive action toward putting an end to that situation.

Now, while I am at it, I want to call attention to another situation that I think is absolutely ridiculous. We have created by law an Advisory Commission to the Council for National Defense, and on that Advisory Commission, Mr. Knudsen and Mr. Stettinius and a good many others are employed. I make no criticism of Mr. Knudsen or Mr. Stettinius or the others in this connection, but all the power that has been given to them has been that they are to be an Advisory Commission to the Council for National Defense. Now, what is the Council for National Defense? The Council for National Defense is made up of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. When we call men of the type of Mr. Knudsen and Mr. Stettinius into the Government of the United States, they ought to have a position of authority so they can do something and accomplish something for national defense. [Applause.] They are the men who ought to have the power to let contracts. They are the type of men who, because of their experience, are in a position to check whether or not the contracts are being performed in the interest of the Government.

Is it not time now that the set-up of the Government of the United States was put on a basis so that when we call into the Government service the ablest men in industry we give them a chance to do the job?

I am saying here that the most important thing we can do, and the most important thing that the President can do, to promote unity in the Government of the United States and amongst the people of the United States is to put the Government's house in order, so we can have honest-to-goodness defense and so we can get into shape to protect the United States of America from all enemies within and without. The President asked for unity. Let him show the way to unity. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HILL. Mr. Speaker, in view of the remarks made by my good friend and colleague the gentleman from New York [Mr. EDWIN A. HALL], and also by my good friend the gentleman from Pennsylvania [Mr. RICH], I believe it is apropos to ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial in the morning Post.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from New York [Mr. DICKSTEIN] is recognized for 15 minutes.

THE DIES COMMITTEE

Mr. DICKSTEIN. Mr. Speaker, originally I intended to talk on some other subject, but I shall have to get to that a

little later. Sitting in the chamber and listening to the eloquent speeches made by my colleagues the gentleman from Pennsylvania [Mr. RICH], and by my good friend the gentleman from New York [Mr. EDWIN A. HALL], in which they come to the defense of the Dies committee, giving their position on the committee's work and warning us that now they are going to give them another blank check for one or two million dollars, I want to ask the gentlemen or any other gentleman in this Chamber a question in all fairness and sincerity. I do not know how else I can clarify the problem before us. I am more than willing to support any legislation to rid this country of all the so-called "fifth columnists," Communists, or Fascists, whether foreign or domestic, but in two long years——

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I would prefer not to yield just now.

Mr. HOFFMAN. I wanted to call the gentleman's attention to a statement that I do not believe is accurate about these two Members.

Mr. DICKSTEIN. If that is what the gentleman wants to call my attention to, I shall be glad to yield. They made the statement that they are going to support a Dies inquisition for another year or two.

Mr. HOFFMAN. The Dies committee—they did not say "inquisition" at all.

Mr. DICKSTEIN. I beg the gentleman's pardon. I will withdraw the word "inquisition."

Mr. HOFFMAN. How about the statement the gentleman just made that they said they would stand for a million or two million dollars of appropriations?

Mr. DICKSTEIN. No; they did not use that term exactly. But since they are supporting the gentleman from Texas, Mr. DIES, and he has asked for a million or more appropriation, I assumed they would support him all along the line.

Mr. HOFFMAN. All right; let us keep the record straight.

Mr. DICKSTEIN. I want to ask those gentlemen and any other gentlemen who are stanch supporters of the Dies investigating committee, including any member of the committee itself, after 2 years of investigation, how are you going to deal with a "fifth columnist"? I think if you had one right in your room you could do nothing with him. What laws have you on the statute books today whereby you could destroy a "fifth columnist"; and what is the definition of a "fifth columnist"? What must he do to be classed in this category? What overt act must he have committed to be defined as a "fifth columnist" within the statutory provisions of our laws?

Mr. LELAND M. FORD. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. In just a minute I will yield for a question.

Is there any law on the books today that defines a "fifth columnist" and states what overt acts he must have committed in order to be arrested and convicted and destroyed? Refer me to one statute.

Mr. LELAND M. FORD. Will the gentleman yield?

Mr. DICKSTEIN. Yes; for that purpose.

Mr. LELAND M. FORD. For a felony. Harry Bridges committed a felony, and he may be deported, and there has been no action taken.

Mr. DICKSTEIN. I am talking of a "fifth columnist."

Mr. LELAND M. FORD. He is a "fifth columnist."

Mr. DICKSTEIN. Harry Bridges is known as a radical, who may be just as bad as a "fifth columnist," but that does not answer my question at all, because as an immigrant Harry Bridges would come under the general deportation laws. I am talking of laws to apply to "fifth columnists" and saboteurs.

Mr. LELAND M. FORD. Well, why is he not deported?

Mr. DICKSTEIN. Well, I do not want to get into an argument about that again.

Mr. LELAND M. FORD. He can be deported for having committed a felony.

Mr. DICKSTEIN. We will get to that later on if I have time. I am asking you, the Congress, what law has the Dies committee brought in in the last 2 years to justify the spending of $235,000 in actual money, plus thousands of dollars which the printing bill will amount to? Their only concrete accomplishment was front-page publicity, issued from Orange, Tex.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. DICKSTEIN. I gladly yield to my colleague.

Mr. VOORHIS of California. I would rather not try to answer the gentleman's question in his time, but if he will yield to me for that purpose I would like to ask unanimous consent to proceed for 10 minutes at the conclusion of the other special orders.

Mr. DICKSTEIN. You can get time. I am asking you the question now.

Mr. VOORHIS of California. I am going to answer it when I get my 10 minutes.

Mr. DICKSTEIN. I have an engagement upstairs. Can you possibly tell me and the Congress if you have brought in any law on "fifth columnists," that you have been talking about, and the spies that you are talking about? Have you done anything constructive by which the Government can pick up these so-called "fifth columnists"? That is all I am asking you.

Mr. VOORHIS of California. Yes. The question cannot be answered in just a sentence, I will say to the gentleman from New York. In the first place, one law has been passed. That is the so-called Voorhis Act, which requires the registration of organizations of a political nature with foreign connections and foreign control. The enforcement of that will give information to this Nation and to the people of this Nation and will enable the Department of Justice to make investigations regarding such organizations, which are very important.

Now, the gentleman asked for a law to define what a "fifth columnist" is. I would like to know how the gentleman is going to write a law which will describe how you are going to separate the mental processes of a person who thinks one way from the mental processes of a person who thinks another way, and make it technically admissible evidence. There are two problems here, not one. One problem——

Mr. DICKSTEIN. Well——

Mr. VOORHIS of California. The gentleman asked me a question.

Mr. DICKSTEIN. All right. Go on, but do not make a long speech in my time.

Mr. VOORHIS of California. I have asked for time on my own account. That is what I want.

Mr. DICKSTEIN. All right. Answer the question.

Mr. VOORHIS of California. There are two problems. One is the problem of apprehending people who are violators of laws that we have on the statute books. The other problem is the problem of exposing the activities of agents of totalitarian powers which are operating in this Nation with a view to propagandizing their opinions. That is a job where there is not necessarily a violation of law involved, and the only remedy that a democracy has got is the exposure of that kind of thing. [Applause.]

Mr. DICKSTEIN. Now let me answer the gentleman, if I may. The gentleman knows that I have a high regard for him and his ability as a Member of this House, as I have for all other Members of this House. In the first place, I object to the Dies committee's taking credit for the registration of aliens in this country. There sits the man, the Speaker of this House today, the gentleman from Massachusetts, Mr. JOHN W. MCCORMACK, who is responsible for that Registration Act. It was he, myself, and other members of his committee who fought hard to put the Registration Act, to register foreign agents in this country, on the books.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. DICKSTEIN. I am answering your question.

Mr. VOORHIS of California. But the gentleman puts an entire misconception on what I said.

Mr. DICKSTEIN. You said that the Dies committee put the Registration Act on the books, to register all foreign agents. Am I correct?

Mr. VOORHIS of California. It was my own bill that was passed recently. The bill of the gentleman who is sitting in the Speaker's chair, the gentleman from Massachusetts [Mr.

McCORMACK], we all feel is one of the most important statutes that has been passed for a long time, but the bill I referred to is one which I myself introduced, and is a different bill from the McCormack Act. I will explain it if I can get the time to speak. I have already explained it before.

Mr. DICKSTEIN. Now, the second question is, Have you convicted one saboteur or "fifth columnist" in 2 years? As far as Browder is concerned, it was upon his own confession that he had committed an overt act that he convicted himself without the help of the Dies committee.

Mr. VOORHIS of California. Does the gentleman yield to me in order to answer the question?

Mr. HOFFMAN. You do not mean that anyone has come in voluntarily and confessed, do you?

Mr. DICKSTEIN. Well, he did not come voluntarily. But he gave them all the necessary information himself.

Mr. HOFFMAN. Oh——

Mr. VOORHIS of California. Will the gentleman yield to me to answer that?

Mr. DICKSTEIN. I will be glad to yield to you to answer the question without taking up all of my time. I have something else to discuss.

Mr. VOORHIS of California. The gentleman asked me the question whether the committee has convicted anybody.

Mr. DICKSTEIN. Yes.

Mr. VOORHIS of California. The committee is not a law-enforcing body, it cannot convict anybody; that is the job of the Department of Justice.

Mr. DICKSTEIN. But the committee was acting as a law-enforcing body and telling everybody what should be done and how it should be done. The committee was holding itself out as such.

Mr. VOORHIS of California. No; it is not so.

Mr. HOFFMAN. Just the other day, if the gentleman will yield, he said the committee was only a publicity organization. Now he says it is a law-enforcement organization.

Mr. DICKSTEIN. I said the committee tried to act as such. It was the committee itself that tried to take upon itself the prerogatives of a law-enforcing body. I still think they are only a publicity organization.

Mr. HOFFMAN. That is two things.

Mr. DICKSTEIN. And it may be three.

Mr. LELAND M. FORD. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I cannot yield. Mr. Speaker, I cannot spend any more time on that. I have another important matter to speak about.

The grand kleagle of the Klan was in town a few days ago and, Mr. Speaker, from him I received one of the finest compliments imaginable, and that was his statement that he did not like me very much. He said so in a release he made on December 11.

Mr. HOFFMAN. Maybe they are mistaken, maybe they just think they do not like the gentleman.

Mr. DICKSTEIN. That is all right. I still consider it a compliment. I have never received such a compliment in the many years I have been in the Capitol, as a statement coming from the K. K. K. that they do not like me.

Now, this new imperial wizard, James A. Colescott, a horse doctor, has taken over the business of the K. K. K. Whether or not he has any stock in the shirt business I do not know. What made me discuss this question today is the fact—important in my estimation—that he has the audacity, the temerity, to make a statement in the public press—now, listen to this—that "many Members of Congress belong to the Klan, running from 10 to 75 percent of representation in some States." I defy him to produce the proof. I defy him to present such evidence. I do not believe it, I do not believe it, Mr. Speaker; and I think it is very improper for any group or organization to bring in Members of Congress as members of any organization, because that is each person's own individual business. But here a man deliberately, in a statement given to newspaper reporters, makes such an accusation. I have the statement right here. Yesterday, Wednesday, December 11, the imperial wizard issued a statement in which he said among other things that he likes the gentleman from Texas, Mr. DIES better than he likes me. Well, that is all right; he is entitled to his views. In fact, however, he is asking the Congress to continue the Dies committee indefinitely; to continue them as long as they want to function. That is one of the points of the program of the K. K. K. for which he came to Washington. Another press release appeared in the Evening Star of December 11. By the way, I did not have a chance to meet the imperial wizard yesterday, even though he claims he conferred with Members of Congress in the Capitol.

I tell you, Mr. Speaker, that while we are focusing our great efforts on ridding the country of foreign agents, "fifth columnists," saboteurs, and spies, the domestic crop of undercover wreckers is creeping up on us in certain parts of our country. The K. K. K. is doing a smashing business and has been this past year. While there was an investigation—and I ask the gentleman from California [Mr. VOORHIS] to correct me if I am wrong, for I do not seek to throw any slander or malice upon any committee or any Member—the K. K. K. claims that the Dies committee exonerated the K. K. K. in the State of Pennsylvania in the last meeting of that committee when they were looking for saboteurs who destroyed one of the Hercules powder plant units in which 250 people were killed.

Mr. VOORHIS of California. The gentleman is in error.

Mr. DICKSTEIN. If I am in error, then I apologize. But I have some evidence which I would be glad to show the gentleman which indicates that the Ku Klux Klan is spreading the information that while the committee was making some sort of investigation in New Jersey a member of the committee exonerated the K. K. K. and all the little kleagles—while they were conducting an investigation for saboteurs.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Certainly I yield.

Mr. VOORHIS of California. The gentleman has made a very serious statement which should not go unchallenged. The purpose of the committee in its inquiries in that instance was to bring out the fact that there had been in New Jersey a joint meeting between the bund and the Klan. I was there; I was a member of the subcommittee that held hearings on that matter.

Mr. DICKSTEIN. All I can say to the gentleman is that my information is to the effect that the Klan claims that an exoneration was made on behalf of its organization in the State of New Jersey in the last hearing of the committee.

Mr. VOORHIS of California. It was the opposite of an exoneration, I may say to the gentleman from New York. As I say, I was at that meeting. The facts that were brought out did not appear to us as being very complimentary.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

Mr. DICKSTEIN. France fell not alone through the machinations of Nazi agents but through the lack of willingness to fight for democracy on the part of its native Fascists and Communists. Let us not make the mistake here of prosecuting a few minor Nazi agents while the really dangerous "native Fascist" groups go unmolested, free to ply their anti-democratic wares in the market places of the Nation. I think it is important for the American public to realize this fact at a time when some of the worst elements in our country are suddenly asserting that they are ardent anti-Nazis. They were not anti-Nazi until a few short months ago. Suddenly they shifted—and while preaching the same things which the Nazis want—restriction of the rights of labor, anti-alienism, anti-Semitism, discrimination against the Negro; they claim to be anti-Nazi. Judge a man by his deeds, not by his words. The Ku Klux Klan, whose traditions of fascism are the oldest in the United States—it was linked to the Black Legion, a terror organization resembling the Thugs of ancient India and the Iron Guard of Rumania today—has suddenly announced that it is fighting the bund. Last August 18, the

Ku Klux Klan held a joint rally with the German-American Bund at bund-owned Camp Nordland, in Andover, N. J.

The American people were disgusted with that love feast between native and foreign Fascist groups. Realizing this, the Klan decided a few days later that it had to clear itself somehow. It therefore announced that the joint rally was held in an attempt to Americanize the German-American Bund. What was obvious to every intelligent American—that an attempt had been made to unite foreign and native Fascist groups under an American flag which would hide the swastika—could not be admitted, of course, by the Ku Klux Klan. The Klan leaders in New Jersey who were supposed to have been removed from the Klan by higher officials of that secret order are still in power. Despite the attempt by higher Klansmen to clear themselves by announcing that these New Jersey Klansmen would be banished for having held the rally with the bund, these same Klansmen still hold office in that State. These same Klansmen are now going about announcing that they are against the bund in an attempt to whitewash themselves of the stain which was left by their intriguing with their country's enemies. It is easy to say you are against the bund when the whole country is against the bund. But it is not so easy to whitewash yourself when you still stand for all the things the bund wants—as does the Ku Klux Klan. Even the information spread by the Klan claiming that the Dies committee had cleared the Klan will not deceive the American people.

With the lesson of what happened in France before them, the American people know that the native Fascist groups and their financial backers, the industrialists who want to appease Nazi Germany, present the greatest danger to our democracy. When the Klan suddenly announces that it is against the bund, after holding a joint rally with it officered by uniformed bund storm troopers and marked by expressions of cordiality between bund and Klan leaders, we all know that the group is attempting to make up for some of the discredit into which it fell after the rally. When the Klan and other groups like it attempt to restrict the legitimate rights of labor by terrorism and intimidation and to persecute aliens for the most part innocent, when their members themselves are the greatest danger to democracy, it is time to investigate and expose them and their backers. When I say expose them, I mean a real investigation which will show the sinister ambitions and the carefully hidden aims of all the secret terror groups. To quote Jay Field:

> It is, of course, imperative to take measures against the foreign and openly Nazi organizations and individuals, but it is equally vital to guard against the native Fascists and Nazi sympathizers who wrap the American flag around them to hide the swastika beneath.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, at the conclusion of the other special orders for today, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from Michigan [Mr. CRAWFORD] is recognized.

INTERNATIONAL ASPECT OF PHILIPPINE INDEPENDENCE

Mr. CRAWFORD. Mr. Speaker, in the 3 minutes allotted to me, I simply wish to call the attention of the House to our Philippine problem.

The situation in the Far East is today extremely delicate. It is potential of grave possibilities. The Philippine Islands are in the midst of that region. Our flag still flies in sovereignty over that archipelago of 114,000 square miles and over 16,000,000 people.

Our Government is determined to give total defense, not only for its continental domain but also for its outlying Territories and possessions, and it appears we may go so far as to extend our defense to all Latin America and the British Empire.

It is gratifying to note that Filipino leaders in public and private life have publicly expressed their undivided loyalty to and cordial cooperation with the United States in any emergency that may arise. If war comes, it is well to know that the Filipinos are an important element in our inventory of assets.

In a statement inserted in the CONGRESSIONAL RECORD a few days ago by Senator ERNEST W. GIBSON, whose late father was a real friend of the Philippines, Mr. Manuel Roxas, secretary of finance of the Philippine Government, with the explicit approval of President Manuel L. Quezon, said that the international events are giving the Filipinos grave worries, that they appreciate the regime of liberty and peace in their country under the American flag, that they are eager to serve under that flag in defense of America in the Philippines, in the Orient, and anywhere, and, finally, that the 10-year economic transition period has proved too short and should be extended.

I am inserting in the RECORD, if permissible, Mr. Speaker, a most illuminating exposition of the international aspects of Philippine-American relationship by a prominent businessman in Manila, a trustee of the University of the Philippines, an authority on Philippine economic problems, and a close and careful student of national and international questions. He is Mr. Horace B. Pond, whom I had the pleasure to meet when I visited the Philippines 5 years ago. I commend to the other Members of Congress the reading of Mr. Pond's profound and timely thesis, for it raises questions that have been but superficially dealt with heretofore in congressional committee hearings and in the public prints and debates. The matter referred to is as follows:

PHILIPPINE NEUTRALIZATION, NAVAL BASES, AND TRADE PREFERENCES

On July 4, 1946, under the provisions of present law, the President of the United States is required by proclamation to "withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States in and over the territory and people of the Philippine Islands" and to "recognize the independence of the Philippine Islands as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof under the constitution then in force."

The President of the United States is also required to "notify the governments with which the United States is in diplomatic correspondence" of such action, and to "invite said governments to recognize the independence of the Philippine Islands." This is not discretionary but mandatory.

The future political status of the Philippines has thus been definitely determined. This, of course, is still subject to change if Congress wills it. There are, however, three questions of vital interest to the Philippines which, under the provisions of present law, must still be determined—they are neutralization, naval bases, and trade preferences.

The question of trade preferences has for several years been much debated. The question of neutralization has recently been raised. The question of naval bases has been little discussed publicly, either in the Philippines or in the United States. These questions are not simple; they not only are difficult, if not impossible, to answer but to a considerable extent are interrelated. Regarding them there has been much confusion, not only in terminology but even more as to their implications and effects.

It is not my intention to suggest answers to these questions, but rather to present the difficulties in the way of satisfactory answers, for it is only by understanding the difficulties that the questions can be intelligently considered.

NEUTRALIZATION

Section 11 of the Philippine Independence Act provides that "the President (of the United States) is requested at the earliest practicable date to enter into negotiations with foreign powers with a view to the conclusion of a treaty for the perpetual neutralization of the Philippine Islands, if and when Philippine independence shall have been achieved."

Two questions present themselves. First, will a neutralization treaty give security to the Philippines, and, second, is it possible to negotiate a neutralization treaty by which foreign nations will agree to respect or to guarantee the territorial integrity and the independence of the Philippines?

There are two general types of neutralization treaties. Both are agreements among several nations regarding the status, rights, and obligations of a particular nation. One type is merely an agreement to respect the territorial integrity and the independence of a particular nation—a sort of nonaggression pact as to that nation; the other is an agreement by which the signatory nations mutually guarantee the territorial integrity and the independence of a particular nation. The latter type seemingly would give greater security to the nation most concerned than would the former.

It must, however, be admitted that in the world of today there is little respect for, belief in, or reliance on international agreements

as a means of checking aggression or of providing security. This is not surprising in view of the failure of many nations to respect such treaties. In the last World War a treaty for the neutralization of Belgium was violated; it was treated as a mere "scrap of paper." The Treaty of Versailles, which ended that war, and the Locarno agreements, which corrected some of its defects and inequalities, have been torn to shreds. The Kellogg Pact, which outlawed war as an instrument of national policy, is neither effective nor has it been observed. The Washington treaties, by which nations having interests in the Far East agreed to respect the territorial integrity of and the "open door" in China, have been violated. Germany by treaty agreed to respect the territorial integrity of Poland, but has now seized Poland and divided it with Russia. Italy has seized Ethiopia and Albania. Russia has by pressure limited the sovereignty of Latvia, Lithuania, and Esthonia, and has now attacked Finland because Finland was unwilling to be a puppet state of Russia. The aggressor in each case was, and in some cases still is, a member of the League of Nations, and all are signatories of the Kellogg Pact. International agreements today seemingly are far too often observed only as long as self-interest is satisfied or it is advantageous to restrain the greed for power.

Will the present wars change world attitudes and national policies so as to bring stability to international relations and security for those nations which are relatively weak in armaments? No one, of course, can answer that question, for the wars are still in progress. But should those nations which profess a desire for order and decency and a respect for international engagements finally win, there still might be no assurance of stability or of security for small nations, for even the winners are likely to be mentally, physically, and financially exhausted, and thus unlikely to fight for the rights of others when strong self-interest is not involved. Even before the present wars the desire for peace was stronger than that self-interest which considered necessary the independence and territorial integrity of Austria and Czechoslovakia. Although France was under obligations to Czechoslovakia, France did not go to war when Germany insisted on taking over Sudetenland, nor when, in violation of the Munich Accord, Germany finally took over all of Czechoslovakia.

None of the occidental nations which signed the Washington treaties has considered that its interests in China, which have been affected by the action of Japan contrary to those treaties, are worth the cost of a war.

If a neutralization treaty for the Philippines were to be concluded, is there any more reason to believe that the occidental nations which might be parties thereto would consider their interests worth fighting for if the provisions of such a treaty were violated?

While no categorical statement can be made as to the value of neutralization for the security of the Philippines, it does seem that in the world of today a neutralization treaty by which the signatories merely agreed to respect, but not to guarantee, the territorial integrity and independence of the Philippines would be a slender reed indeed on which to depend for security.

If Europe were in a state of war, or even if diplomatic tension, if the United States were completely out of the Philippines, and if a major power should attempt to seize the Philippines or to limit its sovereignty, the United States, or any other nation, probably would not fight the aggressor.

But would a neutralization treaty by which the signatories guarantee the territorial integrity and independence of the Philippines give security to the Philippines? It probably would if the United States were a party to it. But, considering the state of public opinion in the United States, it is hardly conceivable that the United States, once it retires from the Philippines, would be willing to assume obligations to oppose with force any nation which might threaten Philippine territorial integrity or independence. Nations go to war only for the defense or the enforcement of rights or interests which they consider to be vital. The maintenance of Philippine territorial integrity and independence is not likely to be considered by the United States a vital interest or as involving national honor. The Filipino people undoubtedly would have the sympathy of the people of the United States, but hardly the support of its Army and Navy.

Japan also is unlikely to enter into a treaty to guarantee Philippine independence and territorial integrity. In fact, in January 1936 the spokesman of the Japanese Foreign Office stated "the Japanese Government renounces the idea that the great powers should conclude agreements guaranteeing the freedom, integrity, or neutrality of another nation." This was interpreted at the time as indicating that Japan will not be a party to any Pacific pact for the neutralization of the Philippines.

It is evident that without the United States and Japan a Philippine neutralization treaty would be valueless.

Thus it would seem that any international agreement for the neutralization of the Philippines which it may be possible to negotiate is not likely to give security to the Philippines; and that there is little prospect that a neutralization pact which might ensure security can be concluded, partly because the United States probably would not be willing to enter into any pact by which the United States would guarantee Philippine territorial integrity and independence, and partly because Japan has renounced the idea of any pact to "guarantee the freedom, integrity, or neutrality of another nation."

NAVAL BASES

On the other hand, the retention by the United States of naval bases in the Philippines after independence would in effect guarantee Philippine independence.

Section 10 (b) of the Philippine Independence Act authorizes and empowers the President of the United States "to enter into negotiations with the Government of the Philippine Islands, not later than 2 years after his proclamation recognizing the independence of the Philippine Islands, for the adjustment and settlement of all questions relating to naval reservations and fueling stations of the United States in the Philippine Islands," and that "pending such adjustment and settlement the matter of naval reservations and fueling stations shall remain in its present status."

The United States may thus retain naval bases in the Philippines after independence. The question is, however, whether the United States will consider that its interests will be served by so doing. Opinion on this question is divided. Some authorities contend that naval bases in the Philippines are a source of weakness as they could not long be defended, and that they will eventually be the cause of trouble with Japan. Those who hold this opinion contend that the United States should, at the earliest possible date, get out of the Philippines and retire to the east of a line drawn from the Aleutian Islands west of Hawaii to the Panama Canal; and that when the United States gets out of the Philippines it should stay out and assume no further responsibility for them, regardless of what happens to the Philippines.

Those who hold the contrary view contend that there are strong advantages in advanced naval bases far from American shores; that the question of naval bases in the Philippines is incidental to larger questions of policy in the Far East; that the abandonment of the Philippines would also probably make necessary the abandonment of Guam; that, as a result, the maintenance of treaty rights would be impossible, thus making necessary the withdrawal by the United States from all interests in China; that it might, and probably would, ultimately result in the Philippines coming under the hegemony of Japan; that the abandonment of Philippine naval bases would be a reversal of the century-old policy that such bases are necessary to match those of other powers; that such abandonment would even further upset the status quo in the Far East and precipitate an international crisis which might lead to war; and that international good behavior and obligations to the Filipino people, deliberately assumed or developed, would make it necessary for the United States at all times to protect them.

I shall not discuss the questions of naval strategy which are involved in these conflicting opinions, for I am not competent to do so; nor shall I discuss the moral issues which have been raised. That is not my present purpose, which is merely to present the problems which enter into a consideration of the question of naval bases in the Philippines.

Naval bases in the Philippines, after independence, would place a definite responsibility on the United States. They would make it necessary for the United States to protect the Philippines from outside aggression, and thus to maintain Philippine independence. The imposition by another power of its sovereignty over, or any encroachment on the territorial integrity of, the Philippines would make valueless United States naval bases therein. The United States also would necessarily assume responsibility for internal peace and order, for the United States could not permit another power to intervene in the Philippines. Is it likely that the United States, with no authority in the Philippines, would assume such a responsibility? If such responsibility were to be assumed, then the United States probably would require some control over foreign relations; otherwise treaties made by the Philippines might result in complications which would make untenable the Philippine naval bases of the United States. The United States also probably would require at least such reserve powers as to Philippine internal affairs as would be commensurate with the responsibility which naval bases would impose. As complete independence has been definitely provided for, naval bases of the United States in the Philippines would seem to be untenable.

It has been argued that the United States, without political authority, has a naval base at Guantanamo, in Cuba. From the point of view of the United States the situation as to Cuba is not comparable with that of the Philippines. A base in Cuba not only is important for the protection of the mainland of the United States and the Panama Canal, but Cuba comes within the scope of the Monroe Doctrine. The United States, under that doctrine, would not permit any nation to encroach on the territory or the independence of Cuba. The Philippines, however, is some 8,000 miles from the west coast of the United States, making protection of the Philippines difficult and costly, while the Monroe Doctrine does not apply to the Philippines. The reason for a naval base in Cuba cannot, therefore, by any stretch of the imagination, have any application to the Philippines.

TRADE PREFERENCES

Section 13 of the Philippine Independence Act provided, as originally approved and accepted, that "after the Philippine Islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries." The amendments to the act which were approved and accepted in 1939 did not change this provision.

Thus, on and after July 4, 1946, as the law now stands, there will be no trade preferences in the trade relations between the Philippines and the United States.

The act, while providing for no trade preferences after independence, did, however, require a later consideration of Philippine-American trade relations after independence by providing, in effect,

that at least 1 year prior to July 4, 1946, there shall be held a conference of representatives of the two Governments "for the purpose of formulating recommendations as to future trade relations between" the United States and the Philippines after independence.

As the act definitely provides for no trade preferences after independence, this provision for a conference can only be interpreted as indicating that the question of trade preferences after independence would again be considered. Statements by President Roosevelt when he recommended the approval of the act by Congress, and by the Philippine Legislature in its resolution accepting the act, also makes this clear.

Accordingly, early in 1937, a joint Philippine and American committee was set up "to study trade relations between the United States and the Philippines and to recommend a program for the adjustment of Philippine national economy." This was within the requirements of the act, which imposed no limitations whatever to the trade relations between the two countries which might be considered or recommended by the conference which Congress authorized.

Unfortunately, however, the executive departments of the two Governments, although not required by law to do so, undertook to limit the scope of the work of the committee by stating that "it was further agreed that preferential trade relations between the United States and the Philippines are to be terminated at the earliest practicable date consistent with affording the Philippines a reasonable opportunity to adjust their national economy. Thereafter it is contemplated that trade relations between the two countries will be regulated in accordance with a reciprocal trade agreement on a nonpreferential basis." This is taken from a joint statement signed by the present High Commissioner, Mr. Francis B. Sayre, who then was Assistant Secretary of State, and by President Manuel L. Quezon.

The Joint Preparatory Committee on Philippine Affairs, limited by these instructions, formulated recommendations for the extension of trade preferences after independence in accordance with a plan by which they would each year after independence have been progressively reduced until by the end of 1960 they would have been completely eliminated. These recommendations were embodied in a bill which was presented to Congress early in 1939.

In support of the principle which was laid down in the joint statement above quoted, Mr. Sayre stated at hearings on the bill before the Senate Committee on Territories and Insular Affairs: "It has been the historic policy of the United States for more than a century to carry on its trade and commerce with foreign countries on the most-favored-nation basis, or, in other words, on the basis of equality and nondiscrimination. Every preference granted exclusively to one nation constitutes a discrimination against all others; and discrimination invites retaliation, counterdiscrimination, and rising trade barriers. A preferential trade arrangement between nations is a form of barrier which, particularly in recent years, we have been striving earnestly to eliminate. To continue indefinitely, or to declare that we intend to continue indefinitely a preferential arrangement with the Philippines after their independence would, therefore, be in a direct conflict with our fundamental commercial policy of nondiscrimination and trade liberalization. The single exception to our historic policy is the case of Cuba. Such an exception should not be extended."

The National Foreign Trade Council of the United States "took issue with the principles enunciated * * * which had restricted the recommendations of the Joint Preparatory Committee, and clearly showed that severance of preferential trade relations with the Philippines would cause far greater injury to our trade relations than would their maintenance."

While, theoretically, the recommendations of the committee provided for a continuation of trade preferences until 1961, practically that would not have been the case, for long before 1961 the preferences would have been of little value either to the United States or to the Philippines. Long before the full duties were applied and preferences were terminated most Philippine industries which are dependent on the American market would have found the preferences insufficient to permit survival.

The Senate committee tabled the bill as to trade relations after independence. Congress did, however, approve a bill amending the provisions of the Philippine Independence Act as to trade relations until independence, and, further, amended the provision for a conference to the effect that a conference shall be held at least 2 years prior to July 4, 1946, and that of the American members three shall be Senators appointed by the President of the Senate, three shall be Representatives appointed by the Speaker of the House, and three shall be appointed by the President of the United States.

This means that a new conference is to be held between representatives of the two Governments for the consideration of trade relations after independence.

Whether the recommendations of the Joint Preparatory Committee as to the trade relations after independence were tabled because the Senate committee was unwilling to endorse the principle enunciated as to trade preferences or the particular plan which was recommended by the committee or whether from the point of view of the Philippines for sinister reasons is immaterial. The fact is that the principle has not, as to the Philippines, been approved by Congress and that a new conference is to be held. Thus the question of trade preferences has not yet been finally determined.

Nevertheless, we must recognize that the policy of the United States as to trade preferences as enunciated by Mr. Sayre is the historic policy of the United States, and that under that policy trade preferences and independence are incompatible. On the other hand, there are authorities who state that world conditions during the past 3 or 4 years have not been such as to make reciprocity successful when it is based on the most-favored-nation principle; that is, on the principle of nondiscrimination. This historic policy of the United States may not be adapted to the abnormal conditions now prevailing in the world and which may continue to prevail for a generation or more to come.

Trade preferences and trade reciprocity are not the same. Trade preferences imply discrimination against other nations, while trade reciprocity does not. In fact, all reciprocal-trade ageements entered into by the United States contain the most-favored-nation clause, so that, with the sole exception of Cuba, a reduction of the duty for the products of one nation applies automatically to the products of all other nations which in their trade relations do not discriminate against the United States. Thus a reciprocal-trade agreement between the United States and the Philippines would give no trade preferences to the Philippines, for whatever concessions were granted to the Philippines would be equally applicable to most other countries.

It is on trade preferences, rather than on trade reciprocity, with the United States that Philippine economy has been based, and it is the loss of trade preferences which would result in disaster to the Philippines.

RECAPITULATION

It thus is evident that for the Philippines' neutralization, naval bases and trade preferences are real problems which will not be easy to solve. Furthermore, none of these problems can be solved independently of the other two, for, as I have said before, all three problems are interrelated and the solution of one affects the solution of the others. Thus, should neutralization be effected, United States naval bases probably could not be retained by the United States in the Philippines, for neutralization and naval bases are incompatible. This was recognized at the time the original Philippine Independence Act was drafted. President Hoover, in his veto message, stated, "The bill makes no effective provision for the maintenance of their independence thereafter from outside pressure, except a promise of effort on our part toward neutralization. We have the option to continue the maintenance of military and naval bases. Other nations are unlikely to become parties to neutralization if we continue such bases, and neutralization is a feeble assurance of independence in any event unless we guarantee it."

Former Senator Cutting, one of the sponsors of the act, in commenting on the message of the President, said, "I do not think there is any inconsistency in the option given the President of entering into a neutralization agreement or of maintaining military and naval bases. He does not have to do either one. Obviously he cannot do both. If at any time the United States should enter into a neutralization agreement with other nations about the Philippines, one of the terms of such agreement would certainly be our withdrawal from our military and naval bases. It is impossible to argue to the contrary."

This reasoning applies with equal force to trade preferences, which, if granted, must be reciprocal. Neutralization presumes equality of treatment for the products of all nations which agree thereto. If the United States were given indefinitely trade preferences in the Philippines it is doubtful whether other nations, whose products would thus indefinitely be discriminated against in the Philippines, would be willing to assume the obligations which neutralization presumes. No other nation can be expected to guarantee a preferred economic position for the United States in the Philippines; and, therefore, the United States is not likely to seek such guaranty.

On the other hand, if the United States were to retain naval bases in the Philippines, it would be in the interest of the United States to continue, at least for a considerable period of time, trade preferences in the trade relations with the Philippines.

Most students of Philippine economy agree that if such trade preferences are terminated when Philippine independence is recognized, Philippine economic and social stability will be jeopardized. With naval bases in the Philippines the United States would have a real interest in such stability, for instability might require intervention and, with naval bases, the United States could not permit intervention by another nation.

The best assurance of stability is the maintenance of the Philippine level of living. If that falls as a result of the closing of the United States tariff door to Philippine products, and if, at the same time, there were to be a curtailment of social services, internal difficulties might quickly develop. The events of the last 10 years show that in many countries economic distress has led to disastrous social upheavals, revolutions, or dictatorships; demagogs thrive on dissatisfaction and poverty.

Thus, like a dog chasing his tail, we go around in a circle. Neutralization is not likely to afford security or to be attainable, and, if it were, neither naval bases nor trade preferences could be retained. Naval bases, while probably making necessary the continuation of trade preferences, probably are not feasible for the United States after complete independence. Naval bases are incompatible with neutralization and independence. Trade preferences are contrary to the century-old policy of the United States and thus may be incompatible with independence.

The complete independence of the Philippines seemingly is assured. But the problems of neutralization, naval bases, and trade preferences have not been solved.

From the maze of inconsistencies and incompatibilities it may be possible to extract a solution, but one would be foolhardy who today would predict what that solution will be.

The SPEAKER pro tempore. Under a previous special order, the gentleman from California [Mr. LELAND M. FORD] is recognized for 5 minutes.

THE C. I. O.

Mr. LELAND M. FORD. Mr. Speaker, I have just cut out of the Santa Monica Outlook an article dated December 6, headed Sound Truck Used by the C. I. O. in Effort To Win Over Workers at Douglas Aircraft Co. Factory. I presume you men know that these agitators work day and night to cause all the unrest, dissatisfaction, and dissension that they can. What is behind all of this C. I. O. program, to have the C. I. O. take over and run the aircraft factories, our shipbuilding industry, our lumber industry, steel, automobiles, and all of these plants that are so necessary to carry on the program of our national defense?

Let us become realists and look this thing in the face. The C. I. O. opposed the national-defense program from its inception. They opposed the Neutrality Act. They opposed conscription, and I believe it will be conceded that by their every act they have done everything they possibly could to disturb, disrupt, and destroy the national-defense program.

We all know that many of these so-called leaders—but, really, the misleaders—of the union movement have been made up of racketeers, highjackers, Communists, and dangerous alien criminals, such as Harry Bridges. We all know that these misleaders of men in these destructive labor unions are Communists, fellow travelers, or persons who hold views that would destroy this Government, and that now that their golden opportunity is here to destroy our national-defense program, they are going to make the most of it. Let us look at the facts. In their attempt to destroy airplane production they called a strike at Vultee; they stopped delivery of planes that are necessary to our Army for training of our men; they are striking against the shipbuilding operators; there have been jurisdictional strikes that have slowed down and interfered with our national-defense program; they are advocating and putting into effect strikes in the forests, interfering with our lumber industry; they have made the statement that they are going to take over all industry, including air plants, automobile plants, shipbuilding, steel plants, lumber industry, and shipping; and I understand the substance of a remark made by Mr. Sidney Hillman was that "industry had better get aboard or take the consequences." Does it seem possible, in what has been called free America, that, through the leadership of the C. I. O. and Sidney Hillman, this program can be stopped, our national-defense program sabotaged, and this country not only left defenseless but eventually turned over to the Communists?

Does it seem fair that the C. I. O. group, no matter what the wage schedule is, appear to want more? That no matter what the working conditions are, they can take exception to them and cause trouble, riots, strikes, and dissension, and get away with it, while, on the other hand, this country has drafted the manpower of the country and hundreds of thousands of men have had to leave their businesses, which they have built up, upon which they were making hundreds of dollars a month, and willingly and patriotically accept $30 per month? Contrast these men who are willing to lay down their lives for their country, to make the supreme sacrifice to defend the country, with the racketeers and saboteurs who refuse to cooperate in a program to furnish them with materials with which to defend the country. If there is no place else to put them, every one of them who is spreading this dissension should be placed in a concentration camp, where they will be safe; but not in the Army, where they may further carry on their program of sabotage.

I should think that every mother and every father and every relative of every man who has been drafted would rightfully resent the demands of this destructively communistic C. I. O., European labor movement.

These men who have gone into the draft have willingly and patriotically made their sacrifices, but not the C. I. O. group. They are going to make the defense program of this country cost as much as possible in their correlated program to first destroy the financial structure of this country and then take it over and make it a communistic republic, if possible.

This destructive program of the C. I. O. goes against my grain, and I say here and now that I would like to see this Congress snap these people back to the position in which they belong.

I want to say for the benefit of the Congressmen that they need not fear this group; that they do not represent a majority of our people, nor anywhere near a majority; but they are the loud-mouthed, noisy minority, well organized. We have had plants employing a thousand employees wherein less than 100 have made their wishes prevail over the majority. These people, therefore, do not represent the constructive labor movement. They never have and they never will. The only way that they have gotten by is through their ruthless tactics of coercing and beating up men, threatening men, throwing stink bombs into men's homes, threatening to attack their families, and a program of general destruction. They do not represent 5 percent of labor, but, through their noisy, loud-mouthed representations, one would think they were a majority. The time has come when the C. I. O. movement, with their sit-down strikes, their communistic, European tactics, will have to go; and I hope before this program goes much further, before it is delayed and sabotaged, that legislation will be enacted which will throw these C. I. O.'s out of their now dominating position. Meeting the question fairly, it resolves itself into this: Is this a country still of the American people, by the people, and for the people, or is it going to be run by a bunch of European Communists, of the C. I. O., by the C. I. O., and for the C. I. O.?

[From the Radio Officers Union, San Francisco, Calif., December 6, 1940]

To West Coast Radio Officers:

It may interest radiomen, particularly A. C. A. men, to learn that on or about November 8, 1940, A. C. A. Marine Local 6, Seattle, was raided by a person or persons unknown and a large amount of printed Communist propaganda was removed from the premises. A clean sweep was made of the place, taking down posters, pictures, magazines, pamphlets, books, and just about everything in sight that smacked of Moscow. The Local 6 secretary, T. J. Van Ermen, who has been such a diligent worker for Joseph Stalin for many years, lost his entire library, which included the complete works of Earl Browder, Z. R. Foster, and many other pro-Soviet writers. Included in the loot were complete lists of "who's who" in the marine division of A. C. A. and a much-thumbed book containing a plan to sovietize America. This plan pointed out the positive necessity of seizing control of communications and transportation in order that at a given signal from Moscow Communists could completely tie up the entire country.

Immediately after the raid Mervyn Rathborne resigned from the A. C. A. and the C. I. O. Jake Winocur, Boston A. C. A. delegate, also disappeared when news of the Seattle raid reached the east coast. Roy Pyle, Herr Hanson, and F. W. Robinson, ex-secretary of Local 2, New York, probably having received word that the raids were coming, ducked out of sight long ago. Chester Jordan and Comrade Yurgionas are now feeling the heat of a Government investigation and, along with Van Ermen, will no doubt turn up missing shortly. Does all this make sense? Is it not a fulfillment of what the C. T. U. long ago promised would eventually happen?

The question now is, Who is pulling these raids on A. C. A. marine division locals? Is it the F. B. I.? We wouldn't know. But we do know that much evidence is being collected, and for a purpose. We also know that C. T. U. members and the many A. C. A. men who have secretly joined C. T. U. will not become involved in the coming purge.

These are indeed serious times. Communist traitors disguised as labor leaders have for years been undermining our democratic form of government. They have attacked the Dies committee because Mr. DIES has exposed them. They have attacked the Department of Justice for the same reason. Their attack on the A. F. of L., and particularly the C. T. U., has come as a direct result of our fight to purge Communists from the American merchant marine.

It has often been said that radiomen are meek, timid, and cowards. But have you heard anyone lately saying that about C. T. U. members? You bet you haven't. We took on a fight against tremendous odds when the A. C. A.-N. M. U. combine was going to town. Many of us took beatings at the hands of N. M. U. goon squads. Many of us lost our jobs when the A. C. A.-N. M. U. forced shipowners to fire us. That was 3 years ago. Today we are on top. The C. T. U. is the dominant radio officers' union, and in control on the east and Gulf coasts. The "Commies" are now on the run.

Our fight to purge the American merchant marine of Communists is nearly won. It will be completely won when west coast radio officers throw off their fear of the Rathborne-Curran-Bridges clique and join hands with C. T. U. men as free Americans. We will then have unity—the American kind.

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include a radio officers' union publication, dated December 6, to follow consecutively the remarks I have just made.

The SPEAKER pro tempore (Mr. HOOK). Is there objection to the request of the gentleman from California [Mr. LELAND M. FORD]?

There was no objection.

The SPEAKER pro tempore. Under a special order heretofore entered, the gentleman from California [Mr. VOORHIS] is recognized for 10 minutes.

DEFENSE PROGRAM AND LABOR

Mr. VOORHIS of California. Mr. Speaker, I would like 10 minutes to answer the gentleman from New York [Mr. DICKSTEIN] and 10 minutes to comment on the speech the gentleman from California [Mr. LELAND M. FORD] just made, but I am going to do the latter first.

If I were to get up here and make a speech about a man connected with a prominent oil company who was recently shown by the newspapers to have had very close contact with Nazi agents in this country and then proceed to say that people like that represent the employers of America, therefore we ought to kick out all employers of America, I would be making a speech with just as much reason to it as the speech we have just listened to. Unfortunately it is true there are Communists in the C. I. O. They do not belong there and they ought to be gotten rid of for the sake of the unions themselves. But my best judgment is they constitute no more than 1 percent or 2 percent of the membership at most.

Mr. LELAND M. FORD. Will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from California [Mr. LELAND M. FORD].

Mr. LELAND M. FORD. Does the gentleman advocate such leaders as Harry Bridges, who has been shown by his own confession to be the head of a labor movement, and does the gentleman support him?

Mr. VOORHIS of California. The gentleman knows very well I do not. The gentleman also knows that I have made statements on the floor of the House when there was an instance brought up where I knew about the facts of the situation and where I knew there were Communists in control of any labor organization, and I will do it again when occasion calls for it.

But I take exception to the fact that the gentleman begins with maybe 1 or 2 percent of people who are in a place where they ought to be got out of and where I agree with him they ought to be got out of, and he winds up with Sydney Hillman, a member of the National Defense Council, and lumps them all together and says they are all out to take over industry, are against the defense program, and a whole lot of statements like that.

Mr. LELAND M. FORD. Will the gentleman explain Sydney Hillman's suggestion, then, that they had better get on the train or else? What kind of a suggestion is that?

Mr. VOORHIS of California. I did not hear Mr. Hillman make any such remark, and I do not know anything about it, but I do know that Mr. Hillman was the man who went before the C. I. O. convention and told the C. I. O. convention that the first business of labor in America is the business of national defense, and that they had better get on that train. I know that it was one of the most important steps that has ever been taken by an American labor leader. I would recommend to the gentleman that he might have gone to the dinner given by the American Federation of Labor down here the other night. It might have done him good to listen to the speech that Mr. Green made that night.

I can tell the gentleman this, furthermore, that so far as the real Communists are concerned, the greatest service he can render them is to enable them to go to the rank and file of labor and say to the rank and file of labor, "You are all going to be put in the same boat with us by certain people. It does not make any difference whether you are Communists or loyal Americans. They will talk about you in just the same way, therefore you have nothing to lose if you follow us."

Mr. LELAND M. FORD. If the gentleman had listened to my speech, he would have noticed that I referred to the minority of saboteurs who are trying to destroy our defense program. The gentleman is commenting on my speech. Therefore, is the gentleman coming to the defense of those whom I mentioned specifically as are trying to destroy our program? Is the gentleman defending them?

Mr. VOORHIS of California. Of course, I am not.

Mr. LELAND M. FORD. Then the gentleman should have listened to my speech.

Mr. VOORHIS of California. I did listen to the speech with great care. I am taking exception to the part of the speech where the gentleman lumped together the entire organization.

Mr. LELAND M. FORD. Including Sydney Hillman.

Mr. VOORHIS of California. Yes. I could take the gentleman to one of the greatest unions in southern California—the United Rubber Workers of America. If the gentleman would read the CONGRESSIONAL RECORD he would see a resolution of that organization that I put in the RECORD myself, expressing the most patriotic attitude toward this country that any group could possibly express.

Unless we are going to be careful here; unless we are going to be fair; unless we are going to be accurate; unless we are going to speak from knowledge that we actually have; unless, indeed, we are going to do the thing most important of all, namely, to emphasize the essential and necessary unity of every single person in the United States whose loyalty is to the United States, and draw the line between that group of people and people whose loyalty is to other nations and dictators and forces in the world besides the United States, we are going to fail to establish the national defense and the national unity upon which our whole future depends.

Mr. LELAND M. FORD. If the gentleman will yield further for just one comment, may I say that it is singularly peculiar that every time we attack these subversive interests, these people who would destroy our program, somebody comes to their defense.

Mr. VOORHIS of California. The gentleman knows perfectly well that he speaks something at that moment that is absolutely unjustified and untrue. I have come to the defense of nobody who is subversive. Indeed, I have, perhaps, worked longer hours than the gentleman has, to try to bring out the facts regarding such forces.

Mr. LELAND M. FORD. Does the gentleman want me to give him examples?

Mr. VOORHIS of California. I have made my position abundantly plain.

Mr. LELAND M. FORD. I can give the gentleman plenty of examples.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman referred just a moment ago to the speech made by the president of the American Federation of Labor, Mr. Green. I had the honor and the pleasure of sitting within 30 or 40 feet of Mr. Green as he made that speech. I heard him lead up, in a very patriotic manner, to the statement, in substance and effect, that come what may, industry should see to it that there is no suspension or delay or interference with our national-defense program. That is correctly quoted, is it not?

Mr. VOORHIS of California. That is right.

Mr. HOFFMAN. I understand the gentleman was there. When Mr. Green made that statement, did the gentleman hear one word or one sound of applause?

Mr. VOORHIS of California. Why, I certainly did.

Mr. HOFFMAN. I sat within 30 feet of him, and I did not hear anything like that. Three or four other Members of the House sat near me, and we commented on it. We were surprised and amazed that the statement was not loudly applauded.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I happened to be there that night myself.

Mr. HOFFMAN. The gentleman was right back of where I was sitting.

Mr. McCORMACK. I saw the gentleman from Michigan. It was a case where there was considerable said that those who were present carried with them. Some very able addresses were made. I have a distinct recollection that many utterances were made there which on other occasions would be applauded but which were not applauded because it was a very serious address that was made by the guest of the evening and also by Mr. Green. The applause was very limited, because there seemed to be a consciousness on the part of all that it was something more than a mere speech; that it was an occasion where those who were present, whether or not they agreed with what was said, were really receiving valuable information. As I recall, the applause was very limited other than at the time of the introduction of the speakers and the ending of the remarks made by the several speakers.

Mr. VOORHIS of California. I thank the gentleman.

Mr. HOFFMAN. The gentleman from Massachusetts is correct, and there was no applause at that particular time as to that particular statement, which I heartily approved. There was loud applause when the statement was made by the gentleman from Great Britain that we should aid England—very loud applause.

Mr. VOORHIS of California. There was no applause after Lincoln's Gettysburg speech, either, I understand. I think that anybody who has taken the trouble to study the position taken by every responsible labor leader in America will know that if there is any group in this country that realizes the importance to it of the defense program and has pledged its support to that program, it is the labor movement.

Now, I agree with my colleague from California that there are places in that movement that need cleaning up. I agree that some of those places are in our own State. I would like to see Mr. Bridges gone. What I am after—and perhaps I have spoken with too much feeling this afternoon; and if I have, I am sorry—but what I am earnestly concerned with is the building of a spirit of unity in our country. If we are to do that, it is most important that we know the difference between our own loyal people, of whatever economic group—farmers, employers, workers, professional people, who stand ready to make their sacrifice for the national interests, who would want to see that all other groups did the same thing, who in perfectly human fashion seek to protect their own interests and that of their wives and families, on the one hand, and people who do not wish the United States well, on the other hand.

Mr. Speaker, the national defense of America is going to depend inevitably upon the will of a free people to stand together to defend that liberty and the institutions for which this country stands. You cannot get that will by means of compulsion. You cannot get that will by pointing a finger of scorn at a great group of citizens. You can only get it as you say, "Listen, this is your problem. You have your part of the responsibility." Say that to the heads of the labor movement, and you will get response, just as England has. In England, Government said to labor, "You have responsibility the same as everybody else, you have a job to do the same as everybody else, and how are we going to accomplish it?" The important part of it is the word "we."

I did not expect to speak today, and my primary decision came because of some of the things the gentleman from New York [Mr. DICKSTEIN] said.

I am a member of the Dies committee. Taking everything into consideration, I believe sincerely that the committee ought to be continued. I cannot, of course, stand up here and say that I have always agreed with everything connected with the committee. It is a committee of seven members, and no one member can always have his way. But I think that, by and large, the impact of the work of that committee has been to show to the American people just how it is that in this free Nation there are agencies at work composed of people essentially not free, who have been trying to work the will of totalitarian dictators—Communist, Nazi, or any other kind, I do not care what—in this country.

This is a different kind of a problem from the old problem of free speech that liberals used to talk about when it was a case of dissident minorities that have a different idea from what the majority of the people hold about current questions. I hope the time will never come when people in the United States who are basically devoted to their country will have to be afraid to hold and express views about economic and social questions which differ from majority views. But, indeed, it is true to say that these pro-totalitarian groups are people who fall in an entirely different category. It is almost true to say they hold no ideas themselves at all, because the ideas they pursue are ideas ready made and patterned for them from across the sea. One of the difficult parts of this problem is that many, many of the activities that are carried on by such people are not technically violations of law. The gentleman from New York [Mr. DICKSTEIN], in substance, asked for a law so that we could arrest people. Of course, we must have laws against sabotage, espionage, and things of that sort. But it is no easy matter for a democracy to devise a law to protect itself against propaganda and clever organizational activity. But I did draw one law and, with committee approval, introduced it, and it was passed, and it is now on the statute books. Frankly, I think the Senate narrowed its scope too much. I think it would have been a much more effective measure had it become a law in the form in which the House passed it. That is a problem that will have to be dealt with in the future.

The act says that any organization which attempts to enter the political life of the United States in order to try to control our Government and which has any foreign control exercised over it, or which engages in any military activities among its members, or which seeks forcefully the overthrow of the United States Government, shall register with the Department of Justice all the pertinent facts, including the source of every dime of money that it receives. In my humble judgment, if a democracy could say to a person, "You can exercise free speech, but you have got to tell us who you are when you exercise it every time," you would go a long, long way toward removing any possible deleterious influence. But here is what we come to: Just as soon as you attempt to write laws to cover all this field of propaganda activity, you run into the greatest difficulty. A dictator of course experiences no such trouble. Anyone he happens not to like has ipso facto disobeyed a "law" and is promptly punished. But one of the essential ways in which a democracy is different is that it frequently must depend upon the good sense of its people to work out some problems which the dictator deals with by summary executions. As an example, here comes somebody and tries to get members into the "society for sweetness and light," or something like that. A lot of people join the "society for sweetness and light," and lo and behold, it turns out that the "society for sweetness and light" has been organized away back in the beginning for the purpose of trying to spread Communist or Nazi propaganda. Should there be a law that anybody who belongs to the "society for sweetness and light" should be put in jail? What course then remains? The course of exposing mercilessly to the light of public knowledge the activities of persons and groups whose purpose is to serve totalitarian causes here in America. You have got two jobs. You have got the job of apprehending and catching and punishing people who commit acts of sabotage or espionage or anything like that against the United States. That is a job the Department of Justice has to do, and in the doing of which they should have the full support and cooperation of every other agency of the Government, including the Dies committee. I for one believe the F. B. I. has done and will continue to do a good job in this all-important field. But you have got a great realm of activity which does not constitute technical violations of law. Some new law of an

effective nature can perhaps be devised but it can never cover this whole field, in my opinion.

[Here the gavel fell.]

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. VOORHIS of California. In that realm it seems to me that the basic remedy of a democracy is careful exposure of the facts of the situation. I could name you a considerable number of organizations which have folded up in the last year or so as a result of that. I think it is up to people like myself, who have always been all through their lives what you might term progressives, to stand four-square on this question in uncompromising opposition to any infiltration of totalitarian forces—Communist, Nazi, or any other sort—or totalitarian persons into any of the organizations of the American people upon which they depend.

I think likewise it is the duty of conservatives to have no traffic whatsoever with people who hold no real devotion to democracy and no fundamental belief in the common people of this country, but who really would serve a Fascist state if they could. The truth about these matters is a thing of paramount importance. If we can bring out that truth, it is going to be effective, I fully believe.

But underneath it all there have to be two things, a devotion on the part of every thoughtful American to the welfare of other groups of people besides his own; a consciousness that we together are engaged in a great national effort whose major purpose is to keep alive in this world a government of the people, by the people, and for the people, and that we mean all of that. To do that thing requires more than making speeches like I have made today or like some other Members have made from time to time in recent days. It requires also the making of constructive speeches and the passage of constructive legislation that will open the way to a solution of every problem faced by the American people. For they must know that the cause of America is the cause of all its people and that at the end of this period of trial they can look forward not to great depressions and unemployment but to a better time when wisdom and courage will have been applied to enable us to all share together the rich heritage God has given our country. [Applause.]

[Here the gavel fell.]

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that the gentleman from California may have 2 additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PATRICK. Will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. PATRICK. The gentleman from California has given an excellent slant on this. I believe that the average Member of this House has great confidence in the purposes and even the results of the Dies committee and also has great confidence in the F. B. I.

Mr. VOORHIS of California. That is right.

Mr. PATRICK. I realize that the two fields of activity are different. I would like to ask the gentleman if at this time there is any great point of controversy between the F. B. I. and the Dies committee as to matters of publicity given, as has been charged in some instances, in which it would be stated by those in authority that releases were given too soon by the Dies committee that handicapped the results of the work of the F. B. I.?

Mr. VOORHIS of California. Mr. Speaker, I do not know in detail about such instances. It could happen, of course, without the committee knowing it was exposing something on which the F. B. I. was working. All I want to say about that matter is that at this time I am personally convinced there is no reason at all for conflict between these agencies; that I have the utmost respect and confidence in the work the Department of Justice is trying to do; and that I am deeply hopeful that each agency doing the job it is supposed to do will go forward on the common purpose of attempting to keep our Nation protected properly from elements and people who do not wish it well. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter from the World War Veterans of the United States Merchant Marine and a poem by Alexander C. Corkum.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore:

H. R. 658. An act for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little.

The SPEAKER pro tempore announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 3729. An act for the relief of Hjalmar M. Seby;

S. 3765. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., and for other purposes;

S. 3934. An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the St. Marys River from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada;

S. 4135. An act to legalize the construction by the State Highway Board of Georgia of a free highway bridge across the Withlacoochee River between Valdosta, Ga., and Madison, Fla., at Horns Ferry;

S. 4370. An act authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties; and

S. J. Res. 306. Joint resolution extending the time for submitting the final report of the Temporary National Economic Committee.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 33 minutes p. m.) the House, pursuant to its previous order, adjourned until Monday, December 16, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2067. A letter from the Acting Secretary of War, transmitting a report of awards made under the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2068. A letter from the Acting Secretary of War, transmitting a report of awards made under the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2069. A letter from the Comptroller General of the United States, transmitting a report and recommendation concerning the claim of J. H. Redding, Inc.; to the Committee on Claims.

2070. A letter from the Acting Postmaster General, transmitting a draft of a proposed bill to amend the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government"; to the Committee on the Disposition of Executive Papers.

2071. A letter from the Acting Secretary of the Interior, transmitting a statement of the fiscal affairs of all Indian

tribes for whose benefit expenditures from public or tribal funds were made during the fiscal year ended June 30, 1940; to the Committee on Indian Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PACE:

H. R. 10723 (by request). A bill to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in peanuts, and for other purposes; to the Committee on Agriculture.

By Mr. PATRICK:

H. J. Res. 622. Joint resolution designating the first Thursday following the third Sunday in November of each year as Thanksgiving Day and declaring such day a legal holiday; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to consider their Senate Joint Resolution No. 2, dated December 4, 1940, with reference to purchase of woolen material and products for national-defense program; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. KITCHENS introduced a bill (H. R. 10724) for the relief of Marvin C. Allder, which was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9405. By the SPEAKER: Petition of the Disabled Philippine Constabulary Veterans of the Philippine Campaigne, Lucena, Tayabas, petitioning consideration of their resolution with reference to pension and hospitalization; to the Committee on Pensions.

9406. Also petition of the Beaumont Trades and Labor Assembly, Beaumont, Tex., petitioning consideration of their resolution with reference to un-American activities; to the Committee on Rules.

9407. Also, petition of the Dallas Homing Pigeon Club, Dallas, Tex., petitioning consideration of their resolution with reference to House bill 7813, safeguarding homing pigeons; to the Committee on Agriculture.

SENATE

MONDAY, DECEMBER 16, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou whose commandment is in all the earth, besetting us behind and before, from which there is no escape: Let it never be hidden from us, nor let us ever seek to hide ourselves from it; for our discernment of Thy will fills us with light, and our willing surrender to it brings us liberty. In these hazardous days, knowing that the wings of our life are plumed with death, that time hasteth and will not return, help us to realize that the sacred meaning of life is to be found not merely in the fulfillment of cherished dreams and aspirations, however lofty they may be, but in devotion to duty and to the right, with morality revealed as valor in the battle of life.

So help us to be fine and strong in character that we may fitly serve our country, and bring to all mankind the knowledge of Thee and Jesus Christ, whom Thou hast sent. Amen.

THE JOURNAL

On request of Mr. MINTON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, December 12, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

SENATOR FROM IDAHO—CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of JOHN THOMAS, duly chosen by the qualified electors of the State of Idaho a Senator from that State for the unexpired term ending January 3, 1943, which were read and ordered to be filed.

SENATOR FROM RHODE ISLAND—CREDENTIALS

Mr. GREEN. Mr. President, it gives me pleasure to present the certificate of reelection of my colleague, Hon. PETER GOELET GERRY, and ask that it be placed on file and noted in the RECORD.

The credentials of PETER G. GERRY, duly chosen by the qualified electors of the State of Rhode Island a Senator from that State for the term beginning January 3, 1941, were read and ordered to be filed.

TRANSPORTATION OF OFFICIALS IN MILITARY AND NAVAL AIRCRAFT

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of War, transmitting information relative to the joint policy adopted by the Secretaries of War and the Navy in regard to transportation of Government officials in military and naval aircraft, which, with the accompanying paper, was ordered to lie on the table.

RELIEF OF DESTITUTION OF NATIVES OF ALASKA

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a report covering expenditures made from the appropriation "Education of natives of Alaska, 1939–41," for the relief of destitution of natives of Alaska during the fiscal year 1940, which, with the accompanying report, was referred to the Committee on Appropriations.

RECONCENTRATION OR REWAREHOUSING OF COTTON

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of Agriculture in relation to Senate Resolution 337, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, December 16, 1940.

The VICE PRESIDENT,
United States Senate.

DEAR MR. VICE PRESIDENT: Careful consideration has been given to Senate Resolution 337, of December 2, 1940, requesting that the competitive bids which the Commodity Credit Corporation has received for the storage of Government stocks of cotton not be accepted until there has been an opportunity for the Congress to consider the subject.

In order to conform to the request which is contained in Senate Resolution 337, announcement is being made today that the date for acceptance of the bids has been deferred from December 16, 1940, as set forth in the invitation for bids, to February 1, 1941. This action will afford all persons an adequate opportunity to obtain a consideration of their views by the Congress.

Sincerely yours,

CLAUDE R. WICKARD,
Secretary.

PROMOTION OF SAFETY THROUGH USE OF COMMUNICATIONS

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Federal Communications Com-

mission, reporting, in accordance with law, that the Commission is preparing, pursuant to the provisions of section 602 (e) of the Communications Act, as amended, its report following a special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and inland waters of the United States, and also that, with the exception of the matter above referred to, the Commission has no specific recommendations to make at this time for new legislation with respect to the promotion of safety of life and property through the use of communications, which was referred to the Committee on Interstate Commerce.

PETITIONS

The PRESIDENT pro tempore laid before the Senate a letter in the nature of a petition from Nellie A. Hemer, of Los Angeles, Calif., praying for the extension of adequate aid to England and the hastening of national-defense preparations in the United States, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution of Margaret Dunning Chapter, Daughters of American Colonists, Topeka, Kans., praying that a commemorative postage stamp be issued in honor of Mary Ball Washington, mother of George Washington and also that August 25 be set aside as Mary Ball, Mother of Washington Day, which was referred to the Committee on Post Offices and Post Roads.

RESOLUTION OF AMERICAN FARM BUREAU FEDERATION RELATIVE TO TAXATION

Mr. AUSTIN. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point and appropriately referred a short resolution relating to taxation adopted by voting delegates at the annual meeting of the American Farm Bureau Federation on December 12, 1940, at Baltimore, Md.

There being no objection, the resolution was referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows:

FEDERAL CONTRIBUTION TO REPLACE LOCAL TAXES

Where Federal acquisition of privately owned land reduces the base of the general property tax sufficiently to create a serious fiscal problem, we recommend that equitable contribution be made to the local taxing units by the Federal Government for at least the period of readjustment.

EXTENSION OF CREDIT TO GREAT BRITAIN—PROTEST OF FARMERS' UNION OF RILEY COUNTY, KANS.

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a protest from the Farmers' Union of Riley County, Kans.

There being no objection, the protest was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

RANDOLPH, KANS., *November 29, 1940.*

Hon. Senator CAPPER,
United States Senate, Washington, D. C.

DEAR SIR: Whereas it is rumored in Congress that we might be called on to extend credit and loan money to Great Britain, we, the entire membership of the Farmers' Union, Local 1214, Grandview, Riley County, Kans., most vigorously protest against any such action of our Congress and appeal to you that you will use all your power and influence to stop any such move.

Sincerely,

Henry G. Nanninga, Leonardville, Kans.; L. D. Buss, Leonardville, Kans.; Clarence Larson, Stockdale, Kans.; Carl Valine, Randolph, Kans.; John L. Larson, Randolph, Kans.; Mrs. L. D. Buss, Leonardville, Kans.; Winston Buss, Leonardville, Kans.; Mrs. Ida Larson, Stockdale, Kans.; Mrs. Alma Nanninga, Leonardville, Kans.; Loyd Wickstrum, Stockdale, Kans.; Glen Wickstrum, Stockdale, Kans.

MISSISSIPPI RIVER BRIDGES, ST. LOUIS, MO.

Mr. VANDENBERG. Mr. President, from the Committee on Commerce, I report favorably, with amendments, House bill 9683, which is a bill simply in the usual form to extend the time for the construction of a bridge at St. Louis, and I submit a report (No. 2224) thereon. The committee has amended the bill to include an additional bridge at St. Louis. There seems to be no objection to either extension from any source—and these are purely extensions—and at the request of the Senator from Missouri [Mr. CLARK], I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 9683) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets, in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 2, after line 15, to insert the following:

SEC. 3. That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near a point on Broadway between Florida and Mullanphy Streets, in the city of St. Louis, Mo., and a point opposite thereto in the town of Stites, in the county of St. Clair, State of Illinois, and connecting with St. Clair Avenue extended in said town, authorized to be built by the county of St. Clair, Ill., by an act of Congress approved August 30, 1935, heretofore extended by acts of Congress approved May 1, 1936, June 9, 1937, June 29, 1938, and July 25, 1939, are hereby further extended 1 and 3 years, respectively, from August 30, 1940.

And on page 2, line 16, to change the section number from "3" to "4."

The PRESIDENT pro tempore. The question is on agreeing to the amendments reported by the committee.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., and to extend the times for commencing and completing the construction of a bridge across the Mississippi River between St. Louis, Mo., and Stites, Ill."

POSTMASTER NOMINATIONS REPORTED AND CONFIRMED

Mr. HAYDEN. Mr. President, from the Committee on Post Offices and Post Roads, I present the approved nominations of 17 postmasters to which the Senators concerned do not object. I ask, as in executive session, that the nominations be confirmed and the President notified.

The PRESIDENT pro tempore. Is there objection? Without objection, as in executive session, the nominations will be confirmed and the President notified.

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEELY:

S. 4438. A bill authorizing the city of Wheeling, W. Va., to purchase and construct, maintain and operate bridges across the Ohio River located wholly or partly within said city; to the Committee on Commerce.

By Mr. KING:

S. J. Res. 308. Joint resolution requesting the President to call a conference of representatives of the Federal and State Governments to consider certain questions relative to Federal and State taxation; to the Committee on Finance.

MARY JOSEPHINE WILLIAMS

Mr. HAYDEN submitted the following resolution (S. Res. 338), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to

Mary Josephine Williams, widow of Ora Williams, late a laborer of the Senate under supervision of the Sergeant at Arms, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ADDRESS BY SENATOR M'NARY AT SALEM, OREG.

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD a radio address delivered by Senator MCNARY at Salem, Oreg., on November 4, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR GIBSON ON NATIONAL UNITY

[Mr. GIBSON asked and obtained leave to have printed in the Appendix an address delivered by him on the subject of national unity, on December 11, 1940, before the Chambers of Commerce of the Oranges and of Maplewood, N. J., in East Orange, N. J., which appears in the Appendix.]

ADDRESS BY WILLIAM S. KNUDSEN ON THE NATIONAL-DEFENSE PROGRAM

[Mr. TAFT asked and obtained leave to have printed in the Appendix an address on the subject of the national-defense program delivered by Mr. William S. Knudsen at the annual dinner of the National Association of Manufacturers and the Congress of American Industry in New York City, Friday, December 13, 1940, which appears in the Appendix.]

NINETIETH BIRTHDAY OF "MOTHER BERRY—LETTER FROM THE PRESIDENT

[Mr. HARRISON asked and obtained leave to have printed in the RECORD a letter from President Roosevelt to Mrs. Modena Lowrey Berry, known as Mother Berry, on the occasion of her ninetieth birthday, which appears in the Appendix.]

LETTER TO SENATOR GUFFEY FROM GEORGE W. HENSEL

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a letter to him from George W. Hensel, Jr., of Quarryville, Pa., author of the column, Down Lancaster Way, which appears in the Appendix.]

FRENCH SPOLIATION CLAIMS—STATEMENT BY TUMULTY & TUMULTY

[Mr. BURKE asked and obtained leave to have printed in the RECORD a statement prepared by the law firm of Tumulty & Tumulty on the subject of the French spoliation claims, which appears in the Appendix.]

BRITISH INTERESTS IN AMERICAN BUSINESS

[Mr. HOLT asked and obtained leave to have printed in the RECORD exhibits C and E of his speech delivered on December 9, as noted on page 13862 of the RECORD.]

ADDRESS BY W. L. BATT ON NATIONAL DEFENSE

[Mr. MINTON asked and obtained leave to have printed in the Appendix an address on the subject of national defense, delivered by W. L. Batt, Deputy Commissioner, Industrial Materials Division, National Defense Advisory Commission, before the annual dinner of the American Society of Mechanical Engineers in New York City, December 4, 1940, which appears in the Appendix.]

PAYMENTS TO SHORT-LINE RAILROADS

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent that action on my motion concerning House bill 10098 be postponed until Thursday next.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ADVOCACY OF EMERGENCY DECREE BY PRINCETON EDUCATORS

Mr. HOLT. Mr. President, when I woke up this morning I noticed in the Washington Post a headline, which said:

Emergency decree urged to speed arms efforts. Thirty Princeton scholars demand full mobilization to raise production.

Then I got the New York Times, which said:

Thirty-four educators urge full mobilization. Roosevelt asked to declare a state of emergency to speed defense program.

Naturally, I felt that that was a very important matter; and I read the articles with a great deal of interest, desiring to find out who these educators were. The incident reminded me of a saying of my grandfather. He said you could dress up a monkey, but his tail would stick out. That is true of this outfit. This is the same old crowd of individuals who have been active to get us into war from the very start. They are the same monkeys with their tails sticking out.

Who are they? I will delay the Senate for just a few moments to describe them. Who are the backers of this movement and the other steps of war?

First, they are a group of Anglophiles, educated by Cecil Rhodes to carry out Rhodes' dream of world empire. I will name some of them in just a few moments. (See exhibit A.)

Second, they are a group of individuals who have consistently been under the control of international finance.

Third, they are a group of refugees. I want to get that straight. They are a group of refugees who came over here to get America to have a haven of peace, and who are now trying to get America into war. Let me say about those refugees that I am getting sick and tired of individuals coming over from Europe to enjoy peace in America and trying to instill war propaganda to get us into the war over there, while they remain free and safe in America. Incidentally, I note we have Secretary Ickes—"Old Ick" himself—trying to get us to bring more refugees in here to stir up more war propaganda and take the jobs of American citizens.

LIST OF ANGLOPHILES

Let us see who some of them are who signed this statement:

Frank Aydelotte. Who is Frank Aydelotte? Former president of Swarthmore, and head—get this, he is not just a member but he is secretary—of the Rhodes Trustees in America. He is the man who directs Rhodes' money in the United States of America; I have discussed Aydelotte before. You may remember that I put in the RECORD sometime ago what Rhodes' dream was, to get the United States back into the British Empire.

Who else? We find Walter Phelps Hall, whom I remember as the author of pro-Tory books about England. He has been a Tory at heart, and his writings will show it. He is more interested in the Tory regime of England than he is in the democracy of the United States.

Whom else do we find? We find J. Douglas Brown and Winfield W. Riefler. Who are those two individuals, J. Douglas Brown and Winfield W. Riefler? They are both men who signed the manifesto asking that the United States go to war with Germany in June of 1940. They were unsuccessful in that desire but now they just want us to slip into the war. That is Brown and Riefler. Brown is 42, and Riefler is 43. They are not much beyond military age. If they are so much interested in this matter and want a declaration of war, why do they not enlist in the forces of Great Britain instead of trying to send some American boys over there to fight their battles? It is interesting that both are married and have dependents.

(See exhibit B.)

Who else is in that list? Benjamin Merritt, who was a lecturer at Oxford, England, in 1935.

This is one of the groups that is telling America what to do, educated by Cecil Rhodes. The Round Table, London, has told its readers of the Rhodes scholar angle in American affairs. No one would say every Rhodes scholar was in that group, but many are—far more than the country realizes.

Next is Henry N. Russell, another Oxford student, and an instructor at Cambridge University, England.

Are these not nice Americans, telling us what to do? Of course, they have no interest at all. Rhodes knew that you could get some of them by scholarships and his fortune has done so.

Next I find the name of Oswald Veblen, who has an honorary degree from Oxford, and wrote a series of books for Oxford.

John B. Whitton, educated in France, who was assigned to the League of Nations, and in Who's Who he still gives his address at Geneva, Switzerland.

Let us see the refugees. Are they American citizens? One is John A. Mackey, born in Great Britain. I do not know whether he is an American citizen or not, but Who's Who for 1940 shows that he did not even think enough of his American citizenship—if he is an American—to state that he is an American citizen. Yet he, a man born in Great Britain, is telling America what to do.

Who was the other one of that group who signed? John von Neumann, who was born in Hungary, but got away from Europe when this trouble started, and Who's Who for 1940 does not show that Mr. von Neumann thought enough of the United States of America to show that he held citizenship here, or had ever received the rights of citizenship. But he is important enough to these editors to use his name in an effort to involve us and bring us just a little closer to war.

(See exhibit H for complete list.)

Also we find a group down south who is propagandizing for war, and who is that group? Of course, they have other names, but it is the same monkey. It is the Frances Miller group that asked for the declaration of war crowd. It is headed by Frances Miller, who was sent up to New York to generate war propaganda.

This Southern group asks for "all aid" to England. "All aid" means military aid and that means war.

WARD CHENEY—GOVERNMENT CONTRACTS

Who do you suppose paid Mr. Miller's expenses? I will tell you. Ward Cheney paid them. Who is Mr. Cheney? Mr. Cheney sells parachutes to the United States Government for its armed forces; so he has an interest in the war.

Whom did Ward Cheney marry? He married Frances Davison. Who is Frances Davison? She is a sister of Henry P. Davison, of J. Pierpont Morgan & Co. So it is easy to see the interest, when we look behind the scenes. But the press does not tell that. It tells the story only as though it were these great patriotic American citizens wanting us to take an interest for an ideal.

Who else was in that group which met down there? There was James Boyd, a Rhodes scholar. Whom did James Boyd marry? You have heard the name Lamont. He married Katherine Lamont.

Let us see who else was in that group down there. There was Barry Bingham, son of the former Ambassador to Great Britain, who has been British to the core since his father's appointment.

(See exhibit E.)

Then there was R. Preston Brooks, an Oxford scholar, a member of the Rhodes Scholar Education Committee. He passes upon who goes over to England, whose expenses are to be paid from the Cecil Rhodes funds.

Then there was Mark Ethridge, one of Bingham's employees, who naturally carried out his ideas.

There was Frank P. Graham, who really wants a declaration of war, a member of the policy committee of the William Allen White Committee.

Who else was there? Poor, insignificant little Herbert Agar, who came out for a declaration of war some time ago. He signed this request to give the President immediate wartime power.

Then there was Francis P. Miller, head of the Miller group of which I spoke a moment ago.

(See exhibit C.)

None of these is of military-service age. (See exhibit D.)

(See exhibit H for list.)

Mr. President, I shall not detain the Senate to give more facts, which I have available, but I say that in this group will be found Anglophile interests, there will be found financial war interests, and there will be found refugee interests.

As part of my remarks I ask to be permitted to insert certain records about the individuals to whom I have been referring, more than I could compile just in the few moments I had after reading the paper this morning.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD.

WARTIME POWERS FOR PRESIDENT

Mr. HOLT. Mr. President, these men to whom I have been referring want to give the President wartime power. Of course, so does William Allen White. But what did Mr. William Allen White think on the 19th day of October 1939 about the wartime powers of the President? Let me read from his Emporia Daily Gazette:

PRESIDENT'S WAR POWERS

The Constitution designated the President of the United States as the Commander in Chief of the armed forces of the country, but the Executive's war powers do not stop there. A generalissimo sitting in civilian clothes at the White House in case of a "national emergency," without additional authorization by Congress, may become a war dictator overnight.

Existing war powers vested in the President and other Government officials include:

1. Suspension of the 8-hour working day on Federal contracts.
2. Buying military supplies without advertising for bids.
3. Take over any or all transportation systems or commandeer American ships.

Under his emergency powers he has control of "any vessel, domestic or foreign, in the territorial waters of the United States" and has the right to "take possession" of such vessel. This was given in the wartime powers 23 years ago and remains on the statute books to be used by the President now.

That is what they want to do; they want to seize certain ships in the harbors of the United States and take them over so that they can let certain other ships go to a belligerent power. Mark that down, and see if that does not occur under the emergency powers. The editorial further states:

4. Assume control of utilities as generating plants, reservoirs, or conduits.
5. Suspend trading on security exchanges and control foreign exchange of gold and silver.
6. Regulate communication by radio and wire.
7. Suspend certain quota and production-control measures on agriculture.

Then the editorial says:

If war should come to America such emergency powers of the President would be only a hop-off to the consequences of "M" or mobilization day. The modern world has seen nothing of tyrannical dictatorship compared to what may come should Congress declare war and grant streamlined letters of "marque and reprisal."

I have been reading from Mr. William Allen White's paper of October 19, 1939. Now he wants the very thing that would set up dictatorship; and why? Because he is obsessed with this idea of getting America into the war, plunging her into it, to her destruction.

CONSCRIPTION OF LABOR

Mark this down as sure to happen if this continues. Already the drive is under way to get conscription of labor. I present for the RECORD as part of my remarks the statement I gave to the press on Saturday on that subject.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A propaganda campaign is underway to discredit labor and finally to force its conscription. I raise my voice to oppose this hysteria that will deal a deathblow to the rights of organized labor.

Mark this prediction. If this campaign continues to gain ground, there will be conscription of labor. Some of us called attention to that danger when we started down the road of conscription—peacetime conscription of men.

The freedom and rights of labor appear to be a possible casualty of war hysteria. Labor faces a real challenge and they will find that some of their political friends in Congress have been just that. I have constantly feared that labor was creating a government Frankenstein which would finally turn on it, and have opposed moves I felt would create such a situation.

Talk about labor interfering with defense, why there were certain manufacturers who refused to take Government orders until they were assured large profits and certain tax legislation. But certain newspapers and officials who are now calling for a drive against labor never opened their mouths about that delay. Certain industrialists would not move until Congress gave them what they wanted and wiped out the law that limited profits to 7 percent. Mr. Eaton, counsel for Mr. Knudsen, appeared before the Naval Affairs Committee of the Senate, of which I am a member, and opposed limitation of profit on defense orders.

Let's give the people the whole story.

SPADE WORK FOR WAR IN UNIONS

Mr. HOLT. Mr. President, we have noticed that certain outstanding labor leaders are over here telling us how England is fighting for democracy in the war. Let us look back to 1914 and let me quote from a letter written to Sir Cecil Spring-Rice, copy of which I have:

One line to congratulate you on the success of your work. It is just splendid and the chief very pleased and satisfied.

Then, announcing the approach of J. A. Seddon, he said he is "going to do splendid spade work in the American trade unions."

SIR WALTER CITRINE

So they sent Mr. Seddon, a member of Parliament, to the United States in order to do spade work in the American union movement; and that is what they are doing today. That is what Sir Walter Citrine was doing here last week. They are doing spade work in the American union movement in order to get labor behind the war drive.

Now let me read what Sir Cecil Spring-Rice wrote to Lord Newton in another letter of which I have a copy:

Two labor members are over now—

Referring to the United States—

Two labor members are over now and are doing a good deal of useful talking in private lines * * * none in public.

Get that. Here is a letter from Sir Cecil Spring-Rice, the British Ambassador, to Lord Newton, about these labor members over here during the World War—that is, the war of 1914 to 1918:

Two labor members are over now and are doing a good deal of useful talking in private lines * * * none in public.

(See exhibit G.)

Why do I take the floor of the Senate day after day in order to bring this before the American people? I do it because I want the facts to be known. I want the people to know that they are being taken into the war under subterfuge and dishonesty. Others may choose their course. I choose mine—to fight with all my power to keep my country at peace, to keep it out of the shambles of Europe, to preserve our democracy here.

GETTING READY FOR EUROPEAN WAR

What did Lieutenant General Drum say last Saturday? Did he say we were going to fight a war over here? No; he said they are training American boys to fight a foreign war whenever and wherever they are needed. He set up one reason to fight war, the protection of Anglo-American investments. Then think of telling the American people, "No American boys will fight on foreign soil. We are just going to declare war in order to scare Germany."

Of course, that would be so ridiculous, if it were not so tragic, that it would be laughable. If we are going into the war, we are going to send the American boys, as Lieutenant General Drum said, wherever and whenever they are needed, and American boys will shed their blood in France or elsewhere in Europe, in Asia, in a needless war, because this is a needless war so far as the United States of America is concerned, a war generated by finance, by blood money. I have given fact after fact to the Senate to show it, and what do I find? I find that certain individuals who have been active in this pro-war drive have in the last month received Government contracts from the Army and Navy. I have never made a statement yet which I could not prove. I can prove these.

I wish to say that America should know that this drive is generated by such groups as the ones I have discussed. But what does the press do? The press wants to put another front on it, to dress up the old scarecrow so that it will look like a new scarecrow, but it is the same old group, it is the same old monkey with the same old tail sticking out. It is the war crowd under a new front.

EXHIBIT A

RHODES—EMPIRE BUILDER

Sir Cecil Rhodes, English empire builder, wrote many wills. In one of these wills he sets out the objects of expenditure of his money in these words:

"The extension of British rule throughout the world; the colonization by British subjects of all lands where the means of livelihood are attainable by energy, labor, and enterprise; and especially the occupation by British settlers of the entire continent of Africa, the Holy Land, the Valley of the Euphrates, the islands of Cyprus and Candia, the whole of South America, the islands of the Pacific not heretofore possessed by Great Britain, the whole of the Malay archipelago, the seaboard of China and Japan, the ultimate recovery of the United States of America as an integral part of the British Empire."

In his last will he sets out this:

"Whereas I consider that the education of young colonists at one of the universities in the United Kingdom is of great advantage to them for giving breadth to their views for their instruction in life and manners and for instilling into their minds the advantage to the colonies as well as to the United Kingdom of the retention of the unity of the Empire."

Rhodes was a Briton. He loved his country. He loved the British Empire. He always hoped for solidarity between England and the United States. His scholarships aided in that goal.

EXHIBIT B

WAR MANIFESTO SIGNERS

Statement made by Senator HOLT on floor of Senate, June 12, 1940, about those who signed war manifesto, part of whom are in the present group referred to in speech today:

"Speaking of the individuals who want us to go to war, the other day we saw a list of 30 of them in the newspapers. The headline was War on Reich Urged to Crush Threat to United States. Thirty of them were named. Let me give the ages of some of these men. Probably they are able-bodied men. Here are their ages:

"Mr. Stringfellow Barr is 43 years old. Any man with a name like that should frighten anybody. He is not beyond helping the Allies, if he wants to declare war.

"Who else? J. Douglas Brown is 42. He could serve a little while and not be worn out.

"Who else? George Watts Hill is 38. He is near the draft age. It will be noticed that none of them is within the draft limit of 35.

"Let us see who else. George Fort Milton is 45. He could serve 6 months over there without hurting himself.

"Herbert S. Agar is 42. He could serve a year or two without hurting himself.

"Of course Frank R. Kent is too old.

"Lewis Mumford is 44. Let us go down the line.

"Stacy May, director of the Rockefeller Foundation, is only 44.

"I did not get the ages of all of them.

"John Lloyd Balderston is 50.

"James F. Curtis is 62.

"Edwin F. Gay is 72.

"Marion H. Hedges is 51.

"Rt. Rev. Henry W. Hobson is 49.

"LeRoy Hodges is 51.

"Calvin B. Hoover, professor of economics at Duke University, is only 43. I am willing to let him serve 2 years over there if he wants to.

"Edwin P. Hubble is 50. He is a little too old, but he could stop a bullet just as quickly as could a boy of 18.

"Let us see who else. Walter Millis is 41. It might interest the Senate to know that when Walter Millis wrote his book, The Road to War, it was edited, and all uncomplimentary references to J. Pierpont Morgan were taken out before it was published. He is only 41. Of course, he is writing editorials in the New York Herald Tribune, saying that we should become a belligerent.

"Who else? Winfield W. Riefler is 43. That is a good name for war. I have no objection to his going.

"Whitney H. Shepardson is 49.

"Admiral Standley is 67.

"Those are the men who are telling American boys that they should go over and stop Hitler. If these individuals are interested in stopping Hitler I do not think there will be any objection by the Senate to their volunteering. But I wish to say that a man who advocates sending American boys to the battlefields of Europe, and who will not himself enlist, is a cowardly traitor to his country. If I had enough feeling about the matter, and believed that the situation is what the administration says it is, and the danger is what they say it is, I would have enough guts to offer my body to the same service for which I would send another American boy to his death.

"Oh, no; these individuals are armchair patriots, who sit back and tell others how to win the war and tell the boys, 'Stand your ground and meet the tanks. We will stand back and tell you what the tanks are going to do tomorrow.'"

EXHIBIT C

THE MILLER "WAR" GROUP

This southern conference move is one of those acts which can be traced to the Miller group, whose history is recorded below. It is one of the most belligerent of the pro-war groups and was very active in the destroyer deal, in the letters to the newspapers known as the Balderston letters, as well as coordinator of the different committees and organizations lined up in the war drive. Bingham, Agar, and Miller have tried to slip this one over as a new thing, but it is the same old crowd under a new front.

Where formed: On July 11, 1940, Lewis Douglas, president of the billion-dollar Mutual Life Insurance Co. (closely affiliated with J. P. Morgan & Co. interests) and former president of McGill University (Canada), as well as official of the American Cyanamid Co. (which had war contracts with Great Britain), was host to a group of individuals who were interested in getting us in the war, although they made no public statement of that purpose.

The purpose was to set up a central organization to aid the different groups who were friendly to the cause of our participation.

It was decided that Frances Miller, an organizer for the Council on Foreign Relations should direct the office. He was set up in New York City (11 West Forty-second Street) to direct the campaign. The biggest check for the cost came from Ward Cheney, manufacturer of silk parachutes who had sold his products to the armed forces of the United States and whose wife was Frances Davison, sister of H. P. Davison, present partner of Morgan. This was not his first or last contribution to the war cause. He was one of those who helped pay for the newspaper advertisements over the country sponsored by the William Allen White committee.

Two weeks later, a group met at the Century Club in New York to work out further plans. Those present were Robert S. Allen, of the Pearson and Allen column; Joseph Alsop, distant cousin of the President and well known for his desire to be in with the right social crowd as well as coauthor of the column attacked by Senator BARKLEY as a purveyor of malicious falsehoods; Ulric Bell, Washington correspondent of the pro-war Louisville Courier Journal (owned by the Bingham interests—the heirs of the former Ambassador to Great Britain); Barry Bingham, son of the ex-Ambassador and active in all pro-war organizations; Ward Cheney; Dr. Henry Sloan Coffin, studied in Great Britain; Clark M. Eichelberger, executive director, William Allen White Committee, and secretary, League of Nations Association; Harold K. Guinsburg, contributor to William Allen White; George Watts Hill, advocate of declaration of war; Bishop Henry Hobson, also an advocate for declaration of war and one of the signers of the famous war manifesto; Ernest M. Hopkins, president of Dartmouth; Geoffrey Parsons, writer and director of New York Herald Tribune, whose editorial last summer called for intervention into the war; Frank L. Polk, assistant to Secretary of State Lansing during the World War and whose Lansing memoirs shows to be active for our participation in that war before 1917; Whitney Shepherdson, co-worker of Miller and one of the signers of the war manifesto on Council of Foreign Relations; Robert E. Sherwood, playwright and very active for America to enter the war, author of stop-Hitler advertisements and speaker for William Allen White Committee; Admiral William Standley, former Navy official who also signed war manifesto and active for war; and Dr. Henry P. Van Dusen, educated in Great Britain and extremely pro-British, and Miller.

Although not present, many advisers were called into the discussion from time to time. A few were: Dean Acheson, close friend of the President and the author of the letter advocating transfer of destroyers, and whose law firm represents interests affected by war; Dr. James R. Angell; Hamilton Fish Armstrong, known for his collective security writings; John L. Balderston, who was the liaison man between the British Embassy and the war groups and who has a home in London, England, as well as employee of Public Information Bureau to Great Britain; Dr. James B. Conant, whose record has been discussed before as active as a Morgan spokesman and who the Harvard Crimson said was trying to "build a superhighway straight to Armageddon"; Col. William Donovan, flying emissary of Colonel Knox, active in pro-war circles; Lewis Douglas, who called the first meeting; Allen Dulles, of the law firm of Sullivan & Cromwell, who represents many foreign interests; Henry R. Luce, owner of Time and very pro-war, whose start is tied with Thomas Lamont, of J. P. Morgan & Co.; Henry Pringle, advocate of breaking off diplomatic relations with Germany; Walter Wanger, financial supporter of the William Allen White committee.

It was decided to "put heat" on Washington.

Herbert Agar, Ward Cheney, Miller, and Eichelberger were sent to talk to the "powers." They conferred with the President, Vice President-Elect Henry Wallace, and Admiral Stark, Chief of Naval Operations, about transfer of the destroyers. A press campaign was to be directed by Alsop, Allen, Balderston, as well as the others who would be "all O. K. when we talk to them," as one well-known financier said.

It will be recalled that this was part of the trick which William Allen White spoke about in his blundering speech in New York. This was a part of the smart trick to get public support. It was aided by the radio and press campaign. In this campaign the services of Colonel Donovan in his speech from Chicago, Admiral Standley (war advocate), and Maury Maverick were called into action.

It is a known fact that Archibald McLeish, Librarian of Congress, broached the work of the committee with Russell Davenport, adviser of Wendell Willkie, as to the attitude of Willkie because of the fear by the President that if it were brought into the campaign that it would be too dangerous. MacLeish has been the go-between many times in that capacity.

The destroyer deal was put over. Now, the Miller influence is seen cropping out in this conference at Southern Pines, N. C. The present drive is to get convoy service for American ships into and through the war zones which can mean nothing else than war. That is its purpose.

The Miller group is financed by those who are making "blood money" out of the war. The southern conference move is part of his engineered work.

EXHIBIT D

ARE THEY OF MILITARY AGE?

A hurried check of those whose names are listed in press stories referred to in speech shows that none are eligible for military service. Practically all are far beyond the age limit and those under 50 are married with dependents. The list follows:

Burt Struthers, 58.
James Derieux, 49 (married with children).
Mark Ethridge, 44 (married with children).
Frank P. Graham, 54.
William T. Hodges, 59.
Ernest Ives, 53.
Louis Jaffe, 52.
Frank Aydelotte, 60.
Edward Earle, 46 (married with child).
Frank A. Fetter, 77.
Herbert S. Langfeld, 61.
John N. Northrup, 49 (married with children).
Robert K. Root, 63.
Edward Sampson, 49 (children as dependents).
Carl TenBroeck, 55.
John B. Whitton, 48 (married with child).
Robert P. Brooks, 59.
H. G. Cochran, 55.
George A. Dreyfous, 46.
Sidney Garrison, 53.
Luther Eisenhart, 64.
Christian Gauss, 62.
George W. Hill, 39 (married with children).
Calvin B. Hoover, 43 (married with children).
Virginius Dabney, 39 (married with children).
J. Douglas Brown, 42 (married with children).
Walter P. Hall, 56.
John A. Mackay, 51.
Marston Morse, 48 (married with children).
Winfield Reifler, 43 (married with children).
Henry N. Russell, 63.
Duane Stuart, 67.
Oswald Veblen, 60.
Thomas J. Wertenbaker, 61.

EXHIBIT G

PROPAGANDA FOR WAR IN LABOR GROUPS

Mr. J. A. Seddon, chairman of the general council of the British Workers' League, was the individual referred to by Cecil Spring-Rice, British Ambassador. In his letters to Lord Newton and to Sir Edward Grey he refers to the work of Seddon in the trade-unions in the United States. Lord Tyrrell wrote to Sir Cecil praising this work.

Mr. Seddon spoke in the United States for the National Security League, the infamous pro-war organization of the last World War and somewhat of a counterpart to the William Allen White committee in this one. His work was, as Sir Cecil said, "to do spadework" with the unions. If anyone would read his speeches and compare them with the speeches of Sir Walter Citrine, who is over here now doing the same sort of "spadework," they could hardly tell the difference. For instance, these are references to one of his speeches:

"Today British labor wholeheartedly supports the war against Germany. We have learned that Prussian militarism must be destroyed (the word Hitlerism is now substituted). * * * Germany started the war. England and her allies did their best to avoid it. * * * I saw that there had been a deliberate conspiracy of the Kaiser's (now Hitler's) government that had stretched over a number of years to plunge the world in war. The idea of 'Deutschland uber alles' dominated the minds of the German leaders. * * * Germany's purpose was to secure world domination (that has been lifted bodily in the present speeches). * * * We realize that Prussianism and freedom cannot exist side by side (refer to speech at New Orleans except substitute Hitlerism). * * * We found that the Prussian Army in Belgium were so terrible that

they could only be whispered from man to man. We found that the reign of terror in the conquered territory—the burning of villages, the shooting of peaceful priests, schoolmasters and doctors as hostages, the outraging of young girls and married women, and the wholesale destruction of homes was the systematic and deliberate policy of the German Government. * * * It was in those days that British labor made up its mind that no sacrifice was too great, no struggle too long, no effort too mighty to settle this menace of the world (refer to speech of last week in Washington) * * *," and so on and so on. Almost duplicate to the speeches of 1940.

Practically all of the propaganda moves of 1914–17 that aided in plunging the United States into the World War are again being used, some identical, others being changed slightly to avoid detection.

At the annual conventions of the American Federation of Labor, it is the usual thing for delegates from the British Trades Union Congress to meet with representatives of the federation. But during the World War (before our entrance), in their place was sent Mr. James Seddon (discussed above) and Mr. Albert Bellamy. They attacked German propaganda in America and spoke of the world-wide machination of German influence but the delegates at the convention did not know that they had been sent specifically at the request of Sir Cecil Spring-Rice to propagandize or as he said "to do spadework" in the American trade-union movement for war.

Is Sir William Citrine's mission the same?

EXHIBIT H

LIST OF NAMES NOTED IN NEWSPAPERS

"SOUTHERNERS ASK ALL AID TO BRITAIN—REGIONAL CONFERENCE CALLS FOR 'CAPACITY MOBILIZATION' TO 'CHECK TOTALITARIAN THREAT'—FACING 'COMMON ENEMY'—POLICY, ADDRESSED TO PRESIDENT AND CONGRESS, DEMANDS A QUICK DECISION IN 'CRISIS'

"SOUTHERN PINES, N. C., December 15.—Declaring that the United States is facing a crisis 'almost impossible to exaggerate,' members of the southern regional conference, at an annual meeting called by the southern policy committee, issued a statement tonight, directed to President Roosevelt and Members of the Congress, calling for 'immediate full-capacity mobilization of all necessary resources.'

"The conference held that, wherever required, every activity should be subordinated to this move, if democracy is expected to survive the mounting threat from totalitarian conquerors. Then, declaring that the British 'cannot be expected to win by what we are able to sell them,' the conference called for 'all assistance necessary to check the menace.'

* * * * * * *

"MEMBERS AT POLICY SESSION

"Members of the Southern Regional Conference attending the policy session which began Friday and ended today, included the following:

"Noel R. Beddow, director of the steel workers' organizing committee (C. I. O.), Birmingham, Ala.; Barry Bingham, publisher of the Louisville Courier-Journal; James Boyd, author, Southern Pines; R. Preston Brooks, economist, University of Georgia; Struthers Burt, author, Southern Pines; Judge H. G. Cochran, Norfolk, Va.; W. T. Couch, publisher, University of North Carolina Press; Yelverton Cowherd, labor leader, Birmingham, Ala.

"Also James C. Derieux, editor, Columbia (S. C.) State; George A. Dreyfous, lawyer, New Orleans; William Mitch, labor leader, Birmingham, Ala.; Warner Moss, professor of political science, College of William and Mary; Reed Dunn, Jr., Delta Council, Stoneville, Miss.; Mark Ethridge, editor, the Louisville Courier-Journal; C. Garrison, president of George Peabody for Teachers, Nashville, Tenn.

"Also Judge Blanton Fortson, Athens, Ga.; Frank P. Graham, president of the University of North Carolina; George Watts Hill, industrialist, Durham, N. C.; W. T. Hodges, dean of Norfolk Division of William and Mary College; Calvin B. Hoover, economist, Duke University; Ernest Ives, retired from Foreign Service, Southern Pines; Miss Gwinn Nixon, social worker, Augusta, Ga.; Herbert Agar, editor, the Louisville Courier-Journal.

"Also Paul D. Williams, of the Catholic Conference of the South, Richmond, Va.; Katherine Newland Burt, editor, Southern Pines; W. H. Stovall, farmer, Stovall, Miss.; Mark Friedlaender, educator, Women's College, Greensboro, N. C.; Francis P. Miller, legislator, Fairfax, Va.; Louis E. Jaffe, editor of the Virginian Pilot, Norfolk, Va.; Virginius Dabney, editor of the Times-Dispatch, Richmond, Va."

"THIRTY-FOUR EDUCATORS URGE FULL MOBILIZATION—ROOSEVELT ASKED TO DECLARE A STATE OF EMERGENCY TO SPEED DEFENSE PROGRAM

"PRINCETON, N. J., December 15.—Acceleration of the national-defense program by a declaration of a state of emergency and the enactment of legislation that 'will be equivalent to full industrial, military, and naval mobilization' is advocated in a statement issued today by 34 educators and research scientists of institutions here.

"The signers are:

"Frank Aydelotte, director of the Institute for Advanced Study.

"Elmer A. Beller, associate professor of history, Princeton University.

"J. Douglas Brown, professor of economics and director of the industrial relations section, Princeton University, and former chairman of the Federal Advisory Council on Social Security.

"Hadley Cantril, associate professor of psychology and director of the Princeton Public Opinion Research Project, Princeton University.

"Harwood L. Childs, associate professor of politics and chairman of the Public Opinion Quarterly, Princeton University.

"Kenneth H. Condit, dean of the School of Engineering, Princeton University.

"Edward M. Earle, professor, Institute for Advanced Study.

"Luther P. Eisenhart, dean of the Graduate School and Dod Professor of Mathematics, Princeton University.

"Frank A. Fetter, professor of political economy, emeritus, Princeton University, and past president of the American Economics Association.

"Christian Gauss, dean of the college and class of 1900, professor of modern languages, Princeton University.

"Frank D. Graham, professor of economics and social institutions, Princeton University.

"Walter P. Hall, Dodge professor of history, Princeton University.

"Herbert S. Langfeld, chairman of the department of psychology, Princeton University.

"John A. Mackay, president of the Princeton Theological Seminary.

"Benjamin D. Meritt, professor, Institute for Advanced Study and chairman of the Princeton chapter of the Committee to Defend America by Aiding the Allies.

"Marston Morse, professor, Institute for Advanced Study and chairman of the war preparedness committee of the American Mathematical Society and the Mathematical Association of America.

"John N. Northrup, general physiologist, Rockefeller Institute for Medical Research.

"Louise Pearce, pathologist, Rockefeller Institute for Medical Research.

"Winfield W. Riefler, professor Institute for Advanced Study.

"Howard P. Robertson, professor of mathematical physics, Princeton University.

"Robert K. Root, dean of the faculty and Woodrow Wilson professor of literature, Princeton University.

"Henry N. Russell, young professor of astronomy, Princeton University, and former president of the American Philosophical Society and the American Association for the Advancement of Science.

"Edward Sampson, professor of geology, Princeton University.

"E. Baldwin Smith, Butler Memorial professor of the history of architecture, Princeton University.

"Henry D. Smyth, professor of physics and chairman of the physics department, Princeton University.

"Wendell M. Stanley, chemist, Rockefeller Institute for Medical Research.

"Duane R. Stuart, Kennedy professor of Latin, languages, and literature, Princeton University.

"Carl Ten Broeck, bacteriologist, Rockefeller Institute for Medical Research.

"Louis A. Turner, associate professor of physics, Princeton University.

"Oswald Veblen, professor, Institute for Advanced Study.

"John von Neumann, professor, Institute for Advanced Study, and member of the War Department's Scientific Advisory Board to the Ballistics Research Laboratory at Aberdeen Proving Ground.

"Thomas J. Wertenbaker, Edwards professor of American history, Princeton University.

"John B. Whitton, associate professor of politics, and chairman of the Princeton Listening Center, Princeton University."

THE LOTUS EATERS OF 1940—EDITORIAL IN LOUISVILLE COURIER-JOURNAL

Mr. GIBSON. Mr. President, I am neither a European refugee nor do I consider myself to be a monkey merely because some newspapers may have mentioned the position I have taken with respect to certain matters; but when listening to the remarks of the Senator from West Virginia I could not help thinking of certain remarks about labor made a few days ago in a speech delivered by Mr. Hitler, in which he said he was going to dominate the world and conquer the world by using labor as gold. The only way I know of that anyone can do that is by making labor slave labor. I do not believe the people of this country or that labor of this country will tolerate being considered as gold. Those who labor are human beings, and do not consider themselves as slaves, and I hope they never will.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as part of my remarks an editorial published in the Louisville Courier-Journal of November 17, 1940, entitled "The Lotus Eaters of 1940."

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

[From the Louisville Courier-Journal of November 17, 1940]

THE LOTUS EATERS OF 1940

It is 10 days since election. America has had time to recover from her descents into the opium dens of politics. But she seems to have caught the drug habit; she shrinks from returning to the cold ugliness of life.

It was fun to turn our backs on the world blizzard, to behave for a time as if nothing mattered but the fairy-tale wickedness of Roosevelt or of Willkie. But during our days of indulgence the blizzard grew more severe and now it is not fun to face again into that freezing wind. Like the lotus eaters of old we weakly cry:

"Let us alone. Time driveth onward fast,
And in a little while our lips are dumb.
Let us alone. What is it that will last?
All things are taken from us, and become
Portions and parcels of the dreadful past.
Let us alone. What pleasure can we have
To war with evil? Is there any peace
In ever climbing up the climbing wave?
All things have rest, and ripen toward the grave
In silence—ripen, fall, and cease:
Give us long rest or death, dark death, or dreamful ease."

There is no rest for anyone who faces reality today, no peace, no abiding pleasure. Those who cry for peace when peace is impossible are the modern lotus eaters, the peace mongers who may yet succeed in drenching our land in blood. There is no reason why war need come to these shores, but the peace mongers are doing their best to bring it here, the silly lotus eaters who dream that all is well because our last allies have not yet bled to death.

Fate gave us the chance to protect America thousands of miles away, on the cold North Sea and in the mist above the British Isles. Fate offered us as allies a noble people. But our peacemongers ask only for "long rest or death, dark death, or dreamful ease." In the world of Adolf Hitler "dreamful ease" cannot be had for the asking. "Dark death" is the one drink for the lotus eaters of 1940; it is the potion they are preparing for their betrayed country.

This is all the more discouraging because the winged victory herself is wooing us today, offering her favors cheap, but for the last time. If we reject these advances, we shall not see her face again until we too have known the toil and tears and sweat of Churchill's England. Freedom and peace can be had today at the cost of a little courage, a little breadth of mind and spirit. Tomorrow the cost may be years of total effort on two oceans and across the two Americas. Tomorrow the cost may be so great that we of little faith refuse to pay it, preferring retreat and frustration to such prolonged pain.

Today we need only admit a total emergency, an uncompromising intention to see the war won, and the game is ours. Tomorrow it may be forever too late to win the easy way, or to win at all.

The bravest men alive are on our side today, prepared to do almost all the fighting and take almost all the loss. By summer they may be gone, as France is gone, leaving us alone in a contemptuous world. Our caution will have landed us in the old dilemma; either defeat, or victory at the cost of rivers of blood. It is our peacemongers who are driving us to that awful choice.

All winter the resources of the continent of Europe will be used, 24 hours of every day, to prepare the machinery for the murder of England. The enemy is relentless, untiring, filled with a vicious zeal. He owns Europe and most of Africa, and his friends have the upper hand in Asia. What he began in the spring of 1940 he intends to finish in the spring of 1941. We alone can surely stop him, but we cannot be certain of success unless we go "all out" at once.

The American people decided long ago that they would like Britain to win. That decision, with the small results that have followed from it, is not enough. We must now decide that we insist on a British victory, come what may. If we reach that pitch of determination today, Hitler's game is ended. If we reach it in 2 or 3 months, we may be too late.

But what can we do, say the lotus eaters, that we are not already doing? Haven't we appropriated a lot of money? Haven't we told the Germans that we don't like them? Haven't we traded 50 destroyers to the British? Those who are not yet weakened with "the yellow lotus dust," not yet ripe for peacemongering, know there is much we can do.

1. We can repeal the Neutrality Act, a law which looks more sickly with every day's experience. It has become a disgrace, an admission that we do not mean business in opposing Hitler.

2. We can repeal the Johnson Act, a law which was passed on the lying assumption that we got into the last war to recover our debts, and which is preserved on the outrageous hope that only love of cash could move us to strong action today.

With those laws out of the way, our chances to help Britain would be increased manyfold. We could begin giving (not selling) the goods with which Britishers are helping to save our world. We could begin using American ships to take to the British Isles the machines without which the war must go against us in the spring.

3. We could use American warships to convoy boats across the full extent of our declared neutrality zone. Or we could convoy all the way to British ports.

4. We can make easy the enlistment in the armies of the British Empire of large numbers of American aviators and mechanics. Twenty thousand such volunteers in Britain or the Near East by next spring might turn the tide of war and save our world from years of agony.

5. We can promote some form of understanding among the English-speaking peoples, an alliance or a union looking toward a peace of justice in which all free men can share equally. We shall not conquer the satanic daring of Hitler until we lift our imaginations to an equivalent daring in the service of man.

All these are actions that can still be described as "short of war," if we insist on clinging to that ambiguous, unworthy phrase. Most of us know that war, in the modern Hitlerian sense, is being waged against America, and that America must fight back or be ruined. Whom are we afraid of that we dare not say these things out loud, unambiguously, and at once? Instead of the soft song of the appeasing lotus eaters, America needs a voice like John Milton's to cry unceasingly:

"Awake, arise, or be forever fallen."

Mr. HOLT. Mr. President, will the Senator yield to me?

Mr. GIBSON. I yield.

Mr. HOLT. Was that editorial written by Herbert Agar, who has asked for our entrance into the war?

Mr. GIBSON. No; I am sorry to inform the Senator that editorial was not written by Herbert Agar.

Mr. HOLT. Does the Senator know who wrote it?

Mr. GIBSON. I believe it was written by Ulric Bell.

Mr. HOLT. Does not Mr. Agar dominate the policy of the Louisville Courier-Journal?

Mr. GIBSON. No. I think it is dominated by the gentleman the Senator spoke of, Mr. Bingham.

Mr. HOLT. He is the owner of the Courier-Journal.

Mr. GIBSON. Yes; and Mr. Bingham, I believe, directs the editorial policy of the newspaper. Of course, he may be an Anglophile, but I do not think that is a very terrible curse.

Mr. HOLT. I wish to say to the Senator, and I say it in all friendliness, as he knows, that I agree thoroughly with him that it would be a terrific calamity if the philosophy of labor being used for the purpose he described, to weaken or to depress the markets of the world, became widespread. I agree with the Senator thoroughly in that respect, but I do not see the need of conscripting men over here under the present circumstances in the hope of trying to correct the evils resulting from European power politics, which have caused Europe to be engaged in war for 400 years.

Mr. GIBSON. Mr. President, I do not know that I have heard anyone anywhere suggest that we conscript labor. On the contrary, I believe that labor can better serve our country in this time of need under a democracy, with short hours and good working conditions than by being driven under the whiplash. And certainly, if I interpreted Mr. Hitler's speech correctly, he said he was going to use labor as gold.

Mr. HOLT. I wish to say to the Senator from Vermont that I do not believe in Hitlerism in Europe nor do I believe in Hitlerism in America.

Mr. GIBSON. I am glad the Senator from West Virginia and I agree in that respect.

USE OF CERTAIN PARTS OF PUBLIC DOMAIN

The PRESIDENT pro tempore. The Chair takes the opportunity to say that next Thursday he will move that the Senate take up for consideration House bill 9705, Calendar No. 2238, to make more effective use of certain parts of the public domain, and for other purposes.

IN THE MARINE CORPS

Mr. MINTON. Mr. President, as in executive session, on behalf of the chairman of the Committee on Naval Affairs [Mr. WALSH], I report favorably the nomination of Maj. Gen. Thomas Holcomb to be the major general commandant of the Marine Corps for a period of 4 years from the first day of December 1940. As in executive session, I ask for the present consideration of the nomination.

The PRESIDENT pro tempore. Is there objection to the present consideration of the nomination? The Chair hears none. The nomination will be read.

The legislative clerk read the nomination of Maj. Gen. Thomas Holcomb to be the major general commandant of the Marine Corps for a period of 4 years from the 1st day of December 1940.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MINTON. I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified.

THE LIGHT OF LIBERTY

Mr. DAVIS. Mr. President, as we approach this day of days—glad Christmas Day—it is our fervent hope that liberty and peace shall again prevail throughout the world. Let us keep the light of good will shining in our eyes, our hearts, our hearths, our schools, our churches, our voluntary, fraternal, and civic institutions in order that the light of liberty shall never die out in us.

I presume that every Senator has received a letter from Bernarr Macfadden, such as has come to me, in which he said:

> Last year at this time Liberty magazine asked Americans to answer Europe's blackout by making every home, every office building, every factory bright with light on Christmas Eve.

Once again he makes this timely suggestion, which reminds me of an address I made at the vocational school at Mooseheart, Ill., which I repeat in part:

> Many years ago, out in the Orient, an English school teacher wrote a few lines of verse. Years passed. Then the King, in Buckingham palace, read those lines, and when the next Christmas came he repeated them over the radio. This is what he read: "I said to a man at the gate of the years, 'Give me a light, that I may tread safely into the unknown,' and he replied, 'Go out into the darkness and place your hand into the hand of God. That shall be to you better than a light and safer than a known way.'"

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker pro tempore had affixed his signature to the enrolled joint resolution (S. J. Res. 302) authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress, and it was signed by the President pro tempore.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS TO THURSDAY

Mr. MINTON. I move that the Senate take a recess until Thursday next at 12 o'clock noon.

The motion was agreed to; and (at 12 o'clock and 30 minutes p. m.) the Senate took a recess until Thursday, December 19, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 16 (legislative day of November 19), 1940

UNITED STATES PUBLIC HEALTH SERVICE

Passed Asst. Dental Surg. David Cooper to be dental surgeon in the United States Public Health Service, to rank as such from November 24, 1940.

COAST GUARD OF THE UNITED STATES

Harold C. White to be a chief boatswain in the Coast Guard of the United States, to take effect from date of oath.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO COAST ARTILLERY CORPS

Lt. Col. Roy Samuel Gibson, Infantry, with rank from August 7, 1940.

Capt. Andrew Suter Gamble, Infantry, with rank from August 1, 1935.

TO AIR CORPS

Second Lt. Neil David Van Sickle, Cavalry (first lieutenant, Army of the United States), with rank from June 14, 1938.

PROMOTIONS IN THE REGULAR ARMY

To be colonel with rank from December 1, 1940

Lt. Col. Andrew Goolsby Gardner, Infantry (colonel, Army of the United States).

Lt. Col. Albert Simon Kuegle, Infantry (colonel, Army of the United States).

Lt. Col. Claude Killian Rhinehart, Field Artillery (colonel, Army of the United States).

Lt. Col. Levin Hicks Campbell, Jr., Ordnance Department (brigadier general, Army of the United States).

Lt. Col. Follett Bradley, Air Corps (brigadier general, Army of the United States; temporary colonel, Air Corps).

Lt. Col. Jonathan Waverly Anderson, Field Artillery (colonel, Army of the United States).

Lt. Col. Serafin Manuel Montesinos, Infantry (colonel, Army of the United States).

Lt. Col. John Absalom Baird, Chemical Warfare Service (colonel, Army of the United States).

Lt. Col. Philip Guillon Blackmore, Ordnance Department (colonel, Army of the United States).

Lt. Col. Henry Clarence Davis, Jr., Coast Artillery Corps (colonel, Army of the United States).

Lt. Col. Octave De Carré, Coast Artillery Corps (colonel, Army of the United States).

Lt. Col. Claude Martin Thiele, Coast Artillery Corps (colonel, Army of the United States).

DENTAL CORPS

To be first lieutenants with rank from date of appointment

Jack Menefee Messner	Robert Leonard Walsh
George Henry Parrot, Jr.	Eugene Hamilton Wood
Kenneth Cheney DeGon	Hubert Bernard Palmer

PROMOTIONS IN THE NAVY

Capt. Felix X. Gygax to be a rear admiral in the Navy from the 1st day of December 1940.

Commander Theodore D. Ruddock, Jr., to be a captain in the Navy from the 1st day of July 1940.

The following-named lieutenant commanders to be commanders in the Navy to rank from the date stated opposite their names:

Norman S. Ives, July 1, 1940.
George H. De Baum, October 1, 1940.
Bern Anderson, December 1, 1940.
Charles F. Erck, December 1, 1940.

The following-named lieutenants to be lieutenant commanders in the Navy to rank from the date stated opposite their names:

Benjamin May 2d, June 1, 1940.
Walter C. Stahl, July 1, 1940.
Spencer A. Carlson, July 1, 1940.
Thomas F. Halloran, July 1, 1940.
John P. Fitzsimmons, August 1, 1940.
John H. Simpson, August 16, 1940.
James E. Leeper, September 1, 1940.
Hilan Ebert, September 1, 1940.
Robert R. Johnson, October 1, 1940.
Edward L. B. Weimer, November 1, 1940.
Ralph S. Clarke, November 23, 1940.
Gordon Campbell, December 1, 1940.

The following-named lieutenants (junior grade) to be lieutenants in the Navy to rank from the date stated opposite their names:

Salem A. Van Every, Jr., December 8, 1939.
Reynolds C. Smith, February 1, 1940.
Dennis S. Crowley, May 1, 1940.
Gilbert H. Richards, Jr., July 1, 1940.
Willard R. Laughon, July 1, 1940.
Kenneth Loveland, July 1, 1940.
Lester C. Conwell, November 23, 1940.
Joseph W. Williams, Jr., November 23, 1940.
Frederick L. Ashworth, November 23, 1940.
Antone R. Gallaher, November 23, 1940.
Paul W. Burton, November 23, 1940.
Harry C. Maynard, December 1, 1940.
Warren B. Christie, December 1, 1940.
Joseph F. Enright, December 1, 1940.

The following-named ensigns to be lieutenants (junior grade) in the Navy to rank from the 3d day of June 1940:

Edward G. De Long.
William R. Crenshaw.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander, to rank from the 26th day of June 1940:

Emory E. Walter.
Fred Harbert.
Bishop L. Malpass.

Assistant Paymaster James S. Dietz to be a passed assistant paymaster in the Navy with the rank of lieutenant, to rank from the 1st day of July 1940.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign, from the date stated opposite their names:

Frank H. Watts, June 15, 1939.
Carter Garthright, October 20, 1940.

Machinist Otis C. Oliver to be a chief machinist in the Navy, to rank with but after ensign, from the 20th day of October 1940.

The following-named lieutenant commanders to be lieutenant commanders in the Navy, to rank from the date stated opposite their names, to correct the date of rank as previously nominated and confirmed:

William Miller, Jr., July 1, 1940.
William R. Smedberg 3d, July 13, 1940.

The following-named lieutenants to be lieutenants in the Navy, to rank from the date stated opposite their names, to correct the date of rank as previously nominated and confirmed:

John P. Lunger, February 1, 1940.
Brooks J. Harral, February 1, 1940.
Robert E. Coombs, Jr., February 12, 1940.
John W. Ramey, February 20, 1940.
Albert E. Gates, Jr., February 20, 1940.
George L. Bellinger, April 1, 1940.
Edmond G. Konrad, April 1, 1940.
George L. Hutchinson, May 1, 1940.
Ennis W. Taylor, May 1, 1940.
Clare B. Smiley, June 1, 1940.
Frank R. Arnold, July 1, 1940.
John A. Tyree, Jr., August 1, 1940.
Carter L. Bennett, August 1, 1940.
Albert L. Shepherd, September 1, 1940.

Paymaster Reed T. Roberts to be a paymaster in the Navy, with the rank of lieutenant commander, to rank from the 23d day of June 1938, to correct the date of rank as previously nominated and confirmed.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Francis L. Busey, August 1, 1940.
Claude W. Haman, September 1, 1940.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Richard Lane, July 1, 1940.
Murray Hanson, December 1, 1940.

Passed Assistant Paymaster Bion B. Bierer, Jr., to be a paymaster in the Navy, with the rank of lieutenant commander, to rank from the 1st day of July 1940.

Boatswain Charles A. Parsons to be a chief boatswain in the Navy, to rank with but after ensign, from the 1st day of November 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 16 (legislative day of November 19), 1940

APPOINTMENT IN THE NAVY

MARINE CORPS

Maj. Gen. Thomas Holcomb to be the Major General Commandant of the Marine Corps.

POSTMASTERS

FLORIDA

William T. Gary, Ocala.

ILLINOIS

William Harry Bruns, Camp Point.
John A. Miller, Nameoki.
Lawrence P. Luby, Rockford.

WISCONSIN

Adolph H. Meinert, Albany.
Lawrence C. Porter, Cambridge.
Mae I. Swann, Cascade.
Mary E. Meade, Montreal.
Jessie I. Sweney, Endeavor.
Edward E. Bengs, Greendale.
Harris Gilbert Hanson, Iola.
Clarence L. Peck, Kennan.
Rudolph H. Wirth, Lake Tomahawk.
Margaret F. McGonigle, Sun Prairie.
Richard M. Grimsrud, Westby.
H. Shirley Smith, Holmen.

HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 16, 1940

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed Father in Heaven, infinite in wisdom, power, and goodness, we pause at the altar of prayer. We thank Thee for the Christ, who is the divine heartthrob from the dawn of time. We pray Thee to bring all men into the kingdom of love, which forever flames beyond the bounds of sense. From the simplest to the wisest, draw us nearer that epoch and epic when we shall behold the glorified cross and understand that the enchanted pursuit of life is brotherly love, deep and strong, and which is the measure of man's greatness. O God, humanity, grown so very weary by its long, long tramp down through the ages, bewildered and indicted because of its unbrotherly hatreds and unfilial relations, we humbly beseech Thee to let its darkness be dissolved in the foreglow of Mary's holy child. In our Redeemer's name. Amen.

The Journal of the proceedings of Thursday, December 12, 1940, was read and approved.

RESIGNATION

The Speaker pro tempore laid before the House the following communication, which was read:

NEW ORLEANS, LA., *December 12, 1940.*

Hon. SAM RAYBURN,
Speaker of the House of Representatives, Washington, D. C.

SIR: I hereby resign my office as Representative in the Congress of the United States from the Second District of Louisiana, effective at the close of the day December 15, 1940.

With great respect, your obedient servant,

PAUL H. MALONEY,

PARLIAMENTARY INQUIRY

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, how much time has been requested after disposition of matters on the Speaker's table today?

The SPEAKER pro tempore. In answer to the gentleman's inquiry, 40 minutes.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that at the conclusion of that time I may address the House for 20 minutes on the subject of the St. Lawrence Inland Waterway.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

EXTENSION OF REMARKS

Mr. GOSSETT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. LUTHER A. JOHNSON] may have permission to extend his own remarks in the RECORD, and to include a speech of introduction of Speaker RAYBURN at a banquet in Dallas last week.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. GOSSETT]?

There was no objection.

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Wednesday next.

The SPEAKER pro tempore, Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

Mr. REES of Kansas. Mr. Speaker, reserving the right to object, we have been going along here recessing 3 days at a time. We just recess as far apart as we can from one day to the other. We have come to a place where we ought to find out whether or not we are going to transact any more business. May I ask the distinguished leader on the other side of the House why it is we are going to recess now until Wednesday? Why not just recess until tomorrow?

Mr. COOPER. Mr. Speaker, this request is made after conference with the minority leader of the House and is in accordance with an agreement with him.

Mr. REES of Kansas. I do not want to quarrel with the leadership on either side here, but I do want a little explanation, and I think the Members of the House should know. I understand this Walter-Logan bill is still outstanding, waiting for the President's approval or disapproval; is that correct?

Mr COOPER. The gentleman is correct. The bill has passed the House and Senate and, as far as I am advised, it is now before the President for his consideration. In all frankness, may I say to the gentleman that according to press reports there is some indication the bill may not receive Executive approval. An understanding has been reached between the Speaker pro tempore, the majority leader, and the minority leader that in case the bill is returned without Executive approval it will be presented to the House for consideration on Wednesday.

Mr. REES of Kansas. Do I understand that on the very last day and the very last hour the President can hold it the House will have a chance to consider it?

Mr. COOPER. I am not aware of the gentleman's understanding.

Mr. MARTIN of Massachusetts. Of course, the House may consider it any time after that if it wishes, but that is the last day the President can veto it. However, it is not the last time the House can consider it.

Mr. REES of Kansas. The President is withholding his action until Wednesday, which is the last day. It left the House on December 2, as I remember it.

Mr. COOPER. Of course, the President has been away on official business.

Mr. REES of Kansas. On official business?

Mr. COOPER. Yes; on official business.

Mr. RANKIN. Mr. Speaker, I want to propound a parliamentary inquiry to the Speaker in connection with this matter.

The SPEAKER pro tempore. Does the gentleman from Tennessee [Mr. COOPER] yield for that purpose?

Mr. COOPER. Mr. Speaker, I yield.

Mr. RANKIN. It is my understanding that this so-called Walter-Logan bill will come back here day after tomorrow with the President's veto, and that we will be called upon to vote at that time on that veto. Of course, I am for sustaining the veto. But if there are not enough Members here to form a quorum, we who are in favor of sustaining the veto win, regardless of how the vote stands, do we not?

The SPEAKER pro tempore. The Chair may say, of course, that a quorum is necessary to be present to determine finally any question that may come before the House.

Mr. RANKIN. If there is not a quorum present, the veto could not be overridden if every Member present voted to override it?

Mr. MARTIN of Massachusetts. And neither could it be sustained.

Mr. RANKIN. Yes; it would be sustained if there were not a quorum present. The veto stands until it is overridden.

The SPEAKER pro tempore. The Chair is unable to answer the inquiry, because that is a matter that rests with the House.

Mr. COX. I suppose the gentleman's hope is that the President's veto will not be overridden because a quorum is not present,

Mr. RANKIN. I am suggesting they better be here if they want to vote on it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

Mr. REES of Kansas. If there is an agreement among the leadership on both sides of the House and the Speaker pro tempore to recess until Wednesday, of course, I do not want to be the only Member on this side to upset it.

Mr. MICHENER. Reserving the right to object, Mr. Speaker, as I understand, we expect a veto message to be in here late tomorrow or Wednesday. The first time the House could possibly vote on the veto would be Wednesday. Those who want expedition certainly have been favored when the leadership has definitely stated that the vote will come Wednesday; therefore the vote is not being delayed. Wednesday is the earliest time a vote can be had if the President takes the full time allowed him in which to act on the Walter-Logan bill.

Mr. COCHRAN. Reserving the right to object, Mr. Speaker, I should like to offer a suggestion. I believe if the veto message does come in the Members of this House should have an opportunity to read that veto message and study it so that we will learn the reasons for the veto message and can vote intelligently, and not do as the House did when we agreed to the Senate amendments, when hardly nobody knew what was in the Senate amendments, and few know now.

Mr. MARTIN of Massachusetts. The gentleman understands, of course, that according to the Constitution the House is supposed to act upon a vetoed bill the minute it is read in the House.

Mr. COCHRAN. By unanimous consent, the vote on the vetoed bill can go over until we can all read the message Wednesday and study it and vote intelligently, provided a veto message does come in. That is the point I am making. While the gentleman from Massachusetts was away we agreed to the Senate amendments to the Logan-Walter bill, and I insist not five Members of this House understood what the Senate amendments were, and I reassert they do not understand them now.

Mr. MARTIN of Massachusetts. Does not the gentleman know that we must be in session to receive the veto message on Wednesday, because that is the last day the President can send it here?

Mr. COCHRAN. It is the last day for the President to send a veto message, but it is not the last day for the House to act on it.

Mr. MARTIN of Massachusetts. We should be here to receive it, and under the Constitution we are required to act immediately.

Mr. COCHRAN. Not necessarily. There are several ways that action can be delayed by unanimous consent. One is to postpone the vote until Thursday, and another is to refer the message to the Judiciary Committee. Many times veto messages have been sent to committees and never heard of again.

Mr. MARTIN of Massachusetts. That has been done too often in the past.

Mr. HOFFMAN. Reserving the right to object, Mr. Speaker, the Washington Post this morning carries a cartoon showing that the President is back from his vacation and all the defense-program problems are piled up on the table waiting for his attention. The President having finished his vacation and others who have been on a vacation having returned, there would seem to be no reason why defense problems should not receive consideration.

The real emergency seems to have been an election for a third term. That having been secured, perhaps now the safety of the Nation may be considered. That we may consider it, I object to further adjournments.

PERMISSION TO ADDRESS THE HOUSE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that today, at the conclusion of the legislative business of the day and following any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein an important article entitled "South America and the Coming Era of Air Transportation."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

WALTER-LOGAN BILL

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, unfortunately I have just arrived in the Chamber. I do not know what has preceded here today. I gather, however, from the observations to which I have listened that it is expected that the President will probably veto the Walter-Logan bill, or anyhow, that something will happen here Wednesday which may require the presence of a quorum. It has been stated or intimated here by those in a position to have advance judgment or a good guess, or whatever it is, that this veto message will come up Wednesday.

I should like to serve notice or to advise, whichever would be the most diplomatic and polite way to state it, that we are going to insist on a quorum being present here to dispose of this veto message, and if the gentlemen who have the responsibility and power of leadership would advise their respective groups that that is going to happen we would have a chance to dispose of this matter Wednesday.

Mr. MARTIN of Massachusetts. As far as we are concerned, we have already notified the Members on our side.

Mr. SUMNERS of Texas. Then I add my notification to the Members of the House.

[Here the gavel fell.]

MINE-INSPECTION MEASURE

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to include in my remarks excerpts from a letter written to Members of Congress by Thomas Kennedy, secretary-treasurer, United Mine Workers of America, of date December 9, 1940.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHANNON. Mr. Speaker, the sabotage by this Congress of the mine-inspection measure is to be deplored. Many of the withdrawals from the discharge petition have been brought about by local commercial bodies to whom the dividends of the mine shareholder is of more importance than the life of the miner-father.

History is full of cases where the capitalistic dollar has been looked upon with more sanctity than the life of the father who was killed while struggling to make a living for his wife and children. Shame upon such unclean work as is at this moment being practiced by the so-called commercial bodies.

I have said before, and I repeat now, that if one father is saved to his wife and children by this act, then that is sufficient reason for its enactment.

Mr. Speaker, the following letter has been sent to Members of Congress by the secretary-treasurer of the United Mine Workers of America:

UNITED MINE WORKERS OF AMERICA,
Washington, D. C., December 9, 1940.

To the honorable the Members of the House of Representatives, Washington, D. C.

GENTLEMEN:

* * * * * * *

There is a wholesale slaughter of American men going on in this country. * * *

You gentlemen have it within your power to bring this slaughter to an end.

When a violent mine explosion ripped through the workings of the Nelms mine near Cadiz, Ohio, less than 2 weeks ago 32 mine workers were killed, making a total of 1,580 mine workers who have been killed in the mines of this country since the Neely-Keller Federal mine-inspection bill (S. 2420) was first introduced in Congress.

How much longer are you going to permit this slaughter to continue? How many more bodies of American mine workers must be piled up on this already huge sacrificial altar before you will act to end this carnage?

America is in the throes of a gigantic defense program. Our Government is ever on the alert to prevent sabotage in our defense industries, and justly so.

Coal is a vital defense industry, basically and otherwise. Yet faulty mine inspection is sabotaging this defense industry and taking its toll not in wrecked machinery but in dead American mine workers.

We do not claim that passage of the Neely-Keller mine-inspection bill will arbitrarily end mine explosions. But we do claim that its enactment into law will result in a huge decrease in coal-mine fatalities.

You Members of the House have it within your power to end this wholesale slaughter by forcing S. 2420 to the floor of the House for a vote. You can affix your signature to the petition now resting on the Speaker's desk to bring this bill to the floor for a vote.

Why stand on ceremony on the signing of a petition when thousands of human lives are at stake?

We beg of you to act on this bill favorably, and now, in the name of their thousands of widows and orphans that these 1,580 mine workers shall not have died in vain.

Very respectfully yours,

THOMAS KENNEDY,
Secretary-Treasurer.

ST. JOSEPHS HOSPITAL, LOWELL, MASS.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks in the RECORD and include therein an address by the Very Reverend L. G. Bachand, O. M. I., at the centennial celebration banquet of the Lowell Corporation Hospital, now called St. Josephs Hospital, which was held at the Lowell Memorial Auditorium, Lowell, Mass., on December 3.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, it was a source of much pleasure to me to have had a small part in that celebration, and I take great pride in telling the House of Representatives that St. Josephs Hospital has the distinction of being the first industrial hospital of the country. An added distinction is the fact that this hospital established the first children's ward in the Commonwealth of Massachusetts, in the year 1840. Truly this was a forerunner of what we today call social security. It has often been said that corporations have no souls, but these textile corporations banded together to operate this hospital proving that these corporations had not only a soul but a heart as well. One hundred years is a long time for any business to exist. In the case of this hospital, it has been a century of devoted service to the community, of charity to all who needed charity, and of progress in the field of medicine and surgery. My wishes of another century of success go to this most worthy institution. The address of the Very Reverend Bachand follows:

Mr. President, my dear friends, may I ask you to consider with me for a few minutes a picture truly beautiful, edifying, and inspiring? It is strictly a product of greater Lowell, made by peoople of this city and belonging exclusively to Lowell and the neighboring towns.

Exactly 100 years ago, of their own volition, absolutely free from all pressure—political, social, or legal—and at a cost of untold sacrifices of time and money, a group of Lowell manufacturers banded together for a truly noble purpose. And what was this purpose? Greater business efficiency? No; it was of a far nobler order. Was it social security? Yes; and more than that. Was it philanthropy? Yes; philanthropy of the finest type, and still more than that. The purpose of these manufacturers of Lowell was nothing less than charity in the true sense of the word.

They decided to establish and maintain a hospital, not for themselves, not for their families, not for their intimate, personal friends, but for their employees. As is clearly indicated in the bylaws they adopted, it was not to be a mere repair shop for used and broken human tools, as laborers are too often called; not a money-saving device, but for the convenience and the comfort of their employees when sick; to bring them medical and surgical care when needed; and, mark well, they freely and solemnly bound themselves to contribute from their own pockets funds necessary for that purpose. Thus was conceived and dedicated the hospital whose centenary we so gladly celebrate today.

This hospital enjoys the enviable distinction of being the first industrial hospital of the country. Long before the advent of the New Deal, and even of organized social workers, it marked the first awakening of social responsibility of industry in this country. For 27 years after its inauguration it was the only hospital in Lowell. In March 1931 Dr. John Lovett Morse, professor of pediatrics at Harvard Medical School, in his address before the one hundred and fiftieth annual meeting of the Massachusetts Medical Society, states "that a children's ward with 15 beds was established at the Lowell Corporation Hospital in 1840 and was the first of its kind in the State." Moreover, its records show that as early as August 25, 1887, a new ward for contagious cases was opened.

True to its ideal, the hospital, from its very beginning, flung wide open its "portals of mercy" to all employees of the textile corporations and to all members of their families. A few years later it generously extended its charity to all who needed it.

Although the population of Lowell in 1840 was only 21,000 and was not hospital-minded, by 1930 this institution had hospitalized 62,127 patients and, besides, had given 550,000 treatments to 138,000 others. All these patients received the very best that medical science and Christian charity had then to offer.

Charles Cowley, the Lowell historian, writes: "This hospital ever since it was established, has been under the medical superintendence of one of the ablest physicians and surgeons in the country, Dr. Gilman Kimball. (Dr. Gilman Kimball has the distinction of being the first surgeon to perform successfully the removal of the whole of the uterus based upon a correctly established diagnosis.) The best accommodations, the most attentive nurses, and the highest skill are here provided for the sick and homeless operatives, and at an expense but little exceeding the cost of board, and gratuitously to those who have no means."

To this he might have added: To all patients, irrespective of color, class, or race are also made available every spiritual comfort and help of their respective creeds. Their ministers, rabbis, and priests are always welcome, and treated with utmost respect and courtesy.

Had he completed this picture of the hospital in 1930, he could also have included the following facts: To continue its mission and meet its ever-increasing needs, this hospital has continually increased its staff of doctors. It now has 28, all of the highest competency. It has opened and maintains a first-class school for nurses, and finally, to carry on this work of charity, with all its ramifications and requirements, its sponsors have, to date, paid from their own pockets, $1,000,000.

In 1930, however, as very few of these textile manufacturing corporations continued to operate in Lowell, all thought that the hospital was doomed.

But, lo and behold! Although its body had grown old and somewhat decrepit, its soul, stronger than ever, refused to die.

Passing from generation to generation without losing any of its original vitality or ardor, the spirit of its founders now filled the hearts of its directors and inspired all with the one purpose—the hospital must be saved.

At this crucial hour in the life of the hospital, the man who did more than all others to save it, is that outstanding citizen of Lowell, that ever loyal and devoted friend of all its people—Mr. Frederick A. Flather.

Not only was his heart filled with the very quintessence of the spirit of the founders, not only did the fire of his burning zeal for it fairly devour his own soul, but he actually caused it to spread far and wide and set all hearts aglow.

He it is who made of our regretted Joseph A. Legare not only a devoted friend of the hospital but its tireless apostle.

It is this same Frederick A. Flather who is responsible, if the Oblate Father who was then pastor of St. Josephs parish decided to accept the hospital, saying: "Hospital work is not a specialty of the Oblate Fathers, but this hospital must be saved to continue its wonderful services to suffering humanity."

It is he, too, who is responsible, at least indirectly, if from the Catholic Archbishop's palace came the prompt reply, "The hospital must be saved."

Yes; and it is he, too, who is responsible if the Very Reverend Mother Bruno, then superior general of the Grey Nuns of Ottawa, although she knew and often repeated that her order had neither money nor Sisters available to undertake any additional work, nevertheless accepted the charge of this institution, saying, "This hospital must be saved."

Evidently, however, only the Holy Ghost Himself, in His wisdom and power, could choose to be the first superior of the hospital a person blessed by nature and grace with all the exceptionally rare qualities necessary to save and restore this grand old institution.

His choice, as you all know, was Sister Saint Alphonse. From the very minute she arrived in Lowell, the zeal for the hospital that filled her big, generous heart was simply tremendous, and its results absolutely prodigious. Not without several headaches and a few bilious attacks, but at the end of a very few weeks she could report, "All major obstacles have been overcome, the more difficult problems solved; all is under control, and the hospital is certainly saved,"

At the end of the 7 years that she spent as superior of the hospital, the records showed that during her term in office the hospital had been completely renovated and enlarged at a cost exceeding $50,000; that all the departments had been reorganized, brought up to the highest standards, and were operating at full capacity; that 20,000 patients had been admitted to the hospital proper, 150,000 others to the out-patient department; that the poor had received over $300,000 in charity from the hospital; and, last but not least, that the reserve fund of the hospital, begun by herself, showed a very substantial balance—a prodigious record indeed; truly a miracle of charity.

Today under the efficient leadership of its present superior, the genteel and capable Sister Saint Philip, the work of this hospital goes on, ever increasing in volume, intensity, and perfection. Seventeen Grey Nuns of the Cross, 35 staff doctors all highly competent and specialized, 3 internes, a score of graduate nurses, 62 student nurses, and 33 lay employees work together in perfect peace and harmony for the sick who continuously crowd to overflowing the entire hospital and its out-patient department.

The name and management of the old hospital changed 10 years ago, but its soul, received from its founders 100 years ago, never did and, please God, never will. Its spirit has always been and always will be charity; its purpose ever the same—medical care, surgical treatment, convenience, comfort, happiness for suffering humanity.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therewith a recent address delivered by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article prepared by the Associated Press, which appeared throughout the country yesterday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE DEFENSE PROGRAM

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PIERCE. Mr. Speaker, we hear over the radio and we read in the papers much about the delay in the defense program. There came to my desk, and I presume to the desk of all my colleagues on Friday, a speech delivered by Donald A. Nelson, Coordinator of Purchases of the National Defense Advisory Committee, and in that address I find this paragraph:

> As I said a few minutes ago, we have passed through the greatest part of the work of letting contracts. My personal belief is that that phase was handled well and expeditiously. I see no reason for complaint on the basis of what has been done by the Defense Commission so far.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include this entire address in the Appendix.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE LOGAN-WALTER BILL

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I want to direct the attention of the membership of the House to the manner in which the Logan-Walter bill is being handled. There has been plenty of criticism as to the dilatory methods by which Congress has handled legislation. Here is a place where the administration and its leadership, in my judgment, has taken part in such methods.

This bill has been before the Congress for many, many months. After considerable effort on the part of the proponents of the bill, a conference report was approved on December 2. According to the information we have, it reached the White House on December 6. Why it took 4 days for it to reach the White House I do not know. Then the President left on his cruise and, according to reports, has returned to Washington today, and will finally decide next Wednesday, the very last day and last hour, as to whether or not he will approve the bill. Press reports tell us he expects to veto it.

Mr. Speaker, this situation involves two things to which I want to direct your attention. This is not the time for the administration or the leadership to practice dilatory methods in the handling of legislation. I have no quarrel with those who are against the bill. I have no quarrel with the administration if it is opposed to this legislation. But the President could have signed or vetoed this bill almost 2 weeks ago. Then the Congress would have a chance to override or support the veto as it saw fit. If Congress wants this legislation, it ought to have a right to say so. If it does not want it, it ought to have a similar right. Mr. Speaker, I am only asking for a square deal. I do not believe we are getting it in this case.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. VOORHIS of California asked and was given permission to revise and extend his own remarks in the RECORD.

NATIONAL-DEFENSE PRODUCTION

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I would like to draw attention to a few indisputable facts.

Mr. Knudsen says, "Production is 30 percent behind and all is not well."

Mr. Knudsen attributes the delay to industry and labor.

The Army has now had to stop. Its training program is being interfered with.

The Army cannot call additional men.

The Army cannot build quarters for these new men.

There is no place to house these new men.

Bickering, strikes, lack of material have stopped the program.

Eleven millions were unemployed. They want to go to work, and we want them to.

The C. I. O. will not cooperate, will not work unless they make the laws.

The C. I. O. are trying to prevent anyone else from going to work.

The C. I. O. demand their "pound of flesh" in their ultimatum, "Accept our conditions or there will be no national-defense program."

The Government itself is now getting a taste of what business and industry have had to put up with—with both the C. I. O. and the C. I. O. controlled N. L. R. B.

We have drafted men.

We have drafted wealth.

We have made billions available for the national-defense program.

This House has passed the Smith amendments to N. L. R. B. We would not have done these things if they were not necessary.

The C. I. O., through control of N. L. R. B., controls industry.

If industry is to be blamed, the blame therefor must immediately come back to C. I. O., and the delay must therefore be placed squarely in the lap of C. I. O.

What is more important—the continuation of C. I. O. power or that we have a national-defense program?

Ceilings on certain things have been mentioned. If we are to have a national-defense program a ceiling must be placed on the power of the C. I. O.

If the Smith amendments cannot be made law, the control of N. L. R. B. taken from C. I. O., and N. L. R. B. be made workable, so that we can have a national-defense program, then N. L. R. B. must be repealed and start all over.

I commend and congratulate patriotic and constructive individuals in labor and those labor leaders who have fought the C. I. O. and their principles and have seen through their program.

Summed up, the slow-down, the lack of production on and for our national defense, must squarely be placed in the lap of the C. I. O.; and we must eventually meet this issue of whether we want the C. I. O. or national defense.

EXTENSION OF REMARKS

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein two articles written by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WOODRUFF of Michigan asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. JONES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a telegram from a constituent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD, and to include a statement of Col. G. E. Myers, of the United States Army, retired, on The Americas Must Awake to Their Peril.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include a short resolution passed by the Chamber of Commerce of Superior, Wis.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a resolution adopted by the Great Lakes-St. Lawrence seaway meeting and an address made at that meeting by the Honorable Leland Olds.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the St. Lawrence seaway project and to include a short news dispatch.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with former President Hoover's program for aiding the small countries in Europe.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with the problems of Finland and a short editorial in connection therewith in the Daily News for last Saturday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. STEARNS of New Hampshire. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a radio address by a former Member of this House, Hon. Maurice H. Thatcher, of Kentucky.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks and insert therein an article by O. N. Thompson.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

By unanimous consent, Mr. PATRICK was granted permission to extend his own remarks in the RECORD.

The SPEAKER pro tempore. Under special order of the House heretofore entered, the gentleman from Texas [Mr. SUMNERS] is recognized for 30 minutes.

PREPAREDNESS

Mr. SUMNERS of Texas. Mr. Speaker, I have permission to speak for 30 minutes, but I do not expect to occupy the entire time that has been allocated to me.

The Congress and the people of the country are perhaps thinking more seriously than they have for a long time about our problems, especially those having to do with our military preparedness. I want to help in that direction. The people who are really trying to look to the bottom of things must be convinced of a few fundamental things that we must do something about, not as labor or capital, nor as Democrats or Republicans, but as American citizens—must do it effectively if we are to have a chance to win through the difficulties which now confront us. We have to go deeper than merely making munitions of war and getting factories into operation, though we must work unitedly, with speed and efficiency. We have heard a great deal of talk in this country about preserving the gains and profits—social gains and profits of business. Unfortunately that is about all we have heard much about for a long time. "Gain for me and profit for me." We have not been hearing much about service, sacrifice, and preparation for the supreme effort, for the great crisis toward which with rapidity we are now moving. Nobody has been talking about what we are going to have to give to this Government if we are to survive as a democracy. As a result, we are not ready to tackle this job. We are not ourselves prepared. As a people we are not yet under the solidifying influence of a consciousness of our common danger, the shadow of which grows thicker each day as we move closer and closer toward possibilities being converted into actualities. We are all in the same boat. We do not know how close, but that person must be blind who does not see that we have already passed the boundary of possibilities and are now in the realm of probabilities, utterly unprepared spiritually, patriotically, or physically to carry on or to defend ourselves in the situation into which we are moving and moving rapidly. And we are not even ready as a people to tackle the job of preserving this democracy, because no people are who are looking to our Government in times like this as something they can make a profit out of, whether they be the people who own the factories or the people who work in them, or any other group or class of our people. What I am saying may not be agreed to now; I may be misquoted and misunderstood, but I would wager my life that if we do not agree upon these things essential to our security now when we can do it, we will wish we had before we get through.

If we are prepared, physically equipped, equipped in devotion to our system of government, willing to give all we have if need be to preserve it, we may not have to fight. But we cannot do what we are doing now unless we can back it up with complete military preparedness and a solidified people whose courage and patriotism make them fit to be free and avoid fighting. These are unusual times, which come rarely in the history of the ages. I do not understand how it is that people who go to school and get degrees in colleges and who are supposed to know the things of life fail to appreciate that fact, fail to have discovered in the history of the world that there do come great periods when civilizations and governments have to stand at the bar of judgment and answer under the philosophy of the parable of the talents. I do not care whether you believe in religion or what your religion is. I am not speaking as a religionist. I am trained in the school of practical experience. I speak as a student of the actual facts of life. Great epochs come which try the souls and test the fiber of people. This is such a time. We are not going to escape the test. We are not going to escape the consequences of our failure to meet it, either, if we fail. I hate to repeat the saying of these things, but these things go to the fundamentals of our possibility of preparing.

I am not talking as a theorist. Theories are valuable only as they give aid in systematizing the investigation of facts. I am appealing to the everyday, to the workaday, common sense of a people who are the last bulwark of free government of the earth that is not in immediate peril at the moment. Possibly we are closer than we realize.

I believe if the American people should become conscious of the facts of our situation we could do the job. We would not be fighting for profits now. I do not mean that we have reached the point of greatest sacrifice, but we had better begin to get ready, get prepared to do it soon. Then we might not have to do it.

If as a people we could become conscious of the fact that probably we are going to have to sacrifice to the limit before we win through the difficulties of these times we would go ahead and do our job now and escape the consequences of not doing it now. Such a people would joy in the service of their country.

It is revealed from a study of history and from our own experience that men get the thrill of their lives in doing something for the country they love. We have to swing away from selfish, self-centered, group-concerned, short-sighted self-interest, which now unfortunately is blighting the soul of this country. I am not talking about other people. I am talking about us as a people in which I am

included. It is not "they" it is "us," me and you. The fuller life we hear so much about—unfortunately some of us seem to have got the notion that the fuller life is not necessarily a greater soul, greater courage, the greater fitness to be free, greater fitness to live, but the notion seems to be fuller of gasoline, moving-picture shows, prize fights, and things of that sort. Such a people cannot win. It is not written in the book of destiny that such a people can hold the line against the combined influences of the world that challenge today the right of men to be free.

We have been going along here, doing a mighty lot of mighty big talking considering what we are prepared to back up. We have cut out the Western Hemisphere as the area in which we tell everybody to stay out. Did you ever think how much territory that is? From the tip of Cape Horn to the frozen seas of the north, America says to the rest of the world, "stay out."

That is lots of territory.

We have to consider this situation as serious grown people and not as a group of children. We are moving fast toward the show-down. We have a notion in this country that there is not going to be any shooting unless we shoot first. It never seems to have occurred to the average American that we may be "shootees" in the next shooting. This is no time to be controlled by a bumptious optimism that does not rest on any solid foundation of fact. Besides the job which Mr. Monroe cut out for us with reference to this hemisphere, we are having something to say about what is happening in every corner of the earth today, in the conflicts in Europe, in Africa, in Asia—all over the world. I state this not in criticism but merely as a fact which an intelligent people cannot afford to ignore in this world aflame with the passions and the horrors of war, where we are running, so I am advised, 30 percent behind our preparedness program. In such a situation there is but one business in this country worthy of consideration, and that is our preparedness for any emergency. Everything we have or can hope for is at stake.

If as a people—plain, practical, hard, common-sense people—we would stop and look at our situation and see our common danger we would then have done the first essential thing toward our security. I am not discussing the justification, or lack of it, of our attitude toward peoples now at war. I am stating the facts of that attitude. Unfortunately in discussing our preparedness program we have in effect threatened most of the other people prepared to fight if England breaks.

I presumed to suggest a formula in the beginning of this preparedness movement which was that "we move as rapidly as we could with all our resources to prepare fully as possible to meet every emergency and in the meantime do mighty little talking with our mouths." That program was not followed.

In these controversies between what we call labor and capital that are definitely holding up this program, unfortunately in some instances, no doubt each one may be trying to take advantage of this situation. I am convinced that this has come about in no small degree in many cases because they have not stopped to consider just what our situation is, for if this country does not win through there will not be any social gains for labor to fight over, and if this country does not win through there will not be any private property for the owners of factories to fight over. That is all there is to it. We are all in the same boat. My judgment is that the heart of labor, the vast majority, is sound. My judgment is that the heart of the people who own property in this country, the vast majority, is sound. I am trying to avoid anything in what I am saying which may have any appearance of partisanship. I am trying to be helpful to my country now. If the heart of our people is not fundamentally sound—I mean if there is not something deep down in the heart of the man who works in the mine and the factory and in that of those who own the property that will respond to the call of his country, which it is making now in this the most tragic hour in the history of the ages—there is no use of building battleships, there is no use building cantonments, there is no use of putting the boys in uniform; if the heart of America is not fundamentally sound it is a waste of energy and effort. This is the job of the American people. I believe it is fundamentally sound, fundamentally patriotic. Some of you may say that I am depending upon sixth-sense stuff and that sort of thing as the background for what I say, but it is not true. I am depending upon the facts of life, upon human nature, upon the history of time, upon the character and quality of our people, and upon the history of our Government.

It is not written in the book of destiny that this people can win through unless they are first fit to win through. I will risk my life on that statement. Only a great people can win through these times. These are times when the balance sheet is struck. These are times when civilizations and nations must stand at the bar of judgment and answer under the philosophy of the parable of the talents. Let nobody make any mistake about it. No President can do this job; Congress cannot do this job; public officials cannot do this job. This job can be done only by a great people willing to make the sacrifice necessary to preserve a free government. Only such a people have a chance to win. We have got time possibly to prepare to do it, but no time to waste squabbling. We have an opportunity to do that great thing. We have the fascinating privilege, you and I and our people, to stand throughout the history of the ages as the greatest generation which up to this time has stood on the earth—stand not proudly but humbly and gratefully. The job is not easy. We in this country have been disposed to want to turn back when we confront difficulties. Is not that strange? It is a strange thing that people who have studied, who understand the things on the earth and the plans of nature, are disposed to turn back when they confront difficulties. Difficulties lie along the road of progress. Difficulties make the road of progress.

We had a bunch of smart fellows, "top water" thinkers in this country—would-be leaders—who wanted to turn back when we have been confronted with difficulties. God does not undertake to prevent people from having difficulties. He creates difficulties. Overcoming difficulties is the thing that makes for progress and develops human beings, that makes the muscles strong. No football team ever won strength and capacity by fighting weak opposition. No prize fighter ever won laurels by fighting a weak opponent. It is only a people who are able to win against great difficulties who themselves become great. We either will be greater or we will go down in defeat. This Nation, we are almost persuaded, is Nature's reserve in these terrible times. Let me emphasize this thought and develop it a little—it is at least fascinatingly interesting: We seem to be, whether by design or commandment, Nature's great reserve to protect and preserve the possibilities of men of this age remaining free on the earth. We! We in America are the great nation apparently held by Nature as its reserve force; at least that is our status in this world situation; we are the great reserve. What punishment ought to be ours if we of this generation fail; fail the hope of the ages; fail the great traditions of a great people and go down with the rest because we would not prepare to defend this great democracy—30 percent behind our program, fighting for special advantages in the hour of the Nation's danger? I have nothing to say complimentary of the generation of which I am a part. I look around and I see a people provided by God Almighty with everything to make them free, happy, prosperous, and contented. No foreign foe has put his foot on American soil in 100 years; yet we have not been willing to pay the price ourselves for the things which we provided in the current expenses of our Government, even. Now, think of that. We strut around here, you and me and the rest of this generation, talking about what great people Americans are, with all the things we have—food, clothing, housing, and every facility which a people could have—and we have not the patriotism and the common sense and the governmental capacity to pay for our own current governmental expense. Think of that! Yet you strut around here, and now we quarrel and bicker while the security of the

Nation is neglected. Justice must be done among our people. It is our job to see that it is done while the business of the Nation goes forward. That is our job.

Mr. Speaker, we are not Republicans and Democrats any more—not now. We were a few months ago, and we may be a year from now, but we are not Republicans or Democrats now. We cannot win as Republicans and Democrats now. We cannot win as laboring people and the owners of factories now. We can win only as a great, solidified, determined American people, guided by a sense of the greatest responsibility that ever rested on a generation since history began to be written. [Applause.]

Down deep in its heart America is sound, if we can get it working. I have no doubt about that, and I will tell you why. I am not speaking theoretically about this. I have been taking some samples of the attitude of people of America; I have been taking them just like a scientist takes samples of a big mass in order to determine what it is made of. I have not taken a single sample of public attitude in America in which I failed to find the stuff that is necessary for us to have in order to win. One of the troubles is, Mr. Speaker, we are not telling the people the truth. Some of us are afraid. I am not criticizing and I am not putting myself in any favored attitude. All we have to do is to tell our people the truth and look them in the eye. They are as sound as we are, and sometimes I think the people are sounder than the Congress is. They are not jittery. But as long as we just talk about social gains and profits and all this stuff and act as though we were on some grand picnic of private profit, what can we expect? I have no apology for making that statement because I have examined the facts. I have taken those facts, got at their source, and I have built them into as sound a judgment as I can construct. I have gone back later and I have looked at that judgment and I have not found any cracks in it. I am as convinced as I am convinced that I live that the problems of this hour have come to make not a great Congress merely; they have come to make not a great President merely; they have come to make a great people. Only a great people can win, and God grant we may be able to do it. We have the stuff to do it if people like yourselves, hired by the people, who hold the responsibilities of leadership, will tell the people the truth about the situation. We will win if we will do that. Of course, there is a place for law, for its protection of the public interest of the individual against government and against selfish and disloyal individuals and groups, but in such situations as we now confront dependence, in the main, must rest with the people, with public opinion. That is where it must rest in every great crisis.

What we need in this solemn hour, what we must have, is a great people, conscious of their danger, conscious of our responsibility, determined that under God Almighty, whatever the cost, whatever the sacrifice, free government shall not disappear from this part of the earth. And why should we not in America thus resolve, when hundreds of thousands of men and women all over the world are giving everything in order that free government might live, losing, many of them, because they did not prepare in time; losing, lost, because they were weak inside, divided inside, fighting for what now must seem pathetically petty things, while the enemy was moving his enslaving host toward their frontiers.

Why should you and I for one split second consider our puny little political fortune as a thing worthy of preserving in this hour of our Nation's peril when millions of people are sacrificing everything, willing gladly to give their lives for a chance for their children to have what we are putting in peril by our willingness to make merchandise of the security of a great democracy. I realize I am driving hard. I want the people to stop and think. All we need is to think this thing over. I have faith in the American people. We are not going to lie down on this job.

I have not lost hope that the record will be made that the men and women in the House of Representatives and the constituents whom they represent will have done that sublime, magnificent thing of meeting the challenge of their hour, standing as a great generation unafraid, not considering their self-interests, but again demonstrating that we are a people who love our country, who love our liberty, determined to prepare to defend it, and willing unitedly to fight to the death, if necessary, for its preservation. [Applause.]

EXTENSION OF REMARKS

Mr. MUNDT. Mr. Speaker, on behalf of the gentleman from Pennsylvania [Mr. VAN ZANDT] I ask unanimous consent that he may have permission to revise and extend his own remarks in the RECORD.

The SPEAKER pro tempore (Mr. DISNEY). Is there objection to the request of the gentleman from South Dakota [Mr. MUNDT]?

There was no objection.

The SPEAKER pro tempore. Under a special order heretofore entered, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

NATIONAL DEFENSE

Mr. HOFFMAN. Mr. Speaker, when the unanimous-consent request was made to adjourn until Wednesday I objected. The leadership on the minority side has since told me they had an agreement with the majority that the veto message will come down to the House Wednesday. They also told me if I objected to adjourning over until Wednesday, the leadership on the majority side might have the veto message brought in tomorrow; that if they did, they would catch the minority napping; that a quorum of the House might not be present; that in that event the veto would be sustained and on my shoulders would be the responsibility for preventing the overriding of that veto. Well, this is the first time I ever heard that I have any such influence or power in the House of Representatives. That is just an illustration of how the leadership on both sides catch the unwashed and run them through the wringer. So I suppose, instead of objecting, I must of necessity withdraw my objection and let the House adjourn until Wednesday.

I do not believe that the majority leadership would attempt any such procedure, for a quorum of the Members is not present in Washington. Moreover, it would be almost impossible to get a quorum here by tomorrow noon.

Nor do I believe the statement that if the Walter-Logan bill was returned by the President with a veto the House is required to act on the day it receives the bill.

The Constitution provides that—

> Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it.

The Constitution does not provide that the House shall reconsider the bill forthwith or on the same day that it receives it. Certainly, if a quorum was not present business could not be transacted, and the fact that a quorum was not present, that the bill could not be considered, would not of itself bar the House from, on a subsequent day, reconsidering the bill.

This conclusion is borne out by a ruling—Fourth Hines, page 3522—to the effect that a veto message may not be read in the absence of a quorum, even though the House be about to adjourn sine die, and by the further ruling—Fourth Hines, page 3522—that the message may be read and acted on at the next session of the same Congress.

It is quite true that there is a ruling, or perhaps two, that usually a bill returned with the objections of the President is to be voted on at once. However, the constitutional mandate that "the House shall proceed to consider" only means that the House shall immediately proceed to consider the matter under the rules of the House.

I do not believe, if the House was forced to meet tomorrow, a veto message would be sent down and we be denied the opportunity to have the Members here to vote upon a reconsideration of the bill. In fact, it appears that a quorum is not present, and of necessity the House could not consider the bill tomorrow.

But the bluff is working. It is working because I do not care to take any chance whatever. In any event, so many have been away so long, and that portion of our leadership which has been here has been working so hard on the job, that we all might have nervous prostration if we had to work tomorrow as well as Wednesday—that is, if we really attempted to pass legislation.

All that the gentleman from Texas said is undoubtedly true. I am glad that the gentleman from Illinois, from the Chicago district, is back again.

Mr. CHURCH rose.

Mr. HOFFMAN. I am glad the gentleman on the majority side [Mr. SABATH], if I may name him, is back again. The gentleman [Mr. CHURCH] who has just risen has been here all the time, each day, each session.

Mr. SABATH. The gentleman from Illinois is always here when there is anything to be done, any business to be transacted.

Mr. HOFFMAN. The gentleman from Illinois [Mr. SABATH] is right if he means that the gentleman from Illinois [Mr. CHURCH] is always here when there is any business to be transacted. But the gentleman from Illinois [Mr. SABATH], who represents a district which cast but 42,946 votes for the gentleman and his opponent in 1938, has been absent over a period of weeks. During all of that time there has been business to which this House should have given attention. The defense program has been delayed. We need legislation to speed it up.

Mr. SABATH. There has been nothing to do.

Mr. HOFFMAN. Oh, the gentleman is mistaken. His Rules Committee and the House itself has a great deal of work before it, but now that the election is over and the New Deal once more securely in office, it seems that the national-defense program can drift, the country go deeper into bankruptcy, while vacations continue.

It has been 6 months or more since the President stood before this Congress and told us that we were in danger of invasion by bombers from across the seas. Only yesterday or Saturday the head of the Defense Commission, Mr. Knudsen, told us that we were 30 percent behind the defense program and had no prospects of getting anywhere with it unless improvement was made.

Now, I do not know why we have failed, why we are continuing to fail to meet the situation. Is it because we are thoughtless, is it because we do not know how or what to do, or is it because we are afraid of the organized labor vote, that we do not untangle the mess? Here we have Knudsen approving a contract and the War Department awarding a contract covering millions of dollars of defense equipment to Ford, and we have a Sidney Hillman who is on the same Commission, who is the president of a great union, who is the vice president of the C. I. O., demanding that that contract should not be given to Ford until he complies with the orders of the National Labor Relations Board; a board which has been vigorously condemned by both the A. F. of L. and the C. I. O., by businessmen and the public; a board which is thoroughly discredited; a board in which the people have no confidence whatever. The courts have held several times that the Board was right and several times that the Board was wrong with reference to its orders against Ford.

Sidney Hillman has no authority to add penalties to the N. L. R. B. and ask the War Department or the Navy Department to enforce them. He has no legislative power. He has no judicial power. If he wants to hold a brief for and act in behalf of the C. I. O. and as its organizing agent, let him get off the National Defense Commission and not hold himself out as acting for the people as a whole, in the interests of national defense, if his true interest lies with the C. I. O. or the Labor Board.

Is it more important to Sidney Hillman that he have the privilege of adding to the Wagner law a penalty which Congress did not put in than it is that the defense program go forward? That is the purport, the natural effect of his actions and demands. Where does he get the authority to add to a violation of the Wagner law, if it be a violation, the penalty that the man violating the law shall not have a Government contract? That is the function of Congress. Is it more important to Sidney Hillman that Ford comply with an order of the Board which may or which may not be good or legal than it is that we have preparation for national defense? Is Sidney Hillman's patriotism limited by the wage which the workers belonging to his organization can receive?

Are the members of Sidney Hillman's organization to be patriotic, to work for national defense, when and only when they receive the wage which they think they should receive? Does he join with Lee Pressman, general counsel of the C. I. O., of which Hillman is a vice president, in Pressman's demand that the right to strike on wartime orders shall not be suspended for the duration of the emergency?

Is Sidney Hillman's demand influenced by his patriotism or is it influenced by his desire to aid the president of his organization, Phil Murray, in his demand that before Ford's men can work on the war order they must join the C. I. O.? Is Sidney Hillman's demand influenced by the fact that the C. I. O., of which he is the vice president, will draw down a million dollars or more if they can organize Ford?

Who is demanding an election in the Ford plant? The C. I. O., not the Ford employees. When the Ford employees want an election they can get it by filing a petition. The C. I. O. demands that the Ford workers "get religion," as they call it, whether they want it or whether they need it, or whether it be a true religion. Come January 1, you get a new Governor in Michigan. There is good reason to believe that you will see an organizing drive against Ford. Yes; an organizing drive. Perhaps a strike. A picket line which will keep men from working on a war job.

Let the Ford workers determine for themselves what they want. We do not need any more sit-down strikes in Michigan. Nor do we need imported organizers telling the Ford or any other workers what they should have.

I notice the gentleman from Mississippi [Mr. RANKIN] is smiling, and I recall that when the organizers came into his district, into his home town of Tupelo, they were ridden out of town on a rail. I know the gentleman from Mississippi does not approve of lawlessness in any form. But I wish that some of the southern Democrats who believe in States' rights would give us a little more help against those who seek to establish themselves as dictators.

Mr. RANKIN. I will tell the gentleman my position when he gets through.

Mr. HOFFMAN. When the organizers went to the district in Mississippi that the gentleman represents they were run out of town. They did not even have free speech. That is the way they do it down there. We did not do that. We in Michigan are willing to give them an election when the men themselves want it. But what we do say is that there is no reason why our Michigan workers should pay tribute to the C. I. O. unless they choose to do so. It is strange indeed, if the blessings of the C. I. O. are so great, that the Ford employees are too dumb to accept it; that they prefer their own independent organization.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I cannot yield just now.

Do not forget this: Labor itself and the C. I. O., the C. I. O. workers, when the poll was taken by Fortune Magazine, declared that Ford was the man who had done the most for labor, the man in all America who was the greatest friend of labor.

The June 1940 issue of Fortune found that 44.6 percent of American workers believed that John L. Lewis was harmful to labor; 18.2 percent believed that William Green, of the A. F. of L., was harmful to labor; 12.3 percent believed that Ford was harmful to labor.

In answer to the question, "Which of the three do you believe has on the whole been helpful to labor?" 73.6 percent answered that they believed Ford was helpful; 49.7 percent believed William Green was helpful; 32.6 percent believed that Mr. Lewis was helpful.

On the question of whether the author of the Wagner bill was helpful to labor, 51.8 percent voted yes while 42.6 percent voted "Don't know."

On the question of whether Henry Ford was helpful to labor, 51.5 percent of the members of the C. I. O. voting registered their judgment that he was.

Now, into this organization drive of the C. I. O. comes Phil Murray, who says he has all the essentials, which means money and men and governmental authority, too, joined by Sidney Hillman, Sidney contributing his part by asking the Government to withhold contracts from Ford and demanding that men employed by Ford, who are supposed to be free, who are supposed to have the right to work where they will and when they will for a wage that is satisfactory to them, and insist they pay tribute to the C. I. O. and its outfit before they can work in defense of their country. The Ford employees have the legal right to bargain collectively, through representatives of their own choosing, but Murray says they must be organized, must pay dues and bargain through the C. I. O.

And we sit here day after day—no; not day after day; we meet 1 day and adjourn 3 days—and in the meantime everyone conversant with the facts concedes that the whole national-defense program is being held up.

The President said we had a rendezvous with destiny. We have. And the time is now. And the place is here.

The President is back from his vacation. Both Houses of Congress are in session. Editorials the country over are calling attention to the fact that some members of the Defense Commission are pulling one way, some another. No man can serve two masters.

As the gentleman from Texas [Mr. SUMNERS] so well said, there is one great, vital question before us. Is the liberty of our citizens, the integrity of our Government, to be preserved? Are we to prepare for national defense or are we to yield to those pressure groups, those minorities, whether they be capitalists, bankers, or racketeering labor leaders, who insist upon the advancement of their own personal interests at the expense of our defense program?

Are we to insist that our people be permitted to prepare for defense? Or are we to yield to those who, like Lee Pressman, say that labor has the right to strike, even when it is engaged in the production of planes and ships to protect our Nation?

Let us put first things first. The first thing is national defense, not the shortening of hours; not an increase in wages, but the preservation of home and country.

Who is there in this land so lacking in patriotism that he will not work to defend his country because he cannot at once increase his wage a few cents per hour? If patriots at Valley Forge went barefoot in the snow, on the freezing ground; if they huddled under inadequate shelter in freezing weather, to found this Nation, can you call patriotic the man or the organization who today prevents this Nation from arming itself to meet a threatened invasion until he is granted his demand that his hours be shortened, his wage increased?

The industrialist has had his profits limited. If other laws are needed to prevent him taking advantage of our necessities, they should be enacted, and that without delay. If laws are needed to curb the activities of a few—and they are a very few—misguided labor leaders or legal counsel for labor leaders, then let us enact those laws.

When men are conscripted during peacetime because their services are said to be necessary for the preservation of our Union, there is no room in this land of ours for those who seek only their personal advancement or welfare at the expense of the country as a whole.

Are we going to have a defense program or do we intend to let certain men, who are lacking in patriotism, determine when and where the workers of America shall be employed?

[Applause.]

Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDER

The SPEAKER pro tempore. Under special order of the House, the gentleman from Mississippi [Mr. RANKIN] is recognized for 20 minutes.

Mr. SABATH. Mr. Speaker, will the gentleman yield to me to submit a request?

Mr. RANKIN. Yes; if it is not taken out of my time.

Mr. SABATH. Mr. Speaker, I ask unanimous consent that I may have 15 minutes to address the House on Wednesday next after the business program of the House for that day has been disposed of.

The SPEAKER pro tempore (Mr. DISNEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, will the gentleman from Mississippi yield to me for the purpose of submitting a parliamentary inquiry?

Mr. RANKIN. If it is not taken out of my time, yes.

Mr. SABATH. The gentleman from Michigan [Mr. HOFFMAN] objected when a request was made that when we adjourn we adjourn to meet on Wednesday next, and that is the record. Since that time he has signified his willingness to withdraw that objection, and I think such action should be taken now in view of the fact that that question has been raised.

The SPEAKER pro tempore (Mr. MCCORMACK). The Chair will state that that is not a proper subject for a parliamentary inquiry.

Mr. SABATH. Are we going to meet tomorrow or not?

The SPEAKER pro tempore. The Chair is unable to state at the present time. The Chair is hopeful of being able to advise the gentleman about that matter very shortly.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I renew the request I previously made that when the House adjourns today it adjourn to meet on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for 20 minutes.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include some tables which I have prepared.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that when everything else is out of the way on Wednesday I may be allowed to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. PATRICK]?

There was no objection.

EXTENSION OF REMARKS

Mr. JACOBSEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include a speech made by Mr. Perkins, Administrator of the F. H. A.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa [Mr. JACOBSEN]?

There was no objection.

SPECIAL ORDER

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from Michigan [Mr. ENGEL] is recognized for 15 minutes.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include certain copies of pay rolls and orders of the Secretary of Labor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. ENGEL]?

There was no objection.

Mr. ENGEL. Mr. Speaker, it is an easy matter to talk in support of those who have supported us or in opposition to those who have opposed us. It is difficult to speak about things which may be unpleasant to some of those who have been our friends. Two years ago I began to study the construction costs of Army housing. I did not bring the facts before the House because I felt that the things I thought should be remedied were remedied without taking up the time of the House. I started that work again about 2 months ago, and I now have in my office photostatic copies of every order of the Secretary of Labor fixing the rate of pay on practically every major Government job as far as the Army is concerned. When the time comes, I shall bring to you, if necessary, the result of any work that I have engaged in along that line. What I am about to say is said in a nonpartisan way. I have been a friend of labor, and I make this statement advisedly. I have had the endorsement of labor organization after labor organization. However, there comes a time when one must bring to the House certain matters, even though by doing so one takes a chance on being misunderstood and misinterpreted.

I have before me a photostatic copy of the pay roll for the week ending December 11 of the men who are doing the work that is now being done on the House and Senate Chambers here in the Capitol. I also have a copy of the order of the Secretary of Labor fixing the rate of pay on the contract for the inauguration stands outside the Capitol and for the work being done on the Chambers as required by the Bacon-Davis Act. I want to give you today some facts and read some figures which I will place in the RECORD. I have here a photostatic copy of the pay roll, showing the name of each man, the number of hours for which he is paid, the rate of pay, the gross amount of his pay for the week of December 11, 1940.

Under the order issued by the Secretary of Labor, these men are receiving time and a half for overtime with a 6-hour day, 5-day week, and double time for Saturdays and Sundays; that is, they are receiving pay for time and a half for every hour above 6 hours that they work on the House job for 5 days, and they receive double time for Saturdays and Sundays. Their rate of pay runs as high as $2.50 an hour for the foremen, $2.35 an hour for what they call the pushers or headmen—there are seven of these on the job—and $2 an hour for what they call ironworkers, which is the lowest rate of pay on the job.

This photostatic copy of the pay roll which I have here shows that Arthur De Leleu, timekeeper, drew for the week ending December 11, 1940, $120.38. I did not ask for a photostatic copy of the pay roll for the week preceding. The present week, which ends on Thursday, December 19, is, of course, not complete. De Leleu drew for the week ending December 4, $88.80, or a total of $209.18 for the 2 weeks preceding December 11, 1940.

Jean Jones, a pusher, received $122.20 for the week ending December 11 and $125.63 for the preceding week, and $4.70 for extra pay of 2 days, which I will explain later, making a total of $252.73 for the 2 weeks. He drew pay at the rate of $125 a week, and if he could maintain that scale for the year it would be at the rate of $6,000 for an ironworker working on the House of Representatives. The timekeepers would get about the same.

Lee Griffith is another pusher. He received $128.68 for the week of December 4, $122.20 for the week of December 11, and this, together with the $4.70 to which I have referred, amounted to $254.98. The other pushers were paid at the same rate. There were seven pushers on the job.

John E. Adams, an ironworker, received $108 for the week ending December 11 and $92 for the week ending December 4, plus the $4.70 to which I have referred, or $204 for the 2 weeks. This is at the rate of $5,000 a year. Clarence Burks, ironworker, and the other ironworkers received that same amount or pay at the rate of approximately $100 a week.

The foreman, Ernest Luih, received $267.50 for the week of December 11. If he were able to maintain this rate of pay for a year, this foreman who is working in the Senate and House Chambers would receive at the end of a year $13,910. Of course, he does not receive that rate of pay the year around. For the week ending December 4 he received $197.50, and I am informed that this week his pay will run about $267.50. This foreman received $105 pay for 2 days, Saturday and Sunday, December 7 and 8.

Mr. CRAWFORD. How many hours?

Mr. ENGEL. He worked actually 21 hours, but double time makes it 42 hours, at $2.50 an hour. He received pay for 107 hours, at $2.50 an hour, or a total of $267.50 for the week.

Mr. Speaker, on this job of supporting the roof over the Senate and House Chambers we paid 352 hours on Sunday, December 8, and 360½ hours on Saturday, December 7, making a total excess time of 712 hours with extra excess pay of $1,416 for these 2 days.

I want to be fair about the matter. I realize that these men are only part-time workers and must receive a high rate of pay when they are working. Structural iron work is not a 12-months-in-the-year job.

I found three itemized statements as to the time worked. The first was the straight time, the second was for overtime, and a third statement for 2 hours' pay at from $2 to $2.35 an hour, adding to the pay roll of December 11 from $4 to $4.70 for each man. I asked Mr. Lynn, the Architect of the Capitol, about this pay roll. To my amazement and surprise, I found that these men who were drawing as high as $128 for the week of December 11—the pay runs about $108 a week for the structural iron workers and $128 for the pushers—when they were tendered their pay on the pay day of December 11 refused to accept it because, they said, the rules of the union provided that where there are two shifts they must be paid at the rate of 6 hours for 5½ hours; in other words, 5½ hours is a day. Remember, they had received for those 2 days, Saturday and Sunday, over $1,400 for 712½ hours in extra pay for work which was not performed.

They were not satisfied, but demanded 119 hours more overtime at a cost of $237.80 more. They said that under the rules of the union they were entitled to a half hour extra pay; that is, a 5½-hour day instead of a 6-hour day for Saturday and Sunday, giving them 1 extra hour pay for Saturday and Sunday, without performing any services. This, doubled, would be 2 hours per man additional, giving you this amount of $4 per man for the ironworkers and $4.70 per man for the pushers extra for the week's pay.

The contractor said, "Why, that is not in the contract." They sat in the House Chamber refusing to accept these checks, amounting as high as $128 a week, until they got the other $4 or $4.70 which they were demanding, and then finally, graciously, consented not to charge the Government for the time they had to wait for their checks while the Government was making up the extra pay roll for the extra 2 hours which gave these men from $4 to $4.70 each over and above the $128 or the $108, whichever it was.

Mr. Speaker, this is being done legally and under the law. The Secretary of Labor, under the Bacon-Davis Act, fixes the rate of pay, and the way it operates is that when the Architect of the Capitol wanted to contract for this job, under the Bacon-Davis law, he had to go to the Secretary of Labor, tell the Secretary the type of labor that was going to be used, and then the Secretary of Labor issued an order fixing the rate of pay.

[Here the gavel fell.]

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL. The Secretary of Labor made that determination, and I have a copy of that order here which I shall place

in the RECORD. They fixed the wage of common labor on that job at 80 cents an hour. The superintendent of the Capitol says that when he does not have contract work, he pays 50 cents an hour as the going wage scale for an 8-hour day.

To have these men draw out of the Treasury money at this rate seems to me to be outrageous. I just came back from my district, where I had been for just 1 day. People came to me and begged me to help them get additional relief money. They were cutting old-age assistance $1 or $2 a week and paying them as low as $10 or $12 a month, and then to find this Government paying these men at the rate of $13,000 or $14,000 a year for the foreman and $5,000 or $6,000 for these other individuals seems to me to be outrageous.

Mr. Speaker, I am opposed to antistrike legislation, but if antistrike legislation is ever enacted by this House and Senate, men of this type, who are making it a racket, will be responsible.

I am opposed, Mr. Speaker, to the conscription of both labor and capital, because I believe the conscription of labor and capital is not the first but the last step toward a dictatorship, but if laws are ever passed conscripting labor and capital, it will be the racketeer in labor and in industry who will be responsible for it. If the Walsh-Healey and the Bacon-Davis Acts are ever repealed, it will be because men of this type have abused the privileges conferred upon them by those acts. I sincerely hope and trust that no one will condemn union labor or the labor movement because they have a few of these men who abuse their privileges. Someone suggested to me when I spoke about it, "Yes, these chickens have come home to roost in the House and Senate Chambers."

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield.

Mr. PATRICK. I want to see if I get exactly the point the gentleman has in mind. Does the gentleman recommend that legislation be passed as a part of the procedure in the employment of these men that would be a departure from employment by the Government following the regular union methods?

Mr. ENGEL. I will inform the gentleman that I am speaking here in the hope that labor will clean its own house and take care of these matters themselves before public sentiment becomes so strong as to force through some of these laws which I myself am opposed to.

Mr. PATRICK. Until that time, how would the gentleman recommend that this employment be carried on in relation to employer and employee?

Mr. ENGEL. I am just calling attention to the abuses. That is a matter for the union organizations to clean up. The Architect of the Capitol told me that when this matter came up the local union officials called up the international union and the international union said, "We will stand behind you." These men here were insisting absolutely—let me emphasize this fact—upon the payment of this last pound of flesh, this last $4, and refused to accept up as high as $128 for their week's pay.

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan may proceed for 3 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAWFORD. Has the gentleman gone into the matter sufficiently to answer this question, "When the checks were tendered these people—are they paid by check or currency?"

Mr. ENGEL. I do not know.

Mr. CRAWFORD. But when the pay roll was tendered these gentlemen who were working, were they on the job at the time?

Mr. ENGEL. Yes. As I understand, the Architect of the Capitol said they were working right there and then.

Mr. CRAWFORD. They were in there at work?

Mr. ENGEL. Yes.

Mr. CRAWFORD. And they proceeded to discontinue to work? In other words, to effect a temporary sit-down strike, contending that they must have the additional $4.70 for the extra half hour of overtime necessitated by the cut from 6 hours to 5½ hours by the rules of the union, and that they did proceed with a temporary sit-down strike until the parties in charge agreed to pay this additional $4.70.

Mr. ENGEL. The Architect of the Capitol said to me that they first insisted upon being paid up until the time they received their pay checks—what they call waiting time, but finally said that if they would give them the $4 extra they would waive the waiting time. So they must have considered themselves on the pay roll until they actually compromised the matter.

Mr. CRAWFORD. Did I understand the gentleman to say that the Secretary of Labor voluntarily increased the rate of wage from 50 cents to 80 cents an hour? In other words, a 60-percent increase over and above that previously paid by the Architect of the Capitol?

Mr. ENGEL. I would not say it was an increase. The Secretary of Labor is supposed to fix the prevailing rate of wage. She fixed the prevailing rate of wage at 80 cents an hour for common labor. The Superintendent of the Capitol said that he hires a casual laborer, a man here and there, for 50 cents an hour. Those men went to work at 6:30 o'clock in the morning and worked until 12 o'clock noon. The next shift came on at noon and worked until 5:30 p. m. On Sunday they received extra time. Saturday and Sunday they were paid for a total of 831 hours, for which no services were rendered.

Mr. CRAWFORD. Did the gentleman intend to include the wages of carpenters who are putting in the lumber work in the inaugural stands?

Mr. ENGEL. Yes. I also have the order of the Secretary of Labor fixing the wage scale and pay roll for 1 week for the men who are working on the job out here on the stands in front of the Capitol. I shall be pleased to place that in the RECORD if the gentleman so desires.

Mr. CRAWFORD. I thank the gentleman. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

The letters, orders, rate of pay, and pay rolls referred to in the foregoing speech are as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SOLICITOR,
Washington, August 1, 1940.

Mr. DAVID LYNN,
Architect of the Capitol, Washington, D. C.

DEAR MR. LYNN: Pursuant to your request of recent date for wage predetermination under the Davis-Bacon Act, as amended (act of August 30, 1935, 49 Stat. 1011, U. S. C. title 40, sec. 276 (a)), with respect to a contract for structural steel work for temporarily supporting the ceilings of the Senate and House Chambers in the United States Capitol at Washington, D. C., I transmit herewith the decision of the Secretary of Labor.

Very truly yours,

CHARLES D. PENNEBAKER,
Chief Reviewing Attorney.

AUGUST 1, 1940.

DECISION OF THE SECRETARY

This case is before the Department of Labor pursuant to a request of recent date by the Architect of the Capitol for wage predetermination under the Davis-Bacon Act, as amended (act of August 30, 1935, 49 Stat. 1011, U. S. C., title 40, sec. 276 (a)), with respect to a contract for structural steel work for temporarily supporting the ceilings of the Senate and House Chambers in the United States Capitol at Washington, D. C.

In accordance with the terms of the regulations promulgated by the Secretary of Labor (Regulation 503, dated September 30, 1935), a study has been made of wage conditions in the locality on the basis of the data submitted by the Architect of the Capitol and other information assembled by the Department of Labor. The following are hereby found to be the prevailing rates of wages for the requested crafts:

	Per hour
Air-tool operators	$.80
Carpenters, journeymen	1.62½
Carpenters, apprentices:	
First year	.60
Second year	.81¼
Third year	.97½
Fourth year	1.30
Derrickmen, hand	.80
Laborers	.80

Operators (power equipment):	Per hour
Air compressors, portable, over 15 cubic feet per minute	1.60
Air compressors, portable, 15 cubic feet or less per minute—receive rate paid craft performing operation to which the use of the compressor is incidental.	
Hoists, 2 or more active drums	2.00
Hoists, 1 active drum	1.75
Painters	1.57½
Structural iron workers	2.00
Structural iron workers' apprentices	1.15

Welders—receive rate prescribed for craft performing operation to which welding is incidental.

In accordance with the provisions of the said Davis-Bacon Act, as amended, these are the minimum wages to be inserted in the advertised specifications for said contract, and any class of laborers and mechanics not listed in the preceding paragraph which will be employed on this contract shall be classified or reclassified conformably to the foregoing schedule. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for final determination.

By direction of the Secretary of Labor.

GERARD D. REILLY,
Acting Secretary.

STATE OF ———,
County of ———, *ss:*

I, Arthur De Leleu, do hereby certify that I am the employee of Lehigh Construction Co., who supervised the payment of the employees of said subcontractor; that the attached pay roll is a true and accurate report of the full weekly wages due and paid to each person employed by the said subcontractor for the construction of structural steel work for temporary supporting of ceiling of Senate and House Chambers at United States Capitol for the weekly pay-roll period from the 5th day of December 1940 to the 11th day of December 1940; that no rebates or deductions from any wages due any person as set out in the attached pay roll have been directly or indirectly made; and that, to the best of my knowledge and belief, there exists no agreement or understanding with any person employed on the project, or any person whatsoever, pursuant to which it is contemplated that I or anyone else shall, directly or indirectly, by force, intimidation, threat, or otherwise, induce or receive any deductions or rebates in any manner whatsoever from any sum paid or to be paid to any person at any time for labor performed or to be performed under the contract for the above-named project.

ARTHUR DE LELEU.

Sworn to before me this 12th day of December 1940.

ARTHUR E. COOK,
Notary Public.

LEHIGH CONSTRUCTION CO., INC., ALLENTOWN, PA.

C 3192

United States Capitol, erection pay-roll summary for week ending Dec. 11, 1940

No.	Name	Hours								Rate	Gross amount	Tax	Net amount
		Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Total				
1	Ernest Luih	13	13	21	21	13	13	13	107	$2.50	$267.50	$2.67	$264.83
2	Arthur de Leleu	13	13	21	21	13	13	13	107	1.12½	120.38	1.20	119.18
3	Jean P. Jones	6	6	11	11	6	6	6	52	2.35	122.20	1.22	120.98
4	John E. Adams	6	6	11	11	6	6		46	2.00	92.00	.92	91.08
5	Clarence Burks	6	6	11	11	6	6		46	2.00	92.00	.92	91.08
6	Wallace Kirtley	6	6	11	11	6			40	2.00	80.00	.80	79.20
7	George I. Decatur	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
8	Harvey Schutz	6	6	11	11	6			40	2.00	80.00	.80	79.20
9	Frank Hart	6	6	11	11	1			35	2.00	70.00	.70	69.30
10	Lee S. Griffith	6	6	11	11	6	6	6	52	2.35	122.20	1.22	120.98
11	Chester A. Hennigar	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
12	Joseph Barry	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
13	Durwood Highfill	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
14	Robert Jaffares	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
15	Charles X. Clark	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
16	Claude H. Bishop	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
17	William Evelly	6	6	11	11	6	6	6	52	2.35	122.20	1.22	120.98
18	Augustus Gibbons	6	6	11	11	6	6		46	2.00	92.00	.92	91.08
19	John W. Sanderson	6	6	11	11	6	6		46	2.00	92.00	.92	91.08
20	Ed. L. Smith	6	6	11	11	6	6		46	2.00	92.00	.92	91.08
21	Brawlie Stinson	6	6	8	11	6	6		43	2.00	86.00	.86	85.14
22	John J. Hull	6	6	11	11	6	6		46	2.00	92.00	.92	91.08
23	Joseph Gervais		6	11	11	6	6		46	2.00	92.00	.92	91.08
24	Ray B. Hanns	6		11	11	3	6		37	2.35	86.95	.87	86.08
25	John D. Jenkins	6		11	11	3	6		37	2.00	74.00	.74	73.26
26	James B. Wilson	6		11	11	3	6		37	2.00	74.00	.74	73.26
27	James C. Turner	6		11	11	3	6		37	2.00	74.00	.74	73.26
28	Samuel Edginton	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
29	William L. Wilson	6		11	11	3	6		37	2.00	74.00	.74	73.26
30													
31	James C. Harris	6	6	11	11	6	6	6	52	2.35	122.20	1.22	120.98
32	Henry Finch	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
33	George W. Finch	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
34	Thomas Crouch	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
35	Leo Valintine	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
36	Cornelius C. Hanley	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
37	Archie B. Northrop	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
38	James F. Roundtree	6	6	11	11	6			40	2.35	94.00	.94	93.06
39	Walter Reus	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
40	Dewey Moffett	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
41	Elmer T. Newman	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
42	Leroy A. Hopgood	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
43	Charles J. Phillips	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
44	Edward W. Schultz	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
45	Edward Stewart	6	6	11	11	6	6	6	52	2.35	122.20	1.22	120.98
46	Harvey L. Kesterson	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
47	Walter C. Payne	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
48	Richard N. Ames	6	6	11	11	6			40	2.00	80.00	.80	79.20
49	Charles P. Holland	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
50	Edward Bannon	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
51	Dewey C. Walters	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
52	Ernest D. Lewis	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
53	Samuel Ehilick	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
54	Raymond C. Bailey	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
55	Thomas Weir	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
56	James W. Stoddard			11	1				12	2.00	24.00	.24	23.76
57	Paul Terry			11	1				12	2.00	24.00	.24	23.76
58	Benjamin K. Jones					6	6	6	18	2.00	36.00	.36	35.64
59	Francis J. Stanton						8	8	16	1.62½	26.00	.26	25.74
60	Hurshell A. Anderson						8	8	16	1.62½	26.00	.26	25.74
61	Harold Hensley							6	6	1.62½	9.75	.10	9.65
62	Gerald F. Durant			11	11	6	6	6	40	2.00	80.00	.80	79.20
63	John W. McRoe			11	11	6	6	6	40	2.00	80.00	.80	79.20
64	Edward Downey		6	11	11	6	6	6	46	2.00	92.00	.92	91.08
65	Andrew Webdale	6	6	11	11	6	6	6	52	2.00	104.00	1.04	102.96
66	John Byers	6	6	11	11	6	6		46	2.00	92.00	.92	91.08
67													
68	Edward Bowie		6	11	11	6	6	6	46	1.15	52.90	.53	52.37
69	Francis Slattery	6	6	11	11	6	6	6	52	1.15	59.80	.60	59.20
70	Ernest C. Wallace	6	6	11	11	6	6	6	52	1.15	59.80	.60	59.20
	Total								3,181		6,298.08	62.97	6,235.11

DEPARTMENT OF LABOR,
OFFICE OF THE SOLICITOR,
Washington, October 7, 1940.

Mr. DAVID LYNN,
Architect of the Capitol, Washington, D. C.

DEAR MR. LYNN: Pursuant to your request of recent date for wage predetermination under the Davis-Bacon Act, as amended (act of August 30, 1935, 49 Stat. 1011, U. S. C., title 40, sec. 276 (a)), with respect to a contract for the construction of 1941 inaugural stands at Washington, D. C., I transmit herewith the decision of the Secretary of Labor.

Very truly yours,

CHARLES D. PENNEBAKER,
Chief Reviewing Attorney.

OCTOBER 7, 1940.

DECISION OF THE SECRETARY

This case is before the Department of Labor pursuant to a request of recent date by the Office of the Architect of the Capitol, for wage predetermination under the Davis-Bacon Act, as amended (act of August 30, 1935, 49 Stat. 1011, U. S. C., title 40, sec. 276 (a)), with respect to a contract for the construction of 1941 inaugural stands at Washington, D. C.

In accordance with the terms of the regulations promulgated by the Secretary of Labor (Regulation 503, dated September 30, 1935), a study has been made of wage conditions in the locality on the basis of the data submitted by the Office of the Architect of the Capitol and other information assembled by the Department of Labor. The following are hereby found to be the prevailing rates of wages for the requested crafts:

	Per hour
Carpenters, journeymen	$1.62½
Carpenters' apprentices:	
First year	.60
Second year	.81¼
Third year	.97½
Fourth year	1.30
Laborers	.80
Ornamental iron workers	2.00
Ornamental-iron workers' apprentices	1.15
Painters	1.57½
Painters, apprentices:	*Per week*
First 6 months	$14.00
Second 6 months	17.00
Third 6 months	20.00
Fourth 6 months	23.00
Fifth 6 months	26.00
Sixth 6 months	29.00
Roofers, composition:	*Per hour*
First hand	$1.45
Second hand	1.15
Third hand	.95
Kettlemen	.95
Sheet-metal workers	1.62½
Sheet-metal workers' apprentices:	
First year: First half, 35 percent; second half, 40 percent.	
Second year: First half, 45 percent; second half, 50 percent.	
Third year: First half, 55 percent; second half, 60 percent.	
Fourth year: First half, 70 percent; second half, 80 percent.	
Structural ironworkers	2.00
Structural ironworkers' apprentices	1.15
Truck drivers (dump):	
2 tons or less	.70
Over 2 tons	.80
Truck drivers (heavy hauling flat trucks)	1.00
Truck drivers (heavy hauling flat trucks), helpers	.75
Truck drivers (light delivery trucks), 1½ tons or less	.50

In accordance with the provisions of the said Davis-Bacon Act, as amended, these are the minimum wages to be inserted in the advertised specifications for said contract, and any class of laborers and mechanics not listed in the preceding paragraph, which will be employed on this contract, shall be classified or reclassified conformably to the foregoing schedule. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for final determination.

By direction of the Secretary of Labor:

———— ————,
Assistant Secretary.

WASHINGTON,
District of Columbia, ss:

I, James R. Skinker, do hereby certify that I am partner of Skinker & Garrett who supervised the payment of the employees of Skinker & Garrett; that the attached pay roll is a true and accurate report of the full weekly wages due and paid each person employed by the said contractor for the construction of stands for the 1941 inauguration at the east front of the United States Capitol for the weekly pay-roll period from the 5th day of December 1940 to the 11th day of December 1940; that no rebates or deductions have been directly or indirectly made; and that to the best of my knowledge and belief there exists no agreement or understanding with any person employed on the project, or any person whatsoever, pursuant to which it is contemplated that I or anyone else shall, directly or indirectly, by force, intimidation, threat, or otherwise, induce or receive any deduction or rebates in any manner whatsoever from any sum paid or to be paid to any person at any time for labor performed or to be performed under the contract for the above-named project.

JAMES R. SKINKER.

Signed and sworn to before me this 12th day of December 1940.

ROBERT J. ALLEN,
Notary Public, District of Columbia.

G. W. Martin	Superintendent	8	8	8 8	8	40	$1.75	$70.00
J. W. Clayton	Carpenter	8	8	8 8	8	40	1.62½	65.00
F. W. Sangster	do	8	8	8 7½	8	39½	1.62½	64.19
W. Pitner	do	8	8	8 7½	8	39½	1.62½	64.19
A. Helphenstine	do	8	8	8 7½	8	39½	1.62½	64.19
V. E. Duvall	do	8	8	8 8	8	40	1.62½	65.00
J. E. Daniels	do	8	8	8 8	8	40	1.62½	65.00
L. E. Brown	do	8	8	8 8	8	40	1.62½	65.00
R. W. Brigmen, Jr	do	4½		6	8	18½	1.62½	30.06
E. C. Richardson	do	8	8	8 7½	8	39½	1.62½	64.19
E. F. Lawson	do	8	8	8 7½	8	39½	1.62½	64.19
N. C. Robinson	do	8	8	8 8	8	40	1.62½	65.00
G. Jones	do	8	8	8 8	8	40	1.62½	65.00
C. Gardner	do	8	8	8	8	32	1.62½	52.00
A. Hongell	do				3	3	1.62½	4.88
R. L. Sykes	do	8	8	8 8	8	32	1.62½	52.00
R. G. Denbow	do		8	8		16	1.62½	26.00
Guy McKinney	do			8		8	1.62½	13.00
S. Stokes	Laborer	6½	2	8	8	24½	.80	19.60
A. Sullivan	do	8	8	8 8	8	40	.80	32.00
R. Bynum	do	8	8	8	8	32	.80	25.60
Y. J. Gassaway	do	8	8	8	8	32	.80	25.60
Total								1,061.69
Less social security								10.62
Total								1,051.07

ANNIVERSARY OF FIRST FLIGHT BY WRIGHT BROTHERS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, had this House been in session tomorrow, it was my purpose to call attention at some length to the achievement with its implications of the Wright brothers at Kitty Hawk, N. C., on December 17, 1903. On that date they successfully completed the first flight in a heavier-than-air power-driven machine. We know it today as the modern airplane. I think it proper and fitting this year that the President of the United States has designated this anniversary of the flight of the Wright brothers as Pan-American Aviation Day. Certain it is incumbent upon this country that increasingly we think in terms of a closer economic and cultural relationship with the Latin-American republics and those neighbors of ours—not enemies—who live to the south of us. Civil aviation can do much to foster a better understanding between our American republics.

Mr. COCHRAN. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman.

Mr. COCHRAN. I understand the gentleman is well acquainted with Mr. Orville Wright. I was wondering if somethings could not be done to prevail upon him to bring that plane back here from England. It belongs here. It does not belong in England. The flight was made here. That misunderstanding between Mr. Wright and the Smithsonian Institution should not prevent him from bringing that plane back to this country. I understand that when he did take it over there it was with the distinct understanding that he could bring it back if so desired.

Mr. RANDOLPH. I thank the gentleman from Missouri for his contribution. I have long admired Orville Wright and have studied the work he and his brother did for early aviation. I may say that there is a sentiment now to see if proper contacts cannot be made to bring this plane back to the United States.

In that connection I would like to say that on the sands of Kitty Hawk or above them, 37 years ago tomorrow, Wilbur Wright made four flights about 120 feet in length and then Orville Wright made a flight of about 859 feet in 59 seconds. These young men led the way. Certainly we are seeing today the use of the airplane diverted from constructive efforts to

destructive efforts. I only hope for the time when civil aviation will reach its real heights. Certainly flight orders for aviation, not for a world gone wild, but to a day when peace will come again, is onward and upward. I do trust that this country will pay its proper respect to those who have led in this endeavor.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. COCHRAN. I may say to the gentleman that I had the pleasure of meeting the telegraph operator who sent the message to the Press Association that this successful flight had been made. They refused to accept it. They wanted confirmation. They could not believe that the flight had been successfully made. It is a very interesting story, and that monument down there to the Wright brothers is something all Americans should see.

Mr. RANDOLPH. Certainly. In the fifteenth century Leonardo da Vinci was dreaming of flying. Men all over the world have been dreaming of it down through the centuries. With us today there is an obligation to make the fullest use of the forces of aviation in a peaceful world, not a world war crazed and falling apart. [Applause.]

Mr. Speaker, I believe the following article by Freeman Cleaves, appearing in Air Youth Horizons for December, is most interesting. I quote the article in full:

FAMOUS FIRSTS IN AVIATION

(By Freeman Cleaves)

For five centuries and more man endeavored to harness and control forces of gravity, lift, thrust, and drag in learning to fly. During this long period of groping after discovery no notable achievement in the field of aviation was ever made without years of experiment and the testing of aerial forces with various types of model planes. In the early stages of man's attempt to conquer the air these experiments were confined to trial-and-error methods, since little was known concerning the laws governing flight. Today we build airplane models for three purposes—as a hobby and sport, as an educational aid, and for experiment and research looking toward the future.

As long ago as the fifteenth century the first model aircraft was constructed by Leonardo da Vinci, famous Italian artist and sculptor, who studied the anatomy and flight of birds. The idea of patterning man-made flight after winged birds continued to influence inventors for centuries. In 1678 a French locksmith named Besnier either flew or was wafted a short distance by means of a glider propelled by great flapping wings. Nearly a century later the first model aircraft ever to fly was constructed by Sir George Cayley, of England. Cayley's model had two propellers of cork and feathers, with a bent whalebone and propeller shaft supplying the necessary power. John Stringfellow, of England, and Alphonse Penaud, a Frenchman, later invented several beautiful flying and soaring models. In 1848 Stringfellow built the first model airplane, powered by a steam engine, ever to fly. In 1871, one of Penaud's models, a monoplane weighing less than an ounce and powered by a rubber band, flew 131 feet in 11 seconds.

A number of unsuccessful attempts to fly full-scale airplanes followed. One of the most famous was that of Clement Ader, of France, who, in 1897, hopped off in a monoplane driven by two 20-horsepower engines. Witnesses disputed whether the plane left the ground under its own power or was lifted by the wind. In any event, the plane crashed upon landing, was patched up, and placed in a museum.

Otto Lilienthal in Germany, Perry S. Pilcher in England, Prof. S. P. Langley, Octave Chanute, and the Wright brothers in America further advanced upon the studies of Stringfellow and Ader. The two Europeans flew several successful man-carrying gliders. Langley operated an ingenious motor-driven model monoplane and finally built a full-scale replica, which was considered the height of engineering development. Charles M. Manly, of Cornell University, constructed an efficient and powerful naphtha engine for the Langley plane. Two trial flights ended in failure, however, the machine being partly wrecked on December 8, 1903, when the launching mechanism failed, collapsing the rear wing.

Meantime two obscure bicycle manufacturers, Wilbur and Orville Wright, had been studying the forces of lift and drag while experimenting with model planes in a wind tunnel at Dayton, Ohio. They also made careful studies of all previous tests made by other inventors. Much of the data at hand they found inaccurate. They made their own man-carrying gliders and finally their own airplane, in which four successful trial flights were made on December 17, 1903, only 9 days following Professor Langley's failure. Newspapers throughout the country were still deriding Langley when Orville Wright flew 120 feet in 20 seconds and his brother Wilbur flew 852 feet in 59 seconds at Kitty Hawk, N. C.

The years have been few since this long pioneering era, yet within less than half a century man's achievements in the air have far surpassed the wildest flights of imagination. Those who scoffed at Professor Langley and the Wright brothers would not later believe that man could ever conquer the English Channel by air, not to mention the Atlantic and Pacific Oceans. Various speeds have been suggested as limits beyond which man could not fly, yet one by one these speed limits have been equaled and surpassed until the velocity of flight approaches the speed of sound.

Today man crosses the Atlantic Ocean in a passenger plane in less than the time it took to travel by rail from Boston to Washington, D. C., when the airplane industry was in its infancy. And the world is encircled by 5 men in an airplane in 3 days, 19 hours, and 8 minutes, or 1 hour and 38 minutes less than the fastest crossing of the Atlantic by a great ocean liner capable of developing 200,000 horsepower.

Beginning with the first historic flights of the Wright brothers in 1903, great epoch-making achievements in the field of aviation are recorded below.

SOME FAMOUS AVIATION FIRSTS

First heavier-than-air engine-driven flights: Orville and Wilbur Wright, 4 flights of 120 feet or more at Kitty Hawk, N. C., December 17, 1903. Wilbur Wright flew 852 feet in 59 seconds.

First officially recorded flight: Orville Wright, 11.12 miles in 18 minutes, 9 seconds, at Dayton, Ohio, September 26, 1905.

First airplane flight across the English Channel: Louis Bleriot, 32 miles, in 37 minutes, July 25, 1909.

First airplane accepted by the United States War Department: Wright brothers' plane, July 30, 1909.

Historic cross-country flight, Albany to New York: Glenn H. Curtiss, 143 miles in 2 hours, 51 minutes, May 29, 1910.

First major airplane altitude record: A. Hoxsie, 11,474 feet, San Francisco, December 26, 1910.

First regular air-mail service in the United States: Established May 15, 1918, between Washington, D. C., and New York.

First nonstop flight, Chicago to New York: Capt. E. F. White, 727 miles, April 19, 1919.

First trans-Atlantic flight, Newfoundland to England, via the Azores: Lt. Commander A. C. Read, United States Navy, in flying boat NC–4, 3,925 miles, May 16–27, 1919.

First nonstop trans-Atlantic flight: Capt. John Alcock and Lt. Arthur Brown, of England, from St. John's, Newfoundland, to Clifden, Ireland, 1,980 miles, June 14–15, 1919.

First lighter-than-air trans-Atlantic nonstop flight: British dirigible R–34, Scotland to Mineola, N. Y., 3,310 miles, in 108 hours, 12 minutes, July 2–6, 1919. Return trip, 3,200 miles in 74 hours, 56 minutes. July 9–12, 1919.

First nonstop transcontinental flight: Lieutenants Oakley Kelly and John A. Macready, United States Army, New York to San Diego, Calif., 2,516 miles, in 26 hours 50 minutes, May 2–3, 1923.

First round-the-world flight: Two United States Douglas biplanes, starting at Seattle, distance flown 26,345 miles, in 363 flying-hours, April 6–September 28, 1924.

First nonstop flight, Germany to New Jersey: German dirigible *SR–3* (rechristened the *Los Angeles*), 5,066 miles, in 81 hours, 17 minutes, October 12–15, 1924.

First flights over North Pole: Lt. Comdr. Richard E. Byrd, United States Navy, and Floyd Bennett, from Spitzbergen to the North Pole and return, May 9, 1926. On May 11–14 the Amundsen-Ellsworth-Nobile Expedition flew the semirigid dirigible *Norge* from Spitzbergen over the North Pole, thence to Point Barrow, Alaska.

First solo nonstop trans-Atlantic flight: Col. Charles A. Lindbergh, New York to Paris, 3,610 miles, in 33 hours 39 minutes, May 20–21, 1927.

First nonstop flight, Canada to Cuba: Capt. George Haldeman, from Walkerville to Habana, 1,404 miles, in 12 hours 56 minutes, February 23, 1929.

Notable transcontinental flight: Capt. Frank Hawkes, Roosevelt Field, Long Island, to Los Angeles and return, breaking existing east-west and west-east transcontinental records. Total flying time 36 hours 46 minutes 48 seconds, June 27–29, 1929.

First dirigible round-the-world flight: *Graf Zeppelin*, German dirigible, encircled globe in 21 days 7 hours 34 minutes, distance 19,000 miles, in 9 days 20 hours 23 minutes, actual flying time, August 8–29, 1929.

First blind solo flight: Lt. James H. Doolittle (flying and landing entirely by instrument), September 24, 1929.

First flight over South Pole: Commander Richard E. Byrd and crew of three, Antarctic base to South Pole and return, 1,600 miles, in 15 hours 51 minutes, November 28–29, 1929.

First solo round-the-world flight: Wiley Post, New York to New York, via Germany, Russia, and Alaska, 15,596 miles, in 7 days, July 15–22, 1933.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert therein certain material pertinent to the subject.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein an address by Mr. I. W. Duggan before the American Farm Bureau Federation.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Alabama [Mr. JARMAN] may extend his own remarks in the RECORD on two different matters and to include therein certain tables.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 307. Joint resolution vesting the chairman of the Inaugural Committee with authority to determine the location of stands along the inaugural parade route; to the Committee on the District of Columbia.

SENATE JOINT RESOLUTION SIGNED

The SPEAKER pro tempore announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 302. Joint resolution authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Thursday, December 12, 1940, present to the President, for his approval, a bill of the House of the following title:

H. R. 658. An act for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 53 minutes p. m.) the House, pursuant to its previous order, adjourned until Wednesday, December 18, 1940, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY of Maryland:

H. R. 10725. A bill to relieve disbursing officers, certifying officers, and payees in respect of certain payments made in contravention of appropriation restrictions regarding citizenship status; to the Committee on Claims.

By Mr. ROBINSON of Utah:

H. R. 10726. A bill appropriating to the State of Utah the sum of $49,860.76, being 37½ percent of moneys received by the United States from the Independent Coal & Coke Co. for the wrongful taking of coal from land located in the State of Utah; to the Committee on the Judiciary.

By Mr. SCHIFFLER:

H. R. 10727. A bill authorizing the city of Wheeling, W. Va., to purchase and construct, maintain, and operate bridges across the Ohio River located wholly or partly within said city; to the Committee on Interstate and Foreign Commerce.

By Mr. HOFFMAN:

H. R. 10728. A bill to amend the act of May 19, 1916 (ch. 117, sec. 6, 39 Stat. 120), as amended August 29, 1916 (ch. 417, 39 Stat. 582); to the Committee on the Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY of Maryland:

H. R. 10729. A bill for the relief of Mattie E. Baumgarten; to the Committee on Claims.

H. R. 10730. A bill for the relief of Edgar H. Ingham; to the Committee on Claims.

H. R. 10731. A bill for the relief of J. H. Redding, Inc.; to the Committee on Claims.

H. R. 10732. A bill for the relief of Ervine J. Stenson; to the Committee on Claims.

H. R. 10733. A bill for the relief of Addie Myers; to the Committee on Claims.

By Mr. MACIEJEWSKI:

H. R. 10734. A bill for the relief of Anton Nemec; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9408. By Mr. ENGLEBRIGHT: Senate Joint Resolution No. 2, relative to purchases of woolen materials and products for national-defense program; to the Committee on Military Affairs.

9409. By Mr. KRAMER: Resolution of the California State Firemen's Association, urging the appropriation of sufficient funds for the United States Forestry Service so that the forests of the United States and the natural resources of the country may be protected and preserved; to the Committee on Agriculture.

9410. Also, resolution of the California State Firemen's Association urging the adoption of amendments to the present Federal laws making it mandatory to deport or expel any alien from the United States who does not avail himself of the right of citizenship within a specified time; to the Committee on Immigration and Naturalization.

9411. By Mr. STEARNS of New Hampshire: Petition of Rev. William M. Kittredge, of Antrim, N. H., and 42 others, urging all possible aid to Britain short of war; opposition to American intervention in the European and Asiatic wars; and the strengthening of our own defenses; to the Committee on Foreign Affairs.

9412. By the SPEAKER: Petition of the Daughters of American Colonists, Topeka, Kans., petitioning consideration of their resolution with reference to the Mary Ball, mother of Washington, resolution; to the Committee on the Post Office and Post Roads.

9413. Also, petition of the Vermont State Chamber of Commerce, Rutland, Vt., petitioning consideration of their resolution with reference to aid to Great Britain; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES

WEDNESDAY, DECEMBER 18, 1940

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, Thou whose sacrificial love is always stooping to our needs, whisper to our hearts: "I am near." Bring to our remembrance the Christ that we may feed upon Him in our hearts by faith and thanksgiving; were it not for Him, the Old World would, indeed, be a vast asylum of despair. Oh, come, Holy One, and let us hear again the glad tidings of great joy. Let them sing in the hearts of children and the aged; let them permeate the cottages of the poor and the homes of the rich. We pray that Thy spirit of unselfish brotherhood may possess us, giving thought to those who need it, sympathy to those who crave it, praise to those who deserve it, and affection to those who are starving for it. Show us, blessed Lord, that the highest joy of life is in renouncing selfishness that we may help and save others. Oh, let the Star of Bethlehem light up the dark places in all lands; when once it ceases to shine, there will be a dull, black socket in the world's sky; have mercy, O Lord, forbid and remember us. In our Redeemer's name. Amen.

The Journal of the proceedings of Monday, December 16, 1940, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On November 25, 1940:

H. R. 9589. An act granting a pension to Frances Folsom Cleveland Preston.

On November 26, 1940:

H. R. 960. An act extending the classified executive civil service of the United States.

On November 29, 1940:

H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson; and

H. R. 10543. An act to make the excess-land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada.

On November 30, 1940:

H. R. 10465. An act to amend an act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918.

On December 16, 1940:

H. R. 658. An act for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9683. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., and for other purposes.

ANNOUNCEMENT

Mr. McCORMACK. Mr. Speaker, I do not want to interfere with the unanimous-consent requests at this time, but I serve notice now that if I think a quorum is not present I will make a point of order that a quorum is not present. But I will withhold that for short unanimous-consent requests.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I have two unanimous-consent requests: First, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an opinion of the Supreme Court of the United States in the Appalachian Power case.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

Mr. RICH. Mr. Speaker, reserving the right to object, the opinions of the Supreme Court are printed, are they not?

Mr. RANKIN. This is printed.

Mr. RICH. What is the idea of putting it in the RECORD?

Mr. RANKIN. Because it has a great deal of information in it that bears upon legislation which is constantly coming before the Congress.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the address that I made on Monday last may be printed in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. COX]?

There was no objection.

[Mr. COX addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by further including a statement as to the Communist connections of Mr. Weschler, and that I may also insert in the RECORD as a part of my remarks an article appearing in a recent issue of Mercury in which Mr. Weschler's connections with the Communist Party are shown and in which the PM is referred to as the uptown edition of the Daily Worker.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. COX]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. STEARNS of New Hampshire. Mr. Speaker, I ask unanimous consent to address the House today for 5 minutes at the conclusion of any special orders heretofore made.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire [Mr. STEARNS]?

There was no objection.

EXTENSION OF REMARKS

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include a telegram from the Pennsylvania American Legion.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. KUNKEL]?

There was no objection.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include a speech delivered by Edwin C. Hill on the subject of our national parks.

The SPEAKER. Is there objection to the request of the gentleman from Utah [Mr. ROBINSON]?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include two communications on the Walsh-Healey Act.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. GEYER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOODRUFF]?

There was no objection.

[Mr. WOODRUFF of Michigan addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the work of the Dies committee and include therein a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I further ask unanimous consent to extend my remarks in the RECORD in connection with conditions in Finland, and to include therein a broadcast by Fulton Lewis and Minister Procope.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CROWE asked and was given permission to extend his own remarks in the RECORD.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I expect to make and to insert therein a few newspaper articles.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PETER BAVISOTTO

Mr. HART. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5336), for the relief of Peter Bavisotto, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 7, after "insurance", insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand this amendment simply adds the provision that no attorney can secure over 10 percent.

Mr. HART. The gentleman is correct.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NATIONAL DEFENSE NEEDS PROCUREMENT

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, last Thursday I called attention to the ridiculous situation that exists with reference to the national-defense program, to the fact that Mr. Knudsen and Mr. Stettinius, two of the foremost business executives in America, were simply here in Washington as an Advisory Commission, without power. In my opinion, after a very careful study of the situation which my position on the Appropriations Committee has given me opportunity to make, I am satisfied that the defense procurement lags are largely due to the fact that these gentlemen have no power.

I have today introduced a bill designed to correct that situation and to create the position of Director of National Defense Procurement, with proper assistants to enable the President, if he will cooperate in straightening out our national-defense program, to have an opportunity to do the job. It is a crying need and I hope that this bill will receive the favorable consideration of the Military Affairs Committee, to which it has been referred. [Applause.]

NATCHEZ TRACE PARKWAY

Mr. FORD of Mississippi. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10712) to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, has this bill been before the appropriate committee?

Mr. FORD of Mississippi. It has. I am advised by the gentleman from Utah [Mr. ROBINSON], the chairman of the Committee on the Public Lands that it was reported out yesterday but has not been placed upon the calendar.

Mr. MARTIN of Massachusetts. What is the particular urgency for considering the bill at this time?

Mr. FORD of Mississippi. The only reason I can assign for it is that they want to construct a post-office building on one of the easements that was granted to the State of Mississippi and turned over to the Federal Government.

Mr. MARTIN of Massachusetts. What does this bill provide?

Mr. FORD of Mississippi. It simply gives the Secretary of the Interior the authority to convey back to a private person the authority to construct a building on an easement that was granted the Federal Government to right-of-way for the Natchez Trace Parkway.

Mr. MARTIN of Massachusetts. It gives the Government the right to cede land back to a private individual?

Mr. FORD of Mississippi. Not to cede the land back, but to give him the right to construct a building for a post office on the right-of-way to the parkway that has already been built.

Mr. MARTIN of Massachusetts. Has this bill been approved by the Department?

Mr. FORD of Mississippi. It has; and I have here a report from the Department.

Mr. RICH. Reserving the right to object, inasmuch as we have been unable to hear the gentleman's explanation, we would like to know what they are going to do with the Natchez Trace Parkway.

Mr. FORD of Mississippi. They are not going to do anything except give the Secretary of the Interior the right to convey back to a private individual the authority to construct a building suitable for post-office purposes in a little village down in Mississippi.

Mr. RICH. On the right-of-way?

Mr. FORD of Mississippi. On an easement; not the right-of-way itself, but on a scenic easement that has been granted to the Government.

Mr. RICH. Is it permissible for the Secretary to do that at any place he chooses on the parkway?

Mr. FORD of Mississippi. Not unless the Congress grants him such authority.

Mr. RICH. The Congress must pass on each point, then. What is the object of granting the Secretary of the Interior permission to grant this authority?

Mr. FORD of Mississippi. The purpose of it is to permit a person who conveyed an easement to the State of Mississippi, which in turn conveyed it to the Federal Government, to build a structure suitable for post-office purposes on this easement of the Natchez Trace, which runs through a little village in Mississippi.

Mr. RICH. The village is in the parkway?

Mr. FORD of Mississippi. That is right.

Mr. RICH. I have understood all along that on this parkway they were going to secure the ground within 800 feet.

Mr. FORD of Mississippi. That is correct.

Mr. RICH. Is this village within the 800-foot limit?

Mr. FORD of Mississippi. Yes.

Mr. RICH. Then they do not intend to take over the 800 feet in Mississippi?

Mr. FORD of Mississippi. No.

Mr. RICH. Is this customary along the Natchez Trace from the beginning to the end?

Mr. FORD of Mississippi. I doubt if there will be another instance comparable to this one.

Mr. RICH. What is the object of granting permission to have this community live within the boundaries of the Natchez Trace Parkway, and not any other?

Mr. FORD of Mississippi. The Natchez Trace Parkway runs right through this village.

Mr. RICH. Will the presence of the village in any way hinder maintaining the width of the roadway?

Mr. FORD of Mississippi. It will not.

Mr. RICH. And the Secretary of the Interior believes that this is the wise thing to do?

Mr. FORD of Mississippi. That is right.

Mr. MICHENER. Mr. Speaker, reserving the right to object, as I understand the situation from the gentleman from

Mississippi, this highway is wide and goes through this village. A post office is to be constructed in the town, but it cannot be constructed near the highway or in the most desirable place unless this easement is released and this bill passed.

Mr. FORD of Mississippi. That is correct.

Mr. MICHENER. That is all the bill does, and it is for the good of the folks down there and will not in any way interfere with the highway.

Mr. FORD of Mississippi. The gentleman from Michigan has correctly analyzed the situation.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, in his discretion, is hereby authorized to relinquish or modify certain restrictions upon the use of privately owned lands in the village of French Camp along the Natchez Trace Parkway, which restrictions have been imposed thereon by the scenic easement deed dated May 19, 1938, which is recorded in book 24, pages 333–336, of the Record of Deeds in the office of the clerk of the chancery court of Choctaw County, Miss., said lands being situated in section 31, township 17 north, range 9 east, Choctaw County, Miss.

SEC. 2. The Secretary of the Interior is authorized to execute such instruments of conveyance as may be necessary for the purposes of this act. The cost of recording such instruments shall be paid out of any funds available for the Natchez Trace Parkway.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a release from the Library of Congress made today.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MINE INSPECTION BILL

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, the most recent disaster in the bituminous-coal fields of West Virginia calls attention once again to the pending legislation to bring about greater safety and better health for the miners of this country.

A petition now on the Speaker's desk, if signed by a sufficient number of the Members, would bring this desirable bill to the floor of the House. The measure was passed by the Senate unanimously and continues to pend on Capitol Hill, while some 1,700 men have lost their lives, augmented by another accident in the last few hours in which 7 died and many were injured.

I trust Members on both sides of the aisle will give careful consideration to aiding ultimate passage of the measure. The gentleman from West Virginia, the Honorable JOE L. SMITH, chairman of the House Committee on Mines and Mining, has again attempted to get a quorum that another vote in that group could be taken on bringing the measure to the floor. Failure marked these efforts this morning, but another attempt will be made tomorrow.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that after the legislative business of the day has been disposed of and following those who have special orders, I may be permitted to address the visiting Members of the House prior to adjournment for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MINE INSPECTION BILL

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL. Mr. Speaker, I am one of those who signed the petition to discharge the committee from the consideration of the mine inspection bill, and my name still appears on the petition. I read the story of the disaster in West Virginia and the comment on it made by the Member of the other body who is the Governor-elect of West Virginia. The thought occurred to me, just why West Virginia has done nothing about proper inspection of these coal mines; just why is it that these mines are not being properly inspected, and why the same laws could not be passed in West Virginia giving the same kind of inspection that the gentleman is asking for in the bill that is in the committee.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield.

Mr. RANDOLPH. Of course, the gentleman knows that these disastrous accidents have occurred in Kentucky, Ohio, West Virginia, and in many other States, and I feel that this proposed legislation would not be in opposition to the State mine-inspection programs that we now have but would simply be an aid in improving mining conditions. This is a most hazardous occupation. Let us throw every safeguard around those men who go beneath the earth to earn their livelihood.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes today at the conclusion of the other special orders.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OF THE NEUTRALITY AND JOHNSON ACTS

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Mr. Speaker, the newspapers quote the President this morning: "The silly dollar sign!" This smacks of continued New Deal economics. I would like to give notice that I feel very favorably toward any modification of the Johnson Act or the Neutrality Act in order to extend all possible aid to Great Britain, but I want to express myself forcefully against any tricky methods to avoid direct action by Congress. Do not the people of the Nation trust their Congress any longer? Was the idea of "mortgage and lease," "the silly dollar sign," and "payment in kind" given its birth in the Caribbean Seas? How wonderful to hatch ideas to evade the Congress. We may well ask ourselves, "Are we still the Representatives of the people?" The answer ought to be—"Yes, very still."

Mr. BLOOM. Mr. Speaker, will the gentleman yield there?

Mr. GIFFORD. Yes.

Mr. BLOOM. Is it not a fact that the President specifically stated that any proposition made, whether it is a loan or lease, would have to be acted upon by the Congress?

Mr. GIFFORD. It did not read like that this morning.

Mr. BLOOM. That is what he said yesterday.

Mr. GIFFORD. I hope it may be true, but actions of the recent past belie this hope or expectation.

[Here the gavel fell.]

Mr. KELLAR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. KELLER addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and insert an article on war debts and also statistics from the Federal Reserve bank and other sources on the same subject.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent Mr. FISH was granted permission to extend his own remarks in the RECORD.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from the December issue of the National Legionnaire, entitled "Let Us Arm for America."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein two letters sent by the Civil Service Commission asking how many people will be blanketed in under the recent law.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. McCORMACK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-nine Members are present; not a quorum.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 237]

Allen, Ill.	Ferguson	Kramer	Rogers, Okla.
Allen, La.	Fernandez	Lambertson	Ryan
Allen, Pa.	Folger	Landis	Sacks
Angell	Fries	Larrabee	Schaefer, Ill.
Bell	Gartner	Lea	Schafer, Wis.
Boren	Gathings	Leavy	Schiffler
Boykin	Gibbs	LeCompte	Schulte
Bradley, Mich.	Gilchrist	Lewis, Ohio	Scrugham
Buckler, Minn.	Gillie	McAndrews	Shafer, Mich.
Burney	Green	McLeod	Sheppard
Byrns, Tenn.	Gregory	Mansfield	Short
Caldwell	Gross	Marshall	South
Cannon, Fla.	Hancock	Martin, Iowa	Starnes, Ala.
Cannon, Mo.	Harness	May	Steagall
Carlson	Harter, N. Y.	Mills, Ark.	Stefan
Cartwright	Harter, Ohio	Mills, La.	Sweeney
Casey, Mass.	Hawks	Mitchell	Sweet
Celler	Hendricks	Monroney	Taylor
Chapman	Horton	Mott	Thill
Chiperfield	Hull	Mouton	Thomas, N. J.
Clevenger	Jarman	Murdock, Ariz.	Thomason
Cluett	Jarrett	Murdock, Utah	Thorkelson
Coffee, Nebr.	Jeffries	Murray	Tinkham
Corbett	Jenkins, Ohio	Nelson	Treadway
Costello	Jennings	Nichols	Vinson, Ga.
Courtney	Jensen	Norton	Welch
Darden, Va.	Johnson, Ind.	O'Day	West
Darrow	Johnson, Okla.	O'Neal	White, Idaho
DeRouen	Johnson, LutherA.	Pace	Williams, Del.
Dickstein	Kee	Patton	Williams, Mo.
Dies	Kefauver	Peterson, Fla.	Winter
Dondero	Kennedy, Md.	Peterson, Ga.	Wood
Doughton	Kilday	Poage	Zimmerman
Dworshak	Kitchens	Ramspeck	
Edmiston	Kleberg	Reed, Ill.	
Ellis	Knutson	Reed, N. Y.	

The SPEAKER. On this roll call 288 Members have answered to their names. A quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

WALTER-LOGAN BILL—VETO MESSAGE

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I herewith return, but without my approval, the bill (H. R. 6324) entitled "An act to provide for the expeditious settlement of disputes with the United States, and for other purposes."

The objective of the bill is professedly the assurance of fairness in administrative proceedings. With that objective there will be universal agreement. The promotion of expeditious, orderly, and sensible procedure in the conduct of public affairs is a purpose which commends itself not only to the Congress and the courts but to the executive departments and administrative agencies themselves.

Despite the tremendous growth in the business of administration in recent years, I have observed that there has been a substantial improvement in the standards of administrative action. That does not mean that further improvement is not needed.

I am convinced, however, that in reality the effect of this bill would be to reverse and, to a large extent, cancel one of the most significant and useful trends of the twentieth century in legal administration.

That movement has its origin in the recognition even by courts themselves that the conventional processes of the courts are not adapted to handling controversies in the mass. Court procedure is adapted to the intensive investigation of individual controversies. But it is impossible to subject the daily routine of fact-finding in many of our agencies to court procedure. Litigation has become costly beyond the ability of the average person to bear. Its technical rules of procedure are often traps for the unwary and technical rules of evidence often prevent common-sense determinations on information which would be regarded as adequate for any business decision. The increasing cost of competent legal advice and the necessity of relying upon lawyers to conduct court proceedings have made all laymen and most lawyers recognize the inappropriateness of entrusting routine processes of government to the outcome of never-ending lawsuits.

The administrative tribunal or agency has been evolved in order to handle controversies arising under particular statutes. It is characteristic of these tribunals that simple and nontechnical hearings take the place of court trials, and informal proceedings supersede rigid and formal pleadings and processes. A common-sense resort to usual and practical sources of information takes the place of archaic and technical application of rules of evidence, and an informed and expert tribunal renders its decisions with an eye that looks forward to results rather than backward to precedent and to the leading case.

Substantial justice remains a higher aim for our civilization than technical legalism.

The administrative tribunal is not a recent innovation. The Interstate Commerce Commission, one of the first of the kind, was created as long ago as 1886. The administrative process and the administrative tribunal were firmly recognized by the courts many years ago. Before the commencement of this administration, the Supreme Court, speaking through the present Chief Justice, definitely recognized the usefulness and constitutionality of the administrative tribunal and, speaking of a statute to create such a tribunal, referred to "the obvious purpose of the legislation to furnish a prompt, continuous, expert, and inexpensive method for dealing with a class of questions of fact which are peculiarly suited to examination and determination by an administrative agency specially assigned to that task."

Forward-looking judges, experienced administrators, and many progressive and public-spirited lawyers have recognized that American jurisprudence must advance along two lines:

First, the cheapening, expediting, and simplifying of the judicial process itself. This cause has been greatly advanced through the adoption by the Supreme Court of simplified rules governing civil proceedings under an authorization made upon my recommendation. Revision of the rules of criminal practice has now also been authorized upon my recommendation.

Secondly, the reservation of the judicial process for cases appropriate to its exercise and protection of the courts from being overwhelmed with masses of controversies growing out of regulatory and remedial statutes. For this purpose, the judicial process requires to be supplemented by the administrative tribunal wherever there is a necessity for deciding issues on a quantity-production basis.

Notwithstanding recognition of this necessity by many lawyers, jurists, educators, administrators, and the more progressive bar associations, a large part of the legal profession has never reconciled itself to the existence of the administrative tribunal. Many of them prefer the stately ritual

of the courts, in which lawyers play all the speaking parts, to the simple procedure of administrative hearings which a client can understand and even participate in. Many of the lawyers prefer that decision be influenced by a shrewd play upon technical rules of evidence in which the lawyers are the only experts, although they always disagree. Many of the lawyers still prefer to distinguish precedent and to juggle leading cases rather than to get down to the merits of the efforts in which their clients are engaged. For years such lawyers have led a persistent fight against the administrative tribunal.

In addition to the lawyers who see the administrative tribunal encroaching upon their exclusive prerogatives, there are powerful interests which are opposed to reforms that can only be made effective through the use of the administrative tribunal. Wherever a continuing series of controversies exist between a powerful and concentrated interest on one side and a diversified mass of individuals, each of whose separate interests may be small, on the other side, the only means of obtaining equality before the law has been to place the controversy in an administrative tribunal. Individual shippers could not cope in the courts with great railroad corporations over excessive charges that were small in single cases but important in the aggregate. So the Interstate Commerce Commission was created. Power consumers could not deal with electric rates, nor could individual security holders pit their strength against the concentrated power of brokerage interests, nor could individual laborers bargain on equality with the concentrated power of employers. The very heart of modern reform administration is the administrative tribunal. A "truth in securities" act without an administrative tribunal to enforce it, or a labor-relations act without an administrative tribunal to administer it, or rate regulation without a commission to supervise rates would be sterile and useless. Great interests, therefore, which desire to escape regulation rightly see that if they can strike at the heart of modern reform by sterilizing the administrative tribunal which administers them they will have effectively destroyed the reform itself.

The bill that is now before me is one of the repeated efforts by a combination of lawyers who desire to have all processes of government conducted through lawsuits and of interests which desire to escape regulation. The effort was made in the recent New York constitutional convention by this same combination of influences to deprive State tribunals of their authority. That effort was wisely rejected by the people at the polls. The effort was continued on a national scale to destroy the administrative tribunals which enforce the Nation's important laws. It is from this background that this bill has emerged.

While I could not conscientiously approve any bill which would turn the clock backward and place the entire functioning of the Government at the mercy of never-ending lawsuits and subject all administrative acts and processes to the control of the judiciary, I am, of course, not unaware that improvement in the administrative process is as much the duty of those concerned with it as the improvement of court procedure ought to be a duty of the legal profession.

Recognizing this, more than a year ago I directed the Attorney General to select a committee of eminent lawyers, jurists, scholars, and administrators to review the entire administrative process in the various departments of the executive government and to recommend improvements, including the suggestion of any needed legislation. For over a year such a committee has been taking up in detail each of the several typical administrative agencies and has been holding prolonged sessions, hearings, inquiries, and discussions. Its task has proved unexpectedly complex. The objective of this committee, however, is not to hamper administrative tribunals but to suggest improvements to make the process more workable and more just, and to avoid confusions and uncertainties and litigations. I should desire to await their report and recommendations before approving any measure in this complicated field. In this thought I believe most Americans will agree. The report and recommendations will be transmitted to the Congress in a few weeks.

Meanwhile, without substantial congressional hearings to consider the problems of the executive departments affected, this bill has been passed and sent to me. This bill has been unanimously condemned by the committee on administrative law and by the committee on Federal legislation of one of the oldest and most respected bar associations of America, the Association of the Bar of the City of New York, which, while recognizing the need of improvement in the administrative process, have said:

> Nevertheless, we think that the present bill, under the guise of reform, would force administrative and departmental agencies having a wide variety of functions into a single mold which is so rigid, so needlessly interfering, as to bring about a widespread crippling of the administrative process.

Agencies affected, including many whose activities have an important collateral effect on the defense program have pointed out serious delays and uncertainties which would be caused by the present bill, if enacted.

It appears from the text of the bill that the Congress considered the procedures and the delays incident to the procedures provided by the act inappropriate to agencies engaged in national-defense functions. It is doubtless due to oversight that important functions performed by the Maritime Commission, the Department of Commerce, and the Treasury are affected by the bill. Functions as important to our economic defense as foreign funds control in the Treasury, where general regulations must be made with utmost promptness, would be subjected to delay for hearing and notice of hearing in advance.

Quite apart from the general philosophy of this bill, its unintentional inclusion of defense functions would require my disapproval at this time.

At my request an analysis of the bill has been prepared by the Attorney General and is submitted herewith for the information of the Congress. Apart from a disagreement with the general philosophy of legal rigidity manifest in some provisions of the bill, I am convinced that it would produce the utmost chaos and paralysis in the administration of the Government at this critical time. I am convinced that it is an invitation to endless and innumerable controversies at a moment when we can least afford to spend either governmental or private effort in the luxury of litigation.

Today in sustaining American ideals of justice, an ounce of action is worth more than a pound of argument.

For these reasons I return the bill without my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 18, 1940.*

The SPEAKER. Without objection, the Clerk will read the accompanying report from the Attorney General.

There being no objection, the Clerk read the report referred to, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, December 11, 1940.

THE PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: In accordance with your request for analysis of the administrative agencies bill (H. R. 6324), now before you, I omit many objections urged by the agencies affected to point out only its major innovations and their consequences.

I. EFFECT ON THE NATIONAL-DEFENSE PROGRAM

The bill evidences on its face, and its legislative history shows, that Congress recognized its provisions to be inappropriate if applied to agencies engaged in the defense program. Since the effect of the bill is to deday decisions and rulings pending hearings and to subject them to judicial review its effect on defense activities wherever they are subject to it would be an increased delay and uncertainty.

In recognition of this the bill excepts "the military or naval establishments including the Council of National Defense and the Advisory Commission thereto the Priorities Board and any other agency or authority hereafter created to expedite military and naval defense." Its evident purpose to protect the national defense, however, fails because the fact was overlooked that agencies not excepted by name and not a part of the military or naval establishments and not "hereafter created" perform some of our most important defense functions and they would be severely handicapped were the bill to become law.

For example the Maritime Commission is not exempt. The Maritime Commission has important defense functions. Almost every phase of its activities under the Merchant Marine Act of 1936 is of primary concern to the defense effort—the building of merchant ships capable of serving as naval and military auxiliaries the determination of essential routes for maintaining the flow of foreign commerce the transportation of strategic and critical material and

the training of an efficient citizen personnel to man the vessels of the merchant marine. It makes general regulations relating to construction and operating differentials and pertaining to the service and in event of national emergency or war it has the power to requisition vessels. All of these would be exercised subject to the provisions of this act if it becomes law.

The Department of Commerce is included in this bill. It too has important functions affecting national defense. The ability in an emergency immediately and without notice or public hearing, to issue and to amend regulations, has been a most effective means of providing for the enforcement of the various neutrality acts. For example, it was possible, within a few hours after the issuance by the President of proclamations making the provisions of the Neutrality Act of 1939 effective, to issue regulations governing the clearance of vessels, so as to prevent violations of that act which might otherwise have occurred.

The Administrator of Civil Aeronautics administers the Civilian Pilot Training Act program for the purpose of providing in the interest of national defense a reservoir of trained pilots to be available for the use of the armed forces of the United States. Obviously, the Administrator should be permitted to issue the necessary rules and regulations without notice, followed by protracted hearings. Otherwise, an important feature of national preparedness would be unconscionably delayed.

The Treasury Department is included in the bill, although the legislation excepts the Comptroller of the Currency, Internal Revenue, Customs, and personnel sections of the Treasury. This leaves the bill as covering clearly the fiscal and financing operations and the procurement and purchasing functions of the Treasury Department. Whether it covers the Coast Guard, or whether the latter may be considered exempt as a part of the Military or Naval Establishment is uncertain.

The Treasury performs vital defense functions—particularly vital in economic defense. They would be subjected to the time-consuming procedures of this bill.

One such function is the foreign funds control. Orders have been issued freezing control of foreign funds in this country from the areas overrun by aggressor armies, such as Denmark, Norway, Belgium, Holland, Luxembourg, France, Latvia, Lithuania, Estonia, and Rumania. Such controls to be successful must be applied immediately and without notice. In connection with foreign funds control many licenses must issue, many rulings and decisions must be made. In the first 6 months of foreign funds control more than 80,000 applications for licenses were filed and passed on by the Treasury Department. About 8,000 have been denied. To put this volume of decisions through the procedures provided by this bill would be dilatory, costly, and disruptive of the whole plan of control.

In its financing activities the Treasury issues many regulations with respect to such subjects as bonds and notes, interim certificates, sale and issue of Treasury bills, and offering of savings bonds. The success of Treasury financial operations often depends on secrecy and timing. The hearings requirements of the pending bill would inform speculators in advance of information which every administration in the history of the country has believed should be zealously guarded.

Nor is it clear why the procurement activities of the Treasury should be subject to the bill, while those of the Army and Navy are excepted. By the Strategic Materials Act of 1939 the Treasury is charged with the purchase, storage, maintenance, and rotation of strategic and critical materials essential to the national defense. Millions have been appropriated for the purpose.

Equally important is the defense housing equipment purchasing program which the Procurement Division has undertaken under the recent Defense Housing Act of 1940.

The requirements of this bill are expressed with such generality that any dependable and complete catalog of its effects on the national defense could only be compiled after experience. Its tendency in the direction of delay, uncertainty, and litigation will appear from an examination of its provisions.

II. JUDICIAL ADVICE AS TO VALIDITY OF ADMINISTRATIVE RULES

With a purpose, no doubt, of preventing administrative agencies from magnifying their powers through promulgation of rules, section 3 of the bill conveys a sweeping grant of jurisdiction to the United States Court of Appeals for the District of Columbia, "upon petition filed by any person substantially interested in the effects of any administrative rule * * * to hear and determine whether any such rule * * * is in conflict with the Constitution of the United States or the statute under which issued."

The vice of this innocent-looking provision is that it opens the door to abstract litigation over the validity of administrative rules, and thereby throws overboard the most time-honored and universally accepted of all principles governing judicial review in the Federal courts; the principle that those courts sit only to decide actual litigations and not to weigh abstract legal questions. President Washington, you will recall, sought the help of an advisory opinion from the Supreme Court as to a legal problem that perplexed him. It was refused, and that court has since adhered to the principle that it will decide only law questions when they arise in concrete litigations coming within the legal concept of a "case" or a "controversy."

This bill must be interpreted as expanding that power or it has no effect whatever. Under the Declaratory Judgments Act of 1934 any person may now obtain a judgment as to the validity of such administrative rules, if he can show such an interest and present injury therefrom as to constitute a "case or controversy." This bill removes that limitation, or it does nothing.

Moreover, in authorizing a new kind of litigation, this bill weights the scales so that the Government does not stand on an equal footing with a corporation or individual contesting its rules. If the Government loses, the bill provides "the rule thereafter shall not have any force or effect." But if the Government wins, its victory is not similarly final. The bill provides that "nothing contained in this section shall prevent the determination of the validity or invalidity of any rule which may be *involved in any suit* or *review of an administrative decision or order in any court* of the United States as now or hereafter authorized by law." [Italics supplied.] In other words, the private litigant, if he loses in the Court of Appeals for the District of Columbia, may simply wait until the rule is involved in a decision of the agency and then, in some other court, litigate the same question over again.

In short, any person or corporation displeased by an administrative rule has everything to gain and nothing to lose by taking the matter to the court of appeals even before he knows whether or how the rule will affect him in operation. In fact, there is nothing in the bill to prevent a succession of litigations by different individuals about the same rule. The bill puts new and advantageous weapons in the hands of those whose animus is strong enough and whose purse is long enough to wage unrestricted warfare on the administration of the laws. The effect on the functions of the court of appeals, which already carries a full burden of duties, may well be serious.

The provision purporting to give the Supreme Court jurisdiction to review advisory decisions of the District Court of Appeals, is, in view of the constitutional definition of Supreme Court jurisdiction, of very doubtful validity. The first act of Congress ever held to be unconstitutional was one in which the attempt was made to give the Supreme Court jurisdiction in excess of the constitutional provision. Repeated expressions in judicial opinion of a determination to avoid assuming the functions of the political branches of the Government, such as administrative rule making, leaves little doubt that legislation designed to bring new and strange burdens to the courts will have as little support among responsible judicial officers as it has among responsible administrative officials.

III. UNIFORM PROCEDURES IN DIVERSE AGENCIES

The bill proposes to prevent errors and abuses in procedure by setting up a uniform procedure for all agencies. Until now it has been the policy of the Congress to set up in the organic act creating a new agency at least a rough outline of procedures suitable to its distinctive functions.

This bill, however, lays down a series of blanket requirements for the promulgation of rules and the conduct of hearings by administrative agencies and for judicial review of their action. In doing so it amends literally hundreds of statutes. Just what statutes are amended or repealed is not stated, but left to the always debatable implication. It alters drastically the operations of innumerable agencies in innumerable ways. I use the term "innumerable" deliberately, because, while the bill names some agencies excepted, it nowhere names those to which it would apply but covers them only by general description.

The principles that governed what should be included and what excepted are not discernible. Thus, the Federal Trade Commission, the National Mediation Board, and the Railroad Adjustment Board are exempted, while agencies now operating under essentially similar statutory procedures, such as the Securities and Exchange Commission and the National Labor Relations Board, are presumably blanketed in. Cases involving the denial of a loan are exempted; but the denial of a grant-in-aid is presumably blanketed in. The Federal Reserve Board, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation are exempted; but the Secretary of the Treasury is presumably blanketed in. The Department of Justice is out; the Department of Commerce is in. These are simply a few obvious instances.

This bill abandons all account of underlying diversities and imposes the same procedures upon agencies as different in structure and function as the Veterans' Administration, the Bureau of Reclamation, the Pure Food and Drug Administration, and the Office of Education. It is as if we should average the sizes of all men's feet and then buy shoes of only that one size for the Army.

The Attorney General's Committee on Administrative Procedure, appointed at your direction and consisting of eminent judges, lawyers, and scholars, has been examining administrative procedures in detail in typical agencies, both through a staff of investigators and through hearing the officials themselves. While it has not addressed itself to a consideration of this bill, its interim report indicates a unanimous doubt as to the feasibility of uniform and rigid procedures. The Committee says:

"The Committee's inquiries have made it apprehensive that a too rigid prescription of administrative procedures would, by substituting artificial uniformity for essential variety, abolish many procedures which now fully satisfy the convenience and protect the welfare of great numbers of citizens and would defeat the substantive purposes of many congressional enactments."

It is not practicable to follow all possible consequences of a bill so unexampled in range and so replete with uncertainties of meaning.

IV. EFFECT ON ADMINISTRATIVE RULE MAKING

Section 2 provides that "Hereafter administrative rules and all amendments or modifications or supplements of existing rules implementing or filling in the details of any statute affecting the rights of persons or property" shall be issued only after publication of notice and public hearings.

1. No exception is made as to rules designed to cope with threatened public disaster or other emergency. Necessity for such emergency rules is recognized, and they are excepted from the requirement that rules shall not take effect until publication in the Federal Register; but this exception, incomprehensibly, is not made applicable to the requirement of notice and public hearing. You are thus presented with a bill which would make it illegal to issue regulations for quarantine in an epidemic in Federal territory or the control of forest fires raging on the public domain unless there were public hearings in advance.

2. Rules under future statutes are to be issued "within 1 year after the date of the enactment of the statute, subject to the adoption thereafter of further rules from time to time, as provided in this act." It is difficult to find in this provision anything but a self-contradiction. Literally, it requires all rules to be issued within a year, except that more rules may be issued after a year. If it is intended to say that all basic rules must be issued within a year, subject to amendments after a year, no end of litigation would be created in determining what are amendments. May a rule issued within a year be repealed and a contrary rule thereafter be issued as a "further rule"? Would the latter rule be invalid if there had been no prior contrary rule? These are questions which would require much temerity and more litigation to answer.

3. Rules now in existence (other than those in effect over 3 years) must, under the bill, be reconsidered after a public hearing if, within a year after the bill becomes a law, "any person substantially interested in the effects" of the rule so requests. No matter how satisfactory a rule may be to the mass of those affected, or whether it may have been approved by court decision, or whether the Congress, with knowledge of the rule, may have reenacted the statute and thus given it the force of law, the time and energy of agencies must be devoted to reconsidering rules which represent cumulative experience of years. No discretion is granted to any administrative authority to refuse any hearing duly requested. Hence there is apparently no limit to the number of successive hearings which different persons or corporations may demand with respect to the same rule.

V. HEARING PROCEDURE

One of the objectives of this bill is, no doubt, to meet the oft-repeated charge of arbitrary action by the heads of administrative agencies in making decisions affecting particular individuals.

For this purpose the bill, section 4, prescribes new internal procedures. It divides all governmental agencies into two classes: single-headed ones and multiple-headed ones. It requires all multiple-headed agencies to conduct hearings before a single trial examiner, and all single-headed agencies to conduct hearings before a triple-headed hearing board. Both the distinction and the requirement seem somewhat artificial. But passing its artificiality and the difficulty of classifying some agencies in respect to it, the question arises whether, if there is need for curbing arbitrary action, this bill provides either a suitable or an effective remedy.

The head of a single-headed administrative agency would be required to name a new "intra-agency board" of three members, at least one of whom must be a lawyer, and "any person" who "is aggrieved by a decision of any officer or employee of any agency" may demand a hearing before such board.

It may well be questioned whether an agency head who is so arbitrary as to require curbing will name so fair and so courageous a group of his subordinates as will apply the needed curb.

However, the bill provides that the decision of the board "shall be subject to the written approval, disapproval, or modification of the head of the agency concerned or of such person as he shall designate in writing to act for him." In other words, the decision of the "intra-agency board" shall control him if he wants to be controlled by it. I am puzzled to know just what purpose this elaborate and litigious procedure before the board amounts to, if the head of the agency or anyone he designates may approve, disapprove, or modify its decision.

Moreover, a long-continued policy of Congress has jealously confined the power of final decision in matters of substantial importance to a few principal administrative officers, generally Presidential appointees confirmed by the Senate. This bill does away with those safeguards, and while it provides for hearing and decision by a new "intra-agency board," it also authorizes the head of the agency to delegate to anybody the right to approve, disapprove, or modify. This would disperse final responsibility.

The bill apparently also requires a decision of a trial examiner unfavorable to an independent agency to stand, however inconsistent with the interpretation of the law in other cases. The independent agency seems not to have been thought of as an "aggrieved party," for in order to bring itself within the language of the bill, it would be obliged to file objections with itself "by registered mail." The only alternative to this construction of the bill would be a construction which permitted the agency to change the decision of the trial examiner without further hearing, and to the surprise of the newly aggrieved party.

VI. JUDICIAL REVIEW

The bill provides that any party to an administrative proceeding who is aggrieved by the final decision of the agency may secure review in a circuit court of appeals or the Court of Appeals for the District of Columbia. Already under existing statutes specific decisions affecting the rights of individuals are made subject to judicial review. This act, however, does not confine review to the specific matters heretofore allowed but sweeps into the judicial hopper all manner of questions which have never before been considered appropriate for judicial review.

For example, such matters as the awarding of contracts, the acceptance or rejection of supplies, the granting or withholding of compensation or hospitalization from a veteran, fraud orders of the Post Office Department, the granting or withholding of a license for a vessel or of a master's or mate's ticket, the determination of claims for benefits under the Social Security Act are a few examples, taken at random, of governmental actions of an executive or administrative nature which may become subject to judicial review were this bill to become law, but which have never been regarded as so reviewable. The ultimate consequences would be not only to swamp the courts with a flood of minor administrative matters but to retard and hamper the work of the executive branch of the Government. The discretion which must be exercised in performance of executive duties would, to a considerable extent, be transferred to the courts.

CONCLUSION

There is no reason to doubt that administrative procedures, as well as court procedures, can be substantially improved. There is no doubt that instances of arbitrary action, of excessive zeal, and of incompetence can be cited in administrative agencies, as they can in all branches of government. None should be more anxious to see these tribunals become better instruments for the attainment of justice than those who realize their indispensability in accomplishing the chief reforms of our century and their necessity to supplement the courts where the volume of business makes the conventional court process too slow, expensive, and technical.

If this bill has this objective, I cannot believe that it accomplishes it. I find myself in substantial agreement with the conclusion of the committees of the Association of the Bar of the City of New York, which have studied this bill and which find the need for improvement in administrative precedures urgent, but say:

"Nevertheless, we think that the present bill, under the guise of reform, would force administrative and departmental agencies having a wide variety of functions into a single mold which is so rigid, so needlessly interfering, as to bring about a widespread crippling of the administrative process."

This letter is wholly devoted to criticism of the present bill and advances no alternatives. It would be much more difficult to suggest suitable alternatives than to criticize this present effort. This would not be an appropriate time to advance suggestions in any event, and, fortunately, it is not necessary.

Your own recognition of the need for improvement in administrative procedures led to the appointment of the Attorney General's committee, which has devoted a very great amount of time to a detailed study of the different types of agencies, the defects in their procedures, and appropriate remedies. Its report has taken longer than was anticipated, because it has found the whole field unexpectedly complicated. When its report is available, and I am informed that this will be very soon, it will be possible to make a better-informed approach to this whole difficult field.

For these reasons, I cannot recommend approval of this bill.

Respectfully submitted.

ROBERT H. JACKSON,
Attorney General.

The SPEAKER. The objections of the President will be spread at large upon the Journal; and the bill, the message, and the accompanying papers will be printed as a House document.

The question is, Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Texas [Mr. SUMNERS] is recognized for 1 hour.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, I feel we can all agree that the President of the United States has clearly stated, as has the Attorney General, that the objective sought by this legislation is desirable. The President states he feels the objective is the assurance of fairness in administrative proceedings and there will be universal agreement in reaching such an objective.

You will recall that a few days ago when the gentleman from Texas [Mr. SUMNERS] offered a privileged motion that the House concur in the Senate amendments I asserted that the bill in the form in which it came to the House from the Senate would seriously handicap the efforts of the Government in connection with the national-defense program. I cited several examples in support of that statement. Answering my argument, the gentleman from Texas [Mr. SUMNERS] said that if my contentions were sound his motion should be defeated. I feel that the President's message and the Attorney General's analysis of the bill sustain the position I took on that day. There can be no doubt that the language of the President's message and the analysis of the Attorney General show beyond question that agencies not within the Navy and War Departments having to do with the national-defense program are not exempted under the terms of this legislation

other than those specifically named by the Senate. If the broad language in the bill referred to by the gentleman from Texas [Mr. SUMNERS] and the gentleman from Pennsylvania [Mr. WALTER] exempting the Military and Naval Establishments did exempt the other agencies, then why did the Senate add what is known as the Hatch amendment, specifically providing that certain agencies should be exempt?

Practically every Government department and independent agency submitted a statement, either to the Director of the Budget or to the Attorney General, as to the effect this legislation would have on their activities. Let me tell Members representing rural sections of the country who are interested in the farmers, who are interested in the Department of Agriculture and its operations, the brief submitted by the Solicitor of the Department of Agriculture on this bill contained 100 typewritten pages, many of them single spaced. He pointed out that the efforts of the Department to enforce the legislation you have placed on the statute books in recent years would be delayed, if not destroyed, by the provisions of this bill.

You have here a practical agreement on the part of the President of the United States and the Attorney General in which, in effect, they say: "Bring in the proper legislation, and we will agree." If so, what harm will there be in delaying this legislation until the next Congress convenes?

The President said in conclusion that he was convinced that this legislation, meaning this bill, would produce the utmost chaos and paralysis in the administration of the Government at this critical time. He said:

> I am convinced that it is an invitation to endless and innumerable controversies at a moment when we can least afford to spend our governmental or private effort in the luxury of litigation.

The Attorney General points out in his analysis the effect of this legislation on some of the departments within the Government, not only newly created agencies, but naming the Department of Commerce, the Treasury Department, the Maritime Commission, the Procurement Division, and other branches of departments of our Government. You have a direct expression from the Attorney General in reference to strategic materials, the act of 1939, by which the Secretary of the Treasury is charged with the storage, maintenance, and rotation of all these critical materials essential to national defense to buy which we have appropriated hundreds of millions of dollars; yet you make that activity subject to this legislation. That is simply one item the Attorney General points out.

I also referred to a provision in the bill about which I expressed the opinion that it was unconstitutional. The Attorney General refers to that provision of the bill, the provision purporting to give the Supreme Court jurisdiction to review advisory opinions of the district court of appeals. He said:

> The provision purporting to give the Supreme Court jurisdiction to review advisory decisions of the district court of appeals is, in view of the constitutional definition of Supreme Court jurisdiction, of very doubtful validity. The first act of Congress ever held to be unconstitutional was one in which the attempt was made to give the Supreme Court jurisdiction in excess of the constitutional provision. Repeated expressions in judicial opinion of a determination to avoid assuming the functions of the political branches of the Government, such as administrative rule making, leaves little doubt that legislation designed to bring new and strange burdens to the courts will have as little support among responsible judicial officers as it has among responsible administrative officials.

I say it is the duty of the Members of this House today, regardless of how we may feel in reference to bureaucracy and bureaucrats—and you will undoubtedly hear something about that this afternoon; you will not hear so much about the bill and the message, but reference will be made to putting chains on the bureaucrats—I say it is the duty of this Congress today to listen to the Commander in Chief and to his Attorney General and delay the passage of this legislation until it can be gone into with extreme care. Then, if you bring in a bill in the next Congress that will reach the objectives which the President refers to and further says there will be universal agreement, probably it can be passed. It is too important a subject to approach without most careful consideration.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. COX. I wonder if the gentleman from Missouri is prepared to concede that evil is to be found in the official behavior of some of our administrative agents that needs to be corrected by law?

Mr. COCHRAN. May I say to the gentleman from Georgia that right there he confirms a statement I made a moment ago. We are not at the moment considering the activity of any official of a Government agency. We are at this moment considering a bill that has been passed by the Congress of the United States which the President says is not desirable legislation. He states that if passed it will paralyze our national-defense program.

Of course, there are Government officials that have gone too far. Anyone will concede that who understands the administration of some of our laws. But why should we condemn all for what a few might have done.

Now, who is responsible for the condition complained of? The Congress itself. It was the Congress that gave to the administrative officials the power to write rules and regulations. If Congress had not given this power there could be no abuse.

I say you will listen today, hoping you will hear someone who favors this legislation explain the bill, the Senate amendments, and comment on the President's views as well as the Attorney General's analysis, but your hopes will not be realized. Just wait and see if the argument is not confined to bureaucracy and bureaucrats.

What I want done and I am sure Members of this House will appreciate is a real argument on the statements I made, that the President and Attorney General made, that this bill in its present form will impede the national-defense program. That is the all-important question now. That is the issue that confronts us today. Do you want to hamstring national defense? If not then it is your duty to stand squarely back of the President and vote to sustain his veto.

I could name many agencies you are interested in that are affected by this bill. Time will not permit. I have gone as far as I can. The country, on November 5, by a large majority selected President Roosevelt to lead us for 4 more years. His task is a heavy one; let us not add additional burdens by placing such a bill as this on the statute books. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Will not the gentleman let someone who is in favor of overriding the veto speak next and let me follow him?

Mr. SUMNERS of Texas. Mr. Speaker, we have only one additional speaker.

Mr. RANKIN. I want to see something attacked before I answer, and I think we are entitled to that.

Mr. SUMNERS of Texas. There is only one additional speaker beside myself.

Mr. RANKIN. Let us hear him.

Mr. SUMNERS of Texas. I am glad to yield to my friend the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Put on somebody from your side.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, as I sat back there and listened to the reading of the message of the President of the United States I could not help but feel that the message was written by someone who did not understand the measure under consideration. That the President did not write the message I strongly suspect. The entire message is based upon a false premise, namely, that the functions of the administrative agencies are going to be abolished and courts substituted therefor. Certainly there is nothing farther from the fact.

All this bill does is to give to the courts the right to review, if a citizen is aggrieved, a decision that a citizen feels is erroneous. Oh, I have heard a lot of argument about this legislation, but Mr. Speaker, I have yet to hear an argument that has been based upon fact. Sometime ago the distin-

guished gentleman from Missouri [Mr. COCHRAN] talked about an interference with the activities of our defense program. He was very effectively answered by the distinguished chairman of the Committee on the Judiciary. Then my friend the gentleman from Mississippi [Mr. RANKIN] for whom I have a great regard, talked about an interference with the power program. Well, Mr. Speaker, on Monday of this week the Supreme Court of the United States handed down a decision in a case that has been in court for 15 years and the fact that that case has been in the court for 15 years certainly has in no wise interfered with the power program that the gentleman from Mississippi [Mr. RANKIN] was largely responsible for placing upon the statute books.

Mr. RANKIN. Will the gentleman yield?

Mr. WALTER. Just a moment.

Mr. Speaker, in this message of the President's it is stated that we cannot deal with controversies in the mass. Where is there anything in this bill that attempts to deal with controversies in the mass? Bear in mind that there must be a showing by a citizen of a substantial interest before his matter can be taken up in a court, and that case is a case between a citizen and the United States of America. It does not affect an entire program. The Solicitor for the Department of Agriculture wrote an opinion that was mentioned a moment ago, and incidentally this is the same man who was in the Supreme Court of the United States in connection with the Kansas City Stockyards matter on four occasions, a case that had this legislation been on the statute books would have been disposed of within a few months instead of the years that passed before there was a final decision. This gentleman said it would be possible for one farmer to go into the courts and thereby interfere with the entire program of the Department of Agriculture. That is ridiculous. Nothing further from the truth. The gentleman either has not read the bill or he does not understand it or he is deliberately trying to deceive you men and women of this Congress.

There is talk about waiting until the Attorney General's committee reports. It has been my privilege within the last 24 hours, if you please, to discuss this Attorney General's committee with the most distinguished member of that committee, a man who has made his way to the top, a man who is recognized by all courts of America and by all lawyers as one of the foremost authorities if not the foremost authority on administrative law. This man told me himself that the Attorney General's committee was divided in its judgment as to what legislation should be enacted to meet this problem, that many of the members of that committee feel that this bill meets the problem that admittedly exists [applause], and that gentleman told me that the only objection he and some of the other members of the Attorney General's committee had to this bill is that it does not go far enough. [Applause.]

I do not know whether we are ever going to get a report from the Attorney General's committee. I have before me a letter written over the signature of Dean Acheson to the Attorney General dated January 31, 1940, and in that letter he states:

> On February 16, 1939, the President, acting upon the earlier suggestion of former Attorney General Cummings, has requested the then Attorney General Murphy to appoint a committee to investigate the need for procedural reform in the field of administrative law.

There was admittedly a need at the time this committee was set up, but then, Mr. Speaker, bear in mind the American Bar Association had taken up this question years ago and at three successive meetings of the leading bar association of America this problem was debated on the floor by the duly elected delegates from every State in the Nation. They made certain recommendations that were endorsed by every bar association in America except two. One of them was the bar association that the President calls our attention to and asks us to rely on its recommendation. Why rely on the recommendation of the bar association of the city of New York? He did not mention the other association that opposed this legislation, the Lawyers Guild, although it admitted there is a problem and suggests that the solution is the appointment of better personnel. He mentions the bar association of the city of New York. May I say to you if we should take into consideration the recommendations of any bar association let us take into consideration all the bar associations of America.

As far as the farmers are concerned, my distinguished friend from Missouri called upon you people who represent the rural sections. May I say this bill, H. R. 6324, was referred by the Grange to every district of the United States and the legal adviser of every one of the 13 districts of the Grange of the United States not only endorsed the bill but enthusiastically recommended to the members that they go on record as favoring its passage. At a recent convention of the Grange, the Grange went on record as endorsing this particular measure.

I see no reason why we should delay. This bill has been as carefully considered as any legislation this Congress has ever taken up.

There have been charges made that full hearings have not been held. Do you know that every head of every department of our Government was called upon to testify for or against this bill, and they sat before our committee and made no statements in most cases but submitted briefs. A few of us laboriously pored through all of these briefs that were filed, and we are of the opinion that back of all of this opposition is the realization and the appreciation that our servants are implementing the law by writing regulations that have the force and effect of law and they do not want to be interfered with.

I see no reason why we should not vote to override the veto and place upon the statute books this legislation that everyone admits is necessary. [Applause.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, as everyone knows, I have opposed this legislation from the beginning. I am opposed to it now. In my opinion, it is fundamentally wrong and fundamentally dangerous.

I was surprised to hear the gentleman from Pennsylvania say that President Roosevelt did not write this veto message. I have been keeping up with the President for a long time, and if there ever was a veto message that came to this House having the voice of Franklin D. Roosevelt ringing through it this is the one. [Applause.]

As I pointed out before, this bill would bring about the most dangerous concentration of power in the hands of the Federal courts ever known in all the history of representative government—the very thing that Thomas Jefferson warned us would likely destroy this Republic in the end.

Not only that, but you gentlemen who have spent the last few months inveighing against a third term now propose to transfer your prerogatives and the prerogatives of the Executive to a group of men appointed for life, men who never have been elected and a majority of whom probably never could be elected. In other words, you would destroy democracy and set up a judicial fascisti that would paralyze every governmental agency they did not like by interminable and endless litigation.

There are some laws on the statute books at which this legislation is supposed to be aimed that I opposed, but if you are dissatisfied with what you have done, correct your own mistakes by legislation; amend those laws. Do not dodge the issue. Let us maintain representative government and not set up a judicial fascisti in this country by transferring all this power and all this work to an already overloaded judiciary.

I say this advisedly, because I am a lawyer myself. The bar associations to which the gentleman from Pennsylvania referred are dominated largely by utility lawyers whose masters have always been committed to the policy that the people, as individuals, have no rights which the corporations are bound to respect. That is what has brought about this change. Some of the greatest reforms in our history have been brought about by this administration in the last 7 years.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Georgia.

Mr. COX. Does the gentleman not think that the argument runs pretty thin when support is sought to be found in prejudice against members of the bar?

Mr. RANKIN. No. I may say to the gentleman from Georgia that the gentleman from Pennsylvania declined to yield a while ago when he said that a man who was aggrieved could appeal. Who, in the name of God, ever heard of a corporation lawyer or one who is in private practice, for that matter, ever losing a case that he did not feel aggrieved? It simply means that all this litigation would be piled in the laps of the courts and stretched out from month to month and from year to year until the people became disgusted and rose up and corrected the wrong which this bill would bring about. These utility lawyers want to tie the hands of such agencies as the Federal Power Commission, the T. V. A., the R. E. A., and other similar agencies that are doing so much for the masses of the American people. But we are not going to place this weapon in their hands if I can prevent it.

I see them go in—and they are doing it in your districts—the representatives of or attorneys for this utility fascisti that I have been fighting for years; they go in and enjoin every agency of the Government they possibly can and paralyze every municipality and every community that attempts to get relief through these agencies from the exorbitant rates they have to pay. Yet instead of backing the Government up and getting rid of that interminable litigation, they would have us pass this law to paralyze the Government and turn these administrative matters that come within the prerogatives of these executive agencies over to the courts to drag them out indefinitely, and in that way destroy the progress we have made.

If you want to correct any legislation, let us correct it ourselves and not attempt to pass the buck to the courts of the land. I hope the President's veto will be sustained. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. PATRICK].

Mr. PATRICK. Mr. Speaker, old Uncle Huckaby Doss was having trouble with his chickens. The weasels were coming in there and catching them. He decided he would fence them in so the weasels could not get in, and he did. But he was having a little trouble. Some of it was a little tight, and he thought he would cut some small holes in it and let his baby chickens get out and circulate a bit. But the weasels got in and got all of them. It seems to me that this legislation is opening up that very sort of thing.

Of course, there is a problem. Our good friend the gentleman from Pennsylvania [Mr. WALTER] says, "There is a problem; therefore, pass my bill"—this lawyers' delight. If there was ever anything opened up just to give lawyers something to work on, this will give them plenty to do from now on. If we make up our minds to pass a bill for the relief of hungry lawyers, let me recommend this bill. But I do not think we are particularly interested in that at this time, though I may be interested in some such movement. It took years to build up this structure; it took years to build it up so we could get action, so that there was a way of approaching this mass problem by a means that could take effective action, that would really deliver the goods in some measure. Now, because that has not already functioned perfectly we find this legislative opposition to it. It reminds me of a man who, because his house leaks, wants to cut in under the foundation and do away with some of the underpinning. I think we will just sustain the President's veto. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. McCORMACK. Mr. Speaker, recognizing, as I do, the fact that it is very difficult to appeal to the reason of one of the substantial groups within this body, with the profound respect for my Republican colleagues that I always have, recognizing they will probably vote en bloc to override the veto, of necessity I shall have to make my appeal to the reasoning of my Democratic colleagues.

The election was over a few weeks ago, and on our side we must all keep in mind, and I think we are justified in doing so, the fact that our brethren, as Dr. EATON, from New Jersey, would well say, our Republican brethren were trying to evacuate us from our seats at that time. But, fortunately, the people of the country, recognizing the leadership of the last 8 years and the necessity for continuing it for the next 4 years, by their votes retained our beloved and courageous President and the Democratic Party in power, and not only reelected a Democratic House but increased the Democratic membership, when it was a courageous man who would predict before election day that there would be an increase in the Democratic membership of the House; but we are in control of the House for the next 2 years, and this is the first message sent to this body by the President of the United States, who only a few weeks ago, on a history-making election day, was reelected for a third term.

Now, what are the considerations, based on reason, which should prompt Democratic Members of the House to support the President on this veto message? I voted for the passage of the bill. I voted for the passage of the bill for the very reason that my good friend from Pennsylvania introduced the bill and because of what the gentleman said the bill would accomplish. All the bill does, as he said, "is to give to the courts the right of review on proper petition by some citizen who is aggrieved and has a substantial interest." That is the principle I voted for. I knew that was not in the bill when I voted for it last April, but I was hopeful by my vote that the Senate would so amend the bill that when it came back to the House it would accomplish the very thing that the gentleman from Pennsylvania wants and the very thing that practically all of us want, and the very thing that the President, in his veto message which has been read to us today, said he wants. Does it accomplish that? Yes, but does it go beyond that? The Democrats have been entrusted with the operation and control of the Government by the people. Do we want to strangle the functions of our Government and the machinery of our Government by enacting into law a bill, the objective of which we practically all agree with, when confined to the limits stated by the gentleman from Pennsylvania, but which, in its present form, would bring great harm and danger to the people of our country?

My friend from Pennsylvania said, and I think upon reflection he will regret having said it, that the President did not write the message. I think even our Republican brethren, as the gentleman from New Jersey, Dr. EATON, would say, will admit that the President has the habit of writing his own messages. Certainly, the language is the language of Franklin D. Roosevelt.

Let us now see what this bill does, and let me ask my friend, the gentleman from Texas [Mr. SUMNERS], in his time, if he intended the bill to do what the bill will do if it becomes a law. I would like to ask my friend in his time to state if he intended that the foreign funds control, conducted by the Treasury Department, should be subject to the provisions of this bill. What does that mean? When Hitler went into Norway, Czechoslovakia, Holland, Belgium, France, and elsewhere, the President of the United States immediately froze the credits of those countries in the United States. This had to be done right away. It was an important part of our national defense and it was done to prevent Hitler from stealing the moneys that could go back to those people if they regain their independence. That was one of the reasons, and yet under the provisions of this bill, 10 days of public hearings are required before such action as the President took in those crises could be taken, and in 10 days you know what would happen. Mr. Hitler would have those credits out of this country.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. PATMAN. Should we not consider what the gentleman from Pennsylvania [Mr. WALTER] called to our attention, that it now requires even 15 years for some cases to go through the courts?

Mr. McCORMACK. That is correct.

Let me ask this question. What about the regulations relating to the neutrality law?

Does my friend from Texas want to have such regulations subject to the provisions of this bill? Yet they would be covered.

What about the Maritime Commission? The Maritime Commission is included in this bill. If the committee, on page 16, when it excluded "the Naval and Military Establishments, together with the Council of National Defense and the Advisory Commission thereto, the Priority Board and any other agency or authority" had stopped there the national defense would have been excluded from this bill. But look at the words "hereafter created." They exempted "the War Department, the Navy Department, the Council of National Defense, and the Advisory Commission thereto, the Priority Board, and any other agency or authority hereafter created." The Maritime Commission is an important element of our national defense, and that comes under the provisions of this bill.

Reference has been made to the Strategic Materials Act of 1939. What about the Civil Aeronautics Commission and the training of young men for pilots? They come under this bill.

Yes; we might refer to agriculture. The Agricultural Marketing Agreement Act is exempted, but that is the only thing affecting agriculture that is exempted. The land-utilization program is subject to this bill. The Farm Security Administration is subject to this law. The soil-conservation program is subject to the provisions of this bill. The flood-control program is subject to the provisions of this bill, and many other similar activities which the Department of Agriculture administers for the benefit of the farmers and the people of the United States.

Mr. RANKIN. Will the gentleman yield?

Mr. McCORMACK. Yes; I yield.

Mr. RANKIN. And do not forget the Rural Electrification Administration is also included.

Mr. McCORMACK. Yes; everything, with the exception of the Agricultural Marketing Agreements Act.

Mr. RANKIN. That is funny on the Republican side.

Mr. McCORMACK. Yes; but such legislation is making history. It is the American way of meeting the problems of the day. [Applause.]

Mr. Speaker, I voted for the passage of this bill. I will vote for a bill next session that will carry out the objectives stated by my friend the gentleman from Pennsylvania [Mr. WALTER], the objectives that practically all of us agree with.

The gentleman makes reference to a committee appointed by the President under the leadership of Dean Acheson. I have a letter from the Attorney General, and I ask unanimous consent that I may incorporate it as a part of my remarks.

The SPEAKER pro tempore (Mr. COOPER). Without objection, it is so ordered.

There was no objection.

The letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., December 17, 1940.

Hon. JOHN W. McCORMACK,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: In response to your inquiry, I take pleasure in informing you that the report of the Attorney General's committee on administrative procedure is almost completed and will be submitted and made public within the next few weeks.

The committee numbers among its membership many eminent men having no other connection with the executive branch of the Government, such, for example, as Chief Justice Groner, of the United States Court of Appeals for the District of Columbia; Hon. Arthur T. Vanderbilt, former president of the American Bar Association; and Hon. Dean Acheson, former Under Secretary of the Treasury.

The committee has made an exhaustive and impartial study of the procedure of administrative agencies. In addition to detailed studies made by members of its staff, it held numerous executive sessions and public hearings, at which all of the members of the committee actively participated.

I am confident that the report of the committee will be of inestimable value in the study of administrative procedure and in framing legislation for the purpose of improving it.

You will find a more detailed statement of the activities of the committee in a letter written by Dean Acheson, the chairman of the committee, to Hon. HATTON W. SUMNERS, which is reproduced in the Appendix to the CONGRESSIONAL RECORD page 6788.

With kind personal regards.

Sincerely yours,

ROBERT H. JACKSON,
Attorney General.

Mr. McCORMACK. Mr. Speaker, it has been stated that that report will be made public in 2 weeks. When it is made public to the Congress of the United States it will be considered by the Committee on the Judiciary in the next Congress, if this veto is sustained.

Let me further analyze some of the provisions of the Logan-Walter bill in its present form to show the advisability of further study.

SECTION 1

Subsection 3, page 2:

"Agency" means any department, * * *.

It is often said that this bill is aimed at the new agencies of government, and that it does not embrace a department. Nothing could be more inaccurate. The language is perfectly clear in itself, but boards, commissions, and so forth, are defined as "independent agencies" in subsection 4, page 2.

Subsection 9, page 2: "'Controversy' means any dispute or disagreement concerning any claim, right, or obligation for or against the United States, and any refusal to grant any license, permit, or other privilege."

It is hard to conceive that any proponent of this bill would desire to have the procedure embraced in the act, with ultimate court review apply to

any dispute * * * concerning any claim, * * * or any refusal to grant any license,

And so forth.

The sovereign may not be sued without its consent. Query: Does this bill express the intent of Congress to waive the immunity of the sovereign in every dispute, or every disagreement concerning every claim or obligation for or against the United States, and every refusal to grant every license, permit, or every other privilege?

The sentiment behind the bill is aimed at, or grew out of objections to, certain administrative bodies. Assuming just complaints for isolated administrative procedure—the courts have found comparatively few instances, considering the volume of decisions made by all the administrative bodies—is the uprooting of the landmark of immunity justified because of the few justiciable complaints?

SECTION 2

(a) Ten days is too limited a time after publication in the Federal Register of the administrative rules, or amendments thereto, for hearing on the rules. A person on the Pacific coast, in the Southwest, Middle West, or even nearer, would do well to learn of the new rule within 10 days, let alone prepare for the public hearing provided.

(c) Pages 3 and 4: Better enlist a new army of personnel to administer this section to consider the petitions of

any person substantially interested in the effects of [every] administrative rule that has been in force * * * less than 3 years

Prior to the date—1 year from the effective date of the act.

SECTION 3

It provides for declaratory judgment from the United States Court of Appeals for the District of Columbia in respect of the legality and validity of any approved administrative rule, upon petition filed by any person substantially interested in its effect. An approved administrative rule is the original rule or any approved amendment, modification, or supplement thereto.

The yardstick by which the court will act is invalidity because of unconstitutionality, or its conflict with a statute, or for lack of authority in the agency issuing it, or for failure to comply with section 2 of the act. "The court shall give preference to such petitions." The judgment is purely advisory and has no binding effect "in any suit or review of an administrative decision or order in any court of the United States." Undoubtedly, the validity or invalidity of any rule involved in any proceeding in any court of the United States is a matter for its consideration. In that character of a

proceeding, there would be a justiciable controversy. It should not be bound, and the parties, of course, should not be bound by the proceedings in the United States Court of Appeals for the District of Columbia brought by some other person, even though they may show substantial interest in the rule.

Is the provision for declaratory judgments in the United States Court of Appeals for the District of Columbia constitutional? If presented to such court is there such controversy as is contemplated in the action of such constitutional court? More than likely the constitutionality of this provision would be assailed. Pending its dispcsition in the Supreme Court, will not confusion reign? In this connection, at this time in a most critical period, should such confusion be permitted to exist?

SECTION 4

(a) Pages 6–7: The intra-agency board shall consist of three employees of such agency—at least one of whom shall be a lawyer. In the first place, it takes an optimist to think that three subordinates of any agency can, or would, give the judicial hearing pictured by the proponents of the bill. Furthermore, the gravest complaints leveled at the administrative process is the manner in which hearings are held. It is charged that young, inexperienced lawyers conduct the hearings and have no regard for judicial procedure or established rules of evidence. Without going into that phase of it, we have here three employees of the agency affected being set up as a hearing tribunal, and only one of them need be a lawyer, and at the same time they take an oath that they will decide such matters upon their merits in accordance with law and the evidence presented.

(b) Page 8:

Within 30 days after the day the evidence and arguments are closed, the board shall make written findings of facts and separate decision thereon, which shall be subject to the written approval, disapproval, or modification of the head of the agency concerned or of such person as he shall designate in writing to act for him.

The latter clause "or of such person as he shall designate in writing to act for him" may be within the power of Congress, but it is a delegation of power not now permitted. It is in the face of every expressed sentiment which is heard in objection to the administrative process. In the Morgan case the Supreme Court definitely required consideration, real consideration by the head of an agency, the Secretary of Agriculture, of the record and the arguments. The idea of Congress in the statute vesting the head of the agency with the duty of making a decision, and then divesting him of such obligation and duty by permitting him to designate some other person to act for him needs no further comment. Such anomalous situation is in the face of the criticism leveled against the failure of the heads of agencies in doing just that thing, or relying upon a subordinate, without specific authority from Congress so to do. It is possible that when this language was written it was recognized that it would place a tremendous burden upon the head of an agency, for instance a cabinet officer, to give minor matters his personal attention, and that such language should be incorporated to apply to minor matters, but there is nothing in the act that would prevent him from designating subordinates to act for him in the most important reviews that would be presented. Proponents of the bill must realize that this language does not do that which they desire.

(d) Page 10: This section is probably the one that proponents of the bill are most vitally interested in. It deals with controversies arising out of the activities of any independent agency as defined in section 1. It will include any boards or commissions with two or more officers at its head. It has no qualifications for the examiners. It provides what may well be a full, fair hearing, but if the agency consists of less than three members it falls back on an intraagency board such as is provided in subsection (a) of this section to which we have adverted.

SECTION 6

The imposition of a reasonable penalty as a part of the costs will most probably circumscribe court review. Yet such review is the polar star in the proponents' advocacy of the bill.

SECTION 7

The exclusion of several agencies and independent agencies, and controversies specified, is indicative of the fact that the proponents of the bill recognize that they are treading on dangerous ground. Congress certainly concluded that these agencies should not be interfered with, either because of their peculiar nature or the manner in which they have conducted their functions. In respect to the latter class, the Interstate Commerce Commission is a fine example. Yet the bill does not follow the charted course adopted by the Interstate Commerce Commission. The intra-agency board for the agencies is a far cry from the trained examiners of the Interstate Commerce Commission.

Congress has always been solicitous of the General Accounting Office. The bill excludes the General Accounting Office from the operation under sections 2 and 3, but all other sections apply. The definition of an independent agency in section 1 will include the General Accounting Office. Section 4 likewise applies. With the multitude of claims passing through the General Accounting Office, in my opinion it could hardly function if section 4 is written into the law.

It should be remembered that section 2 deals with implementing administrative rules. Section 3 with judicial review of rules. Section 4 applies to statutory approval and authority for administrative boards and prescribing their procedure. Intraagency boards must be set up and hearings held before them on any claim or dispute, with the right of review in the court.

Do the proponents of the bill really desire such a change in the functions of this activity?

Appealing solely to my Democratic colleagues because of the conditions that exist with most Republican Members voting one way and talking the other, with the Republican Party unfortunately voting en bloc, with one or two exceptions, and agreeing, as most of us do with the objective of this legislation, as stated by the gentleman from Pennsylvania, I believe this bill is too far reaching. This bill transcends and exceeds the reasonable objectives with which we all agree, and in its excesses it is dangerous to the national defense of our country, injurious to the farmers, injurious to organized labor throughout our great country, and harmful to the general welfare.

Because one or two unfortunate incidents have occurred in organized labor, let us not lose our common sense and remember that organized labor, as such, in America, is sound and healthy and we do not want to have a reaction against all labor based upon the actions of a small group therein.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 2 additional minutes to the gentleman from Massachusetts.

Mr. McCORMACK. I thank my good friend from Texas.

Mr. WALTER. Will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. WALTER. If the gentleman feels that this legislation would harm labor, how does he account for the fact that William Green, in a strong letter to our committee, endorsed the measure and said that its enactment was most necessary?

Mr. McCORMACK. I have the greatest respect for William Green——

Mr. COCHRAN. Will the gentleman yield to me?

Mr. McCORMACK. I yield to the gentleman.

Mr. COCHRAN. I would like to say that that letter went throughout the country, but the American Federation of Labor in the city of St. Louis did not agree with that letter. I think that viewpoint was withdrawn. [Laughter.]

Mr. McCORMACK. I have the greatest respect for William Green and all other men, even when I disagree with them, when I know that they are intellectually honest. I disagree with Mr. Green in this matter, if the gentleman from Pennsylvania has quoted him correctly. I do not know how much his view represents the views of the American Federation of Labor. My position on this question is based upon the exercise of my own judgment, after carefully considering the provisions of the bill on which we are about to

vote. I agree with the objective sought. I disagree with the excessive provisions, the unnecessary provisions, the dangerous provisions that are included in this bill. Anything I say is in no way to be construed by anyone now or later as an expression of anything but the highest regard and strongest friendship, and greater feeling of respect for the intellect, honesty, sincerity, ability, and integrity of my distinguished friend the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. If the gentleman feels that some of the provisions of this measure are dangerous, does he advocate the repealing of similar provisions now in the law?

Mr. McCORMACK. The gentleman's question covers a broad area. I am not going to undertake to answer that question in the few moments that remain to me. We are considering the bill before us, and I am appealing to my friends on the Democratic side—who on this issue are the only Members of this body with an open mind, to whom reason will appeal—to urge you to sustain the President in this vote. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 21 minutes.

Mr. MICHENER. Mr. Speaker, will the gentleman yield for an observation at this point?

Mr. SUMNERS of Texas. I yield.

Mr. MICHENER. We all realize that the distinguished gentleman from Massachusetts the majority leader of the House [Mr. McCORMACK] finds himself in a rather embarrassing situation today. When this Walter-Logan bill was before the House for consideration, the gentleman from Massachusetts favored its passage, and possibly that fact was a factor in securing the large majority by which the bill passed the House. The bill as vetoed by the President is a better bill than the bill as it passed the House, because the Senate amendments were clarifying. When the gentleman from Massachusetts supported the bill in the House he was a private in the ranks. Since that time he has been elevated to the distinguished position of majority leader. Of course, as the administration floor leader, it would be very difficult for him to support a motion to override the President's veto. Maybe he is entitled to sympathy. Let us hope that his allegiance to the President has not in any way changed his judgment as to the merits of the bill. If this was a good bill when it passed the House, and when the gentleman supported it, what has happened to change his views? [Applause.] No politics, I hope.

One further observation: An analysis of the President's veto message will show that the President has not made a single suggestion as to why this bill should not become a law, which suggestion was not before the Judiciary Committee for consideration and which was not considered and debated in either the House or the Senate. The veto message agrees that a condition exists which should be remedied by legislation. The Walter-Logan bill, however, was not drawn by the administration, and is branded as the wrong method. Delay is advocated. In short, I cannot understand why a Member of the House who voted for this Walter-Logan bill after thorough consideration and discussion but a few weeks ago can now reverse that deliberate judgment. Remember, the President's veto was only received by the House a few minutes ago, and certainly just the reading of that veto message has not convinced Members who voted for the bill on its passage that they were wrong then. Any partisan appeal should not change mature conviction.

The speech of the distinguished majority leader the gentleman from Massachusetts [Mr. McCORMACK] was directed entirely to partisan Democrats. They are asked to change their votes on this important measure because they should not differ with the President's views so soon after election. They must not forget that this is still a democracy, and if we want to continue this form of government, then the House must maintain its independence. What has the election to do with this veto? A dependent, supine, and servile Congress will do much in these days to destroy the very thing England is fighting for in Europe today.

Mr. SUMNERS of Texas. Mr. Speaker, I am going to try to be helpful, if I can, in the discussion of this bill and the statement of the reasons why regretfully I urge the House to stand by its judgment. It happens that we live under a system of government, under a Constitution whose first provision places the responsibility of legislating upon the Members of the Congress composed of the two Houses. The Constitution provides that they may have the assistance and benefit of the President's suggestions and advice, but whenever that time comes in America when the Members of the legislative branch of the Government abdicate or surrender this fundamental responsibility set forth in the first provision of the Constitution—and I say this with all respect—and yield its judgment to the judgment of the Executive, the people ought to keep them at home and stop their getting any money out of the Federal Treasury. There is no use for them in the functioning machinery of the Government. [Applause.] That is the first proposition.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. DINGELL. And would not the gentleman also add that when the time comes when the Members of this House will yield to the judiciary they should stay home?

Mr. SUMNERS of Texas. Yes.

Mr. DINGELL. I will agree with the gentleman on that.

Mr. SUMNERS of Texas. Yes; we will get together.

The attendance is just a bit slim. Some of the boys are out kind of cooling off a bit. That is all right; believe me, they have had a good deal of heat put on them in the last few days.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. No; I cannot.

Mr. FULMER. Mr. Speaker, will the gentleman yield to me?

Mr. SUMNERS of Texas. Very briefly.

Mr. FULMER. Is it not also a fact that a lot of pressure has been brought to bear on the attorneys connected with Congress to pass this bill?

Mr. SUMNERS of Texas. I really do not know. But I must go on. This is a serious matter.

In the concluding statement of the President's message the statement is made "can least afford to spend either governmental or private effort in the luxury of litigation." I know the meaning was not intended which the words separated from the context would indicate, but the notion seems to run through this discussion that there is something bad, something to be criticized in the attempt to provide for individuals the possibility of a real day in a real court.

Mr. Speaker, there was a time in the history of our people when men went to prison and were not privileged to indulge in the luxury of litigation. They rotted in the prisons of the country held by the executive power of the Government. Finally one of the most magnificent provisions in our constitutional system, the habeas corpus, came into being and a man had a right to go to the courts of this country and have tried before a judge, not some other executive agency, the right of any human being to detain him. This bill involves the same principle, Mr. Speaker. I stated candidly to the House when we were here before that at the time this bill was originally considered in our committee I was in the hospital and do not know as other Members do about the details of it; but I do know this bill involves the same great fundamental principles, absolutely basic in the philosophy of Anglo Saxon systems of government that anybody who feels himself aggrieved by an agency of government or by a private citizen has the right to have his matter publicly tried in the courts of this country. It is a sad day in America that men sneer when the great fundamental question of the rights of a complete trial in a court of the land is proposed.

What do we do in this bill? The first thing we do is to provide some opportunity to the people affected to be heard by the rule-making, the lawmaking agency. The rules of these agencies are laws for the average individual. Is there

anything bad about that? Do you gentlemen complain about that? Ought not that to be done? These agencies are permitted in the secrecy of star-chamber proceedings to formulate rules governing the vital interest of our people. Is it right to deny the people to be affected the opportunity to be heard and to contribute the benefit of their suggestions? Is that something to be sneered at? Has that right ceased to be sacred among the American lawmakers of this country, and will they sneer at it? That is what this bill proposes to do. And you are asked to defeat a bill that guarantees this sacred fundamental right. Let us be honest, let us be sensible about it.

Does anybody doubt that as we have brought these powers of Government up from the States and so concentrated them in Washington and have so overloaded the legislative machinery of this Government functioning normally, that we have been compelled to set up these bureaus and that we have given them the power to make rules that have the force and power to construe the rules and the power to enforce the rules. Yet we sit here and sneer at this effort to establish a basic right to effective judicial review of law as stated. I did not have any part in it and I did not help frame the bill, but I know its purpose and, generally, its provisions.

The bill is not perfect, of course, but the opponents of the bill, those who want to defeat the attempt to establish the power over these agencies which it proposes is like a horse which does not want to go along. Any little thing by the roadside becomes an object of fearful proportions. These executive agencies do not want this bill. They do not want to be supervised or restrained by anybody or any other agency of government. That is a perfectly natural attitude to develop. It is a development resulting from the character of power they possess. I want to emphasize this is not personal. They are functioning according to the rules. They are operating naturally. There seems to be a limitation upon human governmental capacity, upon the ability of self-restraint, which will not permit such power to make rules, to construe those rules and enforce those rules to be put with any one group of human beings without such persons abusing that concentrated governmental power. That is out of actual experience. That is the reason why we have three coordinate branches of the Government distributing these powers among three different groups of persons. Nobody just theorized about that. Our people found by actual experience that the abuses of such powers so concentrated forced them to do what this bill is trying to do. That is what we are trying to do here today and that is all we are trying to do. What is wrong with that?

I want to emphasize I mean no reflection upon the present executive personnel. We are dealing with principles and policies of government and with human nature.

I do not mean any invidious comparison, but I would not risk anybody here with such power. I do not question the good intentions of these people. They want to do a good job. They want to do a good job and they do not want to be interfered with by anybody. Hitler does not want to be interfered with. He is trying to do what he considers is a good job and I imagine the same is true with Mussolini. Now, you boys of the newspapers, do not get me wrong about this thing. But this is the same breed of power. This power to make rules, this power to construe rules, this power to enforce rules is the same breed of power that Mussolini and Hitler have. Does anybody question that? Nobody questions it. You just cannot question it. How enthusiastic would those boys be if there was a legislative branch over there and somebody would introduce a bill to permit a private citizen a real complete court review of what they did? We are talking, not about persons, but about powers, about putting these three powers of government in the same personnel, without an effective opportunity afforded the citizen to present his views as to the rules while they are being made and while they are being construed and applied to him. That is what we are discussing.

Mr. SABATH. Will the gentleman yield for a brief question?

Mr. SUMNERS of Texas. Very brief.

Mr. SABATH. Is it not a fact that the legislative branch of the Government authorized these departments to adopt rules and regulations?

Mr. SUMNERS of Texas. That is right.

Mr. SABATH. This is trying to deprive them of that right.

Mr. SUMNERS of Texas. Why was that done? Because we had accumulated so much legislative business, much of it brought up from the States that ought to have been left there, we could not attend to it. Now, having been forced to create these bureaus and departments, we have authorized them to make the rules, which we had to do, and now we propose to establish the character of governmental supervision which all Anglo-Saxon experience has demonstrated is necessary, namely, to permit a court of the country, not those who make the rules, to review them.

Men who profess to believe in our system of government are now criticizing an effort to deprive the people who make the rules of the power, in a large measure, finally to construe those rules. What do you think about that? I repeat, what do you think about that? We have gone a long way since those heroic days when our ancestors took such power from the executive branch of the Government where it had been concentrated and lodged it in the courts of the country. I sometimes wonder if we have not pretty nearly made the round trip, if we have not pretty nearly made the circle back where we were when our ancestors began their magnificent fight to supplant centralized government with a government of three coordinate branches, one the legislative, to make the laws, to determine the policy; another, the executive, not to make the laws but to execute them, to effectuate the public will as declared by the chosen persons, selected by the people for the specific purpose of making the laws, and the other the judiciary, neither to make the laws nor to execute them but to interpret and apply them. How far are we from where they started? We have not been traveling in a circle, as a matter of fact. We have lost our way and taken the back track. Because we can fly through the air and talk through the air is no sign we are wiser than all the peoples who have gone before us, who had the time to think deeply in the silent places.

Mr. Speaker, these are great hours. This is a great day. This is no small matter. We profess to be fighting the battles of democracy in the world today. It might be worth while for us to stop awhile and consider what we are doing to this democracy ourselves. Here is a place to do some of the fighting for democracy, fighting against a concentration of power as fatal to a democracy, as alien to any democracy as the philosophy of any of the governments whose philosophy we profess to oppose. The only difference is in degree, not in character.

Mr. COCHRAN. Will the gentleman yield?

Mr. SUMNERS of Texas. I cannot yield to anyone now.

Mr. Speaker, we have a great big job to do right here in America. We cannot keep on going like we are going, bringing these powers up here from the States, concentrating them until they exceed any capacity of a system or machinery of government which the people can control; then turning the power to make rules, construe rules, and enforce rules over to people who never got a vote in their lives, and you talk about a representative system of government. [Applause.] A representative system of government is a democracy that has outgrown itself. We have representatives because all the people cannot be here. We have to have these appointed people. I want to repeat I am not criticizing them. We are considering principles and policies of government. That is no reason why, if we have to have people to make rules, we cannot provide that your citizen and my citizen who feel aggrieved can go to a court of the country and in the open daylight turn the public view on it and let the people see all about it. That is what we are trying to do by this bill. Proceedings under this bill do not of necessity suspend. I want to get this across in view of what my distinguished friend stated. Such proceeding does not act as a supersedeas. Now, I like the Attorney General.

Personally I like him very much, but he found more things in this bill to get scared of than we all imagined were in it.

I will be candid with you. I cannot see how this bill can reach final conclusion at this session, and we all know it. But this great House of Representatives on this memorable day in the history of our Nation, when democratic government is fighting with its back to the wall, when the great principle of three coordinated branches of government, each one discharging its constitutional responsibility, is being debated in the forums of the world, cannot afford, it seems to me, to permit a bill to be defeated which it has twice approved, that upholds a great principle, for which our ancestors gave their lives on a hundred battlefields that their posterity might enjoy. We cannot afford to endorse the principle of permitting any group of appointed people or elected people for that matter, to make rules which have the force of law and to have the power to construe those rules and the power to enforce those rules, all the powers a king ever had, all the powers that Mussolini claims, all the powers that Hitler exercises, with no effective complete assurance of a day in court. I hope I will not be misunderstood. I am not criticizing these persons of the executive branch of the Government. I am talking about the inevitable consequences of placing that sort of concentrated power in any group of people, I do not care who they are. God Almighty's plan is effectuated as much by the limitations imposed upon human beings as by the capacity given to human beings. All the history of the governments of the ages has demonstrated that He has placed a limitation upon human capacity which makes it impossible for a free people to live under a government where any group of persons can make the laws, construe the laws, and enforce the laws; and nobody here can deny it. I speak under a sense of duty, an unpleasant duty but a compelling duty; let the results be what they may. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

The question was taken; and there were—yeas 153, nays 127, answered "present" 8, not voting 141, as follows:

[Roll No. 238]

YEAS—153

Andersen, H. Carl	Douglas	Jonkman	Rogers, Mass.
Anderson, Calif.	Doxey	Kean	Routzohn
Anderson, Mo.	Eaton	Keefe	Rutherford
Andresen, A. H.	Elliott	Kerr	Sandager
Andrews	Elston	Kilburn	Satterfield
Arends	Engel	Kinzer	Seccombe
Austin	Englebright	Kunkel	Secrest
Ball	Evans	Lanham	Simpson
Barden, N. C.	Faddis	Lewis, Colo.	Smith, Maine
Barton, N. Y.	Fenton	Luce	Smith, Ohio
Bates, Mass.	Fish	Ludlow	Smith, Va.
Bender	Ford, Leland M.	McDowell	Springer
Blackney	Ford, Miss.	McGehee	Stearns, N. H.
Bland	Gamble	McGregor	Sumner, Ill.
Bolles	Gartner	McLaughlin	Sumners, Tex.
Bolton	Gearhart	McLean	Taber
Brewster	Gerlach	Maas	Talle
Brown, Ga.	Gifford	Martin, Mass.	Tarver
Brown, Ohio	Goodwin	Mason	Tibbott
Buck	Gore	Michener	Tolan
Burch	Graham	Miller	Van Zandt
Camp	Grant, Ind.	Monkiewicz	Vorys, Ohio
Carter	Guyer, Kans.	Moser	Vreeland
Case, S. Dak.	Gwynne	Mundt	Wadsworth
Church	Hall, Edwin A.	O'Brien	Walter
Clark	Hall, Leonard W.	Oliver	Wheat
Clason	Halleck	Osmers	Whelchel
Cole, N. Y.	Hancock	Pearson	White, Ohio
Cooley	Hartley	Pittenger	Whittington
Cox	Hess	Plumley	Wigglesworth
Cravens	Hinshaw	Powers	Wolcott
Crawford	Hobbs	Reece, Tenn.	Wolfenden, Pa.
Crowther	Hoffman	Rees, Kans.	Wolverton, N. J.
Culkin	Holmes	Rich	Woodruff, Mich.
Curtis	Hope	Risk	Woodrum, Va.
Davis	Jenks, N. H.	Robertson	Youngdahl
Dirksen	Johns	Robsion, Ky.	
Disney	Johnson, Ill.	Rockefeller	
Ditter	Jones	Rodgers, Pa.	

NAYS—127

Arnold	Durham	Kennedy, Martin	Rabaut
Barnes	Eberharter	Kennedy, Michael	Randolph
Barry	Edelstein	Keogh	Rankin
Bates, Ky.	Fay	Kirwan	Richards
Beam	Fitzpatrick	Kocialkowski	Robinson, Utah
Beckworth	Flaherty	Lemke	Romjue
Bloom	Flannagan	Lesinski	Sabath
Boland	Flannery	Lynch	Sasscer
Bonner	Ford, Thomas F.	McArdle	Schuetz
Bradley, Pa.	Fulmer	McCormack	Schwert
Bryson	Garrett	McGranery	Shanley
Buckley, N. Y.	Gavagan	McKeough	Shannon
Bulwinkle	Gehrmann	McMillan, Clara	Sheridan
Burdick	Geyer, Calif.	McMillan, John L.	Smith, Conn.
Burgin	Gossett	Maciejewski	Smith, Ill.
Byrne, N. Y.	Griffith	Magnuson	Smith, Wash.
Byron	Hare	Mahon	Smith, W. Va.
Claypool	Harrington	Marcantonio	Snyder
Cochran	Hart	Martin, Ill.	Somers, N. Y.
Coffee, Wash.	Havenner	Massingale	Spence
Connery	Healey	Merritt	Sullivan
Cooper	Hennings	Myers	Taylor
Crosser	Hill	Norrell	Tenerowicz
Crowe	Hook	O'Connor	Terry
Cullen	Houston	O'Leary	Thomas, Tex.
Cummings	Hunter	O'Toole	Vincent, Ky.
D'Alesandro	Izac	Parsons	Voorhis, Calif.
Delaney	Jacobsen	Patman	Wallgren
Dempsey	Johnson, Lyndon	Patrick	Ward
Dingell	Johnson, W. Va.	Pfeifer	Weatherford
Duncan	Keller	Pierce	Weaver
Dunn	Kelly	Polk	

ANSWERED "PRESENT"—8

Alexander	Cole, Md.	Drewry	Sparkman
Boehne	Colmer	Grant, Ala.	Sutphin

NOT VOTING—141

Allen, Ill.	Dworshak	Knutson	Reed, N. Y.
Allen, La.	Edmiston	Kramer	Rogers, Okla.
Allen, Pa.	Ellis	Lambertson	Ryan
Angell	Ferguson	Landis	Sacks
Bell	Fernandez	Larrabee	Schaefer, Ill.
Boren	Folger	Lea	Schafer, Wis.
Boykin	Fries	Leavy	Schiffler
Bradley, Mich.	Gathings	LeCompte	Schulte
Brooks	Gilbs	Lewis, Ohio	Scrugham
Buckler, Minn.	Gilchrist	McAndrews	Shafer, Mich.
Burney	Gillie	McLeod	Sheppard
Byrns, Tenn.	Green	Mansfield	Short
Caldwell	Gregory	Marshall	South
Cannon, Fla.	Gross	Martin, Iowa	Starnes, Ala.
Cannon, Mo.	Harness	May	Steagall
Carlson	Harter, N. Y.	Mills, Ark.	Stefan
Cartwright	Harter, Ohio	Mills, La.	Sweeney
Casey, Mass.	Hawks	Mitchell	Sweet
Celler	Hendricks	Monroney	Thill
Chapman	Horton	Mott	Thomas, N. J.
Chiperfield	Hull	Mouton	Thomason
Clevenger	Jarman	Murdock, Ariz.	Thorkelson
Cluett	Jarrett	Murdock, Utah	Tinkham
Coffee, Nebr.	Jeffries	Murray	Treadway
Collins	Jenkins, Ohio	Nelson	Vinson, Ga.
Corbett	Jennings	Nichols	Welch
Costello	Jensen	Norton	West
Courtney	Johnson, Ind.	O'Day	White, Idaho
Creal	Johnson, Luther A.	O'Neal	Williams, Del.
Darden, Va.	Johnson, Okla.	Pace	Williams, Mo.
Darrow	Kee	Patton	Winter
DeRouen	Kefauver	Peterson, Fla.	Wood
Dickstein	Kennedy, Md.	Peterson, Ga.	Zimmerman
Dies	Kilday	Poage	
Dondero	Kitchens	Ramspeck	
Doughton	Kleberg	Reed, Ill.	

So (two-thirds not having voted in favor thereof) the bill was rejected.

The Clerk announced the following pairs:

Mr. Alexander and Mr. Colmer to override, with Mr. Costello to sustain.

Mr. Murray and Mr. Clevenger to override, with Mr. Grant of Alabama to sustain.

Mr. Sutphin and Mr. Gathings to override, with Mrs. Norton to sustain.

Mr. Treadway and Mr. Knudson to override, with Mr. Doughton to sustain.

Mr. Harness and Mr. Boehne to override, with Mr. Murdock of Arizona to sustain.

Mr. Jenkins of Ohio and Mr. Lambertson to override, with Mr. Ramspeck to sustain.

Mr. Chapman and Mr. LeCompte to override, with Mr. Steagall to sustain.

Mr. Gilchrist and Mr. Reed of New York to override, with Mr. Dickstein to sustain.

Mr. Angell and Mr. Boren to override, with Mr. Leavy to sustain.

Mr. Coffee of Nebraska and Mr. Sweet to override, with Mr. Mitchell to sustain.

Mr. Jensen and Mr. Gillie to override, with Mr. Poage to sustain.

Mr. Short and Mr. Mott to override, with Mr. Schulte to sustain.

Mr. Jennings and Mr. Jarrett to override, with Mr. Celler to sustain.

Mr. Drewry and Mr. McLeod to override, with Mrs. O'Day to sustain.

Mr. Cluett and Mr. Chiperfield to override, with Mr. Edmiston to sustain.
Mr. May and Mr. Cole of Maryland to override, with Mr. Casey of Massachusetts to sustain.
Mr. Hendricks and Mr. Mills of Arkansas to override, with Mr. Fries to sustain.
Mr. Dondero and Mr. Thomas of New Jersey to override, with Mr. Ellis to sustain.
Mr. Courtney and Mr. Martin of Iowa to override, with Mr. McAndrews to sustain.
Mr. Reed of Illinois and Mr. Allen of Illinois to override, with Mr. Rogers of Oklahoma to sustain.
Mr. Kleberg and Mr. Gregory to override, with Mr. Sheppard to sustain.
Mr. Tinkham and Mr. Lewis of Ohio to override, with Mr. Ferguson to sustain.
Mr. Sparkman and Mr. Carlson to override, with Mr. Larrabee to sustain.
Mr. Pace and Mr. Winter to override, with Mr. Cannon of Missouri to sustain.
Mr. Horton and Mr. Harter of New York to override, with Mr. Hull to sustain.
Mr. Kitchens and Mr. Byrns of Tennessee to override, with Mr. Nichols to sustain.
Mr. Schafer of Wisconsin and Mr. Caldwell to override, with Mr. White of Idaho to sustain.
Mr. Schiffler and Mr. Marshall to override, with Mr. Sacks to sustain.

General pairs:

Mr. Luther A. Johnson with Mr. Stefan.
Mr. Kefauver with Mr. Johnson of Indiana.
Mr. West with Mr. Landis.
Mr. Vinson of Georgia with Mr. Dworshak.
Mr. Starnes of Alabama with Mr. Gross.
Mr. Williams of Missouri with Mr. Bradley of Michigan.
Mr. South with Mr. Corbett.
Mr. Mansfield with Mr. Welch.
Mr. Patton with Mr. Shafer of Michigan.
Mr. Nelson with Mr. Williams of Delaware.
Mr. Collins with Mr. Jeffries.
Mr. Darden of Virginia with Mr. Hawks.
Mr. Creal with Mr. Darrow.
Mr. Jarman with Mr. Buckler of Minnesota.
Mr. Thomason with Mr. Thorkelson.
Mr. Peterson of Georgia with Mr. Thill.
Mr. O'Neal with Mr. Bell.
Mr. Brooks with Mr. Murdock of Utah.
Mr. Schaefer of Illinois with Mr. Folger.
Mr. Harter of Ohio with Mr. Kee.
Mr. Zimmerman with Mr. Kilday.
Mr. Lea with Mr. Sweeney.
Mr. Scrugham with Mr. Cannon of Florida.
Mr. Boykin with Mr. Mills of Louisiana.
Mr. Peterson of Florida with Mr. Burney.
Mrs. Gibbs with Mr. Allen of Louisiana.
Mr. Monroney with Mr. Cartwright.
Mr. DeRouen with Mr. Green.
Mr. Kramer with Mr. Ryan.
Mr. Mouton with Mr. Dies.
Mr. Fernandez with Mr. Johnson of Oklahoma.
Mr. Kennedy of Maryland with Mr. Allen of Pennsylvania.

Mr. BOEHNE. Mr. Speaker, on this roll call I voted "yea." The gentleman from Indiana, Mr. HARNESS, the gentleman from Arizona, Mr. MURDOCK, and I have a pair. Therefore, I withdraw my vote and vote "present."

Mr. BARNES. Mr. Speaker, on this roll call I voted "yea." I change my vote and vote "nay."

Mr. SPARKMAN. Mr. Speaker, on this roll call I voted "yea." I have a pair with the gentleman from Indiana, Mr. LARRABEE. I therefore withdraw my vote and vote "present."

Mr. COLMER. Mr. Speaker, on this roll call I voted "yea." I have a pair with the gentleman from California, Mr. COSTELLO. I withdraw my vote, therefore, and vote "present."

Mr. COLE of Maryland. Mr. Speaker, on this vote I have an active pair with the gentleman from Massachusetts, Mr. CASEY. I am advised that if he were present he would vote "nay." Having voted "yea," I withdraw my vote and vote "present."

Mr. SUTPHIN. Mr. Speaker, on this roll call I voted "yea." I have a pair with my colleague the gentlewoman from New Jersey, Mrs. NORTON, who is absent. Therefore, I withdraw my vote and vote "present."

Mr. DREWRY. Mr. Speaker, I have a pair with the gentlewoman from New York, Mrs. O'DAY. If she were present, she would vote "nay." I voted "yea," so I withdraw my vote and vote "present."

Mr. GRANT of Alabama. Mr. Speaker, I have a pair with the gentleman from Wisconsin, Mr. MURRAY, and the gentleman from Ohio, Mr. CLEVENGER. I understand that if they were present they would vote "yea." I therefore withdraw my vote and vote "present."

Mr. ALEXANDER. Mr. Speaker, on this vote I have a live pair with the gentleman from California, Mr. COSTELLO. I understand that if he were present he would have voted "nay." I therefore withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The bill and the message, together with the accompanying papers, are referred to the Committee on the Judiciary and ordered to be printed. The Clerk will notify the Senate of the action of the House.

EXTENSION OF REMARKS

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DELANEY asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUCE. Mr. Speaker, ending 20 years of service in the House, it may not be amiss for me to make some comment on my observations of its work.

First, and of supreme importance, under both Republican and Democratic control, has been the steady march toward subordination of the legislative branch of Government.

The makers of our Constitution carefully devised a system of checks and balances under which the legislative, executive, and judicial branches should have some measure of control over each other. It was natural, it was inevitable, that each should seek to enlarge its prestige and its powers. For a century and more each succeeded in varying degree. According to their temperament, the Presidents also in varying degree sought to control legislation. At times strong legislators sought to force their views upon docile Presidents. Less conspicuously, Justices of the Supreme Court interpreted the Constitution to meet their own views of the public welfare. Yet, on the whole, the checks and balances worked out their purpose.

With the World War, the President became, for the time being, supreme. After that war the Senate reasserted itself. Legislative subordination, however, had become so acceptable to Congress as a whole that it continued to look to the President for leadership. The habit grew, until now almost no important bill is passed upon save upon administrative initiative or with previous approval of the Chief Executive. The effect of this has been to diminish the importance of Congress. Particularly is that true of the House of Representatives. Here we no longer pay attention to debates. The conclusion being foregone, there is usually no occasion for Members to stay in their seats and listen—rarely does a speech change a vote.

One result is that oratory as our fathers knew it has almost vanished. There have been contribution factors. The use of the microphone is one. It makes effective gestures impracticable. It distorts the voice. It has manifest advantages for the hearer, indeed, but it must be admitted that it has destroyed oratory.

Another effect on debating has been produced by the perfecting of the rules to the end that business may be expedited. This end was desirable with the growth of business and was necessary. It has resulted, however, in restricting unduly the time for adequate discussion of the more important questions.

Debate in the House has been made far less effective by growth of the practice of reading speeches. The written

speech gets few hearers and carries little weight. Better is the practice in the English House of Commons where nobody may read.

Improvement has been made in the handling of private bills. They remain, however, a time-wasting factor. Private bills are generally exceptions to law. They are meant to dispense equity. The present method of doing this does no credit to Congress. It is uncertain, it is often accidental, it takes precious time from more important things. Here again Congress might well look to Parliament for at least some measure of remedy. There appeals for relief are studied by an office at work the year round, semijudicial in its nature, which submits its findings to Parliament where they are usually approved without time-wasting discussions.

Much progress has been made in these 20 years in the preparation of bills. It will be hard for newer Members to understand the opposition to the proposal for trained help of bill drafters. One Congressman stoutly fought the idea with the declaration that if a Member could not write a bill himself his secretary could do it. Now, the aid of the bill-drafting lawyers is warmly commended by all the committees that use their services.

I am not one of those who demur because bills are submitted by the Departments. Surely, they furnish the best basis for legislative work. Their purpose, however, should not be unquestionably accepted. To do that would be to admit the English system is the better, the system whereunder all the laws are made by a committee of the House of Commons known as the Cabinet. Rarely, the House of Commons makes important change in what the Government proposes. Did the Government object to amendment and were it defeated, it would resign. Here no forfeiture of office confronts a Cabinet. Congress has its way and that is what makes it worth while to be a Congressman.

I shall miss the associations of the House. They have been a constant source of gratification to me. I have found the Members irrespective of party differences to be generous gentlemen, courteous, kindly, honorable. The House is a patriotic body of hard-working men, each seeking the public welfare according to his lights.

Of the thousand and more men with whom I have worked, not one has led me to suspect venality. No taint of corruption attaches to them.

It is not true that they are improperly influenced by lobbyists. The existence of a lobby here is a myth. Rarely has man or woman entered my office with the evident purpose of influencing my vote. The exceptional cases have been those of reformers who in their zeal have argued for some measure to make the world better. There have been many letters—thousands of them, urging this or that action, but with no trace of self-interest. I recall no instance of threats save of very few that were evidently the product of unbalanced minds. For the most part my constituents have been willing to let me do my own thinking. I have no quarrel with those of my associates who think it is their duty to keep their ears to the ground and try to find out what the folks at home are thinking. My own preference has been to reach my own conclusion in the light of the knowledge obtained by the information and arguments presented here.

If in this and other particulars I have won some measure of the respect and good will of my associates, I shall leave the House thankful for the opportunity to try to be of service here. In any case I would make record of my appreciation of the friendship of my fellow Members. All of them I wish well.

EXTENSION OF REMARKS

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech made by the President of Mexico at his inauguration and several other speeches made during the time of the inauguration of the President of Mexico.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FLAHERTY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein several communications received by me.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I have three requests: I ask unanimous consent, first, to extend my own remarks in the RECORD and include therein a speech which I shall deliver to the Young Democrats of the State of New York; second, to extend my own remarks and include therein two paragraphs from the constitution of the Rubber Workers of America; and third, to extend my own remarks and include therein a paper by Mr. C. G. Hoag, of Haverford, Pa.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a radio address.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therewith two very short addresses commemorating Pan American Aviation Day.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ORGANIZED LABOR AND THE ADMINISTRATION OF THE CITY OF CHICAGO

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. SABATH] is recognized for 15 minutes.

Mr. SABATH. Mr. Speaker, last Monday the gentleman from Michigan [Mr. HOFFMAN], after objecting to adjournment, saw fit to criticize the minority as well as the majority leader of the House on their agreement to adjourn until today, even though there was no business to transact on Tuesday. Of course, I was not surprised at his action, because he had been opposed to adjournment for many, many weeks. I recall the letter sent out by him on June 5, 1940, and the reasons given against adjournment. I shall not read his letter, which I feel was manifestly unfair to his party, to the President, and to the country. The letter demonstrates that the reasons for keeping the House in session were purely political. May I quote but a few of the pertinent excerpts:

> If five or six of us will every day get a special order for 10 or 15 minutes on consecutive days, go on the floor, and "bawl hell" out of him (the President). * * *
>
> True, the first day no one but Republicans [and very few of them] will listen. But if we are forceful enough, some Democrat will take the floor to answer. If we have our special orders in advance, we will have opportunity to make reply immediately.

Thus, acting upon the plan outlined in the letter of the gentleman from Michigan, the Republican membership about 6 weeks ago voted as a unit against adjournment of Congress; and, to my amazement, many of them left Washington on the same day. Shortly thereafter some 12 Republicans left Washington on a junket trip to Panama, which was the subject of comment by Pearson and Allen.

In line with his letter of "bawling out" everybody, in concluding his remarks on adjournment last Monday, he began assailing organized labor. It is strange, indeed, that the gentleman never criticizes the large, powerful industrial leaders, like Messrs. Ford, Girdler, Weir, Sloan, and Fisher, but criticizes the men who organize for the purpose of obtaining a living wage to enable them to decently maintain their families.

A few days ago I placed in the RECORD a statement showing the tremendous profits of the big industries for the year 1939 and the first 6 months of 1940. In going over these figures, I feel that the statement of the gentleman from Texas [Mr. SUMNERS] calling attention to the avariciousness of the manufacturers and industrialists is fully justified.

But my colleague from Michigan sees only the danger to America because labor is and will continue to organize. If some of the industrialists and their publicists think they can bring about the repeal or emasculation of the beneficial labor laws, they are mistaken. Not only do we need the manufacturers in our preparedness program, but we need contented and satisfied wage earners without whom no wheel could turn.

Mr. Speaker, the Republicans, and even some Democrats, who are viciously opposed to organized labor, endeavor to place the responsibility for the delay in the defense program on the shoulders of organized labor. This I dispute, and to give labor's stand in this situation I insert excerpts from a statement given out by Mr. Philip Murray, president of the Congress of Industrial Organizations, appearing in the New York Times of December 18.

STATEMENT BY MURRAY

In his statement, Mr. Murray said:

The national-defense program is lagging, and public confessions are being made about plane production falling 30 percent below schedule, light tanks production being only four a day, and of other serious inadequacies rampant throughout the program.

Instead of facing the facts and assessing the blame where it belongs, squarely upon the shoulders of industry to whom the defense program has been virtually turned over, unfair efforts are being made to blame labor. It would be well for critics of the C. I. O. to look into and try to understand the tremendous public service which the C. I. O. affiliated unions are rendering this country, before they start their wholly unwarranted and very ignorant sharpshooting practices against C. I. O. unions in America.

Labor's cooperation in the promotion of the Nation's defense program has been established by its record in the major basic and defense industries of the country.

It is not the intent nor has it ever been the purpose of our C I. O. organizations to impede, hamper, or restrain the continuity of operations or the constant flow of production where such collective-bargaining agreements are in existence. Nor has this been the result of C. I. O. activities.

We naturally hope and intend to improve our conditions of employment and our wage standards. This we contend is a legitimate, constitutional, and God-given right. We will naturally refuse to yield to the greed and rapacity of certain vicious employers who have no regard for either the needs of their employees or the welfare of the country.

Mr. Speaker, the indirect insinuations and open charges that labor is in any way responsible for the delay in carrying out our defense program have been also clearly answered by William Green, president of the American Federation of Labor, and many others. The real facts are that industry is responsible because many defense material manufacturers have been trying to gouge the Government and, if they persist in this attempt, in most likelihood the Government will be forced to take over some of the plants.

Mr. Speaker, I am not amazed or surprised at the criticism of the gentleman from Michigan or his effort to charge labor with delay in preparedness that may have occurred as reported by Mr. Knudsen, but I do hope that some day in the near future my colleague will realize and recognize the benefits that accrue to the thirty or forty millions of American wage earners due to the fact that they have succeeded in organizing in order to protect their own interests. My colleague never objected to the organization of large trade, industrial, and mercantile interests; the United States Chamber of Commerce or the National Association of Manufacturers. He must certainly realize that they have organized to protect their interests, their rights, and for their benefits. He must realize, too, that organized labor only desires to provide decent living for themselves and their families, to which they are certainly entitled. No man who toils, no matter how much he earns, who belongs to any of the labor organizations has ever accumulated so large a sum of money as to endanger our institutions.

CHICAGO UNDER THE ADMINISTRATION OF MAYOR EDWARD J. KELLY

Mr. Speaker, completing his tirade on organized labor the gentleman from Michigan without provocation turned to me. He started to assail the good name of Chicago and its administration; and it is really for that purpose that I have asked for time to answer the attack. Had the gentleman called attention to the Republican city administration under former Mayor Big Bill Thompson, or the Republican State administration under former Governor Len Small, he would have been justified. But, surely, he was not justified at this time in assailing and attacking the fair name of Chicago, its people and its officials, because I say without fear of successful contradiction that today the city of Chicago has less crime in proportion to population than any other city in the United States. We have a clean city, and under the present Democratic administration we have paid off over $40,000,000 of indebtedness which was accumulated under Republican administrations. I recollect 5 years ago, shortly after Mayor Kelly took office, school teachers, school employees, firemen, and policemen of Chicago had not been paid for over a year and a half, all due to Republican misrule. Notwithstanding this handicap, under the splendid, honest, and efficient administration of Mayor Kelly, we have paid off, as I have stated, $40,000,000 of indebtedness, and, in addition, are keeping up with the current expenditures. We in Chicago have accomplished a great deal, and repeat that we have a splendid city—the greatest city in all the world.

I don't need to emphasize that Chicago is one of the world's most beautiful cities, nor to point out that its boulevards and parks are without parallel. But perhaps the gentleman from Michigan would be interested in a comparison of the Chicago of today, the Chicago under Mayor Kelly, as against the Chicago of a Republican era. Still, I don't believe that the Republicans would really recognize this new Chicago, for many reasons. Take the police and fire departments, as an example. Politics has been taken out of those departments, and crime has been reduced over 50 percent since Mayor Kelly took office. And don't overlook the fact that Chicago runs its police department at 50 percent less cost per capita than New York City does. The fire department has as fine a record, and the Chicago Fire Department is considered by other cities as one to be copied.

When the Republicans ran Chicago—in an era when the depression had the city panic-stricken; when civic leadership was lacking, business in the doldrums, school teachers unpaid, Chicago's financial paper worthless—these Republicans spoke of the great things they were going to do. But it remained for the Democratic administration, under Mayor Kelly, to accomplish these great things. There is the subway system, as just one example. In itself it is a fitting monument to a great administration. There is the saving of over $80,000,000 in municipal expenditures since Mayor Kelly took office. There is the achievement of keeping the public-school system in operation when the Republicans had cast it upon its own resources. These critics who malign Mayor Kelly, who speak in generalities and talk of machine politics, purposely overlook the progress of the city of Chicago since he took office. They do not tell you of the comprehensive improvements made in the police and fire departments, in the public-health program. They do not mention the miles and miles of street repairs, paving, sewer construction, and general improvement in the city. These developments place the city of Chicago years ahead of any other city in the country. Mayor Kelly has worked for additional public recreational facilities, parks, playgrounds, community centers, beaches, and has carried forward a better-housing program. And these improvements have been made with a minimum of taxes. Under Mayor Kelly, special assessments have been eliminated. Oh, I could go on for hours telling you of the difference in Chicago since Mayor Kelly took office. But it is not necessary that I do so. There are always those who criticize without knowing the facts. There always will be. But when they have long since been forgotten, the city of Chicago, one of America's greatest and most beautiful cities, will have its wide boulevards, its green parks, its sanitarium, its superb libraries and museums, its great water-supply system—all these things, tributes to a great Chicagoan, a great mayor.

MICHIGAN

Why the gentleman from Michigan [Mr. HOFFMAN] should attack Chicago surprises me, for only 2 weeks ago his leader in the State of Michigan, Mr. Frank D. McKay, the national committeeman, together with others, was indicted for fraud and corruption.

I hold in my hand a copy of the Detroit News of November 28, on the front page of which appears in heavy headlines:

United States grand jury again indicts McKay—accused of fraud in pipe-line bond deal.

Now who is McKay? He is the Republican national committeeman for the State of Michigan. With Fred C. Ehrmann, secretary of the State liquor control commission; Isadore Schwartz, reputed to have acted as McKay's bodyguard; William H. McKeighan, former mayor of Flint; Fisher L. Layton, former Flint City official; John H. Marolf; Charles and Earl J. Williams; James A. Trimble; Don Florey; Wellington E. Niles, a purchasing agent for the State administrative board; and Henry Glaster. McKay has been indicted on charges that the State has been defrauded of hundreds of thousands of dollars. One charge is that the sum of $325,000 was wrongfully paid to McKay and his henchmen. Yet the gentleman from Michigan, in view of this corrupt situation in his own State, has the temerity and nerve to assail the city of Chicago. I was first going to ask leave to insert in the RECORD the entire article appearing in the Detroit News, which carries an account of the graft and corruptive acts of these high officials of the gentleman's State, but I shall not do so.

AS TO THE CHARGE OF DELAY IN PREPAREDNESS

Mr. Speaker, in conclusion, as to the Republican charge that there is delay in defense preparation, the President for more than 2 years has urged and pleaded for a national defense and preparedness program, but of course was violently assailed and attacked by the opposition. So far as I am concerned, I called the attention of the House to the Hitler danger in a speech, which I delivered on March 18, 1938, wherein I warned the country of the necessity of a larger navy and national defense. I am constrained to ask unanimous consent to insert excerpts from this speech, as the predictions I made have followed since then in the course of European affairs. If there had been the slightest cooperation from the other side at that time, our national-defense program would be far advanced and of material help to those countries fighting to maintain democracy.

The matter referred to is as follows:

[From the CONGRESSIONAL RECORD of March 18, 1938]

EXPRESSED BELIEF IN SECRET CONSPIRACY 3 YEARS AGO

Three years ago I voiced belief that a secret or tacit agreement existed between Hitler, Mussolini, and Japan, but my warning went unheeded. The strategy practiced by those countries conformed exactly to that predicted by Professor Masaryk, who was intimately aware of Germany's ambitions.

In the Orient, Japan pursued a course toward domination of the yellow races, apparently with preassurance that Italy and Germany would so engage the attention of the European democracies that interference in China would be impossible.

In Ethiopia, Mussolini's war machine grinded to its conquest while Hitler's silence gave approval.

Internal dissent in Spain, nourished by the dictator countries, finally flamed into civil war, and the legions of Italian and German soldiers took stand in battle against the established government.

Hitler, demanding the return of Germany's lost colonies, only cloaked his purpose of European aggression, and it was long ago clear that he would one day climax the years of planned propaganda in Austria by an invasion of that country. His seizure of Austria is but a prelude of more ambitious plans. Peace- and liberty-loving Czechoslovakia, Rumania, Hungary, and the other small independent nations now see his shadow across their lands—Memel, Danzig, and the Polish Corridor, Alsace-Lorraine, and the much-desired Ukraine.

For the time being, engaged in consolidating his gains, he may utter reassuring words to Poland and Yugoslavia. But they have only to recall his utter disregard of treaties and his oft-repeated statements as to his ultimate aims to realize how necessary it is that they prepare to resist invasion, for invasion is bound to come.

AMERICA MUST TAKE NOTE OF WHAT IS GOING ON IN THE WORLD

One may properly ask how does all this affect America? Who knows? In this fateful hour, with all the civilized world well-nigh breathless, I do not feel that we should follow the vascillating policy of Great Britain, who, in the opinion of many well-qualified students of international affairs, may be the next prey of the remorseless triumvirate. Many ripe scholars feel that the suppression of Great Britain will mean the consummation of a plan to form three great powers outside of North and South America. I doubt very much that France, which is fighting domestic problems with her back to the wall, and Russia, despised by the capitalistic groups of the world, could, after the disappearance of the other countries I have named, long withstand being dismembered also. There is not the slightest doubt in my mind but that Hitler, Mussolini, and the raving-mad Japanese war lords are in a conspiracy to divide the entire world among themselves, or at least as much of it as they can manage to grab.

POLISH LEADERS SHOULD NOT FORGET TREATMENT ACCORDED POLES IN PRUSSIA

Great Britain, rather late, is commencing to realize its danger. Does Poland realize her danger?

The leaders in Poland might well hearken back to other days, and consider the former treatment of Poles in Prussia. Recalling this, and viewing the present prejudice which governs in Germany, Poland should properly estimate the future insofar as her relations with that country are concerned.

AMERICA MAY NOT BE AS SAFE AS SHE FEELS

Up to about 12 years ago we confidently believed ourselves properly protected against possible attack from any and all quarters; but in view of the increased and ever-increasing knowledge of aviation and mammoth airplane carriers, are we really free from military danger?

If this nefarious triumvirate should effect the dismemberment of the great British Empire, what would become of Canada? Could we still feel free and at ease without present-day Canada?

Only a little while ago I read in the public press about concessions that had been or were contemplated to be granted by Mexico to Japan in Lower California. That recalled to my mind the tentative offer by Germany in 1917, in the Zimmerman note, to give Mexico a part of the United States if Mexico would join Germany, and the offer to Japan of the Philippine Islands in return for military aid. When those audacious offers were first brought to light it was thought they were sheer allied propaganda, but we were convinced of the authenticity of these reports by documentary evidence that came into possession of our Government.

In view of all this and our enemies within, I feel that it behooves us adequately to protect ourselves against even the remotest eventuality. I have heard it said with plausibility that if England had stated her position unequivocally in the early days of 1914, and if America had been prepared in 1916, these acts would have had a most salutary effect, and it would not have been necessary to send millions of our young men across the sea and expend billions of dollars. Consequently, and repeating, I feel that we owe it to ourselves to prepare for any, even the most imaginable possibility. Therefore, I am ready to vote for the construction of a navy and an air force that will be unmistakably adequate for our proper defense.

I LIKE TO FEEL THAT I CAN CHANGE MY VIEWPOINTS IN ACCORDANCE WITH CHANGED CONDITIONS

And so, in conclusion, let me say that in view of the alarming world conditions to which I have alluded, I shall vote and work for the passage of the pending bill. This may be surprising to some of the critics who have accused me of being a pacifist, charging that I was against adequate national defense; but let me say to them it is not they who have changed my view. I was just as conscientious when I opposed large Army and Navy appropriations in past years as I am conscientious today in supporting this bill. I have changed my view because and only because world conditions have changed. When I get so old or so benumbed of brain and character that I cannot change my view in accordance with changing conditions and a changing world, it is time for me to be carried out feet first, and I want to be.

I have criticized conditions and things at times, and I shall do so again whenever I see anything that I think merits criticism. But I love this country. I will vote any amount of money necessary to protect it from enemies either within or without. Today, perhaps more than at any other time in its history, the United States of America stands out against the dark and stormy seas of racial persecution, intrigue, conspiracy, and jealousy as the one and only enduring beacon light of hope.

I am grateful to the people of my district for having permitted me for so many years to be a Member of this great American Congress, the greatest democratic legislative body on earth, wherein every man is accorded the unfettered right to say what he pleases. Let us strive to preserve and promote this priceless heritage for ourselves and posterity. I do not expect to be here forever, but I do want the Stars and Stripes and a democratic form of government to endure here forever.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I ask unanimous consent that I may be privileged to extend my remarks and insert brief excerpts about Chicago and also certain extracts from the Detroit News.

The SPEAKER pro tempore (Mr. COLE of Maryland). Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. DELANEY] is recognized.

HON. CHRISTOPHER D. SULLIVAN

Mr. DELANEY. Mr. Speaker, it is with a feeling of genuine regret that I realize the end of the Seventy-sixth Congress will mark the close of the congressional career of one of my warmest friends and most distinguished colleagues from the State of New York. I refer to the Honorable CHRISTOPHER D.

SULLIVAN, most affectionately known to all of us as Christy, who is voluntarily retiring from Congress after a period of 24 years of continuous service.

It was my privilege to have been a Member of the Sixty-fifth Congress with my devoted friend the gentleman from New York, CHRISTY SULLIVAN. Now, having reached the allotted span of threescore and ten years and because of the heavy responsibilities placed upon him as the leader of Tammany Hall, the great Democratic organization of New York County, he has decided to let a younger man assume the duties of congressional service.

Although not a resident of New York County nor a member of Tammany Hall, yet I feel that I could not allow this opportunity to pass without paying a brief tribute of respect to my good friend and distinguished colleague and to call attention to the fact that after Christy retires from the Congress I shall be the only Member from New York State still a Member of the House of Representatives who served in the Sixty-fifth Congress.

Death and retirement for various causes have taken their toll during the intervening years. The roll call of the Sixty-fifth Congress would find the following Members from New York responding to their names:

Frederick C. Hicks, Port Washington; Charles P. Caldwell, Forest Hills; Joseph V. Flynn, Brooklyn; Harry H. Dale, Brooklyn; James P. Maher, Brooklyn; Frederick W. Rowe, Brooklyn; John J. Fitzgerald, Brooklyn; John J. Delaney, Brooklyn; Daniel J. Griffin, Brooklyn; William E. Cleary, Brooklyn; Oscar W. Swift, Brooklyn; Reuben L. Haskell, Brooklyn; Daniel J. Riordan, New York City; Meyer London, New York City; Christopher D. Sullivan, New York City; Fiorello H. LaGuardia, New York City; Thomas F. Smith, New York City; Peter J. Dooling, New York City; John F. Carew, New York City; George B. Francis, New York City; Walter M. Chandler, New York City; Isaac Siegel, New York City; G. Murray Hulbert, New York City; Jerome F. Donovan, New York City; Henry Bruckner, New York City; Anthony J. Griffin, New York City; Daniel C. Oliver, New York City; Benjamin L. Fairchild, Pelham; James W. Husted, Peekskill; Edmund Platt, Poughkeepsie; Charles B. Ward, Debruce; Rollin B. Sanford, Albany; James S. Parker, Salem; George R. Lunn, Schenectady; Bertrand H. Snell, Potsdam; Luther W. Mott, Oswego; Homer P. Snyder, Little Falls; George W. Fairchild, Oneonta; Walter W. Magee, Syracuse; Norman J. Gould, Seneca Falls; Harry H. Pratt, Corning; Thomas B. Dunn, Rochester; Archie D. Sanders, Stafford; S. Wallace Dempsey, Lockport; Charles B. Smith, Buffalo; William F. Wadlow, Buffalo; Charles M. Hamilton, Ripley.

Having enjoyed such a warm friendship and close association with CHRISTY SULLIVAN for so many years, I shall greatly miss his companionship in the next Congress. He is a man who possesses the finest traits of character and all of the sterling qualities of manhood, a man of recognized ability and demonstrated devotion to public service. He has rendered faithful and patriotic service to his district, the great State of New York, and the Nation as a whole.

Mr. SULLIVAN served on various committees with great credit and distinction, but because of his well-known trait of modesty, he never accepted a chairmanship. The goal to which many Members aspire to complete their period of service in the House of Representatives and the only committee in the House to which Democratic Members must be elected by a party caucus is the Committee on Ways and Means. Mr. SULLIVAN is now completing a decade of distinguished service as a member of this committee, where he has served for many years with his friend and colleague from the State of New York, the Honorable THOMAS H. CULLEN.

After nearly a quarter of a century of distinguished congressional service, CHRISTY SULLIVAN may leave with the assurance that he enjoys the fullest measure of confidence, respect, and esteem of his colleagues who have served with him and that he has their sincere best wishes for his continued success in his field of chosen endeavor. [Applause.]

The SPEAKER pro tempore. Under special order of the House heretofore made, the gentleman from Alabama, Mr. PATRICK, is recognized for 20 minutes.

NATIONAL DEFENSE

Mr. PATRICK. Mr. Speaker, the gentleman from Texas, chairman of the Committee on the Judiciary [Mr. SUMNERS], came before us day before yesterday and spoke on the same subject, as near as I could get it, that I wish to talk about for a few minutes today. I could not get entirely what the gentleman had in mind, I will confess. He got me all enthused and then left me sort of mystified, got me inspired and then did not tell me how to work my inspiration off. I am one of those fellows, I believe, the gentleman from Texas refers to them as "top-water thinkers." I am one of those, I suppose. Being one of those top-water thinkers I have to have it made pretty plain, set out in metes and bounds, before I can understand exactly what is being reached as a conclusion. So in this case he made me fall in love with the girl and then did not introduce me to her.

Among other things, he said, "The heart of America is sound." That is what the chairman of the Judiciary Committee said. Well, I got that; at least, phonetically I got it. But we are also interested to know whether her judgment is sound. We want to know even if her money is sound. We certainly want to know if the philosophy behind her judgment, and incidentally behind her money, is sound. If we feel satisfied that it is, then we can work with so much more comfort in what we call legislation.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I gladly yield to the distinguished gentleman from Massachusetts.

Mr. McCORMACK. During the course of the remarks of the distinguished chairman of the Judiciary Committee he referred to the phrase used by the President in his veto message, "the luxury of the courts." My distinct impression is that the President used that expression in the sense of the cost of court proceedings. Every lawyer knows that if a client is poor, the cost of court is very prohibitive, no matter how small the case may be.

Mr. PATRICK. Incidentally, while I am a lawyer, I am afraid many of my own clients have found their court proceedings were luxuries, whether they wanted them to be such or not. They went in them as a necessity, in many instances, and came out finding them nothing more than a luxury.

Our destiny is to have not merely unto ourselves a country in this world—to live in it, away off to ourselves, to find ourselves a land and make of it our land, but vastly more. We must be willing to serve it. We must be willing to accept truth, accept the facts about national life, and we must strive to at least make of this the best we can in the Nation. We must strive to lash our Nation to the shores of eternity with bonds of steel, bonds that will guarantee safe anchorage for those who are to follow us.

"IF GERMANY WINS"

Hitler looks toward Paris today and boasts, "Nothing can stand in the way of the German soldier"; Goering points to the west and announces with words of purported finality that much has been accomplished for the cause of "the people"; Goebbels rides at night through the villages of northern France and declares that France sleeps well under German influence. I do not believe it. It is my belief that Hitler represents the forces of might; might that worked while the French patriot trusted too much those who then slept on the job, thinking a Maginot Line and a love of liberty rendered France safe from any probable force, and, therefore, failed to prepare while a hostile neighbor was sowing militarism with his spring plowing and who grew armaments even as he raised his crops of grain and raised his children; but Goebbels reckons against the certain history of men when he thinks all France is asleep because he sees no flare nor stir among her quiet peasant villages as he drives along under her stars at night. How many a sturdy young heart is beating in the breast of a youth awake in an unlit home? How many a hushed exchange went on today between neighbors? This is France, France the land of Lafayette, of Joan de Arc, of true patriotic zeal—as Vincente Ibanez's figure spoke in the Four Horsemen of the Apocalypse—

And if they should enter, what does it matter? The course of Right will not die. It suffers eclipses, but is born again; it may be ignored and trampled underfoot, but does not therefore cease to exist; and all good souls recognize it as the only rule of life. A nation of madmen wishes to place Might upon the pedestal that

others have raised to Right. Useless endeavor! The eternal hope of mankind will ever be the increasing power of more liberty, more brotherliness, and more justice.

I believe Hitler is an exponent of force under a totalitarian rule; that his flaunted new order is a doctrine that tends to degrade men and to render them less free and less self-respecting. Believing that, I believe as confidently as I believe in the ultimate triumph of right that if those who represent the forces of liberty and of brotherliness and justice will do their duty in this hour, the Axis Powers will be thrown back in defeat.

Furthermore, I believe it is our duty now, that as we believe in our form of government, and since the forces of totalitarianism have marched against it, and since the loud voice of totalitarianism has proclaimed its benediction, declaring it outmoded and unworkable, that it is our stern duty to give every aid and comfort at our command to those who are at present fighting the battle of democracy across the seas. Apparently Fate has not decreed that our part shall be to attend the conflict in person. I do not see any impending change that will call for more than foodstuffs, fighting material, and the like; but it does seem that we should, if we love and believe in our form of government, be, without stint or hesitation, ready to throw all we may into the provisions boat of those who today fight our battles in Europe.

I believe that is the feeling of the great majority of the people in our United States. Our greatest draw-back perhaps remains the isolationist, who still is able to make his voice heard in high places, the man who with wishful phrases and unfinished thinking would imagine that some great unknown preventative will save us from our own folly and neglect if we will piously declare that we are too good to be approached by any foe and will let out no effort until the lion is upon us. This in a world of aggression in which war has already been declared upon our very theory of the government of men among men. This when a foe who says he is our foe, an announced foe, an armed and prepared foe, is already establishing his organization and developing his "fifth column" on our shores. For the life of me I cannot see what is blinding the sight of our gentlemen of the isolationist faith.

Furthermore, it is my earnest conviction that we must find a way to eradicate all ideas of conflict between those who fight for the same thing. In this connection we ought by no means to have any even apparent conflict between the Dies committee and the Department of Justice. An apparent conflict is unfortunate because it tends to make people feel there is an issue when none exists, think there is American weakness where there is not. The minority on this floor without confining themselves to the province of criticism, which is theirs by right, have sought, not to hinder the program, but have criticized us for not going forward with the defense program more speedily and effectively.

That is a wholesome and encouraging thing. That shows that the end in view and the purposes of Americanism are not a group of divided purposes. In fact, it is not purposes at all but one purpose.

The "new order" for which the Axis is today throwing in its years of labor and offering up its young men on the altar of war is not a thing to be confined to Europe. No pretense that it could be confined to Europe is made. It is an open bid for a way of life, an order to run throughout the world. Germany began by shouting: "We are encircled. Our breath of life is being cut off. We are a great and superior people. We are not to be encircled, circumscribed, surrounded," as we would call it. "We can and will break it up."

That is and has been Hitler's cry. Break up what? Democracy—no less. It is more social than territorial in its nature. One Hitler speech certainly, the most recent one, is enough to cite as to that statement. Perhaps, after all, we made our great national mistake in 1920. We refused to go into a World Court necessary to carry out the point we thought had been won by victory and arms. We foolishly felt that when Germany surrendered the point had carried and the world was safe for democracy. Germany did not think so. So it was not done. The Allies missed the bus then even after they had hailed and brought it to a stop, a dearly bought stop. And the United States became or pretended to become an isolationist nation. That is now history, of course, and it is behind us, but it mirrors to us facts which we must today acknowledge. It startles us but it should startle us.

There is no possible way to mistake the fact that every advance the axis makes in Europe is a march against our form of government and way of life and a threat to us. It is surprising to recently be able to hear the term "if Hitler wins" come from the lips of the isolationists. It is inconceivable that one can believe in and rely upon the American way and remain an isolationist, thinking there is even the remotest chance of a win by the axis, and still hold to his belief. That is how I feel. The only way I could be an isolationist would be to feel so sure of ultimate victory for the Allies that our case could safely rest there.

It is as certain, Mr. Speaker, as the existence of life and of the pursuit of man's ambition that were England to lose, Germany would come into prompt command of the control of the trade of the high seas and that could and would mean but one thing for this country of ours—war—war with the odds against us. Yet I am not today making any plans to live in a world in which the greatest human influence and control is a man with a mackerel eye and a Charlie Chaplin mustache. I would not be interested in the acceptance of an order that would choke to death the very principles democracy is based upon. Isolationism is at this time the most short-sighted, weak, and hopeless philosophy that I can conceive being advanced to a nation like ours, confronting what she today sees before her.

I think now England can win the war if we will only do our part, and I mean if we do what we should. But we should hasten along. Perhaps we do not have to, but I feel that we should repeal the Johnson Act and certain curtailing neutrality legislation, merely to provide elbow room in case something comes up with which they will interfere, because, as the President so plainly stated in his interview with the press yesterday, a way has been found, and I think we are convinced now that while President Roosevelt is not an indispensable man he is a mighty handy man to have around in times like these. I think we are also convinced that Mrs. Roosevelt is not doing his thinking; neither is Mr. Landon, because neither of them hit the bull's-eye as to the idea that the President had in mind to furnish proper aid to England.

Mr. HOFFMAN. Will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Did the gentleman notice in the press that Mrs. Roosevelt was supporting a bill that I introduced, namely, one to stabilize prices?

Mr. PATRICK. I did not notice that, but I am glad to see it. Maybe the gentleman and Mrs. Roosevelt may get together on something, since the gentleman and Mr. John Lewis got together.

Mr. HOFFMAN. We did not get together on the election because we did not accomplish anything.

Mr. PATRICK. I was not surprised. After all we are all Americans, I may say to the gentleman from Michigan, and we should stand together on some things.

Mr. HOFFMAN. Yes; the defense program, for instance, and we are glad that the President is back so we can accomplish something.

Mr. PATRICK. I appreciate the gentleman's compliment.

Mr. HOFFMAN. I would not attempt to argue with the gentleman if he expressed an opinion.

Mr. PATRICK. I am sure the gentleman has had opinions in the past, but he has never expressed them before in public.

Actually for more than 150 years our Nation operated as a great Government of separate States. So now that is something to offer the world at this time. Whatever happens at the end of this war the world will not be exactly in the same shape it was in. Now we have something to offer in the form of government that is and has been ours for all these years. We need not feel that Germany is going to be offended so long as we are powerful enough to stand in her way. The offense that Germany recognizes is that of being a small nation and in a position to be assimilated, and the smaller and more helpless the nation the greater waxes her indignation

and her fury. Yet Herr Hitler has the audacity to nominate the axis as a have-not fighting the haves. The time has come in this world, I fear, when unfortunately it is unsafe for any nation to be a small nation without the strengthening support of something to give it vigor and power to defend itself. America has that. America has a United States that has run these 150 years. We can show the world that a democracy of separate States has and will work as one country. Whenever victory is won in any measure by the totalitarian governments and the Axis Powers across the sea, it is a denial of the truth of the success of our way of government. The axis' new order is a binding together for totalitarianism as ours is a binding together for democracy, great enough to protect and strong enough to preserve the integrity of each State.

I favor fearless assertion of this position by my country. I want us to adopt with confidence and with enthusiasm the plan advanced by the President in his press interview on yesterday and want to see us speed up the program and the plan that will help sturdy, faithful democratic peoples establish more firmly than ever the right of man to live and be undiminished in his hopes, loves, ambitions, freedom of right of worship, and to save mankind from the reducing influence, the degrading influence of totalitarianism, and the ambition of the ruthless fanatic. I thank you.

[Here the gavel fell.]

The SPEAKER. Under a special order previously entered, the gentleman from New Hampshire [Mr. STEARNS] is recognized for 5 minutes.

GREECE

Mr. STEARNS of New Hampshire. Mr. Speaker, from the dawn of European civilization the name of Greece has stood for the great human ideals of freedom and democracy. In the fifth century B. C., when the western world was faced by the threat of conquest by the armed forces of the mighty totalitarian power of that day, Persia, it was the Greek people that stood as a barrier to the Asiatic conqueror. The names of Marathon and Thermopylae are immortal reminders that the battle is not always to the strong, but that spiritual values may have power to conquer material might.

Again in the fifteenth century of our own era, the Greeks stood opposed to the tidal wave of Mohammedanism that was sweeping all before it on its westward course. This time the burden was too great, and the failure of the western European nations to recognize their own interest in the contest meant the rule of Islam in the Balkans for 500 years.

Again at the opening of the nineteenth century the name of Greece was on every tongue when her hardy sons, opposing their apparently puny strength to the Ottoman overlord, strove to regain her freedom. Nowhere was this struggle of a brave people to be free watched with more sympathy than here in the United States. In his annual message to Congress in 1822, President Monroe gave official expression to the interest of our Nation in stirring words:

> The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public and private liberty are associated with our recollections of ancient Greece. That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism has been a cause of unceasing and deep regret to generous minds for ages past. It was natural, therefore, that the reappearance of those people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor which have been so signally displayed throughout the United States.

Since that day Greece has won its independence, and despite almost insuperable obstacles of poverty, geographical exposure, and international intrigue has maintained and strengthened it. At the beginning of the present war the Greek flag was on every sea, and the Greek people were advancing steadily in education, in commerce, and in all the arts of peace. Forced by the poverty of their homeland to seek a living abroad, many of her sons have made for themselves an honored name in other lands, and in none more so than in our own, where no racial community stands higher in its reputation for eager intelligence in contributing to the commonweal.

Today again, as in the past, Greece finds herself fighting the battle of civilization against despotism, and fighting it with the same heroic courage that she did 2,000 years ago. Nowhere even in the present shipwreck of international law has aggression been more unprovoked or unwarranted; nowhere have the odds seemed more clearly against the victim; and nowhere has the instant and spontaneous resistance of a free people met with more thrilling success. In a time when many people are basing all their expectations of victory on the preponderance of material strength, we are reminded by the heroic offensive of the Hellenic army, as by the heroic resistance of the people of Britain, that there are imponderable forces that can tell against the juggernaut of brute force.

I believe it would be contrary to all our traditions if some recognition were not given, in this assembly of the representatives of a free people, to this heroic battle of a people struggling to maintain their freedom; I believe further that our Government should take cognizance of this heroism, and of our traditional friendship for Greece, by extending its assistance in some form.

We are committed, thank God, to furnishing all possible assistance to Great Britain, and this need is so urgent and our unreadiness, unfortunately, so great that this must take precedence of any other commitments if we are not to be too late. But while realizing how much Great Britain is doing in the Mediterranean area, and that every additional ounce of help we give to her increases her power to help Greece, I still hope that it may be possible for us in some direct way to give concrete expression to our admiration for the Greek people in this latest phase of their age-long fight against oppression. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Under a special order previously entered, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 5 minutes.

LABOR'S REAL FRIENDS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein excerpts from certain newspapers.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the gentleman from Illinois [Mr. SABATH], with whom I have no personal quarrel, persistently attempts to brand me as being unfriendly to labor. He assumes to speak for labor. But his remarks might be construed, though he does not so intend, as an aid to those who prey on labor. He overlooks the fact that the vote in the Fifth Illinois District which he received at the last election was 35,637; that his principal opponent received 14,540; that his district is a comparatively small district if population and employment be the test.

In the Seventh Illinois District the Republican candidate who was defeated by less than 9,000 votes, received 220,793 votes. The defeated candidate in the Illinois Seventh District received more than 6 times as many votes as did the winning Democratic candidate [Mr. SABATH] in the Fifth Illinois District.

In the Fourth Michigan District the Republican vote was 65,667, and the majority of the Republican candidate was 25,224, lacking but a few hundred of being within 10,000 of the total vote received by the gentleman from the Fifth Illinois District [Mr. SABATH]. And thousands of the voters of the Fourth Michigan District are workingmen. My home town has a C. I. O. union.

The gentleman from Illinois [Mr. SABATH] is completely mistaken in his charge that I am unfriendly to labor. He fails to make the distinction, and that failure is characteristic of those who think as he does, between the man who works and the man who exploits the worker. I will do anything within reason to aid the man who works. I will do

everything I can to expose the labor racketeer. There is no truth or justice in the insinuation of the gentleman from Illinois [Mr. SABATH] that I am unfriendly to labor.

I favor legislation which will secure to employees the right to bargain collectively through representatives of their own choosing, something which the present N. L. R. A. professes to give but which it does not, under the rulings of the N. L. R. B., accomplish. Proof of this is found in the decisions of the United States Supreme Court in more than one case.

I am unfriendly to labor racketeers. The gentleman from Illinois [Mr. SABATH] has never drawn the distinction between honest, patriotic union men and criminal racketeers, so many of whom ply their profession in the city of Chicago.

Many times have I spoken on the floor of this House in behalf of the man who desires to work. I hold no brief for any industrialist or business executive. So far as I know, no Member of this House would assume to defend any one of them engaged in any unjust or unlawful practice.

On the other hand, I have listened in vain for the gentleman from Illinois [Mr. SABATH] to utter one word of criticism, of condemnation, of any union racketeer, of any convicted union criminal racketeer.

The union men that I oppose, whose practices I condemn, are men who are injuring the cause of labor; who at the present time are delaying our national-defense program.

The gentleman suggests that my conduct has behind it political motives. Again he is mistaken.

The State's attorney of Cook County is a Democrat. I here quote an article from a great daily newspaper of Chicago, The Chicago Tribune, under date of December 16, 1940, which describes the kind of so-called union officials that I condemn. That article is as follows:

CRIME RECORDS OF UNION BOSSES BARED IN DRIVE—COURTNEY WILL SEEK TO CUT OFF FLOW OF CASH

State's Attorney Courtney, it was learned yesterday, has laid out an intensive campaign against racketeering union leaders which he plans to put into effect with the advent of the new year.

His strategy will be to cut off the gangster's sinews of war—money. He plans to make sure that the control of legitimate unions is kept from the remnants of the old Capone mob, now headed by the astute Frank Nitti. The rich treasuries of these organizations offer an even more lucrative field for exploitation than the handbook and slot-machine rackets, which also continue under attack by the State's attorney's office.

STUDIES POLICE RECORDS

Another aim of the prosecutor is to prevent men with police records—and already identified with labor organizations—from remaining in key positions in Cook County unions. Many of them have been duly elected and cannot be forced out of office, but the State's attorney's police have orders to keep close watch on them and see that their influence is minimized by scrutinizing elections when these office holders come up for reelection. The prosecutor will see to it, he asserts, that intimidation will not play a part in these elections.

* * * * * * *

Police have compiled the records of many of the present union officials who have been engaged in shady dealings or have been taken into custody. The list is a long one.

SOME OF THE RECORDS

Some of the better known possessors of records are—

Max Caldwell, business manager of Retail Clerks' International Protective Association: April 25, 1932, 6 months' probation on charge of assault with deadly weapon; July 1934, indicted for conspiracy, found not guilty in June 1935; October 28, 1937, charged with assault, acquitted.

J. Livert (St. Louis) Kelly, president of Negro Bartenders', Waiters', and Waitresses' Union, Local 444: August 7, 1924, fined $5 as inmate of disorderly house; April 16, 1926, bonds forfeited on similar charge; January 9, 1929, 1-year probation on charge of carrying a gun; March 6, 1931, fined $2 for disorderly conduct; July 6, 1934, bonds forfeited on confidence-game charge, changed to violation of bail-bond law.

FREED ON ASSAULT CHARGE

Louis Romano, just resigned as president of Bartenders' and Beverage Dispensers' Union, Local 278: June 20, 1923, charge of murder nol prossed; June 10, 1927, fined $25 for disorderly conduct; August term 1928, grand jury voted no bill on charge of assault to kill.

Charles Youngblood, business agent for painters' district council: February 26, 1920, fined $200 and costs for disorderly conduct; February 28, 1920, sentenced to Joliet Prison for robbery, paroled in 1925; June 5, 1928, returned to Joliet for parole violation; December 24, 1928, released on writ of habeas corpus; January 17, 1929, returned to prison from writ hearing; February 3, 1930, reparoled; March 15, 1939, shot and wounded and would give police no explanation.

George Meyers, business agent of Glaziers' Union, Local 27: June 30, 1930, charge of conspiracy quashed. September 19, 1933, fine of $200 and 6 months' probation on charge of assault and battery.

STILL IN PENITENTIARY

Gus Novotny, business agent of Upholsterers' and Furniture Workers' Union, Local 18: March 7, 1938, sentenced to Joliet, 1 to 10 years, for malicious mischief; June 16, 1939, sentence affirmed by Illinois Supreme Court; July 29, 1939, entered Joliet; still there.

Eugene O'Connor, business agent of Tent and Awning Makers' Union, Local 9: December 20, 1919, received at United States detention barracks, Leavenworth, Kans., as Army deserter; May 14, 1923, fined $10 for disorderly conduct; October 4, 1930, fined $50 for disorderly conduct; May 12, 1932, 6 months' probation for disorderly conduct.

Oscar Kofkin, vice president and business agent of Taxi Cab Drivers' Union, Local 777: October 17, 1930, fined $2 for disorderly conduct. Later arrested three times on similar charges, all dismissed; January 18, 1938, dismissed on charge of carrying deadly weapon.

SENT TO REFORMATORY

Nicholas (Dean) Circella, representative in Chicago of George E. Browne's State Employees International: December 13, 1915, plea of guilty to robbery and given probation for 1 year; September 14, 1916, sentenced to Pontiac Reformatory after plea of guilty to assault to rob; four charges of robbery stricken off; September 1, 1921, paroled from Pontiac; April 23, 1923, discharged from parole.

George B. McLane, business representative of Bartenders' and Beverage Dispensers' Union, Local 278: December 22, 1922, found not guilty of robbery, charge of assault to murder stricken off.

Maurice Timpanaro, financial secretary of Cooks' and Pastry Cooks' Union, Local 88: May 1928, arrested in Kenosha, Wis., as bombing suspect; June 24, 1933, arrested in Elmwood Park for breaking windows; August 20, 1927, arrested in Des Moines, Iowa, for investigation.

RELEASED ON MURDER CHARGE

James Blakely, president of Miscellaneous Hotel and Restaurant Employees Union: January 30, 1935, arrested and held to criminal court in bonds of $10,000 on charge of attempting to murder his wife, released when she refused to testify.

Thomas J. Burke, president and secretary-treasurer of Theatrical Janitors' Union and first vice president of Building Service Employees' International: March 11, 1925, fined $100 on charge of carrying a gun (under name of Joe Gould); October 12, 1933, arrested in St. Louis, Mo., as suspect, released; April 14, 1938, arrested in Detroit, Mich., no charge, released.

William Bosel, member executive board of Bowling Alley and Pin Setters' Union, Local 25–B: February 26, 1932, sentenced to 6 months in the bridewell for petty larcency; July 24, 1933, fined $1 and sent to bridewell for 5 months on charge of contributing to delinquency (original charge was rape).

RECORDS OF SCALISE AND BIOPP

Probably better known to the public than any of the above are George Scalise and William Bioff, each of whom has served time for criminal activities.

Scalise became eastern representative of the Building Service Employees' International Union in 1934. In 1937, with the aid of gangster connections, he took over the presidency of this union and inaugurated a reign of terror among the other officers, who were allowed no voice in the affairs of the union.

Regarding the treasury as his private property, he arbitrarily raised his salary from $12,000 to $20,000. He also took huge sums for expenses and these were never acounted for. When it was disclosed that he had once served a term in the Federal penitentiary for pandering, his union career came into the limelight. Recently, in New York, he was convicted of stealing from the international and was sentenced to 10 to 20 years in prison.

INDICTMENTS PENDING HERE

Still pending here are indictments, obtained by Courtney, charging Scalise with embezzling $118,000 from the 70,000 union members, most of them elevator operators, scrubwomen, and janitors.

Bioff was tried in Chicago in 1922 on a charge of pandering and was sentenced to 6 months in the bridewell. An appeal was taken and failed, but Bioff didn't go to jail. He stayed out and grew into a labor leader.

In 1936 he went to the west coast as representative of George E. Browne, president of the International Association of Theatrical Stage Employees, and became the boss of 35,000 members of the union.

From the Washington Post I include a description of so-called union activities which deserves the attention of every Member of the House:

CARPENTER TELLS OF ATTEMPTS TO GET DEFENSE JOB

To the EDITOR OF THE POST.

SIR: No one can make me believe there isn't something screwy about this defense program. The Post of December 13 prints a statement by Representative TABER, of New York, declaring that a shortage of skilled labor is slowing up the defense program, construction of barracks, etc. The truth is that union-labor leaders are the ones slowing up the program.

I am a carpenter, and a good one. I can take my box of tools and go on a job and do anything that is required of a carpenter to do. On the 14th of November I went out to Fort Meade and applied for a job. I was told that I could go to work immediately, but as it

was raining hard and I was not dressed for working in the rain I was told to report Monday, November 18, when I could go to work. On Monday when I went out there, expecting to go to work, I found between 2,000 and 3,000 men, both white and colored, being herded around and formed into four long lines in front of the windows of the employment office.

There was no way to obtain any information, the military police not knowing anything. There was no system, no loudspeaker telling the crowd which windows to go to or whether anyone would be hired or not. It was a cold, raw day and many were thinly dressed. There were men there from nearly every Eastern State. Many, like myself, had been told to report that morning to go to work. I stuck around until 11 o'clock, when I saw one carpenter given an order to go to work. I talked to him and found that he had been in line from 7 a. m. He had to join the union first and was thereby given precedence over others in the line. I was watching closely and did not see any of the lines advance a single foot in 3 hours. It was easy to see that at the rate men were being hired that mob of men wouldn't be hired in a month of Sundays. Yet it is being printed in the papers every day that there is a shortage of skilled labor.

Figuring that if it was necessary to join a union before getting a job I might as well join the Washington union and thereby get the Washington pay, I came back to Washington to the union headquarters here. Two or three hundred men were grouped on the sidewalk in front of the offices. The door was locked and the office filled with men. Soon word was passed out that no work permits would be given out and no new members taken into the union. The crowd, disappointed, slowly melted away.

December 5, I called up the offices of the contracting company at Fort Belvoir and inquired if they were taking on carpenters. They said that if I could read blueprints to come on down and they would give me work. I went down to the employment offices that afternoon and talked with the employment man. He inquired of my qualifications and said that if I joined the union I could go to work in the morning, as they needed men who were qualified. He likewise asked me if I could trim, build stairs, and read blueprints. I told him that I could not only read his blueprints but make them for him if need be.

I immediately returned to the union headquarters in Washington and was told by the girl in the office that no work permits would be given out before Friday afternoon and possibly not before Monday morning at 8 o'clock.

Monday morning found me in front of the headquarters in a line of men reaching from the office door to the curb at Tenth and K Streets. At 9:30 word was sent out that no one would be given work permits nor allowed to join the union that day. No date was announced when one could join the union. The crowd faded away.

Now, somebody is lying. I talked to men in that crowd who had been promised jobs the same as I had if I joined the union. The papers say there is a shortage of skilled labor. But if you can't work unless you join the union, and if the union will not take you in, how is the Government going to obtain the skilled labor needed to do the work? There is something screwy somewhere. I know carpenters who have gotten jobs. A man who worked with me on another job got in and drew down $90 for his first week's pay. I know other men who were just as good who couldn't get in. It looks like many are called, but few are chosen.

But I know there is no scarcity of skilled carpenters around Washington, and if the Government can't get them it is because of the ruling that only union members are allowed to work on Government jobs, and the unions are holding the whip hand over the Government. The unions might be able to fool Mrs. Roosevelt and some others, but they are not fooling the ones who do the work. With the papers filled with the unpatriotic sabotage of labor unions throughout the country, it is amazing the indifference manifested by our Congress and officials who are charged with the protection of our Nation, but still more amazing is the active encouragement held out to these un-American groups by those who have sworn to protect the people. The Post has carried reports of the activity of the Governor of Maryland and the Representative from the Sixth District of Maryland in encouraging the work of the C. I. O. in Maryland. Evidently they take the position that they are the duly elected officials of the C. I. O. instead of the State of Maryland.

The Department of Labor was brought into existence in order that the laboring people of the Nation might have someone to speak for them in the affairs of government, but it has turned out that the Department of Labor is the sounding board of union labor and that the millions of laborers of the Nation who do not belong to organized labor have not only no one to speak for them but they are discriminated against by the very ones who should protect them. What a travesty. What a burlesque on fair play, honesty, and square dealing in government, that the strong and well organized should have the backing and active support of the Government, while the unorganized, the weak, and poorly paid are neglected, discriminated against, and hounded. Organized labor has little right to yell "unfair, unfair," when it is the unfairest thing in the world. I often wonder if Katharine Hepburn, the great advocate of organized labor, ascertains if every purchaser of a ticket to her shows is a union laborer. Surely she would not want to receive any money but union money. Is the C. I. O. the only taxpayer in Maryland that the Governor and Representative from the Sixth District get their salaries from? Is organized labor the only source of revenue whereby our public officials are supported and thereby no one else should be permitted to share in the benefits of government? Are the C. I. O. and the A. F. of L. to be the sole beneficiaries of Government largess, while all the rest of the Nation labor for their benefit? It can easily be proven that organized labor pays less into the Government in the form of revenue than all the rest of the country, so there is no reason why they should receive a larger share of the Government's favors than any other class of citizens. Still the cry of "unfair, unfair," like the cry "unclean, unclean," by the lepers of old is the plaintive bleat of the big, strong labor unions. Appropriately enough, organized labor is not only unfair to society at large, but it is unfair to the country, to labor, and to themselves. It is unpatriotic, it is certainly un-American, and it is doing more to hinder, hamstring, sabotage, and delay defense than any other influence in the Nation today. The Army announces that it is behind with its program of housing the draftees, Knudsen warns the country of the lag in plane construction, and the National Guard lacks housing facilities all because union labor controls the bottleneck between plans and production. America is courting the doom of France. Unionism ruined that nation. How long are the President, Congress, and the people of this country going to stand helplessly by and allow a gang of ruthless, selfish gangsters in the guise of unioneers wreck this country? Let no one claim there is lack of skilled labor while unions stand between the worker and the job.

A SKILLED CARPENTER.

TAKOMA PARK, MD., *December 15.*

This skilled carpenter is not alone in his demand that American citizens be treated fairly.

OPPORTUNITY FOR THE MAN WHO WANTS TO WORK. JUSTICE TO THE TAXPAYER

"Equal justice under law," runs the legend over the entrance to the Supreme Court building.

Equal opportunity for the unfortunate should be the motto of the administration. We have heard not a little about the "princes of privilege," the "privileged class," about the one-third who are "underprivileged." The occupants of the White House have been vociferous in their protestations against businessmen, industrialists, those who furnish the money to create jobs. Administration spokesmen have been bitter in their criticism of those who have, loud in their insistent demands that those who have not shall be given more.

But the administration's acts belie its words. The administration refuses to be practical right here in Washington.

The average number of unemployed during the month of October 1940, which are the latest figures available, as given by the A. F. of L., was 8,130,000; as given by the C. I. O., 8,919,000, and the total money appropriated during 1939 for relief, exclusive of special agencies such as the Youth Administration and other miscellaneous forms, was $2,612,299,052.

Here in Washington, at this Christmas season, hunger and cold are the portion of many and not long ago it was stated that the relief rolls were growing larger. Billions of dollars have been appropriated for relief; billions of dollars have been appropriated to make work, to create jobs, in order that those who had no jobs might be given employment.

Here in Washington, Federal employees, who receive compensation out of tax money, for the Government has no other money, employees of the District, who are paid in part out of Federal money, are depriving the unemployed of the opportunity to stay off of or to get off of the relief rolls.

District and Federal employees belong to a privileged class. They are protected by the civil-service laws. They are secure in their jobs. They know the amount of compensation which they may expect before they make application for a job. They are favored by being granted 30 days' vacation with pay—a longer vacation than is granted to any other employee anywhere in the United States. They are given 15 days' sick leave with pay—more time than is given to any other employee anywhere in the country. In all, they have 45 days' vacation with pay.

They have a short workweek. They have a short workday. The average number of hours during which they work to earn their compensation is far less than that of any other class of employees.

Federal and District employees were granted vacations and sick leave, first, because it was said that every worker needs time from toil to build up against the body waste and the mental strain caused by continuous service. One of the reasons for granting a vacation of 30 days with pay was the plea that many Government employees living in the District could not benefit from a shorter vacation for the reason that they could not go to their old homes out in the

States to see their friends and relatives and return to their work in a less period.

What is the result? Instead of accepting their jobs and their compensation, their short day, their short week, and being satisfied to let others who were without jobs or others who, having jobs, find it difficult to earn a livelihood so that they can enjoy average living conditions, have an opportunity to work, many of these District and Federal employees are crowding other workers out of an opportunity to be employed.

Is there any reason why this Government should set aside from the money collected from workers a sum to give a certain class of employees, namely, District or Federal employees, jobs on the public pay roll and, at the same time, permit those employees to work at jobs when, as a result, more Federal money must be appropriated to take care of those who are thus thrown on public relief or deprived of employment?

As long as there are not jobs enough to go around there would seem to be no reason why employees paid by the public, working on one job which they were glad to accept, in which they are protected in every way, should be permitted to deprive others less fortunate, some who are hungry, some who are practically destitute, of the opportunity to work.

It would be a fine exhibition of the Christmas spirit if those who are secure in their jobs, who are certain of their pay checks, would just step back and quit depriving the man or the woman who is dependent, or who has a family dependent, upon his or her ability to obtain work, from getting that work.

Chris Panagos, president of the District of Columbia Cab Drivers Mutual Benefit Club, entered his protest today and stated that there were between 700 and 1,000 District or Federal employees who were driving cabs, either on leave of absence from the Government while receiving pay, on leave of absence without pay, or after they had finished their daily work with the District or Federal Government.

He wanted to know why it was that the cab drivers, who, he said, have great difficulty in earning enough so that they might enjoy the American standard of living, should be forced to come into competition with Government-paid employees.

He also wanted to know how a Government employee, who worked 6 or 8 hours, could be expected to be a safe driver, if, upon finishing his work for the Government, he put in 6 or 8 additional hours attempting to drive a cab.

Some are also curious about the wage-hour law, which limits the work to be done in a week in some classes to 40 hours, but which apparently permits the Government employee to work a 30-hour week or a 40-hour week for the Government, and then put in an additional 4 or 6 hours per day in private employment.

The District of Columbia has sent up a list of those in the District's employ, who are paid in part from the appropriation of public funds, which shows that, as of December 10, approximately 1,000 of the District employees were on leave. How many of these are driving cabs, working for private employers, or working on jobs where they are paid in part out of tax money, no one seems to know.

Nor is there any reliable evidence showing the number of Federal employees in the city of Washington or elsewhere who are drawing pay on two jobs, while several million of our citizens are unable to obtain one job.

Is it not about time that Congress takes action, so that those who, having one job for which they receive tax money, shall not be permitted to work at a second tax-paid job until the unemployed who are qualified and available have an opportunity to work?

The SPEAKER. Under a special order previously entered, the gentleman from California [Mr. LELAND M. FORD] is recognized for 20 minutes.

THE DEFENSE PROGRAM

Mr. LELAND M. FORD. Mr. Speaker, this morning, in reading the paper, I read an item which should give us all some concern because it was indicated that some arms plants face seizure. It was stated that the President said yesterday that the Government was considering taking over two or three plants for arms manufacture because they had not been cooperating satisfactorily under the defense program.

Further discussing means of speeding lagging arms production, it was stated that no action had been taken as yet under the draft-industry law, but that some cases were under investigation.

It was also proposed to lease war materials to England.

In addition to this, Mr. Phillip Murray, president of the C. I. O., lays the delay and lag in the defense program to "rather stupid method."

These statements should vitally concern every Member of this House who has the national welfare at heart and the completion and fulfillment of our national-defense program.

Let us look at this situation as it is.

We all know that there apparently is not the proper correlation, coordination, and cooperation in our national-defense program.

We all know that this program has been sagging down and that it is at least 30 percent behind its original program of production.

I do not think that this is any time to discuss the lease of war materials to England, especially in view of the fact that we cannot get out enough production to take care of our own needs, much less those of England. I do not mean by this that we should not help England, but I am looking the matter squarely in the face and saying that the first thing we should do is to see that we get into production and produce something, first for ourselves, and then lease to England. If this wrangling, bickering, disputing, and contention over our national-defense program is not ironed out, there is not going to be anything for ourselves or England either. Therefore, I think our first duty is to devote our energies and everything that we have to seeing that this program is carried out.

Now, what will it avail the United States Government to take over industry, particularly if it, in turn, is going to meet the same kind of resistance, slow-down, bickering, contentious wrangling program as has been advanced by the C. I. O.?

We are not all juveniles and some of us at least still have the capacity to think. You all know where this bottleneck in our program lies. I think any fairminded man can point his finger fairly and squarely at the C. I. O. and their program of riot, contention, strife, and endeavor to stop our program. You all know that, according to the news, these people are now converging upon Washington under the banner of "keeping this country out of war."

I believe the great majority of this House is dead against this country going to war, and I am one of that majority, primarily because this country is not prepared for war. On the other hand, I do not believe that the primary motive of the C. I. O. is to come here to keep this country out of war, so much as it is to come here to see that they retain their full, undisturbed power over the program of national defense and to perpetuate themselves in that power.

I say to our Executive and the United States at large, that the finger has been pointed at industry and the lack of industrial cooperation, but the administration has failed to put its finger on the real cause—namely, the lust for power of the C. I. O. and the misapplication of the law under the N. L. R. B.

I put this fairly and squarely to the people of the United States as a whole, both Houses of Congress, and the administration, to step in and put the finger of blame where it properly belongs, on this C. I. O. group, and to immediately begin to clean house in its program and throw every one of these persons and organizations out of the picture. This having been done, a chairman of the national-defense program should be appointed and vested with power to coordinate and correlate this program as it should be, and obtain the cooperation of all parties concerned.

This should not have to be brought about by force, but I believe public sentiment demands that both business and industry, and the C. I. O., should show enough patriotic interest to preserve and protect this country.

Industry cannot produce if labor does not cooperate. I believe the average laboring man in this country is just as patriotic as any industrial owner, and that he is crying for the privilege of cooperating, and the great mass of labor in general will do the same thing. While we are willing and ready and thankful that this is the case, let it be understood at the same time that we are not going to close our eyes and become blinded to the fact that there is a minority group, headed by the C. I. O., who put their racket and racketeering methods ahead of the patriotic interests and welfare of this country.

It is also stated that these war materials, which it is hoped can be leased to England, could be subject to mortgage. I again say, that if no war materials are produced, there can be no mortgage on them, because you cannot place a mortgage on a thing that does not exist, and the first thing to do is to produce the materials.

I think another obligation is to fulfill our present program so far as our own needs are concerned. Then, on top of that, the administration should straighten out this mess, and if they want to help England, deliver to England 100 percent and on time, those things they have already ordered.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. I wish the gentleman would elucidate that point.

Mr. LELAND M. FORD. It just simply means this, that if there is no war material produced you cannot lease it and you cannot use it.

If they did not need them, they would not have ordered them. I think all this talk about finances, and generalization about what we are going to do away out in the future, is second to delivery of those things that are needed so badly right now.

I am further interested in Mr. Murray's statement on "stupidity." My answer to him is that the most stupid thing that has been done, all told, is to have placed the C. I. O. on the national-defense program. It is a question whether this should be first or second, and that the next most stupid thing that was done was to give so much consideration to that proven un-American C. I. O. group as they have had; this coddling of them, this pampering, this giving in to their every whim and wish in order that they may throw all other labor groups out of the window and destroy them, and then finally make a Communistic republic out of this country, the listening to them and the upholding of their destruction of the right of individual liberty—those things to me are the most stupid things that have been done, and that is Mr. Murray's answer.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman has noticed that Mr. Bridges has come east by plane. Has the gentleman learned whether he is going to Australia voluntarily or whether the Labor Department intends to deport him, or whether the Department of Justice intends to prosecute him, or what he is going to do?

Mr. LELAND M. FORD. No; Mr. Bridges came in here to go into consultation with Mr. Murray to further our program according to his interests. I wish that he had taken the direction the other way, to Australia, I hope that he takes it soon, and I hope this administration can see that.

I think Mr. Murray's further idea that he can come to Washington and put pressure on many Members is going to receive a rude shock, because I think the Members of Congress are now coming to see their duty so plainly that Mr. Murray will find his strong-arm methods are now out of date.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield to the gentleman from Michigan.

Mr. WOLCOTT. I do not believe we should generalize too much on the C. I. O. in making these charges, because I know of hundreds of fine, hard-working, patriotic members of the C. I. O. It is true that some of the leaders are subject to criticism, but I believe we should differentiate between those who would destroy labor within the C. I. O. and those who are just as honest in their motives as we are. Also I might add that I do not know what issue some of us would have if the Justice Department would take it into their hands to deport Harry Bridges. It seems to me we would not have anything to talk about then. One of these days they may double-cross us by deporting him, and then it would take an issue away from us.

Mr. LELAND M. FORD. I agree with the gentleman that there are many good, patriotic men within the group known as the C. I. O.

Mr. WOLCOTT. And women.

Mr. LELAND M. FORD. But the group to which I am directing my remarks is the racketeer, the highjacker, the un-American, the Communist group in the C. I. O., which is in the minority, but this minority is controlling the whole group. I am not directing my remarks to the patriotic individual who is the real American in the group. If Bridges is deported, his deportation will have a very salutory effect on others of his stripe. We will have plenty of issue with the remainder, as the gentleman well knows.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman does not wholly agree with the gentleman from Michigan [Mr. WOLCOTT] that if Harry Bridges was deported that would end all our troubles, does he? Because, for example, we would have this unemployment issue and we would still have this national bankruptcy and we would have the national-defense program and there would be quite a few things to attend to here.

Mr. LELAND M. FORD. That is true. There are many things beyond Harry Bridges, but it would be a very good start and I think his deportation would have a very salutary effect upon these racketeers in this country who are emulating Harry Bridges.

Mr. WOLCOTT. If the gentleman will yield, you cannot blame labor for our bankrupt condition. There is not much relativity between the bankrupt condition of the Federal Treasury and labor and, surely, labor should not be charged with that.

Mr. LELAND M. FORD. But if they increase the amount involved, it will have some effect. There is an increase now of $250,000,000 in the airplane industry alone, and if that is increased we might find ourselves bankrupt because, after all, it is a quarter of a billion dollars they have asked in the airplane industry and they are going to act also in the lumber industry and the steel industry and in connection with the sawmills of the country, as well as the aluminum interests and every other industry they can lay their hands on.

Miss SUMNER of Illinois. And the farm industry.

Mr. LELAND M. FORD. And the farm industry, yes.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield.

Mr. HOFFMAN. I understood the gentleman from Michigan [Mr. WOLCOTT] to say that if Harry Bridges were deported we might not have any issue. It is true there is no connection between Harry Bridges and national bankruptcy. We still have national bankruptcy, and we will have unemployment after Harry Bridges is gone, and we will have those questions, and I do not think the gentleman needs to worry about the millenium coming at once.

Mr. WOLCOTT. I am in favor of deporting Harry Bridges. I am equally in favor of it with the gentleman from California [Mr. LELAND M. FORD] and the gentleman from Michigan [Mr. HOFFMAN], but I think it is rather unfair to charge all C. I. O. members with being undesirables simply because there are one or two who should be kicked out of the country.

Mr. LELAND M. FORD. If the gentleman will permit, no one has ever charged anything like that.

Mr. WOLCOTT. It has been proven in the last 60 days that there are many good, hard-working American citizens in

the C. I. O. who are just as jealous of the preservation of the American form of government as you and I.

Mr. HOFFMAN. Will the gentleman yield for just one question?

Mr. LELAND M. FORD. I cannot yield further. If I were an attorney I would say to the gentleman from Michigan [Mr. WOLCOTT] that that question has been asked and answered.

Mr. HOFFMAN. No one has made any such charge as the gentleman from Michigan [Mr. WOLCOTT] has suggested here, that all C. I. O. are unpatriotic. No one has dreamed of doing that.

Mr. WOLCOTT. The gentleman understands that I have not charged the gentleman from Michigan or the gentleman from California with making that statement. Of course, I would not want anything I have said to be interpreted as meaning that either of the gentleman has made that charge.

Mr. LELAND M. FORD. I do not like Mr. Murray's calling into the C. I. O. conferences such men as Harry Bridges, to go over what he terms "routine organization matters." You all know who Bridges is and what he is, but I am going to handle this at a different date.

It is reported that the President stated, "It is for the Commission to keep everlastingly at the problem and keep pushing people." I agree with him in his general statement, but ask for their cooperation, but I certainly believe he should get in and "push the C. I. O. around," and see that they adopt American methods and work for our American ideals and our national defense and see that their racket of profiteering on national defense is pushed out of the country.

Mention has been made of the "silly foolish dollar sign." I am rather sorry to see our American dollar termed in this way, for, after all, it is the American dollar that must pay for these things. If it was not for the billions of dollars that Congress voted, at the President's request, to carry out this program, we would have no national defense at all, and, unfortunately, that same dollar must again be thrown in the face of the American taxpayers to pay for this whole program, and it is going to be a hard, heavy load for them to assume. I believe that our people are patriotic enough to make any sacrifice in dollars to make this country safe, regardless of how heavy it may be, but at the same time, I believe it is the opinion of the great American people that they do not want those dollars wasted, either in uncalled-for excess profits on the part of industry, nor in excess payments to racketeers for the C. I. O. racket. It is the American dollar that is today making this program possible.

I yield to no man in support of the President in a real program for defense, and I feel that I am supporting him in his defense program in pointing out to him the bottleneck in the whole program, and in putting my finger on the delay caused by the C. I. O.

With reference to the 40-hour week, we all know that the supervisorial and executive ends of all these positions are working hours and hours overtime, for which they receive nothing extra.

We all know, too, that there is a limited number of men in the skilled and precision division of this work, and that it takes a long time to train others in these same capacities. Therefore, is it not reasonable, in this emergency—and it is an emergency—to work longer than 40 hours a week? Is it also not only reasonable to think that it would be better to work 40 hours a week than to meet final destruction because we would not work, the same as they did in France? Is it also not reasonable to believe that, if the man-power of this country can be drafted and taken into a program, and these same men can accept this in a patriotic spirit, that the C. I. O. can be at least reasonable enough to defer their unpatriotic demands to the welfare of the country?

I think it is our duty, for every single one of us in this Congress, to see that no special interest destroys the program that we have appropriated the billions of dollars for. I think it is our further duty to see that every dollar of this goes into national defense and is properly spent, and none of it is diverted, either for excess profits to industry, or excess profits to C. I. O. racketeers. [Applause.]

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I was very much interested in what the gentleman had to say about manufacturing goods and lending them to England. I hope the gentleman will bring out the fact that the goods we propose to lend are military products or wartime goods and as I understand the press reports this morning, the President proposes that we are to receive back in payment for these wartime goods, peacetime goods. I hope somebody sometime will develop from the administration what Australia, Canada, New Zealand, and British Africa are doing with reference to supplying peacetime goods to the buying customers of the world while this war is being prosecuted and while we channel all of our labor and manufacturing ability into the production of wartime goods to be sent to England.

In other words, it seems to me that the President is now proposing that we borrow the money with which to produce these goods at the present time to be loaned to England and, subsequently, that we forfeit our internal markets to England so that she may ship back dollar value of peacetime goods, closing our factories and throwing our people out of work as, when, and if the hostilities cease. Would the gentleman mind commenting on that?

Mr. LELAND M. FORD. I think we have to look forward to the time when those manufactured products begin to flow into this country from England and to think what might happen to us.

The SPEAKER. The time of the gentleman from California has expired.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS F. FORD, for the balance of the session, on account of sickness in family.

To Mr. CELLER, indefinitely, on account of illness.

To Mr. MILLS of Arkansas (at the request of Mr. CRAVENS), for today, on account of business.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p. m.) the House adjourned until tomorrow, Thursday, December 19, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2072. A letter from the Secretary of Agriculture, transmitting draft of a proposed bill to amend section 32 of an act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935, as amended, and to encourage the exportation of agricultural commodities or products thereof, and for other purposes; to the Committee on Agriculture.

2073. A letter from the Acting Secretary of the Interior, transmitting a report covering expenditures made from the appropriation "Education of Natives of Alaska, 1939–41"; to the Committee on Expenditures in the Executive Departments.

2074. A letter from the Chairman, Federal Communications Commission, transmitting a letter with respect to the subject of whether or not any new wire or radio communication legislation is required better to insure safety of life and property pursuant to the second proviso of section 4 (k) of the Communications Act of 1934, as amended; to the Committee on Merchant Marine and Fisheries.

2075. A letter from the Chairman, Federal Communications Commission, transmitting report of the Commission on the special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States; to the Committee on Merchant Marine and Fisheries.

2076. A letter from the Veterans of Foreign Wars, transmitting report of the national officers of the Veterans of Foreign Wars; to the Committee on Military Affairs.

2077. A letter from the Secretary of State, transmitting official notice pursuant to section 160, title 5, United States Code, of the ratification of the first 10 amendments to the Constitution of the United States by the States of Massachusetts, Connecticut, and Georgia; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TABER:

H. R. 10735. A bill to provide for the more expeditious and efficient procurement of the national-defense needs of the Army and Navy; to the Committee on Military Affairs.

By Mr. MARTIN J. KENNEDY:

H. Res. 645. Resolution creating a select committee of the House of Representatives to be known as the Committee on Peace; to the Committee on Rules.

SENATE

THURSDAY, DECEMBER 19, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Father of lights, who sometimes makest us to be glad in the midst of sighs and tears: Even as the world sighs and weeps, we beseech Thee to fill our hearts with the holy joy of Christmas as again we hear the song of angels and the antiphon of a mother's lullaby, crooned to her blessed Child. Grant to us all that in true humility we may be clothed with the garments of innocence as we commemorate the birth of Him who abhorred not our flesh but was content to be born of the Virgin Mary. We bless Thee for the dawning of the light in Bethlehem's manger, when in the fullness of time Thou didst gather Thy light into life, so that even simple folk could see Jesus, the star of the morning; Jesus, the light of the world. May this light be about us and our children from the cradle to the grave, that we may be numbered among those farsighted souls who from the mountaintops of vision herald the coming of the day and bear aloft the torch of purity and truth, to the ushering in of peace and good will to men. We ask it in the name of the blessed Christ Child. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, December 16, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolutions:

On December 6, 1940:

S. 4373. An act to amend the act of June 25, 1938, entitled "An Act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes."

On December 16, 1940:

S. 3765. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., and for other purposes;

S. 3934. An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada;

S. 4135. An act to legalize the construction of the State highway board of Georgia of a free highway bridge across the Withlacoochee River, between Valdosta, Ga., and Madison, Fla., at Horns Ferry;

S. 4370. An act authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties; and

S. J. Res. 306. Joint resolution extending the time for submitting the final report of the Temporary National Economic Committee.

On December 17, 1940:

S. J. Res. 302. Joint resolution authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5336) for the relief of Peter Bavisotto.

The message also announced that the House had passed a bill (H. R. 10712) to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss., in which it requested the concurrence of the Senate.

The message further announced that the House having proceeded to reconsider the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes, returned by the President of the United States with his objections to the House of Representatives, in which it originated, it was

Resolved, That the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

SENATOR FROM WASHINGTON

Mr. BARKLEY. Mr. President, I have here a telegram from the former Senator from Washington, Mr. Schwellenbach, advising the Senate of his resignation from this body because of his appointment to the bench. I also have a telegram from Hon. Clarence D. Martin, Governor of Washington, announcing the appointment of Hon. MON C. WALLGREN to the vacancy created by the resignation of Senator Schwellenbach, Mr. WALLGREN having been recently elected for the full term of 6 years beginning January 3, 1941. I ask that these telegrams be read to the Senate, and that following them the Senator-designate be permitted to take the oath of office.

The telegram from Governor Martin states that the commission is on its way by air mail, but it has not yet reached here. Under those circumstances it is customary to have Senators sworn in.

The PRESIDENT pro tempore. The telegrams will be read.

The legislative clerk read the telegrams, as follows:

SPOKANE, WASH., *December 16, 1940.*

Col. EDWIN HALSEY,
Secretary, United States Senate:

Simultaneously with this telegram, I am submitting the following telegram to Clarence D. Martin, Governor of the State of Washington, at Olympia, Wash.:

"I herewith submit my resignation as United States Senator from the State of Washington. This resignation to be effective 12 o'clock noon, Pacific standard time, December 16, 1940."

L. B. SCHWELLENBACH,
United States Senator.

OLYMPIA, WASH., *December 18, 1940.*

Hon. EDWIN A. HALSEY,
Secretary, United States Senate:

I have today appointed MON C. WALLGREN to fill the unexpired term of LEWIS B. SCHWELLENBACH in the United States Senate. I trust you will regard this notification as sufficient credentials for induction. Official certificate of appointment air mail you today.

CLARENCE D. MARTIN,
Governor of Washington.

The PRESIDENT pro tempore. The telegrams will be placed on file.

Mr. BARKLEY. I ask unanimous consent that the Senator-designate, Mr. MON C. WALLGREN, be permitted to take the oath of office at this time.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Kentucky? The Chair hears none.

Mr. WALLGREN, escorted by Mr. BARKLEY, advanced to the desk, and, the oath prescribed by law having been administered to him by the President pro tempore, he took his seat in the Senate.

SENATOR FROM IDAHO

Mr. DAVIS. Mr. President, the Senator-elect from Idaho, Mr. THOMAS, is present and ready to take the oath of office. His credentials have been presented and accepted by the Senate.

The PRESIDENT pro tempore. The credentials have been filed. The Senator-elect will advance to the desk and take the oath of office.

Mr. THOMAS of Idaho, escorted by Mr. DAVIS, advanced to the desk, and, the oath prescribed by law having been administered to him by the President pro tempore, he took his seat in the Senate.

HJALMAR M. SEBY—VETO MESSAGE (S. DOC. NO. 316)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the Senate:

I am returning herewith, without my approval, the bill (S. 3729) which proposes to pay to Hjalmar M. Seby, of Abilene, Tex., the sum of $14,369.61 in settlement of claims said to have arisen in connection with a contract for extending and remodeling a post-office building at Vernon, Tex.

It appears that on November 28, 1933, the claimant entered into a contract with the Public Works Administration for extending and remodeling the above-mentioned building. Because of delay on the part of the contractor in progressing with the work entrusted to him, his right to proceed was terminated pursuant to the terms of the contract and the surety company on his bond completed the operation.

The amount which it is now proposed to pay to the contractor consists of two separate items. First, is a sum of $6,218.90, constituting the balance which was due him at the time that his right to proceed was terminated. It appears, however, that at the request of the surety company the Government has already paid that sum to the company to enable it to meet claims against the contractor for labor and materials which had accrued while he was still engaged in the work. Consequently, the enactment of this legislation would result in a duplicate payment on the part of the Government insofar as this item is concerned.

The second item, amounting to $8,150.71, is said to represent the value of tools and materials left by the contractor when the work was taken over by the surety company. The amount is disputed and it appears, in fact, that on October 15, 1934, an inventory of the materials and equipment on the site was made in the presence of the defaulted contractor, a representative of the surety company, and two representatives of the Government. A report of the inventory was prepared and agreed to by the representative of the surety company and representatives of the Government, and the materials on the site which could be used in completion of the work were appraised by the parties as having a value of $1,714.19, which amount was allowed as a credit in the adjustment of the final account under the contract. Other evidence in the record tends to show that no other property of the contractor was retained or used in any way by the Government.

Despite the appearance of some evidence to support the contention of the contractor that Government representatives improperly interfered with his work, for the reasons herein stated I must withhold my approval of this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 19, 1940.*

RATIFICATION OF FIRST 10 AMENDMENTS TO THE CONSTITUTION

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of State, reporting, pursuant to law, that official notice has been received in the Department of State of the ratification of the first 10 amendments to the Constitution of the United States by the States of Massachusetts, Connecticut, and Georgia on March 2, 1939, April 19, 1939, and March 18, 1939, respectively, which was ordered to lie on the table.

FINAL ASCERTAINMENT OF ELECTORS

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of State, transmitting, pursuant to law, copies of certificates of the Governors of the States of Indiana, Iowa, Kentucky, Michigan, New Jersey, Oregon, Utah, Washington, and Wisconsin of the final ascertainment of electors for President and Vice President in their respective States at the election of November 5, 1940, which, with the accompanying papers, was ordered to lie on the table.

RADIO REQUIREMENTS FOR SAFETY OF VESSELS NAVIGATING THE GREAT LAKES AND INLAND WATERS

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the unanimous report of the Commission on a special study of radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and inland waters of the United States, which, with the accompanying report, was referred to the Committee on Commerce.

Mr. WHITE. Mr. President, that is a report made in response to legislation by the Congress itself. With the approval and at the request of the chairman of the Committee on Commerce [Mr. BAILEY], from which the legislation came. I ask unanimous consent that the report may be printed, with illustrations, as a document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the report will be printed as a Senate document, with illustrations.

PETITIONS

The PRESIDENT pro tempore laid before the Senate the following resolution of the Assembly of the State of California, which was referred to the Committee on the Judiciary:

House Resolution 14

By Messrs. Tenney, Yorty, Gannon, Bashore, Kellems, Phillips, Carlson, Clarke, Call, Dilworth, Waters, Allen; Mrs. Daley and Miss Miller:

"Whereas there has for the last several years been an investigation conducted by a committee of the United States Congress, headed by MARTIN DIES, to unearth and bring to light all subversive and un-American activities being carried on in the United States; and

"Whereas in this period of national emergency, when every step must be taken to stamp out all elements in this country who are seeking to deter and ruin the program of national defense and to destroy the democracy which exists in this Nation; and

"Whereas the Dies committee has and still is performing work of inestimable value in exposing the subversive and destructive forces operating in this country and in awakening the American people to realization of these dangers in our midst: Now, therefore, be it

"*Resolved by the Assembly of the State of California,* That the Congress of the United States is respectfully urged to continue the operation of the Dies committee; and be it further

"*Resolved,* That the chief clerk of the assembly is hereby requested to transmit copies of this resolution to the Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States, and that such Senators and Representatives from California are hereby respectfully urged to support such legislation."

The PRESIDENT pro tempore also laid before the Senate a resolution unanimously adopted by the executive committee of the Indiana Committee for National Defense, Indianapolis, Ind., setting forth the policy of the committee in relation to the national defense, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a letter in the nature of a petition from Mrs. Eva Aronson Mehlinger, of Boston, Mass.,

praying for a 4-year Presidential term, which was referred to the Committee on the Judiciary.

REPORT OF DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. HAYDEN, from the Committee on Printing, reported a resolution (S. Res. 339), which was considered by unanimous consent and agreed to, as follows:

Resolved, That the Forty-third Annual Report of the National Society of the Daughters of the American Revolution for the year ended April 1, 1940, be printed as a Senate document.

INVESTIGATION OF RAILROADS, HOLDING COMPANIES, AND AFFILIATED COMPANIES

Mr. BARKLEY (for Mr. WHEELER and Mr. TRUMAN), from the Committee on Interstate Commerce, pursuant to Senate Resolution 71, Seventy-fourth Congress, authorizing an investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, submitted additional reports, which were ordered to be printed, as follows:

Alleghany System: Midamerica Corporation; its uses as a holding company (pt. 25 of Rept. No. 25);

Alleghany System: Sale by George A. Ball; tax avoidance through charitable foundations (pt. 26 of Rept. No. 25); and

Alleghany System: Acquisition of control by Robert R. Young (pt. 27 of Rept. No. 25).

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolutions:

On December 12, 1940:

S. 3729. An act for the relief of Hjalmar M. Seby;

S. 3765. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., and for other purposes;

S. 3934. An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada;

S. 4135. An act to legalize the construction by the State Highway Board of Georgia of a free highway bridge across the Withlacoochee River, between Valdosta, Ga., and Madison, Fla., at Horns Ferry;

S. 4370. An act authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties; and

S. J. Res. 306. Joint resolution extending the time for submitting the final report of the Temporary National Economic Committee.

On December 16, 1940:

S. J. Res. 302. Joint resolution authorizing the President to invite foreign countries to participate in the Pan-American Cotton Congress.

HOUSE BILL REFERRED

The bill (H. R. 10712) to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss., was read twice by its title and referred to the Committee on Public Lands and Surveys.

MORATORIUM ON FARM MORTGAGES—OPINIONS OF SUPREME COURT OF THE UNITED STATES (S. DOC. NO. 315)

Mr. FRAZIER. Mr. President, I ask unanimous consent to have printed as a document eight opinions of the Supreme Court of the United States on the act relating to farm bankruptcies, commonly known as the Frazier-Lemke law. This is a very important compilation for attorneys who handle these cases, as well as for judges who have such cases under consideration.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The opinions referred to are as follows:

No. 530. October term, 1936: *Robert Page Wright, bankrupt, petitioner* v. *Vinton Branch of the Mountain Trust Bank of Roanoke, Virginia, et al.* On certiorari to the United States Circuit Court of Appeals for the Fourth Circuit (March 29, 1937);

No. 621. October term, 1936: *The First National Bank & Trust Co., of Bridgeport, Connecticut, trustee, petitioner,* v. *Francis E. Beach, respondent.* On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit (May 17, 1937);

No. 365. October term, 1937: *Noah Adair, petitioner* v. *Bank of America National Trust and Savings Association.* On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit (February 28, 1938);

Nos. 715, 716. October term, 1937: *James M. Wright, petitioner* v. *Union Central Life Insurance Company* (715). *James M. Wright, petitioner* v. *Union Central Life Insurance Company* (716). On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit (May 31, 1938);

No. 33. October term, 1939: *John Hancock Mutual Life Insurance Company, petitioner* v. *Benno Bartels.* On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit (December 4, 1939);

Nos. 120, 121. October term, 1939: *Ernest Newton Kalb and Margaret Kalb, his wife, appellants,* v. *Henry Feuerstein and Helen Feuerstein, his wife* (120). *Ernest Newton Kalb, appellant,* v. *Roscoe R. Luce, Henry Feuerstein, Helen Feuerstein, and George O'Brien* (121). Appeals from the Supreme Court of the State of Wisconsin (January 2, 1940);

No. 752. October term, 1939: *Franz J. Borchard and Frieda W. Borchard, petitioners,* v. *California Bank and California Trust Company.* On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit (May 20, 1940); and

No. 51. October term, 1940: *James M. Wright, petitioner,* v. *The Union Central Life Insurance Company et al.* On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit (December 9, 1940).

ADDRESS BY JOSEPH E. DAVIES, CHAIRMAN OF INAUGURAL COMMITTEE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered on December 17, 1940, by Hon. Joseph E. Davies, chairman of the Inaugural Committee, which appears in the Appendix.]

RELIEF FOR CHINA

[Mr. CAPPER asked and obtained leave to have printed in the RECORD statements regarding the objective of the China Emergency Relief Committee, which appear in the Appendix.]

SUFFRAGE FOR THE DISTRICT OF COLUMBIA

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a report by the District of Columbia Suffrage Association at its annual meeting on December 9, 1940, which appears in the Appendix.]

NATIONAL SECURITY—RESOLUTIONS OF AMERICAN FARM BUREAU FEDERATION

[Mr. CAPPER asked and obtained leave to have printed in the RECORD resolutions adopted at the twenty-second annual convention of the American Farm Bureau Federation, at Baltimore, Md., December 12, 1940, which appear in the Appendix.]

ATTEMPTS TO INVOLVE UNITED STATES IN EUROPEAN WAR

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a letter addressed by William E. Barrett to William Allen White regarding efforts to involve the United States in the European war, which appears in the Appendix.]

THE AFTERMATH OF THE WAR

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an editorial by Monsignor Smith, editor of Catholic Register, regarding conditions to follow the war, which appears in the Appendix.]

LIMITING SERVICES—EDITORIAL FROM WINFIELD (KANS.) DAILY COURIER

[Mr. REED asked and obtained leave to have printed in the RECORD an editorial from the Winfield (Kans.) Daily Courier of December 12, 1940, entitled "Limiting Services," which appears in the Appendix.]

ACTIVITIES TO PREVENT INVOLVEMENT OF THE UNITED STATES IN WAR

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article from the New York Herald Tribune of

December 18, 1940, entitled "No-Foreign-War Drive Opens to Combat White," which appears in the Appendix.]

PAYMENTS TO SHORT-LINE RAILROADS

Mr. JOHNSON of Colorado. Mr. President, for several days I have had pending a motion to call up the motion made by the senior Senator from Utah [Mr. KING] that the vote by which the Senate passed House bill 10098 be reconsidered. I desire to call my motion up at this time.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Colorado that the Senate proceed to consider the motion of the Senator from Utah [Mr. KING] that the vote by which House bill 10098 was passed be reconsidered.

The motion was agreed to; and the Senate proceeded to consider the motion by the Senator from Utah [Mr. KING] that the Senate reconsider the vote by which it passed the bill (H. R. 10098) to amend section 204 of the act entitled "An act to provide for termination of Federal control of railroads."

Mr. JOHNSON of Colorado. Mr. President, I now move to lay on the table the motion of the Senator from Utah.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Colorado.

The motion to lay on the table was agreed to.

PROGRESS OF PREPARATIONS FOR NATIONAL DEFENSE

Mr. JOHNSON of Colorado. Mr. President, recently I wrote a letter to the senior Senator from Texas [Mr. SHEPPARD], chairman of the Committee on Military Affairs of the Senate, dealing with reports and rumors relative to the unsatisfactory progress being made in preparations for our national defense. I ask that the letter be read by the clerk.

The PRESIDENT pro tempore. The clerk will read.

The legislative clerk read as follows:

DECEMBER 19, 1940.

HON. MORRIS SHEPPARD,
Chairman, Committee on Military Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR SHEPPARD: In view of the uncertainty in the public mind caused by the many statements and criticism, official and otherwise, concerning the unsatisfactory progress of our national-defense efforts, it occurs to me that it is imperative that the Senate Committee on Naval Affairs and the Senate Committee on Military Affairs hold a joint hearing and provide an opportunity for the various officials of Government directing national defense, the representatives of organized labor, and the industrial leaders of our country, to give to the Congress a frank, complete, and detailed statement relative to the defense situation. The responsibility of Congress does not end with the voting of multiplied billions for defense. Congress must see that the program for which this money has been appropriated is carried out without waste, without jockeying, and without unreasonable delay.

Congress has another important responsibility. It must see that the public is accurately informed as to the progress which is being made. It has been an invariable rule in all situations of this kind where doubt, suspicion, and mistrust are caused by contradictory statements and a lack of complete information, that the morale of the people is adversely affected. It has been stated on many recent occasions that the British Government has come to realize that it is necessary and advisable to be more frank with its people.

My constituents are demanding the facts, and I insist on giving them all of the facts.

Yours very sincerely,

ED C. JOHNSON,
United States Senator from Colorado.

CONTINUATION OF PRESENT SESSION

Mr. BARKLEY. Mr. President, I wish to make a brief statement for the information of the Members of the Senate.

The papers this morning carried a story to the effect that Congress might adjourn today sine die. I wish to state that no effort to that end is to be made. I believe it was contemplated in the House of Representatives that there would be an attempt to pass a concurrent resolution today for sine die adjournment, but the effort will not be made. I have no assurance that any such concurrent resolution could pass through the Senate without the presence of a quorum, and I am not willing to call Senators back to Washington merely to vote on sine die adjournment. Therefore I wish to say, for the information of Senators, that the effort for an adjournment sine die is abandoned. So far as I know, we shall proceed with our 3-day recesses as we have been doing for several weeks.

ADDRESSES AT INAUGURATION OF PRESIDENT MANUEL A. CAMACHO, OF MEXICO

Mr. DOWNEY. Mr. President, on December 4 last it was my privilege to attend in Mexico City the inauguration of President-elect Manuel Avila Camacho, and I returned to the United States with a quickened faith and deep, confident hope that there is now ripening between the people of Mexico and the people of the United States an abiding friendship which will make possible their mutual defense and the continental solidarity of North America.

At an early date in the next session of Congress I intend to address the Senate more at length, giving a statement of my observations while in Mexico and the principles which I believe should be followed by our Government in its relations with Latin America.

At this time I rise only to read into the RECORD three speeches that were made the day after the inauguration in the embassy of the United States by President Camacho, Vice-President-elect Wallace, and Sol Bloom, chairman of the Foreign Relations Committee of the House of Representatives.

President Camacho is of handsome and statesmanlike appearance, his demeanor giving every evidence that he is possessed of courtesy, dignity, courage, and intellect. His eloquent address struck an inspired and high note on international relationships, and I am confident that Mexico, under his direction, and the United States, under the leadership of President Roosevelt, will successfully seek and find the road leading to increasing friendship, social intercourse, safety, and solidarity.

The address of President Camacho is as follows:

Mr. Ambassador Extraordinary, Mr. Ambassador of the United States, I wish to state at the outset the satisfaction felt by my people and by myself with the presence at the inaugural festivities of Mr. HENRY A. WALLACE, Vice-President-elect of the United States.

Doubtlessly, the mission over which he presides has meant for Mexico a new reason for unswerving friendship between our two peoples. This circumstance is so much happier inasmuch as at the present time all motives that strengthen the unity of the nations of America must be taken advantage of.

I consider it a fortune for both our countries to be surrounded by the best auspices to strengthen our friendship and to give, with our relations of neighbors, the clearest demonstration that continental fraternity shall find in us the stanchest solidarity.

I trust that the solution to our problems shall find as a fundamental base the most absolute good faith; and for all difficulties mutual knowledge, good will, a spirit of open cooperation, and a peaceful and honorable path, which, once trod upon, will lead to stronger friendship and to a feeling of justice which will make said friendship everlasting. I wish to specially praise Ambassador Daniels, in whom Mexico has found a just and comprehensive spirit, and whose friendly attitude, even in the most difficult moments of our international life, has cooperated to defend and develop the friendship not only of the Government but of the entire people of Mexico. Doubtlessly, Ambassador Daniels has followed with deep sentiment and friendship for Mexico the inspiration of President Roosevelt, with whom I shall have the pleasant opportunity of sharing the responsibility of strengthening during the next 4 years the friendship of our two nations.

The words of Mr. WALLACE filled me with particular satisfaction, and I acknowledge with pleasure that the aspiration of an organized peace upon this hemisphere is extended throughout all our nations. In all America is shared the desire that there prevail in the world the regime of the new democracy as an instrument of the people to live in justice and the regime of the law of nations as a guaranty of fraternity.

Mr. WALLACE, when you return to your country we beg you to take back with you the unmistakable feeling that you have witnessed amongst the Mexican people a deep friendship for the great democracy of the United States, of sympathy for President Roosevelt, of adhesion to the doctrine of pan-American solidarity, and with this feeling the resolution of Mexico of assuming within its sovereignty the responsibility derived from the solidarity common to all the free nations of America to uphold upon this hemisphere the burning torch of international law and of human liberties.

The following is the speech delivered by Vice-President-elect HENRY A. WALLACE:

Excellencies and friends, Mr. President, it is a great pleasure to me to be able to extend to you the greetings of the President of the United States, Franklin Delano Roosevelt. It is also our high honor to receive you, the President of Mexico, for the first time in this our Embassy. I am sure that the warm friendship which has been manifest by yourself and by those many acts of courtesy and hospitality since our arrival in Mexico demonstrate a cordiality between us which will long exist. The current of intercourse between our

two great nations has been quickened and there can be no doubt that the moral, cultural, and economic exchanges between our peoples will increase and flourish. Not only am I happy at this prospect, but in addition to that demonstration of growing solidarity in the Americas which has been shown at this the time of your inauguration. I listened with particular interest to your inaugural address and feel that it gives assurance that Mexico will go forward in its high destiny under capable hands. I wish you, Mr. President, in all sincerity a happy and most successful term of office.

I now read the remarks of the Honorable SOL BLOOM, chairman of the Committee on Foreign Affairs of the House of Representatives:

Mr. President, Mr. Vice President, Mr. Ambassador, I regret exceedingly that I cannot speak Spanish, and perhaps some of you are regretting that you cannot speak English, so that makes us both even. But still our hearts are set on one specific thing, that that which is happening today throughout the world in other hemispheres shall not happen on this hemisphere. The further indication of the desire of the Government and people of the United States to forge ever more cordial relations with the Government and people of Mexico is seen in the designation by President Roosevelt of the Vice-President-elect of the United States to serve as special representative at the inauguration of Gen. Manuel Avila Camacho as President of Mexico. That reciprocal feelings are entertained in Mexico has been evidenced by the cordial reception of this delegation by the officials, people, and press of the Republic of Mexico. For some time there has been a tendency toward the solution of the problems confronting the two countries in a broad spirit of cooperation. This has been true in hemispheric matters. Mexico and the United States have more and more merged with their sister republics in pursuance of the highest objectives of humanity, prosperity, and hemispheric defense. This tendency has also been manifested in the field of problems pertaining to the two countries. An interchange of tourists between our countries has reached a high level and there are indications that that interchange will increase greatly in the coming months. In the fields of exchange of information and governmental cooperation much progress has been made. Officials of the Department of Agriculture of the United States have enjoyed cordial relations with their opposite members in the Mexican Government in matters of mutual interest. In the cultural field a beginning has been made toward making the Government and people of the United States aware of the rich cultural treasures of Mexico, and, along with this, plans are under way to make better known in Mexico the accomplishments of the United States in literature and a number of other fields. These and other indications of friendship and mutual desire for better relations between our two countries augur well for the future.

It has also been a pleasure while in the city of Mexico to meet the envoys and representatives from the other foreign countries and to renew old friendships and make new ones, and I can assure these missions that we will always be glad to greet them in Washington.

And in conclusion, Mr. President, may I thank you and your Government for the magnificent hospitality of your magnificent city, which my family and I will never forget.

Mr. President, I ask that translations of the remarks I have made to the Senate today, together with translations of the three speeches I have read, be printed in the RECORD in the Spanish language.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the translations were ordered to be printed in the RECORD, as follows:

DISCURSO DEL SR. SHERIDAN DOWNEY, SENADOR DEL ESTADO DE CALIFORNIA DE LOS ESTADOS UNIDOS, EL JUEVES, 19 DE DECIEMBRE DE 1940

Señor Presidente, el cuatro de diciembre, tuve yo el gran privilegio de asistir a la inauguración del Presidente Manuel Avila Camacho, en la Ciudad de México, y volv a los Estados Unidos con la firme convicción y con alta esperanza de que se está efectuando entre el pueblo de México y de los Estados Unidos una amistad perdurable que facilitará la defensa mutua y la solidaridad continental de la América del Norte.

Al principio de la próxima Sesión del Congreso pienso pronunciar un discurso en el Senado con más detalles, narrando mis observaciones durante mi estancia en México y los principios que, a mi ver, nuestro gobierno debe seguir en sus relaciones con la América Latina.

Ahora, me levanto solamente para que consten en el "Diario de Sesiones" tres discursos pronunciados el día después de la inauguración en la Embajada de los Estados Unidos por el Presidente Camacho, por Vice-Presidente-electo, el Señor WALLACE, y por el Señor Sol Bloom, Presidente del Comité de Asuntos Extranjeros de la Cámara de Representantes.

El Presidente Camacho es de agradable presencia y tiene todo el aire de un estadista. Es muy caballero, cortés, grave, valiente e inteligente.

Su elocuente discurso da una nota muy inspirada y alta en el campo de las relaciones internacionales, y estoy seguro de que México bajo su dirección y los Estados Unidos bajo la dirección del Presidente Roosevelt buscarán y encontrarán fácilmente el camino que conduce a una amistad cada vez más estrecha, a cordiales relaciones sociales, a la seguridad, y a la solidaridad.

Es mi deseo que mis observaciones junto con los tres discursos que voy a leer ahora se impriman en el "Diario de Sesiones" en inglés y en español.

DISCURSO DEL SEÑOR GENERAL DE DIVISION MANUEL AVILA CAMACHO, PRESIDENTE DE LOS ESTADOS UNIDOS MEXICANOS

Señor Embajador Extraordinario, Señor Embajador de los Estados Unidos, debo desde luego declarar la grata impresión que para mi pueblo y para mí personalmente ha significado la presencia en estas Fiestas Inaugurales del señor HENRY A. WALLACE, Vice-Presidente-electo de los Estados Unidos.

Indiscutiblemente, la misión que él preside ha significado para México una razón más de firme amistad entre nuestros dos Pueblos. Esta circunstancia es tanto más feliz cuanto que en los momentos actuales deben aprovecharse todos los motivos que fortalezcan la unidad de las naciones de la América.

Considero una fortuna para nuestros dos países el encontrarnos rodeados de los mejores auspicios para fortalecer nuestra amistad, y hacer con nuestras relaciones de vecinos la más clara demostración de que la fraternidad continental encontrará en nosotros la más firme adhesión.

Confío en que la solución de nuestros problemas encontrará como base fundamental la más absoluta buena fé; y para todas las dificultades el mutuo conocimiento, la buena voluntad, un espíritu de franca cooperación y un camina pacífico, honorable, que al transitarse deje una amistad más firme y un sentimiento de justicia que la hará perdurable. Quiero hacer un elogio especial del señor Embajador Daniels, en quien México ha encontrado un espíritu justo, comprensivo, y cuya actitud amistosa, aun en los más árduos momentos de nuestra vida internacional, ha cooperado para defender y fomentar la amistad no sólo del Gobierno, sino de todo el Pueblo de México. Seguramente que el señor Embajador Daniels ha seguido con grandes sentimientos de amistad para México la propia inspiración del Presidente Roosevelt, con quien tendré la grata oportunidad de compartir la responsabilidad de estrechar y hacer más inquebrantable en los próximos cuatro años la amistad de nuestras dos naciones.

Las palabras del señor WALLACE me llenan de una especial satisfacción y declaro reconocer con beneplácito que la aspiración de una paz organizada en este hemisferio está extendida en todas nuestras naciones. En toda la América está compartido el deseo de que prevalezca en el mundo el régimen de la nueva democracia como instrumento del Pueblo para vivir en la Justicia y del Derecho Internacional como garantía de fraternidad.

Mr. WALLACE, cuando usted retorne a su Patria le encarcemos llevar los sentimientos inconfundibles que usted ha comprobado del pueblo mexicano, de amistad por la gran democracia de los Estados Unidos, de simpatía para el Presidente Roosevelt, de adhesión a la Doctrina de Solidaridad Panamericana; y con esos sentimientos la resolución de México de arrostrar dentro de su soberanía las responsabilidades que se deriven de la solidaridad común de los pueblos libres de América para mantener ardiente en este Hemisferio la antorcha del Derecho Internacional y de las libertades humanas.

TRADUCCION DEL DISCURSO DEL HON. HENRY A. WALLACE, VICE-PRESIDENTE-ELECTO DE LOS ESTADOS UNIDOS DE AMERICA

Señor Presidente, es para mí una gran satisfacción poder extenderos los saludos del Presidente de los Estados Unidos, Franklin Delano Roosevelt.

Es también para nosotros un gran honor recibiros, Señor Presidente de México, por primera vez en esta nuestra Embajada. Tengo la seguridad de que la firme amistad que habéis manifestado personalmente y por aquellos múltiples actos de cortesía y hospitalidad desde nuestra llegada a México, demuestran una cordialidad entre nosotros que habrá de perdurar. El intercambio habitual entre nuestras dos grandes naciones ha sido acelerado y no puede caber duda que el intercambio moral, cultural y económico entre nuestros pueblos aumentará y fructificará. No sólo siento alegria con esta posibilidad sino también con esa demostración de creciente solidaridad en las Américas, que ha sido demostrada en esta la ocasión de vuestra inauguración. Escuché con particular interés vuestro discurso inaugural y considero que da seguridad de que México seguirá adelante en la realización de su alto destino, bajo manos capaces. Os deseo, Señor Presidente, con toda sinceridad un período gubernamental feliz y plasmado de éxitos.

OBSERVACIONES DEL HON. SOL BLOOM, PRESIDENTE DEL COMITÉ DE ASUNTOS EXTRANJEROS DE LA CÁMARA DE REPRESENTANTES DEL CONGRESO DE LOS ESTADOS UNIDOS DE AMÉRICA

Señor Presidente, Señor Vice Presidente, Señor Embajador, siento mucho que no puedo hablar español y quizás haya entre Vds. quienes no puedan hablar inglés, de manera que nos hallamos en la misma situación. Pero, sin embargo, ponemos todo nuestro esfuerzo en conseguir una cosa concreta y es que lo que acontece hoy en la mayor parte del globo no va a acontecer aquí en este hemisferio. Nuevamente muestras del deseo de nuestro gobierno y del pueblo de los Estados Unidos de fomentar relaciones más cordiales con el gobierno y el pueblo mexicano se pueden ver claramente en la designación hecha por el Presidente Roosevelt nombrando al Vice Presidente Electo de los Estados Unidos para servir de Representante Especial en la inauguración del General Manuel Ávila Camacho

como Presidente de México. La recepción tan cordial de esta delegación por los altos empleados del gobierno mexicano, por el pueblo y por la prensa mexicana es una prueba evidente de los sentimientos recíprocos. Por mucho tiempo se ha notado una tendencia hacia la solución de los problemas que afrontan ambos países en un espíritu amplio cooperación. Esto ha sido la verdad en cuanto a los asuntos de este hemisferio.

México y los Estados Unidos se han unido cada vez más con las Repúblicas Hermanas, de conformidad con los objetivos más altos de humanidad, prosperidad y de defensa del hemisferio. Esta tendencia se ha puesto de manifiesto también en el campo de los problemas referentes a ambos pueblos. Un intercambio de turistas entre nuestros países ha alcanzado ya una cifra muy alta; y hay indicaciones que este intercambio va a aumentar muchísimo en los meses venideros. En el campo de intercambio de información y de cooperación gubernativa hemos progresado mucho. Los miembros del Departamento de Agricultura de los Estados Unidos han mantenido relaciones muy cordiales con los empleados del gobierno mexicano en asuntos de interés común. En el campo de la cultura el gobierno y el pueblo de los Estados Unidos han comenzado a enterarse de los ricos tesoros artísticos de México, y al mismo tiempo se llevan acabo planes para dar a conocer la literatura, el arte, y otras diversas actividades culturales de los Estados Unidos. Éstas y otras indicaciones de amistad y deseo mutuo de tener relaciones cada vez más estrechas entre ambos países es un augurio de un gran porvenir.

Ha sido un gran placer, mientras estuve en la Ciudad de México, conocer a los enviados y a los representantes de otros países extranjeros y reanudar amistades viejas y hacer otras nuevas; y puedo asegurar a estas misiones que siempre tendremos mucho gusto en estrechar sus manos en Washington. Y en conclusión, Sr. Presidente, permítame darle las gracias a Vd. y a su gobierno por la hospitalidad generosa de su magnífica ciudad de la cual yo y mi familia jamás nos olvidaremos.

RELIEF OF UTE INDIANS OF UTAH

Mr. FRAZIER. Mr. President, the chairman of the Committee on Indian Affairs is not present, nor is the ranking member of the committee on the Democratic side here at this time. There is on the calendar of the Senate a bill which has passed the House, and there is a great deal of interest in the measure. It was amended by the Senate committee, but the committee has agreed to withdraw the amendment so that the bill as it passed the House can be enacted, if it is agreeable to Senators. I think the senior Senator from Utah [Mr. KING] will explain the bill. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2238, House bill 9705.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 9705) to make more effective use of certain parts of the public domain, and for other purposes, which had been reported from the Committee on Indian Affairs with amendments.

Mr. McCARRAN. May we have an explanation of the bill?

Mr. KING. Mr. President, I am not a member of the Committee on Indian Affairs, but I have given some consideration to the bill in question. The Senator from Oklahoma [Mr. THOMAS], chairman of the committee, reported the bill favorably, but he indicated that a number of amendments which had been added in the committee might be eliminated as they did not relate to the question involved in the bill itself. There were a number of other amendments, which I understand were not regarded by the committee as of great importance.

The bill is a measure in behalf of the Ute Indians of Utah. It would settle a controversy of long standing between the Government and some of the Indians of Utah, as well as many white settlers who have acquired lands formerly belonging to the Indians, and also lands which they obtained from the Government of the United States.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. SCHWARTZ. Does the bill in any way affect any of the Indians in the State of Wyoming?

Mr. KING. No; not at all. Its provisions are confined to a State which some believe was the founder of Wyoming.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. JOHNSON of Colorado. Does the bill affect lands located in the State of Colorado belonging to Indians of Utah?

Mr. KING. I think it would permit Ute Indians located in Utah to have determined in the courts their rights to lands in Colorado which, as I understand, are regarded as Indian lands.

Mr. JOHNSON of Colorado. Does the Senator know whether the objection to the bill made by the senior Senator from Colorado [Mr. ADAMS] has been eliminated or adjusted?

Mr. KING. The senior Senator from Colorado suggested a number of amendments, some of which are not controversial and would readily be accepted. They are not, as I understand the bill, of sufficient importance to prevent the consideration of the bill. I understand, however, that two or three amendments were suggested by the Senator which he regarded of more or less importance.

The passage of the bill has been delayed, and it is apparent that unless immediate action is taken upon the bill it will not be passed during this session. I am advised that the House probably will adjourn tomorrow; and it is therefore important that the bill, if it is to be passed, be acted upon by the Senate today in order that the House, before it adjourns, may consider it. I am advised that if all amendments are disagreed to the House will accept the action of the Senate, and thus permit the passage of the bill before adjournment.

Mr. JOHNSON of Colorado. The senior Senator from Colorado [Mr. ADAMS] is unavoidably detained from the Senate. Does the Senator from Utah know whether or not his objections and the amendments which he has offered have been adjusted?

Mr. KING. As I have indicated, most of the suggestions made by the Senator's colleague would readily be agreed to. They do not, however, affect the important and vital principles of the bill, and, whether accepted or not, they would not be of sufficient importance to warrant defeat of the bill. As I have indicated, there are several amendments which the Senator from Colorado, as I am advised, does regard as possessing merit.

Mr. JOHNSON of Colorado. Would the Senator from Utah object to having the bill go over until the very next session? Perhaps the senior Senator from Colorada will be back then.

Mr. KING. Does the Senator mean the session to be held next Monday?

Mr. JOHNSON of Colorado. Yes.

Mr. McCARRAN. Mr. President, I also request that consideration of the measure be postponed until Monday next.

Mr. KING. Mr. President, I am just advised by the Senator from Kentucky [Mr. BARKLEY] that the senior Senator from Colorado [Mr. ADAMS] will be here tomorrow, and also that the Congress will not adjourn, at least for several days. In view of the position taken by the junior Senator from Colorado [Mr. JOHNSON] and the senior Senator from Nevada [Mr. MCCARRAN]—and, as I understand, they both object to the present consideration of the bill—I assume that any effort to secure its consideration and passage at this time would fail. Any objection is equivalent to postponement at least for the day. Therefore, I shall feel constrained to accept the situation, but will ask the Senate to consider the bill when it meets next Monday.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

AMENDMENT OF ACT RELATING TO PANDERING

Mr. KING. Mr. President, Senate bill 4415, Calendar No. 2340, to amend the act entitled "An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof," approved June 25, 1910, is a measure very much desired by the Commissioners of the District of Columbia. The Attorney General has requested that the measure be passed. It is a bill applying to the District of Columbia, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MINTON in the chair). Is there objection to the request of the Senator from Utah?

There being no objection, the Senate proceeded to consider the bill (S. 4415) to amend the act entitled "An act in relation to pandering, to define and prohibit the same, and to

provide for the punishment thereof," approved June 25, 1910, which was read, as follows:

Be it enacted, etc., That the first section of the act entitled "An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof," approved June 25, 1910, is amended to read as follows:

"That any person who, within the District of Columbia, shall place or cause, induce, procure, or compel the placing of any female in the charge or custody of any other person, or in a house of prostitution, with intent that she shall engage in prostitution, or who shall compel, induce, entice, or procure or attempt to compel, induce, entice, or procure any female to reside with any other person for immoral purposes or for the purpose of prostitution, or who shall compel, induce, entice, or procure or attempt to compel, induce, entice, or procure any such female to reside or continue to reside in a house of prostitution, or compel, induce, entice, or procure or attempt to compel, induce, entice, or procure her to engage in prostitution, or who takes or detains a female against her will, with intent to compel her by force, threats, menace, or duress to marry him or to marry any other person; or any parent, guardian, or other person having legal custody of the person of a female, who consents to her taking or detention by any person, for the purpose of prostitution or sexual intercourse, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and by a fine of not more than $1,000."

SEC. 2. Section 2 of such act is amended to read as follows:

"SEC. 2. Any person who, within the District of Columbia, by threats or duress, detains any female against her will, for the purpose of prostitution or sexual intercourse, or any person who shall compel any female, against her will, to reside with him or with any other person for the purposes of prostitution or sexual intercourse, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and a fine of not more than $1,000."

SEC. 3. Section 3 of such act is amended to read as follows:

"SEC. 3. Any person who, within the District of Columbia, shall receive any money or other valuable thing for or on account of arranging for or causing any female to have sexual intercourse with any other person or to engage in prostitution, debauchery, or any other immoral act, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and a fine of not more than $1,000."

SEC. 4. Such act is amended by adding at the end thereof the following new sections:

"SEC. 6. Any person who, within the District of Columbia, shall pay or receive any money or other valuable thing for or on account of the procuring for, or placing in, a house of prostitution, for purposes of sexual intercourse, prostitution, debauchery, or other immoral act, any female, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and by a fine of not more than $1,000.

"SEC. 7. Any person who, within the District of Columbia, shall receive any money or other valuable thing for or on account of procuring and placing in the charge or custody of another person for sexual intercourse, prostitution, debauchery, or other immoral purposes any female shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and by a fine of not more than $1,000.

"SEC. 8. Any person who, within the District of Columbia, knowingly, shall accept, receive, levy, or appropriate any money or other valuable thing, without consideration other than the furnishing of a place for prostitution or the servicing of a place for prostitution, from the proceeds or earnings of any female engaged in prostitution shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and by a fine of not more than $1,000."

Mr. KING. Mr. President, the bill, as indicated, has the approval of the Attorney General. The committee report accompanying the bill contains a letter from the Attorney General of the United States recommending passage of the bill. The District Commissioners have approved the bill, and the Senate Committee on the District of Columbia has also approved it.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING. I request that the committee report, containing the letter from the Attorney General to which I referred, be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Committee on the District of Columbia, to whom was referred a bill (S. 4415) to amend an act relating to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910, having considered the same, report thereon favorably with the recommendation that the bill do pass.

The purpose of this bill is set out in the following letter from the Attorney General of the United States:

DEPARTMENT OF JUSTICE,
Washington, D. C., October 17, 1940.

Hon. WILLIAM H. KING,
Chairman, Committee on the District of Columbia,
United States Senate.

MY DEAR SENATOR: I desire to direct your attention to the anomalous state of the District of Columbia law relating to pandering.

Section 3 of the existing law (act of June 25, 1910; 36 Stat. 833; D. C. Code, title 6, secs. 179–183) prohibits the procuring of a woman to live over a period of time in a state of illegal cohabitation, but has been held not to apply to one who procures women for isolated instances of sexual relations with different persons.

Sections 1 and 2 of existing law require that prohibited acts must be accompanied by force and must be done against the will of the woman. Such restrictions make it impossible to prosecute one who shares in the profits of vice in those instances in which the woman willingly engages in such activities.

Accordingly, I recommend the enactment of legislation to provide for more efficient means of combating the organized traffic in vice in the District of Columbia. I am enclosing herewith a draft of a proposed bill to amend the act of June 25, 1910, to effectuate this purpose.

Section 1 of the proposed measure would amend section 1 of the present law in order to permit prosecution for the prohibited acts, even though committed without force and not against the will of the woman. All of the provisions of sections 1 and 2 of existing law which are not enlarged by or incorporated in section 1 of the proposed bill are included without material change in an amendment to section 2 of the present law.

Section 1 of the proposed bill would also amend section 3 of the present law so as to make it an offense to procure, for consideration, a woman for isolated instances of sexual intercourse, as well as for other immoral purposes.

Section 2 of the proposed measure would add three new sections to existing law. These sections are designed to facilitate the prosecution of commercialized vice and relate to the paying or receiving of money in relation thereto.

Section 6 provides for the prosecution of procurers of women for houses of prostitution who receive compensation for their services and for the prosecution of those who pay procurers for such services.

Section 7 would permit the prosecution of procurers of women for persons whose operations do not include the providing of a house of prostitution.

Section 8 is designed to prevent persons from participating in the earnings of prostitutes.

The proposed measure would provide for punishment by imprisonment for a period not exceeding 5 years and a fine of not more than $1,000 for violation of any of the provisions thereof.

I am informed by the Director of the Bureau of the Budget that there is no objection to the submission of this recommendation.

Sincerely yours,

ROBERT H. JACKSON,
Attorney General.

ISSUANCE OF LICENSE TO LOU DAVIS TO PRACTICE CHIROPRACTIC IN THE DISTRICT OF COLUMBIA

Mr. KING. Mr. President, I ask unanimous consent for the present consideration of House bill 8665, which is Calendar No. 2338. The bill provides for the issuance of a license to Lou Davis to practice chiropractic in the District of Columbia.

The Congress has passed a number of bills relating to physicians who did not happen to be in Washington at the time legislation relating to the licensing of physicians was passed. Since then, by special legislation, we have permitted several physicians to engage in the practice of their profession within the District of Columbia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

There being no objection, the bill (H. R. 8665) to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized to issue a license to practice chiropractic in the District of Columbia to Lou Davis in accordance with the provisions of the act of Congress entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," approved February 27, 1929, and on condition that the said Lou Davis shall be found by said Commission to be otherwise qualified to practice under the provisions of said act.

Mr. DANAHER. Mr. President, I ask the Senator from Utah if a report from the Committee on the District of Columbia accompanied House bill 8665. If so, I ask unanimous consent that it be printed in the RECORD at this point.

Mr. KING. Mr. President, the committee presented a report to accompany the bill. The report contains a letter from John Russell Young, acting president of the Board of Commissioners of the District of Columbia. I join in the request made by the Senator from Connecticut that the report be inserted in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 8665) to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The following letter has been submitted by the Commissioners of the District of Columbia in support of this measure:

JULY 13, 1940.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on the District of Columbia,
United States House of Representatives, Washington, D. C.

MY DEAR MR. RANDOLPH: The Commissioners have for report H. R. 8665 (76th Cong., 3d sess.), entitled "A bill to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis."

The purpose of this bill is to authorize the issuance of a license to practice chiropractic to Lou Davis notwithstanding the fact that he failed to apply for such license within 90 days from February 27, 1929, the date of the approval of an act to regulate the practice of the healing art to protect the public health in the District of Columbia, as required in said act.

The Commission on Licensure states that it has no objection to the passage of this bill and the Commissioners, therefore, have no objection to its passage at this session of Congress.

Respectfully,

JOHN RUSSELL YOUNG,
Acting President, Board of Commissioners, District of Columbia.

REAL PROPERTY IN THE DISTRICT EXEMPT FROM TAXATION

Mr. KING. Mr. President, it has been claimed by some residents of the District of Columbia that considerable real property in the District of Columbia has not been taxed, and that information regarding real estate is necessary in order that a just and equitable revenue measure may be imposed upon the District. A resolution has been prepared and submitted to me with the request that I ask for its adoption. Accordingly, I now bring it to the attention of the Senate and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The legislative clerk read the resolution (S. Res. 340), as follows:

Resolved, That the Commissioners of the District of Columbia are hereby requested to submit to the Senate at the earliest practicable date an itemized statement showing the following information: (1) All real property in the District of Columbia which is exempt from taxation, (2) the assessed value thereof (including improvements, if any), (3) a reference to the statute under the authority of which such property is exempt from taxation, and (4) the present use of such property. Such statement shall show real property owned by the United States and by the District of Columbia in separate schedules.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MINTON in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred in part to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

POSTMASTER NOMINATIONS REPORTED AND CONFIRMED

Mr. HAYDEN. Mr. President, from the Committee on Post Offices and Post Roads I report favorably the nominations of 28 postmasters which have either been approved by the Senators from the respective States or are not objected to. I ask that the nominations be confirmed and that the President be immediately notified.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The nominations are confirmed, and the President will be immediately notified.

UNITED STATES PUBLIC HEALTH SERVICE

Mr. KING. Mr. President, from the Committee on Finance I report favorably the nomination of David Cooper to be dental surgeon in the United States Public Health Service. I ask unanimous consent that the Senate confirm the nomination at this time, and that the President be immediately notified.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

UNDER SECRETARY OF WAR

Mr. BARKLEY. Mr. President, certain nominations made by the President of the United States have been received by the Senate today. They are nominations which I think ought to be acted upon immediately without reference to committees.

I present the nomination of Hon. Robert Porter Patterson, of New York, to be Under Secretary of War. Mr. Patterson is now Assistant Secretary of War. The Senate has heretofore confirmed his nomination in that capacity. I ask unanimous consent that his nomination as Under Secretary be now considered and confirmed.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Robert Porter Patterson, of New York, to be Under Secretary of War.

The PRESIDENT pro tempore. Is there objection to the present consideration of the nomination? The Chair hears none, and the nomination is confirmed.

Mr. BARKLEY. Mr. President, I ask that the President be notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified.

NOMINATIONS IN THE COAST GUARD

Mr. BARKLEY. Mr. President, I ask unanimous consent for the present consideration of sundry nominations in the Coast Guard without reference to the committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none. The nominations will be stated.

The legislative clerk proceeded to read sundry nominations in the Coast Guard.

Mr. BARKLEY. I ask that the nominations in the Coast Guard be confirmed en bloc, and that the President be immediately notified.

The PRESIDING OFFICER. Without objection, the nominations in the Coast Guard are confirmed en bloc, and the President will be notified.

DEPUTY DIRECTOR OF SELECTIVE SERVICE

Mr. BARKLEY. Mr. President, the President has today sent to the Senate the nomination of Brig. Gen. Lewis B. Hershey to be Deputy Director of Selective Service, under the provisions of section 10 (a) of the Selective Training and Service Act of 1940. I ask unanimous consent that the nomination be now considered and confirmed.

The PRESIDING OFFICER. The nomination will be read.

The legislative clerk read the nomination of Brig. Gen. Lewis B. Hershey to be Deputy Director of Selective Service, under the provisions of section 10 (a) of the Selective Training and Service Act of 1940.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and the nomination is confirmed.

Mr. BARKLEY. Mr. President, I ask that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified.

DIPLOMATIC AND CONSULAR SERVICE—CHARLES BRIDGHAM HOSMER

Mr. BARKLEY. Mr. President, the President has also nominated Charles Bridgham Hosmer, of Maine, now a

Foreign Service officer of class 1 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America. This is a promotion of a career officer in the State Department. I ask unanimous consent that the nomination be considered at this time and confirmed.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Charles Bridgham Hosmer, of Maine, now a Foreign Service officer of class 1 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified.

INTERSTATE COMMERCE COMMISSION

Mr. BARKLEY. Mr. President, the President has also sent to the Senate the nomination of Walter M. W. Splawn, of Texas, to be an Interstate Commerce Commissioner for a term expiring December 31, 1947. This is a reappointment; and, if there is no objection, I should like to have the nomination confirmed today.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. AUSTIN. Mr. President, what is the status of the nomination?

Mr. BARKLEY. This is a reappointment, because the term for which Mr. Splawn was previously appointed, and in which he had been serving, has expired.

Mr. AUSTIN. The nomination has not been referred to any committee?

Mr. BARKLEY. No; it has not. It came to the Senate just today.

Mr. AUSTIN. Will there not be ample time for consideration of the nomination before the present session ends, after reference to committee has been made?

Mr. BARKLEY. Yes; there will be ample time if a sufficient number of the members of the Committee on Interstate Commerce to hold a meeting are in the city.

Mr. AUSTIN. I think this is such an important office that the nomination ought to follow the usual procedure. I make the suggestion, not because I have any special objection to the nomination but because there are other nominations of corresponding importance which I should not like to have so informally treated as this action would amount to if we permitted unanimous consent for the confirmation of the nomination without any consideration at all by a committee. I do not want to appear to be unfair.

Mr. BARKLEY. I shall not press the matter. I see from the nomination that it is for a term which expires December 31, 1947. I assume that means that the present term expires on December 31 of this year.

Mr. AUSTIN. We shall have time to take up the nomination.

The PRESIDING OFFICER. The nomination will be referred to the Committee on Interstate Commerce.

IN THE ARMY—NOMINATIONS REPORTED AND CONFIRMED

Mr. BARKLEY. Mr. President, on behalf of the Senator from Texas [Mr. SHEPPARD], chairman of the Committee on Military Affairs, I send to the desk numerous routine Army nominations favorably reported by the committee, and ask unanimous consent for their present consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and the nominations are confirmed en bloc.

IN THE NAVY—NOMINATIONS REPORTED AND CONFIRMED

Mr. BARKLEY. Mr. President, on behalf of the Senator from Massachusetts [Mr. WALSH], chairman of the Committee on Naval Affairs, I send to the desk numerous routine promotional nominations favorably reported by the Committee and ask unanimous consent for their present consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. AUSTIN. Mr. President, I should like to know the titles of the offices to which the nominations refer.

Mr. BARKLEY. These are Navy nominations. They consist of nominations as rear admirals, captains, commanders, and so forth.

The PRESIDING OFFICER. Is there objection to the present consideration of the list of nominations just presented by the Senator from Kentucky? The Chair hears none, and the nominations are confirmed en bloc.

Mr. BARKLEY. Mr. President, in connection with all the nominations confirmed today and also heretofore, the resolutions of confirmation of which are now in the hands of the Secretary, I ask unanimous consent that the President be notified.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAST GUARD—NOMINATIONS REPORTED AND CONFIRMED

Mr. WHITE. Mr. President, from the Committee on Commerce, I report favorably the nomination of Harold C. White to be a chief boatswain in the Coast Guard. I will say that although I have a brother by the name of Harold White, the nominee is not related to me. I have no doubt that he is a worthy citizen, although not a member of my family. I ask unanimous consent for the present consideration of the nomination.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine? The Chair hears none, and the nomination is confirmed. Without objection, the President will be notified.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 12 o'clock and 33 minutes p. m.) the Senate took a recess until Monday, December 23, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 19 (legislative day of November 19), 1940

UNDER SECRETARY OF WAR

Robert Porter Patterson, of New York, to be Under Secretary of War.

INTERSTATE COMMERCE COMMISSION

Walter M. W. Splawn, of Texas, to be an Interstate Commerce Commissioner for a term expiring December 31, 1947. (Reappointment.)

SELECTIVE SERVICE

Brig. Gen. Lewis B. Hershey to be Deputy Director of Selective Service.

DIPLOMATIC AND FOREIGN SERVICE

Charles Bridgham Hosmer, of Maine, now a Foreign Service officer of class 1 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO ADJUTANT GENERAL'S DEPARTMENT

Lt. Col. William Leonard Ritter, Infantry, with rank from August 18, 1940.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Ralph Maxwell Immell, adjutant general's department, Wisconsin National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Brig. Gen. John Henry Sherburne, Inactive Reserve, to be brigadier general, Inactive Reserve, from February 11, 1941.

COAST GUARD OF THE UNITED STATES

TO BE A CAPTAIN, TO RANK AS SUCH FROM DECEMBER 1, 1940

Commander William J. Keester

TO BE CAPTAINS (ENGINEERING), TO RANK AS SUCH FROM DECEMBER 1, 1940

Commander (Engineering) Charles E. Sugden
Commander (Engineering) Henry C. Roach
Commander (Engineering) Herbert N. Perham

TO BE LIEUTENANT COMMANDERS, TO RANK AS SUCH FROM MAY 25, 1940

Lt. Reginald H. French
Lt. John W. Ryssy

TO BE LIEUTENANT COMMANDERS, TO RANK AS SUCH FROM JULY 1, 1940

Lt. Richard L. Burke
Lt. Nathaniel S. Fulford

TO BE A LIEUTENANT COMMANDER, TO RANK AS SUCH FROM SEPTEMBER 1, 1940

Lt. Richard L. Horne

The following-named lieutenants (junior grade) to be lieutenants in the Coast Guard of the United States, to rank as such from the dates set opposite their names:

Eugene A. Coffin, Jr., September 2, 1939.
George O. Olson, October 15, 1939.
David O. Reed, October 26, 1939.
Hubert R. Chaffee, January 1, 1940.
Peter J. Smenton, February 1, 1940.
Thomas R. Midtlyng, March 1, 1940.
John B. Oren, May 1, 1940.
Harry E. Davis, Jr., May 25, 1940.
Joseph Howe, May 25, 1940.
George W. Holtzman, May 25, 1940.
William W. Childress, May 25, 1940.
John J. Hutson, Jr., May 25, 1940.
Robert E. McCaffery, May 25, 1940.
Albert E. Harned, May 25, 1940.
David H. Bartlett, May 25, 1940.
Quentin R. Walsh, May 25, 1940.
Vaino O. Johnson, May 25, 1940.
Richard F. Rea, May 25, 1940.
Warren L. David, May 25, 1940.
Louis M. Thayer, Jr., May 25, 1940.
Evor S. Kerr, Jr., May 25, 1940.
Walter S. Bakutis, May 25, 1940.
Thomas J. E. Crotty, May 25, 1940.
Clarence M. Speight, July 1, 1940.
Edgar V. Carlson, July 1, 1940.
Clayton M. Opp, July 1, 1940.
Loren E. Brunner, July 1, 1940.
Charles E. Columbus, August 1, 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 19 (legislative day of November 19), 1940

UNDER SECRETARY OF WAR

Robert Porter Patterson to be Under Secretary of War.

SELECTIVE SERVICE

Brig. Gen. Lewis B. Hershey to be Deputy Director of Selective Service.

DIPLOMATIC AND FOREIGN SERVICE

Charles Bridgham Hosmer to be also a consul general of the United States of America.

UNITED STATES PUBLIC HEALTH SERVICE

David Cooper to be dental surgeon, United States Public Health Service.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO COAST ARTILLERY CORPS

Lt. Col. Roy Samuel Gibson
Capt. Andrew Suter Gamble

TO AIR CORPS

Second Lt. Neil David Van Sickle

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS WITH RANK FROM DECEMBER 1, 1940

Andrew Goolsby Gardner, Infantry (colonel, Army of the United States).

Albert Simon Kuegle, Infantry (colonel, Army of the United States).

Claude Killian Rhinehart, Field Artillery (colonel, Army of the United States).

Levin Hicks Campbell, Jr., Ordnance Department (brigadier general, Army of the United States).

Follett Bradley, Air Corps (brigadier general, Army of the United States; temporary colonel, Air Corps).

Jonathan Waverly Anderson, Field Artillery (colonel, Army of the United States).

Serafin Manuel Montesinos, Infantry (colonel, Army of the United States).

John Absalom Baird, Chemical Warfare Service (colonel, Army of the United States).

Philip Guillon Blackmore, Ordnance Department (colonel, Army of the United States).

Henry Clarence Davis, Jr., Coast Artillery Corps (colonel, Army of the United States).

Octave DeCarre, Coast Artillery Corps (colonel, Army of the United States).

Claude Martin Thiele, Coast Artillery Corps (colonel, Army of the United States).

APPOINTMENTS IN THE REGULAR ARMY

DENTAL CORPS

To be first lieutenants with rank from date of appointment

Jack Menefee Messner	Robert Leonard Walsh
George Henry Parrot, Jr.	Eugene Hamilton Wood
Kenneth Cheney DeGon	Hubert Bernard Palmer

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

Lt. Col. William Leonard Ritter to Adjutant General's Department.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES OF THE ARMY OF THE UNITED STATES

Ralph Maxwell Immell to be brigadier general, Adjutant General's Department, National Guard of the United States.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

John Henry Sherburne to be brigadier general, Inactive Reserve, from February 11, 1941.

PROMOTIONS IN THE NAVY

Felix X. Gygax to be a rear admiral.
Theodore D. Ruddock, Jr., to be a captain.

TO BE COMMANDERS

Norman S. Ives	Bern Anderson
George H. De Baun	Charles F. Erck

TO BE LIEUTENANT COMMANDERS

Benjamin May 2d	James E. Leeper
Walter C. Stahl	Hilan Ebert
Spencer A. Carlson	Robert R. Johnson
Thomas F. Halloran	Edward L. B. Weimer
John P. Fitzsimmons	Ralph S. Clarke
John H. Simpson	Gordon Campbell

TO BE LIEUTENANTS

Salem A. Van Every, Jr.	Joseph W. Williams, Jr.
Reynolds C. Smith	Frederick L. Ashworth
Dennis S. Crowley	Antone R. Gallaher
Gilbert H. Richards, Jr.	Paul W. Burton
Willard R. Laughon	Harry C. Maynard
Kenneth Loveland	Warren B. Christie
Lester C. Conwell	Joseph F. Enright

TO BE LIEUTENANTS (JUNIOR GRADE)

Edward G. De Long
William R. Crenshaw

TO BE SURGEONS

Emory E. Walter
Fred Harbert
Bishop L. Malpass

TO BE A PASSED ASSISTANT PAYMASTER

James S. Dietz

TO BE CHIEF BOATSWAINS

Frank H. Watts
Carter Garthright

TO BE A CHIEF MACHINIST

Otis C. Oliver

TO BE LIEUTENANT COMMANDERS

William Miller, Jr.
William R. Smedberg 3d

TO BE LIEUTENANTS

John P. Lunger
Brooks J. Harral
Robert E. Combs, Jr.
John W. Ramey
Albert E. Gates, Jr.
George L. Bellinger
Edmond G. Konrad
George L. Hutchinson
Ennis W. Taylor
Clare B. Smiley
Frank R. Arnold
John A. Tyree, Jr.
Carter L. Bennett
Albert L. Shepherd

TO BE A PAYMASTER

Reed T. Roberts

TO BE LIEUTENANT COMMANDERS

Francis L. Busey
Claude W. Haman

TO BE LIEUTENANTS

Richard Lane
Murray Hanson

TO BE A PAYMASTER

Bion B. Bierer, Jr.

TO BE A CHIEF BOATSWAIN

Charles A. Parsons

COAST GUARD OF THE UNITED STATES

TO BE A CAPTAIN

William J. Keester

TO BE CAPTAINS (ENGINEERING)

Charles E. Sugden
Henry G. Roach
Herbert N. Perham

TO BE LIEUTENANT COMMANDERS

Reginald H. French
John W. Ryssy
Richard L. Burke
Nathaniel S. Fulford
Richard L. Horne

TO BE LIEUTENANTS

Eugene A. Coffin, Jr.
George O. Olson
David O. Reed
Hubert R. Chaffee
Peter J. Smenton
Thomas R. Midtlyng
John B. Oren
Harry E. Davis, Jr.
Joseph Howe
George W. Holtzman
William W. Childress
John J. Hutson, Jr.
Robert E. McCaffery
Albert E. Harned
David H. Bartlett
Quentin R. Walsh
Vaino O. Johnson
Richard F. Rea
Warren L. David
Louis M. Thayer, Jr.
Evor S. Kerr, Jr.
Walter S. Bakutis
Thomas J. E. Crotty
Clarence M. Speight
Edgar V. Carlson
Clayton M. Opp
Loren E. Brunner
Charles E. Columbus

TO BE A CHIEF BOATSWAIN

Harold C. White

POSTMASTERS

KENTUCKY

Wilmer H. Meredith, Smiths Grove.

PENNSYLVANIA

Ottis S. Williams, Canton.
Roy A. Reisenweaver, Conyngham.
John R. Macalak, Daisytown.
Avery S. Van Campen, Elmhurst.
Elwood M. Stover, Kulpsville.
Harry Reinsel, Mayport.
Rose Guzzetti, New Galilee.
Bernard J. O'Rourke, Norristown.
Alexander Alexander, Sellersville.
Charles F. Mowry, Ulster.
Stella C. K. Miecznik, Woodlyn.

SOUTH DAKOTA

Merlyn A. Terry, Claremont.
Iva M. Bowen, Egan.
Tillie M. Cowman, Gayville.
Walter R. Garner, Herrick.

TEXAS

R. Nelson Gray, Bertram.
Glen E. Greebon, Blanco.
Carrie G. Williams, Bronte.
Mollie Gee, Call.
Alphonse Boog, D'Hanis.
Mabel Darden, Holliday.
Johnye H. Way, Jourdanton.
Ray N. Anderson, Kamay.
Boyd D. Vick, New London.
James Bruce Moore, Reagan.
Joseph M. Pickerill, Saratoga.
Herman B. Vezey, Sweeny.

HOUSE OF REPRESENTATIVES

THURSDAY, DECEMBER 19, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We praise Thee, O God, our Heavenly Father, that Thou dost make the sun to shine upon the evil and the good and sendest the rain upon the just and the unjust. Thou lovest all men regardless of rank or station and givest them a worth beyond the values of this world. We thank Thee that Thou hast sent Thine only begotten Son to spread the evangel of Divine love. As we approach the doorway of the birth of our Lord, let love and good will mount the thrones of our beings; let them flow through the channels of our daily lives. God bless America; may her mission be to cut the fetters of oppression and not weld them, to heal wounds and not produce them; to quench the fires of hate and not kindle them. The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift the light of His countenance upon you and give you peace. In the name of our blessed Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Baldridge, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 8665. An act to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10098. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920.

RESIGNATION

The SPEAKER laid before the House the following resignation:

DECEMBER 19, 1940.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

SIR: I hereby resign my office as Representative in Congress of the United States from the Second District of Washington.

With great respect, your obedient servant,

MON C. WALLGREN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today at the conclusion of business on the Speaker's table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CORRECTION OF ROLL CALL

Mr. BECKWORTH. Mr. Speaker, on roll call 119, in the Committee of the Whole, I am shown as being absent. I am positive I missed neither the roll call of May 20, nor any at this session of the Congress. I ask unanimous consent that the permanent RECORD may be corrected to show that I was present on that call.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from W. H. McConnell, of Parlier, Calif.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein two resolutions, one by the Ancient Order of Hibernians in America of Anaconda, Mont., and the other by the Phil Sheridan Club of Anaconda, Mont.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Ohio Republican News on, The Right of Free Speech.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent Mr. VAN ZANDT and Mr. PITTENGER were given permission to extend their own remarks in the Appendix of the RECORD.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by John C. Beukema, at Detroit on December 5, 1940, on the subject of the St. Lawrence seaway.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an order recently issued by the Post Office Department forbidding the further use of the mails to the National Old Age Pension Association and Dr. J. E. Pope.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial from the St. Louis Star Times.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE NATIONAL-DEFENSE PROGRAM

Mr. EDWIN A. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. EDWIN A. HALL. Mr. Speaker, the anxiety for the success of our national-defense program is not, I hope, limited to any segment or group within our American society. The rights and privileges of labor, fully as much as the opportunities for profit to capital and the security of every man, woman, and child, depend upon the survival of our present form of government.

Is it not possible, then, for these groups and individuals to awaken to the stupendous job we have before us? Are they blind to the fact that billions of dollars of orders have already been placed with thousands of contractors all over the country and that these orders should be well on the way toward completion? I speak of the 50,000 airplanes, 130,000 engines, 17,000 heavy guns, 25,000 light guns, 13,000 trench mortars, 33,000 shells, 9,200 tanks, 300,000 machine guns, 400,000 automatic rifles, and 1,500,000 regular rifles. I speak of the responsibility which labor must face to contribute at least 18,000,000,000 man-hours.

Of what avail is the apprehension, the worry, the continual agitation to get things done if industry and labor and every citizen in America are not willing to place the problem of national defense which William S. Knudsen has termed "the greatest production problem of any country in modern times" ahead of every other desire and objective in our public and private lives?

If, then, it is the overwhelming desire of the country at large to succeed in the building of this mighty defense program, steps must be taken that are far more drastic than have already been entered upon. If the primary purpose and desire of the American people are to realize a completion of this huge task, then they must be willing to drop all other activities, to sacrifice every other motive, to place all other pursuits in abeyance voluntarily until present lagging of the national-defense program is supplanted by the completion of vast armaments and trained manpower sufficient to protect them against the ruthless forces they hate and fear. [Applause.]

FIRST THE NAVY, NOW THE ARMY, TOLD WHERE TO HEAD IN—CANNOT EVEN TOOT ITS HORN OVER THE RADIO

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include therein a newspaper article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, some will recall that, in the late summer of 1939, more than a year ago, a C. I. O. affiliate in Detroit, according to the then Acting Secretary of the Navy, held up preparations for national defense and told the Navy where it should head in. That union defied the Navy to "come and get" its own materials. The Navy took it lying down for 41 days.

It is the Army's turn now. One Petrillo, president of the A. F. of L. American Federation of Musicians, denied the Mutual Broadcasting System the right to transmit music played by the One Hundred and Fourth Engineers Band at Fort Dix.

A series of patriotic concerts at Fort Dix had been planned to promote interest in the national defense. But, under the orders as issued by Petrillo, citizens will not have the privilege of sitting by their firesides and listening to the Army bands play the Star-Spangled Banner, America, or any other patriotic selections, as transmitted over the radio.

According to the press:

Petrillo announced that radio listeners would have to get along without broadcasts by Army bands from Army posts until he had an opportunity to go to Washington, D. C., and make a deal with the War Department on the extent to which such broadcasts could be given.

ADMIT IT'S GOOD CAUSE

"This is a good cause and we're all for it," Petrillo declared, "but if we allowed radio stations to put music on the air from Army camps whenever they wanted to they could soon dispense

with our men. We are in favor of their going on the air with programs telling about life in the Army, but we want protection against the loss of jobs for professional musicians.

"I can't let them run wild. There's no telling where this thing might end. It's all right with us if they put on a couple of Army bands, but I want to know how often they plan to do this thing."

Many people have assumed that Army bands could play when and where the Army desired. Some of our citizens are so naive as to have believed that broadcasting was under the jurisdiction of the Federal Communications Commission. Now we learn that the "big boss" is, or at least so he thinks, Mr. Petrillo, who was recently given great praise in a nationally circulated monthly magazine.

It might be well for the Government to adopt the language of Mr. Petrillo with reference to the activities of some of these gentlemen. He said:

I can't let them run wild. There is no telling where this thing might end.

How would it be for the Army and the Navy to get together with the Federal Communications Commission and tell Mr. Petrillo to toot his own horn, at least insofar as the Army and Navy bands were concerned?

Suppose, as in the olden days, the Army depended on bugle calls; that a war was on and that a charge or a retreat was to be ordered, the orders transmitted through the bugle. Would the Army officer be able to give the order without first seeing Mr. Petrillo? And what a mess we would be in, if Mr. Petrillo or his business agent did not happen to be on the field of battle. There the Army would be, all tied up, the commanding officer unable to tell it whether to go forward or backward until he had heard from Mr. Petrillo.

Captain Cook, public-relations officer of the Forty-fourth Division, had asked permission to play a brief selection at the opening of the program, a full number at the middle, and a military theme at the end. Petrillo would not permit that. So the captain said that bugle calls would replace the band music. He added that Petrillo had granted a request for 1 minute of incidental music by a regimental band on another program last Thursday.

There is one thing that the unions seem to have overlooked. A man can still be conscripted without joining and paying an initiation fee.

COMMUNISTIC UNION KICKS DISTINGUISHED CAPTAIN, RECIPIENT OF DISTINGUISHED SERVICE MEDAL, AROUND

No greater act of effrontery, no more insulting defiance of the Federal Government, no more abject, subservient submission to the will of a disloyal, unpatriotic organization has ever been witnessed than that being enacted here in the Nation's Capital today.

Washington today is honored by the visit of Capt. Joseph A. Gainard, who comes to receive from Secretary of the Navy Knox tomorrow the Navy Cross for his heroic action aboard the *City of Flint* when he saved that ship from capture by the Germans.

He rendered distinguished service when he ended a strike on another United States ship then in the harbor of Montevideo, Uruguay. Captain Gainard was loyal to his country. In being so, he put down a mutiny on the *Algic*. Today, although competent, although loyal to his country, although having proved his loyalty in time of great personal danger to himself, he is prevented from commanding a merchant ship because the National Maritime Union, which has often been accused of being controlled by Communists, has him on its blacklist.

Several members of the crew who mutinied in the harbor of a foreign land were later tried, found guilty, and sent to prison for a violation of our Federal laws. Today these men—who were guilty of mutiny, as they were; tried and convicted, as they have been—can get jobs, but the loyal patriot, Captain Gainard, is denied command of a ship.

The following is the morning newspaper account of the incident:

LAURELS AND THORNS—GAINARD, OF THE "FLINT," TO GET MEDAL, BUT CAN'T GET A SHIP—HERE FOR CEREMONY, SKIPPER TELLS HOW SEA UNION BALKS HIM

Capt. Joseph A. Gainard, one of the most distinguished of America's merchant marine captains, is in Washington today to receive the Navy Cross from Secretary of the Navy Knox tomorrow for his heroic action aboard the *City of Flint*.

But Captain Gainard, for all his reputation, cannot take command of a merchant ship because the National Maritime Union will not forgive him for obeying orders and putting down a mutiny.

"No private owner could afford to give me a ship," said the man who put down the mutiny on the *Algic*. "The National Maritime Union wouldn't go out so far on the limb as to deny me a crew. They'd send me a crew of such hardened troublemakers I'd never finish the voyage."

He referred to the union whose strikes on his ship, then in Montevideo (Uruguay) harbor 2 years ago brought him to national prominence. Several members of his crew were tried later in Baltimore and found guilty of mutiny.

"What would you think," he said last night, "if you stepped aboard and found one of the ringleaders in that mutiny, a man who was sent to prison for his part in it, serving as fourth officer 2 years later? That's what I did not long ago."

Gainard holds no love for the union or for crews which "send a committee to the master several times a day with imaginary complaints."

"There's a Soviet aboard every United States merchant ship," he declared. "No master who gives them an inch remains for very long in command of his ship. I wouldn't put up with any foolishness."

Since Gainard brought his adventure-laden ship, *The City of Flint*, to port in Baltimore last January, he hasn't been to sea. But he has flashed into the news again; charges of neglect of duty brought by a cook and a mess boy on the *Flint* through the National Maritime Union (C. I. O.), were dismissed by the Maritime Commission in February as without merit.

"Before the voyage ended," Gainard said last night, "they were two of the best men I had. When they left the ship at New York they gave me their addresses so I could send for them when I got another ship. I don't believe they knew what they were signing."

But Captain Gainard has not been given another ship.

The slim New Englander sat back and reminisced, with the mind of a man who has spent most of his life taking what luck handed him, of the meals he fed his crews in the early days. He remembered a minor battle he had with his company's purchasing agent because he bought turkey for his crew in South America in June, the South American turkey season. He remembered his old practice of giving his men several days off during long stays in port.

"You can't do that now," he explained. "The union won't let you. Now they want nothing but overtime.

"One time a seaman on my ship got very sick and a hospital launch was sent out from shore to take him off. You wouldn't believe it, but some of the crew put in a claim for overtime for passing their own shipmate over the side."

On his last trip with the *City of Flint* before she was captured by the *Deutschland*, Captain Gainard and his crew rescued 219 survivors of the Canadian passenger ship *Athenia*, torpedoed off the Irish coast September 3, 1939. During the first World War he was on the *President Lincoln* when she was torpedoed.

In recognition of his devotion in freeing his last command, the *City of Flint*, from the Nazis in November 1939, he was awarded the cross last August. It will be presented by Secretary Knox, under present tentative plans, in the Secretary's office at 10:45 a. m. tomorrow.

The decoration he will receive tomorrow carries with it a citation for "skill, fine judgment, and devotion to duty" throughout the trying month his ship was under a German prize crew.

With reference now to another matter:

In the press of last night was information to the effect that the ranking minority member on the District Committee had taken notice of the fact that Government employees, while there is still unemployment, are holding two jobs.

It was suggested that the remedy might be through a lessening of the number of Federal employees. My information is too limited to know whether that be the proper solution. It is clear that Federal employees, whose jobs are secure and whose compensation is reasonable, should not be permitted to deprive unemployed of Government jobs created through the expenditure of Federal funds.

The morning mail brings a letter which charges that a director of finance in one of the departments, who draws $8,500 per annum, "finds time to go about and lecture at Government expense and on Government time."

It might be well to inquire whether the director of finance receives compensation for lectures, if he gives such lectures; how much of his time is spent in giving lectures, and whether

the lectures are propaganda for the department and hence fall under the prohibition of a Federal statute, or whether they are private ventures.

Another Washington resident states that Thomas J. Frailey, who serves as a member of the Veterans' Appeal Board in the Veterans' Administration at $5,000 per year, also receives compensation from Southeastern University—Y. M. C. A.—as a professor in the law school. The university authorities decline to state the amount of his compensation. The Veterans' Administration states he receives $5,000 per annum.

Still another Washington resident, who made application for a job in a local store, was advised that they did not need additional employees. He says that a Government employee, a machinist who is working in the Naval Gun Factory here in the city from 4 o'clock in the afternoon until 12 at night, in shop 28, is holding down the job for which he applied, working from 9 in the morning until 2 in the afternoon.

He said he did not think it quite fair that this Government employee should be permitted to deprive him of the opportunity of earning a livelihood.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD, and to include a short table.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. HINSHAW]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. RICH. Mr. Speaker and Members of the House, yesterday great headlines appeared in the newspapers as follows:

Roosevelt proposes to lease war materials to England without repealing the Johnson Act. The President suggests plan to remove silly, foolish dollar sign by means of gentlemen's agreement.

When I saw these headlines in the papers my blood boiled for I wonder whether the President of the United States, who has sworn to uphold the Constitution, has any respect whatever for law. When the law seems to interfere with anything that he wants to do, instead of changing the law as it should be changed according to our Constitution, and by oath he promised to obey, he finds some way to evade it. This is not honest; it is not right; it is not in accordance with the principle of trying to do things in the right way according to honesty and integrity or law. If the Johnson Act was good when the Congress enacted it, why is it not good today? If the Neutrality Act that we worked so faithfully on in 1938 and 1939 was a good law, why is it not good today? The President let the people of this country know that he was for neutrality. The Congress did the same. Today they are anything but neutral. The propaganda that has been going on in this country to get us into this war has been tremendous. Millions of dollars have been spent in circulation of propaganda through paid newspaper and magazine advertisements and over the radio. I am not saying that we should not try to keep the world safe for democracy, but I do say we should do it in a way that is honorable and just.

Then in today's New York Times we see the statement in large headlines:

White House advises $3,000,000,000 order be placed at once. London is assured.

Now the President can assure London to do this; why cannot he assure France, Belgium, Holland, Norway, Italy, Spain, or any other nation to do the same? Does he figure that this is going to be an outright gift without the consent of the American people? Suppose, as he said, we loan Great Britain submarines, cruisers, battleships, airplanes, or any other implement of warfare, to be returned in kind after the war. Is this neutrality, I ask? Suppose the worst does befall Great Britain and half of our Navy might be sunk. How are they going to return the payment of battleships and submarines and cruisers? What will we have for defense, I ask? Has the President assumed the attitude of complete dictatorship? We had an election in November and the majority of the people voted for him, but yet there are 20,000,000 people who do not see eye to eye with him, and I am one of them. It seems to me we ought to have a little respect for our own judgment, and when the President calls our monetary system a "foolish dollar sign" it shows that he has been most foolish in the squandering of billions and billions of dollars of the taxpayers' money—more billions than any President ever had—and the people take it whether they like it or not.

This, I say, is only bringing our democracy to the brink of the greatest disaster that this Nation has ever known, and this administration certainly will be responsible for it in great measure. Great Britain did not fulfill her obligations to America, nor did any of the other defaulting countries when they refused to pay their obligation to us when they could, and it seems to me they ought to pay to the limit of their ability before the President gives them everything they want without any sanction of the American people or the Congress. I am against this whole policy of doing things in this way. We are building navies and armies for every country in the world except our own. We talk about adequate defense. If we get rid of all our sea power and all of our munitions of war, how can we defend ourselves? I am for defending the American people first, last, and all the time against not only one nation but against any nation of the Eastern Hemisphere, or combination of nations who might want to attack us. I think we are playing with fire and if we do not watch out our own house will burn.

Mr. Morgenthau did not state that we should remove the silly, foolish dollar sign by means of a gentlemen's agreement. He figures on trying to borrow the money from the American people with the understanding that these are going to be loans fully secured to be paid back to the American taxpayers. If Great Britain wants all these things, let her give us a few of the islands in the West Indies or Bermuda, or something tangible close to our own shores that we could use to advantage in the protection of the Western Hemisphere. And we do not want any 99-year leases after we make a lot of improvements so that in 99 years our country will lose all the improvements we will make. Now is the time to deal with Great Britain or any other foreign country for America, and the lasting benefit of the American taxpayers. But let us deal with them on a basis that will bring security to our American Government and happiness to the American people. A great wholesale lease by the President of our Army and Navy that is liable to be lost may become the greatest injustice and betrayal of faith and confidence of the American people that was ever assumed by the hands of a Chief Executive. In the name of heaven let the American people write, and write at once, to the President of the United States and tell him not to make any contracts that will take from us the security that we now have. And in building our national defense, let us build our national defense with the idea we are going to protect and defend America, and that we will not do it by making aggressive warfare in the Eastern Hemisphere.

This probably is the last word that I am going to say to the Members of Congress before Christmas, and I wish to each and everyone of you a merry, merry Christmas and a prosperous, contented, happy New Year. This I say not only to the Members of Congress, but I say it to all American people. And may the God in heaven give comfort and strength and happiness to all people over the world is my wish at this Christmas season.

EXTENSION OF REMARKS

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio address by Mr. Kuehl, who is an attorney in the R. F. C. He talked on the alien registration law and interpreted it.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. GEHRMANN]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, at the conclusion of the business in order for the day and after any special orders heretofore entered, I ask unanimous consent to address the House for 4 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. LUDLOW]?

There was no objection.

MAX VON DER PORTEN AND WIFE, CHARLOTTE VON DER PORTEN

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 4085) for the relief of Max von der Porten and his wife, Charlotte von der Porten, and its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. WALTER]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. WALTER. Mr. Speaker, Mr. von der Porten and his wife were and are citizens of Germany. At the advent of the present regime in Germany he was not in accord with the policies of Hitler and left Germany, going to Turkey, where he became an adviser of the then ruler of Turkey. The United States was in the course of preparation at that time of the so-called Aluminum Trust cases, and it was found necessary to secure the assistance of a man who was acquainted with the operations or machinations, if you please, of the aluminum people in Europe. A representative of the Department of Justice, Walter Rice, went to Europe and enlisted the assistance of Mr. von der Porten and then prevailed upon him to come to the United States. He has played a very large part in the preparation of this lawsuit, which incidentally is the longest case ever tried in the history of our courts. It has taken now over 2 years. Because of the assistance Mr. von der Porten gave the United States, which, of course, was adverse to a great many German industrialists, it is the judgment of the representatives of the Department of Justice that if he returns to Germany he will face a firing squad.

Mr. MARTIN of Massachusetts. This bill permits him to stay in the country?

Mr. WALTER. Yes; and deducts from the German quota the usual points.

Mr. MARTIN of Massachusetts. Did we not pass this bill at one time previously?

Mr. WALTER. No. This bill has passed the Senate, but not the House.

Mr MARTIN of Massachusetts. I thought it was on the House Calendar at one time.

Mr. WALTER. No.

Mr. RANKIN. Does the gentleman suppose this man can give us any light on the machinations of the Aluminum Trust in this country?

Mr. WALTER. He has been assisting in that.

Mr. RANKIN. If so, I think we ought to retain him temporarily, at least.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws, the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Max von der Porten and his wife Charlotte von der Porten, as of February 5, 1940, the date on which they were admitted temporarily to the United States. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the German quota for the first year the said German quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HERBERT ZUCKER ET AL.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4227) for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RANKIN. Mr. Speaker, reserving the right to object, what is all this Zucker legislation about?

Mr. PLUMLEY. Mr. Speaker, this family of Zuckers are Czechoslovakians who went to France, then to the United States, and have invested largely in property in the United States over a period going back twenty-odd years. He bought an industry, which was on the rocks in my State, for $290,000, and for years has maintained a pay roll of over $200,000 a year. He seeks now to get a nunc pro tunc classification. This bill has passed the Senate and has been approved by the Committee on Immigration of the House.

Mr. RANKIN. The majority members on the committee have been consulted?

Mr. PLUMLEY. They have, and the leaders on both sides as well.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General of the United States be, and he is hereby, authorized and directed to accord nunc pro tunc examinations under the immigration laws to Herbert Zucker, Emma Zucker, Hanni Zucker, and Dorrit Claire Zucker, citizens of France, and Martha Hirsch, citizen of Czechoslovakia, and if such aliens upon examination be found admissible to the United States except for lack of immigration visas he shall record their lawful admittance for permanent residence as of the date of their temporary entry at New York on November 17, 1939. Upon the making of such record of permanent admission and payment by the aliens of fees fixed by law the Secretary of State shall instruct the proper quota-control officers to deduct four numbers from the German quota and one from the Czechoslovak quota of the current fiscal year.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHANNON. Mr. Speaker, I rise at this time to discuss the question of who is promoting war in this country. Charges are being made that there are organizations here, there, and everywhere that are interested more in what is going on over in Europe than here. A great professor at Notre Dame the other day deliberately charged that an organization in New York was busily engaged at this time in trying to put us into war. The organization answered, and both the charge and the answer appeared simultaneously in the Washington Times-Herald of December 17. I ask unanimous consent that both be put in the RECORD so that the public may know something about the matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The matter referred to follows:

NOTRE DAME UNIVERSITY EDUCATOR FLAYS PRO-ALLY GROUP—PUTS "MASS MURDER" LABEL ON COMMITTEE; SAYS IT COURTS WAR

NOTRE DAME, IND., December 16.—The Reverend Dr. John A. O'Brien, University of Notre Dame professor, tonight told students and faculty that "the lives of millions of our youth are being threatened by the propaganda that is dragging our Nation each day close to the brink of war."

Father O'Brien charged the Committee to Defend America by Aiding the Allies should be called the "mass-murder committee," because "its concern is primarily to involve us in war for Great Britain."

DENIES INVASION PERIL

"America has never been in less danger from foreign invasion than now," Father O'Brien said. He said the world would have been better off had the United States remained out of the 1917 world conflict, permitting Europe to "learn the lesson it has to learn sometime" and preventing the Versailles Pact.

"Our tragic entrance prolonged the war, cost the lives of 2,000,000 men, prevented a negotiated peace, and made possible the iniquitous Versailles Treaty," he said.

"That treaty, imposed at the point of the sword, sunk the fangs of hatred into a prostrate foe, sowed the seeds of future wars, and paved the way for the rise of European dictatorship."

LOYALTY TO UNITED STATES FIRST, SAYS COMMITTEE HEAD

NEW YORK, December 16.—Roger S. Greene, associate national director of the Committee to Defend America by Aiding the Allies, said tonight committee members hate war as much as does the Reverend Dr. John A. O'Brien.

Answering the Notre Dame professor's charges that the committee was more interested in Great Britain than the United States, Greene said the "primary loyalty" of committee members to the United States was "beyond question."

EXTENSION OF REMARKS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by Dr. Manuel Fernandez Supervielle, a very distinguished lawyer, president of the Inter-American Bar Association—Federación Interamericana de Abogados—and also president of the Habana Bar Association, at a dinner given in his honor at the Army and Navy Club, Washington, D. C., Monday evening, October 28, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, the Committee on the Judiciary, as all of you know, has been making some examination with reference to some aspects of our national defense and our national solidarity, and all of that sort of thing. There is one thing happening in this country which I do not believe the people properly appreciate. It is a thing about which something ought to be done by public opinion.

We do have in this country a great many German people, many of them just as loyal as we are. Instances have come to my attention of cowardly and brutal treatment of individual citizens who happen to be of German blood and who are just as loyal as we are. There are not many instances of that sort, but there ought to be none. This is not only cowardly and brutal, but it is against the best interests of the country, because if anything could make those people disloyal it is the character of treatment which in some communities individuals have received. Public opinion ought to put its face definitely against that sort of treatment. [Applause.]

[Here the gavel fell.]

Mrs. CLARA G. McMILLAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from South Carolina?

There was no objection.

Mrs. CLARA G. McMILLAN. Mr. Speaker, for 16 years I have been connected with the Congress more or less closely, 15 of those years as the wife of a Member and during the past year as a Member of the House of Representatives. I have made many friends here, both Republicans and Democrats. [Applause.]

As many of you know, I did not offer for reelection, so at the closing of this Congress my work with you will come to an end. I wish to take this opportunity to thank you for your many courtesies to me and to say that when I leave I shall carry with me many happy memories of my associations, contacts, and friendships. I wish for each of you a very merry Christmas and happy holiday season. [Applause, Members rising.]

ACOUSTICS

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOLLES. Mr. Speaker, while the House of Representatives has been meeting in this room I have noticed that from time to time the Speaker has referred to acoustics. I do not know how many Members of the House know what acoustics are. I remember a story of a man named Tabor, who was a Senator from Colorado for some time, one of the bonanza kings of Colorado. He built a great opera house in Denver—the Tabor Grand Opera House. When he came over to examine it he found that it had above the proscenium arch a picture of a man with whiskers, and another one, and another one. He said, "Who is that guy with the whiskers?" They said, "That is Shakespeare." He said, "What the hell did he ever do for Denver? Paint him out and paint me in." [Laughter.] He said, "How is the opera house, anyway?" The architect said, "Well, it is pretty bad on acoustics." He sniffed a little and said, "I don't smell nothing." Mr. Speaker, "I don't smell nothing here." The acoustics are all right. [Laughter and applause.]

HON. ROBERT LUCE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I rise for the purpose of paying tribute to one of the great men of this House, one who will this year retire from public office, my distinguished colleague from Massachusetts, the Honorable ROBERT L. LUCE. [Applause.]

The gentleman from Massachusetts [Mr. LUCE] is one of the really great Americans of this time [applause]; one who might really and truthfully be classified as a great scholar in politics. This Congress can ill afford to lose him. He has had a long and honorable career not only in the State of Massachusetts but here in Washington as well, where his service covered a period of 20 years. In that time he has been very influential in much of the legislation that has passed through the Congress. His was the authorship that created the National Arboretum. He was mainly responsible for the erection of the Archives Building, where the records of this country will be preserved. These are but two of his many contributions to the welfare of Washington and the country.

For many years he has been a member of the Committee on Banking and Currency. When the Republicans were in power he was the ranking member of that committee, and he has occupied that position also during the Democratic administration. During his service he has taken a devoted interest in the financial legislation of this country and has been largely responsible for the form in which many important measures have emerged.

The gentleman from Massachusetts [Mr. LUCE] has taken a wide interest in the rules of this House. He is perhaps one of the ablest parliamentarians this House has ever had. From his long legislative experience he has given to the country a book devoted to parliamentary law.

I rise at this time to say that all of us on both sides of the aisle who have served with him during his 20 years in Congress have come to love, admire, and respect the gentleman from Massachusetts, ROBERT LUCE. He will go into private life with the warmest wishes of all of us for many more happy years. [Applause.]

[Here the gavel fell.]

The SPEAKER. Under the previous order of the House, the gentleman from Michigan [Mr. ENGEL] is recognized for 10 minutes.

PAY OF IRON WORKERS

Mr. ENGEL. Mr. Speaker, on Monday I placed in the RECORD a photostatic copy of the pay roll for the week ending December 11, of the iron workers, foremen, and apprentices, and pushers who are putting up the iron roof supports in the House and Senate Chambers. I ventured to comment upon the facts and express my opinion as to those facts. I had hoped that a Member of Congress would be accorded the courtesy and the privilege of discussing facts, pay rolls, and conditions prevailing in the work being done in the Chambers of the House and Senate without being charged with smearing anyone. The only answer I received from those in charge of that organization was that I was trying to smear labor, but no answer was made to the charges and no statement made that the facts quoted were not correct.

The iron work in the House and Senate Chambers was completed yesterday. I spent some time this morning in going over the facts and pay rolls with the timekeeper who kept the time on that job. I am going to give you certain further facts today which were verified by the timekeeper as he and I went over the pay rolls for the 3 weeks ending December 4, December 11, and December 18. These pay rolls cover all the expenditures for labor except a small sum of $60, which was covered by preliminary pay roll of November 27. These pay rolls, as verified by the timekeeper, disclose that the foreman on this job during the 3 weeks ending December 4, 11, and 18 actually performed 189 hours of service for which he received $625. These figures give the actual time he was on the job, not including overtime or double time; the pay, of course, includes the overtime; 189 hours of actual service for which he was paid $625.

With each five or six iron workers they have a man they call a pusher. The foreman, by the way, got a base pay of $2.50 an hour and these pushers received a base pay of $2.35 an hour. These seven pushers each received during the same 3 weeks $380.70 for 120 hours of actual service rendered. The iron workers, each received $324 in pay for 120 hours of actual service performed with a base pay of $2 an hour. They had apprentices who picked up bolts and helped the workers. These were paid at a base rate of $1.15. They received $123.90, for 88 hours of actual work.

The total pay roll for these workers in the work of erecting this steel structure in the House and Senate chambers amounted to $12,790.43 for handling 237 tons of steel.

There was no cutting of any kind. The fabricating was all done in the factory.

I was in error, or rather the Architect of the Capitol was in error, when he informed me that these men received time and a half for overtime during the week and double time for Saturdays and Sundays. The timekeeper this morning informed me that they received double time for all overtime work and wherever there were two shifts working, they received 6 hours' pay for each 5½ hours of work; for instance, one man worked 6 hours and 15 minutes and he received one-half hour's pay at $2 an hour for the extra 15 minutes.

I was informed, Mr. Speaker, that under the rules of the union a workday in New York is 8 hours a day with double time over and above the 8 hours. Here in the city of Washington they have a rule of double time over and above a 6-hour day. In other words, a man who works in New York would get $2 an hour for 8 hours or a total of $16 pay. In Washington he would get $2 an hour for the first 6 hours and $4 for the next 2 hours, or a total of $20 for 8 hours' work.

I was further informed, Mr. Speaker, that under the regulations of the union the men who unload the iron at the train had to be iron workers. The contractor could not use ordinary labor. These men were paid, under union regulations, the same rate of $2 an hour for unloading the iron from the cars that they would have received had they been working in the House or Senate chamber putting up the iron. I was further informed that under the rules of the union, when they unload iron and require a crane, they must pay an engineer for operating the crane. In many instances the railroad company has its own crane and operates it with their own engineer. In that case the engineer of the iron workers sits there and watches the engineer of the railroad operate the railroad crane and the engineer for the iron workers receives $2 an hour while he watches that railroad engineer operating the railroad crane in unloading that iron.

This occurred yesterday on the Fourteenth Street railroad siding, where an ironworker engineer was paid $2 an hour as he sat watching the railroad engineer operating the railroad crane.

Mr. EBERHARTER. Will the gentleman yield?

Mr. ENGEL. In just a minute. In order to avoid being accused of smearing anyone I am not going to comment upon the facts. You can comment upon them yourself. Your opinion is as good as mine.

I want to say today what I said the other day that these men, of course, are not working full time. They work as the jobs come along. The business agent of the ironworkers was quoted in the paper as saying that this foreman who drew $267.50 for 76 hours' work for the week ending December 11 was only working 8 months in the year.

I now yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. Did the gentleman go as far as to find out what the average annual wage of any of these workers was?

Mr. ENGEL. I have computed the cost of erecting this iron in the House and Senate Chambers. It cost $54 a ton to bolt together 237 tons of iron beams in the House and Senate Chambers.

Mr. EBERHARTER. What I mean is this: These ironworkers probably work only 6 or 8 months a year, and their average annual wage would not be as much as $2,000 a year. I think in order to be fair to those workingmen you should have an investigation made to see what they have made in the last 12 months. That would show whether they were being overpaid.

Mr. ENGEL. Very well. On December 4 the foreman drew $197.50 for that week's pay. On December 11 he drew $267.50 for that week's pay. On December 18 he drew $160 for that week's pay. I say if he draws that for 8 months, it is excessive.

The pushers received $126.90 for 39½ hours' pay for the week ending December 4. They received the same amount for 38½ hours' work for the week ending December 11, and they received the same amount of pay for 42 hours for the week ending December 18. The ironworkers received $108 a week for 3 weeks, or a total of $324 for 120 hours of work. I submit that is pretty good pay even for that length of time. I cannot, for the life of me, see how anybody can do any building at that price.

Mr. COOLEY. Will the gentleman yield?

Mr. ENGEL. I yield.

Mr. COOLEY. What is a pusher?

Mr. ENGEL. He is a foreman—a straw boss. They have four or five men in a crew, and the pusher is the man who tells the four or five men what to do.

Mr. EBERHARTER. In other words, he pushes them so that they will get more work done. Is not that where the term comes from?

Mr. ENGEL. Yes; these men, who got $324 each for 120 hours of work, had to be pushed by seven pushers who got $380.70 for 120 hours of pushing. That is pretty expensive pushing.

Mr. CAMP. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield.

Mr. CAMP. Are not these steelworkers, what we call structural steelworkers, most of them working at great heights, and their work is a most hazardous occupation?

Mr. ENGEL. That is very true; but why should we pay men $2 an hour for unloading a railroad car of steel, the same price they get for climbing a 20-story building? Why should we pay an engineer $2 an hour watching another engineer operate a crane? Answer that. [Applause.]

[Here the gavel fell.]

The SPEAKER. Under previous order of the House, the gentleman from Indiana [Mr. LUDLOW] is recognized for 4 minutes.

HON. JOSEPH P. KENNEDY

Mr. LUDLOW. Mr. Speaker, I think I echo a sentiment that is universal at this time throughout America when I say, "Thank God for Joseph P. Kennedy."

Our Ambassador to the Court of St. James stands four-square first, last, and all the time for America. Unlike some of our other Ambassadors to that ancient court, he has not become infected with foreign prejudices and predilections but has retained his Americanism, pure and undiluted. He is a splendid example of American thought and purpose.

In this critical formative stage of American policy he stands like a great Rock of Gibraltar for the peace, the independence, and the noninvolvement of America.

When he said the other day that he was resigning his commission in order to come home and help President Roosevelt to keep America out of war he gave cheer and hope to millions of our fellow citizens. With his intimate knowledge of the European background and the titanic forces at work in that maelstrom of horrible conflict, he is in a position to render service of inestimable value to the President and the people of America toward steering our course in the direction of peace and away from the yawning chasm of war.

Mr. Kennedy, who is our Ambassador until a successor has been appointed, is now taking a much-needed rest at Palm Beach, Fla. Later his voice will be heard and his influence will be felt in shaping our national policy, and I am sure his wise and patriotic recommendations will be accorded by the public opinion of our country all the respect that is due them.

I have just received a letter from Mr. Kennedy which I think merits the attention of the country. It is a letter of caution against precipitate action that might involve us in war while we are woefully unprepared, and from it I quote as follows:

As it stands today—

Says our Ambassador to Britain in his letter—

our production for defense is nowhere near adequate for the protection of our own situation, let alone aid Britain. While our own defenses are weak, we are limited as to what we can do for Britain, even though we want to. Therefore our first obligation is to speed up defense with all our might. It would be suicidal for our country to get into war in our present state of unpreparedness.

I hope the Ambassador's words will sink deeply into the consciousness of America. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

By unanimous consent, Mr. VOORHIS of California and Mr. DISNEY were granted permission to extend their own remarks in the RECORD.

Mr. COX. Mr. Speaker, I ask unanimous consent that I may extend my own remarks in the RECORD by inserting a speech that I made over the radio last evening discussing the veto of the Logan-Walter bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. PATRICK].

SHORT-LINE RAILROADS

Mr. PATRICK. Mr. Speaker, there has just been presented to the House in this message of a moment ago from the Senate the bill 10098, the so-called short-line railroad bill. It passed the Senate in substantially the same form it passed the House, and it passed the House without objection, if I remember correctly. This is a measure, you will recall, to compensate the short-line railroads, the lines found to be left out on a limb when the railroads were turned back by the Government after the previous World War. The great lines were compensated and then the opportunity under relief legislation expired by operation of law. A number of the short lines were left in a state of financial injury, because they did not show an actual loss on running operations during the years of Government control—did not get in the red. As the law was written, or at least construed, they did not recover, but were involved in litigation extending over a great number of years, such a length of time that the original legislation expired before they were given relief. This bill now before us was considered by the Committee on Interstate and Foreign Commerce and I was a member of the subcommittee that handled the bill. The chairman of the subcommittee was the gentleman from Texas [Mr. SOUTH]. He is not here today, nor is the gentleman from California [Mr. LEA] committee chairman.

Inasmuch as the bill comes back from the Senate substantially as we passed it, the only difference being a limitation that in effect cuts $800,000 from the amount of the bill as it passed the House, I think the House should take final action and concur in the Senate amendment. As the bill passed the House it carried $1,991,000. As it passed the Senate it carries the sum of $1,191,000.

Mr. YOUNGDAHL. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Minnesota, a member of the subcommittee that considered the bill.

Mr. YOUNGDAHL. As I understand it, the Senate amendments provide a limitation on the earnings of the claimants during the emergency period of the World War to 5¾ percent.

Mr. PATRICK. The gentleman is correct. No claim can go above 5¾ percent of the earnings.

Mr. YOUNGDAHL. And except for that limitation the bill comes back to us as it was passed by the House?

Mr. PATRICK. Exactly as it was passed by the House.

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10098) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

On page 3, line 3, after the word "act", insert: *Provided further*, That no claim certified under this subsection shall be for an amount in excess of $150,000.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. BOLLES. Mr. Speaker, I object.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ELECTION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair desires to make a short statement.

The Chair wishes to leave here on Saturday next to spend the holidays with his own people in Texas and, therefore, recognizes the gentleman from Massachusetts to offer a resolution.

Mr. McCORMACK. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

House Resolution 646

Resolved, That Hon. WILLIAM P. COLE, JR., a Representative from the State of Maryland, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the clerk of the election of WILLIAM P. COLE, JR., as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

WILLIAM TYLER PAGE

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TABER. Mr. Speaker, today is the fifty-ninth anniversary of the appointment of William Tyler Page as a page in

the House of Representatives. During all these 59 years he has been connected in one way or another with the House of Representatives. For 12 years he was Clerk of the House. He is an eminent authority upon the rules and procedure of the House, and upon the form and character of bills. He has been especially active in patriotic endeavors; is the author of the American's Creed, and has given himself wholeheartedly and devotedly to the interests of the House of Representatives.

I rise at this time to pay my tribute to Mr. Page, one of the finest, truest characters who has ever served the House. [Applause.]

The SPEAKER. The gentleman from Alabama [Mr. PATRICK] is recognized.

SHORT-LINE RAILROADS

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10098) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920, with a Senate amendment thereto, and to concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

On page 3, line 3, after the word "Act", insert: *"Provided further,* That no claim certified under this subsection shall be for an amount in excess of $150,000."

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. PATRICK]?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. BOLLES. Mr. Speaker, I withdraw my previous objection, based on later information.

WILLIAM TYLER PAGE

Mr. GUYER of Kansas. Mr. Speaker, as the gentleman from New York [Mr. TABER] said, 59 years ago today William Tyler Page became an officer of the House of Representatives and in a way he is connected indirectly with my district because during the early part of his service in the House, one Sunday afternoon he saw the flag go up at half mast. He said, "Dudley Haskell has died."

Dudley Chase Haskell was a great predecessor of mine, who served four terms in the House of Representatives from the Second Kansas District from March 4, 1877, until his death in Washington, December 16, 1883.

I know that everybody in the House voices the sentiments of the gentleman from New York [Mr. TABER] and endorses all he said in appreciation of the services of Mr. Page.

To have been for nearly three score years an officer or employee of the House of Representatives is a great distinction in itself and to have been such an intelligent and efficient aid in the House adds distinction that no doubt will never be equaled, certainly never surpassed, in the annals of the House of Representatives.

During these years Mr. Page served as Clerk of the House for a dozen years, and certainly no one ever filled that office with greater efficiency or with more helpful assistance to Members of the House who today render deserving praise as they remember his kind and unobtrusive suggestions and guidance during their junior years in the House.

The American Creed, which Mr. Page wrote in 1917, is worthy to last as long as the Republic endures and to live on the lips of generations yet unborn and to echo from the walls of countless schools where the endless procession of American youth love and salute The Star-Spangled Banner.

Mr. Page was not merely an officer of the House. He was a sort of member at large and was versed as probably no other man in the history of the more numerous branch of our National Legislature as well as an authority on the parliamentary procedure which is illustrated by Page's Congressional Handbook, which was published first in 1913. This has been a great help to Members in their understanding of the rules and precedents of the House.

Mr. Page was not merely a repository of information to Members, but in the truest sense he was a friend of every Member of the House, and his friendship and comradery were reciprocated by the whole membership who from time to time were under the greatest obligations for helpful suggestions and guidance in their work in the House.

I am most happy to join in this tribute to a faithful and distinguished officer of the House whose patriotic service is in harmony with an ancestry which includes a signer of the Declaration of Independence and a President of the United States.

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. GUYER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. MCCORMACK]?

There was no objection.

WILLIAM TYLER PAGE

Mr. McCORMACK. Mr. Speaker, every Member who has ever served in this body either with Mr. Page or who has been associated with him in the relationship that he has occupied for so many years to the Members of this House joins in the remarks made by the two previous speakers in paying honor to a great American and to one who has been an outstanding official. It is a pleasure for me as a Member of the House individually and as majority leader to join with the two distinguished Members who have previously and properly referred to our distinguished friend, Mr. Page.

Mr. Page entered the service as a page boy on December 19, 1881, in the Clerk's office of the House. President Garfield had just been assassinated. The period of his service, in which he occupied many positions, including that of Clerk of the House for 6 terms, covered 30 Congresses, from the Forty-seventh to the Seventy-sixth, inclusive. Mr. Page witnessed the convening of 73 sessions of Congress, regular and extraordinary. He served under 14 Speakers. The population of the United States was 51,000,000 when he came here. It is now 131,000,000. The membership of the House was 293. It is now 435. Ten States were added to the Union. Hawaii was acquired and made a Territory. The Philippines, Puerto Rico, Guam, Tutuila, the Virgin Islands, and the Panama Canal Zone became possessions. The Panama Canal was constructed; 2 wars were fought, the Spanish-American and the World War. Mr. Page also witnessed 8 general revisions of the tariff and 15 Presidential inaugurations. In 1881, the year of his advent here, $250,000,000 ran the Government. The ordinary receipts were $300,000,000. Now both run into billions. About five to six thousand Senators and Representatives came and went. When "Uncle Joe" Cannon left Congress about 16 years ago he was the last man to go who was in the House in Mr. Page's boyhood days.

One of the things at the end of life that you and I will treasure most are the friendships that we make. I imagine that if most of us are allowed to live to a good old age we will not be thinking of some great speech we made or some outstanding piece of legislation we may have enacted and fought to obtain enactment into law. That might be a part of our consideration, and properly so; but I think one of the major considerations, if we are permitted in the wisdom of God to live to a ripe old age, will be our friends, those living and those who have taken the journey. I know in my own mind and in the minds of all Members who know Mr. Page that if I and others are permitted to live to such old age, when we will be looking at life backward rather than in the future, when we are thinking of the many friendships we have made, Mr. Page will be one of the foremost in the minds of all of us. [Applause.]

[Here the gavel fell.]

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 5336. An act for the relief of Peter Bavisotto.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 56 minutes p. m.), under its previous order, the House adjourned until Monday, December 23, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2078. Under clause 2 of rule XXIV, a letter from the president of the Columbia Institution for the Deaf, Washington, D. C., transmitting a report to Congress of amounts and rates paid to superintendent and for teachers for the fiscal year ended June 30, 1940, was taken from the Speaker's table and referred to the Committee on the District of Columbia.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to consider their House Resolution No. 14, dated December 4, 1940, concerning subversive and un-American activities; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9414. By Mr. MERRITT: Resolution of the Queens County Council, Veterans of Foreign Wars, Elmhurst, N. Y., requesting that the Housing Authority investigate each and every tenant of the modern homes, Queensbridge and South Jamaica housing projects in Queens County, N. Y.; vehemently protesting the injustice done many of our citizens who are living in unhealthy and unsanitary homes, who registered for occupancy in these projects but were refused admission because many Communists were on the lists prior to them; and urging that the housing committee be instructed to take strong measures immediately to break the leases of these Communists, who are a menace in any community, and that they be replaced by American families whose children can be brought up in the proper atmosphere; to the Committee on Banking and Currency.

9415. By the SPEAKER: Petition of Harry M. Stayfield, of the Dallas County committee on platform and resolutions, Democratic convention, Mineral Wells, Tex., petitioning consideration of their resolution with reference to subversive and un-American activities; to the Committee on Rules.

9416. Also, petition of the American Legion, Dallas, Tex., petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

SENATE

MONDAY, DECEMBER 23, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou who at Thy birth wast cradled in a manger, wearing our flesh without humiliation or stain: As we approach this Christmastide, help us to rejoice in Thy holy Incarnation, the mystery of which no dream of prophet could reveal, nor words would e'er foretell. We marvel at Thy childlike mind, soaring beyond the disputations of the wise, the calculations of the prudent. We bow our heads in worship as we contemplate the savior-impulse of Thy life, turning men from despair and sin, winning them by the convincing idealism of Thy teaching, holding them by Thy conquering love.

Help us, therefore, this day and throughout the days to come to bear each other's burdens as we witness Thy heart-break over sins that were not Thine own, and see Thy shame for others' lack of shame, that we, being born anew in Thee, may have a share in the redemption of mankind. We ask it in Thine own dear name, Thou Saviour of the world. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, December 19, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, informed the Senate that Hon. WILLIAM P. COLE, JR., a Representative from the State of Maryland, had been elected Speaker pro tempore during the absence of the Speaker.

The message announced that the House had passed without amendment the following bills of the Senate:

S. 4085. An act for the relief of Max von der Porten and his wife, Charlotte von der Porten; and

S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10098) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended; and for other purposes," approved February 28, 1920.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5336) for the relief of Peter Bavisotto, and it was signed by the President pro tempore.

CREDENTIALS

Mr. BARKLEY. Mr. President, I have here the official certificate of the Governor of Washington appointing Hon. MON C. WALLGREN Senator from that State for the unexpired term of former Senator Schwellenbach, resigned. Mr. WALLGREN has already taken the oath of office. I ask that the certificate be filed. It is to take the place of the telegraphic credentials presented at the time Mr. WALLGREN took the oath of office.

The PRESIDENT pro tempore. The certificate will be received and placed on file.

The PRESIDENT pro tempore laid before the Senate the credentials of BURTON K. WHEELER, duly chosen by the qualified electors of the State of Montana a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of War, reporting, pursuant to law, relative to divisions of awards of certain quantity contracts for aircraft, aircraft parts, and accessories therefor entered into with more than one bidder under authority of law, which was referred to the Committee on Military Affairs.

MAILING OF SMALL FIREARMS TO ENFORCEMENT OFFICERS

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Postmaster General, transmitting a draft of proposed legislation to authorize mailing of small firearms to officers and employees of enforcement agencies of the United States, which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads.

LEGISLATION BY MUNICIPAL COUNCILS IN VIRGIN ISLANDS

The PRESIDENT pro tempore laid before the Senate two letters from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of certain legislation enacted by the Municipal councils of St. Croix and St. Thomas and St. John, V. I., which, with the accompanying papers, were referred to the Committee on Territories and Insular Affairs.

PETITIONS AND MEMORIAL

The PRESIDENT pro tempore laid before the Senate a letter from Jessie J. Colbert, of Youngstown, Ohio, relative to claim for compensation for disability attributable to military service during the World War, which was referred to the Committee on Finance.

He also laid before the Senate a letter in the nature of a petition from J. Tier, of San Francisco, Calif., enclosing literature of the Mothers of the United States of America urging repeal of the Selective Training and Service Act of 1940, praying that the United States render all possible aid to England and keep out of war, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution of the Kosciusko Rotary Club, of Kosciusko, Miss., protesting against un-American activities of certain alien groups in the United States, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution of the Puerto Rican American Women's League, Washington, D. C., favoring granting to the people of Puerto Rico a greater measure of self-government looking toward eventual statehood, which was referred to the Committee on Territories and Insular Affairs.

LEGISLATION RECOMMENDED BY NATIONAL FARMERS' UNION

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred the legislation recommended to Congress by the Farmers' Educational and Cooperative Union of America, generally known as the National Farmers' Union, in resolutions adopted at its annual convention in Denver, Colo., November 18, 19, and 20, 1940.

I wish with all earnestness to impress upon the Senate that protection of agriculture against still further economic dislocations during this emergency is an integral and highly important part of the national-defense program. The Farmers' Union is one of the major national farm organizations. Its leaders and membership have given years of careful thought and attention to the problems of agriculture. Their recommendations are worthy of the careful consideration of the Senate; and I respectfully urge my colleagues to give careful attention to the legislative recommendations of this great farm organization.

There being no objection, the matter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

LEGISLATION

1. To provide assurance of full parity prices, the Farmers' Union income-certificate plan must be adopted for all commodities for which it is practicable, and fully adequate Federal payments must be continued on other commodities until permanent, self-financing programs can be developed for them.

2. Further to provide assurance of an annual parity income, Federal crop insurance must be extended to all possible commodities, and especially to cotton.

3. To provide assurance of security in farm homes, the Farmers' Union debt-adjustment bill must be enacted into law without compromising its provisions for scaling down of debts, for credit at the cost of the Government, and for keeping the farmer on the farm.

4. To provide an opportunity to live and to remain on the land to our millions of low-income farmers, funds must be appropriated for a many-fold expansion and extension of the Farm Security Administration programs, together with such further special aids as are necessary.

5. To provide the opportunity for farmers democratically to organize themselves for more effective participation in our national life, the declared intention of Congress toward bona fide farmer cooperatives must be implemented with realistic financial support where necessary, and with emphasis and zeal equal to that shown by the Government in promoting soil conservation. Discrimination against such organizations, either in favor of private-profit enterprise or of Government-conducted operations must be stopped.

6. The health and strength of America, including rural America, must be fortified by assuring an adequate diet to every man, woman, and child in the Nation through greatly increased funds for distributing our farm surpluses to those in need.

In addition to these six major needs of American agriculture, we endorse the following legislative proposals and administrative principles as needed for the full participation of farm people in the common defense:

1. Payments to farmers for preservation of our soil and natural resources should be fully maintained, but should be made on the basis of needed conservation practices, and should be separated from commodity-income programs. We oppose the assignment of any payment made under the various Federal farm programs, except for the purpose of paying crop-insurance premiums as provided in the law. We recommend a reduction in minimum size of benefit payments, and further, increases in the smallest payments.

2. We support the commodity-loan program, except as elsewhere noted; the ever-normal inventory of needed supplies, and surplus-products disposal to foreign markets.

3. We urge that milk and its products be made a basic commodity under the A. A. A., as provided for in the Farmers' Union dairy stabilization bill.

4. We favor the extension of the Federal sugar program, with appropriate changes to give needed protection to family sized growers and field labor.

5. We favor increased marketing information services, continued research for new uses for farm products, continued efforts to remove interstate trade barriers, and the protection of our domestic market for American agriculture.

6. We oppose the transfer of the Farm Credit Administration away from its present status within the Department of Agriculture to its former position as an independent agency.

7. We especially urge that appropriations for the Farm Security Administration be made available to enable low-income farmers to become members of cooperatives, thereby both aiding their own rehabilitation and strengthening the self-organization of farmers who need these most. We continue to support the Government-insured loan as the most practicable method of funding a large-scale program to make owners out of tenants.

8. We shall continue to support adequate appropriations for the extension of cooperative rural electrification.

9. We wholeheartedly support legislation to provide Federal aid for rural health services, urging especially that cooperative hospitals be approved agencies for securing financial aid.

10. We shall continue to support legislation or adequate funds for aiding rural young people, both through such programs as the N. Y. A.

11. We favor an appropriate program of low-cost rural housing to clear our rural slums, with credit at the cost to the Government, and subsidies where needed.

12. We favor old-age pensions, paid from Federal funds, on the basis of age and citizenship. We favor the improvement and extension of our farm programs.

13. We strongly oppose requirements for the payment of poll taxes as a condition for voting, whether in local, State, or national elections, and support Federal legislation to outlaw poll taxes as a franchise requirement for voting in Federal elections.

14. We reaffirm our position that Federal taxation should be levied on the basis of the ability to pay, as based upon net income, and are unalterably opposed to any system of taxation not based on this principle. Since a sales tax has historically been the method used to extort revenue from those least able to pay, we reiterate our continued and consistent opposition to that tax. We favor abolishing tax exemption on Government securities.

15. We urge the restoration to Congress of the power to coin and regulate the value of money.

16. We reaffirm our position that the administrative personnel of Federal farm programs should be farmers democratically elected insofar as legally possible; all other administrative personnel should be persons who understand, participate in, and are sympathetic to farm organizations and the cooperative movement.

17. We affirm again that protection of the family sized farm shall be a constant and primary policy, and aim in the formulation, amendment, and administration of all farm legislation.

18. We are most vigorously opposed to the principles contained in the Walter-Logan bill and urge its defeat.

19. We reassert our historic position as opposed to the sending of American boys to fight on foreign soil, and demand that the Congress of the United States limit military action of this country to a strictly defensive policy, dedicated only to the preservation of our democracy.

20. The Commodity Credit Corporation has accumulated large stocks of cotton, corn, and wheat. In all the Federal laws dealing with warehousing and distribution of agricultural commodities, Congress has directed all Federal agencies to use producers' cooperative associations wherever practicable. In wanton disregard, the Commodity Credit Corporation has entered the field of warehousing and direct handling of cotton and corn. It now proposes the same operation for wheat. This program if continued will destroy the cooperative associations engaged in these fields of marketing.

We demand that the Government withdraw from the field of warehousing and marketing agricultural commodities. Unless this is done immediately, we shall oppose with all our strength any further appropriations for any agency of the Federal Government whose program is in direct competition with producer-owned cooperatives. We solicit the aid of organized labor in this fight to save our cooperatives from destruction.

21. In the emergency that confronts the common people of America at this time, the need for active cooperation between organ-

ized labor and organized agriculture becomes of the greatest importance.

We therefore reaffirm our historic position toward organized labor in expressing a continued desire to cooperate with the organized workers in mine, mill, and factory.

We express our deep appreciation for labor's support in the Congress of the United States. We organized farmers recognize that except for the faithful support of those Members of Congress who represent labor districts our national farm program would have been whittled down or wiped off the lawbooks of the Nation for lack of support in Congress.

Organized labor may count on the Farmers' Union for the fullest support in the fight for legislative justice to wage workers. From this position we shall not retreat. We ask labor's support of our legislative program.

MARY JOSEPHINE WILLIAMS

Mr. BARKLEY. On behalf of the Senator from South Carolina [Mr. BYRNES], chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably from that committee, without amendment, and ask for the present consideration of the resolution, which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read.

The legislative clerk read Senate Resolution 338, submitted by Mr. HAYDEN on December 16, 1940, which was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Mary Josephine Williams, widow of Ora Williams, late a laborer of the Senate under supervision of the Sergeant at Arms, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INTERSTATE COMMERCE COMMISSION—WALTER M. W. SPLAWN

Mr. BARKLEY. Mr. President, at the last session the name of Interstate Commerce Commissioner Walter M. W. Splawn was sent to the Senate, and objection was made to its consideration on that date. I am advised by the acting minority leader the Senator from Vermont [Mr. AUSTIN] that there is no further objection to the confirmation of the appointment of Mr. Splawn. I therefore ask unanimous consent that the Committee on Interstate Commerce be discharged from further consideration of the nomination, that it now be taken up and acted on as in executive session, and that the President be notified of the confirmation. There seems to be no executive calendar. Therefore, I will not move that the Senate go into executive session for the consideration of the nomination.

The PRESIDENT pro tempore. Without objection, as in executive session, the Committee on Interstate Commerce will be discharged from the further consideration of the nomination, which will be read.

The legislative clerk read the nomination of Walter M. W. Splawn to be an Interstate Commerce Commissioner for a term expiring December 31, 1947.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed, and, without objection, the President will be notified.

ADDRESS BY SENATOR BURKE ON LOGAN-WALTER BILL

[Mr. BURKE asked and obtained leave to have printed in the RECORD a radio address delivered by him on December 13, 1940, on the Logan-Walter bill, which appears in the Appendix.]

THE UNITED STATES AND WORLD PEACE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article by Dr. Arthur Deerin Call, executive secretary of the Interparliamentary Union, dealing with international questions, which appears in the Appendix.]

LETTER TO PRESIDENT ROOSEVELT FROM BENJAMINN C. HARVEY RELATIVE TO VETO OF LOGAN-WALTER BILL

[Mr. BURKE asked and obtained leave to have printed in the RECORD a letter addressed to the President of the United States by Benjamin C. Harvey, attorney at law, Mount Vernon, N. Y., in reference to the veto of the Logan-Walter bill, which appears in the Appendix.]

VIEWS OF NICHOLAS MURRAY BUTLER ON UNSOLVED AMERICAN PROBLEMS

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD views of Nicholas Murray Butler on unsolved American problems, published in his work entitled "Across the Busy Years," which appears in the Appendix.]

CONTRACTS FOR ARMY AND NAVY SUPPLIES

[Mr. HOLT asked and obtained leave to have printed in the RECORD a survey made by him entitled "Who Is Getting the Contracts From the Army and Navy?"]

ADDRESS BY JAMES J. M'ENTEE ON ACTIVITIES OF CIVILIAN CONSERVATION CORPS

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a radio address delivered on December 11, 1940, by James J. McEntee, Director of the Civilian Conservation Corps, relative to the activities of the Corps, which appears in the Appendix.]

CONTRIBUTIONS OF THE LATE LORD LOTHIAN

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD an article from the Washington Times-Herald of December 21, 1940, regarding views of the late Lord Lothian, which appears in the Appendix.]

RELATIONS WITH JAPAN

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD an editorial from the Washington Times-Herald of December 23, 1940, entitled "Armageddon, Indeed," which appears in the Appendix.]

LETTER FROM SENATOR VANDENBERG TO WILLIAM S. KNUDSEN ON DEFENSE PROGRAM

Mr. VANDENBERG. Mr. President, I desire to read into the RECORD a letter which I today addressed to Mr. William S. Knudsen:

WASHINGTON, D. C., *December 23, 1940.*

Mr. WILLIAM S. KNUDSEN,
Advisory Commission to the Council of National Defense,
Washington, D. C.

MY DEAR MR. KNUDSEN: I heartily applaud your recent designation to a place of larger authority in the matter of national-defense procurement, and I trust you will find yourself with ample power to achieve essential though belated results.

In connection with your designation, you have made an earnest, patriotic appeal to the whole American people to recognize the state of national emergency and to throw themselves wholeheartedly into full cooperation with the defense effort.

I respectfully suggest that the surest means to enlist complete American, mass cooperation is to give the American people full information at all times. Thus far they have not had it. Instead, they have had cryptic assurances that "all's well" with defense progress, barring some of your own frank comments to the contrary, when such was not the case.

I fully realize that there are certain things that cannot be publicly discussed in connection with a matter of this nature, and I except from this suggestion which I am making any information which it would truly be "incompatible with the public interest" to make public. But I respectfully suggest that foreign powers undoubtedly find themselves fully advised regarding the general nature of our defense progress; and that there is more to be lost by failing to substantially apprise the American people of their own defense weaknesses than there is to be gained by ineffectual secrecy as respects foreign information.

I recall to you my letter of last September 25, in which I asked for authentic figures regarding actual airplane deliveries, in various categories, upon which we could dependably rely for actual delivery by April 1, 1941. I recall to you your reply of October 1, telling me that while the figures could be made available, "it would be better if the information were kept confidential for a while." I never received the information.

I am sure you had only the international situation in mind. But now that this—and perhaps some weightier domestic reasons for secrecy regarding defense progress—should no longer exist, I earnestly recommend that Congress and the American people be given all the facts—facts as distinguished from mere aspirations—regarding defense progress and defense objectives.

It seems to me that commendable progress is now being made in the direction of this greater candor. With the exceptions that always apply to any rule, I respectfully beg leave to express the hope that the country may have more of it. Particularly in a democracy the people must have maximum information regarding their own public business if they are to be expected to deal with it intelligently and responsively.

With sentiments of great respect, and with warm personal regards and best wishes, I beg to remain,

Cordially yours,

ARTHUR H. VANDENBERG.

ROBERT A. LOVETT

Mr. HOLT. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD a statement about Mr. Robert A. Lovett who was appointed Thursday of last

week by Secretary of War Stimson to a post in the War Department.

Mr. Lovett is connected with the Royal Exchange Assurance, of London, England. I wish to have the record of his connections printed. The Royal Exchange Assurance has connections with the Morgan interests through Lord Bicester and Lord Catto, of Morgan, Grenfell & Co. Mr. Stimson is doing just what many of us thought he would do, in appointing men with such foreign connections as aides in the War Department.

I shall not burden the Senate with a discussion of Mr. Lovett's record, but I do ask that it be placed in the CONGRESSIONAL RECORD following these brief remarks.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Mr. Robert A. Lovett is an official of the Royal Exchange Assurance, powerful British insurance organization. The officers of this English company are as follows:

Governor, Lord Bicester; directors, Lt. Col. R. W. Barclay, Hon. R. E. Beckett, Lord Bethell, Hon. David Bowes-Lyons, Lord Catto, Lord Richard Cavendish, Lord Charles Cavendish-Bentinck, A. R. Cook, L. W. Farrow, Sir Charles Eric Hambro, J. E. Humphrey, H. K. M. Kindersley, Capt. A. R. H. Morrell, Sir Spencer Portal, Sir Frederick H. Richmond, John Robarts, Duke of Rutland, J. S. Scott, Somers Somerset, Sir Frank D. Watney.

MORGAN INFLUENCE

Those names show definitely the close tie-up with J. P. Morgan & Co. and the company. As most of you know, the Morgan interest in England is known as Morgan Grenfell & Co. Other prominent banking names of Great Britain are listed, one of which is Hambro.

Who is Lord Bicester?

He is Vivian Hugh Smith, a director of Morgan Grenfell & Co. (English branch of J. P. Morgan & Co.). He is also director of Associated Electrical Industries (Westinghouse), governor of Royal Exchange Assurance, and chairman of Yule Catto & Co. (East Indies merchants).

Who is Lord Catto?

He is director of Morgan Grenfell & Co. (English branch of J. P. Morgan & Co.). He is also director of Andrew Yule & Co., of Calcutta, India; Mercantile Bank of India, Oriental Telephone & Electric Co. (with its holdings in India, Singapore, and places of Far East), Royal Bank of Scotland, Union Castle Mail Steamship Co. (South African line), and Yule, Catto & Co. (East Indies merchants).

BROWN BROS., HARRIMAN & CO.

Mr. Lovett is a partner in Brown Bros., Harriman & Co. These bankers have been active in financing the expansion of certain war-boom industries. Their interest in this war is directly connected with foreign investments as well as their ownership in certain industries in this country that are selling the Government large orders for war.

Not only Mr. Lovett but others in the firm have directorships in foreign insurance. For instance, Thatcher Brown holds many directorships in foreign-controlled insurance companies. These partners are directors in Anaconda Copper (and through its subsidiaries selling much war material), shipping, woolen uniforms, mechanical products necessary for war implements, chemicals, sulfur, etc.

They have a very definite tie-up with Harry Hopkins, who is supposed to know most of the Presidential secrets. Mr. Harriman and Hopkins are extremely close and Harriman was named by Hopkins to many governmental honorary positions.

Brown Bros., Harriman & Co. are also linked with the magazine Time. Some of their other connections will be shown in an exhibit.

THE RIGHTS OF SMALL NATIONS—ADDRESS BY SENATOR KING

Mr. KING. Mr. President, as the country knows, this Republic has been enriched by additions from various countries, among them Finland, Latvia, Estonia, and Lithuania. These people have established themselves in various parts of the United States, have demonstrated their devotion to democratic principles, and are patriotically discharging the duties devolving upon them as citizens of our great Republic.

On the seventh of this month large gatherings of American citizens, composed of persons who had come to America from these Baltic lands, together with their descendants, as well as other American citizens, were held in various parts of the United States for the purpose of paying tribute to the brave and heroic peoples of these four countries and to their achievements. On that day I delivered a radio address over station WOL, under the auspices of the Baltic-American Society of Washington, on the subject of the rights of small nations. I ask unanimous consent that the address may be printed in full in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE RIGHTS OF SMALL NATIONS

We meet today to pay tribute to the brave and heroic peoples of four of the so-called small nations which, during periods of tribulation and oppression, have carried high the standards of liberty and justice and made important contributions to the cause of freedom and moral and spiritual development. They are Finland, Estonia, Latvia, and Lithuania, and we send words of greeting and fellowship to those living within their borders who, notwithstanding the vicissitudes through which they passed and the arbitrary rulers to which, from time to time, they have been subjected, still cherish the ideals of democracy and those principles which alone can develop and maintain justice, freedom, and an enduring civilization. During centuries of oppression the inhabitants of the countries referred to kept alive their aspirations for liberty and in the midst of storms and darkness maintained their faith in the ultimate triumph of justice and liberty—of freedom of speech and conscience. They were ever recognized as men and women of valor, undaunted courage, and sincere devotion to the ideals by which their lives were guided. Despotic rulers sought to impose upon them from time to time idealogies hostile to religion and to the moral precepts essential for the guidance of the people along the pathway of progress and civilization.

But time does not permit specific reference to the legion of brilliant and courageous men and women who kept alive the fires of liberty, even under the iron rule of oppressors.

I would be derelict, however, if I failed to state that in many countries today tributes are being paid to one of the greatest geniuses in the field of music the world has ever produced—Jan Sebelius. This is his seventy-fifth birthday, and he has established himself among all lovers of music as one of the greatest figures in the realm of music; and so today not only lovers of music but those who love freedom and who are inspired by noble thoughts and noble deeds will join in paying homage to one of the greatest composers and greatest interpreters of human emotions—Jan Sebelius.

I invite attention to the fact that the last President of the Latvian Republic was Karlis Ulmanis, who, as I recall, was at one time a professor in an important university in this Republic.

The World War, as many believe, was the result of the ambitions of a number of despotic rulers for increased authority and power over their fellow men. There developed during that great conflict a demand upon the part of oppressed peoples for liberation from political bondage and from economic and moral oppression. Following that conflict treaties were written which recognized the independence of Finland, Estonia, Latvia, and Lithuania. Their boundaries were delimited and they were accorded recognition as independent and sovereign nations by all governments.

Time does not permit a description of the many achievements of the patriotic and heroic people of these four nations. They set up governments, democratic in form, in which law and order prevailed and liberty and freedom became the inheritance of all.

In all lands the peoples of these four nations were recognized as among the most progressive, patriotic, and cultured peoples to be found in the world; they developed a high standard of civilization, and in the arts, in industry, in agriculture, and in all activities and movements characteristic of a dynamic, patriotic, and liberty-loving people they demonstrated their fine and heroic qualities.

I cannot refrain from referring to the fact that this Republic has been enriched by the tens of thousands of persons who left their homes in the nations referred to and who became citizens of this Republic. Estonia has given to America more than 50,000 persons; from Latvia have come to this Republic more than 140,000 persons; and Lithuania has given more than 500,000 persons. From Finland—that land of tragedy and glory—have come to the United States more than 400,000 persons.

These additions to our population have made important contributions to the material, moral, and cultural welfare and development of this Republic. They have found important places in every field of human endeavor, and have discharged with honor and fidelity the obligations resting upon them as American citizens. They and their descendants constitute a valuable addition to this Nation and strengthen the bulwarks of democracy.

One of the valuable and outstanding contributions made by them is the cooperative habit and the spirit of leadership. I might add that the Baltic and the Finnish nations, as well as their Scandinavian neighbors, have exhibited qualities that have given them preeminence during many centuries. They have been brave and courageous; they have loved liberty and have carried high the torch of civilization. The Latvians and Lithuanians find their origin in the days of the dim past when we speak of the Sanscrit peoples and language. The Finns and the Estonians have exhibited qualities of courage and ability that distinguish them among the peoples of the world. They belong to the Ural-Altaic race. I should add that none of these peoples are Slavs or Teutons.

As civilization advanced mankind abolished individual slavery, that is, a situation in which one man was the personal property of another. But mass enslavement of one nation by another still persists, as the present-day despots—Hitler, Stalin, and Mussolini—so barbarously demonstrate. The former autocratic rulers such as the czars and the kaisers kept in subjection millions of peoples. They desired to possess still wider authority and bring more people under enslavement for exploitation. They launched the World War by an attack upon small nations—Serbia, Belgium, and others—desiring the further consolidation of their power and the enlargement of their territory. However, a number of enslaved nations regained their freedom and independence. Some as a result of the Versailles

Treaty and others (notably the Baltic nations) through their bravery and indomitable will. It should be added that some of the large autocratic nations suffered mutilation of their territory. The British Dominions and colonies acquired broader opportunities for home rule, and formed, with their mother country England, a commonwealth of nations.

The tendency for a time following the World War has been toward freedom and independence of subject nations, but the present attempt of European despots is to turn back the wheel of progress—back to the dark ages of the despots and robber barrons.

Woodrow Wilson, that great American, in one of his public addresses during the World War, stated:

"Small states of the world have a right to enjoy the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon. * * * Self-determination is not a mere phrase; it is an imperative principle of action which the statesmen will henceforth ignore at their peril."

It is not conceivable that Denmark and Norway, Finland, Estonia, Latvia, Lithuania, whose inhabitants are among the leaders of the world in thought, courage, ability, and moral and spiritual worth, will remain in slavery under the heel of despots—whether foreign or native. The day must come when the peoples of small nations will enjoy all the liberties and opportunities for development and progress which they desire, and when their achievements will give to them a position of primacy among the nations of the world.

It is true that communism and nazi-ism, with their baleful and hateful ideologies, and fascism with its paucity of moral worth, still operate against small states and continue their oppressive policies, savagely assailing those nations which resist their demands.

The despots—Hitler, Stalin, and Mussolini—claim high honor for themselves and their armies for overrunning and enslaving so many small nations. We all remember how Mussolini celebrated the conquest of Ethiopia and Albania by his legions, and what military honors he claimed for them. Stalin celebrated his victory over Finland and the Baltic States with great pomp in the Kremlin in Moscow, praising his soldiers as heroes and bestowing countless titles and privileges upon his army officers. Hitler has done even better; after each conquest he and his propaganda agents have called Germans lordly people and supermen.

After the World War, when the Baltic nations regained their freedom and independence, they began to be known the world over, in industries, international trade, at the Olympic games, in music and literature. Now, after their occupation by a million of the hungry soldiers of Stalin, they appear again to be lost. Not a news item, not a printed word comes out of these countries, save the Communistic sheets praising Stalin as a "demigod," so completely are the Baltic nations hidden in the darkness of Bolshevik oppressors.

The four nations herein referred to, after obtaining their independence following the World War, assumed their rightful place among the nations of the world. They discharged their national and international obligations and obtained the confidence and good will of all democratic and liberty-loving peoples. But the Bolshevik regime dominated by Stalin and his Communistic philosophy, made war upon each of these nations. Finland heroically defended herself against the cowardly and unprovoked assaults of her assailants. Lithuania for more than 22 years maintained her independence, but in June of this year the Bolshevik Government invaded Lithuania, and in violation of solemn treaties destroyed the Lithuanian Government and brought Lithuania and its more than 3,000,000 inhabitants under the cruel and despotic rule of the Bolshevik Government. Estonia and Latvia likewise have lost their independence, and the Bolshevik Government now imposes its iron rule upon them. The conduct of the Bolshevik Government with reference to these four nations calls for universal condemnation.

Certainly the day must come when the shackles of oppression which bind these states will be broken and their inhabitants again enjoy freedom. The Government of the United States has refused to recognize the cowardly aggressions of the Bolshevik regime, and the distinguished Assistant Secretary of State on the 25th of July this year stated:

"During these past few days the devious processes whereunder the political independence and territorial integrity of the three small Baltic republics—Estonia, Latvia, and Lithuania—were to be deliberately annihilated by one of their more powerful neighbors have been rapidly drawing to their conclusion.

"From the day when the peoples of these republics first gained their independent and democratic form of government the people of the United States have watched their admirable progress in self-government with deep and sympathetic interest.

"The policy of this Government is universally known. The people of the United States are opposed to predatory activities, no matter whether they are carried on by the use of force or by the threat of force. They are likewise opposed to any form of intervention on the part of one state, however powerful, in the domestic concerns of any other sovereign state, however weak.

"These principles constitute the very foundations upon which the existing relationship between the 21 sovereign republics of the New World rests.

"The United States will continue to stand by these principles because of the conviction of the American people that unless the doctrine in which these principles are inherent once again governs the relations between nations the rule of reason, of justice, and of law—in other words, the basis of modern civilization itself—cannot be preserved."

In conclusion, may I say that the day will come when tyrants and despots will fall. Then will these four nations assume their rightful place among the free peoples of the earth.

RECESS TO THURSDAY

Mr. BARKLEY. Mr. President, if there is nothing further to come before the Senate, I move that the Senate take a recess until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 12 o'clock and 13 minutes p. m.) the Senate took a recess until Thursday, December 26, 1940, at 12 o'clock meridian.

CONFIRMATION

Executive nomination confirmed by the Senate December 23 (legislative day of November 19), 1940

INTERSTATE COMMERCE COMMISSIONER

Walter M. W. Splawn to be an Interstate Commerce Commissioner.

HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 23, 1940

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. COLE of Maryland.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the Light of love, unto Thee do we offer our praise and adoration. Thou who art the Bearer of the light of the world, let it shine forevermore. Today Thy holy benediction breathes sweetly and lovingly into sight amid storm and earthquake, wind and tide. O God, in triumphant faith would we sail the turbulent waters and with Thee, O Christ, climb the hills of difficulty. We humbly pray that the glory of the manger may shine forth; that our entire country may be the knight errant of the poor and that every little window may be radiant with the Christmas Star and all low rafters exalted as the angelic hosts hover near and sing their immortal song.

Behold, O Lord, how the earth doth lie in darkness and wickedness, reeling beneath the scourge of war. O Prophet of God, we urgently pray that its guise may fall and that the haggard monster may be realized as the dire enemy of man's soul. Oh, for Thy strong arm on which we may lean and a guide to throw light upon our pathway; clear our Father's face that it may be seen behind the darkest cloud. Comfort the sick and the sorrowing and bless them with Christmas cheer that all discords may be sweeter and happier in the spirit of the advent of our Lord and Saviour. May a new day of hope and cheer bring its benedictions to all the world. In our Redeemer's name. Amen.

The Journal of the proceedings of Thursday, December 19, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Baldridge, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4415. An act to amend the act entitled "An act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof," approved June 25, 1910.

SWEARING IN OF SPEAKER PRO TEMPORE

Mr. RANKIN administered the oath of office as Speaker pro tempore to Mr. COLE of Maryland.

ADJOURNMENT OVER

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday next it adjourn to meet on the following Monday.

Mr. HOFFMAN. Mr. Speaker, I object.

PANDERING

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4415) to amend an act entitled "An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof," approved June 25, 1910.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. RANDOLPH. I may say that this is a measure that was requested by the Attorney General and concurred in by the district attorney for the District of Columbia. After a study, and a review of certain cases that have arisen in the courts, they believe that our present pandering law, which was approved June 25, 1910, does not adequately cope with commercialized vice as it seems to exist in the District of Columbia at the present time. The measure came before the Senate on Thursday last and was passed by that body unanimously.

The bill has been before the House Committee on the District of Columbia, and all members—the minority as well as the majority—have been polled and are in unanimous agreement that the legislation should be passed at this time. The bill has the support of the Attorney General, the district attorney for the District of Columbia, the Commissioners for the District of Columbia, and the District committees of both the Senate and the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the act entitled "An act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof," approved June 25, 1910, is amended to read as follows:

"That any person who, within the District of Columbia, shall place or cause, induce, procure, or compel the placing of any female in the charge or custody of any other person, or in a house of prostitution, with intent that she shall engage in prostitution, or who shall compel, induce, entice, or procure or attempt to compel, induce, entice, or procure any female to reside with any other person for immoral purposes or for the purpose of prostitution, or who shall compel, induce, entice, or procure or attempt to compel, induce, entice, or procure any such female to reside or continue to reside in a house of prostitution, or compel, induce, entice, or procure or attempt to compel, induce, entice, or procure her to engage in prostitution, or who takes or detains a female against her will, with intent to compel her by force, threats, menace, or duress to marry him or to marry any other person; or any parent, guardian, or other person having legal custody of the person of a female, who consents to her taking or detention by any person, for the purpose of prostitution or sexual intercourse, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and by a fine of not more than $1,000."

SEC. 2. Section 2 of such act is amended to read as follows:

"SEC. 2. Any person who, within the District of Columbia, by threats or duress, detains any female against her will, for the purpose of prostitution or sexual intercourse, or any person who shall compel any female, against her will, to reside with him or with any other person for the purposes of prostitution or sexual intercourse, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and a fine of not more than $1,000."

SEC. 3. Section 3 of such act is amended to read as follows:

"SEC. 3. Any person who, within the District of Columbia, shall receive any money or other valuable thing for or on account of arranging for or causing any female to have sexual intercourse with any other person or to engage in prostitution, debauchery, or any other immoral act, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and a fine of not more than $1,000."

SEC. 4. Such act is amended by adding at the end thereof the following new sections:

"SEC. 6. Any person who, within the District of Columbia, shall pay or receive any money or other valuable thing for or on account of the procuring for, or placing in, a house of prostitution, for purposes of sexual intercourse, prostitution, debauchery, or other immoral act, any female, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and by a fine of not more than $1,000.

"SEC. 7. Any person who, within the District of Columbia, shall receive any money or other valuable thing for or on account of procuring and placing in the charge or custody of another person for sexual intercourse, prostitution, debauchery, or other immoral purposes any female shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and by a fine of not more than $1,000.

"SEC. 8. Any person who, within the District of Columbia, knowingly, shall accept, receive, levy, or appropriate any money or other valuable thing, without consideration other than the furnishing of a place for prostitution or the servicing of a place for prostitution, from the proceeds or earnings of any female engaged in prostitution shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years and by a fine of not more than $1,000."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by Georoge D. Riley, U. S. and Us.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

NATIONAL-DEFENSE PRODUCTION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, actually, just what is our state of national defense? I have introduced a number of privileged resolutions to ascertain those facts, but to no avail. Today it is generally admitted by the administration, and by able Mr. Knudsen, and others in charge of national defense that there has been a woeful failure and that we are not prepared, that our defense is not going forward. It seems to me, and I believe my colleagues will agree with me, that it is not efficient or intelligent, especially when speed is of the essence, to build new plants that would take a year or longer to build and equip, and where labor would have to be trained, when we have in my own locality and in the districts of others of our colleagues vacant plants, and some plants already in operation seeking orders, with machines and highly trained labor available. Many times I have brought these facts to the attention of those in charge of national defense. I earnestly hope, Mr. Speaker, that the Members of the House will join with me when I again beg the Defense Commission to start these plants in operation in order that our defense measures may not be just on paper, but that we may actually have production immediately. America must wake up. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] may be permitted to extend his remarks in the RECORD and include therein a speech delivered by Colonel Fleming, of the Wage and Hour Division of the Department of Labor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GOSSETT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. THOMASON] be permitted to extend his remarks in the RECORD and include therein a speech delivered by Colonel Maxwell last Thursday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. H. CARL ANDERSEN. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Minnesota [Mr. PITTENGER] be permitted to extend his own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. WOODRUM] may be permitted to extend his own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GEYER of California asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent that after the business on today's calendar has been completed I may be permitted to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I wish to submit four unanimous-consent requests: First, to extend my remarks in the RECORD and include therein a letter from Mr. Franklin J. Anderson, of the Brooklyn Eagle.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Second, Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a letter from myself to the Secretary of Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Third, Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by Mr. Fred L. Thurston, executive secretary of the California Teachers' Association.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Fourth, Mr. Speaker, I ask unanimous consent that at the conclusion of the other special orders for today I may be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a telegram from Irving Mumford, State commander of the American Legion in South Dakota.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including some remarks by George Washington, Thomas Jefferson, and Winston Churchill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to speak for 6 minutes after other business has been disposed of today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein certain excerpts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BRADLEY of Michigan, Mr. PLUMLEY, Mr. WOODRUFF of Michigan, and Mr. MICHENER asked and were given permission to revise and extend their own remarks in the RECORD.

NATIONAL-DEFENSE PRODUCTION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I take this time to reply to the lady from Massachusetts [Mrs. ROGERS] with reference to our national-defense program.

Of course, we are going forward as rapidly as possible, but I think it would be a sad mistake to concentrate all these defense industries into New England or into any other congested section of the country. That is one of the troubles England is having today. Her war industries are concentrated into a few large cities which make the convenient targets for bombing raids. If we are going to prepare our country and keep her prepared to defend herself, these industries ought to be decentralized in order not only to make them safer from attack but in order to protect every section of the country as we go. [Applause.]

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Michigan for a question.

Mr. MICHENER. The question is this, Does the gentleman not think that the question of national defense should be left to the National Defense Board and that the Members of Congress from all sections of the country should not be endeavoring to prevail upon the members of the Board or urging them to establish the defense units in the various sections?

Mr. RANKIN. No; I do not think Congress ought to abdicate at all. I think Members of Congress ought to keep in mind the fact that we represent all the American people and the whole of the American Republic. I think every Member of this Congress is more familiar with his section of the country than is someone from some other section who may be appointed on a board and who has never been within a thousand miles of where that Member lives. [Applause.]

Of course, at the present time a large percentage of these plants are situated in the States of Michigan and Massachusetts, where large numbers of men are employed and large pay rolls are maintained. But there is absolutely no reason on earth for further concentrating these defense industries in those States to the exclusion of the rest of the country.

These activities should be decentralized as far as possible to maintain the highest degree of efficiency and effectiveness.

As President Roosevelt pointed out some time ago, the ideal location for industries of this kind is between the Allegheny and the Rocky Mountains, where they will be protected from the sea, and where there is an abundance of raw materials, adequate transportation facilities, an ample supply of labor, and unlimited amounts of cheap electric energy.

Then, too, the South and West must be protected as well as the North Central and the New England States. Remember that it is absolutely essential to protect the Gulf States against attacks from air bases in the Caribbean, or from airplane carriers in the Caribbean, the Gulf of Mexico, or the South Atlantic Ocean, or from land bases in Central and South America.

Remember also that it is just as necessary to be ready to defend the Western States, and especially the Pacific Coast States, as it is to protect the Atlantic seaboard or any other section of the country.

These plants can be scattered throughout the South and West in such a way as to save the Government hundreds of millions of dollars in the transportation of raw materials alone.

Besides, economic conditions in the agricultural States are such as to render it necessary that they be given their pro

rata share of these defense industries wherever that can be done without detriment to the Federal Government or without impairing or slowing down the defense program. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein certain tables which I have prepared.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from California [Mr. LELAND M. FORD] is recognized for 5 minutes.

NATIONAL DEFENSE AND THE C. I. O

Mr. LELAND M. FORD. Mr. Speaker, in following the news items, I have noted that Mr. Philip Murray, of the C. I. O., has a long list of ideas and suggestions as to how the national-defense program may be carried out. In addition to this, I note he has made the statement that the C. I. O. has been and will be thoroughly cooperative with the Government in carrying forward the program of national defense.

There is no question but that this matter of cooperation on the part of the C. I. O. would be very helpful in carrying forward the national-defense program if it were sincerely put into effect, and if this country could count upon it. If this can actually, truly, and faithfully be put into effect, and if the first consideration in the policy of the C. I. O. could be adopted, namely, the welfare and safety of this Nation above all else, then it appears that Mr. Murray could use his influence to submerge the lust for power of the C. I. O. to control N. L. R. B., its lust for power to control the national-defense program, and bury whatever personal ambitions he and other leaders of the C. I. O. may have, for the sake of the Nation. If he does not submerge any such ideas and bury these ambitions, in the long run the C. I. O. and all other labor is going to be the greatest loser, because, under communism, nazi-ism, or fascism, all labor would be reduced to serfdom. The great masses of the people of the United States have been hoping that Mr. Murray and all these leaders in C. I. O. could see this. The words of Mr. Murray sound very nice, but the actions of certain of these C. I. O. leaders in the past do not check out with any such words.

It is my opinion that confidence in the C. I. O. has been lost, by the great mass of the people in this country, due to their past actions. Our people are not going to give that confidence back on account of a few words that may be spoken or written, because the result, or the outcome, is going to have too serious an effect upon the Nation. I, like many millions of our people, have come to this conclusion on account of certain things that have happened and which Mr. Murray and his leaders cannot deny, and they will have to answer this question, Do Mr. Murray and his other leaders think that they have contributed toward the advancement of the national-defense program by actually calling and threatening strikes in the forest lumber camps, in the sawmills, in the transportation divisions, in the shipping, in the shipbuilding, in automobiles, in the airplane works, in the steel industry, in the aluminum, and many other industries? If they do think so, it is time Mr. Murray realized, and he is now being told, that millions of the people in this country do not think so, but, on the contrary, they think that Mr. Murray and his leaders' statements are lip service only; that they are not sincere in their stated desire for advancement of this national-defense program. These same people feel, and it is due to past actions on the part of the C. I. O. and their leaders, that their real motive is to further entrench themselves in the power to control N. L. R. B., national defense, industry, and finally the Government itself.

Inasmuch as that is the situation, these millions of people have lost confidence in the C. I. O. and its leadership, and these same leaders of the C. I. O. should step out of this picture and not try to continue to dominate it. If they are sincere, they will recede from this dominating position and get back to work and start to produce, quit calling strikes, quit threatening strikes, and quit trying to put themselves into a dominating position in the crisis we are now in. It is time that the C. I. O. leadership began to realize that they cannot take advantage of a crisis such as this to exact from the United States Government, through its defense program, tremendous amounts of money that will run the cost up so high that the Government will not be able to get the numbers of units that are called for in their program. It is time they realize that industry has had to submit to excess-profits taxes and that industry has willingly accepted what may be termed a "limited profit" in this program.

The people of this country are not going to see the C. I. O. labor leaders dictate the policy of the country. The C. I. O. are in the minority, and no one knows better than they, that they are in the minority, and in this country it was never contemplated that the minority should rule. They should begin to realize that this country should be run for the benefit of the great majority.

If the C. I. O. leadership actually wanted to make a real contribution, the best way they could do this would be to attend to their own business, namely, to take care of the unscrupulous, racketeering labor leaders within their own ranks; to recede from their position of trying to dictate the national policy; to cease to try dictating to which concerns orders for national defense are to be given; and last, but most necessary of all, to see that their men deliver a real day's work or value received for that for which they are now being paid.

On every hand we hear of the sacrifice that every individual, whether he is in industry or labor or private life, should make. It is high time that Mr. Hillman, Mr. Murray, and all of these other leaders recognize that they have some sacrifices that they must make and that this country is not going to stand for the idea that every individual in the country will make sacrifices and that these C. I. O. labor leaders shall be allowed to continue to feather their own nests.

Mr. Murray should also realize that the real Americans in this country, not only now but long have resented the dictates of Europeans and other foreign-born coming into this country and bringing with them the ideals of Europe and substituting them for the ideals of America. If Mr. Hillman, Mr. Murray, and the other labor leaders do not realize this, they may be sure that the American people are going to finally tell them that the people who came to the United States came here in order to get away from and avoid European principles and adopted what are known as American principles, and if these European and foreign-born leaders do not like the American principles, they must realize that nobody in this country sent for them, and the best suggestion is that if they do not like our principles and like those of Europe and other foreign countries better, the best thing that they can do is to go back to Europe or other foreign countries before this Nation becomes so aroused it will forcefully send them back or put them in places where they can no longer destroy American ideals. [Applause.]

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from California [Mr. VOORHIS] is recognized for 10 minutes.

DIES COMMITTEE

Mr. VOORHIS of California. Mr. Speaker, in the course of the work of the Committee on un-American Activities, certain testimony was taken and some evidence presented which indicated the strong possibility that acts of sabotage might have been committed in certain plants in the country. This evidence was submitted to the Department of Justice and after they had had opportunity to study it, the Attorney General advised that, as a matter of fact, if an act of sabotage were committed in an American plant, but if it were directed against an article such as an airplane which had been ordered by some other government besides the American Government, the Department of Justice did not have jurisdiction; that it was a matter for State law-enforcing agencies to take care of.

As a result of this advice I sought the best help I could get and have today introduced a bill, the intent and purpose of

which is, briefly, the following: To give to the Federal Bureau of Investigation and Department of Justice the same jurisdiction in dealing with acts of sabotage, if committed against an article intended for exportation for the use of any government of a foreign country with which the United States is at peace, as it would have if that article were intended for use by the United States Government.

This bill has been drafted with the view of not changing any of the penalties existing in present law for like offenses and with a view to making only that one change.

Some of the drafts of this proposed bill that have been worked on would, in my judgment, have broadened too much and to too great an extent, the scope of action of the Federal Department of Justice, for they might have, in fact, given it the responsibility of investigating any matter where damage had occurred to any article intended for export to any person. I do not think that the Department would want that. I am convinced they would not, and neither do I want to see us make the mistake of setting up a national police force here. I do not think they are equipped to take care of it, and it is not the point we are trying to reach.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. MICHENER. Assuming that the President's leasing and mortgaging plans goes through, is it not true that, if that were the situation, then the present law would be ample, because the present law takes care of any article which is to be used in our national defense? Under the leasing program, the presumption is that the Government is to do all of the ordering, and after the Government has secured this material it is to allocate it as the President may see fit to the several nations throughout the world.

Mr. VOORHIS of California. I will say to the gentleman, first, that he is a member of the Judiciary Committee, and that I certainly have no intention of taking any action on a matter as important and vital as this, trying to get it passed, until after the Judiciary Committee has had occasion to consider it very, very fully; that it is much too important for me to want any other course to be followed than that. I was anxious, because of what I have been trying to do in order to contribute what I can to the coordination of these efforts between the various agencies working in this general field, to follow up as rapidly as I might the suggestion of the Attorney General. That is the reason why I was at some concern about introducing the bill as quickly as I could. But I want the bill to be considered, if possible, with full hearings by the Judiciary Committee. Certainly, for example, I would want representatives of labor to be heard concerning it.

Secondly, I would say that my principal interest in this matter is the following: It appears to me that if an airplane company, for example, is manufacturing planes for both the United States and some other nation, it is to our concern to see that nothing goes wrong in that plant at all. It seems to me to be rather a hair-line distinction to say that if an act is committed against plane A we do not have jurisdiction for the Federal department and if it is committed against plane B that we do have jurisdiction.

In further and more specific answer to the gentleman I would say that no matter what happens to this proposal of the President, certain foreign governments do have very substantial orders already placed.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. SMITH of Virginia. I wonder if in preparation of that bill the gentleman took into consideration the principles laid down in a bill which I introduced about 2 weeks ago for the same purpose. That bill meets the question by making sabotage unlawful with respect to all goods being manufactured which come within the President's proclamation under the Neutrality Act defining munitions. I think the gentleman will find that that covers it pretty well, and that provision was drafted carefully.

Mr. VOORHIS of California. Would that include goods on order from a foreign government?

Mr. SMITH of Virginia. Yes; if they are defined by the President in that proclamation. If you will look at that proclamation you will find it covered pretty much everything that would be required for export purposes in connection with the war.

Mr. VOORHIS of California. I will say to the gentleman that it does not matter to me how this is gotten at. I do feel that it is very important to make plain in that legislation that this has to be a willful act of sabotage. In other words, I am deeply concerned that it should not be used as a means of imposing upon labor the possibility of unfair decisions which would put an accidental occurrence in the course of a labor dispute, for example, in the category of sabotage when it does not belong there at all.

Mr. SMITH of Virginia. Will the gentleman yield further?

Mr. VOORHIS of California. Yes; I yield.

Mr. SMITH of Virginia. I just wanted to invite the gentleman's attention to that approach to the problem. I am in full sympathy with what the gentleman is seeking to do.

Mr. VOORHIS of California. I thank the gentleman very much.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. CASE of South Dakota. Does the gentleman attempt to define slowing down or a strike of any character as sabotage?

Mr. VOORHIS of California. No; because if the gentleman attempts to do that he would also have in fairness to define willful refusal on the part of a corporation to speedily take up a Government order as sabotage, and I am pretty sure the gentleman does not know how you can frame a piece of legislation to cover those things. I am inclined to think that they are problems that have to be worked out in the way the American Nation has always worked them out—by creation of a public opinion in which those things do not happen. In fact, that is the democratic approach to it.

Now, I want to proceed briefly with some matters that seem to be related.

I take it that the Members of the House, as well as other earnest Americans, are concerned that acts of sabotage do not take place. I think that the law on those matters and any other matter that is connected with disloyalty has got to be as specifically and carefully drawn as we can make it. I think that all of us are conscious of the fact that democracy in this tragic world is in a position where its very survival may well depend upon how the American people and their Government conduct themselves in the days that lie immediately ahead of us. Under those circumstances there is nothing that we should not attempt to do to encourage an orderly and vigorous program of arming for defense our Nation to the very best of our ability.

We have pursued certain policies with regard to our foreign affairs—policies of aid to certain democratic nations from which obviously we cannot turn back, and from which I take it we are not going to turn back, no matter what mean things may be said about us. But my main concern with this particular matter is to protect against any possibility of damage the American defense program itself.

Now I have introduced another bill. I did it not very long ago, and I mention it at this time only by way of illustration.

[Here the gavel fell.]

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the gentleman from California may proceed for 5 additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. I merely want to illustrate the point of this matter, not to make an argument for this bill, because in the case of the second bill I am not sure that it is properly drawn; in fact, I introduced the bill by request.

What the bill does, very briefly, is, having granted $100,000 complete exemption, it states that deductions from gross income of corporations of over $100,000 spent for advertising shall not be allowed in computing income taxes. Now, I

have received a lot of criticism because of this bill. In spite of the fact that we allow no deductions for wages paid or materials bought or anything of that sort, I seem to have committed some unpardonable crime by suggesting that there ought to be a limit to deductions for advertising expense. Oh, what a terrible idea to suggest.

I merely want to say this much about it: That inevitably the Congress is going to have to increase the tax rates. We know that the American people want the Congress to show them just exactly what the price is going to be of this program for defense and other things that they feel we have got to have. If we are going to do that, there ought not to be one single solitary loophole in our tax laws or any place where the incidence of the tax laws is going to fall with greater weight on one group of businesses than on another, or give to a great corporation able to spend huge sums on national advertising a distinct advantage over the small corporation that cannot possibly afford it. And so it seems to me that while people are expressing very great interest in legislation having to do with sabotage and matters of that kind we have also got to realize that it is equally important that people should be made to realize their responsibility of making their fair and just contribution to the national efforts.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. COCHRAN. The statement has been made that some corporations, when their surplus reaches a certain point, knowing that the greater part will necessarily be paid to the Government as a result of the tax laws, have gone out and increased the amount they spend for advertising with a view to using that money for advertising purposes rather than paying it to the Government. This, in my opinion, is unfair and should be looked into by the Ways and Means Committee.

Mr. VOORHIS of California. That is exactly the purpose of the bill, and that has even happened where the result of the advertising was not expected necessarily to increase their business. In its issue of November 18 Time magazine called attention to this matter. But my point is, and the only reason I introduced the bill was, to bring that matter before the attention of the people in order that it might properly be considered. I have no notion that my bill will be passed, but I do think it is important for this matter to be considered, and in the same light and with the same general patriotic viewpoint that we consider these other things. One more thought and I am through.

The President a short time ago suggested that in the case of dealing with Great Britain we should bring about a method of dealing on the basis that we would furnish aid to Great Britain and that it might be paid back in the same kind of things. Would it not be a great thing if the American farmer, for example, could, when he borrowed money equivalent to a thousand bushels of wheat or 500 boxes of oranges, be perfectly certain that he could pay back his debt in the same number of dollars equivalent exactly to a thousand bushels of wheat or 500 boxes of oranges? [Applause.] I look forward to the time, Mr. Speaker, when we may have a program in the monetary field which will give us that kind of dollar.

And I want to say this one thing further: That in my judgment the democracies of the world, and particularly the American democracy, holds within its own power the future of democracy in our country and maybe in the world. For the issue, after all, sums itself up as a struggle between two organizing principles of human life and government for the allegiance of peoples throughout the world. I believe that the future success of the democratic principle is going to depend in large measure on whether or not we give indication day by day and month by month that people who embrace the democratic system can look forward to a day and future when living will be more equal, when the burdens will be more fairly imposed, when all youth will have a greater opportunity to look forward to better days, and when as a matter of fact that essential balance between the power of a great nation to produce and its power to consume will be brought about by the application of wisdom and courage to the domestic problems of our Nation by responsible people like yourself and myself.

Mr. HOFFMAN. Will the gentleman yield?

Mr. VOORHIS of California. Yes; because I am through.

Mr. HOFFMAN. Can the gentleman tell us whether or not he is doing anything so that the farmer can get 25 cents, for example, for his products?

Mr. VOORHIS of California. Will the gentleman pardon me a minute? I promised to yield to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. The gentleman speaks about subjects that are partially related to the bill under consideration. He speaks about the health of this country and its individuals to Great Britain. Would he venture an opinion as to the change of heart of Henry Ford when a few weeks ago he refused to make airplane engines that would go to Great Britain, and now he says, "Give them the money; do not lend it to them"?

Mr. VOORHIS of California. I think I can understand the point of view of people who feel that to give this help would be preferable to lending it. I think I can understand why they might feel that might be less dangerous from the standpoint of future difficulties for the United States. Many people are seeing things differently from what they did awhile ago.

Mr. HOFFMAN. The gentleman refers to Henry Ford. Is it not possible that Henry Ford was thinking of America first when he was talking about making materials or airplane engines for America and not for Great Britain?

Mr. VOORHIS of California. I may say to the gentleman that his colleague from West Virginia was the one who introduced Mr. Ford into this picture. My remarks were on another subject.

Mr. HOFFMAN. This is the question I wanted to ask you awhile ago. What remedy does the gentleman have in mind which would give the farmer say 25 cents an hour for his work while he is forced to pay $1 or $1.10 an hour for the common labor that goes into the things he must purchase?

Mr. VOORHIS of California. I understand the gentleman's question very well, if he wants me to answer it.

Mr. HOFFMAN. I certainly do or I would not have asked it.

Mr. VOORHIS of California. I would need a half hour.

Mr. HOFFMAN. I am willing that the gentleman have a half hour up in the office.

Mr. VOORHIS of California. I may say that agriculture is a competitive industry. Most of the things that the farmer buys comes from monopoly industries where the price is determined by the seller. The farmer by and large cannot determine his prices.

Now, I have not fully answered the gentleman, although I shall be glad to answer the gentleman at some other time when I have the time to do a job. I have a lot of ideas on the subject.

[Here the gavel fell.]

The SPEAKER pro tempore. Under a previous special order, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 6 minutes.

Mr. HOFFMAN. Mr. Speaker, along the line the gentleman from California [Mr. VOORHIS] was speaking, may I say that I have seen a copy of his bill printed in the press and I also read a copy over on the desk; but his bill is limited to interference with exportation only. He has not said anything about production. How did that happen?

Mr. VOORHIS of California. That is involved. I may say to the gentleman that this bill has been drawn as nearly as possible to conform with the law with regard to sabotage against our own production and certainly sabotage of production is included under the terms of the bill.

Mr. HOFFMAN. All right. But I do not think it is. I ask the Members who are present to read the bill and see whether they can find one single word in it that prevents interference with production or prevents interference with anything except exportation. To my mind it is just as important that we have the opportunity to produce for national

defense as it is that we have opportunity to produce for exportation.

Mr. VOORHIS of California. The Congress has already passed an act having to do with the sabotage of American defense materials. You do not need a bill for that purpose. It is already within the purview of the Department of Justice.

Mr. HOFFMAN. If we have a bill which prevents interference with production, all production, that would cover it.

Mr. VOORHIS of California. But it does not cover all production.

Mr. HOFFMAN. I notice the gentleman's bill only goes to exportation.

Mr. VOORHIS of California. I mean the present law does not cover all production. My bill would cover it.

Mr. HOFFMAN. The Attorney General told us that these strikes were being instigated by Communists but that there was no law on the books to reach them. I do not think the bill offered by the gentleman even deals with production—it deals with exportation.

Now, Mr. Speaker, I desire to correct a false impression that has gone out in Michigan through some newspapers which published under a Washington date line dispatches stating that a Member from Michigan, from the Fourth Congressional District, prevented the adjournment of Congress. This seemed to me to be a strange thing, because we have 435 Members of Congress, and I could not understand how, under a representative republican form of government, one person out of 435 could prevent an adjournment. So I got out both rule books that we have here and I spent quite a little time looking through them. The best I could find was that any time a majority of Congress wanted to adjourn it might do so, and that even a minority could adjourn any time it had the votes on the floor to do so. Of course, I learned that if we wanted to adjourn finally it had to be by a concurrent resolution of both the House and Senate. That took me back to the thought that it should not be the part of any one Member to usurp the functions of the Congress and prevent it from adjourning when it wanted to, or whenever a majority of the minority wanted to do so, or, I mean, a majority of those present, even though it be less than a quorum.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Not just now, because this is very important.

So I looked in another book, and I learned that the Democrats had almost a two-thirds majority in the Senate and had almost a hundred majority in the House. I reached the conclusion, after a great deal of study, that the majority party, if they really wanted to adjourn, could do so at any time finally, or just from day to day.

Then I wondered, but not very long, because I knew that the majority party had the utmost confidence in their President—someone suggested that maybe they did not have confidence in him and did not want to go away and leave him alone here in Washington without their supervision, but I recalled that it was a "rubber stamp" Congress and had been so for 6 or 7 years, and that they did just the things he wanted to, so the conclusion came that it must be that he really wanted Congress to stay here, because if he did not, the majority would have adjourned.

Then the dispatch, I noticed, carried the statement that the Speaker suggested that just one Republican had kept this House from adjourning, and that after doing that he had, so to speak, "run out" on the House. Though the dispatch referred to me—and I have objected to adjournments—I never ran away from anything; in fact, have attended every session of the House for months and since the middle of November have spoken on the floor almost every day in favor of defense legislation.

I want always, if I can, as difficult as it may seem to some of you, to be helpful to the majority party, not that they need any assistance about any of these things—not at all—and undoubtedly it is presumptuous on my part even to suggest anything as to what they can do or might do if they so desired. Nevertheless, having that desire to be helpful, I have prepared a concurrent resolution against which I will vote if a vote be had. I send it to the Clerk's desk, so if the majority party wants to adjourn here in the House and over in the Senate they can do so in spite of what any Republican says or does. I ask the Clerk to read the resolution.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

Mr. HOFFMAN. A previous resolution is out, if the Speaker please.

Mr. COCHRAN. The gentleman did not ask for its immediate consideration.

Mr. HOFFMAN. Yes; I asked for its consideration. I ask that it be read, anyway. If you want to take time to think it over, it is all right with me.

The SPEAKER pro tempore. Without objection, the Clerk will read the resolution.

There was no objection.

The Clerk read as follows:

House Concurrent Resolution 95

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Tuesday, the 24th day of December 1940, and that when they adjourn on said day they stand adjourned sine die.

Mr. COCHRAN. Mr. Speaker, I object to the immediate consideration of the resolution.

EXTENSION OF REMARKS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by the Honorable JOSHUA L. JOHNS.

The SPEAKER pre tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. PATRICK asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made earlier and to include in my remarks I am about to make an article from the Washington Post of yesterday entitled "Machine-Tool Bottleneck Is Acute Problem," by Joseph Alsop and Robert Kintner, also an article appearing in the Boston Traveler which was sent to me recently, together with an article appearing in the Boston Traveler on January 16, 1929.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have asked for the inclusion in my remarks of the article appearing in the Boston Traveler in 1929, which speaks of an educational-order bill which I introduced first in 1926 and another one which I introduced in 1929. The article is headed "Victory in Sight for War Measure of Mrs. ROGERS." It ought to have been headed "Victory in Sight for National-Defense Measure of Mrs. ROGERS."

Unfortunately, that measure did not pass the House and it was a good many years before educational orders were appropriated for in order that this country might have the necessary machine tools and the skilled workers to bring about complete production in case of an emergency.

Mr. Speaker, I do not need to remind the House that this is the only large country in the world today that can observe the beautiful day of Christmas, the birth of Christ, with any degree of happiness or with any demonstration of beautiful lights and fine celebrations. But in the minds and hearts of every one of us in the United States there will be a dread that this country may not be adequately prepared. I earnestly pray for speed, more speed, and still more speed in our national defense.

Mr. Speaker, I wish you and everyone here a very merry Christmas and all that it means. [Applause.]

The article from the Boston Traveler of March 19, 1929, and the article from Joseph Alsop and Robert Kintner from the Washington Post of December 22, 1940, follow:

[From the Boston Traveler of January 16, 1929]

VICTORY IN SIGHT FOR WAR MEASURE OF MRS. ROGERS—FAVORABLE CONGRESSIONAL ACTION PREDICTED ON BILL KNOWN AS EDUCATIONAL ORDERS BY THE WAR DEPARTMENT

WASHINGTON, January 16, 1929.—Favorable action by Congress now seems likely on the bill which has been under intensive study by the House Military Affairs Committee, for which Congresswoman EDITH N. ROGERS of Massachusetts has been persistently fighting for the last 3 years, known as educational orders by the War Department, which is urged by the War Department as an important national-defense measure and which would be a boon to many New England industrial plants.

HAS BIG BACKING

During the hearings which have just been conducted by the House Military Affairs Committee, Mrs. ROGERS' proposal, first introduced in 1926, has been supported by representatives of the largest manufacturing associations and establishments in the country and by the National Chamber of Commerce.

So impressed has the House committee become, following the testimony of War Department experts, and the assurance that the Budget Bureau does not find the plan in conflict with the financial program of the President, that Mrs. ROGERS' original proposition has been adopted as a committee measure and is fathered by Chairman Morin, which assures its prompt passage as soon as it is brought before the House for action.

AMENDS DEFENSE ACT

This is an amendment to the National Defense Act authorizing the Secretary of War to place educational orders for equipment, munitions, and accessories needed in the military service with commercial concerns to the degree that is considered by him as being necessary to familiarize commercial factories with the manufacture of munitions and to advance the industrial war plans of the War Department. In placing these educational orders the competitive bids which, in the opinion of the Secretary of War, best secure these results may be accepted, and he is to make statement of his action under this provision in his annual report.

It has been emphasized at the hearings that in time of war the arsenals manufacture but a very small fraction of the supplies and munitions that are needed. In wartime the Government has to draw upon industry and to draw upon all the industrial establishments throughout the country. In order that these industrial plants may know how to manufacture for the Government urgent need at that time, may develop skilled operatives, and have installed requisite machinery, these "educational orders" during peacetime are recommended by the War Department.

TWO-YEAR PROGRAM

Congresswoman ROGERS has brought to the attention of the House committee that other countries are doing a great deal along this line.

In consequence the committee is now considering a 2-year program.

Mrs. ROGERS has also emphasized that this is not a draft measure. The industrial plants are not to be drafted. She has been studying the problem closely for 12 years, since in 1917 she saw the spectacle of unpreparedness, when she found out in France that we did not have a single airplane in 1917 and did not use any of our airplanes during the war.

What made her introduce this bill in the beginning was that the United States Cartridge Shop was taken away from Lowell, and in going over the facts she learned that the War Department very much needed the United States Cartridge Shop, and that over 700 splendidly trained workmen were thrown out of employment. The location of the plant in Lowell was excellent, having the very desirable advantage of being inland.

MUST HAVE AMMUNITION

Congresswoman ROGERS reminded the committee that "a fighting army expends ammunition each day of warfare. The supply must come from factories or from reserve stocks. This ammunition is not commercial and the factories are not regular peacetime producers. During the time their production is being built up, reserve stocks must be available to be drawn upon. The longer it takes to build up the necessary production the greater the initial reserve must be. The alternative of a slackened rate of fire means a greatly increased death rate and possible defeat. The British Army experienced the former in averting defeat in Flanders while waiting for high explosive shell production and barely avoided defeat even with the enormous loss of men accepted."

POINTS STRESSED

In summarizing the War Department's interest, Congresswoman ROGERS presented to the House committee a statement that showed the passage of her bill is desired to further industrial preparedness for war, with the following points stressed:

1. Modern war is a war of machines.
2. Modern war requires these machines in numbers heretofore undreamed of.
3. The capacity of Government arsenals for the manufacture of these machines is small compared with the volume required.
4. The industry of the country must make up the deficiency.
5. Modern industry is not familiar in time of peace with munitions manufacture.
6. Without this familiarity valuable time is lost when emergency arises.
7. Much of the valuable time can be saved by placing educational orders for munitions with commercial concerns.
8. The placing of these educational orders will unquestionably add to national preparedness.
9. The slight increased cost is cheap national insurance.
10. The placing of these educational orders is not possible under existing law.

SUGGESTED BY JOHN W. WEEKS

Congresswoman ROGERS has also brought to the committee's attention that the late Secretary of War John W. Weeks, of Massachusetts, back in December 1922, recommended to Congress such a procedure, saying the distribution of these educational orders should be such as to give some experience to as many different plants as conditions permit. At that time he advocated an appropriation of $3,000,000 to start this scheme.

[From the Washington Post of December 22, 1940]

MACHINE-TOOL BOTTLENECK IS ACUTE PROBLEM

(By Joseph Alsop and Robert Kintner)

As everyone knows, a shortage of machine tools is the primary bottleneck in the defense program. The problem is so acute that last week Defense Commissioner William S. Knudsen sent a circular letter to the Nation's machine-tool manufacturers, pleading with them to redouble their efforts to expedite deliveries and expand production. Unfortunately, few competent authorities hope the machine-tool bottleneck can be reamed out by simple patriotic enthusiasm. The real difficulty arises not from lack of enthusiasm but from lack of foresighted planning. Until that kind of planning is attempted—and it probably cannot be attempted until the present defense set-up is reorganized—improvements in machine-tool output seem likely to be superficial.

The story of the machine-tool bottleneck is fairly simple. The defense program called for a vast expansion of industrial production. The basic problem was not placing orders for finished goods but obtaining facilities to make the finished goods. Of these facilities, machine tools were both the most important and the most difficult to prepare speedily in large quantity. Yet when the defense program was initiated last spring, neither the Defense Commission nor the Army and Navy procurement divisions squarely tackled the machine-tool aspect of their basic problem.

Such, at least, is the opinion of men who know the story from sad experience. These men say there was a threefold failure. First, although the machine-tool industry's capacity was investigated, no comprehensive plan was prepared to increase machine-tool output as rapidly as possible in all plants. Second, no adequate steps were taken to insure the most efficient use of such machine-tool capacity as there was. Instead of allocating machine-tool orders to get the first tools for the most needed weapons, practically every item in the defense program was given an A–1 machine-tool priority rating. And third, no serious effort was made to mobilize all usable existing machine tools for defense purposes. A census of machine-tool resources had been attempted by the Army sometime previously, but when it was found to be highly inaccurate no new census was attempted.

In truth, the problem of obtaining facilities for making finished goods was slighted in favor of the problem of placing orders for the finished goods. Contracts were let to scores and hundreds of manufacturers for scores and hundreds of articles, ranging from Army packs to long-range bombers. The manufacturers rushed to the machine-tool makers, clamoring for the tools they required to carry out their contracts. The machine-tool makers cheerfully booked orders until they could book no more.

Unhappily, the machine-tool makers had been bitten once before, in the first World War, when their business was almost ruined by abnormal expansion. They did not imitate their English brethren, who flatly refused to increase their output in any way until after the Munich crisis. But some tried to handle the rush of business by running three shifts instead of building new plants. Many more agreed to build new plants, but did so very cautiously, trying to avoid any capital investments the new business would not amortize. And thus the total expansion of capacity in the machine-tool industry is even now estimated at not much above 50 percent, and the most optimistic prophets do not promise that capacity will double until spring.

Clearly the result would have been much better if expansion of the machine-tool industry had been directly financed by an appropriate agency—say a machine-tool board of a properly authorized defense commission. Equally clearly, the need for expansion would have been infinitely less acute if an appropriate agency had also attempted to fit all existing machine-tool resources into the defense program.

Not long ago, in this space, a story was told of a small midwestern manufacturer whose plant contained 150 excellent machine tools, yet who could not obtain aircraft subcontracts. It was stated that competent authorities in the Defense Commission believed there were enough similar small plants to avoid the machine-tool bottleneck almost completely. This belief has recently been confirmed by a remarkable survey of the machine-tool resources of the Kansas City area, made by enterprising local businessmen.

Some progress is being made, to be sure, in dealing with the machine-tool problem. An attempt is in progress to convert the motor industry's machine tools for manufacture of aircraft parts, and civilian industries are at least not being permitted to add their orders for new tools to the defense orders now in the machine tool

makers' hands. Yet here again, as elsewhere in the defense program, coordination and planning are the fundamental needs.

Lord Beaverbrook doubled British aircraft output in 3 months, chiefly because he ordered the air manufacturers to subcontract all existing, unused tool capacity, such as that mentioned above. His feat can be repeated here. Meanwhile, expansion of the machine tool makers' plants can also be planned, as they themselves say it needs to be. Unfortunately, these things cannot be done if authority and responsibility are not fixed.

[Here the gavel fell.]

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the follcwing titles, which were thereupon signed by the Speaker pro tempore:

H. R. 8665. An act to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis.

H. R. 10098. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce', approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920.

ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 50 minutes p. m.) under its previous order the House adjourned until Thursday, December 26, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2079. A letter from the Secretary of War, transmitting a report of contracts awarded under provisions of the act of March 5, 1940; to the Committee on Military Affairs.

2080. A letter from the Acting Postmaster General, transmitting draft of a proposed bill to authorize mailing of small firearms to officers and employees of enforcement agencies of the United States; to the Committee on the Post Office and Post Roads.

2081. A letter from the Acting Secretary of the Interior, transmitting laws enacted by the Municipal Councils of St. Thomas and St. John, V. I.; to the Committee on Insular Affairs.

2082. A letter from the Acting Secretary of the Interior, transmitting laws enacted by the Municipal Council of St. Croix, V. I.; to the Committee on Insular Affairs.

2083. A letter from the Secretary of War, transmitting a statement of appropriations of the preceding fiscal year (1940) for the War Department; to the Committee on Expenditures in the Executive Departments.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VOORHIS of California:

H. R. 10736. A bill to amend an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917; to the Committee on the Judiciary.

By Mr. HOFFMAN:

H. Con. Res. 95. Concurrent resolution to adjourn sine die; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

9417. Mr. RAMSPECK presented a memorial of the Industrial Insurers' Conference, Atlanta, Ga., calling attention to the serious problems facing the country, and revowing their allegiance to the United States and the principles for which it stands; to the Committee on the Judiciary.

SENATE

THURSDAY, DECEMBER 26, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, who has given us Thy only begotten Son to take our nature upon Him, and makest us glad with the yearly remembrance of His birth: Grant us grace, we beseech Thee that we, being made Thy children by adoption and grace, may be filled with the Holy Spirit to guide our lives by His most excellent example; that all hatred and malice, all pride, and uncharitableness may be done away; that in Thy light our Nation and every nation may see light, until sorrow and sighing shall pass away in the joy of Thy everlasting peace. Through Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, December 23, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 4415) to amend the act entitled "An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof," approved June 25, 1910.

ENROLLED BILLS SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 8665. An act to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis; and

H. R. 10098. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of JOSEPH F. GUFFEY, duly chosen by the qualified electors of the State of Pennsylvania a Senator for that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of HUGH A. BUTLER, duly chosen by the qualified electors of the State of Nebraska a Senator for that State for the term beginning January 3, 1941, which were read and ordered to be filed.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The PRESIDENT pro tempore laid before the Senate two letters from the Secretary of War, reporting, pursuant to law, relative to divisions of awards of certain quantity contracts for aircraft, aircraft parts, and accessories thereof entered into with more than one bidder under authority of law, which were referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution of Strawberry Mansion Post, Jewish-American War Veterans, of Philadelphia, Pa., favoring the prompt extension of all possible aid to Great Britain, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a letter in the nature of a petition from Rev. F. M. Brunton, rector of Christ Episcopal Church, Bradenton, Fla., praying for the prompt extension of all possible aid to Great Britain, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by the crew of the steamship *Reuben Tipton*, protesting against the enactment of the so-called Smith bill, proposing to outlaw strikes in national-defense industries, etc., which was referred to the Committee on Education and Labor.

LEGISLATIVE RECOMMENDATIONS OF NATIONAL GRANGE

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD the legislative recommendations made to Congress by the National Grange at the annual meeting of that organization on November 13, 1940, at Syracuse, N. Y. The Grange, which is the oldest and one of the strongest farm groups in the United States, has submitted a constructive program which, in my opinion, if enacted would be very helpful to the agricultural interests, and would bring prosperity to the country generally.

The outstanding declarations by the National Grange were built around the determination to secure a square deal for American tillers of the soil, not only in legislation but through improved marketing facilities, extended rural privileges, and freedom from burdensome restrictions; checking the tendency toward large-scale farm activities, and guaranteeing the future of the average farm on an adequate self-supporting basis; such division of highway revenue as shall pay increased attention to the widespread need of improved secondary roads, and vigorous steps to prevent the diversion to other purposes of funds belonging strictly to highway needs; raising the moral tone of American life by revival of the virtues of industry, thrift, and cooperation; with emphatic condemnation of such growing evils as intoxication, gambling, and so forth; all the time demanding immediate and vigorous punishment for every dweller in America who fails to measure up to the standards of practical loyalty and patriotism.

The PRESIDENT pro tempore. Without objection, the recommendations will be printed in the RECORD.

The recommendations made by the National Grange are as follows:

THE GRANGE PROGRAM FOR AGRICULTURE

For the purpose of maintaining the Grange principle of "protection for all or protection for none," with respect to any crop or crops having an exportable surplus, or incapable of adequate protection by means of embargo, tariff, or excise taxes, we recommend that a plan be made available for agricultural producers which would provide an American price for the American-consumed portion of the crop.

Such a plan should be applied to a crop only upon the voluntary approval of at least two-thirds of the producers of such crop; should provide a ready market by establishing control reserves; create credit to supply an orderly marketing program; furnish a method of levying excise taxes on competitive foreign imports to protect the marketing program; and should have available for use when the producers so vote a two-price system which will make it possible to market the domestically consumed portion of the commodity at a price comparable with that enjoyed by labor and industry; and enable the organized producer to retain his surplus, sell it on the world market, or release it for domestic competitive uses if and when needed for such purposes.

The marketing machinery under this program should be democratically controlled by producers of the commodity in the interest of the producer; State quotas should be set up to best protect the national well-being and the family-sized farm.

1. Defend America and preserve American ideals; build a defense system so complete that it shall prove strong enough to meet any emergency; and do it at the earliest possible time.

2. Secure for agriculture its fair share of the national income. So long as farmers are compelled to buy at one price and sell at a lower one, it is imperative that some form of benefit payments be continued in the present emergency or until a better method is developed.

3. Establish a plan by which groups of producers may elect to make use of a quota system to maintain prices for their products on the domestic market, at levels comparable to those received by industry and labor.

4. Assure the American market to the American farmer to the limit of his ability to supply it by:

(a) Terminating at the earliest possible date all trade treaties that are proving harmful to agriculture.

(b) Removing unnecessary trade barriers between States.

(c) Encouraging research to find new uses for farm crops, thereby diminishing the harmful effect of agricultural surpluses.

(d) Extending incentive payments to encourage production of new crops which may prove useful, especially in contributing to an efficient defense program.

(e) Continuing distribution of surplus food products to the needy, especially under the food-stamp plan.

(f) Providing Federal aid for the grading and standardization of farm products.

5. Increase the usefulness of the A. A. A. program through greater responsiveness to agriculture; by providing for its administration through producer-chosen State and county committees.

6. Restore the Farm Credit Administration to an independent status by:

(a) Administration through a bipartisan board, with staggered terms of members.

(b) Complete divorcement from compliance with political domination or other program connections.

(c) Maintenance of interest rates at the lowest possible point consistent with sound business practice.

7. A sound conservation policy by:

(a) Continuance of soil-conservation and land-use programs, but never as a means to promote crop control.

(b) Aid to forest-land owners in protection against insects, disease, and fire.

(c) Speeding up acquisition of forest and submarginal farm lands unsuitable to private ownership for addition to the national-forests and purchase units, with adequate compensation to local governmental units in lieu of taxes.

(d) Continued opposition to the transfer of the Forest Service from the Department of Agriculture to any other control.

8. Insistence upon the sound principle that, however much adjustments may be necessary, national wealth can never be built by creating scarcity.

9. Curb the mounting costs of government, National, State, and local. Faced with the inevitable expenditures for national defense, it is more essential than ever before that all spending agencies emphasize economy and efficiency in the use of public funds.

10. Utilize every modern means of economical transportation, but insist upon maintaining the advantages of the competitive system.

11. Use the full power of cooperative purchasing and selling to lower living costs and to insure greater bargaining power to the farmer.

12. Promote better rural living by:

(a) Maintaining the family sized farm.

(b) Generous support for rural schools, and improved equipment and sanitary conditions.

(c) Increased opportunity for youth activities, including 4–H clubs and similar projects, all aimed at youth training for leadership, and utilizing the benefits of established agencies, farm organizations, and land-grant colleges.

(d) Extension training in vocational education, agriculture, and practical homemaking.

(e) Continued expansion of rural electrification.

(f) Broadening of the good-roads program to especially emphasize secondary roads in rural areas.

(g) Legislation or other assistance to solve the problem of migratory farm families and the dangers of tenant farming.

The National Grange favors—

Continuation of the present crop-insurance program, with the loan feature expanded to meet requirements of additional and special crops.

Increased use of the facilities of the agricultural colleges, extension service, and similar agencies designed to aid ambitious farmers.

Encouragement to farm cooperatives—with maximum financial support from Federal agencies created for that purpose.

Reimbursement of counties and other taxing units in lieu of taxes which would normally be received from areas taken by the Federal Government for parks, sanctuaries, recreational, and other purposes.

Continuation of the Farm Security Administration, with reasonable appropriations by Congress for such purpose.

Amending National Labor Relations Act to clearly define status of agriculture and give farmer exemption to which he is justly entitled.

Legislation in Congress to provide adequate fire protection in the forests of the Nation, annually suffering fire losses.

The early enactment of such seed laws as will secure uniformity within all the States.

Continued investigation of un-American activities and deportation of all proved offenders.

Action by the Department of Agriculture to permit increased acreage of sugar beets and sugarcane to meet the demands of the domestic sugar market, with added protection for American sugar-beet and cane farmers through changed tariff schedules or otherwise.

A graduated land tax to discourage excessive landholdings and promote farm ownership.

Congress exercising its constitutional function for coining money and regulating its value.

Compelling mining corporations, dredging companies, etc., to level and restore topsoil in all cases of strip mining, dredging, and similar operations.

Federal assistance to cotton growers, as far as practicable, in their present serious plight.

Legislation to provide for the marketing of cotton on a net-weight basis; also adequate appropriations for pink bollworm control.

Adding beans and barley to the staple commodities list.

Safeguarding the Nation's supply of phosphate deposits.

Continued spread of efforts and education to promote safety on the highways.

Study to determine feasibility of establishing and financing—either by the Grange alone or in cooperation with other farm organizations—a service agency equipped to conduct legislative research, its services to be available to the sponsoring organizations and to Members of Congress.

Adoption of a 1941 special postage stamp to commemorate the Grange diamond jubilee year.

The National Grange opposes—

The establishment of a Federal Department of Education at the National Capital.

Any Government system of socialized medicine; but supporting community or cooperative projects of such nature.

The attempt of the Government to transfer to Federal agencies or control the administration of life-insurance companies, inasmuch as present State and local regulations provide all necessary safeguards for the operation of such companies as private institutions.

Restrictions in benefits of the Extension Service to any farmer, based upon his affiliation, or lack of it, with any group or organization.

Further irrigation projects, unless a similar acreage of submarginal land is removed from cultivation.

Placing privately owned or farm trucks under the Interstate Commerce Commission or other control.

The sale of intoxicating liquors in or near military training camps in any part of the Nation.

Continuance of block booking and blind selling in the supply of films to motion-picture houses.

The use of agricultural products as loss leaders by chain stores and others for consumer-baiting purposes.

Further impairment of rural radio service by loss of clear-channel broadcasts, due to granting increased station privileges in the large centers.

Throughout the entire Syracuse session patriotic sentiment was strongly in evidence, and uppermost discussion was given to the Nation's defense program, to which the Grange pledged unqualified support on behalf of the food producers of the country. However, the dangers of extravagant spending, without maximum results, were frequently warned against; while the session vigorously denounced all subversive activities aimed at undermining the morale of the Nation.

STATEMENT BY VERNE MARSHALL, CHAIRMAN OF THE NO FOREIGN WAR COMMITTEE

[Mr. HOLT asked and obtained leave to have printed in the RECORD a statement by Verne Marshall, chairman of the No Foreign War Committee, which appears in the Appendix.]

STATEMENT BY WILLIAM ALLEN WHITE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a statement by William Allen White with respect to the objectives of the committee of which he is chairman, which appears in the Appendix.]

ARTICLES BY MARK SULLIVAN, DOROTHY THOMPSON, AND WALTER LIPPMANN ON WAR POLICIES

The PRESIDENT pro tempore. In the opinion of the Chair, the most important question before the American people today grows out of the efforts by totalitarian states to destroy Great Britain and other democratic nations. The American people are deeply concerned in this conflict, believing, as many do, that if Hitler, Stalin, and Mussolini, with their associate Japan, should triumph, the welfare of this Republic would be imperiled. Speaking for himself, the Chair approves the course pursued by the President in dealing with this tragic world situation.

Three of our news commentators have from time to time submitted views which indicate the danger to any democratic nation in the event Hitler and his associates should be successful in their criminal schemes. The Chair asks unanimous consent to have inserted in the body of the RECORD a brief article by Mark Sullivan, another by Miss Dorothy Thompson, and still another by Walter Lippmann. Each of these articles appeared in the January 1941 issue of the Reader's Digest.

The Chair wishes to quote one sentence from Mr. Lippmann's statement:

It is only by taking promptly and resolutely all the measures which confine the war within the grip of British sea power, and therefore hold it off at a distance where no one can fight us, that we shall have done our whole duty in protecting the American people from war.

There being no objection, the articles referred to were ordered to be printed in the RECORD, as follows:

[From the Reader's Digest of January 1941]

ENGLAND MUST WIN, OR ELSE—THREE APPROACHES TO OUR BASIC PROBLEM, AS SEEN BY FAMOUS POLITICAL COMMENTATORS

(Condensed from New York Herald Tribune)

I. THE SUREST UNITED STATES DEFENSE STEP

(By Mark Sullivan)

Our preparedness for war increases. What is the nature of this war we prepare against?

We do not fear, except in a remote sense, German invasion of our soil. Our danger, as it is seen by many thoughtful and competent persons, is the destruction of our American system without invasion. At the risk of trying to simplify too greatly, this is how it would come about:

Germany conquers Britain. Germany then controls the sea and has a position of dominance over most of the world, excepting us. Germany then imposes the totalitarian system on the world—by arms, threat of arms, or economic pressure.

She begins, in most countries, by Nazifying industry and commerce. She makes all the commerce and industry of all the world into one unit, centering in Germany, directed from Berlin. She says to one country, "You shall raise and export wheat." To another, "You shall make textiles." To a third, "You shall make automobiles."

Certain key industries she would keep for herself. She would keep the armament and the major airplane industries as a matter of course. She would keep the shipbuilding industry, or so manage it in other countries, as to enable her to have the strongest navy and mercantile fleet in the world. Quite likely, she would prevent other countries from building ships beyond a certain size or number.

All this, all the separate centers of production throughout the Nazi-dominated world, all the routes of trade, Hitler would weave into one web. It is as if all the world were one great factory, operated from Berlin.

We fear that after Hitler has done this to all the world, except us, we could not stay out. We fear that we, too, would be obliged to adopt the totalitarian system for industry and commerce, and that, if we did so, we should have to adopt it in the other respects. We should become a totalitarian country, totalitarian form of society, totalitarian form of government.

This is, in substance, the view upon which we as a Nation are acting. Against every form of danger that Germany is to us, our best defense is to help Britain. If Britain survives, Germany cannot attack us directly. If Britain survives, Germany cannot impose her system on the world.

II. CAN THERE BE A PEACE OF NEGOTIATION?

(By Dorothy Thompson)

From Berlin come suggestions that peace can be achieved; that Hitler is prepared to take Great Britain into junior partnership. These rumors, plus reports from England of serious damage from bombs and heavy shipping losses, undoubtedly awaken in this country a hope that the war can be stopped and things restored in a halfway tolerable manner.

Influential groups in the American business world are unquestionably counting on a possible defeat of Britain by spring. These, and others, show stubborn resistance to any radical increase of aid for Britain. Colonel Lindbergh is spokesman for a group who are positive of the collapse of Britain at no distant date, and a "new order in Europe" with which we, then, must cooperate. We must make no alliance now with Britain, they say; we must prepare to make one with the new order under Hitler.

Such ideas are part and parcel of a diplomatic offensive perfected by Hitler long ago and waged by him with extraordinary success from 1936 to 1939. They are part of his technique for achieving bloodless victory.

From the very beginning he held forth the repeated hope that just one more gain would satisfy the Third Reich and that war would occur only because of the lack of reason on the part of his opponents. And this is still true: The world can have one sort of peace tomorrow—if it is prepared to live on Hitler's terms.

It will not, of course, have real peace. It will have the indefinite continuation of a reign of terror, in which political groups are exterminated, racial groups are organized into a hierarchical structure with Germans on top and lesser peoples beneath, all existing forms of culture and of law are obliterated, and the so-called German revolution is substituted for the war itself.

There is not the slightest doubt that Hitler would more than welcome a negotiated peace, with Britain taken into junior partnership. Junior partnership is the status enjoyed by Italy. It means collaboration in carrying out further the world program designed in Berlin. Italy is the caboose of a streamlined train hurtling through the world, and she cannot uncouple herself if she would. Her military and economic position is so weak in contrast to that of Germany that she is a prisoner, not a partner, of her alliance. And Great Britain would be in the same position.

The negotiated peace proposed by Germany would deprive the United States of the only friend and ally we have in the world. The Churchill Government would fall—Hitler would not make peace with Churchill—and be followed by a pro-Nazi government.

This government would not make peace in the world. It would further pursue the war. And then the United States of America would be in the most hideous danger imaginable. For then Japan would enter as actively into the axis partnership as Italy entered it with the defeat of France.

If the defeatist attitude in the United States is already serious, what would it be with Britain in partnership with the axis? Then, indeed, the careful preparations made in the United States for years by the Fascist powers would bear fruit. Then we would hear from the bundists and all their allies. We had better remember that Hitler's own solution for the United States is that, at the right moment, we should tear ourselves to pieces and out of history in an internal revolution.

The only possible hope for us to avoid the worst catastrophe in our history is to abandon wishful thinking and realize that we must not alow Britain to lose the war. The only possibility of our avoiding war is to muster in Britain's aid that unity, strength, coordination of resources and production of arms of which we would be capable if we were at war.

If we are to allow neutrality to stand in the way of our taking the political, diplomatic, propagandistic, military, and industrial steps necessary to the preservation of the Nation, then it would be better to abandon it. But it would be far shrewder not to do so. For it is still possible to win the war without entering it.

And there must be no peace except one which leaves Britain and America, together, in a more powerful world position than the axis. This is the only alternative to complete capitulation to, and integration in, a world run on axis terms, and on their terms alone.

III. WAR OR MEASURES SHORT OF WAR

(By Walter Lippmann)

A sober and candid estimate of the situation must, it seems to me, lead to the conclusion that the issue in the months immediately before us is not whether as a matter of business or sentimental philanthropy or partial self-defense we shall sell or lend or give a little more or a little less assistance to Great Britain. The issue is not whether a little less assistance will keep us out of war or a little more assistance will involve us in the present war. The issue is whether before it is too late we can and will take the necessary measures to prevent the present war—a war in which we are not called upon to fight—from developing into a new and greater war in which we shall have to fight.

This is the real issue. But it is not being made plain to the people because the responsible and informed men who understand the situation are still silenced by the fairly large number of sincere but uninformed men who have never at any time in the last few years understood this war. At a time when only positive measures clearly and resolutely undertaken, and backed by the utmost unified effort, can protect this Nation against involvement in an immense war, the administration and the Congress and the Nation are paralyzed by the deadly error that if we help Great Britain a little she may win, but that if we do not help her enough and she falls, then there will be peace, an unpleasant peace no doubt but nevertheless a peace.

This is a dangerous illusion. For the certain truth is that the collapse of Britain, or even its defeat in one of the great theaters of the war, would be like the breaking of a dam which has been holding back a raging flood. The torrent of war would burst out upon all the oceans and into all the continents.

Though this is now a very serious war in northern Europe, in the eastern Mediterranean, and in China, it is still for Americans a localized war. The dam which restricts the war, and thereby enables us to arm without fighting, is a great fortified line—fortified by British warships and airplanes, British and allied land forces, the Chinese armies, the British, Dutch, and American power in the Pacific. This line runs around the world from the British Isles to Gibraltar to Suez to Singapore to Hawaii to Panama. It prevents the Germans and Italians from getting into Africa, Asia, or any part of this hemisphere, and it holds back the Japanese.

If the axis can isolate the British Isles by blockade and bombardment, the British cannot hope to hold Gibraltar, Suez, any part of northern Africa or the Middle East, or any position in the Far East. The road to South America will be wide open; and the road to the Indies and Australia. For with the forces we have, the best we could hope to do would be to hold Hawaii and Panama, and that would be a desperate task because we would face a hostile, victorious, and immensely powerful alliance in both oceans.

Even if the British Isles holds fast, a break-through in the Mediterranean will at once extend the war dangerously into Africa, the South Atlantic, South America, and all over the Pacific. For the British would then have to bring back all their forces from all over the world to resist a concentrated assault on the British Isles, and we should have to bring all our forces back for the immediate defense of Hawaii, Panama, and Canada.

If there are no forces left to oppose the Japanese in the Pacific or the Germans and Italians in Africa and the South Atlantic, is it conceivable that, with the richest empire ever opened to a conqueror before them, they will not seize the opportunity? They have been fighting desperately to conquer relatively barren and already overcrowded territories—and yet there are men who tell us that if Asia, Africa, and South America were at their mercy, they would turn their backs upon these unbelievably great prizes of empire and amuse themselves constructing a "united Europe."

During the campaigns of 1941 it will be determined whether the war can be kept localized by the resistance of the British and their allies, the Chinese and ourselves, or whether the dam is to break. The outcome will be determined not only by the power and valor of the British and Chinese but by the lucidity and courage we are able to muster in the next few weeks and months. In the very immediate future we shall make the bed that we shall have to lie in for the very long future.

Our problem is how to use all the resources we possess to make certain that the lines hold fast through 1941; only thus can we be sure of the time needed to develop the armaments which will insure an allied victory and our own security—they are the same thing—beginning in 1942. When there is no longer a firm buffer between ourselves and the three aggressors, then our defense will be by actual and total war.

It is only by taking promptly and resolutely all the measures which confine the war within the grip of British sea power, and therefore hold it off at a distance where no one can fight us, that we shall have done our whole duty in protecting the American people from war.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore, as in executive session, laid before the Senate a message from the President of the United States nominating Edward P. Warner, of Connecticut, to be a member of the Civil Aeronautics Board in the Department of Commerce for the term of 6 years, expiring December 31, 1946 (reappointment), which was referred to the Committee on Commerce.

RECESS TO MONDAY

Mr. BARKLEY. Mr. President, so far as I know, there is no business to be transacted today.

The PRESIDENT pro tempore. The Chair was advised that the senior Senator from Colorado [Mr. ADAMS] desired to call up a measure today. He seems not to be present, however.

Mr. BARKLEY. I have received word that the Senator from Colorado does not desire to have that bill called up today.

The PRESIDENT pro tempore. The Senator from Kentucky has been so advised?

Mr. BARKLEY. Yes. I therefore move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 12 o'clock and 5 minutes p. m.) the Senate took a recess until Monday, December 30, 1940, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate December 26 (legislative day of November 19), 1940

CIVIL AERONAUTICS BOARD

Edward P. Warner, of Connecticut, to be a member of the Civil Aeronautics Board in the Department of Commerce for the term of 6 years expiring December 31, 1946 (reappointment).

HOUSE OF REPRESENTATIVES

THURSDAY, DECEMBER 26, 1940

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. RAMSPECK.

The Clerk read the following communication from the Speaker pro tempore, Mr. COLE of Maryland:

THE SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 26, 1940.

I hereby designate Hon. ROBERT RAMSPECK to act as Speaker pro tempore today.

WILLIAM P. COLE, Jr.

Rev. G. Ellis Williams, D. D., superintendent of the West Washington District of the Methodist Church, Washington, D. C., offered the following prayer:

O Lord, our God, how excellent is Thy name in all the earth. Thou art the King of Glory, yet Thou art accessible to the humblest of Thy children. We come to Thee in the afterglow of Christmas. To us it has brought great blessing. But to millions across the sea who are in the midst of terror occasioned by war, suffering, and starvation it has brought no relief. We pray for these, our brethren, that Thou wilt comfort them with Thy peace and boundless love. Forgive us wherein we have sinned as individuals and as a nation. Give unto us increasingly the spirit of kindliness, brotherhood, and good will. All this we ask, with the forgiveness of our sins, in

the name of our Brother of Birth Divine, Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Monday, December 23, 1940, was read and approved.

ADJOURNMENT OVER

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE LATE GLENN GRISWOLD

Mr. HARNESS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HARNESS. Mr. Speaker, upon my recent return to Washington, after a brief tour of inspection of our national defenses, I learned with sorrow and regret of the sudden demise of my friend Glenn Griswold, a former Member of this body. Glenn Griswold represented my congressional district in Congress from 1930 until 1938, when I succeeded him. He and I had been friends for many years, and I admired his honesty, courage, and independence. While we differed politically there was never a moment when I entertained the slightest doubt as to his sincerity and patriotism.

Others have dwelt at some length upon his years of service in Congress and the many splendid qualities which graced his private life. I must be content to pay a brief and simple tribute to a friend and neighbor who met his obligations with a fidelity and courage that must excite the admiration of all.

NATIONAL DEFENSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, there is a question of whether President Roosevelt's much-publicized plan to seize German, Italian, and other European boats interned in American ports and turn them over to the British, which was announced with a great flourish last week, was Mr. Roosevelt's own idea or an idea sold to him by some of his advisers, or whether it was a very clever British plan. The press reports the latter to be the case.

It is also a question of whether or not the avidity with which the administration spokesmen "bloomed up" this proposal was more to cover up and to divert the public mind from the exposures of the sickening failure in the progress of the defense construction rather than for any real serious intent by the administration to perpetrate the act of war proposed.

If this proposal emanated, as some of the best-informed Washington observers understand that it did, from the British, the purposes are plain. There is no question among the authorities on international law but that such an act would be an act of war. Being an act of war, it would be almost impossible for Germany and Italy to refrain from recognizing it as such and acting accordingly. That would involve Japan, of course. That would mean, from the British angle, that the United States would be in the war with all of our men as well as all of our money.

Germany reacted exactly as she could have been expected to react. Hitler has served notice on this administration that any seizure of German ships interned in American ports and their surrender to the British would be regarded as warlike. The result is that Mr. Roosevelt now faces the necessity of going forward against the overwhelming desire of the American people and of proposing to Congress that he be given authority to take the Nation into war by the route of these ship seizures, or else the administration must soft pedal its much-heralded measures short of war.

To call such an act as this a "measure short of war" is merely to insult the public intelligence. There have been many Members of the Congress who have insisted that if this Nation is going to be taken into war that it ought to go into the conflict with its eyes open, knowing what it means, but it has now become apparent that the administration has no intention of considering or consulting Congress, an equal coordinate branch of the Government, any more than it is absolutely compelled to by public opinion. Of course, it is silly to talk about neutrality at this stage of affairs. The administration has all along been as unneutral in its words and acts as it was possible for it to be without taking a rifle and beginning to shoot.

If this much-publicized "new" plan to seize German, Italian, and other ships and turn them over to Britain is only a smoke screen laid down to try to befog and obscure the lamentable and inexcusable condition of the national defense, no more dangerous or foolhardy method could have been hit upon by anybody.

America needs to devote her attention to an adequate and impregnable national defense. She needs to create that defense as quickly as possible. She needs to have rifles and ships and airplanes and tanks at home, and the stories that are coming to us from Members of Congress who have investigated conditions at the Panama Canal are exceedingly grave and disquieting.

It will be nothing short of treason, regardless of who is responsible, if this Nation is not provided, with the greatest possible speed and efficiency, with a national defense on the land, on the sea, in the air, and under the ocean—adequate to protect it from any nation or combination of nations under any circumstances. The American people should wake up to the danger which now exists and demand in emphatic terms that the state of our national defense be investigated by the Congress and the naked truth—no matter how ugly—exposed.

EXTENSION OF REMARKS

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include a brief editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter to the President of the United States, signed by 100 educators and writers, in connection with the new deportation and naturalization laws.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the United States News.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the New York Enquirer.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GIVE THE AMERICAN PEOPLE AN OPPORTUNITY TO AID IN NATIONAL DEFENSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that I may be permitted to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, here in Washington it is conceded that the defense program has fallen down. How badly, few seem to know.

Nor do we know fully and accurately the cause for nonproduction. One group charges the lag to the industrialists. Others insist that labor is to a certain extent to blame.

Still others think a lack of coordination and centralized authority is the cause. One thing is certain, our people are demanding intelligent, aggressive efforts which will give us an adequate national defense.

Throughout the land millions of people are not only ready but they are eager to assist. Up to the present time, we know that the price of materials needed by this Government has been steadily advancing. We know that, day after day, there are demands for an increase in wages. In brief, all too many seem not only willing but very anxious to seize upon the emergency as an excuse to profit personally. It is time that such an idea not only be discouraged but be rendered impossible of achievement.

Throughout this land there are hundreds—yes, literally thousands—of communities prepared to do their part toward national defense. One such community is located in my home county of Allegan, at Saugatuck, on Lake Michigan.

Quite true, Saugatuck is a small community, but its citizens are enterprising, and they are patriotic. They are seeking an opportunty to serve, and that unselfishly.

Saugatuck is a lake port. From it seagoing vessels can reach the Atlantic Ocean.

This morning from that city came a request that its facilities be surveyed and that it be permitted, in its small way, to do its part toward national defense. A copy of that communication is as follows:

SAUGATUCK, MICH., *December 18, 1940.*

Mr. WILLIAM S. KNUDSEN,
National Defense Advisory Committee, Washington, D. C.

DEAR MR. KNUDSEN: This village and its citizens and those of the adjacent community seek and solicit semiskilled war-defense work that may be had. The request is made as our unemployment list is high, and it is our earnest desire to avoid being the recipients of governmental so-called work relief.

We pledge these:

(1) To furnish buildings, land, power, and water.

(2) To avoid labor disputes by an insured contract with the National Defense Advisory Committee in any form it sees fit.

(3) To develop truck transportation promptly to within a radius of 200 miles.

(4) To follow faithfully the instructions of keymen.

(5) To furnish 50 men and women.

(6) To work 6 or even 7 days per week if need be.

The distance from Saugatuck to Chicago, 140 miles; Detroit, 180 miles; Lansing, 100 miles; South Bend, 100 miles; Holland, Mich., 10 miles where freight may be loaded in the afternoon, be at Suspension Bridge the next morning and on the seaboard the following morning.

We are also located on United States Highway 31, reaching from Mackinac City to Mobile, Ala.

We are also located on a land-locked harbor 1½ miles from the mouth of the Kalamazoo, which connects it with Lake Michigan. The harbor and river have been dredged to a depth of 14.6 feet.

May not some of the work being allotted now or in the near future be allotted to us? It means so much to us.

Very truly yours,

W. K. EICHER, *Committeeman.*

We heartily approve the above request.

F. E. FORCE,
President of the Village.
R. E. MADDEN,
Secretary of the Pokagon Club.
A. G. ONEAL,
Secretary of the Chamber of Commerce.

To the foregoing, may I add the statement that the citizens of Saugatuck are patriotic; that they are unselfish. They have skilled workmen in their community; and if defense projects are entrusted to them, there will be no unreasonable demand for increase in wages, price of materials, or the use of facilities which will unduly add to the cost of the project.

I am transmitting the foregoing statement with the earnest request that those in charge of national defense take cognizance of the desire and of the ability of our people in smaller communities throughout the land to aid the Government at this time.

In these smaller communities we can be assured there will be no gouging of the Government. There will be no sabotage. There will be no sit-downs, no slow-downs. There will be loyal, patriotic, unselfish service.

Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter from the village of Saugatuck, Mich.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MUNICIPAL ELECTRIC PLANT

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PIERCE. Mr. Speaker, while Governor of the State of Oregon I did all that I could to encourage the small towns to put in their own municipal electric plants. One among the number owning its system was Forest Grove, a little town in western Oregon of about 2,500 people. About 3 years ago Forest Grove put in Diesel engines, a modern outfit, and then the city authority concluded, something like a year ago, that the city could buy Bonneville power and allow their engines to stand idle and save money by so doing. In the first 10 months of this year that little town paid the Government $9,263.60 for Bonneville power. They collected $33,890.80 in the same 10 months. The electric power department paid all their charges, all their expenses, and have paid the city $10,250 in lieu of taxes and interest. They have left over, in their treasury, in 10 months' operations $2,679.04, and during this time they have given the city among the lowest rates in Oregon, exemplifying the truth of the statement that if the towns will take hold of electric distribution themselves it will be very profitable.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. I yield.

Mr. RANKIN. Will the gentleman insert those rate tables in his remarks?

Mr. PIERCE. I will be glad to put them in.

[Here the gavel fell.]

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks to include a brief article from the Woodburn (Oreg.) Independent.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, and, of course, I shall not object, because we all know there has never been a greater friend of the power consumers in this House or in the other body than the distinguished gentleman from Oregon, but I want to ask him to put the retail rates in these remarks—that is, the rates that people have to pay in that community—in order that people throughout the country who are clamoring for decent power rates may understand just what that means.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that I may add that to this article referred to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The matter referred to is as follows:

[From the Woodburn (Oreg.) Independent of December 5, 1940]

TWO WOODBURN COUNCILMEN INSPECT RECORDS OF FOREST GROVE LIGHT PLANT

Fred Hecker and Fred Miller, two members of the Woodburn City Council, went to Forest Grove Monday to check up on that city's municipal power plant, which has been using Bonneville power since November 27, 1939.

Forest Grove's plant is the subject of more discussion than any other municipal plant in the State because the rates used there are the rates recommended by the Bonneville administration in all comparable situations.

The two Woodburn councilmen, in inspecting the city records and questioning City Manager Weber, gleaned the following information:

The Forest Grove light plant employs two men on a permanent basis. One of these receives $150 a month and the other $115. They receive annual vacations with pay, and in severe weather their activities are often curtailed. Thus, although their pay is theoretically lower than the pay of men doing similar work for the private companies, it amounts to about the same. A third man is hired when needed, and he receives 50 cents an hour.

Bills are due on or before the 10th of each month, and if not paid by then, a 5-percent penalty is added. After 30 days, if the customer has not paid his bill, the service is required to be disconnected.

A $5 deposit is required of each new customer, and this covers both light and water service, protecting the city against losses from both.

Both light and water bills are paid at the city hall in a manner similar to the way city water bills are paid in Woodburn. This eliminates a certain amount of duplication.

The city electricity plant has an appraised value of $125,000, of which $70,000 is the distribution system and the remainder represents the Diesel plant, now standing idle. The city pays itself 6-percent interest on the entire $125,000, and also taxes. In taxes and interest the city light department turns over to the city's general fund $1,025 every month.

The plant has about 1,200 customers, commercial and residential, a considerable proportion of whom are outside the city limits. Forest Grove's situation is similar to Woodburn's in that many who consider themselves part of the community live outside the city limits.

The private company competes vigorously for customers outside the city limits, but since the so-called Forest Grove rates were inaugurated a year ago the city has won practically all of these customers. Before that these customers alternated between the city and the power company as rates charged by the two systems varied. The private company at no time ran its lines inside the city limits, since it had no franchise.

When Forest Grove put in its Diesel plant in 1931 the city was $400,000 in debt and the city tax levy was 30 mills. At the close of this year the city debt will be $173,000, and for the past 3 years the city levy has been not over 15 mills. This improved condition has been brought about largely, but not entirely, because of profits from the light plant. In addition to causing these improvements in the city's financial condition, profits from the light plant were used to pay for the Diesel motors, some $100,000.

Amount of electricity sold by the city each month this year is almost three times what it was each month in 1933, and the rate reductions that have been made in that period are given as the chief reason for the increased demand.

Bonneville power costs the city 4.7 cents per kilowatt-hour, almost exactly what it costs for the Diesel oil necessary to produce a kilowatt-hour. Therefore by buying Bonneville power the city saves all the cost of operating its Diesel motors.

Since hooking up with Bonneville the city has "had to build lines like everything" to take care of the increasing demand. As a result the distribution system has increased considerably in value in the past year. Nevertheless, $3,088.10 has been set aside from January 1 to October 31 for depreciation. Figures for the month of November were not available; the city's auditor was working on these at the time the two Woodburn councilmen were there.

Summary for the 10 months January 1 to October 31 is as follows:

Total amount collected: $33,890.80.

Cost of power: $9,263.60.

Gross income: $24,627.20.

Salaries and wages, repair and maintenance, workmen's compensation, depreciation, etc.: $9,216.56.

Office expense: $2,069.10.

Net operating profit (gross income less $9,216.56 less $2,069.10): $11,285.66.

Less $412.50 interest on bonds: $12,929.04.

Less $10,250 turned over to the city general fund in taxes and interest: $2,679.04.

The $412.50 listed as paid on bonds has to do with some bonds floated a few years ago to obtain money for purposes having nothing to do with the power system; the power system in effect was put up as security for the obligation and is still paying the interest.

These figures mean, in plain English, that Forest Grove in the first 10 months of 1940 paid out of the power plant's revenues all possible bills that could be levied against it, including new construction, depreciation, 6-percent interest, taxes, and interest on nonpower bonds—and had $2,679.04 left over. This despite the fact Forest Grove rates are so low that there were predictions from several sources that the city could not break even on them.

While in Forest Grove, Councilmen Hecker and Miller were guests at the chamber of commerce luncheon.

Mr. PIERCE. I shall at a later date insert in the RECORD a table showing rates now charged in several cities in Oregon.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein two brief articles, one from the New York Times and one from the New York Herald Tribune.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent that I may extend my own remarks in the RECORD by including a radio address delivered by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD by including an address delivered by the President on Christmas Eve in the city of Washington.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Monday, December 23, 1940, present to the President, for his approval, a bill of the House of the following title:

H. R. 5336. An act for the relief of Peter Bavisotto.

ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p. m.) the House, in accordance with its previous order, adjourned until Monday, December 30, 1940, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, Mr. BLOOM introduced a resolution (H. J. Res. 623) to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson, which was referred to the Committee on the Library.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2084. A letter from the Secretary of War, transmitting a report, pursuant to Public, No. 426, Seventy-sixth Congress, relating to the division of awards for aircraft, aircraft parts, and accessories therefor; to the Committee on Military Affairs.

2085. A letter from the Secretary of War, transmitting a report, pursuant to Public, No. 426, Seventy-sixth Congress, relating to divisions of awards for aircraft, aircraft parts, and accessories therefor; to the Committee on Military Affairs.

SENATE

MONDAY, DECEMBER 30, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal God, Thou timeless One, made known to us not by our discovery but by Thine own revealing, who art evermore in the dream and thought of the creatures Thou hast willed to be: Preserve us in faith as the shadows of the old year fade away and the new year dawns and we waken to the light, saying, "This is our God, of whom our vision in the past was but a glimmering ray."

As we pause in reverent awe on the threshold of the future with hearts bowed down because of the violence, hatred, and enmity that are in the world, even so we can but bless Thee for the stirring ministry of the past, for the story of noble deeds, the memory of holy men; but most of all we bless Thee for the ministry of the Son of Man, for the cradle, the cross, and the crown of Him who taught us the eternal beauty of earthly things, who by His life hath set us free from fear, and by His death hath won us from our trespasses to Thee. May the spirit of the Lamb of God dwell within each one of us; may it conquer all the selfishness of man and take away the sin and sorrow of the world. In our Saviour's name we ask it. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar

day of Thursday, December 26, 1940, was dispensed with and the Journal was approved.

REPORT OF NATIONAL FOREST RESERVATION COMMISSION (S. DOC. NO. 317)

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of War, president of the National Forest Reservation Commission, transmitting, pursuant to law, the report of that Commission for the fiscal year ended June 30, 1940, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry and ordered to be printed, with an illustration.

REPORT OF WAR MINERALS RELIEF COMMISSION (S. DOC. NO. —)

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of the Interior, reporting, pursuant to law, on all operations and disbursements in the adjustment of claims under the War Minerals Relief Act covering the period December 1, 1939, to November 30, 1940, inclusive, which was referred to the Committee on Mines and Mining and ordered to be printed.

REPORT ON THE HELIUM-PRODUCTION FUND

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, reporting, pursuant to law, concerning the disbursements, obligations, and balances on hand in connection with the special helium-production fund for the fiscal year ended June 30, 1940, which was referred to the Committee on Military Affairs.

REPORT OF NATIONAL PARK TRUST FUND BOARD

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, reporting, pursuant to law, for the National Park Trust Fund Board relative to the operations of that Board for the fiscal year 1940, and showing the status of the national park trust fund as of June 30, 1940, which, with the accompanying paper was referred to the Committee on the Public Lands and Surveys.

PETITIONS

The PRESIDENT pro tempore laid before the Senate letters in the nature of petitions from Alfred M. Kunze, of New Rochelle, N. Y., praying for the enforcement of the neutrality laws and a negotiated peace in Europe, also for the feeding and clothing of peoples made destitute by war, which were referred to the Committee on Foreign Relations.

Mr. HOLT presented a resolution of James Wood Chapter, National Society of the Daughters of the American Revolution, commending the activities of the so-called Dies committee of the House of Representatives and favoring an appropriation for the continuance of that committee, which was referred to the Committee on the Judiciary.

REPORT OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. KING, from the Committee on the District of Columbia, to which was recommitted the bill (H. R. 10418) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Peter Florey, reported it without amendment and submitted a report (No. 2226) thereon.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES ON DECEMBER 29, 1940

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by the President of the United States on December 29, 1940, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT OF THE UNITED STATES ON DECEMBER 24, 1940

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by the President of the United States on December 24, 1940, which appears in the Appendix.]

ADDRESS BY LYNN R. EDMINSTER BEFORE EASTERN OREGON WHEAT LEAGUE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Lynn R. Edminster, special assistant to the Secretary of State, before the Eastern Oregon Wheat League at Pendleton, Oreg., on December 6, 1940, which appears in the Appendix.]

ADDRESS BY ALFRED M. COHEN BEFORE ELECTORAL COLLEGE

[Mr. BARKLEY (for Mr. DONAHEY) asked and obtained leave to have printed in the RECORD a resolution adopted by the Presidential electors of the State of Ohio, and an address delivered before the electoral college by Alfred M. Cohen, which appear in the Appendix.]

SURVEYS ON WAR TOPICS BY SENATOR HOLT

[Mr. HOLT asked and obtained leave to have printed in the RECORD two surveys by him, entitled "Thumbnail Sketches of the War Crowd" and "Answers to the Warmongers," together with certain editorials and communications about his war stand, which appear in the Appendix.]

EDITORIAL BY VERNE MARSHALL AND STATEMENT BY SENATOR WHEELER

[Mr. HOLT (for Mr. WHEELER) asked and obtained leave to have printed in the RECORD an editorial by Verne Marshall entitled "There Shall Be Peace!" and a statement by Senator WHEELER accompanying the editorial, which appear in the Appendix.]

GIVING AWAY DEFENSES OF THE UNITED STATES

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD a telegram from Verne Marshall, chairman of the No Foreign War Committee, and others, regarding the giving away of defenses of the United States, which, with the signatures, appears in the Appendix.]

ADDRESS BY DEAN ALFANGE, PAST SUPREME PRESIDENT OF THE ORDER OF AHEPA

[Mr. KING asked and obtained leave to have printed in the RECORD an address delivered by Dean Alfange, past supreme president of the Order of Ahepa, at the Hotel Roosevelt, New Orleans, La., on December 5, 1940, at the formal opening of the Greek war-relief drive, which appears in the Appendix.]

LETTER FROM JUNIOR CHAMBER OF COMMERCE OF SEDAN, KANS.

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Junior Chamber of Commerce of Sedan, Kans., signed by its president, Shannon B. Kinkade, and all the officers and directors of the organization.

These young men set forth their views on the foreign policy of the United States simply, directly, and, in my judgment, very sanely. I invite the Senate's attention to the position these young businessmen take and suggest that their sentiments are expressive of the deep-seated convictions of many million American citizens. I know this is true so far as the people of Kansas are concerned. They are greatly alarmed over the unmistakable drift toward participation in this war. They are overwhelmingly in favor of keeping out of it. I am glad to say they are also strong for preparedness.

I ask that the letter and the names of the signers be printed in the RECORD as part of my remarks at this time.

There being no objection, the letter, with the names of the signers, was ordered to be printed in the RECORD, as follows:

THE SEDAN JUNIOR CHAMBER OF COMMERCE,
Sedan, Kans., December 14, 1940.

Hon. ARTHUR CAPPER,
United States Senator, Washington, D. C.

DEAR SIR: The Sedan Junior Chamber of Commerce is writing you as a group and asking that both the Johnson Act and the Neutrality Act be retained without further amendments.

We feel that the future welfare of the United States depends upon our keeping out of foreign wars. To repeal or amend these acts will mean our active participation in the war.

We are 100 percent in favor of aid to England to the extent that our own defenses are not weakened or drastic action taken which might result in our active involvement in the war.

We feel free to make our wishes known in this matter, as we are the men who would be called upon to give our lives should this Nation join the European war.

Respectfully,

S. B. KINKADE,
President, Junior Chamber of Commerce, Sedan, Kans.

Officers and directors:
Carlin Bain, W. A. Dobson, D. M. Campbell, H. O. Dungan, John M. Wall, Chas. L. Sturges, George Meacham, Jr., August Simoncic.

PARTICIPATION OF AMERICA IN EUROPEAN WAR

Mr. HOLT. Mr. President, no doubt many of the Senators have read in the newspapers, if they read the columns of Sir

Walter Lippmann, or heard over the radio, if they have listened to Lady Dorothy Thompson, that we might just as well finance England in this war, we might just as well convoy ships for her, we might just as well give England our Navy, we might just as well do this or do that, because, as this group say, "we are already in the war."

By whom were we taken into the war? Were we not told by these same individuals, by these same newspapers, and by these same organizations, that only Congress could declare war? Were we not told that the "steps short of war" advocated by these individuals and these organizations were supposed to keep us out of war? Remember how they professed that these acts were a protection against our going into the conflict; how the amending of the Neutrality Act was a step to keep American boys off the field of battle. They told the American people, "Oh, just go along with us. We are interested in peace just as much as are those individuals who are calling us warmongers. We do not want war." But they did not tell the people the truth. They wanted war from the start. They knew that the steps they advocated were part of a definite plan to get us into the war, and to take the sons and the husbands of America and throw them into another expeditionary force to be wounded, gassed, and killed on the blood-saturated soil of Europe.

Some of us said, "Don't take those steps. They are too dangerous. They are down the path of war, and you will find it difficult to turn back." I hope some of the Senators will remember the experience of 1914–18. But through their well-financed campaign—inspired and, in my opinion, through English finance—to involve us in war, they went on down that road until now they set up the cry, "Oh, well, we might just as well go the rest of the way. We have already committed acts of war and we cannot go back."

I want America to think. Some of us said that that would be the strategy. "Oh," they said, "just take this one drink. It won't make you drunk." Then, a short time afterward, "That drink did not make you drunk. Take another drink"; and, of course, again we were not drunk. Not yet. Now they say, "Take another, and another," until they think we have lost the power of reasoning, and that we cannot refuse; that we just have to take another one, and finally the one that puts us actively into the war.

We have gone too far, much too far. We are in a dangerous place as far as involvement is concerned. But we can keep the boys out of Europe, we can keep the sons and husbands of America out of the bloody trenches if we stop now. But we cannot continue to accept the advice of those who have taken us so far. They lied before and they are lying now. They want war and they wanted it from the start.

We must meet the challenge now if we want to stay out of war. As we stand at the precipice these warmongers think it will be easy to push us in now. Look at the fight in the William Allen White committee today. Why are they after Mr. White, whom I have personally attacked on the floor of the Senate? Because Mr. White said, "The Yanks are not coming." Why did "Little Flower" LaGuardia say he wanted deeds? What does he mean by deeds? He means men. He knows the plans for war. That is why they are after William Allen White, because he said, "The Yanks are not coming." Do they want the Yanks to come? There is a group in the William Allen White committee that wanted war from the start, but did not have the courage to say so. They were in a cowardly manner hiding behind "steps short of war." I say that the warmongers will not fight in the war, but the sons of America will. Look at the list and see who these men are. They are not eligible for military service. Some are dollar-a-year men. Remember them?

I take my stand to fight those traitors, and I use the word "traitors" in all that it implies. They are traitors to America, who will have the blood of American youth smeared on them if we accept their advice and go the rest of the way. So long as I have breath in my body, whether I am a Member of the Senate or not, I intend to continue to name these people, to expose them, and to fight them.

Let me add that I am placing in the Appendix of the RECORD today the story of the William Allen White committee, showing that more than 25 members of the William Allen White committee hold awards and medals from belligerent nations now at war. We hear talk about Colonel Lindbergh's medals. Why do not these critics tell about these awards and medals of the 25 members of the William Allen White committee? Why do they not tell that Bishop Manning, Dr. Kingdon, and many more whose names I put into the RECORD, are English-born subjects? Why do they not tell that John McIvor was in this country 17 years before he became an American citizen, now telling America through the White committee what she should do? He loved America so that he remained here 17 years before he became an American citizen. Yet he now attempts to tell us what to do.

I have had printed the records of these individuals, and Senators can see the real background of them, the Oxford group, and like relationships.

I understand why certain papers and certain individuals and certain radio commentators are for war. I have published the records of some of these individuals who are on the William Allen White committee, showing that they are directors of companies selling war supplies to the United States and to England, and are participants in blood-drenched prosperity. I have many more which I intend to add in the next few weeks, so that the American people can discover the truth about this drive for war. They will find that it is inspired, but not by the idea of democracy.

Mr. J. Pierpont Morgan gave a party for the little English refugees at Christmas time; and I am glad he did. I think he should be commended for that. But when did J. Pierpont Morgan ever give a Christmas party for the little refugees of America, for the little Okies? When did J. Pierpont Morgan open up his heart at Christmas time for those individuals who are citizens of this Nation who are even without food? Are not American children deserving? He can do it for the English refugees; and why? Just look at the record of the Morgans from the beginning, going back to the Civil War, when J. Pierpont Morgan's parent sold old obsolete muskets to the United States Army in order to make a profit out of them; then going through the Spanish-American War, then their financing the Boer War. Oh, they loved democracy. They loved it so much they floated bond issues here to destroy a helpless Boer republic. On through the World War, in which they made millions, and on into the present war, in which they are making millions their record is known. Yet we hear talk about Morgan's interest in democracy and his interest in the people. His interest is in the almighty dollar and he is willing to make American boys sacrifice their lives to protect the investments.

Who represents Mr. Morgan on the William Allen White committee? It is Thomas W. Lamont, a partner of J. Pierpont Morgan, and a member of the policy committee of the William Allen White committee.

The history of this thing will be shown, and it will be found that these men are not sincere in this battle. I admire the men who are sincere in their fight for democracy, but they have a motley crowd of profiteers and so-called "paytriots" associated with them. I do not say that all connected with the White committee are not sincere, but I do say that many of the members of that committee are not sincere, and the record will so show.

So far as I am concerned, I intend to continue to name these men. I say that wherever America can express itself, it does not want war. They dare not tell the American people we are going into a foreign war. What is the strategy today? Let them be honest about it. The strategy is to provoke the "axis" powers to declare war on us, and then say we are attacked. Such hypocrisy! It is the first time I know of in American history when we have been asked to sacrifice honor in order to get into war, and not to protect our country.

America is going to pay the penalty of a long, well-financed plan of the internationalists to tie America to European power politics. I again call the attention of the Senate to the figures and the data I have put in the Appendix of the RECORD of this "pure," pious group on the William Allen White committee.

RELIEF OF UTE INDIANS OF UTAH

Mr. FRAZIER. Mr. President, a few days ago I received unanimous consent to call up an Indian bill, House bill 9705, which has to do with the proposed transfer of lands of the Ute Indians of Utah. Objection was made at that time because the senior Senator from Colorado [Mr. ADAMS] had some objection, but I understand he has withdrawn his objection, or at least agreed to make no objection; so I renew my request that the Senate proceed to the consideration of House bill 9705, Calendar No. 2238.

Mr. McCARRAN. Mr. President, does the able Senator from North Dakota refer to the bill dwelt upon by the senior Senator from Utah [Mr. KING] just a few days ago?

Mr. FRAZIER. That is the bill.

Mr. McCARRAN. At that time I joined in the objection made, and my reason was that I desired to have more information about the bill. Later I thought I might offer an amendment to the bill. But the explanation of the bill given me, and what I deemed to be the importance of the bill, have been sufficient to cause me to withdraw any objection I might have, and also to withdraw any idea of offering an amendment.

Mr. JOHNSON of Colorado. Mr. President, did the Senator from North Dakota say that the senior Senator from Colorado had signified that he was withdrawing any objection he formerly had to the bill?

Mr. FRAZIER. That is what I have been told.

Mr. JOHNSON of Colorado. Did the Senator from Colorado tell the Senator that himself?

Mr. FRAZIER. I did not talk with the senior Senator from Colorado himself, but conferred with several others, who said that the senior Senator from Colorado was not making any further objection.

Mr. JOHNSON of Colorado. I have not talked with my colleague, but I do not think it is a fair statement to say he has withdrawn his objection. The senior Senator from Colorado is unavoidably detained today and cannot be present, having injured his foot, and I do not think it is fair for the Senator from North Dakota or anyone else to quote my colleague unless he has authority to do so. I think the Senator from North Dakota should withdraw the statement that the senior Senator from Colorado has withdrawn all objection to the bill.

Mr. FRAZIER. I do not wish to have the position of the senior Senator from Colorado misunderstood, or anything of the kind, but the present occupant of the chair, the President pro tempore of the Senate, told me that he had talked with the senior Senator from Colorado, and that he would not be present at the session today, and, although he did not like the bill, that he would make no objection to its consideration.

Mr. BARKLEY. Mr. President, in view of the fact that I had this bill held up at the request of the senior Senator from Colorado [Mr. ADAMS], I think that in justice to him I should make a statement. I have not talked to the Senator from Colorado [Mr. ADAMS] about it, but I have had him called since I entered the Chamber, and I understand his attitude to be that he does not withdraw his opinion of the bill. He still thinks it is a bad bill, and would not vote for its passage, but inasmuch as he is unable to be present today, he has not indicated that he desires the bill to go over again on his account. I do not want the RECORD to show that he approves the bill, or that he has mentally withdrawn his objection to it. I, myself, do not intend to object to consideration of the bill because under the circumstances I do not feel that I am required to do so.

Mr. O'MAHONEY. Mr. President, if I am correctly advised from what I have heard today, the bill was approved by the Committee on the Public Lands in the House, and, having been sent to the Senate, went to the Committee on Indian Affairs. The Senator from Colorado [Mr. ADAMS] is chairman of the Committee on Public Lands of the Senate. That committee had no opportunity to consider the bill. From my own personal conversations with the senior Senator from Colorado, I know that he had serious objections to the bill. What those objections were, I do not now know, but it seems to me that the bill should not pass in the absence of the Senator from Colorado, and I feel obliged to object.

The PRESIDENT pro tempore. Objection is heard.

USE OF LANDS ALONG NATCHEZ TRACE PARKWAY

Mr. BARKLEY. Mr. President, on behalf of the senior Senator from Colorado [Mr. ADAMS], chairman of the Committee on Public Lands and Surveys, I report favorably House bill 10712 and submit a report (No. 2225) thereon.

The Senator from Mississippi [Mr. HARRISON], who is unavoidably absent, is very much interested in securing the passage of the bill at this time, and I ask unanimous consent for its present consideration.

The purpose of the bill, which passed the House of Representatives on November 19, is to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

Mr. AUSTIN. Mr. President, reserving the right to object, I wish to inquire if the nature of the waiver which the Government would make if the bill should become law is simply the waiver of the restriction against private use of public property for commercial purposes, so as to permit the erection of a building to be used as a store, for example?

Mr. BARKLEY. As I understand, that is all the bill does.

Mr. AUSTIN. Of how much value or importance is the waiver?

Mr. BARKLEY. Not being familiar with the details of the bill, I am unable to fix a monetary value, if that is what the Senator has in mind. There is rather an intangible value attached to it, by reason of the relinquishment of the restriction, which works inconvenience to those who may want to go through the property for legitimate purposes. I am told that no harm can come to the Government's rights by reason of the relinquishment of the restriction.

Mr. AUSTIN. Mr. President, will the Senator yield for another question?

Mr. BARKLEY. I yield.

Mr. AUSTIN. Is it conceived that the waiver might really be for the benefit of the United States?

Mr. BARKLEY. Yes. As I understand, the benefit would be mutual.

Mr. AUSTIN. I have talked with Republican members of the committee which considered the bill. In view of the responses to my inquiries, and what I am told by members of the committee with whom I have consulted, I have no objection.

The PRESIDING OFFICER (Mr. CONNALLY in the chair). Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 10712) to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss., was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. T. G. RAMSEY

Mr. BARKLEY. Mr. President, at the request of the Senator from Mississippi [Mr. HARRISON] I ask unanimous consent for the present consideration of Calendar No. 2342, House bill 7965, for the relief of Mr. and Mrs. T. G. Ramsey. It is a private claim bill which has been unanimously reported by the Committee on Claims without amendment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. AUSTIN. Mr. President, may I ask how much money is involved?

Mr. BARKLEY. Two thousand dollars.

Mr. AUSTIN. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 7965) for the relief of Mr. and Mrs. T. G. Ramsey was considered, ordered to a third reading, read the third time, and passed.

JOSEPH WARREN MADDEN

Mr. BARKLEY. Mr. President, there is on the Executive Calendar the nomination of Mr. Joseph Warren Madden to be a member of the Court of Claims. This nomination has been passed over from day to day because of the absence of a quorum of Members of the Senate. I wish to advise Senators that if a quorum is developed on Thursday next I hope to bring that nomination to a vote. It seems to me it ought to be passed on without having to lapse and be sent to the Senate again at the beginning of the next session.

Objection has been made on behalf of the Senator from Ohio [Mr. TAFT]. The Senator from Michigan [Mr. VANDENBERG] has very generously offered to notify the Senator from Ohio that we shall attempt to take the matter up on Thursday if a quorum is present, which I hope will be the situation. Therefore I shall not ask for an executive session today.

PROPOSED LEASING OF DEFENSE BASES IN THE ATLANTIC AND PACIFIC

Mr. KING. Mr. President, on September 30 last I introduced Senate bill 4391, to authorize negotiations for the acquisition of certain British possessions, to provide for reducing the indebtedness of Great Britain to the United States, and for other purposes. The purpose of the bill was to facilitate the acquisition, by lease or otherwise, of possessions of Great Britain in or bordering on the Pacific Ocean which might be deemed necessary in connection with national defense. The bill provided that the President was authorized to make such loans and extensions of credit as he deemed advisable to Great Britain and its political subdivisions, and also to provide for reducing the amount of the indebtedness of the British Government to the United States. It also provided for modification of certain provisions of the Neutrality Act of 1939 and the act of 1934, which restricted financial transactions with foreign governments in default on obligations to the United States.

In my opinion, it was highly advantageous to the United States to acquire bases, not only in the Pacific but also in the Atlantic, particularly in the Caribbean Sea area; and, in my view, the national-defense program would be advanced and strengthened if the provisions of the bill were enacted into law.

On November 8 last I introduced Senate bill 4419, authorizing loans to foreign debtor nations for the purchase of agricultural products within the United States. The bill provided that the terms of the act of 1934, which sought to prohibit financial transactions with foreign governments in default on their obligations to the United States, and also the Neutrality Act of 1939, "shall not apply to the making of loans to or the extension of any credit by any person within the United States to any government, state, political subdivision thereof, or to any person acting for or on behalf of the government of any such state or political subdivision, for the purpose of enabling any such government, political subdivision, or person to purchase agricultural products within the United States."

I am frank to confess that I believed, and still believe, that Great Britain was defending not only the British Empire but all democratic nations, and that the interests of the United States would be served by extending credit to Great Britain. In my opinion, the overwhelming majority of the American people are opposed to the policies of the so-called Axis Powers; and I believe the interests of the United States will be served if aid is given to Great Britain.

Upon a former occasion I have discussed the question of extending credit to Great Britain. I believe the address delivered last evening by the President of the United States presents in a powerful way the issues that are at stake in the contest between Great Britain and the totalitarian powers.

I desire briefly to call the attention of the Senate to the attitude taken by the press of the United States with respect to the two bills which I introduced. I have before me a compilation of news clippings from newspapers published in the United States the circulation of which is more than 28,000,000. The compilation shows favorable editorials representing a circulation of 5,577,580, and unfavorable editorials representing a circulation of 456,832. Of course, I would not ask permission to have inserted in the RECORD the numerous editorials, statements, and comments, but I have them here in book form, so that any Senator who desires to examine them may have the opportunity to do so.

RECESS TO THURSDAY

Mr. BARKLEY. If there is nothing further, I move that the Senate take a recess until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 12 o'clock and 30 minutes p. m.) the Senate took a recess until Thursday, January 2, 1941, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 30, 1940

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. RAMSPECK.

The SPEAKER pro tempore laid before the House the following communication, which was read by the Clerk:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., December 30, 1940.

I hereby designate Hon. ROBERT RAMSPECK to act as Speaker pro tempore today.

WILLIAM P. COLE,
Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, in the afterglow of the Christmas life and pledge, we thank Thee that it has touched childhood and made it beautiful; that it has touched our homes and made them joyous. We pray for its blessing to fall upon all paths of industry, making them sacraments; Oh, lead all feet in the ways of law, justice, and brotherhood. Heavenly Father, soon will pass another year beyond the horizon; it seems like the flight of a bird; how brief and shrunken the time. So teach us to number our days that we may apply our hearts unto wisdom. Impress us that time is short and the building of character is more than the achievement of a great city. Blessed Lord, here between the old and the new year, let us dedicate ourselves to the highest aspirations, becoming a free and a Christian people. Frozen by the wintry nature that encompasses them, expel from our memories all hatreds, all jealousies, all passions, and all ingratitude that they may drop in the gulf of oblivion. Let the evil and the chaff of life pass with them with the realization that a good character is the ripe fruit that earth holds up to God. We earnestly pray that we may carry into the new year the choicest thoughts and the wisest purposes. O Father of mercy, we gratefully say: Farewell to the past, all hail to the future, because our trust is in Thee. In our Redeemer's name. Amen.

The Journal of the proceedings of Thursday, December 26, 1940, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

ADJOURNMENT OVER

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. HOFFMAN. Reserving the right to object, Mr. Speaker, is there going to be an opportunity to talk today?

Mr. COCHRAN. This only has to do with adjournment this afternoon—simply means when we do adjourn we adjourn until Thursday. If the gentleman wants to talk today, I am sure he will have that privilege.

Mr. HOFFMAN. Of course, if you adjourn within 5 seconds, we would not have that privilege.

Mr. COCHRAN. Nobody will move to adjourn if any Member desires to make a speech.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. SCRUGHAM] have permission to extend his own remarks in the RECORD and include therein a memorial address on the life, character, and public service of the late Senator Key Pittman, delivered by Albert Hilliard at Reno, Nev., on December 9, 1940.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a brief editorial appearing in the Indianapolis News of December 23, 1940.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an editorial from the Indianapolis Union.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SPECIAL COMMITTEE ON FISCAL PLANNING

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Speaker, on next Friday, the opening day of the Seventy-seventh Congress, I shall introduce a resolution to create a special committee on fiscal planning to bring together the heads of the Appropriations and Ways and Means Committees with a view to coordinating spending and revenue-raising activities, the main purpose being to effect economies in the nondefense expenditures of the Government and a new working relationship between the two committees, which have heretofore operated entirely independent of each other.

The text of the resolution which I intend to introduce is as follows:

There is hereby created a special House Committee on Fiscal Planning, to be composed of the chairman, ranking majority member, acting chairman of the deficiencies subcommittee, and ranking minority member of the Committee on Appropriations and the chairman, ranking majority member, chairman of the subcommittee on taxation and ranking minority member of the Ways and Means Committee.

SEC. 2. The Committee on Fiscal Planning is directed to make a study of United States Government finances with a view to coordinating revenue and spending activities and introducing economies wherever it is possible and feasible to do so, in order to reduce the gap between Federal revenues and Federal expenditures and to bring about an approach to a balanced Budget in the ordinary financial operations of the Government.

SEC. 3. The Committee on Fiscal Planning is directed to report its findings and recommendations to the Speaker of the House and such findings and recommendations shall be made public records and shall be printed as House documents.

A distinguished statesman of the past said in regard to resumption of specie payments: "The way to resume is to resume." The way to tackle the problem of putting the finances of the Government on a better basis is to make a start, and I do not know of any better way to make a start than by getting the heads of the Appropriations and Ways and Means Committees together in a cooperative working arrangement whereby a comprehensive study may be made of the expenditures of the Government and the taxes necessary to meet those expenditures.

Under the plan I propose that study would be made by eight of the ablest Members of the House who are especially qualified for the task—the gentlemen of the Appropriations Committee [EDWARD T. TAYLOR, CLARENCE CANNON, CLIFTON A. WOODRUM, and JOHN TABER] and the gentlemen of the Ways and Means Committee [ROBERT L. DOUGHTON, THOMAS H. CULLEN, JERE COOPER, and ALLEN T. TREADWAY]. These members would have the privilege at all times of consulting the Director of the Budget.

Some persons may say that these Members may now confer at any time and that a new committee is not necessary to effectuate the purpose intended, but I believe that their recommendations would have much greater prestige and effect if they come as the considered opinions and conclusions of a specially created House committee.

I believe that such a committee as is here proposed would be capable of accomplishing a great deal of good in getting our financial house in order. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my remarks and to include the text of the resolution which I shall introduce.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PETER BAVISOTTO—VETO MESSAGE

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I am returning herewith, without my approval, a bill (H. R. 5336) to provide for the payment to Peter Bavisotto of the sum of $495.80, representing the amount of premiums paid by him on an invalidated policy of war-risk insurance.

It appears that Mr. Bavisotto is a veteran and had obtained during the World War the usual war-risk insurance, which, however, he permitted to lapse in 1919 because of nonpayment of premiums. In 1927 he applied for reinstatement of the insurance. The application for such reinstatement contained an assertion that the veteran was in good health. In 1931, however, he filed a claim for disability compensation, alleging that he had been under medical treatment for pulmonary tuberculosis since 1920. In view of this circumstance, the Veterans' Administration canceled his insurance policy on the ground of misrepresentation.

Subsequently the veteran brought suit against the Government in the United States District Court for the Western District of New York to recover benefits claimed because of permanent and total disability. The district court determined the issues in favor of the Government and further held that the plaintiff was not entitled to secure a refund of the premiums paid by him, in view of the fact that he had been guilty of a misrepresentation in procuring reinstatement of the policy. No appeal from this decision was taken.

It thus appears that the plaintiff has had his day in court. If the decision of the district court were erroneous, he had an opportunity to secure a review by the circuit court of appeals. No reason appears, however, for questioning the validity of the judicial determination.

Sufficient reason does not appear for granting to the plaintiff by legislative action a refund of the premiums to which he is not entitled as a matter of law.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 30, 1940.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and, without objection, the bill and the message will be referred to the Committee on War Claims and ordered printed.

Mr. RANKIN. Mr. Speaker, reserving the right to object, I wonder how this bill ever got to the War Claims Committee. It seems to me that legislation of this kind should be referred to the Committee on World War Veterans' Legislation.

The SPEAKER pro tempore. The Chair is informed that it was a private bill and was referred to that committee by the author.

Mr. RANKIN. Then it should not have gone to the War Claims Committee but to the Committee on Claims. If the War Claims Committee is going to attempt to get around the Committee on World War Veterans' Legislation in this way and establish a precedent that would be binding on the Government with reference to all veterans' claims of this kind, it seems to me it would establish a very bad policy.

I am not going to object, but I certainly do want to call attention to the fact that this legislation ought not to have gone to the War Claims Committee.

The SPEAKER pro tempore. Without objection, the bill and the message will be referred to the Committee on War Claims and ordered printed.

There was no objection.

TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON

Mr. BLOOM. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 623, to extend the date for the filing of the report of the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what is the necessity, the emergency that requires this resolution to be considered today?

Mr. BLOOM. The reason for asking for the immediate consideration of this resolution is that the committee appointed pursuant to the original resolution was supposed to file their report by January 1. The committee not being organized we are asking permission for them to file their report prior to February 15.

Mr. MICHENER. When was the committee created?

Mr. BLOOM. September 24, 1940.

Mr. MICHENER. Does not the gentleman think, this committee on this important matter created last September but not yet organized, that he ought to withdraw this resolution, that a new committee should be appointed that can organize and function within the limits of its enabling act?

Mr. SMITH of Virginia. Mr. Speaker, reserving the right to object, I perhaps can answer the question. The delay has been due to the fact that the Presidential appointments were not made until within the last 2 or 3 weeks.

Mr. MICHENER. That is no excuse.

Speaking further to the same subject, I was a member of a joint commission several years ago considering certain matters relating to railroad retirement legislation—a joint commission of three members from the House and three from the Senate, with three members from the outside appointed by the President. The law only passed the Congress because this Commission was to make recommendations as to changes in the new law. The President refused and failed to appoint his three members, including the chairman, until about 2 weeks before the end of the session, and like the Commission in this resolution that Commission died at the end of the session. When the matter came up, as this matter has, objection was made. The Commission therefore died a natural death because the President did not want the Commission to function. Does not the President want this Commission to function?

Mr. BLOOM. We tried to get the committee together, but at this season of the year it just proved impossible.

Mr. MICHENER. You could not get them together if the President had not appointed his members, could you?

Mr. BLOOM. Since the President appointed his members of the Commission we tried to get them together. The gentleman from Virginia [Mr. SMITH] and I conferred several times, but we were unable to get the committee together to have the first organization meeting. So we thought we would ask for the passage of this resolution permitting the committee to file their report by February 15 instead of January 1.

Mr. MICHENER. Who were the members of the Commission appointed by the President?

Mr. BLOOM. Mr. Stuart G. Gibboney, Mr. Breckinridge Long, Mr. Randolph H. Perry, Dr. John L. Newcomb, Dr. Fiske Kimball, Mr. William Gibbs McAdoo, Mr. Lamar Hardy, and Mr. F. Harold Dubord. These eight were appointed by the President. Senators GLASS and BYRD, of Virginia; Senator BARKLEY, of Kentucky; and Senator VAN NUYS, of Indiana, were appointed from the Senate; Representative SMITH of Virginia; Representative COX, of Georgia; Representative CULKIN, of New York, and myself were appointed from the House. There are 16 members on the Commission in all.

Mr. MICHENER. This resolution does not give any additional authority and requires no funds?

Mr. BLOOM. No. It merely extends the time within which they may file their preliminary report.

Mr. RANKIN. Reserving the right to object—and I shall not object—as I understand it, we have been 8 years now celebrating the two hundredth anniversary of the birth of George Washington. I sincerely trust that in this celebration of the two hundredth anniversary of the author of the Declaration of Independence and founder of the Democratic Party we will not only make it brief, but make it carry that simplicity and economy that Jefferson would advocate if he had anything to say in the matter. In other words, let us make it really and truly Jeffersonian.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. Regardless of whatever action may be taken on the request of the gentleman from New York, will not the authority of the Commission expire with the end of this session?

Mr. BLOOM. No; it merely extends the time within which the committee may file its report.

The SPEAKER pro tempore. The Chair is unable to answer that, not having the enabling legislation before the Chair. The gentleman from New York may be able to answer the gentleman.

Mr. BLOOM. No, I do not believe it will, but the idea is that it would be rather difficult to get a report before the committee is fully organized. Most of the Members appointed have been busy. This is not my resolution, I may say, it is a resolution introduced originally by the gentleman from Virginia [Mr. SMITH]. What we are trying to do is get the full committee together before filing our report. All we are asking is that we be permitted to have until February 15 to file a report. Nothing at all is involved in this resolution as far as money is concerned.

Mr. HOFFMAN. Is the committee going to be alive after January 3?

Mr. BLOOM. Very much alive.

Mr. HOFFMAN. Very much?

Mr. BLOOM. Yes.

Mr. HOFFMAN. That will be the first time it has shown any signs of life.

Mr. BLOOM. It has shown signs of life, but we want to get the full committee together before filing the report and get them to approve it.

Mr. HOFFMAN. Mr. Speaker, I do not believe the time is long enough, and I object.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short article from the Christian Science Monitor of December 26, on the Wide Horizon; the Grange Shows the Way.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER pro tempore. Under a special order heretofore entered, the gentleman from Michigan is recognized for 7½ minutes.

DO NOT FOLLOW THE COMMUNIST PROGRAM TO PRESERVE DEMOCRACY

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and also to insert in the Appendix of the RECORD an article, including a newspaper advertisement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, it will be recalled that at one time Earl Browder, former Presidential candidate of the Communist Party, more recently convicted and sentenced to prison, made the following statement:

We industrial unionists are going to take over the factories some day, for three very good reasons:
1. Because we need them.
2. Because we want them.
3. Because we have the power to get them.

More recently, others have announced in a somewhat different way a like purpose. More than a hundred thousand men are regularly employed by the Ford Motor Co., which operates on an open-shop basis. Not long ago, Philip Murray, president of the C. I. O., announced that the C. I. O. had the essentials—meaning the men and the money—to compel Ford workers to join the C. I. O. in order to hold their jobs.

There is little, if any, difference in principle between taking over factories by force, as the C. I. O. and its communistic allies did in the sit-down strikes, and by picket lines, show of force, and intimidation compelling employees to divide their pay checks with a labor union in order that they may continue at their jobs.

In the one instance, there is an unlawful taking and holding of the property of the employer by force. In the other, employees are deprived of their property, that is, a job, and the opportunity to work until they have agreed to give a part of their earnings to a union. Neither course has back of it either moral or legal justification.

Within the week another move in this same direction has been made by Walter Reuther, who claims that the motor industry has productive facilities which are not being used. He has requested the President to take over that portion of the motor industrial plant which, in his opinion, is not being used to full capacity.

Such suggestion, if carried out, would accomplish the demand earlier made by Browder, the Communist. Reuther does not promise that if these industrial plants are taken over American citizens will have opportunity to work therein. Undoubtedly he will insist, as he is now insisting, that every man employed in those plants first join and pay a fee to the U. A. W. A., which Reuther represents, so that he and those like him may wax fat on the earnings of the men who toil with their hands.

It should not be forgotten that Walter Reuther and his brother, Victor, at one time made a trip to Russia, where they studied subversive activities and revolutionary tactics. Nor should it be forgotten that their purpose seemed to be, when addressing their so-called comrades here in America, to inculcate in them a desire to "fight for a Soviet America."

Walter Reuther claims to speak for the U. A. W. A., affiliated with the C. I. O. Yesterday's press carried the information that at Milwaukee the Allis-Chalmers Manufacturing Co., which has an order for some $18,000,000 worth of turbine and shafting for the United States Navy, has been told by the C. I. O. automobile workers' union local that the plant will be shut down if two members of an A. F. of L. union are restored to their jobs.

Do not forget that in the summer of 1939, for more than 40 days, a U. A. W. A. local at Detroit, Reuther's home city, and where he and Thomas claim to be in charge, defied the United States Navy and held up the delivery of material necessary for national defense.

Just as long as the President listens to these men, gives serious consideration to their plans, patriotic Americans will doubt his sincerity. What is to be gained by a Presidential appeal to American citizens to get behind the national-defense program, to make sacrifices for its completion, when at the same time organizations with political influence are permitted to enormously increase the cost of that program and at times bring it to a standstill?

How can the President expect patriotic Americans to join wholeheartedly with him while he harbors and listens to those who would render all our efforts futile?

The greater danger to American democracy, notwithstanding all the propaganda of the warmongers, to those who want to see it lies right here in America.

The President made no effort to combat the sit-down strikes, which were nothing less than rebellion against the enforcement of our laws. He has done nothing to protect American workingmen from being deprived of their jobs. He, so far as we know, is doing nothing to prevent interference with our national-defense program, and it is the height of hypocrisy for him to tell the American people that danger threatens us from abroad; that to save ourselves we must prepare our national defense, and then to let an organization within this country prevent men who are able and who are willing, men who are anxious and seeking to be put at work on the national-defense program, be denied the opportunity because they either have not the money to meet the demands of a racketeering organization or because they have too much independence of spirit to submit to those demands.

Until the President restores freedom to the American workman, until he throws the force of his office back of the demand of the American people that they be permitted to enjoy the liberties guaranteed to them by the Constitution, many of those who hear his appeal for the democracies abroad will detect in his utterances a note of insincerity.

Let the President make good his words with his acts. [Applause.]

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement on present business conditions by M. L. Benedum.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution passed by the Committee on the District of Columbia in connection with the departure from this body of the gentleman from Maryland [Mr. KENNEDY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOSER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short magazine article on democracy.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON

Mr. BLOOM. Mr. Speaker, I renew my request for the immediate consideration of House Joint Resolution 623.

The Clerk read the joint resolution, as follows:

House Joint Resolution 623

Resolved, etc., That section 7 of the joint resolution approved September 24, 1940 (Public Resolution No. 100, 76th Cong.), is hereby amended to read as follows:

"SEC. 7. The Commission shall, on or before the 15th day of February 1941, make a report to the Congress in order that enabling legislation may be enacted."

Mr. MICHENER. Reserving the right to object, is that the resolution that was before the House a moment ago?

Mr. BLOOM. Yes.

Mr. MICHENER. The one to which the gentleman from Michigan [Mr. HOFFMAN] objected?

Mr. BLOOM. Yes.

Mr. MICHENER. Has the gentleman changed his mind?

Mr. BLOOM. Yes.

Mr. MICHENER. If the gentleman from Michigan has changed his mind——

Mr. HOFFMAN. No; I have not changed my mind. Contrary to custom, I have listened to words of wisdom and have come to the conclusion that the gentleman from Virginia [Mr. SMITH] is right about it.

Mr. MICHENER. That is fine.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. BLOOM]?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by Mark Sullivan on the duty of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. JONES. Mr. Speaker, I ask unanious consent to extend my own remarks in the RECORD and to include a poem written by a constituent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PATRICK asked and was given permission to revise and extend his own remarks in the RECORD.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Thursday, December 26, 1940, present to the President, for his approval, bills of the House of the following titles:

H. R. 8665. An act to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis.

H. R. 10098. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920.

ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 25 minutes p. m.) the House, in accordance with its previous order, adjourned to meet on Thursday, January 2, 1941, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2086. Under clause 2 of rule XXIV, a letter from the Secretary of the Interior, transmitting a report on all operations and disbursements in the adjustment of claims under the act known as the War Minerals Relief Act, was taken from the Speaker's table and referred to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SMITH of Virginia: Special Committee to Investigate the National Labor Relations Board. Report pursuant to House Resolution 258. Resolution creating a select committee to investigate the National Labor Relations Board (Rept. No. 3109). Referred to the Committee of the Whole House on the state of the Union.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9418. By the SPEAKER: Petition of the Kosciusko Rotary Club, Kosciusko, Miss., urging consideration of their resolution with reference to sabotage, un-American and subversive activities in this country; to the Committee on Rules.

9419. Also, petition of the Houston Lions Club, Houston, Tex., urging consideration of their resolution with reference to the Un-American Activities Committee; to the Committee on Rules.

9420. Also, petition of the city of Dallas, Tex., urging consideration of their resolution with reference to Federal income tax; to the Committee on Ways and Means.

9421. Also, petition of the Washington Committee for Democratic Action, Washington, D. C., urging consideration of their resolution with reference to House bills 10703 and 10709; to the Committee on the Judiciary.

9422. Also, petition of the International Association of Chiefs of Police, Washington, D. C., urging consideration of their resolution with reference to the national emergency; to the Committee on Military Affairs.

9423. Also, petition of the American Legion, Henry H. Houston 2d, Post No. 3, Germantown, Philadelphia, urging consideration of their resolution with reference to un-American activities; to the Committee on Rules.

9424. Also, petition of the Galveston Chamber of Commerce, Galveston, Tex., urging consideration of their resolution with reference to the Great Lakes-St. Lawrence seaway and power project; to the Committee on Foreign Affairs.

SENATE

THURSDAY, JANUARY 2, 1941

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God most high and wonderful, before whose mind the past and future meet in our eternal now, while we are but creatures of shifting time, to whom the past is soon forgotten, from whom the future is completely veiled: Forgive our frenzied, ineffectual strivings, the crushing cares brought on by lack of vision as we attempt to hurry on the dawn or thrust unhallowed hands across the pattern Thou art weaving.

And now, like men of old, direct our search to the simple things of life, to the open books of nature and the human heart, that we may find freedom and the truth at the feet of Him who kept His heart unaged through all His years of earthly life, and who liveth now forevermore, Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, December 30, 1940, was dispensed with, and the Journal was approved.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of DENNIS CHAVEZ, duly chosen by the qualified electors of the State of New Mexico a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of DAVID I. WALSH, duly chosen by the qualified electors of the State of Massachusetts a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

Mr. NEELY. Mr. President, I present the credentials of Hon. HARLEY M. KILGORE, United States Senator-elect from West Virginia, and ask that they be filed and noted in the RECORD.

The credentials of HARLEY M. KILGORE, duly chosen by the qualified electors of the State of West Virginia a Senator from that State for the term beginning January 3, 1941, were read and ordered to be filed.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The PRESIDENT pro tempore laid before the Senate two letters from the Secretary of War, reporting, pursuant to law, relative to divisions of awards of certain quantity contracts for aircraft, aircraft parts, and accessories thereof entered into with more than one bidder under authority of law, which were referred to the Committee on Military Affairs.

SPECIAL REPORT OF THE FEDERAL RESERVE SYSTEM

The PRESIDENT pro tempore laid before the Senate a letter from the chairmen of the Board of Governors and the Conference of Presidents of the Federal Reserve System and the president of the Federal Advisory Council, submitting a special joint report by the Board of Governors of the Federal Reserve System, the presidents of the Federal Reserve banks, and the Federal Advisory Council relative to the monetary organization of the United States, which, with the accompanying report, was referred to the Committee on Banking and Currency.

PETITIONS AND MEMORIAL

The PRESIDENT pro tempore laid before the Senate a petition of sundry citizens of Cleveland, Ohio, praying for the enactment of legislation to guarantee full salaries, less the service pay, to Government employees while serving in the Army, which was referred to the Committee on Military Affairs.

He also laid before the Senate letters in the nature of petitions from Alfred M. Kunze, of New Rochelle, N. Y., praying that the Congress fully exercise its constitutional prerogatives, which were ordered to lie on the table.

Mr. GREEN. I present a resolution of the City Council of Cranston, R. I., relative to the Federal taxation of municipal bonds, and ask that it be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolved, That Federal taxation of municipal bonds would cause an increase in interest rates on future municipal borrowings and any increase in interest rates would be an additional burden upon property owners in each city or town and also breaks down the whole constitutional theory of State and municipal sovereignty; and be it further

Resolved, That this city council go on record as opposing any legislation that may be presented to the Congress of the United States subjecting municipal bonds to Federal taxation; and be it further

Resolved, That the mayor be authorized to send a copy of this resolution to the Senators and Representatives from Rhode Island.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that today, January 2, 1941, that committee presented to the President of the United States the following enrolled bills:

S. 4085. An act for the relief of Max von der Porten and his wife, Charlotte von der Porten;

S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch; and

S. 4415. An act to amend the act entitled "An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof," approved June 25, 1910.

ADDRESS BY SENATOR WHEELER ON FOREIGN POLICY

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD a radio address on foreign policy delivered by Senator WHEELER on December 30, 1940, which appears in the Appendix.]

ADDRESS BY JOHN R. STEELMAN ON CONCILIATION AND DEFENSE

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an address delivered by Hon. John R. Steelman, Director, United States Conciliation Service, before the National Association of Manufacturers on December 12, 1940, which appears in the Appendix.]

EDITORIAL FROM SATURDAY EVENING POST—AND AMERICA

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial from the Saturday Evening Post of the issue of January 4, 1941, under the heading "And America," which appears in the Appendix.]

PARTICIPATION BY SCHOOLS IN INAUGURATION

[Mr. NEELY asked and obtained leave to have printed in the RECORD a letter addressed to him by Hon. Joseph E. Davies, chairman of the inaugural committee, relative to the proposal to hold patriotic ceremonies throughout the schools of the Nation in connection with the inauguration of the President of the United States, which, together with suggestions for school programs, appears in the Appendix.]

EDITORIAL FROM GREELEY (COLO.) BOOSTER ON WAR, BANKRUPTCY, AND DICTATORSHIP

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an editorial from the Greeley (Colo.) Booster of Friday, December 27, 1940, under the heading "War, Bankruptcy, Dictatorship," which appears in the Appendix.]

AMERICAN PARTICIPATION IN EUROPEAN AND ASIATIC WARS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article from the Washington Times-Herald of today entitled "We Want War and So We Are Going To Have It," which appears in the Appendix.]

DIGEST OF IMPORTANT LEGISLATION OF THIRD SESSION OF SEVENTY-SIXTH CONGRESS

[Mr. MINTON asked and obtained leave to have inserted in the RECORD a digest of important legislation of the third session of the Seventy-sixth Congress, which appears in the Appendix.]

EDITORIAL COMMENT ON ADDRESS BY THE PRESIDENT

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD editorials from the New York Herald Tribune, the Washington Post, the New York Times, and the Baltimore Sun on the address by the President on Sunday, December 29, 1940, which appear in the Appendix.]

TEAMWORK IN NATIONAL DEFENSE—ADDRESS BY SENATOR BARKLEY BEFORE LOUISVILLE BOARD OF TRADE CONFERENCE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by him at the Louisville Board of Trade Conference, Louisville, Ky., on January 1, 1941, which appears in the Appendix.]

CHRISTMAS EVE ADDRESS BY SENATOR LEE

[Mr. LEE asked and obtained leave to have printed in the RECORD a radio address delivered by him on December 23, 1940, which appears in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a joint resolution (H. J. Res. 623) to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 4085. An act for the relief of Max von der Porten and his wife Charlotte von der Porten;

S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch;

S. 4415. An act to amend the act entitled "An act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof," approved June 25, 1910;

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey; and

H. R. 10712. An act to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.

REPORT OF COMMISSION FOR CELEBRATION OF THE BIRTH OF THOMAS JEFFERSON

Mr. BARKLEY. Mr. President, I ask unanimous consent for the present consideration of the House joint resolution just announced regarding the celebration of the birth of Thomas Jefferson.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the joint resolution (H. J. Res. 623) to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson was read twice by its title.

The joint resolution was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. BARKLEY. Mr. President, there is on the calendar no legislative business which we will take up at this time. As I announced at the last session, I desire to have considered the nomination of Mr. Madden to be a judge of the United

States Court of Claims. The matter was held up, as we all know, because of the absence of a quorum. I am advised that a quorum of the Senate is in the city, if any Senator desires to insist that a quorum be present when that nomination is under consideration.

I wish, while I am on my feet, to say that when we conclude our business today it is my purpose to move that the Senate recess until 11 o'clock a. m. tomorrow in the regular Chamber of the Senate, which will be ready for us. There may be some unfinished matter that ought to be considered in the last minutes of this expiring Congress. For that purpose, I shall move a recess until 11 o'clock and merge right into the regular session, which will meet at 12 o'clock.

INVOLVEMENT OF AMERICA IN EUROPEAN WAR

Mr. HOLT. Mr. President, I inquire if the Senator from Kentucky intends to move an executive session? I desire to make a few remarks.

Mr. BARKLEY. I stated that I would move an executive session.

Mr. HOLT. Will the Senator permit me to speak first?

Mr. BARKLEY. It does not matter to me. Perhaps the sooner the Senator makes his remarks the better it will be.

Mr. HOLT. Mr. President, the President of the United States on last Sunday delivered a fireside chat. He discussed dictatorships, but I cannot find any reference to Soviet Russia. The foreign policy of the President of the United States is war. He knows it; the people do not. It is a process of getting us into war gradually. But now let us look at the difference he drew between Russia and Germany. Why does he draw a distinction between these countries? I shall tell you.

It is said, look at Germany, she invaded Poland. She did, but so did Soviet Russia. The difference was that Russia waited until Poland was on her knees.

It is said, Germany went into Belgium, Holland, and Norway. She did. But so did Russia go into Finland.

It is said, look at Germany; she occupied Austria and Czechoslovakia. She did, but so did Russia occupy Latvia, Lithuania, and Estonia.

It is said, look at the dictatorship control of the subjects of Germany. Certainly that is not a pleasant thing for those of us who believe in democracy and freedom, but can we say that Russia is any better so far as dictatorship is concerned?

But, it is said, Germany has a dictator in Adolf Hitler. So she has, but Russia has a dictator in Joseph Stalin.

Then it is said we are in danger over here because Hitler has written a book called Mein Kampf in which he says he wants to rule the world. I do not agree with that interpretation, but admit it for the sake of discussion; has not Lenin, has not Stalin, and have not all other Russian officials proclaimed their desire for a world revolution, the day of control of communism?

What is the choice between the doctrine of world revolution of Lenin and the doctrine of Hitlerism in Mein Kampf? But the President does not discuss Russia. Hypocritically, he dodges Russian dictatorship, and then becomes very pious when he discusses the dictatorship of Germany.

He says, "But Germany forces labor." So she may, but would you call the forced labor of Russia any better than the forced labor of Germany?

They say, "If Germany wins, she is an enemy of capitalism," and then they refer to what Hitler was supposed to have said at the arms-factory speech. I did not like Hitler's speech at the arms factory; neither did I like Molotoff's speech, or Stalin's speech, or many of the speeches of Lenin in the past. They are all opposed to our system. Why did the President endeavor to distinguish between them? They say Germany is the enemy of Christianity. There are churches in Germany today, although I do not like the pressure put upon any person's religion, because I believe every man has the right to worship God as his conscience dictates; but where are there any churches in Russia today?

The President becomes very indignant at Germany's attack on Christianity, but he can sit by and praise Russia, the known opponent of Christianity.

Oh, such hypocrisy! That is the only name that can be applied to it. What is the difference between the dictatorship of Germany and the dictatorship of Russia in world conditions today? Just two things: First, Germany is fighting England. Russia is not. What else is happening? Germany is a factor against England in world trade. Russia is not. Those are the two answers to why a difference and distinction is drawn by the administration between Russia and Germany—first, because Germany is fighting England; second, because Germany is becoming a factor in competition for world trade.

Show me a charge made by the President against Germany, and I will duplicate it many times in Russia. But, oh, no. Russia is in bed; and England, through Winston Churchill and through Franklin D. Roosevelt, is pulling at the sheets, trying to get into bed with Russia, because the English think it will help them. If we are to destroy dictatorship in the world, as the President indicated in his fireside chat he hopes to do, is he going to stop when Germany is defeated, if she be defeated? Or shall we continue to accept the theory that dictatorship is an enemy of our Government, and continue to fight it in Russia? You know what will happen? You know that this war will stop the day England's fight against competition in world trade is done away with. We have no cause for war with either. The policy of this Government from the beginning until this change has been that the people of a country shall have the right to determine their own government. We have no authority to pass upon all governments of the world.

American boys are to be sent once again, in the next session of Congress—to Europe. Thank God, it was not done in the session which is about to close. They are to be sent over there. You know it, and many people of this country know it. The boys are to be sent over there to engage in another needless, senseless war, not to destroy dictatorship, but to preserve the balance of power and protect world trade.

Mr. LEE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Oklahoma?

Mr. HOLT. I yield to the Senator from Oklahoma.

Mr. LEE. I believe the President, in his last address, made reference to talk about sending expeditionary troops abroad, and I believe that language he used was that such talk was an untruth.

Mr. HOLT. I want to say to the Senator from Oklahoma that the President has made many statements, such as the statement that he was going to balance the Budget; that he was going to cut expenses 25 percent; that he was going to do this and he was going to do that. I can name a hundred of them. What did he do? Just the opposite. Oh, no; I would rather determine what the President is going to do by his actions rather than his words.

The President said what was stated by the Senator from Oklahoma but you just wait and see what the President will do.

Let me read to you today from a column in the Times-Herald this morning about that very matter. This is what it says in talking about the reaction to the President's speech at the British Embassy:

> In fact, they feel sure there that the President didn't say more because the moment wasn't ripe yet.

Not now; it is not ripe yet. Then here is what the newspaper says, quoting a diplomat:

> It may be different in 2 weeks. Then wait to see Mr. Roosevelt give the punch line.

What is the punch line? American boys. Oh, yes; and the article quotes certain members of our own diplomatic corps. What does it say?

> They thought it was a prelude to war.

Yes; it was a prelude to war, and I am not afraid to stand here and say that the President of the United States wants war; take it or leave it. The policy of the President of the United States has been toward war from the day this war

began. I hope the Foreign Relations Committee of the Senate or the House, if they deem it wise, will look into the background of American diplomats in Europe preceding this war, and they will find a startling story, a story that may be finally written in the blood of American boys and the destruction of our democracy.

Every time we start talking about that type of an investigation the administration get the jitters, because they know that behind the scenes, with the discussion of William C. Bullitt with Mr. Mandel, to be exact, with Mr. Reynaud, to be exact, was what the United States would do if France got into the war to back up England on the Polish issue; and that is why Reynaud, in desperation when the French troops were on their knees, called out for fulfillment of the promise that had been made; and history will write it, whether you want to admit it now or not. Whether you want to admit it now or not, history will write it. This much of the start of this war has its blame on the present administration of the United States of America. Much of the continuation of this war is due to the administration.

The President says that those who want peace are tools of the dictators. Everybody knows that that statement is maliciously false. I want peace, and I do not like dictators anywhere, be they foreign or domestic. No; what we want is to save America; we want to save it from European power politics.

Why are we going into this war, if we go in? Let me tell you three or four reasons:

First, the President failed to solve the domestic issues. He failed to bring about the prosperity he guaranteed. Therefore he accepts war economy, which he called "fool's gold" in his speech at Chautauqua in 1936. Remember? I wish, when he delivered his fireside chat last Sunday, he had made the same speech he made at Chautauqua, N. Y.

The second main reason why we are going in is because of the international bankers; the international investors want to protect their profits. As ex-Secretary of War Woodring said:

> There is a small clique of international financiers who want the United States to declare war and get into the European mess with everything we have, including our manpower.

The stake is their investment, and they have enough pressure to force this terrible decision.

Many of these were the individuals the President called "economic royalists" a short time ago, but who are now welcomed into the President's conferences when they support his policy of intervention. A short time ago they were dangerous enemies to good government, according to the President, but now he proclaims their devotion to democracy, liberty, and justice.

Did you know that the pious New York Herald Tribune has directors who are interlocked with companies making ammunition with which to kill? You may not have known that. Did you know that was true of the Boston papers also? Did you know that the Chicago Daily News has on its directorate men who are making profits out of the death of boys somewhere? I could continue to cite more of the press who try to say their interest is democracy, but I do not wish to take the time of the Senate.

The English propaganda machine, never asleep, has been spending millions of dollars and has been successful in its contribution to war. Remember the boast of Northcliffe of spending millions for the last one? The President spoke of an unholy alliance, and I do not bow to the President or to anyone else in my love of democracy and my hatred of dictatorship; but I wish to say that if America does go into the war—and God forbid—it will be an unholy alliance of politics with profit. That will be the unholy alliance. But the President says nothing of that.

I wish to make this statement clear: I charge the present administration with partial blame for the beginning of the war. I charge this administration with much blame for the continuation of the war, and I charge this administration with blame for involving America in a needless war.

The President said that the Axis Powers are not going to win. Perhaps not. I should like to see a negotiated peace, because I know that, no matter which side wins in an all-out war, we are not going to have a fair peace treaty written either by Hitler or Churchill. Neither one will write a benevolent peace treaty. We will have a treaty worse than the Versailles Treaty. It will mean another war soon thereafter.

But the President said the Axis Powers are not going to win. Following that to a logical conclusion, what does it mean? Does it mean that if England is being whipped, or is about to be whipped, the United States is going to throw its manpower in to save her? Following the statement to its logical conclusion, we can get nothing else out of it. If material will not win the war, once we accept such a course of action, will not men be sent? If the Axis Powers must be defeated, as the President said, and England cannot defeat them, where will our country enter, and when? The President's speech commits us to a policy of war, and war is not waged without soldiers.

They say it is "our war." "Our war" can lead to but one conclusion. If it is our war, our money will finance it and our soldiers will fight it.

I want Senators to think back on these steps. What were the steps? The British said, "Just give us the right to buy goods. That is all we want." That right was given. Then they came back and said, "Just give us some of your obsolete equipment. That is all we want." That was done. Then they said, "Give us some of your equipment," leaving out the word "obsolete," and that was done. Then they said, "Give us 50 destroyers. That is all that is necessary to tip the scales. That is all we want." And that was done. Then they said, "Just give us some of your flying fortresses, and that is all we will ask." That was done. Now they say, "Just give us credit." Tomorrow they will say, "Just give us the boys," and the day after they will say, "Give us a declaration of war."

We will furnish the money with which to buy the munitions; we will furnish the men to use them, and we will get just what we got in the last war. We will not help democracy in their war. We will perhaps destroy the last democracy on earth. Democracy was the battle cry in the last war. But democracy was not saved. Do you believe Europe was fighting for democracy then?

I wish to say to the Members of the Senate who will serve in the next session of Congress, when Congress will be confronted with this situation, to listen to the words of Johnny in Johnny Got His Gun. Senators remember Johnny, do they not? They remember him—a mere shell of a man—a man with a helpless torso. You remember him. You remember that his arms and his legs and his eyesight were gone, and part of his face was gone. He is one of the boys who was sent forth to save the world for democracy 23 years ago. I quote from the book:

> Let me out of here, let me out. I won't give you any trouble. * * * Take off my nightshirt and build a glass case for me and take me down to the places where people are having fun, where they are on the lookout for freakish things. * * *
>
> I am the dead-man-who-is-alive. I am the living-man-who-is-dead. * * * I'm the man who made the world safe for democracy. * * *
>
> Believe it or not, this thing thinks and it is alive and it goes against every rule of Nature, although Nature didn't make it so. You know what made it so. Look at its medals, real medals, probably of solid gold. * * * It stinks of glory. * * *
>
> Take me wherever there are parliaments and diets and congresses and chambers of statesmen. I want to be there when they talk about honor and justice and making the world safe for democracy, and 14 points, and the self-determination of peoples. I want to be there to remind them I haven't got a tongue to stick into the cheek I haven't got, either.
>
> Put my glass case on the Speaker's desk. * * * Then let them speak of trade policies and embargoes and new colonies and old grudges. Let them debate the menace of the yellow race and the white man's burden and the course of empire. * * *
>
> But before they vote * * * before they give the order for all the little guys to start killing each other, let the main guy rap his gavel on my case and point down at me and say, Here, gentlemen, is the only issue before this house, and that is, are you for this thing or are you against it?

I hope the Members of the Senate at the next session of the Congress, before they vote for war, will go out to the hospitals and see the shell-shocked veterans passing through a living death, before they send boys once again to save the

world for democracy. I say to America, this is not a war for democracy; this is another battle for the balance of power in Europe. This is another war for the control of trade.

I should like to see dictatorships wiped from the earth, but I am not willing to establish dictatorship in my country, a country where my ancestors have lived for almost 300 years, in hope of destroying a dictatorship somewhere else. Our entrance in this war will not eliminate dictatorships. They have their roots in the destroyed economic and social orders of countries. War breeds, not destroys, dictators. The last war, a war called one to save the world for democracy, utterly failed in its stated aim and, to the contrary, created systems of government absolutely contrary to the rule of the people. It is not because certain officials fear dictatorship from the world that they have taken their course of action. It is the best excuse to excuse their actions.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. GILLETTE. Just a few moments ago the Senator from Oklahoma called the attention of the Senator from West Virginia to a reputed remark of the President of the United States, and if I understood correctly it was said the President had stated that any reference or statement to the effect that there was any intention to send an American expeditionary force abroad was a deliberate untruth. I understood the Senator from West Virginia to agree that that was said.

Mr. President, I think that in a matter of this moment the President should be quoted correctly.

Mr. HOLT. I agree with the Senator.

Mr. GILLETTE. If the Senator will permit me, I will read from the CONGRESSIONAL RECORD what the President of the United States said:

> You can therefore nail any talk about sending armies to Europe as deliberate untruth.

Mr. HOLT. Mr. President, I am glad the Senator from Iowa has drawn attention to the distinction between armies and men. There is many an American mother who has a son who is a sailor. But it is said, "Mr. Stephen Early said he did not mean it." If the President did not mean it, why does not the President say so instead of Mr. Stephen Early saying it? "Mr. Stephen Early said so." It was spoken from the citadel, and therefore was accepted as true. There is many an American mother who has a son who is a pilot in the air force.

Armies? Yes; but Mr. Stephen Early said he did not mean that. I say to the President of the United States, "What did you mean? I ask you publicly."

I know the battle that is on, and my colleagues know, too. It is a battle to keep out of war, and there is but one answer. Are you for it or are you against it? If you are for war, you should have the decency to vote for a declaration of war instead of trying to have our country fight an undeclared war, an act of dishonor.

What is the policy of this administration? What did Governor Lehman and Harry Hopkins do at the national convention in Chicago? They tried to have adopted a weasel-worded platform pledge against going to war, which meant nothing to the American boys, and were defeated by the Senator from Montana [Mr. WHEELER] and others.

Let us meet the issue squarely. What is the policy of the administration? When I say this I am not applauding the wrongs committed by the belligerent which the President discusses. Not at all. What is the policy? It is to continue to direct acts against that belligerent until it makes an overt incident against us, and then to say that American property was destroyed, American boys were killed, and the American flag was despoiled, and into the war we will go to protect our honor. The policy is to put a chip on our shoulder and furthermore to go right into the battle and say, "Come on, knock it off."

If we are going into the war, let us be honest. Let us be honorable. Let us not slide in or slip in. For myself, be I a Senator or not, I am against sacrificing American boys on the blood-drenched soil of Europe. That is what the policy of this administration will lead to.

I know some Senators think I should not say this because it may hurt me politically; but, thank God, my conscience is clear today. I have wanted to say these things because I believe them. This is no time to use nice words. This is no time to dodge. This is no time to think of what is wise politically. This is the time to save American boys from a needless grave. This is the time to speak for America. I have said things before that some Senators did not like, but I have told the truth. My conscience and my judgment tell me today that America is on the road to war, and that there is only one way to stop it. That is for the American people to stop it. But the American people are not consulted in plunging this Nation into the holocaust. They will pay the penalty in treasure, in blood, and in death, and democracy will not be saved in the world by our entrance into the war. I want the next session of Congress to save America from Americans who would destroy it in a war in Europe.

REFUGEES FROM EUROPE AND ASIA

Mr. DAVIS. Mr. President, in these days when the horrors of war are forcing great hosts of innocent men, women, and children to seek refuge from the disasters that have overwhelmed Europe and Asia, our attention goes increasingly to those who have come to our own shores. Many of these have unusual contributions to offer because of their brilliant intellect and genius. I ask unanimous consent to have printed in the RECORD as a part of my remarks an editorial from the Philadelphia Inquirer of December 30, 1940, which mentions the names of a number of eminent persons who have sought our country as a refuge in recent years.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer of December 30, 1940]

BRILLIANT REFUGEES OUR GAIN

Better than all the gold that has poured from harried and fearful Europe into the dark vaults under Fort Knox, America has received immeasurably valuable gifts from Adolf Hitler, Benito Mussolini, and even grim Joe Stalin.

They are the brilliant refugees—the men of science; the musicians, the artists, the dreamers; the writers; the great thinkers of Europe, flower of her hard-won civilization in this age; a long roll of splendid minds and earnest hearts.

This comes to mind as the United States prepares to open its doors to 1,000 or more new refugees who, for religious or political beliefs, have been forced to flee repeatedly from Hitler and his kind.

From Einstein, retreating early before the brutal, oppressive, and, later on, murderous racial theories of the Nazis, to Maeterlinck and Jules Romains, fleeing Belgium and France before Hitler's hordes, the United States has already received a large number of the most notable men and women in the world.

It is only necessary to mention a few of those in the recent wave who came from France, Belgium, and other countries swept by Nazi forces, and others who have shifted to the United States since 1933, to understand why.

A recent group includes Romains, French author; Maeterlinck, aged Belgian poetic dramatist, famous for The Blue Bird; Henri Bernstein, dramatist also, author of an anti-Nazi play that made his escape a fortunate thing for himself; Andre Giraud (Pertinax), Mme. Genevieve Tabouis, journalists; Pierre Lazareff, former editor of Paris Soir; and Andre Maurois, distinguished biographer. An older list includes Thomas Mann, German writer and Nobel prize winner. A mailing list of Nobel prize holders of recent years would find many marked, "Gone to the land of the free."

The list of musicians of importance, among many others with prospective or unfolding claims to greatness, takes in Bruno Walter, conductor; Lotte Lehman, Paul Hindemith, and Arnold Schonberg, composers; and the Russian-born French citizen, Igor Stravinsky.

Heinrich Breuning, former German Chancelor, is a professor at Harvard, whose faculty likewise includes Walter Gropius and Marcel Breuer, architects; Martin Wagner, noted Old World city planner; Werner Jaeger, equally noted scholar of the classics.

James Franck, physicist, who gained the Nobel prize, is at the University of Chicago. With him are Eduard Benes, Bruno Rossi, also a famed physicist; Guiseppe Borgese, novelist; Ulrich Middeldorf, art teacher. Some others in American colleges include Otto Marburg, former Viennese neurologist, and Fritz Lehmann, economist.

These names of world-wide significance by no means tell the whole story, for here in the University of Pennsylvania and at other colleges nearby and throughout the country there are men and women who are intently pursuing study and research in university laboratories and classrooms; in hospital clinics. Safe in a free country, they are going on with the great tasks of their lives, whatever they may be.

No doubt we have gained some unpleasant and dangerous cargoes of immigrants, some of whom came or were sent to this country because it is free and they were given a mandate to undermine that freedom.

But these others—these leaders of thought and knowledge and achievement—also have come to the United States because it is free and because here their great gifts will not be repressed.

They and those seeking to follow them repeat in a striking sense old phases of our history as a haven to exiles from oppression and darkness in the Old World. The waves of their predecessors, Carl Schurz and the rest, made America greater.

These coming now seem to point to the promise of a saner age that will yet save the best in civilization and with it human freedom.

IDEAL LABOR LEADER

Mr. DAVIS. Mr. President, I wish to call attention to a notable editorial from the pen of Dr. Charles Stelzle in the Trades Union News, for December 27, 1940, entitled "Ideal Labor Leader." This is a most interesting interpretation of Moses, who led the children of Israel from bondage. It makes clear how necessary experience and character are at all times and among all people if human life is to be uplifted. We need more men like Moses—men whose souls have been disciplined through long years in the difficult tasks of life, and yet who have not lost the high vision which beckons them to lead to freedom and victory the people from whom they come. I ask unanimous consent to have this editorial printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IDEAL LABOR LEADER

(By Dr. Charles Stelzle)

Moses was the great labor leader who delivered from cruel bondage millions of Israelites who were slaves in Egypt. He might well serve as an example for the modern labor leader. The development of such a leader is always a slow process. For in the labor movement there is so much at stake, and there are so many interests involved, that the raw enthusiast cannot be entrusted with the power.

Enthusiasm there should be, but it must be enthusiasm founded upon intelligence, knowledge, and self-control. It required long years of solitude in the land of Midian to transform the hot-blooded Moses, the adopted son of Pharaoh's daughter, into the modest Moses whose name has become a synonym for meekness. "Learned in all the wisdom of the Egyptians," nevertheless he needed the solitary, deep-thinking life of the shepherd on the hillside to prepare him for the great task of leading out into liberty the slaves of the Egyptian ruler.

He came, too, with the consciousness of sure victory because he knew that his cause was just. But, more than that, he was confident because he came in the spirit of a strong moral faith. This emancipation in which he was about to lead was more than an economic deliverance dependent upon brute strength and the ability of a mere man to exercise unusual power. He had back of him the Omnipotent God of Abraham, of Isaac, and of Jacob, the forefathers of the afflicted Israelites.

The qualities that were so conspicuous in Moses must be found in the modern leader. He must be of the people, for he must understand their needs. He must have had an experience which sobered him, so that he is familiar with the deeper, truer things of life. He must depend not so much upon his speech as upon his character. He must have the power which can come alone through the consciousness that his cause is just, and that back of him, too, as He was back of Moses, stands the God of the common people, who is saying through him, "Let my people go."

I have become convinced that the most valuable element in public life is that which holds to what is worth holding to in the legacy of the past, but is always prepared to seek out the good in the new. Again and again I have come to see the truth of this point of view. We require the balance of the old and the new, the tried and the untried, the accepted, and the ideas not yet become a part of tradition, if we are to find the fullness and the highest glories of life. Particularly we need men of experience as well as of experiment in our public life in this country today.

THE UNITED STATES AND THE WAR IN EUROPE

Mr. LEE. Mr. President, I believe no man my age has championed the cause of peace more vigorously, ardently, and sincerely than I. Of course, it never befits any of us to doubt the sincerity of any of the rest of us. We differ only in judgment, not in sincerity.

As I see it, America has only one chance to escape total war. Our only chance of escaping a baptism of blood is England. Today England is the only barrier which is holding back the greatest raging flood of war that has ever been organized and centralized on the face of the earth; and if that dam breaks, America will have war, but we shall have it with the odds heavily against us. It is because I do not want to see any more "Johnnies" in a glass case, as described by the Senator from West Virginia [Mr. HOLT], that I believe we should exert every means within the scope of our announced policy to keep England afloat in order to prevent a baptism of blood for America.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TAFT. When the Senator says "every means," does he mean to the extent of going to war if that seems to be advisable?

Mr. LEE. I do not believe that it is necessary to explain my statement. It was rather clear. I was speaking in support of the administration's policy of material aid to England, and that policy has never included going to war. On the contrary, it offers the only practical chance of escaping war.

Mr. TAFT. The Senator said "every means," and I wanted to be certain that every means included going to war.

Mr. LEE. The Senator understands English. I do not advocate going to war. I advocate enough material aid to England to keep her from falling. We have not advocated sending men, but materials. England's critical need has never been for men, but materials. The Senator may be ready to put a wrong interpretation upon what I say, or to find some single phrase at which to jump. But I have never and do not now advocate going to war. I am trying to prevent war from coming to us. The Senator understands English. I never implied a declaration of war. I was speaking of aid to England within the meaning of our present foreign policy, which does not include going to war.

Mr. TAFT. I understand English. When the Senator says he is in favor of adopting "every means" to prevent the defeat of England, as I understood him to say, I take it that would necessarily include going to war if that seemed to be a necessary or desirable means to prevent the defeat of England. I think that is a reasonable conclusion. I do not think I am putting any words in the Senator's mouth. I merely wanted to be sure that that was the proper conclusion to be drawn from his statement.

Mr. LEE. Mr. President, we have seen other countries listen to the same kind of talk and reasoning that we have heard here today. Those countries are even now in blackened ruins, with charred buildings, and many new graves, or else they are in slavery with their manpower working at the point of Gestapo pistols. The heavy 70-ton tanks that did much to break the Maginot line last May were manufactured in the plants of Czechoslovakia by once free Czechs who were willing to die for liberty; but they were working at the point of Gestapo pistols. If England falls, then, shipbuilding capacity six times greater than that of the United States will be in the hands of Hitler. He will have a combined navy many times larger than our own. He will have the French, British, Italian, Norwegian, and German Navies, and not a battleship between him and 42,000 miles of American coast line. What would stop him? When his own people are eating black bread mixed with many substitutes for bread, when they are on rations for food, and the richest treasure of all America, with surplus grain and surplus meat and surplus gold is within reach, do you think, Mr. President, that the master mind who planned and executed the most diabolical military scheme in all history would hesitate for a moment to head for South America and Central America where he would be received with open arms? No, we had just as well face the facts.

Other nations listened to the decoy ducks. I like to hunt ducks, but I never hunted with live decoys. Hunters used to tie their live decoys on a pond, and then let them, with their quacking, decoy their fellows to a death trap, just as the quackings of the appeasers today would decoy America to a death trap.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. LEE. I yield.

Mr. BARKLEY. The Senator from Oklahoma gave expression to a sentence a moment ago which I feel probably he would not want to remain unmodified. I refer to the

statement or the implication that if Hitler came across to the Western Hemisphere he would be received by open arms in South and Central America. I think that a statement of that sort ought to be qualified, because I am sure the Senator does not mean that there would be such a reception by the governments of those countries.

Mr. LEE. I did not mean by the governments.

Mr. BARKLEY. I am sure the Senator means by certain elements in South America who may be friendly to the Hitler theories.

Mr. LEE. Exactly, and I thank the Senator, because I did not have that in mind any more than I had in mind to say that I favored going to war when the Senator from Ohio [Mr. TAFT] tried to put that implication upon my statement.

Mr. CHAVEZ. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from New Mexico?

Mr. LEE. I yield.

Mr. CHAVEZ. Further clearing the statement referred to by the Senator from Kentucky, neither the governments nor the peoples south of the border of the United States are inclined to fall for any program that may be of any benefit to the Axis Powers. However, in those countries, just as in this country, and in England, there might be some forces that would like to see that thing happen.

What I want to make clear is this: Of course, we are apt to blame any country in South America because some foreigner makes trouble within the country, but I venture to say that there are probably more "fifth columnists" in the United States than there are in any Latin American country south of the border.

Mr. LEE. That may be; there are plenty of them in South America and too many in North America. The Nazis and Communist networks are ready, upon the signal of the defeat of England, to spring to the front and with a little aid from Germany start a revolution; and German aid would be ready just as it was in Spain.

Mr. CHAVEZ. Mr. President, will the Senator yield further?

Mr. LEE. I yield.

Mr. CHAVEZ. According to a more authentic source, the information furnished by the Dies committee, there are plenty of them here within the United States.

Mr. LEE. I do not know about that; I take their statement at face value that there are some; it would be unusual if there were not.

Now, here is one "fifth columnist" who is not in the United States but is sending his stuff to the United States to be printed here. Mr. Carl H. von Wiegand was pro-German in the World War. He has written an article for the Times-Herald of December 29, 1940, which gives the most clever argument I have heard for supporting the peace offensive that has been launched lately. If Dr. Goebbels himself had written it, it could not have been more cleverly done, nor could it have been more helpful to the Nazi cause. His arguments are very clever. He uses statements such as this:

> High American naval officers I've talked with on this tour expressed themselves cautiously as puzzled and even disturbed that Washington, while pursuing a course which may easily lead to war in the Pacific in the coming year, is nevertheless giving Britain priority on planes, ships, and matériels needed by our own Army and Navy if war came suddenly.

That, of course, is the stock argument of the appeasers, that we should keep our aid at home; and he implies, although he does not give any high American naval officer's name, that he has been advised by them that they do not approve our policy of aid to England. Every step the United States has taken with respect to aid to England has been upon the advice of naval and military authorities of this Government. He is hazy about the source of his advice, but he reiterates the argument that it is highly dangerous to our own position that materials of war should be shipped from this country. He carries out the Nazi propaganda to the *n*th degree.

Then after the President's speech he came back with this headline, "Talk dooms early peace, Orient holds," and he gives just as cleverly a worded "fifth columnist" argument as can be found anywhere.

I say that many sincere people in America believe that we should follow a certain route of maintaining peace. I do not question their sincerity any more than I question the sincerity of the decoy ducks out there whose quackings lead the other ducks, their fellows, to a death trap; but I say to you, Mr. President, the same road led countries of Europe to their death. Norway listened to it; Denmark listened to it; Belgium, Luxembourg, and Holland listened to it. If they had united their forces against Hitler they could be having peace and security in Europe today. But they lost their liberty because they listened to the same doctrine from the appeasers which we are asked to follow today. The appeasement offensive was launched in those countries just as it is being launched in this country today, when the appeasers told the Government and people of Norway, "Do nothing, because if you do something, that will get you into war." They did nothing. They got not only war but subjugation. In Belgium they said, "Do nothing or you will get into war." They did nothing, and Belgium got into war. They are making the same argument in this country, "Do nothing, or you will get into war."

To do nothing today means as certain war for the United States as it meant for Belgium and Holland and Norway and Poland and Czechoslovakia and Austria, and as it is meaning war for Rumania today; and they would have us stand back and see England fall, the last barrier between Hitler's troops and American youth. The only barrier that is holding back Hitler's hell divers today is a few youths handling Spitfires, handling Hurricanes; and every time one of those eagles of England falls with a broken wing there is one less champion of liberty in the world. Every time there is another Coventry there is one less citadel of liberty in the world, and the surge of war is just that much closer to America.

So far as I am concerned, England has paid her debt. She has paid it in blood, in the blood of her own youth, and she is giving us time to arm. Why, if England falls today, how well prepared are we? Hitler has more soldiers in a sideshow marching through Rumania today than we have in arms in the United States; and yet there are those who would say to us that we should stand back and let England fall, the only barrier between America and war. They hold themselves up as champions of peace, and would brand those of us who support that one dam which is holding back the flood of war as warmongers.

Yes, England is fighting. We need not be afraid the English are going to surrender the materials which we send them. They have given us the best hostages any nation can give. They have sent their own flesh and blood to America as hostages that they will fight. There has been no indication that England will not use the materials we send to her to hold back this flood tide of war.

Why, when the Germans scuttled the *Graf Spee* the British Lord of the Admiralty said:

> If that had been a British man-of-war she would have gone down with her colors flying and her guns blazing.

Another British lord said the English people would rather die on their feet than live on their knees. That is what they are fighting for; and now we have a peace offensive, telling us to ask England what she is fighting for, and to ask Germany what she is fighting for.

Go to the blackened ruins of Poland and ask those people what they fought for. Go to France, prostrate in slavery, and then ask England what she is fighting for. Go to Belgium, where their countryside was left strewn with helpless victims of Hitler's "blitzkrieg" and then ask England what she is fighting for. Go to every place that has been blighted by the touch of Nazi force and ask England what she is fighting for. They would have us weaken England by saying, "You give up and quit."

Hitler is virtually at war with America today. He is making war on us economically now. He is making war on us politically now. He is against everything we stand for. He is making war on us in every sense except in a military sense.

Only one step remains for him to be making war on us in a military sense, and that step is to defeat England. He would like to have us fall for the old chloroform he used on the other nations of Europe when he said, "You stay off. I am a friend of yours. Divide and conquer"; and he wants us to fall for that, as the little democracies in Europe fell for it.

I do not challenge the sincerity or patriotism of any of my colleagues who disagree with me, but I do challenge their judgment. You have been on the wrong side all the time.

First, there was the clarion statement that rang through the land when you said, "There is not going to be any war." There was war, and you were wrong.

Then came the next one: "The war in Europe is a phony war." It is not a phony war, and you were wrong.

Then you said that Norway and Denmark had not been in war for over 100 years and neutrality would keep them out of this war, and you were wrong again.

You have been wrong every step of the way. Hitler has broken every promise he has made, and, so far, he has kept every threat he has made. He said he would dominate this country. He said he would have storm troopers in America that degenerate Yankeedom could not challenge. He said as to South America, "We shall build another Germany there." Are we, by the policy of inaction and delay, going to lose the one and only chance we have to protect the blood of American youths from the "blitzkriegs" of Germany?

Suppose it takes wealth; it is cheaper than the blood of American boys. Everybody knows that if England stands America will not be in war, and everybody, whether he admits it or not, I believe down in his heart knows that if England falls there will be war for America. I believe the man who advocates all possible aid to England is the real, true champion of peace, and I believe the man who opposes aid to England and asks to place our faith in neutrality is a decoy who would lead America to the same fate which befell the democracies of Europe. They placed their faith in neutrality and refused to join forces against Hitler, and where are they now? Mr. President, that road leads to war, and those who advocate that America follow it, sincere and innocent though they be, are decoying their fellows to a death trap.

We cannot have peace by simply denouncing war. It takes two to make peace, but only one to make war. We can follow a good-neighbor policy only so long as other nations follow a similar good-neighbor policy. But when war ceases to be a placid lake which you can plunge into or stay out of at will and becomes a raging flood which threatens to engulf the world, then the choice is not merely peace or war: it is one of danger or less danger—and the one of less danger is to maintain the only barrier that stands between us and that raging torrent. Therefore aid to England offers less danger of war than to let England fall and us face the axis alone.

I thank the Senate.

Mr. MINTON. Mr. President, the President was misquoted, and the President was partially quoted. I am sure the RECORD ought to state what the President said in its true significance.

The A. E. F. was not made up merely of armies, of soldiers, as we understand that term. The A. E. F. was made up of armies, of soldiers, of sailors, of the naval forces, and the air forces. All those forces constituted the expeditionary forces. I think, for the sake of the RECORD, we ought to have in it, in order that there may be no quibble about it, what the President said, and what I think cannot be misunderstood by anybody who wants to be fair about the matter—and I am sure most of us do.

This is what the President said, in its entirety, in that paragraph:

> There is no demand for sending an American expeditionary force outside our own borders. There is no intention by any member of your Government to send such a force. You can, therefore, nail any talk about sending armies to Europe as deliberate untruth.

I think the statement, when read in its entirety, would be understood by any fair-minded person to mean an expeditionary force which would include the armed forces of America.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 623) to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson, and it was signed by the President pro tempore.

AUTHORITY TO SIGN ENROLLED BILLS, ETC.

Mr. BARKLEY. Mr. President, I ask for the adoption of the resolution which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 341) was read, considered by unanimous consent, and agreed to, as follows:

> *Resolved*, That notwithstanding the final adjournment on expiration of the Seventy-sixth Congress, the President of the Senate be, and he is hereby, authorized to sign any enrolled bill or joint resolution duly passed by the two Houses and which has been examined and found truly enrolled by the Committee on Enrolled Bills of the Senate; and the Secretary of the Senate be, and he is hereby, authorized to receive any message from the House of Representatives, subsequent to said adjournment, relating to business of the Seventy-sixth Congress.

SERVICE OF SENATOR KING AS PRESIDENT PRO TEMPORE

Mr. BARKLEY. Mr. President, when we conclude our business for the day I assume we will recess until some hour tomorrow, before 12 o'clock. It is my understanding that at the session tomorrow the Vice President will be present and presiding, and this is the last day on which we will meet in this historic Chamber. I do not wish to indulge in any fulsome remarks about the pleasure it has afforded us to meet here for a number of weeks in the historical setting which constitutes this Chamber.

I wish to express a personal word of appreciation to the senior Senator from Utah [Mr. KING], who has presided with such dignity and fairness and ability during the recent weeks during which he has been the President pro tempore of the Senate. Inasmuch as he will not preside after today, I assume, I wish to send forward a resolution and ask for its present consideration and adoption.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The legislative clerk read the resolution (S. Res. 342), as follows:

> *Resolved*, That the Senate expresses its appreciation of the courtesy, fairness, and impartiality shown by the President pro tempore, Hon. WILLIAM H. KING, Senator from Utah, in the performance of his duties as Presiding Officer, and tenders him its sincere thanks.

Mr. BARKLEY. Mr. President, I assume the privilege of putting the question, and I ask all Senators who favor the resolution to rise.

[The Senators present rose.]

Mr. BARKLEY. The resolution is unanimously adopted, and I congratulate the President pro tempore, and I am sure I speak for all the Members of this body when I say that we wish him long life, happiness, and prosperity in whatever field he may enter.

The PRESIDENT pro tempore (Mr. KING). To my dear colleagues, it is needless to say that I greatly appreciate the manifestations of confidence and good will of Senators as expressed in the resolution presented by the distinguished Senator from Kentucky [Mr. BARKLEY]. I am grateful to him for his gracious words of commendation and esteem. I avail myself of this opportunity to extend to my colleagues my sincere thanks for the high honor bestowed upon me in selecting me for this position of trust and responsibility—a position which has been held by many eminent men from John Langdon in the First Congress to Key Pittman, our lamented friend and colleague whose passing we deeply mourn.

I will soon surrender my commission as your Presiding Officer and likewise the commission given to me by my beloved State of Utah. For a quarter of a century I have had the honor of representing my State in this great legislative body, and have appreciated the opportunities afforded me

of associating with distinguished and able statesmen representing the States of our Nation. Many of those with whom I have associated in this legislative body, after years of service and fidelity to their country have gone to their great reward; others still remain, giving important and valuable service to their country; but a very few—only six—of those who were in the Senate when I entered it in 1917 remain. It would have afforded me satisfaction if opportunity had been presented to place in the RECORD my high regard, and, indeed, affection, for those who have been Members of this body during the quarter of a century that I have been a Member of it.

Our country in every period of its existence has been fortunate in having patriots and statesmen who have served their country in the Senate of the United States. Their memories will be cherished and the contributions which they have made in behalf of their country will ever be remembered by a grateful people.

In leaving this body I extend to my colleagues my sincere thanks for the many courtesies which I have received at their hands; for their uniform kindness and consideration; and for the many evidences of their friendship. In leaving the Senate I am assured of a continuation of their regard and esteem, and I shall now and in the future cherish the many evidences of our associations. And to those who will soon enter upon service in this body I extend felicitations and congratulations. They will have important duties to perform and will be called upon to meet heavy responsibilities.

I am particularly appreciative of the unfailing kindness of the Democratic leader, Mr. BARKLEY. He has been considerate and in many ways has evinced his friendship for me.

I regret that the minority leader, the Senator from Oregon [Mr. MCNARY], is temporarily detained from the Senate. For nearly a quarter of a century we have been colleagues and friends. For him I entertain a very high regard.

In my service in the Senate I have discovered that political differences do not affect friendships. Lasting friendships are here formed between persons of different political and economic views, and Senators, in departing from the Senate, carry with them the good will and esteem, not only of those of the political party to which they belong, but also those who are members of different political parties.

The Senate of the United States from the organization of this Republic has played a highly important part in our Government.

It is more than a legislative body, and it performs duties highly important for our country in every sphere of governmental activity.

It is not necessary for me—and the occasion would not warrant—to enlarge upon the vital part which the Senate plays in our constitutional system. It is sufficient to say that it has met the responsibilities which have devolved upon it, and vindicated its claim as an indispensable and vital part of our organic system. In my opinion those who believe in liberty—in constitutional government—in the essence and spirit of democracy, will acclaim the Senate of the United States as one of the greatest—if not the greatest—single legislative body that is to be found in any government. In using the words "legislative body," I include those functions of the Senate which some may claim are not purely legislative. But the Senate has justified the esteem and statesmanship of the founders of this Republic, who provided in the Senate a body essential for the safeguard of American institutions and for the political welfare of the people. While its purely legislative duties are vast, it has important responsibilities in dealing with treaties and appointments to public service. The Senate has been and must be, in the discharge of its responsibilities, courageous and independent, jealous of its prerogatives and of the just powers with which it is endowed.

In this period of world disorder this Republic is called upon to occupy a place of influence and power. The conflicts in other parts of the world will produce repercussions in this Republic—which is dedicated to peace and liberty—and waves of war which are beating against the foundations of most governments may not regard the Western Hemisphere, including this Republic, as immune from their attacks. But we know that whatever storms may arise, this Republic, favored by a divine Providence, will be protected and preserved from all assaults from evil forces, and, standing upon the glittering heights of the New World, it will prove a beacon light to the downtrodden and oppressed of other lands and will inspire them to meet all the forces of wrong and oppression with courage and undying faith.

The principles of democracy which are recognized in this Republic are not subtle or mysterious. They are fundamental and eternal and adapted to all conditions and climes and to the various changes in human institutions. They are concerned in human freedom, in the liberation of the mind and the soul and the body of man from every form of tyranny and oppression. They seek the emancipation of the mind of man from moral or spiritual servitude and demand his freedom from every form of slavery or despotism.

The founders of this Republic recognized the divinity of man and sought to provide conditions, political and economic, wherein freedom would be enjoyed and justice and equal opportunities be afforded to all persons.

The most precious possession of democracy is that of personal and individual liberty; indeed, the essence of democracy is liberty. Mazzini stated that—

> Democracy is the progress of all, through all, under the leadership of the best and the wisest.

The founders of this Republic believed that moral and spiritual forces obtain in human conduct, and should govern human relations, and that out of the disorder and confused conditions of society, ultimately a reign of order, peace, justice, and liberty would be the inheritance of man. They believe that the future belonged to the people, and through education and religion and intellectual and moral development, good government would be enjoyed by all and civil, political, and religious liberty be the inheritance of mankind. They believed in the existence of the fundamental principles of justice, founded not only in reason, but in divine law; and, so believing, they believed in the competency of the people to govern themselves. President Wilson stated that he believed in these things; he believed in the democracy not only of America but of all other people that wish and intend to govern and control their own affairs.

But there are dark clouds in the world today that shake the faith of many in the future of democracy. Despots and dictators abound; war, cruel and relentless, exists in the world, and some nations and peoples give themselves to the destruction of the fine things of life; of the precious treasures—material, moral, and spiritual—which have come down from the past. Democracy proclaims not only spiritual salvation but the temporal salvation of man, and emphasizes the view that man's salvation comes from himself. Governments can aid but the Kingdom of Heaven, as well as the making of liberty, lies within the human soul. The success of democracy rests upon the breadth of its base. Henry George stated that:

> Society is not safe if the social and political pyramid rests upon its apex.

Democracy, to be successful, presupposes not alone political and civil equality but a high state of intellectualism. Democracy lives not in dungeons but in the full glare of the sunlight. It is hammered out upon the anvil of experience through the intellectual processes, and where there is freedom of thought and speech each one must be a factor.

These generalizations are offered because of the conflicting forces in our own land. The challenges which are being made to economic and political policies to world conditions cast their shadows over this Republic. In this hour of what I have called confusion, it is in my opinion important that the American people should feel that they are part of this world, and that world conflicts affect and indeed menace our institutions. In my opinion there are problems of greater magnitude which our country will be called upon to meet than those which confronted our Nation during the period of the World War. There are, of course, differences of opinion as to the danger to democratic governments, including this Republic, but I entertain the view that there are threatening conditions

in many parts of the world which do and will affect our economic condition, our peace, if not our security. The world is on fire as I have indicated, and we may not escape the conflagration. This is a period when unity is required among the American people. I am sure that those who love our country, experience concern as to the future, and desire to pursue a course which will make for peace and for the preservation of this Republic. We may not see eye to eye in all matters, but I believe that deep down in the hearts of the American people there is a feeling that we are not immune from all dangers, and that whatever steps are necessary to be taken shall be taken to preserve constitutional government and democratic institutions.

This is a time for unity, a united purpose to defend democracy.

I desire to pay tribute to the President of the United States who in this period of confusion and danger is discharging the responsibilities resting upon him with honor, and a sense of fidelity to the Constitution, and to the best interests of the American people. He is, as I have indicated, a man of honor, a sincere Christian, and is devoted to the maintenance of democratic institutions and the preservation of this Republic. He desires peace as much as any other person in our country, and will exercise the authority of his high office for the promotion of peace and for the welfare and happiness of the American people; and in so doing he will make contribution as far as possible to world peace, and for the welfare of the peoples of the world.

I hope I may be pardoned for making these observations. They are, in part, due to the fact that criticism has been leveled against the Chief Executive. I repeat that the responsibility resting upon him, as well as the Senate and the House of Representatives, is and will continue to be very heavy—greater, as I have indicated, than that which rested upon the executive and legislative branches of the Government at any period in the past.

I sincerely hope that a divine Providence which inspired the founders of this Republic and guided it in its younger days will look upon the people not only of this Republic but of the world, in mercy and compassion and will mitigate their sorrows and pour out the spirit of peace and fraternity so that the dangers and evils that beset the world may be banished and the dawn of a new day come when the blessings of peace and love may be visited upon all peoples.

I entertain the belief that peace and justice and liberty were designed by the Eternal Father to be enjoyed by all of His children, and that He looks with compassion upon their sufferings, and is ready and willing to pour out blessings of peace and happiness to peoples everywhere who seek Him.

Mr. AUSTIN. Mr. President, we of the minority have been happy spectators of all that has occurred in the glorification of the great service of the President pro tempore of the Senate, the distinguished senior Senator from Utah [Mr. KING]. I think it is proper for me to say, assuming that I act for the minority in doing so, that we will miss all those colleagues of ours, on both sides of the aisle, who are terminating their service for the country at this time. On our side of the aisle we are losing distinguished statesmen whose absence will be greatly regretted.

There is a special appropriateness in recognizing the termination of so great a service and so long a career as that of the distinguished Senator from Utah [Mr. KING], and for the minority I wish him a happy future, and the continuation of his great service to his fellow men.

PROPOSAL OF FEDERAL RESERVE SYSTEM AGAINST INFLATION

Mr. TOWNSEND. Mr. President, the Federal Reserve System is to be highly commended for its splendid unanimous special report to the Congress on the subject of anti-inflation precautions. To adopt and implement the suggested course will be to take a long step in the direction in which we ought to move without further delay. The prompt adoption of the plan by Congress should go a long way to allaying public fears of currency and credit inflation.

Without in any way detracting from the praise which the present plan deserves, I wish to point out that in my opinion it should go at least one important step further. The report makes it crystal clear that the source of any present concern about possible inflation is the huge pile of excess reserves in the Federal Reserve System, which excess reserves the plan aims to reduce. Yet the conspicuous fact implied throughout, yet not specifically mentioned in the System's special report, is that the existence of these excess reserves is due to our national policy of buying all gold and silver offered from whatever sources, foreign or domestic, and converting it into reserve money.

In other words, the System's report to Congress seeks to deal with the effects, yet leaves in operation the ultimate cause of our monetary headache. By adopting the System's plan the monetary effects will be ameliorated, but the economic cost of our bullion policies is left to burden us.

One most obvious step to take is to stop buying gold and silver, at least from countries against which we are in other ways spending millions and millions to bring economic pressure. It ought to be thoroughly understood by the public that any device for sterilizing the inflow of gold and silver from such countries not only involves a continuing cost to us but—and this is far more important—it puts millions of dollars into the hands of such countries to use in waging aggressive war against other countries or to spend here in "fifth column" activities.

The special report of the Federal Reserve System would remove nearly all the emergency monetary powers bestowed by Congress on the administration in 1933 and 1934, or by subsequent extensions. Doubtless through oversight the System's plan makes no mention of the President's power to revalue our silver by reducing the legal content of the standard silver dollar. The present monetary stock of silver in this country is valued at more than $4,000,000,000. By making a 59-cent silver dollar, as he now has the power to do, the President could issue more than $2,760,000,000, unless that power, too, is removed. And the $2,760,000,000 would also be reserve material.

There is also the power of the administration to arrange for the sale to the Federal Reserve banks of $3,000,000,000 of Government securities. This power, too, is unnecessary and should now be repealed.

Finally, no mention is made in the special report of the domestic-silver program. If there is no monetary need to monetize foreign silver, there can be no monetary need to monetize domestic newly mined silver. To omit treatment of that subject is an inconsistency in an otherwise splendid report. A country that needs to bend every ounce of energy toward national defense cannot afford to spend annually even a few millions of dollars wastefully.

In general, it must be remembered that the value of any measure such as the heads of the Federal Reserve System now propose depends on its manner of execution. The problems caused by excess reserves cannot, like an oil burner, be handled simply by thermostat adjustment. Nor is there, unfortunately, any complete assurance that mass psychology with reference to inflation can be permanently guided from Washington.

Mr. President, I ask unanimous consent that the splendid report be made a part of the RECORD as a part of my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SPECIAL REPORT TO THE CONGRESS BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, THE PRESIDENTS OF THE FEDERAL RESERVE BANKS, AND THE FEDERAL ADVISORY COUNCIL

For the first time since the creation of the Federal Reserve System, the Board of Governors, the presidents of the 12 Federal Reserve banks, and the members of the Federal Advisory Council representing the 12 Federal Reserve districts present a joint report to the Congress.

This step is taken in order to draw attention to the need of proper preparedness in our monetary organization at a time when the country is engaged in a great defense program that requires the coordinated effort of the entire Nation. Defense is not exclusively a military undertaking, but involves economic and financial effectiveness as well. The volume of physical production is now greater than ever before and under the stimulus of the defense program is certain to rise to still higher levels. Vast expenditures of the military program and their financing create additional problems in the monetary field which make it necessary to review our

existing monetary machinery and to place ourselves in a position to take measures, when necessary, to forestall the development of inflationary tendencies attributable to defects in the machinery of credit control. These tendencies, if unchecked, would produce a rise of prices, would retard the national effort for defense and greatly increase its cost, and would aggravate the situation which may result when the needs of defense, now a stimulus, later absorb less of our economic productivity. While inflation cannot be controlled by monetary measures alone, the present extraordinary situation demands that adequate means be provided to combat the dangers of overexpansion of bank credit due to monetary causes.

The volume of demand deposits and currency is 50 percent greater than in any other period in our history. Excess reserves are huge and are increasing. They provide a base for more than doubling the existing supply of bank credit. Since the early part of 1934, $14,000,000,000 of gold, the principal cause of excess reserves, has flowed into the country, and the stream of incoming gold is continuing. The necessarily large defense program of the Government will have still further expansive effects. Government securities have become the chief asset of the banking system, and purchases by banks have created additional deposits. Because of the excess reserves, interest rates have fallen to unprecedentedly low levels. Some of them are well below the reasonable requirements of an easy-money policy and are raising serious long-term problems for the future well-being of our charitable and educational institutions, for the holders of insurance policies and savings-bank accounts, and for the national economy as a whole.

The Federal Reserve System finds itself in the position of being unable effectively to discharge all of its responsibilities. While the Congress has not deprived the System of responsibilities or of powers, but in fact has granted it new powers, nevertheless, due to extraordinary world conditions, its authority is now inadequate to cope with the present and potential excess-reserve problem. The Federal Reserve System therefore submits for the consideration of the Congress the following five-point program:

1. Congress should provide means for absorbing a large part of existing excess reserves, which amount to $7,000,000,000, as well as such additions to these reserves as may occur. Specifically, it is recommended that Congress—

a. Increase the statutory Reserve requirements for demand deposits in banks in central Reserve cities to 26 percent, for demand deposits in banks in Reserve cities to 20 percent, for demand deposits in country banks to 14 percent, and for time deposits in all banks to 6 percent.

b. Empower the Federal Open Market Committee to make further increases of Reserve requirements sufficient to absorb excess reserves, subject to the limitation that Reserve requirements shall not be increased to more than double the respective percentages specified in paragraph a.

(The power to change Reserve requirements, now vested in the Board of Governors, and the control of open-market operations, now vested in the Federal Open Market Committee, should be placed in the same body.)

c. Authorize the Federal Open Market Committee to change reserve requirements for central reserve city banks, or for reserve city banks, or for country banks, or for any combination of these three classes.

d. Make reserve requirements applicable to all banks receiving demand deposits regardless of whether or not they are members of the Federal Reserve System.

e. Exempt reserves required under paragraphs a, b, and d from the assessments of the Federal Deposit Insurance Corporation.

2. Various sources of potential increases in excess reserves should be removed. These include the power to issue three billions of greenbacks, further monetization of foreign silver, the power to issue silver certificates against the seigniorage, now amounting to one and a half billion dollars on previous purchases of silver. In view of the completely changed international situation during the past year, the power further to devalue the dollar in terms of gold is no longer necessary or desirable and should be permitted to lapse. If it should be necessary to use the stabilization fund in any manner which would affect excess reserves of banks of this country, it would be advisable if it were done only after consultation with the Federal Open Market Committee, whose responsibility it would be to fix reserve requirements.

3. Without interfering with any assistance that this Government may wish to extend to friendly nations, means should be found to prevent further growth in excess reserves and in deposits arising from future gold acquisitions. Such acquisitions should be insulated from the credit system and, once insulated, it would be advisable if they were not restored to the credit system except after consultation with the Federal Open Market Committee.

4. The financing of both the ordinary requirements of Government and the extraordinary needs of the defense program should be accomplished by drawing upon the existing large volume of deposits rather than by creating additional deposits through bank purchases of Government securities. We are in accord with the view that the general debt limit should be raised; that the special limitations on defense financing should be removed; and that the Treasury should be authorized to issue any type of securities (including fully taxable securities) which would be especially suitable for investors other than commercial banks. This is clearly desirable for monetary as well as fiscal reasons.

5. As the national income increases a larger and larger portion of the defense expenses should be met by tax revenues rather than by borrowing. Whatever the point may be at which the Budget should be balanced, there cannot be any question that whenever the country approaches a condition of full utilization of its economic capacity, with appropriate consideration of both employment and production, the Budget should be balanced. This will be essential if monetary responsibility is to be discharged effectively.

In making these five recommendations, the Federal Reserve System has addressed itself primarily to the monetary aspects of the situation. These monetary measures are necessary, but there are protective steps, equally or more important, that should be taken in other fields, such as prevention of industrial and labor bottlenecks, and pursuance of a tax policy appropriate to the defense program and to our monetary and fiscal needs.

It is vital to the success of these measures that there be unity of policy and full coordination of action by the various Governmental bodies. A monetary system divided against itself cannot stand securely. In the period that lies ahead a secure monetary system is essential to the success of the defense program and constitutes an indispensable bulwark of the Nation.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE—ROBERT WATT

Mr. THOMAS of Utah. From the Committee on Education and Labor I report favorably the nomination of Robert Watt, of Massachusetts, to be a member of the Federal Board for Vocational Education. This nomination will only hold until the middle of July next, and I hope to have it acted upon today.

The PRESIDENT pro tempore. The report will be received, and the nomination will be placed on the Executive Calendar.

CIVIL AERONAUTICS BOARD—EDWARD P. WARNER

Mr. BARKLEY. Mr. President, I have a telegram from the Senator from North Carolina [Mr. BAILEY], chairman of the Committee on Commerce, in which he asks me to report on his behalf from the Committee on Commerce the nomination of Mr. Edward P. Warner to be a member of the Civil Aeronautics Board. Acting in behalf of the Senator from North Carolina, I ask unanimous consent that the committee be discharged from the further consideration of the nomination, and that it be taken up and acted upon at this time.

The PRESIDENT pro tempore. Is there objection?

Mr. AUSTIN. Mr. President, reserving the right to object, I inquire, for the purpose of identification, whether this is the same Mr. Warner who served on the President's special committee to investigate all types of aeronautical activities and the relation of the Government to them, which committee made a report to the Congress?

Mr. BARKLEY. I understand he is the same person.

Mr. AUSTIN. Is he now occupying a position in the Government?

Mr. BARKLEY. If I correctly understand, the nomination is a reappointment to the position of member of the Civil Aeronautics Board.

Mr. AUSTIN. Is that the Air Safety Board?

Mr. BARKLEY. It is the Civil Aeronautics Board in the Department of Commerce, which took the place of the old Civil Aeronautics Authority, which was transferred from an independent agency to the Department of Commerce.

Mr. AUSTIN. I have no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered. Without objection, the nomination is confirmed, and the President will be notified.

UNITED STATES COURT OF CLAIMS—JOSEPH WARREN MADDEN

Mr. BARKLEY. Mr. President, I believe the only nomination on the calendar is that of Mr. Joseph Warren Madden to be a member of the Court of Claims. I ask that we now proceed to consider it.

Mr. TAFT. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. I should like to make the point of order that this nomination, while it is said to be reported by the Committee on the Judiciary, is not reported by the Committee on the Judiciary. The Committee on the Judiciary has never met since the appointment of Mr. Madden; and I suggest that the proposed action is in violation of rule XXV, paragraph

3, which contains provisions as to what shall constitute a quorum of a committee.

I quite realize that the practice of signing reports is quite customary, and when there is no objection to a nomination, there can be no reasonable objection to that procedure; but in the case of confirmation of a judge, particularly when there is objection, when objections would have been presented to the committee if the committee had held a hearing, it seems to me that this practice is a violation of the rules of the Senate, and I therefore object to the consideration of the nomination at this time.

I may say that I have objected before. The able Senator from Michigan [Mr. VANDENBERG] objected in my behalf when there was no quorum present. I think today there is probably a quorum present, but it seems to me that even now the matter is of sufficient importance to require considerable time of the Senate to consider the nomination. It involves the whole question as to whether or not Mr. Madden, as Chairman of the National Labor Relations Board, has been fair and imparial, or has shown any judicial qualifications whatever in the handling of the affairs of the Board. It involves the report of the House Committee on Labor, which was made 2 days ago, which covers many pages and discusses many features of the action of the Board and of Mr. Madden himself.

It seems to me it is a matter which should be presented first to the committee. That was the real reason for my objection. If Mr. Madden's nomination is not confirmed at this session, it can be submitted at the next session, and presumably at that time the Committee on the Judiciary will meet, and an opportunity to present objections will be given. At the present time I wish to make the point of order that the nomination is not properly before the Senate, because it has not been reported by the Committee on the Judiciary.

Mr. MILLER. Mr. President, what I shall say may not be exactly appropriate on the point of order, but in order that the record may be clear I should like to make a statement.

Sometime in the latter part of November I was appointed chairman of a subcommittee of the Committee on the Judiciary, along with the Senator from New Mexico [Mr. HATCH], the Senator from Delaware [Mr. HUGHES], the Senator from Nebraska [Mr. NORRIS], and one other Senator. A hearing was held by that subcommittee on the 27th day of November, after at least 2 days' notice. No Senator spoke to me, as chairman of the subcommittee, about desiring to appear before the subcommittee, although the Senator from New Mexico [Mr. HATCH] stated that certain Senators had spoken to him, without designating who they were. The record shows that he notified those Senators who had spoken to him of the date of the hearing on November 27.

The hearing was held. No one appeared in opposition to the nomination. Certain testimony was taken. There were statements from Judge Madden and Mr. Fahy, and letters from various persons were received and introduced and are now in the record.

I understand the record has not been printed. Following that, the committee was not meeting. A majority of the committee was contacted; I think all the committee was contacted; at least a majority of the committee approved the nomination, and I reported it on behalf of the Committee on the Judiciary on the 29th day of November. On that date I asked that the nomination be confirmed, but objection was made and it went over. That is the status of the matter, and that is what occurred.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. TAFT. Will the Senator state how many members of the subcommittee were present?

Mr. MILLER. The Senator from New Mexico [Mr. HATCH] and I were present, and I had the proxy of the Senator from Delaware [Mr. HUGHES].

Mr. TAFT. Only two Senators were actually present at the committee meeting?

Mr. MILLER. Only two Senators were actually present. They all had notice. Some of them were not in the city. Senator NORRIS was not in the city, and I believe another member of the committee was not here. I understood the senior Senator from Pennsylvania [Mr. DAVIS] submitted a letter, which is not in the record, in which he said that no objections to the nomination had been filed in his office.

Those are the facts about the matter. The question appears to me to be whether or not the Senate wants to set aside that practice, let the point of order be sustained and let the nomination lapse, as it would, of course, lapse with the adjournment of the present session of Congress.

That is the question before the Chair. Frankly, I do not feel that I can be of much assistance to the Chair in determining the point of order, but I do want the RECORD to show that the usual practice was followed.

Mr. AUSTIN. Mr. President, will the Senator yield at that point?

Mr. MILLER. Yes.

Mr. AUSTIN. Does the Senator know whether ever before a committee was polled by telegraph?

Mr. MILLER. Yes; as a member of committees, I have received telegrams from clerks of committees. Not long ago I received one.

Mr. AUSTIN. Mr. President, will the Senator yield for another question and observation?

Mr. MILLER. Yes.

Mr. AUSTIN. I think in his statement of facts the Senator ought to include the method of contacting members of the committee; that is, to show that the committee was contacted by telegraph.

Mr. MILLER. They were contacted by telegraph, in person, and probably some by telephone.

Mr. AUSTIN. Will the Senator permit an observation about that particular situation?

Mr. MILLER. Yes.

Mr. AUSTIN. Mr. President, I have always felt that the business of a standing committee of the Senate ought to be considered by the committee as such and that polling the committee deprives Members of some of the advantages afforded by meeting. Certainly when I received a telegram asking me to vote by telegram on this particular nomination I felt that it was going beyond the limit of good practice. I always want the benefit of the advice of my colleagues on the committee no matter what my opinion may be. Though I might favor Mr. Madden, though I have really nothing against his character or qualifications, yet I certainly would denounce that method if I could. So I refused to vote in that way.

I wonder now, as a matter of fact for the RECORD, how many others either failed or declined to vote by telegram.

Mr. MILLER. I was going to suggest and ask permission to place in the RECORD as a part of my remarks a statement I had in my possession at the time the nomination was reported which shows the number of Senators indicating their approval and the number who did not approve. The Senator from Vermont, as I remember, sent a telegram in response to one sent to him that he preferred not to take action at this time or words to that effect. I do not remember the exact wording.

Mr. AUSTIN. I do not recall how the telegram was couched.

Mr. MILLER. But the Senator's telegram was in my hand at the time I reported the nomination to the Senate.

Those are the facts about the case. I merely want to have the record straight on the facts, because an effort was made to contact every member of the committee, and I think every member was contacted. It is true the committee was not in session, but it is likewise true that a hearing had been scheduled for 2 days, but no one appeared in opposition to the nomination.

Mr. McCARRAN. Mr. President, may I make an inquiry of the Senator?

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Nevada?

Mr. MILLER. I yield.

Mr. McCARRAN. I should like to ask for the purpose of verifying the record whether or not the subcommittee ever reported the nomination back to the full committee.

Mr. MILLER. No formal report was made back to the committee, because the committee was not in session, and, apparently, could not be convened.

In addition to the statement which I have asked be printed, I request that certain telegrams from members of the committee be printed in the RECORD at this point.

There being no objection, the statement and telegrams were ordered to be printed in the RECORD, as follows:

YEAS AND NAYS—COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, NOVEMBER 27, 1940, VOTE ON J. WARREN MADDEN TO BE JUDGE COURT OF CLAIMS

Yeas: Mr. Neely (wire), Mr. Van Nuys, Mr. Hatch, Mr. O'Mahoney, Mr. Hughes, Mr. Miller, Mr. Norris (wire), Mr. Danaher, Mr. Chairman.

Pass: Mr. King, Mr. McCarran, Mr. Burke.

Not available: Mr. Connally, Mr. Chandler.

Not voting: Mr. Austin, Mr. Wiley, Mr. Taft.

RENO, NEV., *November 27, 1940.*

DON MORGAN,
Clerk:

Madden nomination not sufficiently advised to participate in vote at present. Appreciate your wiring, but feel in view of circumstances prefer not to be recorded in vote now. Kind regards.

PAT MCCARRAN.

MCCOOK, NEBR., *November 27, 1940.*

DONALD J. MORGAN,
Clerk, Senate Judiciary Committee:

I vote in favor of the confirmation of Mr. Madden.

G. W. NORRIS,
United States Senator.

FAIRMONT, W. VA., *November 27, 1940.*

HON. HENRY ASHURST,
Senate Office Building:

Please vote me for confirmation Hon. J. Warren Madden.

M. M. NEELY.

Mr. BARKLEY. Mr. President, I wish merely to observe that the point of order does not lie since there is a report of this nomination on the calendar. The Senate does not go behind the record of a report from a committee made in the usual way to determine the method by which there was secured the consent of a majority of the committee to a nomination. We all know that to be so. From time to time frequently that has been done; indeed, it has been done a score of times in the last 6 weeks. Because of the absence of a majority of committees, they have been polled informally. Numerous nominations have been reported here and acted upon. The Senate has not gone behind the record to determine whether there was a formal session of the committee, or whether there was an informal meeting of the committee behind a post in the Capitol somewhere or whether it was called in the Judiciary Committee room. This report came in the regular way, made by the chairman of the subcommittee to which the nomination was referred, and it is my understanding, though I am not a member of the Judiciary Committee, that the chairmen of subcommittees of that committee have more or less latitude in reporting nominations upon which they act.

I do not want to get into a discussion of the propriety of that sort of action by committees. It is done by all committees; it is done every day. Nominations have been reported and confirmed over and over again since we have been meeting in this Chamber that have been reported in the same way, and no Senator made any question about it. I do not think the point of order lies against this nomination.

Mr. TAFT. Mr. President, with regard to the point that there is no record, it now appears of record on the statement of the chairman of the subcommittee, who made this report to the Senate, that the Judiciary Committee did not meet. So that question is not one of going behind the record. The statement is made by the chairman of the committee himself making the report and it is perfectly clear on the records of the Senate today that there was no meeting of the Judiciary Committee. It seems to me that that question, therefore, is squarely presented.

I desire to call the attention of the Chair to a statement in Jefferson's Manual, section XXVI, page 274, of the rules we use:

A committee may meet when and where they please, if the House has not ordered time and place for them, but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

As to the question of a hearing raised by the chairman of the subcommittee, it was the majority leader himself who stated that no important business would be taken up when we adjourned after the election, who invited all Members to go home, and stated that there would be nothing of importance considered by the Senate without due notice.

Under those circumstances, the attempt to hold a hearing at a late date when apparently no action was to be taken hardly seems to me to be a serious hearing on the subject of the confirmation of Mr. Madden.

I may say that the confirmation of a judge seems to me particularly one in which we ought to adhere to the rules, in which there ought to be a full opportunity to be heard, in which the Judiciary Committee itself ought to have an opportunity to consider all the facts. Apart from consulting with one's colleagues, Members who were home at the invitation of the majority leader had no opportunity to hear what might be said against Mr. Madden, or what considerations might be urged.

Under all the circumstances of the case, therefore, both the rules and the equity of the position, it seems to me this point of order should be sustained.

Mr. ADAMS. Mr. President, I wish to correct a slight error in the statement of the majority leader that this custom has prevailed in all committees. I desire to say to him that I happen to be chairman of the Public Lands Committee, and that committee has uniformly and consistently taken the position that no action should be taken by the committee except at a meeting of the committee at which a quorum was present; and the committee has never been polled.

Personally, as some members of the committee know, I, as an individual Senator, have always refused to be polled. I have taken the position that committees did not essentially differ from the Senate; that they were subdivisions of the Senate, and that they could no more meet by their members merely signing their names on the back of a bill than the Senate itself could pass a measure by a similar method.

That is simply my individual position. I felt, as was stated by the senior Senator from Vermont [Mr. AUSTIN], that a contrary ruling denies the members of the committee the benefit of conference, the benefit of information which other Senators would bring to them. I think it is an unsound practice.

As one Senator, I propose to vote for the confirmation of the nomination of Mr. Madden; but if the question of sustaining a point of order arises, I want it known that I personally do not think a committee of the Senate can validly act except when assembled as a committee.

Mr. BARKLEY. Mr. President, I do not want to go on with this matter; but I wish to make an observation following the statement of the Senator from Ohio.

I did state some weeks ago, for the benefit of Senators, that no important business would be taken up in the absence of a quorum without due notice. Whether I contemplated every possible nomination that might come in here when I made that statement is not very material. Many nominations have come in since that statement was made, and most Senators went home, and many nominations have been confirmed.

I did give notice last Monday that if a quorum developed here today I should seek to have this matter acted upon. If any point of order would lie against this report it ought to have been made at the time the committee made the report. No point of order was made. No objection was made. The report was made here in the regular way and the nomination was placed on the calendar. It has been on the calendar for weeks. It has gone over out of courtesy to Senators who were not present, and out of courtesy especially to the Senator

from Ohio [Mr. TAFT], who wanted a quorum here, which is now present.

I did not mean, a moment ago, that every committee of the Senate operates as most committees do. We all realize that any committee presided over by the able Senator from Colorado [Mr. ADAMS] would act in an individual and particular way, and not particularly in consonance with the conduct of all other committees; and I am willing to accept his amendment to my remarks so far as that committee is concerned. I happen, however, to be a member of the Committee on Banking and Currency; and I happen to know that that committee has frequently been polled on nominations, and no objection has ever been made to that course. I would not say that the Senator from Colorado has been polled.

Mr. ADAMS. Mr. President, let me interrupt the Senator to say that that is inaccurate. I have always objected to the polling of that committee, as the chairman of the committee knows, and have always declined to be polled.

Mr. BARKLEY. I agree to that statement. The Senator from Colorado has objected to the polling of the committee; but the committee has been polled, nevertheless.

Mr. ADAMS. That is nothing unusual. The Senator from Colorado frequently is under the steam roller, and good-naturedly. [Laughter.]

Mr. BARKLEY. I am glad to correct my remark, insofar as it applies to the Committee on Public Lands and Surveys. They have not been polled.

Mr. MILLER. Mr. President, on the point of order I merely wish to call attention to rule XXV, relating to quorums of committees.

It is true that the rule does not in so many words authorize a committee to act except as a committee, but by inference the practice which has grown up here is certainly justified, and, in my opinion, if the practice is to be changed, the rule ought to be changed for purposes of clarity, if for no other purpose.

Clause 3 of that rule says:

> That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership; nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

The point I am trying to make is that more than one-half of the membership authorized this report to be made, and, under the rule, the action is not confined to the action of the committee itself.

Mr. CONNALLY. Mr. President, I really have no very deep concern about this nomination itself; but I do feel that the general rule and the point made by the Senator from Ohio are sound.

As a member of the Judiciary Committee, I declined to vote on this matter. I was down in Texas, and I did not really care to be disturbed by the Senate at that time; and I did not vote one way or another because I did not care to exercise my prerogatives in that way.

On the point of order, however, I do not know Mr. Madden. I have nothing against him. I suppose I shall vote to confirm him if the Senate overrules this point of order; but it seems to me there is a very sound reason why Senate committees should act only as committees.

For instance, we always have a minority. Sometimes the minority may be right; but if the majority may go ahead and confirm a candidate without ever meeting, the minority are deprived of any opportunity of doing more than just saying "No." They have no chance to present matters for consideration.

Of course, we have repeatedly violated that rule by polling committees, and I am just as guilty as other Senators are; but usually those are cases of pure routine, when nobody is objecting to the nominee or nobody knows anything about the nominee, and they are willing to let the nomination go along. It does seem to me, however, that when the question of jurisdiction is invoked it is not a light matter, but is one which the Senate should very carefully consider.

No one would think that the Senate itself could pass a bill by sending us all home and telegraphing us, "The bill is up, and you may vote on it in the Senate." Of course, nobody would ever consider doing a thing like that. The committee is but an agency of the Senate. It has no greater powers than the Senate itself has. It is our servant; and when the action of a committee is questioned, I do not think it can do privately what it is unable to do officially.

Mr. MINTON. Mr. President, may I ask the Senator a question?

Mr. CONNALLY. Yes.

Mr. MINTON. Does not the Senator from Texas think the Senate may waive its own rules?

Mr. CONNALLY. Oh, the Senate probably will waive its own rules today if the matter goes to a vote.

Mr. MINTON. By a course of conduct it may waive its own rules.

Mr. CONNALLY. We may do that. We may confirm a nominee without ever sending his nomination to a committee under the rules, if we want to, because the Senate, under the Constitution, has the power to make its own rules, and nobody can question that action; but we do have rules, and one of those rules is that we have committees. Another rule is that there shall be referred to those committees appropriate matters relating to their jurisdiction. As long as we have those rules we ought to observe them.

As I have said, I have no interest in this nomination. I really very much dislike to have to agree with the Senator from Ohio, but it looks as though I shall have to do so. [Laughter.]

Mr. ASHURST. Mr. President, I doubt the propriety of my speaking at this time, but I shall run the risk of erring on the side of impropriety.

I am not a little embarrassed in that I speak now as a politician who, as the lawyers say, is in extremis—indeed, a politician upon whom rigor mortis will soon descend. [Laughter.] But I am in a situation where silence might be misconstrued.

The nomination of Mr. Madden was sent to the Senate Committee on the Judiciary and, as was done with all other judicial nominations, it was referred to a subcommittee for consideration. If my memory serves me correctly, the Senator from Arkansas [Mr. MILLER] was named as the chairman of the subcommittee.

It is not necessary for me to deliver any extended eulogy on the merits, the talents, the sagacity, and the industriousness of the junior Senator from Arkansas [Mr. MILLER]. Soon after he was inducted into the Senate he earned for himself, by his learning and his ability, a place upon its Committee on the Judiciary.

The Senator from Arkansas made a canvass of all the members of the Senate Committee on the Judiciary in the city of Washington. The Senate was in legal session. Those members who saw fit to go home and not attend the Senate's sessions have no right to interfere with the proceedings of the Senate. A man should not, by remote control, attempt to direct the Senate. While I have no criticism of any Member who was not here and had good reason for not being here, surely no point should be made of the fact that Senators who were not here should delay the Senate in its labors.

The majority of the committee reported favorably upon the nomination, if I am correctly advised by the Senator from Arkansas. Another reason which impels me to speak now is that Members of the Senate individually, but not as the Senate, did something which I shall forever hold in grateful remembrance. Eighty-four Members of the Senate signed a petition urging that I be appointed to this place on the Court of Claims. The President, for good reasons—for reasons which I approve—did not see fit to make my nomination as requested and petitioned by the 84 Senators. I was the individual whom they were so partial and so kind as to request the President to appoint. What little disappointment I might have felt in not securing the office was so transient that I do not recall that there was any disappointment at all.

In this period of the world's history and in this tragic posture of human events, those persons and only those persons who are accustomed to, or can accustom themselves to, disappointments will survive. I repeat that—the only persons who may expect to survive in the world now are those who are either already accustomed to disappointment or who can gracefully accustom themselves to disappointment. So, as I have said, while I should have been very proud and glad to have had this judicial office, the disappointment in not receiving it was so slight and so transient that there was no disappointment at all.

Whatever may have been the criticisms which fell upon Mr. Madden by reason of the office he formerly held should not, in my judgment, reach him in connection with a judicial place. No man in America, no man alive, could have served upon the National Labor Relations Board to the complete satisfaction of all. That could not have been done. The Greeks had a word for it, namely, "dilemma." We usually think we can take one or the other of the horns of a dilemma and thus escape. It is not a dilemma if there be any way of escape. One may be in a dangerous situation, one may be in a difficult position, but if he can escape and find refuge he is not in a dilemma, because a true dilemma is fatal, whatever horn one may take. The Greeks named it correctly—"dilemma"; two horns. Whoever serves upon the National Labor Relations Board will be impaled upon one of the two horns of a dilemma, and possibly on both, as has been well said by a colleague sitting near me.

The position to which Mr. Madden has been named is a judicial office. He will in that place have no policy. A judge has no policy; he has no constituents; he follows the law.

I addressed the present occupant of the chair [Mr. KING] as "Your Honor" when I first saw him. He was at that time a judge, an able judicial officer, who reflected credit upon himself and upon his constituency, but in a true sense he had no constituency. A judge can have no constituents. A judge is sworn to follow the law, and I am convinced that in the judicial office to which the President has named Mr. Madden he will have no constituency, but will follow the law.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ASHURST. Very gladly.

Mr. BARKLEY. In this particular position, membership on the Court of Claims, the judge does not act in the trial of cases nisi prius. He passes chiefly on the merits of claims against the Government of the United States, if I am correctly informed.

Mr. ASHURST. The Senator is absolutely correct.

Mr. BARKLEY. So that whatever views Mr. Madden may have held, and whatever actions he may have taken as a member of the National Labor Relations Board, they would have no relationship to his decisions in passing upon claims which are filed against the Government of the United States, which is the duty of all members of the Court of Claims.

Mr. ASHURST. The Senator is correct.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. ASHURST. I always yield to the able Senator from Ohio. I gladly yield.

Mr. TAFT. Let me say that I was one of those who recommended the able Senator from Arizona for this particular position on the Court of Claims. I did so because I think no one could have a more judicial temperament. I would say that the actions of Mr. Madden on the National Labor Relations Board show an utter and complete lack of any judicial temperament. That is the reason why I am opposing confirmation.

But what I wanted to ask the Senator was whether he did not think that a member of the National Labor Relations Board does not also occupy a judicial position in which he is required to follow the law, so there is no distinction between a member of a judicial board with judicial powers and the judge of a court. Does not the Senator think that really the nature of the jobs is the same?

Mr. ASHURST. The able Senator from Ohio is correct in that membership on the National Labor Relations Board, of course—and frankness compels me to say this—does carry with it some duties which at times partake of the nature of a judicial office. It is not, however, in any sense a judicial office. I am bound to admit that at times a member of the National Labor Relations Board must use judicial discretion, but I am sure, able and erudite lawyer as the Senator from Ohio is, he would not for a moment be so disingenuous, because that is contrary to his nature, as to assert here or elsewhere that membership on the National Labor Relations Board is a judicial office. The Senator will not assert that.

Mr. TAFT. Not a judicial office, but one which requires the exercise of certain judicial functions.

I should like to read the Senator a quotation from the Supreme Court of the United States in the Morgan case:

> The vast expansion of this field of administrative regulation in response to the pressure of social needs is made possible under our system by adherence to the basic principles that * * * in administrative proceedings of a quasi-judicial character the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play. These demand a fair and open hearing.

Does not that indicate that the Supreme Court of the United States considered the function of a member of a board with judicial powers or quasi-judicial powers, as in substance the same as that of a judge?

Mr. ASHURST. As I have said, to be frank, I would say that at times it is the duty not only of the National Labor Relations Board, but the duty of the various boards we have created, to exercise judicial discretion, and to look at the law and construe the law. I admit that, but I again say it is not possible to find any person who would claim that membership on the National Labor Relations Board was in any sense a judicial position.

Mr. TAFT. Mr. President, will the Senator yield for another question, having to do with another matter?

Mr. ASHURST. I yield.

Mr. TAFT. Did the Senator, as chairman of the Judiciary Committee, ever call a meeting of the Judiciary Committee to consider this appointment at which a quorum did not appear?

Mr. ASHURST. No.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. ASHURST. I yield to the able Senator from New York.

Mr. WAGNER. Mr. President, in view of the very broad, and I think, entirely unfair statement made by the Senator from Ohio with reference to Mr. Madden——

Mr. TAFT. Mr. President, if the Senator will yield for a moment, I intend to speak at great length on the particular specifications of that charge.

Mr. WAGNER. I assume there will be another opportunity; but I think perhaps in view of the characterization of the conduct of Mr. Madden I should say that the United States Supreme Court has had 25 N. L. R. B. cases before it for review. Of course, the Senator being a learned scholar of the law, knows that the Court reviews all the evidence and the testimony taken, which includes the conduct of those conducting the judicial hearings, and the conclusions reached. The Labor Board, presided over by Mr. Madden, has a better record by far than any other quasi-judicial body created by Congress. Out of 25 cases which went to the United States Supreme Court, 20 were absolutely affirmed. Three cases were affirmed with a modification, and in only two cases were the order and findings wholly set aside.

Mr. TAFT. Mr. President, will the Senator yield in order that I may reply now?

Mr. ASHURST. I yield.

Mr. TAFT. That argument has frequently been made; but the basis of the Supreme Court's decisions upholding the National Labor Relations Board is that Congress in the act gave the board such completely wide discretion that it could do practically anything it pleased. A decision of the United States Supreme Court upholding the Labor Board does not prove that the Labor Board was right. It merely proves that the Court thinks that the powers granted in the act are so broad that the Board can do almost anything. I agree that that is the effect of the act. Consequently, a decision affirming the act does not say that the National Labor Relations Board did what was right. It merely says that the National Labor Relations Board did what there was some authority in the act to do.

It is not true that all the facts of the cases are before the Supreme Court. Far from it. The Supreme Court has said that it is not the judge of the facts, and that the National Labor Relations Board's decision on the facts is for all practical purposes final, unless it is so outrageous that no person could possibly reach such a conclusion without being biased and prejudiced. That is the reason for the Supreme Court's decision. I venture to say that with respect to most of such cases, if they were submitted to the majority of the Senate, the majority of the Senate would say that the National Labor Relations Board was wrong in the large majority of the cases which went to the Supreme Court. That does not apply to all the decisions of the Board. Many of its decisions are entirely correct.

Mr. ASHURST. Mr. President, the able Senator from Ohio, in his reply to the able Senator from New York, made the point that wide discretion was conferred upon the Board. If that be true, the fault is with Congress and not with the Board. The able Senator from Ohio would not send out an agent, giving the agent absolute, broad, and wide powers, and then lament—he would not obtain a hearing if he did—because the agent to whom he had granted the vast powers had transcended them or had exercised the discretionary powers in a different manner from that which the principal intended.

Mr. President, the fault lies at our door, and not at the door of the National Labor Relations Board, because we gave them this discretion. It might not have been wise; but it is not sportsmanlike, wise, or fair, after granting this wide-open discretion—I myself think it is too wide—to complain because, forsooth, it was exercised.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. ASHURST. I shall be glad to yield in a moment.

The able Senator from Ohio has many times demonstrated that he is an able lawyer. Today he has given further proof. He stated that the Supreme Court would not examine the facts, because the discretion was left with the Board to examine the facts. The able Senator knows that to be true as to circuit courts and as to district courts. If there be any evidence in a case, the Supreme Court of the United States will not review it. Unless there be no evidence in a case, the Supreme Court will not review it. There must be an absolute violation of the law before the Supreme Court will review a case. So the Supreme Court, in the National Labor Relations Board cases, employed the same rule it would employ in connection with an appeal from a district court.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. WAGNER. I do not wish to annoy the Senator, but in view of the statement which has been made by the Senator from Ohio, I invite attention to the fact that the law and the facts are reviewed by the Supreme Court. Mr. Chief Justice Hughes, in one of the cases, stated that the procedure provided for in the act protects every person who has any rights or any interest in the litigation. That is a statement not by the Senator from Ohio, but by the Chief Justice of the United States.

Secondly, the Senator also knows that the courts have decided that before they will enforce an order, it must be supported by substantial evidence. Time and time again the Court has used the words "substantial evidence." In order to ascertain whether or not a particular order is sustained by substantial evidence, the Court must review and study the entire evidence. The courts have said so time and time again.

Mr. ASHURST. I ask the Senator, who is an able lawyer, if the courts are likely to review a matter of discretion unless the discretion was obviously ill-employed.

Mr. WAGNER. No; but time and time again the court has made the statement that the order must be supported by substantial evidence. Those are the words the court has used. Of course, in order to ascertain whether or not the evidence is substantial, the court must examine all the facts.

Mr. ASHURST. In the cases to which the Senator from New York has referred the court must have found that there was substantial evidence in each case and sustained it.

Mr. WAGNER. In the decision in National Labor Relations Board against Jones & Laughlin Steel Corporation, Mr. Chief Justice Hughes discusses the question of review by the courts in the following language:

> The act establishes standards to which the Board must conform. There must be complaint, notice, and hearing. The Board must receive evidence and make findings. The findings as to the facts are to be conclusive, but only if supported by evidence. The order of the Board is subject to review by the designated court, and only when sustained by the court may the order be enforced. Upon that review all questions of the jurisdiction of the Board and the regularity of its proceedings—all questions of constitutional right or statutory authority—are open to examination by the court. We construe the procedural provisions as affording adequate opportunity to secure judicial protection against arbitrary action in accordance with the well-settled rules applicable to administrative agencies set up by Congress to aid in the enforcement of valid legislation.

Let me add that, if we complain about the procedure, the procedure provided for in this law is exactly the same as the procedure which has been adopted time after time by Congress with reference to every other quasi-judicial board. As a matter of history, I took the procedure provided for in the Federal Trade Commission Act bodily out of that act and placed it in the National Labor Relations Act.

Mr. ASHURST. If the Senator from New York is correct—and I have usually found him to be correct—it would seem from his statement that the lamentation of the able Senator from Ohio should be addressed to the Congress and the Supreme Court of the United States rather than to the National Labor Relations Board.

Mr. TAFT. Of course, that appeal was addressed to the Congress of the United States. We passed the Logan-Walter bill largely to correct the abuses resulting from the National Labor Relations Act, and the President vetoed that bill. So that appeal has been made to Congress, and it seems to me it is perfectly proper now to raise the same question in connection with the confirmation of Mr. Madden.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. BARKLEY. I am glad finally, on the closing days of the Congress, to find out why the Logan-Walter bill was passed. The Senator from Ohio has very clearly indicated the objective.

Mr. TAFT. I think so. I think I so stated at the hearing. It was passed because the powers given to administrative boards are so broad, and they have abused those powers repeatedly. The Logan-Walter bill was designed to check those abuses.

Mr. BARKLEY. Particularly with reference to the National Labor Relations Board.

Mr. TAFT. That is one of the five or six which have been most subject to criticism.

Mr. WAGNER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from New York?

Mr. ASHURST. I yield.

Mr. WAGNER. The amendments which were made to the so-called Walter-Logan bill by the Senate Committee on the Judiciary did not in any material way change the procedure now provided by law and by court decisions with reference to the National Labor Relations Act. For instance, it was provided in the proposed act that, in order to be enforced, the orders of the Board must be sustained by substantial evidence. That is the law today, and that has been the ruling of the Supreme Court of the United States. That was not changed by the Walter-Logan bill with reference to the National Labor Relations Board at all, but it did have an effect on other quasi-judicial boards.

Mr. ASHURST. Mr. President, I have said all I care to say. The situation was such that I thought I should speak, for to fail to speak might indicate that I felt some resentment or disappointment because I did not receive the nomination to the judicial office to which Mr. Madden has been appointed. I am sure that if I were less thick-skinned or if I were not so pachydermatous I would not be embarrassed.

I have discharged my duty. I believe Mr. Madden to be a good man. I believe him to be an honest man; I believe him to be an able man. He is not a great man, for no man Mr.

President, is ever great until he has had much sorrow, humiliation, and disappointment. When I go home and my constituents ask, Is so and so a great man? in many, if not most, instances I am obliged to say when I am asked about a Senator or other public official, " 'Yes,' he is a good Senator, he is a useful man, he is patriotic, but as to being a great man, I must say 'No,' because he has never had tremendous suffering, sorrow, humiliation and disappointment." That is what makes greatness. So I say that, while Mr. Madden is a good man, an honest man, and an able man, he may not be great. Only a few men are great. The Senate may make him great before they get through with him. I thank the Senate.

Mr. TAFT. Mr. President, I should like to call the attention of the Chair to the statement made by the able chairman of the Committee on the Judiciary, that on the question of the nomination of this judge no meeting of the Judiciary Committee was ever called, so that no member ever had an opportunity to attend the meeting of the Judiciary Committee to consider the question whether the nomination should be confirmed or should not be confirmed.

I think, getting back to the point of order, that, after all, this matter can be taken up at the next session. I do not see the necessity for hurry or rush. It may involve some few dollars of salary; I do not know the exact figures; but I submit to the Chair that until a correct procedure is taken in the Senate we certainly have not much right to criticize the procedure of the National Labor Relations Board.

The PRESIDENT pro tempore (Mr. KING). The President pro tempore is ready to rule upon the point of order raised by the Senator from Ohio.

After considering the arguments made in support of and against the point of order, the Chair overrules the point of order. The Chair thinks a proper interpretation of paragraph 3 of Rule 25, to which attention was called by the Senator from Arkansas [Mr. MILLER] supports the position taken by the Chair. The rule contains the following words:

> Nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such membership.

It appears from the record and the statements made that more than one-half of a majority of the entire membership of the Committee on the Judiciary authorized a favorable report upon the nomination under consideration. Generally speaking, a report imports verity and the Senate record of the report made by the committee a short time ago is in regular form and shows that the Committee on the Judiciary affirmatively acted upon the nomination. In the opinion of the Chair there is not sufficient warrant for impeaching the record of the Senate showing the favorable report of the Committee on the Judiciary.

The Chair believes that his position is fortified by reason of the almost uniform procedure under which Senate committees are not infrequently polled without a formal meeting of the entire committee. The practice, in the opinion of the Chair, might with propriety, be discouraged. While the Chair is not authorized to indicate what course should be pursued, he ventures to suggest that with respect to nominations for important positions, formal action be taken by committees.

The Chair overrules the point of order. The question is, Will the Senate advise and consent to this nomination?

Mr. VANDENBERG. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Byrnes	Guffey	McCarran
Ashurst	Capper	Gurney	Miller
Austin	Caraway	Hale	Minton
Ball	Chavez	Hayden	Neely
Bankhead	Clark, Mo.	Herring	Nye
Barbour	Connally	Holman	O'Mahoney
Barkley	Danaher	Holt	Reynolds
Bilbo	Davis	Johnson, Calif.	Russell
Bone	Frazier	Johnson, Colo.	Schwartz
Bulow	George	King	Sheppard
Bunker	Gillette	Lee	Taft
Burke	Green	Lucas	Thomas, Idaho
Thomas, Utah	Vandenberg	Wallgren	Wiley
Townsend	Van Nuys	Wheeler	
Truman	Wagner	White	

Mr. AUSTIN. The Senator from Oregon [Mr. MCNARY] is absent on account of illness.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Kansas [Mr. REED], the Senator from Massachusetts [Mr. LODGE], the Senator from Vermont [Mr. GIBSON], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The PRESIDENT pro tempore. Fifty-eight Senators having answered to their names, a quorum is present.

Mr. TAFT. Mr. President, the appointment of Mr. Madden to the Court of Claims is the result of a long history connected with the National Labor Relations Board.

Originally there were three members of that Board—Mr. Madden, Mr. Edwin Smith, and Mr. Donald Smith. For the greater part of the history of the Board its action was determined by the joint action of those three men.

About a year ago the term of Mr. Donald Smith expired; and to fill the vacancy the President appointed Mr. Leiserson, who had long had a record of labor service, who had been on the National Mediation Board for the railroad brotherhoods, and who, since his coming to the Board, has very largely changed the character of the Board. Mr. Leiserson found, however, that in spite of his criticism of the personnel of the Board and the general character of its decisions, he was in the minority. Mr. Madden and Mr. Smith still dominated the Board; so when last year in August Mr. Madden's term expired, there was a fundamental difference of opinion on the Board to be resolved by the appointment of the third man.

Mr. Madden's term expired in August and no appointment was made. Mr. Madden himself was not reappointed. Apparently he was not reappointed because various people, including particularly the American Federation of Labor, urged that he was so unfair, so incapable of performing judicially the functions of his office, that he should not be reappointed. His appointment was held up until after the election in November 1940.

It is well known that Mr. Madden's reappointment was urged upon the President by the C. I. O. They regarded him as their friend, and they insisted on his nomination.

The President waited until after the election. Of course, I cannot say what motives resulted finally in the refusal to reappoint Mr. Madden and the appointment of Mr. Milles as chairman in his place, but it is true that during the election Mr. John Lewis, the president of the C. I. O., came out in favor of Mr. Willkie instead of Mr. Roosevelt. Apparently the pressure of the C. I. O. was of less importance after the election than before, and after the election Mr. Madden's name was not sent in, but the appointment of Mr. Milles was made.

There is not the slightest question that the appointment of Mr. Milles has entirely changed the character of the National Labor Relations Board; and where before that we had a majority intensely prejudiced in various ways which I shall describe, we now have a Board which represents the kind of a Board which should originally have been appointed to administer the National Labor Relations Act.

Apparently in order to soothe Mr. Madden's friends, as well as all the radicals and the other people who thought that he should have been reappointed Chairman of the National Labor Relations Board, he was appointed a judge of the Court of Claims. In other words, a man who was considered so prejudiced that he could not be reappointed Chairman of the National Labor Relations Board is appointed instead to a life job as a judge, where impartiality is peculiarly necessary, is appointed to a life job at $12,000 a year, an advance in salary over what he was receiving as a member of the National Labor Relations Board. In order to soothe the feelings of the persons favoring Mr. Madden, he is kicked upstairs, and we are now considering whether or not we shall confirm his appointment as a judge of the Court of Claims—a life job at $12,000 a year—as a reward for his actions on the National Labor Relations Board and as Chairman and as a member

of that Board, for which he was not considered competent enough to be reappointed.

I submit that it shows a complete disregard of the feelings which should inspire the appointment of a judge to appoint a man as judge simply because a place must be found for him after he is removed from another position.

Mr. President, my objection to Mr. Madden is not to his character or to his legal qualifications. It is true that Mr. Madden has never practiced law; and that, I think, is one basis of objection to the appointment of a judge. But from the time he graduated from the Chicago Law School he has been a teacher of law. He served first as a school teacher, then as a teacher at Michigan University Law School, then as a teacher at Ohio State University Law School, then as dean of the West Virginia Law School, and, finally, as professor at Pittsburgh University Law School, just before he was appointed to the National Labor Relations Board. He has never practiced law. That in itself is not a complete argument against the appointment of a man as judge, but it does perhaps give some hint why he has departed so far from legal principles as he has as Chairman of the National Labor Relations Board, and so far from the fairness necessarily required from a judge.

I oppose Mr. Madden because I think he completely lacks the qualifications of a judge, because I maintain that his actions as Chairman of the National Labor Relations Board, which I wish to describe, show him to be inherently biased and prejudiced and incapable of passing on a question in the judicial manner in which a judge should pass on any legal question presented to him. I hope to show that prejudice as it appeared in the decisions of the Board in many cases by citing evidence of tremendous prejudice and lack of judicial qualifications among the personnel of the Board, which must have been known in many cases, was, in fact, proved to have been known by Mr. Madden himself; and, of course, it can be shown in a complete lack of judicial sense in the procedure of the Board.

The real purpose of the National Labor Relations Act was to make it possible for any employees to organize who wished to do so, to remove any possible coercion or pressure from their employers to prevent such organization. I think everyone approved that purpose. We have always approved it in principle. The National Labor Relations Act embodied it in law.

The act itself sets forth a perfectly correct principle, and I not only thoroughly approve the act and the basic ideas of the act but I believe they could be worked out more satisfactorily than they are in the present law. But the Board which was appointed, instead of looking upon its function as merely to prevent any interference with the organization of employees, apparently, from many of its expressions, thought it was given a kind of crusading license by Congress to go out and organize every employee in the United States, whether the employee wanted to be organized or did not want to be organized—a license, or direction, to go out and organize every employee into some nationally affiliated union because the Board showed an intense prejudice against anything in the nature of an independent union, or one that was not affiliated with some national organization. A crusading spirit to go out and organize men whether they wanted to be organized or not naturally found its greatest affiliation with the C. I. O., which happened to be a more active organizing force than the A. F. of L. at the time the Board began functioning. Perhaps that explains the intense prejudice of the Board against the American Federation of Labor.

There are many members of the personnel who, if they are not Communists, are very close to being Communists. There were many who were members of the League Against War and Fascism, which turned out to be rather a league against peace and for communism, which was exposed by the Dies committee, and I think has since dissolved itself. But many of the members of the personnel of the National Labor Relations Board were members of that organization. Their spirit against the whole system of private enterprise and private employment was made clear in many speeches and writings of those members, and much of it was known to Mr. Madden. While I do not know whether or not he has the slightest sympathy with that point of view, I do know that he knew that many of the personnel of the Board were inspired by it, and that he did not take the slightest action to remove any of those people. In fact, after Mr. Leiserson's appointment he and Mr. Smith insisted that the whole personnel be retained, and opposed any change whatever in the character of the personnel; and for that purpose Mr. Madden's vote was essential.

I have said that one of the things which was perfectly apparent was the prejudice against the American Federation of Labor, or, rather, I would say a prejudice in favor of the C. I. O. Several members of the Board expressed themselves strongly in favor of the industrial type of organization as against the craft unions. The decisions, carefully considered, while some were in favor of the American Federation of Labor and others in favor of the C. I. O., show that wherever they could they promoted a C. I. O. union against the American Federation of Labor, as well as against any independent union.

In order to show that, I should like to refer to the testimony given by Mr. William Green, the head of the American Federation of Labor, before the Senate Committee on Education and Labor, of which I am a member.

I do not like to take so much of the time of the Senate, on the last day of the longest session we have ever had, but it is certainly true that those who favor an amendment to the National Labor Relations Act, and those who are opposed to the kind of administration the Board has given, have been denied any opportunity of presenting the facts to the Senate, because the Senate Committee on Education and Labor has failed to report the amendments to the National Labor Relations Act.

Mr. Green spoke of the fact that the American Federation of Labor considered the passage of the act a major legislative victory for organized labor, and that it had supported the act. He said that his experience under the previous Labor Board—Dean Garrison, Francis Biddle, and others—led him to believe that the American Federation of Labor would receive fair and just treatment. Mr. Green continued:

> But, gentlemen of the committee, we are sadly disillusioned. The act, once hailed as labor's Magna Carta, has been distorted into an instrument of oppression by the partial and biased administration of the present Board.

Mr. Madden was a member of the Board which, according to Mr. Green, distorted the act into an instrument of oppression instead of a measure to uphold the rights of labor.

> When the split in the labor movement occurred in 1935 the Board was put to a test. Would it administer the act in an impartial manner, as its sponsors had promised, or would it pervert the great power granted it in order to assist one of two rival movements? That was the question. The answer was not long in coming. Almost contemporaneous with the division in the labor movement a definite partiality was manifested by Board Member Edwin Smith for the Congress of Industrial Organizations, and he has been able to influence the official work of the Board and of the personnel so as to support the cause of the Congress of Industrial Organizations. * * * We assumed that this governmental agency would be a judicial board, holding the scales of justice equitably, so that a great institution such as ours that has developed over a period of almost three-quarters of a century would be accorded a square deal.
>
> There soon grew a large volume of protests against the biased administration of the act. This protest was voiced most vigorously at the 1937 convention of the American Federation of Labor in Denver, Colo.

This is what that convention of the American Federation of Labor said about the Board:

> The National Labor Relations Board has, together with and through a number of its regional boards, repeatedly denied employees the right of designating the bargaining unit, and have thereby denied employees the right of selecting representatives of their own choosing with full freedom.

In other words, denied the exact purpose of the act.

> The National Labor Relations Board, through its regional representatives, has attempted to destroy the validity of contracts entered into between legitimate labor organizations and their employers, contracts which were in full conformity with public laws, including the National Labor Relations Act—in some instances with full knowledge of the facts involved, and in others without any apparent effort to ascertain the facts.

Mr. Green also stated before the Senate committee:

The Board continued on its course of usurping and abusing powers and of favoring rival organizations. Decisions and activities by the Board that threatened to undermine the very existence of the American Federation of Labor continued. At the 1938 Houston convention the executive council submitted a report, from which I quote the following excerpts in order to indicate how intolerable the attitude and conduct of the Board had become to the American Federation of Labor.

The 1938 convention of the American Federation of Labor, in a resolution adopted at that convention, said:

It is with deep regret that frankness compels us to report to you that the National Labor Relations Board has administered the act contrary to its letter, spirit, and intent, with manifest bias and prejudice against the American Federation of Labor and in favor of dual and rival organizations. Our resentment has been aroused and your officers have publicly and officially in most vigorous terms condemned this unholy alliance between a Government agency exercising quasi-judicial jurisdiction and the C. I. O.

* * * The Board has exceeded its public purpose and has vitiated the procedure delineated in the act in three respects.

These are specifications which I think are amply proved by the cases which I shall cite.

First. In a large number of instances its agents have shown gross favoritism and bias in the handling of cases, furthering the objectives of one union against another and favoring one form of labor organization.

Second. By administrative fiat the Board has set aside legally valid and binding contracts entered into in good faith by bona fide unions and employers.

Third. Through the arbitrary determination of appropriate units in cases dealing with the question concerning representation, the Board has sought to impose upon workers, regardless of their wishes, the type of organization it favored.

* * * Our suggestions for caution have gone unheeded. The administration of the act has not been in competent and impartial hands. On the contrary, flagrant bias and prejudice exists on the part of the members of the Board, as is evidenced by decisions which attempt to undermine and destroy American Federation of Labor unions.

Referring to this report of the executive council, the committee on resolutions stated as follows:

Your committee is of the opinion that the manner and method of administering the act by the National Labor Relations Board has brought administrative justice into disrepute.

They complained particularly that the Board passed on many cases from secret evidence which they did not have the opportunity to examine. Mr. Green complained against the secrecy, and said:

The secrecy of the files must be lifted to the extent that all persons may have an opportunity to examine a record which contains material on which decisions are made. The idea of keeping information and material in a secret file and then utilizing it in connection with other evidence as a basis for the decisions smacks of star-chamber proceedings.

Finally, summing up, Mr. Green said:

The American Federation of Labor—

Which represents millions of workers who are supposed to be protected by the act—

asserts that the Board has taken sides as between us and our rivals. Now, that is an assertion. We contend that its decisions are not fair; that the Board's approach was unjudicial, and that its administration was biased. We say that when the division in the labor movement came about the Board devised its rules and decrees to give support to unions of our rivals, to our great injury. We contend that even where a case did not present an issue between claimed varying philosophies—that is, even in cases where the American Federation of Labor was organizing on the same industrial, plant, or group basis as was its rival—that the Board so devised its procedure and decrees as to further the interests of our rivals. We do not think that any impartial person can look into the record of this Board's decisions and not be convinced that they are vigorous proponents of the cause of a dual movement.

I thoroughly agree that no impartial person can study the record of the Board and come to any conclusion except that the Board is biased and prejudiced. I am willing to go so far as to assert that there never has been such a gross perversion of justice in the United States in its history as has occurred in the administration of the National Labor Relations Act.

It may be asked, "What has that to do with Mr. Madden?" Mr. Madden was a member of the Board. There were very few cases in which he dissented from the decision of the two Smiths. After Mr. Leiserson was appointed, Mr. Madden lined up with Edwin Smith. Certainly he was partly responsible for decisions of the Board. As to the other matters to which I shall call attention, I believe he was also responsible.

Mr. Green further said:

In view of what I have said so far today, the purposes of this amendment—

The amendment referred to was to wipe out the Board and create a new Board—

which abolishes the Board and creates a new Board—is evident. The present Board has alienated the confidence of the American Federation of Labor and its millions of members, as well as of a large portion of the public. To put it bluntly, all classes of the public as well as the American Federation of Labor no longer respect the administration of the act by this Board.

I do not suppose there is a single businessman in the United States who has not demanded an amendment of the National Labor Relations Act to overcome the acts of prejudice of the present National Labor Relations Board.

That is a pretty broad statement, but I think it would be justifiable if you would make an analysis of public opinion.

This is Mr. Green speaking.

I say it is imperative that the present personnel be displaced if only to restore confidence and respect in the minds of millions of American workers.

That is the condition which Mr. Madden brought about by his administration of the National Labor Relations Act. Whether he knew he was partial I do not know; I only say that a man who gives a complete impression of bias and prejudice to a large section of the people of the United States cannot be so impartial that he should be appointed a judge of a United States court.

This is not solely the view of the American Federation of Labor. The New York State Federation of Labor also adopted a resolution of very much the same character in August 1938:

Resolved, That this the seventy-fifth annual convention of the New York State Federation of Labor, expresses its indignation that the National Labor Relations Act, in operation, has been perverted so as to have results for real American labor which run directly counter to the high purpose of the legislation; and be it further

Resolved, That this convention of the New York State Federation of Labor roundly condemns the present administration of the National Labor Relations Board and proclaims itself throughout in harmony with the attitude of the executive council of the American Federation of Labor on this subject.

Judge Padway, the counsel for the American Federation of Labor, also expressed very strongly his view, after a long experience with the Board in many cases, that they were completely biased and prejudiced.

Judge Padway said this at page 726 of our hearings:

I present the foregoing to this committee to establish one outstanding fact. That is, that the American Federation of Labor and its affiliates have no confidence in the Board as presently constituted, have no confidence in many of its agencies and personnel, and no longer respect the administration of the act by this Board. Whatever the reasons are, that situation being a fact, it seems to me that this Board cannot function effectively.

The Board and apparently the personnel of the Board throughout have been extremely friendly to the general views of Communist organizations and Communist front organizations in the United States. I merely cite the findings of the House committee. I shall refer at some length to the final report of the special committee of the House of Representatives of the Seventy-sixth Congress which was rendered on December 28, just 3 days ago, which, sums up probably more effectively than I can do, the case against the National Labor Relations Board, and shows beyond anything I can do the complete bias and prejudice that has inspired the members of the Board, including Mr. Madden. With regard to communism, for instance, their conclusion is:

Examples from the record are presented to show how members and employees of the Board were profoundly influenced by the doctrines and teachings of a leftist philosophy which the committee believes incompatible with a truly democratic system of government. Fraternizing with Communist sympathizers, attending meetings of societies behind whose innocuous names lurks the Communist incubus, accepting suggestions and instructions from Communists and near-Communists—all these and many other instances of improper associations and activities have convinced the committee that many of the employees of the Board are unfit for the task of fair

and impartial administration of the act. Amid such a luxuriant growth of alien philosophies no democratic process would long have a chance of survival.

The committee also sums up the cases they have examined regarding the personnel records of the various members of the Board and its staff—

Part IV is devoted to a searching analysis of personnel records of various members of the Board and its staff. Grouped under functional headings, these reveal most amazing propensities for discrimination in theory and in practice. Ofttimes, these representatives of a public agency convict themselves by their own utterances. They have impressed the committee with the fixed determination of subordinates to follow the lead of certain Board members in adopting a policy of favoring one nationally organized labor group over the other.

Summarizing the hearings and the cases which I have to cite, they show, in the first place, a distinct prejudice against the American Federation of Labor, a prejudice against every independent union, no matter how bona fide, a prejudice against every employer, and the Communist sympathies I have described. These things are shown by court decisions reviewing their own decisions, by their own decisions, by their actions with reference to their personnel, by the acts of their personnel approved by the retention of that personnel, by the views of Mr. Madden himself on free speech, and some other circumstances, and by the extraordinarily unfair procedure and remedies adopted by the Board.

First, I will refer briefly to the matters relating directly to Mr. Madden simply to show that he is a part of all the action of the National Labor Relations Board. The House committee refers first to the case of the appointment of Abraham L. Wirin, as senior officer attorney of the Board at a salary of $3,800 per annum.

Wirin——

Says the committee——

a native of Russia, had served as counsel for the American Civil Liberties Union from 1933 to 1935, where, to use his own words, he was engaged in "defense of workers, for the most part 'radical' and communistic." Further light is thrown on Wirin's character and political predilections by the following excerpt from his letter of application dated August 24, 1935:

"And now that I am being frank and in a confessional mood, let me say that I thought that a couple of years with the Board might give me that prestige which I think I need in being counsel for the Civil Liberties Union. I thought if vigilantes knew that I had been a Government official their irresistible passion to kidnap, tar, or feather me in strike situations might be somewhat resisted."

Despite such frankness, or perhaps because of it, Wirin was appointed to the position which he was seeking on October 1, 1935. His appointment did not meet with approval on the west coast, where he was well known for his radical activities. Protests were numerous, vigorous, and immediate.

I read one from former Senator McAdoo, of California, who said:

I have had so many protests against the appointment of Mr. Wirin concerning which I was not extended the courtesy of being consulted, that I shall have to file them with the Labor Relations Board. The appointment is a great blunder, politically and otherwise.

Mr. Madden stanchly and continuously defended Wirin.

Mr. Wirin was loaned at one time to a committee of the Senate, the La Follette Civil Liberties Committee. His actions on that committee were so grossly outrageous that he was discharged by the committee. In a letter addressed to Wirin himself, the Senator from Wisconsin [Mr. LA FOLLETTE] said:

You are forthwith discharged as a member of the staff of this committee for a flagrant violation of the written staff instructions. * * *

This action on your part was a direct violation of the foregoing instructions and of the policy of this committee and constitutes an inexcusable abuse of your office as a member of the staff of this committee. Such conduct on the part of a staff member cannot and will not be tolerated by the committee.

There is no record that the Board ever censured Mr. Wirin. It took him back; he went back to work for the Board. Finally he voluntarily resigned, and Chairman Madden wrote him a letter in which he said:

We have enjoyed having you on our staff during this critical period.

Mr. Madden certainly is responsible for Mr. Wirin's appointment in spite of the fact that he knew all about him, that he knew of his Communist and radical activities on the west coast, that objection was made by former Senator McAdoo, and that he was discharged by a committee of the United States Senate itself.

Mr. Madden also has supported Mr. David J. Saposs throughout his career as a member of the Division of Economic Research of the Board. Mr. Saposs' testimony and the testimony of others before the House committee very clearly showed that he was strongly sympathetic, at least, with the Communist philosophy. There is a dispute as to whether books that he wrote were really intended by him to advocate the principles that he mentions, but certainly they sounded as if he was advocating them.

A few quotations from Dr. Saposs may be interesting. He said this in an essay which he wrote, presenting his own views and philosophy:

A specter is haunting the world—the specter of fascism. The foregoing observation is more than a mere paraphrasing of the historic and prophetic opening sentence of the Communist manifesto, written by those profound social diagnosticians, Karl Marx and Friedrich Engels. * * * Unless such a movement [of middle class and workers] is brought into being, capitalism will go marching on, with its poverty, misery, and economic insecurity. The time is ripe; have the middle class and workers the will to rise to the occasion?

Documentary evidence introduced into the record of the House committee disclosed that Saposs acted unofficially as "liaison officer" between those who desired introductions to persons prominent in radical circles abroad and those persons themselves. He gave them letters of introduction to all the radicals in Europe.

Dr. Saposs at one time—showing the general attitude of the Board and its employees—called a meeting of the trial examiners. He was head of the Board's Division of Economic Research. It must be remembered that the trial examiners sit as judges in these cases. They are not the prosecutors; they are the judges. Dr. Saposs called a meeting of all of the trial examiners. Testifying as to the remarks delivered by Saposs before the trial examiners, one witness said:

The remarks of Dr. Saposs were nothing in the world but a plain and open invitation to sabotage every American conception of justice and fair play, and I challenge anybody to truthfully testify to the contrary.

It appears that the burden of Saposs's address was on the subject of "what should be gotten into the record at a Labor Board hearing, aside from direct evidence, to show by inference that employers are fostering company-dominated unions." In other words, Saposs was advising the trial examiners—advising these judges who are sent out by the National Labor Relations Board—how they should manipulate the record so that they might have in the record evidence which would result in a decision against the employer. He was advising the trial examiners, whose exercise of the judicial function requires the strictest impartiality, to assist in developing case records for the Board in such a way as to bolster up allegations in the complaints.

There is no doubt that Mr. Madden supported Dr. Saposs, supported his appointment, and supported him throughout. After the House had deliberately cut off the appropriation for the Division of Economic Research and Dr. Saposs's salary, so that he and his Division would be abolished, Mr. Madden even went to the point of transferring Dr. Saposs to another bureau, sidestepping the decision of the House, and putting him back on the pay roll as the head of the same bureau with a different name. So Mr. Madden certainly is responsible for Dr. Saposs—responsible for the appointment of a man who certainly has the most extreme Communist leanings, and who regarded the so-called judicial functions of the Board as simply a tool against the employers of the United States.

There is another case tending to show, I think, the Communist leanings of the Board, the New York Times case. In that case the Board ordered the reinstatement of some New York Times employees. The case is interesting because it shows how the Board operates throughout. The complaint was filed in November 1937, nearly 3 years before the ultimate

decision of the Board. The complaint was amended four times before it was issued in December 1938. In January 1939 the complaint and charge were amended to include the alleged discriminatory discharge of one Grace Porter, a confidential secretary, who had been dismissed in January 1936. It was 3 years after Grace Porter was discharged from the Times before she was included in the Board's complaint. Three years after a man discharged his confidential secretary the Board comes in and says, "You are engaging in an unfair labor practice because you discharged this woman on account of union activities."

The Board found the employer guilty of a violation of section 8 (3), and reinstated Miss Grace Porter with back pay for 3 years. If that does not offend our whole sense of justice, I do not know what can do so. The Board does not even complain for 3 years, and finally it orders a man to pay somebody who was not working full pay for 3 years.

The Times Co.'s defense was that it discharged this woman because it found out that she was a Communist, and her employer said, "I did not want a confidential secretary of mine to be a Communist, or have Communist leanings."

Dr. Leiserson dissented in this case. This was a recent decision; and he said this of the Board's decision, the decision of Mr. Madden and Mr. Smith:

> She was employed at the time at wages higher than she received on the Times.

That is, she was employed at higher wages when the Board finally reinstated her.

> Her employer suspected her of having some connection with a Communist unit on the Times. I am of the opinion that the National Labor Relations Act does not prevent an employer from discharging a confidential secretary whom he does not want to keep because he suspects her of communistic connections.

Dr. Leiserson, in a confidential memorandum addressed to the other members of the Board and to the associate counsel general in charge of the Review Division, amplified his position in this way. He said:

> Porter was a private secretary, and her employer suspected her of working with the Communist unit that was operating in the New York Times. She lied when he questioned her about this. The trial examiner erroneously excluded the offer of Mr. Pringle to corroborate his wife's testimony that she talked to him about her suspicion of communism in connection with Porter. The draft plays down the communism.

Dr. Leiserson further said:

> The reasoning and argumentation in this part of the draft—

That means the draft opinion that the Board was considering, which had been prepared for them—

> is farfetched and plainly designed to build up a weak case.

So this New York Times case shows the following:

First, a long period of delay. It certainly is unfair to an employer, 3 years after he has discharged an employee, to come in and for the first time make a complaint, and then require a man to reinstate an employee and pay her 3 years' back salary. It just is contrary to any conception of American justice. He did not even know the Board was complaining of his discharge of Grace Porter until 3 years after he had discharged her, and then he had to go back and pay her for 3 years' services.

Second, characterization of the case as weak by the Board's attorney before the hearing. The attorney himself told the Board the case was weak.

Third, exclusion of an offer of testimony corroborating the charge of communism in connection with Porter by the trial examiner.

There cannot be any doubt about Mr. Madden's responsibility for the attitude of the Board in that case.

Mr. Madden was very largely in charge of what might be called the blacklisting policy of the Board, their effort to use a charge by the National Labor Relations Board against a concern to prevent its getting any Government contract of any kind. That is clear, because Mr. Madden himself wrote the Procurement Division of the Treasury on September 2, 1936, a letter to this effect:

> This is to advise you that Weiss & Klau Co., of New York City, manufacturer of window shades, has been charged by its employees with a violation of the National Labor Relations Act.
>
> The preliminary investigation made by our agents in that region has shown a sufficient probability that these charges are well founded, so that we have issued a complaint against this company and have scheduled a hearing. We cannot tell just when a formal decision will be made by the Board in this case, but we want to advise you of the present status of the case, in the hope that your department will find itself able to cooperate with our work to the extent of not giving the benefit of Government contracts to persons and companies who violate other Federal laws.

If Mr. Madden was a judicially minded person, would he write a division of the Treasury and say, "We have filed a charge against this concern? We say that it has conducted unfair labor practices, or we are alleging that, but the Board itself will take some time before it can decide the case. We want you to take away any contracts from this company. We want you to be our agent to force the company to come around and say, 'Without trying the case, without presenting our defense, without insisting on a hearing, we are going to agree to what you allege because we want a Government contract.'"

The proposal would be bad enough if it were based on a finding of guilty because I think it is fundamentally unsound for one department of the Government to say "If you violate a law we are going to punish you by having nothing to do with you in another department." As a matter of fact, that is not legal. But it is worse for Mr. Madden to say, "We have filed a charge; it is not proven yet, the case has not been tried, and we do not think we will try it for the present, but it should be taken by you as a reason why any Government contract should be refused."

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER (Mr. LEE in the chair). Does the Senator from Ohio yield to the Senator from New York?

Mr. TAFT. Certainly.

Mr. WAGNER. Does the Senator contend that the Government has no right, as a prerequisite to granting a Government contract, a negotiated contract or any other kind of contract, to insist that the contractor shall obey the laws of the United States? Has not the Government the right to say, "We refuse to give a contract to any individual or corporation which deliberately violates the laws of the United States"?

Mr. TAFT. The courts have decided, and the Comptroller General of the United States has decided, that they cannot do that. The Comptroller General of the United States has rendered an opinion in which he has said that where the law provides for low bids the War Department must grant contracts to the lowest bidders, even if they have been violators of Federal law. They may put into the contract a provision to do this or that.

Mr. WAGNER. That is what I am talking about. The Comptroller General decided that there was no provision of law which deprived a particular contractor of his contract under a law providing for award to the lowest bidder. But the Senator does not mean to say that the Government has no right, as a condition precedent, or as a condition to obtaining a contract, to insist that a contractor shall not be a violator of its own law?

Mr. TAFT. No; I say the Government has a right, but the Congress has expressly declined to give that power to any board of the Government up to date. This very Senate last year struck out of the La Follette civil liberties bill such a provision. It was alleged that certain people had violated something prescribed in the law, and that they should be ineligible to get a Government contract for 3 years, but the Senate did not think that was a good policy.

Mr. WAGNER. I recall the incident. Does the Senator himself contend it is a sound policy to give a contract, which is in the nature of a favor from the Government, to one who willfully violates the laws of the Nation?

Mr. TAFT. Yes, I do; frankly. I think that to make every department of the Government a means of persecuting and putting pressure to bear on some man to act in a way he does not want to act in an unsound policy, because it puts in those various departments a power they should not have.

They cannot determine satisfactorily whether a certain man has really violated the law or not. It is not possible to have a dozen different bureaus determining whether a man has violated an act or not. A defendant is entitled, until he is convicted in a court, to the same treatment received by any other man who has not been convicted in a court. What I object to is putting into any law a provision which would permit the Treasury Department to determine whether a man is violating the law or is not violating the law, and use that as a club to make him do something which the Treasury Department or the National Labor Relations Board says he should be doing.

Mr. WAGNER. Let me ask another question, if I may. Suppose the courts have reviewed the facts and have found that the individual did deliberately violate the law. Would the Senator then still say that it was an unsound policy, under those circumstances, to deprive a man of the opportunity to get a favor from the Government?

Mr. TAFT. I think we might pass a law providing that as long as such a man continued the practice of which he had been found guilty he should not be treated with favor. But I think you should not mix up the question of a Government contract under the War Department with the question of the administration of the labor law. I do not think that is wise. Incidentally, that is one of the things which have slowed up the defense program, and will continue to slow it up.

If a man violates the wage-hour law, the law gives the Government plenty of means of going in and enforcing the law. The Government can punish him, can fine him, can issue all kinds of injunctions against him, can put him in jail. Why should we say as a matter of policy that, in addition to that, the Treasury Department could go out and determine whether a certain man had violated some law of the United States when he was after a contract?

Mr. WAGNER. We may differ on the other question; but the last question I asked the Senator was about a case where an individual seeking a Government favor in the way of a contract deliberately violated the law, and had been found by a court to be a violator. Under those circumstances would he still be entitled, although defying the laws of the United States, to favors at the hands of the United States in the way of contracts?

Mr. TAFT. Let me answer the Senator in this way. Let us suppose that a particular company can make airplanes faster and more efficiently than any other company in the United States. I would say, forget their violation of the law; leave their punishment to other departments, and for heaven's sake give them the contract to go ahead and make the airplanes faster than anyone else in the United States can make them. Other things being equal, I would say that the Government should naturally favor those who were not offending other departments of the Government, but if things are not equal, I would not give much weight to the question of whether they were violating some other law which could be enforced by its own proponents, and adequately enforced, with the penalties Congress has prescribed.

Mr. WAGNER. I cannot regard as insignificant a great right which the workers have had conferred upon them—the right to be free men. Under the National Labor Relations Act, since we are speaking about the labor act, there is no penalty provided apart from an order to cease and desist, and a requirement, if there have been unfair discharges, to pay the back salaries and to restore the individuals to their employment. There are no penalties provided in the statute at all.

Mr. TAFT. The Board issues an order to do certain things; and if the respondent does not do those things, he goes to jail. Does not the Senator from Nebraska agree to that interpretation?

Mr. BURKE. Will the Senator yield for one brief remark?

Mr. TAFT. Certainly.

Mr. BURKE. It seems to me the Senator from New York is getting very far away from the issue raised by the Senator from Ohio. The Senator is offering this contention of Mr. Madden's in reference to the denial of contracts as evidence that Mr. Madden is not judicially minded. Mr. Madden and one associate on the Board never took the position which the Senator from New York now asks the Senator from Ohio whether he would consider sound. They never said to the Treasury Department, the Procurement Division, or any other division, "Wait until the courts have found this man guilty of some violation of law and then deny him a contract." They say, "As soon as we have filed a complaint against a man, you must deny him a contract," and even in some cases where they had admitted in their private memoranda they thought it was a weak case against a man, they wanted him denied the right to serve the Government through a defense contract.

I say that if any man on the National Labor Relations Board, or any other position, takes his stand on the ground—not arguing the other point now—that once the Labor Board has considered that there is a possible violation and has filed a complaint, even before they reach a decision, that of itself proves a man is guilty, I have no respect for that person's judicial temperament.

Mr. WAGNER. Of course, the Senator is arguing about an entirely different question. As I recall, that question was not raised by the Senator. I should like to ask the Senator a question. Does the Senator take the position that after an individual has been found guilty of a violation of the law by the Board, and the decision of the Board has been sustained by the Supreme Court, nevertheless, in spite of defying the laws of the United States, the individual is entitled to consideration from the Government when he seeks the favor of a contract?

Mr. BURKE. If the Senator will yield in order that I may answer the question, I should say it would depend to a great extent upon the nature of the complaint which was filed. If the complaint which was filed were that the New York Times had discharged a private secretary to one of the officials who leaned so far to the left that the official did not care to have her continue as his private secretary, and the right to discharge such person had been upheld—as it has been in the case to which reference has been made—it should not have anything to do with the granting of contracts. If there are industrialists so backward as to refuse to recognize labor's right of collective bargaining, and to enter into the spirit of the new idea in reference to the partnership between labor and management, and if that can be established as their attitude, I think Congress should then say, "We will not give any Government contract or any business at all to that kind of a person." I assume there still are a few such industrialists, but I say there are very few who share that view.

I think the Senator is entirely mistaken in saying that I misconstrue the position taken by the Senator from Ohio. As I understand, his position is that Mr. Madden showed his lack of judicial qualification by claiming the right to instruct and advise the Treasury and other departments of the Government that they should not have anything to do with a business concern against which Mr. Madden and his associates had filed some kind of a complaint.

Mr. TAFT. Mr. President, the Senator is exactly correct. I read a letter from Mr. Madden to the Procurement Division of the Treasury, in which he said, in effect:

> We have issued a complaint against this company and have scheduled a hearing. We cannot tell how long it may be before the final decision is reached, but meantime, do not give them any Government contracts.

Mr. WAGNER. Mr. President, I had passed that point. I asked the Senator the question, when there had been a finding that the individual was violating the law, would the Senator contend that that fact should not deprive him of a favor from the Government? I think the rights of workers are quite as significant as the rights of employers. Their rights ought to be equal. I think if one is guilty of violation of the laws of the United States he is not entitled to any favor. I do not know how we could provide by law that with respect to one kind of violation we would not permit a violator to have a contract, but with respect to another violation we would. Either one violates the law or he does not. I do not see how

we can differentiate between the offenses set forth in the legislation, although some administrative flexibility might be authorized for trivial offenses. I should like to hear a suggestion from the Senator as to that particular phase of my question.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BURKE. I shall be glad to give my view on that question. I think that would be a matter for Congress to consider, and not for the Labor Board or any of the departments to determine. Congress in its wisdom might say that in considering the offenses listed in the Labor Act the offense set out, we will say, in section 8, subsection 3, is considered so serious that, as an additional penalty beyond whatever other penalties there may be in the act, or whatever penalties may be enforced by the court, no employer guilty of violating this section shall be permitted to have any contractual relations with the Federal Government.

While I am on my feet, I will say to the Senator that I disagree with him entirely in the view that the favor is all on one side in the matter of contracts with the Government. Of course, I realize that business and industry want contracts; but we have set up a Defense Commission, and are throwing the whole power of the Government into the effort to bring business and industry to the point where they will take contracts and run the risk of loss after the war is over. A contract is a two-sided arrangement; and I think it is very shortsighted to say that in order to make more effective the provisions of the Labor Relations Act we are going to deprive this generation and our children's children of the right to have adequate defense because we want to put additional teeth into a law which has already been used as a very effective club to hold industry in check.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WAGNER. I feel as strongly as any man in the country about the vigorous prosecution of our defense program. It is very, very important. I think one of the things with which we must all be gratified is the cooperation we now have between industry and labor. Strikes are very exceptional, and I may say that the record shows that in proportion to total population we have fewer disputes in this country today than in Great Britain.

What I am seeking is equal justice for all. I do not want either a labor organization or an employer to obtain any advantage. I still say that it is a favor, in a sense, to obtain any contracts under the defense program, and that anyone who is not ready to abide by the laws of the United States should not receive such favors. I think we can all accept that view. The only question is in the matter of the method. I am sure the Senator does not disagree with me on the fundamental proposition I assert.

Mr. TAFT. Mr. President, the Senator from New York has raised questions which must be distinguished.

First, he is urging the general policy that we should impose additional penalties. My own feeling is against such a step. That is a legislative question, with which Mr. Madden has nothing to do. I am opposed to it because I think the punishment should fit the crime, to get back to Gilbert and Sullivan. [Laughter.] If we assert that the fine should be $10,000 for a certain offense, why add a perfectly indefinite penalty by taking contracts away from the man? Such action would make the penalty far in excess of the $10,000 fine. I do not agree with that theory, but that has nothing to do with the present case. The question was debated last year, and the Senate decided not to put that additional penalty into the La Follette civil liberties bill. However, regardless of the policy, there is no law which permits it today. That is perfectly clear.

Mr. WAGNER. In my question I was trying to ascertain the attitude of the Senator on these matters. I am not urging anything which the Council of National Defense has not asserted as the principle which it has adopted in the prosecution of the defense program with reference to the relations between employer and employee. I am not asserting anything which the Council has not said is a sound policy for it to pursue. The same principle was adopted by the Labor Board, of which the late father of the Senator from Ohio was the distinguished chairman. That Board had asserted that principle as the one which ought to be followed in the prosecution of our defense program in the last war, and it was very definitely followed. A violator of the principle received no favors whatever.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BURKE. I should like to ask the Senator from New York if he favors the expressed and published position taken by Mr. Sidney Hillman in reference to the Ford contract, that defense contracts should be denied the Ford Co. because there is pending before the Board and in the courts a charge against the Ford Co. that it was guilty of violation of the act?

Mr. WAGNER. I have not read in detail the statements made with reference to that controversy; but I can say that I do know, as a matter of fact, that one of the cases brought against Mr. Ford in which the Labor Board found Mr. Ford guilty of unfair labor practices went to the circuit court of appeals. The circuit court of appeals, after a review, held Mr. Ford guilty of violating the law, and the order was entered as a result of that decision. Therefore, we have a court finding Mr. Ford guilty.

Mr. TAFT. And very recently the National Defense Advisory Commission gave Mr. Ford a contract in spite of that decision.

Mr. WAGNER. I am not going to argue one way or the other on a contract with all the facts of which I am not familiar, but I do know that Mr. Ford has been found guilty by the circuit court of appeals of violating the National Labor Relations Act.

Mr. BURKE. The matter is before the Supreme Court of the United States now, I understand, and the circuit court of appeals denied the Labor Board's contention in the most serious part of the case, the one involving the right of free speech, I believe. However, the point I was making was that the Senator from New York said he stood with the Defense Commission in its attitude on this matter, but I think the evidence shows that the Senator's position as now stated may be in accord with that of Mr. Sidney Hillman but certainly he is not in accord with the Defense Commission in this case, because they have gone ahead and given a contract.

Mr. TAFT. Not only that, but the last word in that controversy was the Attorney General's testimony before the House committee regarding his own opinion which was supposed to have supported Mr. Hillman's views, but he says:

> I do not say what has been read into it, that the effect was to prohibit the award of contracts. If the national-defense contracting authorities decide to deal with men who are in violation of the act, that isn't affected by this decision.

That decision was that the decision of the N. L. R. B. should be considered binding on other departments of the Government. Then the National Defense Commission did let a contract. So, I presume, that the authorities are on my side on the question of policy and against that of the Senator from New York. However, the point I was making was entirely different on the question of policy, as to whether, in addition to the penalties prescribed in the act, we want to impose a broad, indefinite, additional penalty for all sorts of other things. The Labor Board issues an order against Mr. Ford, as I understand, and, if he does not comply with it, he is fined or goes to jail. The penalty is in the act, and whether it is desired to add other penalties is a question for Congress to determine. But my point is that Mr. Madden had deliberately asked other departments of the Government to refuse contracts with companies if the Board had filed a charge against such companies, although there had been no hearing whatever. The Board could have had a hearing right away, as it had hearings fast enough when it wanted to, but in this case it was postponing a hearing and no one could tell when the hearing might be held.

Then, there is another charge against Mr. Madden, and that is that there was no law authorizing such blacklisting procedure—for that is what it is; it is a kind of boycott procedure, the creation of a blacklist of firms with which

no department of the Government shall deal. Knowing there was no such law, he himself said that these blacklisting activities of the Board had been purely voluntary, and had been in no way authorized by any Federal statute. He admitted that, in fact. I have already stated that the attempts to enact statutes for that purpose have been unsuccessful.

But, undeterred by the mere failing of the Congress to legislate on this matter, the Board supplied this deficiency by usurping the legislative function. It is significant that Madden did not plead ignorance or lack of power to impose such an unusual penalty, but stated in his testimony that he was doubtful at the time that these steps were undertaken whether a governmental agency had the power to resort to such practices.

But, nevertheless, he went ahead and did it.

In addition, the Board went after the Army and Navy. They did not meet with much success in the War Department because in that case, in 1936, the Assistant Secretary of War, Mr. Louis Johnson, refused to go ahead on the request of the Board. Mr. Johnson said:

In view of the foregoing, the War Department is of opinion that it lacks authority to withhold contracts from the corporations in question for the reasons indicated and is unable to suggest any other means of cooperative action believed to be within its lawful authority to take.

As a matter of fact, in that case the Board dropped the case they were complaining about to the War Department; they did not file any proceeding in the circuit court of appeals to enforce their opinion; they simply dropped it and never tried to enforce the charge. Instead of that they have been trying to make the War Department "pull the fat out of the fire" for them. They wanted the War Department to enforce the orders they were making, although they were not willing to go to court to enforce those orders in accordance with the actual terms of the act because apparently they did not have sufficient evidence. They were not deterred by being turned down by the War Department and the Comptroller General, and, on May 1, 1937, General Counsel Fahy addressed a memorandum to the Board reading:

Do you suppose something could be done under the Navy contracts? I am looking into this.

The Navy Department took the same view as the War Department. I say that a board that usurps authority, which tries to take Government contracts away from firms when the laws of the United States do not permit it to do so—that a man particularly who tries to take Government contracts away from anybody against whom only a charge is filed by the Labor Board shows his lack of judicial quality. He shows intense prejudice against the people against whom the Board has filed charges, even though nothing has been proved and he does not know what the outcome of the trial is going to be.

Mr. WAGNER. Mr. President, will the Senator yield for a question?

Mr. TAFT. Certainly.

Mr. WAGNER. I understood the Senator to say a little while ago—I was rather confused by his statement that a criminal penalty was provided under the Labor Relations Act.

Mr. TAFT. That is my impression.

Mr. WAGNER. No.

Mr. TAFT. After there is issued an order to cease and desist?

Mr. WAGNER. No. There is absolutely no other penalty, except, as I stated, that reinstatement can be ordered on a proper showing.

Mr. TAFT. I do not claim to be an expert on that procedural question, but my impression was that the Board could issue an order to cease and desist; that it could then go to the circuit court of appeals and have that order affirmed; and if the circuit court of appeals issued an order to cease and desist, a man who violated that order would be in contempt of the court and would go to jail.

Mr. WAGNER. That is the exercise of an inherent power of the court.

Mr. TAFT. The point is that a man can be punished by being sent to jail, and there is no necessity for additional punishment by taking away from him Government contracts.

Mr. WAGNER. Of course, as the Senator knows, in spite of many things that have been said rather loosely, a Labor Board order does not become effective until the court approves and enforces it. Of course, it is entirely in the discretion of the court. Then, if there is a violation of any order the court issues, the court has the inherent power, and has had it from the beginning of time, to punish for contempt any acts in violation of its orders. That is inherent. But we have not given the Board that power.

Mr. TAFT. If the Senator from New York thinks that the penalties prescribed by the Labor Act are inadequate, then the way to make the penalties adequate is to prescribe them by law. It is not for the Chairman of the National Labor Relations Board to prescribe new penalties which are not provided by law and which the Comptroller General says are contrary to law.

Mr. WAGNER. I have not suggested any amendments to the law which would increase the penalties now provided; I have been resisting amendments which have been proposed, and many of which have been accepted by the other House which would be destructive of rights granted under the law. That has been my attitude.

Mr. TAFT. I think, however, it is perfectly clear, regardless of differences on policies, that the Chairman of the National Labor Relations Board has been trying to blacklist firms against whom no charge has been proved; nothing had been even found by the Board, and certainly nothing had been found by the courts. I say that is the kind of action that no man with a judicial mind would take.

I now come to the question of the lobbying activities of Mr. Madden. From the time Mr. Madden has been on the Board he, in common with all the other members of the Board, has been steadily lobbying Congress, in violation of the statutes of the United States. The House committee went into the matter rather fully, and their report states as follows:

Ex-Chairman Madden himself participated in these lobbying activities; he stated that on several occasions he had asked prominent union officials to testify in opposition to amendments to the act being considered by the Senate Committee on Education and Labor. A conference of Board Members Madden and Edwin S. Smith with various subordinate employees of the Board was described in a Board memorandum as a meeting to discuss appropriate witnesses for the hearing before the Senate committee.

During a discussion with the Board's regional directors, ex-Chairman Madden suggested that letters being sent to congressional representatives by union officials should be spaced over a period of time, the obvious purpose being to persuade Members of Congress to the belief that these expressions of opinion were spontaneous rather than inspired by the Board. Madden added that it would save the regional directors "a lot of last-minute solicitation."

Mr. Madden said, in effect, "I should like to have a lot of letters sent to Congressmen protesting against amendments to the National Labor Relations Act; and you want to go out and see that union fellows have those letters spaced from time to time, so that they will look as if they were spontaneous and do not all come in in a flood that looks like an inspired propaganda." Not only was Mr. Madden lobbying before Congress in trying to bring influence to bear on Members of Congress, but he was also trying to conceal from the Members of Congress the manner in which he was conducting that solicitation of letters.

Allen Rosenberg, a subordinate Board employee, testified that the Senate Committee on Education and Labor had authorized the Board to call expert witnesses to testify concerning the proposed amendments. When a certain Dr. Thyson volunteered to testify, however, he was not deemed a suitable witness, for he favored amending the act to provide for a five-man board. The invitation to appear as an expert witness was so handled by the Board as to preclude the offer of any testimony in opposition to the act.

In other words, we authorized the Board to go out and get expert witnesses, and they went out and got only the expert witnesses who would testify to what the Board wanted them to testify. That is a definition of "research" and "expert" which any really conscientious expert would deny.

One prospective witness was willing to be "coached" along the lines that "you" (ex-Chairman Madden) "may think desirable."

In other words, Madden was conducting the hearing and producing the witnesses before our committee against amendments to the National Labor Relations Act.

The methods pursued by the Board in obtaining witnesses to testify before the Senate committee are exemplified by

the contents of communications between Nathan Witt, ex-secretary of the Board, and a regional director. I might say that Mr. Witt, the secretary, was supported throughout by Mr. Madden. After Mr. Leiserson came in, he tried to get rid of Mr. Witt; and Madden and Smith stood together against any modification of Mr. Witt's status. This regional director advised the secretary's assistants that an attorney who had represented both A. F. of L. and C. I. O. unions would be happy to testify "in the event his business calls him to Washington in the course of the hearings on the amendments." Witt's contemplated reply again indicates the lack of any scruples as to the ways and means employed. He writes back to the regional director:

It has occurred to me that Mr. Combs, the attorney, might at the present time have cases awaiting oral argument before the Board. Will you ascertain if such is the case; and if so, we believe that it would be possible to schedule oral argument during the period in which he might be expected to testify before the committee.

In other words, here they are saying to a contestant, a lawyer who is appearing before their own Board in various cases in oral argument, "When you come on to do that, won't you just testify before the Senate Committee on Education and Labor?" Obviously a man testifying in that way would be most anxious to please the National Labor Relations Board in order that he might obtain a favorable decision from the Board. That kind of lobbying is hardly fair treatment of the Senate of the United States or the Committee on Education and Labor.

Witt also suggested to Krivonos, one of his "goon squad," one of his special investigators, then on the west coast, that he ask several prominent movie actors, actresses, directors, and writers to appear before the Senate committee to record their opposition to all amendments to the act. The Board put about 8 or 10 attorneys on that hearing, and they spent their whole time during all the time we were in session—about 4 months—in preparing the case, not only preparing the testimony of Board witnesses but in bringing other people from all over the United States to testify before our committee, witnesses who were supposed to be coming of their own accord to tell us what they really thought about the act and what ought to be done about the act.

United States Code, title 18, section 201, makes the direct or indirect use of any part of a congressional appropriation for activities seeking to influence the actions of a Member of Congress to favor or oppose any legislation or appropriation of Congress a criminal offense, punishable by mandatory removal from office, and providing also criminal penalties. In spite of a complaint by the House committee to the Attorney General, that complaint has been entirely ignored by the Attorney General.

Mr. Madden himself takes a peculiar view of the right of free speech under the Constitution of the United States; and his views on that subject perhaps will throw some light on the general attitude that he has. We were discussing the question of how far an employer may go. May an employer say anything if there is a labor dispute? May he express his individual views? Mr. Madden's position practically is that any expression of opinion having any relation to the case might be coercion and be declared an unfair labor practice, and the man might be penalized or, if he had a contract with an A. F. of L. union, the Board might annul the contract and turn the union over to the C. I. O.

This is Mr. Madden testifying before our committee:

I am willing to say this: Suppose you have a print shop or a newspaper publishing shop in which there has been a union, a pressmen's union or a typographical union, which has been recognized by the employer for 25 years, and has had contracts with him over that period of time. There has not been any attempt on the part of the employer to interfere with the union, but this particular year the union is making demands for increased wages. I should say that that employer speaking to employees whom he knew familiarly could perfectly well say, "I think your union is making exorbitant demands; I think you are acting like a lot of highway robbers."

In those circumstances I do not think that that expression by the employer would have the slightest effect upon the existence of that union, and therefore it would not come within the provisions of the statute which say that an employer may not interfere with, restrain, or coerce.

But Mr. Madden says that if the union is a new union and you say that to them, that is coercion. He says it is coercion to use the same expression in a situation in which the union is new and timid. Why on earth a man should not be able to say to a union, if he wants to, "I think the demands you are making are exorbitant and you are acting like a lot of highway robbers" I do not know. It seems to me freedom of speech demands that you shall be free to tell fellows what you think of them if you want to. There is not in those words, so far as I can see, the slightest evidence of coercion or threat or any other action against that particular union.

I said to Mr. Madden:

Then the result of that would be that the Board would find that you could call an A. F. of L. union anything, but you cannot call a C. I. O. union anything. That would be the result of the statement that you have just made.

Mr. MADDEN. If it does have that result, Senator, it is because of the facts of the living world and not because of any particular provision in the law.

Mr. Madden goes on:

Let me take another illustration. Take this time a new union. The employer says, "I think the leaders of this union are a lot of Communists and 'reds.'" That may be his opinion, but the effect of his expression of that opinion to a set of working people who are just feeling a way—feeling their way in this union business—would almost certainly be coercive. I think that under other circumstances that the expression probably would not be coercive at all.

In other words, Mr. Madden says that an employer may not say to his men, "The leaders of this union who are trying to organize the plant are Communists;" and he goes on to say, "You must not say that, even if they are Communists; even though it is a fact." Mr. Madden says, "No; the National Labor Relations Act says that a man may not use those words. He may not tell his men the truth." Mr. Madden says that if an employer goes to his men and says, "The leaders of this union are Communists," and they are Communists, it is an unfair labor practice, and he is liable to the penalties of the act, and if he happens to be favoring one union the other union gets all the breaks in the decision of the Board.

It seems to me that shows a fundamental lack of appreciation of the Constitution of the United States and the fundamental principles of free speech and freedom of action, a lack which has characterized all the actions of the Labor Board. I do not think they have the slightest regard for the Constitution of the United States in any respect, and certainly that shows a direct attitude by Mr. Madden which is contrary to all my conceptions, at least, of what the Constitution is and what freedom of speech may amount to.

The Board in a number of cases has gone out, as I have said, in the course of its crusading spirit, and deliberately stimulated litigation. They have not been satisfied to wait, as the Board should wait, until someone makes a complaint, until there are some men who want to organize and their employer in some way interferes with that organization. The Board in many cases has gone out and deliberately stimulated industrial strife.

Contrary to the general opinion expressed by the Senator from New York, the table I have shows that the National Labor Relations Act does not by any means reduce the number of strikes. In fact, it has almost steadily increased them. I have here a table which I ask permission to put into the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—*Strikes in the United States, 1881 to 1905 and 1914 to 1939*

Year	Number of—			Index (1927-29=100)		
	Strikes	Workers involved [1]	Man-days idle	Strikes	Workers involved	Man-days idle
1881	477	130,176	[2]	64	42	[2]
1882	476	158,802	[2]	64	51	[2]
1883	506	170,275	[2]	68	55	[2]
1884	485	165,175	[2]	65	53	[2]

[1] The number of workers involved in strikes between 1916 and 1926 is not known for a portion of the total. However, the missing information is for the smaller disputes and it is believed that the total here given is fairly accurate.
[2] No information available.

TABLE 1.—*Strikes in the United States, 1881 to 1905 and 1914 to 1939*—Continued

Year	Number of—			Index (1927–29=100)		
	Strikes	Workers involved	Man-days idle	Strikes	Workers involved	Man-days idle
1885	695	258,129	(2)	93	83	(2)
1886	1,572	610,024	(2)	211	196	(2)
1887	1,503	439,306	(2)	202	141	(2)
1888	946	162,880	(2)	127	52	(2)
1889	1,111	260,290	(2)	149	84	(2)
1890	1,897	373,499	(2)	255	120	(2)
1891	1,786	329,953	(2)	240	106	(2)
1892	1,359	238,685	(2)	183	77	(2)
1893	1,375	287,756	(2)	185	93	(2)
1894	1,404	690,044	(2)	189	222	(2)
1895	1,255	407,188	(2)	169	131	(2)
1896	1,066	248,838	(2)	143	80	(2)
1897	1,110	416,154	(2)	149	134	(2)
1898	1,098	263,219	(2)	148	85	(2)
1899	1,838	431,889	(2)	247	139	(2)
1900	1,839	567,719	(2)	247	182	(2)
1901	3,012	563,843	(2)	405	181	(2)
1902	3,240	691,507	(2)	435	222	(2)
1903	3,648	787,834	(2)	490	253	(2)
1904	2,419	573,815	(2)	325	184	(2)
1905	2,186	302,434	(2)	294	97	(2)
1906–13	(2)	(2)	(2)	(2)	(2)	(2)
1914	1,204	(2)	(2)	162	(2)	(2)
1915	1,593	(2)	(2)	214	(2)	(2)
1916 [1]	3,789	1,599,917	(2)	509	514	(2)
1917	4,450	1,227,254	(2)	598	395	(2)
1918	3,353	1,239,989	(2)	451	399	(2)
1919	3,630	4,160,348	(2)	488	1,337	(2)
1920	3,411	1,463,054	(2)	458	470	(2)
1921	2,385	1,099,247	(2)	321	353	(2)
1922	1,112	1,612,562	(2)	149	519	(2)
1923	1,553	756,584	(2)	209	243	(2)
1924	1,249	654,641	(2)	168	210	(2)
1925	1,301	428,416	(2)	175	138	(2)
1926	1,035	329,592	(2)	139	106	(2)
1927	707	329,939	26,218,628	95	106	178
1928	604	314,210	12,631,863	81	101	86
1929	921	288,572	5,351,540	124	93	36
1930	637	182,975	3,316,808	86	59	23
1931	810	341,817	6,893,244	109	110	47
1932	841	324,210	10,502,033	113	104	71
1933	1,695	1,168,272	16,872,128	228	376	115
1934	1,856	1,466,695	19,591,949	250	472	133
1935	2,014	1,117,213	15,456,337	271	359	105
1936	2,172	788,648	13,901,956	292	254	94
1937	4,740	1,860,621	28,424,857	637	598	193
1938	2,772	688,376	9,148,273	373	221	62
1939	2,613	1,170,962	17,812,219	351	377	121

[1] The number of workers involved in strikes between 1916 and 1926 is not known for a portion of the total. However, the missing information is for the smaller disputes and it is believed that the total here given is fairly accurate.
[2] No information available.

Mr. TAFT. The table shows the number of strikes in this country from 1881 to 1939. Roughly speaking, just to show what the table demonstrates, beginning with 1922 there were 1,100; in 1923 there were 1,500; in 1924 there were 1,200; in 1925 there were 1,300; in 1926 there were a thousand. Then the number dropped to 700; the next year to 600; 900 in 1929; 637 in 1930; 810 in 1931; 841 in 1932; in 1933, 1,695; in 1934, 1,856; in 1935, when the present Board was appointed, there were 2,014; in 1936, 2,172; in 1937, 4,740. I may say that the era of strikes in 1937, in my opinion, was one of the immensely important factors in bringing about the depression of 1937. It was the flood of sit-down strikes which caused the hesitation of all employers to go ahead, which I believe had a substantial effect in cutting down the orders for capital goods which resulted in the depression of 1937.

In 1938 the number dropped to 2,700; in 1939 it was 2,600; and I think I have seen, although I do not vouch for it, that in 1940 the number was slightly more than in 1939. But in any event, in 1938, 1939, and 1940 the number was over twice what it was during the period from 1922 to 1925 following the World War.

To a large extent litigation has been promoted by the action of the National Labor Relations Board, and I wish to cite a few particular cases in which there was a deliberate solicitation of business contrary to the whole purpose, the whole idea, of the National Labor Relations Act. The extent to which Mr. Madden participated in that I think will show a complete misconception of his duties as a member of the National Labor Relations Board. Certainly at no point has there been any judicial consideration by any member of the Board of the cases before it.

Mr. Madden says frankly that they should not do what the record shows they did. In one place he testified as follows:

> We certainly should not go out and drum up business, Senator.

He was addressing the able Senator from Utah [Mr. THOMAS]—

> We proceed only upon charges filed by people who have, or think they have, a grievance. What we are doing, I hope, is to intelligently and diligently take care of the cases that are brought to us.

But in the Inland Steel case they went out and deliberately stimulated the filing of a complaint in order to raise the question of whether or not the act required the signing of a contract when agreement was reached, or whether it did not do that. Mr. Witt, the secretary, suggested that the C. I. O. union should ask for exclusive bargaining representation instead of merely bargaining representation for its own members. That is what the union wanted to do. But Mr. Witt said, "You go out and ask for exclusive bargaining representation, because that will enable us to raise another question we want to raise."

> This would open the way toward further negotiations leading to demands for a written agreement and the possibilities of a test case. The C. I. O. was reasonably certain that the Inland Steel Co. would refuse this request, in view of a prior refusal, presumably based on the absence in the statute of any requirement of a written agreement. The theory of this procedure, as apparently expressed by Witt in a memorandum to Fahy, general counsel to the Board, was to entrap the company into an inadvertent violation of the act, which would serve as an excuse for the Board to intervene. On the refusal of the company to negotiate with a view to concluding a written labor contract, the C. I. O. union would then be in a position to file a charge under section 8 (5).

The whole case was planned and managed out of the office of the National Labor Relations Board with Mr. Madden's full approval, as will appear later.

Mr. Witt's memorandum stated:

> "* * * Thus the case is proceeding along the lines indicated in my memorandum of June 3. Mr. Dorfman will be ready to issue a complaint immediately upon charge filed and will await word from Washington as to the date of hearing. This will depend largely on the readiness of Dr. Saposs—chief of the Board's Division of Economic Research—to present evidence on the question of a signed agreement."

In other words, the whole case would be prepared in the Board office before any charge had been filed at all by the C. I. O. union.

In the Berkshire Knitting Mills case, the Board took a more active part in stirring up labor strife than they had in any other case up to that time. The Secretary of the Board wrote a memorandum to the regional director of the Philadelphia office, saying this:

> The Board is interested in finding out whether the situation at the Berkshire Knitting Mills has revealed anything which would be a possible basis for a charge of unfair labor practice.

There had been a strike, but no charge filed—

> Will you send us a report on the issues which caused the strike, and a statement of whether any unfair labor practices were involved.

The next day the Philadelphia regional director replied that, in response to Wolf's memorandum, the officers of the American Federation of Hosiery Workers had conferred with him and that the president of that union and several of his fellow union officers did not believe at that time, December 31, 1936, that any unfair labor practice had been committed by the Berkshire Co. The reply read in part:

> They [the union officials] stated that while some of the officials of the union thought facts might warrant intervention by the Board, it was the opinion of President Rieve [American Federation of Hosiery Workers] and of themselves that there was no unfair labor practice involved upon which they could base a charge of violation of the National Labor Relations Act.

Here is the Board saying to this union, "Can you not find something to file a charge on? We want to come in and proceed against this company." The union said, "Oh, no; we do not know of any." But that did not satisfy them. Nor did they feel it was wise to press a charge of refusal to meet for the purpose of collective bargaining, since the company would undoubtedly raise the point that they did not represent a majority of the workers.

So here is the minority being fomented by the Board to go ahead and file a charge, although they were not willing to try to prove that they had a majority of the workers. The charges were filed finally under pressure of the Board.

It is important to note that, although the charges were filed in January 1937, the complaint was not authorized until September 13, 1937, and was not issued until November 6, 1937. The reasons given for the failure to issue this complaint until some 9½ months after the filing of the charges are readily understandable upon perusal of the various weekly reports received from the Philadelphia regional office. For instance, the one dated February 17, 1937, stated:

"Present status of case: Held in abeyance at request of union, pending possibility of general strike."

But they did not go ahead with the charge because there was a possibility of a general strike, and they did not want to interfere with it.

The weekly report of February 24, 1937, reads:

I also went to Reading and conferred with union officials, and talked to John Edelman, of the American Federation of Hosiery Workers, who stated that I might quote him as speaking officially when he said that the union requested the Board to hold the charge which it had filed against the company in abeyance for the present. There is a strong possibility of a general strike developing in Reading over the situation in the Berkshire Mills, and the union would like to wait on that for a week or two.

The purpose of the National Labor Relations Act was to reduce labor strikes and to decrease industrial disputes and disturbances; yet the Board was deliberately aiding and abetting the promotion of industrial strife by persuading a union to file a charge which it did not want to file, and then holding off the hearing at the request of the union, because apparently it did not have a case, and also because it was thought that there was a possibility of a general strike developing, and the Board wanted the union to have the opportunity to go ahead with the general strike.

That sort of procedure is common throughout the whole action of the National Labor Relations Board. I myself know of a case in Canton, Ohio. In Canton is located the Hoover Carpet Sweeper Co. Mr. Hoover has always been very kind to everybody in the town. He has always dealt with his employees through a company union. An attempt was made by the C. I. O. to organize the employees, and it failed for the very good reason that the men did not want an outside union because the management happened to be very popular, and such an outstanding example of beneficial work for its employees that nobody cared to change the situation which existed.

There was a hearing and the effort fell through. Finally I think the charge was dismissed, but the National Labor Relations Board thought something ought to be done about it. The Board did not like the idea of an independent union. Application was then filed by the independent union to be recognized as the bargaining agent, and the Board sent Mr. Krivonos, one of the "goon squad," out to Cleveland to the regional office. He told Mr. Miller that the Board wanted all petitions for independent unions put "in the ice box" and kept there. He stated that the policy of the Board was never to touch a petition for an independent union, but to let it wait. He said, in effect, "We will not undertake to recognize them, and maybe something will occur so that we shall not have to recognize them."

But Miller said, "There is no opposition. Nobody else is now claiming to represent the employees of the Hoover Carpet Sweeper Co."

Mr. Krivonos said, "Why don't you get the C. I. O. to file a charge? It does not make any difference what it is. Surely they can find some charge of unfair labor practice."

Miller said, "They are not interested. They say they cannot hope to organize the plant. The men do not want them there." Krivonos said, "Never mind. Call up the C. I. O. on the telephone."

So they called the union officials on the telephone and told them to file an unfair labor charge so that the petition of the independent union could be held in abeyance. That was done. The charge was filed. The attorney for the independent union came to see me about a year ago. I think that at that time his application had been held by the Board for more than 2 years, in the hope that in some way the Board could avoid granting a petition filed by an independent union. As I understand, recently the Board finally did grant the petition, but in the meantime the union was threatened with disintegration. The attorney told me that so long as the Board refused to recognize the independent union, the union naturally tended to fall apart. The men did not think it was a regular union, and they had in mind the possibility that the Board might come in and promote some kind of a C. I. O. union in the plant.

I cite that case as an example showing that the Board, with Mr. Madden's approval, has deliberately stimulated litigation under the National Labor Relations Act, and stirred up industrial strife, because apparently, instead of treating the matter in a judicial manner, the Board wanted to crusade and organize into some national union every employee in the United States, whether or not the employees in any particular location wanted to be organized.

Mr. HOLMAN and Mr. BURKE addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. TAFT. I yield first to the Senator from Oregon.

Mr. HOLMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Ohio yield for that purpose?

Mr. TAFT. I yield for that purpose.

The PRESIDING OFFICER (Mr. LEE in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Johnson, Calif.	Sheppard
Ashurst	Chavez	Lee	Taft
Austin	Connally	Lucas	Thomas, Utah
Ball	Danaher	McCarran	Townsend
Barkley	Davis	Mead	Wagner
Bone	Frazier	Miller	Wallgren
Bunker	Gurney	Minton	Wheeler
Burke	Hale	Nye	White
Byrnes	Hayden	O'Mahoney	Wiley
Capper	Holman	Schwartz	

The PRESIDING OFFICER. Thirty-nine Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators and Mr. BILBO, Mr. BULOW, Mr. GUFFEY, Mr. HUGHES, Mr. KING, Mr. NEELY, Mr. RUSSELL, and Mr. TRUMAN answered to their names when called.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. There is not a quorum present.

Mr. BARKLEY. I move that the Sergeant at Arms be instructed to request the presence of absent Senators so as to make a quorum.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky.

The motion was agreed to.

Mr. BANKHEAD, Mr. GILLETTE, Mr. GREEN, Mr. JOHNSON of Colorado, Mr. REYNOLDS, and Mr. VANDENBERG entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. TAFT. Mr. President, I have been citing cases to prove the completely unjudicial character of the proceedings of the National Labor Relations Board, in many cases concurred in and in general completely concurred in by Mr. Madden, the nominee for appointment to the Court of Claims.

I now refer to the case of the American Radiator Co., in which the Board also engaged in the deliberate solicitation of litigation. Instead of sitting back and simply listening to complaints that are made, the Board seems to have conceived its function as a matter of going out and stirring up labor strife, of stimulating litigation, of advising litigants how they could best make the records that the Board wanted, so that the Board might decide in their favor.

In the American Radiator case, the field representative of the Board, while investigating the charges of unfair labor practices made against the company, made this statement to several witnesses or prospective witnesses. He said:

Of course, you know that I am working for the C. I. O., and the C. I. O. will benefit you by back pay.

He was a field representative and employee of the Board.

In regard to an alleged lock-out by the company, one of the witnesses testified that this man came to him and asked him if he would not say it was a lock-out.

I told him I would not, because I didn't have any way to prove it. He said, "By God, you swear it, and I will prove it."

Several witnesses testified that the Board's representative had made these statements. The statements disturbed the Board's attorney so much that he called up Mr. Madden to know whether he ought to permit the witnesses to testify to these remarks by the Board's representative, and Mr. Madden advised him that he thought he had better let the testimony go in the record, and it did go in the record. Even though the Board, through Mr. Madden and through a later report by the review attorney, was familiar with the activities of this field representative, it did not do anything. It did not discipline him or call him down. It continued him in office, and it raised his salary from $3,800 a year to $4,000 a year within a few months thereafter. Certainly that is a sponsoring by Mr. Madden of the kind of solicitation of witnesses in which this man engaged.

I shall not cover the entire actions of the Board personnel; but the committee of the House came to this conclusion:

It is obvious to the committee that the Board had none of that impartiality, none of that sense of balance, which characterizes a sound and capable judicial or quasi-judicial body.

In other words, a committee of the House of Representatives has found my claim in this case to be correct. It has found that Mr. Madden is not a judge; that he has no sense of judicial propriety. The committee says of the Board:

Its readiness to accept settlement of a weak case is a strong indictment of its own policies—any decent administrative body would have acknowledged its error by dismissing a case it could not support in a court.

That is the case in which the intraoffice memorandum says that the Board's representatives said it was a weak case, and they were told in effect, "Well, get the best settlement that you can. Settle the case." Instead of finding out what the facts were and dismissing the case, the Board regarded themselves as an attorney against the company rather than as a quasi-judicial body.

In the case of the Donnelly Garment Co., the attorneys for the respondent proposed to put employees of the Donnelly Garment Co. on the witness stand, and offered to prove through their testimony that the Donnelly garment workers' union—that was the independent union—had not been dominated by the company. They offered to put on every employee, if you please, to prove that he wanted to join the independent union; that it was entirely a voluntary action on their part; that there had been no coercion. The Board refused to permit any such testimony.

It is interesting to read what the circuit court of appeals said in a similar case dealing with the same question—the case of the National Labor Relations Board against the Automotive Maintenance Machinery Co., decided on December 12 of this year. In that case 31 employees testified at the hearing, and all of them testified that they were members of the independent union, and that they wished the independent union to represent them. Inferentially, and sometimes directly, they said they did not want the C. I. O. to represent them. There was no other testimony from any other employee of the company.

The theory of the Board seemingly is—

The court says—

that the contest is not one wherein the employees are interested.

What they want is not material so far as the Board is concerned.

It is a contest between the employer and the C. I. O. and the employees are merely the causi belli.

I am quoting from the Circuit Court of Appeals for the Seventh Circuit.

An opposing theory is builded upon the premises that the National Labor Relations Act was enacted for the benefit of the employees and to improve the relationship between the employer and the employee. As we tried to point out in the case of *Foote Bros.* v. *National Labor Relations Board* (114 F. 2d 611), the act was passed to protect the employees, to give them the free and unrestricted right to organize, to bargain collectively, and to freely select the agent to represent them in collective bargaining. The Board's selection of a bargaining agent is quite as violative of the spirit of the act as the employer's domination of the employees when they are making their choice.

* * * * * * *

Nearly all the employees took the witness stand. Thirty-one out of thirty-one favored AMMCO. We do not go so far as to hold they could not be influenced. We merely hold their expressed wishes under oath, where full and free cross-examination was possible, may not be, as here, wholly ignored. Because of its so doing, we are convinced that the order of the Board should not be enforced.

I cite this case because it describes correctly the Board's attitude. Its attitude throughout has been that it does not make any difference what the employees want; if the C. I. O. or any other organizing unit comes in and says, "We want to organize these men," then the Board gets behind them and does everything it can to assist them, and in some cases actually stimulates the organization. In that respect I think the members of the Board have completely misunderstood or completely ignored their quasi-judicial obligations.

There is one recent case which certainly violates the ordinary man's idea of what the Board may do. The Board, in the Waumbec Mills case, reinstated, as they termed it, with back pay for 3 years, two men who never had been employees of the company. I personally do not understand how such a conclusion can be reached. I do not believe the ordinary individual or the ordinary Senator can see how an act which authorizes the Board to reinstate employees with back pay can be taken to include men who never were employees of the company.

The House committee says the Board established a new record for ingenuity by ordering the respondent company to hire men never before in its employ and requiring them to give these men back pay from the time of the refusal of employment to the date of their employment by virtue of the Board's offer.

Mr. Madden testified himself that he felt that under the remedies given in the act the Board could devise any kind of additional remedies in addition to what was already stated specifically in the act, such as reinstatement of employment, with or without back pay.

In the Fansteel case, which is one of the leading cases, the Board ordered a reinstatement, with back pay, of employees who had participated in a sit-down strike. The Board took the position that it did not make any difference whatsoever what an employee had done—whether he had violated the law or whether he had committed a felony, whether the employees had seized the plant in violation of the ordinary rights of any employer. The Board reinstated those employees. I think that very act is one in which no Senator would be involved. I think it is contrary to the ordinary concept of justice, and that is what the Supreme Court of the United States finally found it to be. They reversed the Board and ruled that they could not reinstate such employees with back pay.

While that case was before the Supreme Court, the Board attorneys agreed in another case that they would abide by the Court's decision in that case—another case of sit-down strike.

The Court's decision stated:

"At the argument counsel for the Board admitted that the case would be governed by the ultimate decision of Fansteel Metallurgical Corporation against National Labor Relations Board * * * then argued, but undecided, in the Supreme Court. In spite of this concession after the handing down of the opinion * * * counsel for the Board has filed a supplemental memorandum attempting to distinguish the case at bar.

"The futility of relying on differences rather than distinctions is possibly 'caviar to the general' but is certainly hornbook to the barrister. * * *"

It is to be borne in mind that the respondent was obliged to take this case into the circuit court and that court showed its full realization of the public-policy aspect involved, for its decision said:

"By the same token, we think the insistence upon this appeal is a disservice to the best interests of the 'labor movement' and so a disservice to the national life of which it is such a vital part."

I cite that case, which shows the Board's disposition, even when rebuked by the Supreme Court, even when reversed by the Supreme Court, to get away just as far as possible from the law as construed by the Supreme Court.

In the case of the Standard Lime & Stone Co. they attempted to distinguish also. They said:

In this case we will abide by the decision of the Supreme Court, we will abide by the rule that men actually found guilty could not be reinstated, but those who assisted those men we will reinstate.

The Court in reversing the Board in that case also said:

In explanation of its order directing the company to reinstate the eight men who had confessed participation in the conspiracy to blow up the power lines or the commission of assaults upon workers at the plant, the Board has this to say:

"With the exception of the eight men who pleaded guilty to the commission of a felony * * * we cannot concur in the respondent's contention that these individuals have disqualified themselves from reemployment. 'The Board's power to order the reinstatement of employees is equitable in nature, to be exercised in the light of all of the circumstances of the case. Here the respondent itself has violated the law of the land. Under all the circumstances and without condoning the illegal acts of the strikers, we feel that such acts should not be a bar to the reinstatement of any except the eight mentioned above."

We find nothing in the act to support this assertion of power on the part of the Board, and we perceive no equitable circumstance to justify its exercise in this case.

The case of the Edison Co. was also referred to by the House committee, a case which was brought to our attention very largely by the American Federation of Labor's attorneys, a case in which an American Federation of Labor union had organized practically all of the employees of the Edison Co. of New York. There were something like 30,000 employees, and something like 80 percent of them had been members of that union. The Board proceeded, in spite of that fact, to declare invalid the contracts which the company had with that particular union, on the ground that the employer had in some way favored that union against the C. I. O. union, which had a much smaller number of men.

As an example of the Board's general tendency to conduct its procedure against the employer, one quotation from the opinion of Chief Justice Hughes is interesting. In one case the examiner refused to permit the company to proceed with witnesses, although the witnesses were in court, and there was no reason why they should not proceed. Justice Hughes said:

We agree with the court of appeals that the refusal to receive the testimony was unreasonable and arbitrary. Assuming, as the Board contends, that it had a discretionary control over the conduct of the proceeding, we cannot but regard this action as an abuse of discretion.

In that case the Board refused arbitrarily to hear the testimony of the witnesses.

There are other cases in which the Board has refused subpenas to the employer. The Board made a rule which any lawyer would say was unfair, that the Board attorney, the prosecuting attorney, could produce any witness, could issue a subpena for anyone he wanted to get, but that the employer could not get a subpena, even though the case was out on the Pacific coast, without coming to Washington and getting a subpena from the Board itself to make someone appear before the trial examiner on the Pacific coast to testify. The result was, of course, that they had great difficulty in doing that, and in many cases the refusal of the Board to give the employer any fair opportunity to issue subpenas and get witnesses before the Board resulted in the employers finally abandoning the effort to get the witnesses, and in not having a fair opportunity to present their case. That was a rule of the Board and a practice of the Board, with which Mr. Madden must have been familiar, for which certainly he must be held responsible.

The main issue in the Fansteel case was the power of the Board to invalidate a contract with a union. After all, that was a contract made by a company with a union, just exactly what the act says it must do, the union having a majority of the employees, and the Board set aside the contract and opened the field for organization by the C. I. O.

Mr. Justice Hughes said, in criticizing the Board's action:

The act contemplates the making of contracts with labor organizations. That is the manifest objective in providing for collective bargaining. Under section 7 the employees of the companies are entitled to self-organization, to join labor organizations and to bargain collectively through representatives of their own choosing. The 80 percent of the employees who were members of the brotherhood and its locals, had that right. They had the right to choose the brotherhood as their representative for collective bargaining and to have contracts made as the result of that bargaining. Nothing that the employers had done deprived them of that right. Nor did the contracts make the brotherhood and its locals exclusive representatives for collective bargaining. * * * Moreover, the fundamental purpose of the act is to protect interstate and foreign commerce from interruptions and obstructions caused by industrial strife. This purpose appears to be served by these contracts in an important degree. Representng such a large percentage of the employees of the companies, and precluding strikes and providing for the arbitration of disputes, these agreements are highly protective to interstate and foreign commerce. They contain no terms which can be said to "affect commerce" in the sense of the act so as to justify their abrogation by the Board.

Yet, the Board declared that contract invalid. The opinion continued:

The disruption of these contracts, even pending proceedings to ascertain by an election the wishes of the majority of employees, would remove that salutary protection during the intervening period.

* * * * * * *

We conclude that the Board was without authority to require the petitioning companies to desist from giving effect to the brotherhood contracts.

We have many cases put before us by the American Federation of Labor in which the Board had similarly invalidated contracts, and I think in every case they were American Federation of Labor contracts. So far as I can remember, no C. I. O. contract was ever invalidated, but whenever the Board felt that the employer was favoring one union over the other, on very thin evidence or no evidence at all, the Board found some offense under the act on the part of the employer. It invalidated the contract, although a majority of the employees had made the contract and wanted the contract, and there was no evidence that they would not have made it regardless of the action of the employer. A board which deliberately sets aside contracts, which were the very purpose of the act, as stated by the Supreme Court, is certainly a board which must be so influenced by bias and prejudice that its members are not qualified to be judges of the United States courts.

I think the history of the Board with relation to the longshoremen's union on the Pacific coast and in the South is further typical evidence of the prejudice of the Board. Senators know, of course, what was held in the Pacific coast longshoremen's case. The Board—I believe in violation of the law—recognized the entire Pacific coast as a single unit for bargaining purposes, combining all the longshoremen on the Pacific coast, who were organized in several unions, among which were an independent union, an American Federation of Labor union, and a C. I. O. union under the control of Harry Bridges. The Board recognized the whole area as one unit, knowing well that the C. I. O. would have a majority if all the Pacific coast longshoremen were put in one boat, whereas in three of the ports the American Federation of Labor had a majority. Of course, the result has produced a constant stream of difficulty. In a port like Tacoma, where there is an A. F. of L. union, to say, "You fellows cannot represent yourselves in dealing with your employer. You must recognize the majority and be governed by some fellow down in San Francisco. You must let Harry Bridges run your affairs and represent you with the employers" has naturally been far from making labor peace, and has stirred up constant and increased contest and violence in the longshoremen's field.

Even then the Board was not satisfied with the situation. Mr. Edwin Smith is closely allied with Harry Bridges. Mr. Madden must have known it, and yet he has practically allied himself with Mr. Smith against Mr. Leiserson in all the activities of the Board since Mr. Leiserson was appointed. Mr. Smith tried more or less to conceal his connection with Harry Bridges, and to make it appear only casual. In that connection

I should like to read a portion of the House committee's report. Mr. Smith went to the Pacific coast, where he met Harry Bridges and a number of others, and then came back and posted a notice on the bulletin board to the following effect:

Mr. Edwin S. Smith has just returned from a trip to the Pacific coast, where he inquired into the labor situation, especially in the shipping industry, and talked to Harry Bridges; Lundberg, of the Maritime Federation; and other labor leaders, businessmen, and public officials. He has a very interesting story to tell about the situation, and you are invited to hear him tell it on Thursday, April 2, at 4:30 p. m. in the hearing room.

So Board Member Smith got together all the employees—including the judicial employees and the prosecuting employees—and then proceeded to make a speech, in which the testimony tends to show that he made the statement that—

Harry Bridges is a great labor leader.

I now quote from Joseph Ryan, president of the other labor union, writing to the President of the United States, so that Mr. Madden certainly had notice of it. Mr. Ryan said:

Board Member Smith has made the statement that Harry Bridges is a great labor leader, which is, of course, his prerogative to believe; but I feel it was childish of him to call a meeting of his entire staff, including stenographers and telephone operators, to impress upon them that Bridges is the type of labor leader our country needs.

Smith said he saw Bridges at only a few places, and when attention was called to the fact that he had attended a meeting with him in Baltimore, he said that that fact had slipped his mind. He said:

The Baltimore incident, so-called, with Mr. Bridges, referred to yesterday by Mr. Emerson in his testimony, did slip my mind at the time.

As a matter of fact, Smith arranged for the Baltimore meeting with Bridges through the regional director of the Board in that city. This took place on December 17, 1936, after a mass strike meeting held in the Fifth Regiment Armory, where Bridges was the principal speaker. Smith and Nathan Witt, secretary of the Board, were on the platform at this strike meeting. They sat on the platform with Mr. Bridges while he made his speech urging the merits of the C. I. O. union. Later that night they conferred with Harry Bridges and the Baltimore regional director in the private law office of Regional Attorney Jacob Blum.

Bridges went back to the Pacific coast, and Mr. Smith conducted a very friendly correspondence with him, showing that he was tied up with him in trying to organize the union. I have no doubt that the exceptional decision of the Board providing an industry-wide unit for bargaining was inspired by the desire to give Bridges control of the longshoremen on the Pacific coast, as against any American Federation of Labor union.

To show the terms on which Mr. Smith and Mr. Bridges were, Mr. Smith received a letter from Bridges, from the Pacific coast, saying:

We are engaged in trying to force the shipowners to officially execute our agreement now that we have the Board's decision. It is too bad you had to sidestep the question of ownership of the contract as that is the point our employers are hanging their hats on.

Bridges addressed another letter to Smith in 1938 about Hawaii, in which he said:

At the same time, because of the employers' Hawaiian control over the whole situation in the islands, it needs a strong man and one who is not susceptible or easily swayed by the arguments, intimidations, etc., and I hope you will do what you can to see that somebody of the type of Mr. Eagen or Mr. Edises can be immediately selected for Hawaii.

Such a man was selected, and Mr. Smith replied:

I agree with you as to the importance of having the right sort of man in Hawaii, and the Board has this very much in mind. * * * If you ever get to Washington, I should be glad to talk these matters over with you.

The direct tie-up between the Board and the C. I. O. became very apparent when the Board intervened in the longshoremen's situation in the Southeast. The testimony of Mr. Googe, of the American Federation of Labor, shows that in the Southeast the American Federation of Labor first organized the longshoremen in New Orleans, Mobile, and along the Atlantic coast. They had several strikes, and they made substantial headway in the progress of that case. They obtained control of the situation after a strike in which Mr. McGrady, of the Labor Department, was the arbitrator. Mr. McGrady conducted the elections in that case. The C. I. O. was not in the picture at all, and the American Federation of Labor unions won overwhelmingly. They then went on and obtained several wage increases. Finally, in 1938, they demanded a 15-percent increase, and after a short strike they finally settled on a 10-percent increase. That dissatisfied a few of the men. According to the testimony before us, the next thing that happened was that the Labor Board permitted the C. I. O., apparently without any members to speak of in New Orleans, to file a special petition in Washington for recognition and for an election. Although the men were under contract with the A. F. of L. Longshoremen's Union, the Board permitted the petition to be filed—the whole thing was really conducted in Washington. First they sent the petition down and asked for a report from the regional director as to whether the C. I. O. had sufficient members to justify an election at all. He reported adversely. Nevertheless they were not satisfied with that and sent a special investigator to New Orleans to ascertain whether he could not find some case for the C. I. O. He could not find it. He came back, however, and reported that an election ought to be held.

So the next proceeding was that the Board ordered an election, although incidentally there was practically no evidence of even a foothold for the C. I. O. and although the A. F. of L. at the time had a contract with the employers at New Orleans.

Then, Mr. Bridges himself arrived in New Orleans with a large staff, and called a mass meeting. The longshoremen there are easily influenced, and, as the situation was fluid, it was hoped that the C. I. O. might be able to succeed.

Mr. Bridges held a mass meeting. The Board sent down a man named Lawrence Hunt to conduct an election. They would not let their own local representative in New Orleans conduct the election but sent another one down there. Mr. Googe testified:

A couple of nights before the election, Mr. Bridges being in town with his staff from the Pacific coast, held a mass meeting. This Mr. Hunt attended the mass meeting, sat upon the platform, addressed the Bridges mass meeting, and said that he was there to see that they got a square deal and a fair election, which technically may or may not have been all right; I don't know about technicalities because I am not a lawyer, but I know the psychological effect of having a special attorney to conduct the elections attending the Bridges mass meeting in New Orleans, sitting on the platform and making statements from the platform, had a deuce of a psychological effect.

The CHAIRMAN. Did you hold any mass meetings?

Mr. GOOGE. Yes, sir; but we did not have anybody from the Labor Board speaking.

The CHAIRMAN. Did you invite him to come?

Mr. GOOGE. He never came around us, Senator.

The CHAIRMAN. You knew that he was there?

Mr. GOOGE. Yes; I knew he was there, but frankly I would have been afraid that he would have made a speech for the C. I. O. if we had had him at our mass meeting.

There was an election held, and the A. F. of L. won by about 4 to 1. In other words, there never was any basis for the C. I. O. attempt to steal the longshoremen's union of the Southeast. That was not fair. It was a Bridges attempt to steal the longshoremen's union of the Southeast, and it was fomented and advanced by the National Labor Relations Board, of which Mr. Madden is a member. I cannot conceive of any Government body doing what the National Labor Relations Board has done in these cases. I think it is fair to say that they do represent the greatest perversion of justice that we have seen in the United States at any time.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Ohio yield to the Senator from Illinois?

Mr. TAFT. I yield.

Mr. LUCAS. The Senator from Ohio a few moments ago was discussing the Fansteel case, which I believe arose in my State; and, incidentally, in discussing that case he also discussed a regulation relative to the issuance of subpenas in

behalf of the Board affecting employer and employee. The Senator did not dwell very long upon that point or upon the regulation which had been made, but as I understood there was a distinct difference in the regulation laid down as to the subpenas to be issued in behalf of the employer and those to be issued in behalf of the employee. Will the Senator, for my own information, state the substance of that regulation?

Mr. TAFT. If the Senator will wait a moment I will see if I can locate it. The substance of the regulation I know, but I want to find a case referring to it. The substance of the regulation was that the trial examiner could issue any subpena requested by the Board attorney, whereas the trial examiner could not issue a subpena for the employer, but the employer was required to come to Washington and get a subpena issued by the Board itself. The Board took the position that it had discretion to issue the subpena or not, which is true, as in the case of a court, which might say to a party to an action, "You are trying to duplicate evidence or you are wasting time," or something of that sort. But the mere fact that he had to come to Washington is what made it so difficult and handicapped the employers in their cases. The Board itself finally recognized that it was unfair, and after the hearings before the Senate committee I think they changed that regulation.

Mr. LUCAS. In the beginning, if I understand the Senator correctly, they did have a regulation involving that type of discrimination?

Mr. TAFT. Not only in the beginning but for 3 or 4 years, from 1935 to 1939, as I understand.

Mr. LUCAS. Was that regulation approved by the Chairman of the Board?

Mr. TAFT. It was the order of the entire Board.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. TAFT. Certainly.

Mr. BURKE. There was one case with which I am familiar in which the evidence showed that an attorney for the Board carried in his pocket blank subpenas and gave them to the representatives of the complaining union, which happened to be a C. I. O. union in that case. After talking to a witness, if they thought the witness would help them, the attorneys of the complaining union, or the representatives of the union, would fill in the name of the complaining witness, whereas in the same case the employer would be required to send to Washington a statement of the material facts which he expected to prove by each witness, and in the particular case the employers did not have their subpenas granted until the day after the hearing had closed; so they did not turn out to be of any great value.

Mr. TAFT. I come now to the Board's prejudice against independent unions. There is not any question, I will say, that the independent unions are largely company dominated, though, of course, it is perfectly possible to have an independent union which is not dominated by the company. Certainly if there is such a union the Board should recognize it. The report of the House committee on this subject is definite. It says:

> In regard to independent unions, the National Labor Relations Board has consistently pursued a policy aimed at the extermination of these nationally unaffiliated organizations. Hundreds of complaints have been issued charging companies with domination of independent unions under section 8 (2) of the act, and, in great part, they have been sustained by the Board. Perhaps the explanation for this lies in the attitude of Board employees—an example of which, taken from the opinion of the Seventh Circuit Court of Appeals in the A. E. Staley Co. case, is set out:
>
> "Disser (Board field examiner) informed petitioner (the company) that in his opinion no independent labor organization could exist without some form of company support, and that in every instance where the Board has proceeded against an independent organization the Board had never yet failed to find sufficient evidence with which to destroy the organization."

Disser's statement simply is not true. The Board wanted to rule out all independent unions, but the kind of evidence they found is often of a very shadowy character; and there are many places, particularly in the case of smaller companies in small towns, where the men—I have personally talked with the men—do not want somebody to come in from the outside, where their relations have been friendly, and where they want their own independent union to represent them.

Another comment from the regional director of the Detroit Regional Office in February 1938 reads in this way:

> So, now, to get the old "company-union club" polished up and go to work.

A third such comment from the regional director at Cleveland in 1937 says:

> In the last 2 weeks we have noticed an alarming growth of independent labor groups.

The report of the House committee says:

> This hostile feeling toward independent unions was by no means confined to the Board's field offices. A former regional director testified that he had been instructed by Krivonos, special investigator attached to the secretary's office, to file petitions of independent unions for certification as bargaining representative "in the ice box" and forget them.

That was the general attitude of the Board.

I said that in many cases there really was no evidence. In the case of the International Shoe Co., the Sixth Circuit Court of Appeals said that there was not even a scintilla of evidence to support the disestablishment of an independent union. It said:

> Counsel for the Board at the argument in this court frankly confessed the difficult task he had in justifying the findings by the evidence. It was at once apparent that the foundation for the findings [of fact] seemed shadowy and insubstantial. Counsel urged upon the court that it was necessary in this case to assemble all the facts, no one of which in itself was of much significance, and then to view the conglomerate in the light thrown on it by background.

Of course, the court reversed the Board in that case; but, in general, petitions for certification as representative are not subject to review by the courts, and consequently there is no appeal from the decision of the Board or its refusal to certify the particular representative. One of the amendments which we were considering, the so-called Smith amendment, provided that in such a case there might be an appeal to the courts on questions of certification.

There is a good deal of evidence in regard to the bias of various employees of the Board. In nearly every case Mr. Madden refused to dismiss them, although he knew how prejudiced they were. In other words, he gave support to their bias.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Ohio yield to the Senator from Alabama?

Mr. TAFT. Certainly.

Mr. BANKHEAD. I should like to ask the Senator a question in which a good many of us are interested. Is it likely that we are to have a night session?

Mr. TAFT. I can only tell the Senator about how long I shall take; I think probably not more than 20 or 25 minutes longer.

Mr. BANKHEAD. I thank the Senator.

Mr. TAFT. Perhaps the question of the Senator from Alabama should be addressed to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, if I may answer the question, I have been informally informed that there probably will be no other address on the subject, on either side, after the Senator from Ohio shall have concluded; and I hope we may get a vote on the nomination at that time.

Mr. TAFT. I should like to read to the Senator one or two instances of the kind of person the National Labor Relations Board employed. One of them was a Mr. Herbert J. Vogt. That gentleman was particularly active in the State of Iowa; and his position and bias are so clear that it is hardly necessary to read his own statements in various memoranda.

On September 27, 1938, for instance, Mr. Vogt wrote as follows:

> At present I am still bouncing around in the State of Iowa trying to raise all the hell that possibly can be raised, to the limits of our power, and taking care of it the best I can.

He was a field examiner for the National Labor Relations Board. I may say that the fact that he succeeded in "raising

all the hell" he could is proved by a letter written by the Senator from Iowa [Mr. HERRING] to Chairman Madden, in which he complained directly to Madden about the activities of this gentleman and his prejudices. He said:

> You will recall considerable correspondence which I had with you earlier as to Examiner Herbert J. Vogt and criticisms concerning his work in Iowa.
>
> This letter is to protest his return to Iowa.

He was sent back there.

> I assumed he has been discharged, as he should be, but, in any event, I must insist that someone else be sent into Iowa.
>
> May this matter have your earliest attention upon your return to Washington Wednesday?

That was October 10, 1938. I do not know whether Mr. Vogt remained after that or not, but, like the other members of the National Labor Relations Board, he attended C. I. O. mass meetings. He delivered an address to the C. I. O. the night before an election was to be held by the National Labor Relations Board in which he stated that a certain agreement had been abrogated by the company. He discussed the case and took a position against the company.

Part of the language used by attorneys in writing to Wiener, the regional director at Minneapolis, is rather significant. His own attorneys wrote to the regional director as follows:

> I had not supposed that the National Labor Relations Board or its officers or employees would demonstrate this much zeal in the outcome of any election, and I wish to believe it was personal with Mr. Vogt rather than with your office.

Even more remarkable is the fact that 10 days later Wiener very urgently recommended a salary increase for Vogt, using the following language in support of this request:

> Vogt has definitely made himself a part of the organized labor movement in the State of Iowa.

That is Mr. Wiener, one of the regional directors, recommending Mr. Vogt.

The able Senator from Iowa [Mr. GILLETTE] also wrote Mr. Madden a letter protesting about Mr. Vogt's activities. He said:

> I have been considerably disturbed at information that comes to my desk from Iowa and which is arousing much antagonism to the work of your Board in the administration of the present Labor Act. * * * Last evening a C. I. O. organization held a public meeting. This meeting was addressed by one Herbert Vogt, who informed the gathering that he was a representative of the National Labor Relations Board, * * * that he was taking an active part in the effort to secure organization for the C. I. O. The town is very much disturbed. They cannot understand why a representative of the Federal Government should be aiding one particular organization in its work.

Finally—there are various other rather interesting letters from and to Mr. Vogt—there is one from the leader of the present C. I. O. union in Iowa:

> However, I am going to try to settle this matter with you peacefully; therefore you will find enclosed an invitation to attend an entertainment and oyster supper to be held at the city hall in Estherville on December 6, a celebration of our victory in the Gamble Robinson case.
>
> Because this victory was made possible by your untiring efforts, the boys and myself feel that it is only fitting and proper that you attend this affair in order to help us celebrate it.

The record shows that in a relatively short space of time there were more litigations, more cases, more labor trouble in Iowa when Mr. Vogt was there than there ever had been before.

In a letter from Regional Director Wiener—Vogt's regional director—to Chairman Madden, it was stated that of the Iowa cases, 21.2 percent were closed by dismissal and 12.2 percent went to formal hearing. Wiener then said:

> These figures are being quoted to show you that Mr. Vogt has done an excellent job and has become part and parcel of the labor movement in the State of Iowa.

Vogt remained an employee of the Board until September 1940, for 2 years after the C. I. O. meeting and after the letter from the able Senator from Iowa; and then, due to personal differences with Wiener that resulted in charges of insubordination, he was discharged. The termination of Vogt's services was not due to his work as field examiner but was due to personal differences he had with his superior officer. Had not these differences occurred, Vogt would still be there.

Here was a man who showed every possible prejudice, whose activities were called to the attention of Madden himself as being prejudiced and completely in favor of one side of this controversy before the Board, and yet Madden does not dismiss him; he does not discipline him; he does not call him down. He lets the employee go on doing his work, "raising hell" in Iowa for the next 2 years, until he gets into a fight with a regional director, and then he is dismissed. That certainly does not show an impartial attitude on the part of Mr. Madden on the question of any desire that matters connected with the administration of the National Labor Relations Act be handled fairly, or with any kind of judicial nonpartisanship whatever.

Another man, named Maurice Howard, was a field examiner of the Board. The attention of Chairman Madden was called to Mr. Howard. Mr. Howard was interviewed by one of the Board's employees, who wrote to the Board:

> I had quite a long talk with Howard, and he is very frank in his attitude that the Board's chief value is in actively helping labor organize, rather than just to protect their right to organize. He doesn't think the Board is doing enough for labor at the present time and believes hearings should be held even when the Board obviously has no jurisdiction, if the holding of such hearings will help labor organization.
>
> He was unwilling to see anything done about the boilermakers' claim for representation in the Long View Fibre case, because he thought any such action on the part of the Board would hurt the C. I. O. and help the A. F. of L.

In spite of the report from the then secretary, nothing was done about Howard's activities for over 4 months. Then Chairman Madden did draft a letter reprimanding Mr. Howard, but largely because Smith objected he toned it down and did not make the reprimand very strong.

Howard was transferred to Los Angeles and then received an increase in pay. He remained the Board's employee for almost 3 years after his activities had been called to Madden's attention by the employees of the Board itself, who thought that Howard at least went too far in his bias and prejudice.

Probably the central feature of the Board was the Secretary's office, with his "goon" squad. I have referred already to Mr. Krivonos' activities in Ohio. The interesting thing about the secretary's office was that as soon as Mr. Leiserson was appointed he objected violently to the prejudices shown by the Secretary's office and objected violently to what he called his amateur detectives. He wanted to make over the personnel; and that was the only way in which the situation could possibly be cured. In that effort he met with the unyielding opposition of Chairman Madden, who lined up with Mr. Smith against Mr. Leiserson's efforts to clean up the situation.

Mr. Leiserson repeatedly wrote letters to Madden and Smith about the secretary's office, complaining of the character of the work, of its prejudice, and of its activities. He referred to "the usual irregularities in procedure characteristic of the secretary's office."

In answer to a request from Madden as to what the matter was, Dr. Leiserson said:

> I think it is time we looked around for a secretary who understands the administrative duties of the job and sticks to them instead of trying to stir up work for the Board.

Mr. Leiserson said further:

> They didn't know the facts in the cases, and their conversation showed that they would not understand the significance of the facts if they did know them.

This is the office on which the Board really relied for its main judgments and its main policy.

Dr. Leiserson said to the other two members of the Board:

> I think you make the mistake of acting on incomplete information or misinformation supplied by the Secretary's office. That is what balls up the cases.

Leiserson repeatedly protested against the retention of the secretary and of his employees. He stated that Mr. Witt's manner of handling certain cases made it impossible for him to have confidence in Mr. Witt's ability to perform his duties impartially as between various parties who brought cases

before the Board. Madden kept putting off and putting off, and finally, 6 months after Leiserson's appointment, Leiserson wrote this to the Board:

> My position is that I will not sign any decision I consider improperly handled by the Secretary's office. I have asked for changes in personnel in this office because I do not consider the Secretary and Krivonos competent and reliable. Those who insist on keeping these men in their jobs must assume responsibility for their work. I will not share it.

Of course, everyone saw that as soon as Mr. Millis was appointed, on his mere appointment, without further action, the Secretary of the Board and a number of other employees of the Board proceeded to resign, because they knew that Leiserson and Millis, the new majority of the Board, would not stand for the situation which existed there, or the obvious prejudice those officers had had.

Mr. DAVIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Does the Senator from Ohio yield for that purpose?

Mr. TAFT. I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

Adams	Caraway	Johnson, Calif.	Schwartz
Ashurst	Chavez	Johnson, Colo.	Sheppard
Austin	Clark, Mo.	King	Taft
Ball	Connally	Lee	Thomas, Utah
Bankhead	Danaher	Lucas	Townsend
Barkley	Davis	McCarran	Truman
Bilbo	Frazier	Mead	Vandenberg
Bone	Gillette	Miller	Van Nuys
Bulow	Green	Minton	Wagner
Bunker	Guffey	Neely	Wallgren
Burke	Gurney	Nye	Wheeler
Byrd	Hale	O'Mahoney	White
Byrnes	Hayden	Reynolds	Wiley
Capper	Holman	Russell	

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum is present.

Mr. TAFT. Mr. President, I wish only to refer to one additional case and then to sum up the argument I have made.

The last of the series of cases decided by the Supreme Court of the United States was the Republic Steel case, which was decided on November 12, 1940. In that case the Supreme Court of the United States again reversed the Board, because it had attempted to give back pay not only to the men who were entitled to reinstatement but also to the W. P. A. for the wages paid the men during the period they had been out of work. The Supreme Court of the United States held that the Board was usurping authority, and that it had gone far beyond any authority given in the act. Mr. Chief Justice Hughes said:

> To go further and to require the employer to pay to governments what they have paid to employees for services rendered to them is an exaction neither to make the employees whole nor to assure that they can bargain collectively with the employer through representatives of their own choice. We find no warrant in the policies of the act for such an exaction.
>
> In truth, the reasons assigned by the Board for the requirement in question—reasons which relate to the nature and purpose of work-relief projects and to the practice and aims of the Work Projects Administration—indicate that its order is not directed to the appropriate effectuating of the policies of the National Labor Relations Act, but to the effectuating of a distinct and broader policy with respect to unemployment. The Board has made its requirement in an apparent effort to provide adjustments between private employment and public-work relief, and to carry out supposed policies in relation to the latter. That is not the function of the Board.

I read that only because it sums up the general conclusion that throughout this situation the Board has gone far beyond the purposes of the act. It has usurped all kinds of power to proceed to carry out its ideas of what the economic situation in the United States should be.

To summarize what I have tried to show, in my opinion the record shows without question that Mr. Madden has no judicial qualifications whatsoever, and that throughout his entire term as a member of the National Labor Relations Board he has avoided in every way any possibility of showing any judicial characteristics. He has conceived of his position as one of crusading against employers and in favor of national labor organizations, particularly in favor of the C. I. O. At no point in that entire proceeding has he been interested in a reasonable, fair procedure. In the little things, such as the issuance of subpenas and the exclusion of evidence, the Board has ruled against the employer in every case, and has subjected his case to difficulties which the petitioner never has had.

In every possible way Mr. Madden and the Board have been prejudiced against the American Federation of Labor and against independent unions. They have repeatedly approved and increased salaries of employees whose prejudice was well known to them, regardless of what the record itself may have shown.

There is hardly an employer in the United States who does not feel today that the Board has exhibited a complete lack of judicial temperament, and that it is biased and prejudiced against employers as well as against the American Federation of Labor and the independent union.

I do not say that Mr. Madden should not have been appointed to some other position. I do not think his record for administration on the National Labor Relations Board as shown by Mr. Leiserson's criticism of the Board's salaried officers is anything to be proud of, and yet I certainly would have no objection to his appointment to an administrative capacity; but when it comes to appointing a judge of the United States Court of Claims, a life position with a salary of $12,000 a year, more than he was receiving as chairman of the National Labor Relations Board, then I say that the Senate itself has a duty to intervene and prevent an appointment which was obviously made not because anybody wanted Mr. Madden for judge of the Court of Claims—indeed I think he himself has said that he does not want to be a judge of the Court of Claims—but simply to satisfy people who were dissatisfied by the failure to reappoint him as chairman of the National Labor Relations Board. The courts of the United States ought not to be used as a means of trying to work out political situations; they should not be used as a means of kicking a man upstairs to get him out of a position where he has been so prejudiced and created so much opposition that his reappointment would meet with general disapproval.

I think our function under the Constitution is to confirm the appointment of men as judges only if they have the qualifications which we would like to see and which are necessary in any judge of the United States.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. TAFT. I yield.

Mr. CONNALLY. The Senator may have referred to it, but I have not heard him discuss the activities of Mr. Madden prior to his going on the National Labor Relations Board, his legal practice and experience and qualifications.

Mr. TAFT. I said in the beginning that Mr. Madden has never practiced law, but he has a very good record as a professor of law at various law schools. He went directly from law school to teach in the University of Oklahoma. He taught also in the law school of the University of Pittsburgh, and was dean of the West Virginia University Law School.

Mr. CONNALLY. May I ask the Senator in the case of law professors who never have practiced if any of their students should happen to get a case in the court where would they go for instruction as to what to do?

Mr. TAFT. Does the Senator mean for law graduates?

Mr. CONNALLY. I am talking about a professor who has never tried a case and who has never practiced, but has many students with whom he is dealing. Suppose one of them should get a case later on in life, what would he do about it?

Mr. TAFT. If the teachers taught him as our law teachers taught us, he would not pay much attention to what the teachers taught him, but he would examine the decisions of the courts on the particular point and try to find out what the law really was.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the confirmation of the

nomination of Joseph Warren Madden to be judge of the United States Court of Claims?

Mr. TAFT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WAGNER. Mr. President, before the vote is taken, I do not desire to consume any time of the Senate except to request permission to put in the RECORD matters from the record with reference to the disposition of cases before the Labor Relations Board. I ask unanimous consent that the compilation which I send to the desk may be printed in the RECORD at this point as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

CONFIRMATION OF J. WARREN MADDEN AS JUDGE OF COURT OF CLAIMS

I. LEGAL BACKGROUND

Mr. Madden was born in Illinois; graduated from Northern Illinois State Normal School, and received A. B. and J. D. degrees from University of Chicago. He has won an honored place among the country's outstanding legal scholars.

Teacher of law: He has served as a professor of law at the following schools:

University of Oklahoma (1914–16).

Ohio State University (1917–21).

West Virginia University (1921–27), where he also served as dean of the college of law.

University of Pittsburgh (1927–35).

He has also served as law professor for brief, leave, or summer periods at:

Stanford University (1930–31; 1933).

University of Chicago (1925–28).

Cornell University (1930).

Practiced law: Rockford, Ill. (1916–17); Columbus, Ohio, (1917–21).

Author: Cases on Persons and Domestic Relations (1928); Treatise on Law of Domestic Relations (1931); Cases on Rights in Land (1934, with H. A. Bigelow); Introduction to Real Property (1934, with H. A. Bigelow). These works are recognized as foremost in their field.

American Law Institute: Since 1934, he has served as an adviser on the American Law Institute Restatement of Property and Torts. In that capacity he has greatly aided in the development of legal doctrines which are most directly involved in litigation before the Court of Claims.

Legal organizations: Mr. Madden is a member of the American Law Institute, the Pennsylvania and American Bar Associations, and of the bar of the United States Supreme Court.

Public service: While giving most of his time to law teaching, he has actively devoted himself to community, State, and national problems wherever his special training and knowledge would be of service. In 1920 Mr. Madden served as a special assistant in the office of the United States Attorney General. In 1925 he assisted the West Virginia commission on revision and codification in revising property statutes. He served as chairman of the Hill District Community Council, Pittsburgh, from 1933 to 1936; member of the board of Pittsburgh Federation of Social Agencies from 1933 to 1936, and member of board of directors of Pittsburgh Housing Association. In the field of industrial relations he was appointed to membership on the Governor's commission on special policing in industry, which rendered a notable report on the problem of company police; and also served as arbitrator in a serious Pittsburgh street railway dispute.

In August 1935 he was appointed Chairman of the National Labor Relations Board, where he served a full 5-year term.

Under Mr. Madden's guiding hand during this exceedingly difficult period, the Labor Act has won a permanent place in American life. His brilliant argument before the Supreme Court in the Jones & Laughlin case contributed greatly to the final victory. The soundness of his legal judgment in interpreting the law is confirmed by the best available test—a record of approval by our highest Court, surpassing that of any other administrative body in United States history, and even surpassing that of the lower Federal courts.

In the teeth of bitter criticism by antilabor elements in and out of Congress, the Board persevered in holding that bona fide collective bargaining required that agreements once reached shall be reduced to writing. This position has now been upheld by five different circuit courts of appeals and will undoubtedly be approved by the Supreme Court. Such written collective-bargaining agreements have become the prevailing pattern of employer-employee dealing in American industry. They are the essential foundation of industrial peace in our defense industries.

Every fair-minded person who has known Mr. Madden will agree with Senator ASHURST that he is "a gentleman of capability, experience, courage, and high character." (CONGRESSIONAL RECORD, November 29, 1940.) Without his dogged determination, integrity, and devotion to the true principles of the act, it could never have survived the bitter opposition directed at it in every forum. One may disagree with Mr. Madden's view in some isolated case or about some individual subordinate. But at this time it is only fair to pay him tribute for the service he has rendered in these 5 trying years—in establishing on a permanent footing what has been aptly described as the greatest advance in American democracy since woman suffrage.

The nomination to the Court of Claims represents for Mr. Madden a richly deserved promotion. Not a single person appeared in opposition at the public hearing held by the Judiciary Committee, and not a single member of that committee has been recorded in opposition. Mr. Madden will bring to this position not only his long experience in government, his admirable personal traits and judicial temperament, but also his acknowledged scholarship, in the fields of property and torts, so important to the work of that court.

On the entire record, I am completely in accord with the statement wired me by William Draper Lewis, director of the American Law Institute—that as a result of years of personal contact with Mr. Madden, "there is no man better fitted for the judicial office for which he has been nominated."

II. N. L. R. B. 5-YEAR RECORD (SEPTEMBER 1935 TO SEPTEMBER 1940)

Broadside criticism has been directed toward the N. L. R. B. on the basis of a comparatively few isolated cases or individual personnel. A proper evaluation of the work under Mr. Madden can be made only by examining the full record.

Cases handled: 29,806 cases (includes charges of unfair labor practices and petitions for elections) have been filed with the Board since its inception. These cases involved 6,417,545 workers.

Cases closed: 90 percent of all cases filed have been closed by Board action. Closed cases were disposed of as follows: 48 percent by agreement of parties, involving 2,063,433 workers; 17 percent by dismissal by Board or regional offices; 27 percent by withdrawal of charges or petitions; 8 percent by compliance with decisions or trial examiners' reports, certifications, issuance of cease and desist orders, transfers, dismissals of petitions or complaints, etc.

Thus 92 percent of cases closed were disposed of without formal hearings. Only about 3 percent of all charges of unfair labor practices have resulted in final cease-and-desist orders against employers.

Strike cases

Two thousand one hundred and sixty-one strikes were settled, and 869 immediately threatened strikes were averted through N. L. R. B. action. Practically all of the 26,724 cases closed involved a tendency toward industrial strife which was eliminated through prompt and satisfactory action by the Board.

Workers reinstated

Two hundred and eighty thousand one hundred and sixty-eight workers were reinstated after strikes or lockouts and 21,163 workers were reinstated after discriminatory discharges.

Elections

Three thousand four hundred and ninety-two elections were held, in which 1,261,130 valid votes were cast. Almost 10,000 petitions for elections or certifications have been filed, joined in by about 3,000,000 employees. Employers have filed petitions in 83 cases.

About 90 percent of those eligible have cast ballots in N. L. R. B. elections; in the recent General Motors election, the proportion voting exceeded 85 percent. By contrast, only about 62 percent of potential voters cast ballots in the 1940 Presidential election—70 percent in non-poll-tax States and only 21 percent in poll-tax States.

Litigation

No other administrative agency has equaled the Labor Board's record of approval by the courts. In the first 15 years of the Federal Trade Commission, with 22 matters coming before the Supreme Court, the Commission's contention was upheld in 5 cases, modified in 1 case, and wholly reversed in 16 cases. In the first 15 years of the Interstate Commerce Commission, the Commission's contention was upheld by the Supreme Court in 1 case, modified in 1 case, and wholly reversed in 10 cases.

By contrast, in the 25 cases decided by the Supreme Court involving the Labor Act during Mr. Madden's tenure as Chairman, the Board's position was fully upheld in 20 cases, modified in 3 cases and wholly reversed in only 2 cases. In 16 additional cases, the Supreme Court, by denying writs of certiorari, left in force decisions of circuit courts enforcing N. L. R. B. orders. In the circuit courts of appeals, 102 N. L. R. B. final orders have been enforced in toto or with modification, and only 23 final orders have been set aside in toto. Consent-enforcement decrees have been entered in 300 cases. In more than 100 suits filed in district courts to enjoin N. L. R. B. proceedings, the Board was ultimately successful in every case.

In this mass of litigation, the N. L. R. B. has ultimately been held to have exceeded its interstate commerce jurisdiction only once.

Increase in union membership

Under the protection of the act membership in labor organizations has increased more rapidly than in any similar period in our history. Total union membership has increased from 3,600,000 workers in 1935 to almost 9,000,000 in 1940.

Increase in collective agreements

The increasing acceptance of the practice of collective bargaining is evidenced by the recent tremendous increases in the number and coverage of agreements between employers and trade-unions, especially since 1937. For example:

Steel industry: 670 agreements outstanding in 1940, as compared with practically none prior to 1937;

Automobile industry: Over 1,100 agreements outstanding in 1940, as compared with almost complete open-shop conditions prior to 1937;

Electrical equipment industry: 400 agreements now outstanding (300 with International Brotherhood of Electrical Workers, affiliated

with A. F. of L.), in an industry largely untouched by union organization prior to 1933;

Machinery and allied trades: 5,000 agreements outstanding, reported by the International Association of Machinists, affiliated with the A. F. of L., as compared with 1,500 in 1937;

Newspaper publishing industry: 940 agreements with various crafts are now outstanding, as compared with 582 in 1937;

In the year 1939–40, 600 written agreements were directly brought about by National Labor Relations Board action.

Civil liberties

The act has made civil liberties a reality to millions of wage earners, now enjoying unhampered for the first time their constitutional rights of free assembly, speech, press, ballot, and privacy. Among other notable achievements in this field, the National Labor Relations Board has brought about a rebirth of civil liberties in Harlan County, transformed many company towns into free, self-respecting communities; and courageously disclosed labor-spy activity in its early cases, thus laying the groundwork for the La Follette committee investigation.

Reduction in labor strife

General decline: Although union membership, employment, and production have been on the increase, every year since the act was upheld by the Supreme Court has seen a decline in number of strikes—from 4,740 in 1937 to about 2,200 in 1940—a drop of over 50 percent. Time lost in strife has dropped from 28.4 million man-days in 1937 to about 6.3 million in 1940—a drop of over 75 percent. Less working time was lost in 1940 than in any year in the last decade. In proportion to total population, this country has had fewer strikes in 1940 than Great Britain.

Sit-down strikes declined from a peak of 170 in the single month of March 1937 to 6 in the entire year 1939.

Interstate industries: Industrial strife has tended to decline faster in industries wholly or partly subject to the act than in intrastate industries.

Duration of strikes: The average working time lost per striker since the act was upheld has been lower than in the 10-year period preceding, thus showing the effectiveness of existing public and private machinery for prompt settlement of differences.

"Organization" disputes: In 1938 and 1939 only about 15 percent of striking workers were concerned with recognition and discrimination issues, as against 51 percent in 1937, 42 percent in 1936, 50 percent in 1934, 40 percent in 1933, and an average of 30 percent in the period 1928 to 1932, inclusive.

N. L. R. B. cases: Since the first Supreme Court decisions upholding the act in 1937 a high and increasing proportion of workers have taken their "organization" disputes to the N. L. R. B. rather than fight them out on the picket line. Indications of increasing compliance with the act are (1) number of new cases filed in 1939–40 dropped 700 below 1938–39; (2) the proportion of election cases filed has doubled since the first year of the act's operation.

Upon this record, if the basic principles of the law remain unimpaired and it is supported by adequate appropriations for its operation, we may look forward confidently to the complete elimination of the wasteful, bitter, and often bloody struggles over the fundamental right to organize and bargain collectively. This is what the act was designed to do.

C. I. O.-A. F. of L. issues

Handling of cases (fiscal year 1939–40):

Received 2,933 A. F. of L. cases—or 732 more than C. I. O.

Closed 3,284 A. F. of L. cases—or 403 more than C. I. O.

Settled by informal action 1,487 A. F. of L. cases—or 452 more than C. I. O.

Received 1,800 A. F. of L. charges and 1,443 C. I. O. charges. Closed 2,019 A. F. of L. cases and 1,877 C. I. O. cases.

Received 1,133 A. F. of L. petitions and 758 C. I. O. petitions. It closed 1,265 A. F. of L. cases and 1,004 C. I. O. cases.

Reinstated 5,000 A. F. of L. workers after discrimination; 4,500 C. I. O. workers and 500 unaffiliated workers.

Elections: A. F. of L. appeared on ballots 734 times and won 386 elections; C. I. O. appeared on ballots 692 times and won 407 elections.

Collusive contracts: The N. L. R. B. has been widely charged with exceeding its authority in setting aside contracts obtained by a labor organization as a result of employer interference or favor. The Supreme Court has just unanimously upheld the Board's position in this respect. (N. L. R. B. against Serrick Corporation, decided November 12, 1940.)

Bargaining unit: The majority report of the Smith committee, just released, declares: "In connection with disputes over the appropriate unit, the former chairman of the Board has quite consistently subscribed to the use of a formula giving craft-union employees an opportunity to determine whether they desire to be represented by a craft union or whether they desire to be included in a large unit embracing employers generally. He subscribed to the so-called 'Globe doctrine'." Other members of the Board have not agreed to the application of this doctrine where the craft had had no prior history of successful collective bargaining in the plant (E. S. Smith), or where there was outstanding an exclusive bargaining contract with an industrial union (Leiserson). Madden has repeatedly dissented where a Board majority declined to apply the Globe doctrine (e. g. American Can Co.).

In other words, charges that N. L. R. B. decisions in this difficult field indicate bias against craft unions, cannot possibly be directed at Mr. Madden.

III. GOVERNMENT CONTRACTS AND THE FORD CASE

Defense Commission policy: On September 6 the Defense Commission unanimously adopted and published a statement of policy governing the letting of defense contracts, including the following:

"All work carried on as part of the defense program shall comply with Federal statutory provisions affecting labor wherever such provisions are applicable. This applies to the Walsh-Healey Act, Fair Labor Standards Act, the National Labor Relations Act, etc" (H. Doc. 950).

Ford Motor Corporation: The Ford Motor Corporation received on November 6 a contract for 3,000 airplane motors costing $122,000,000; and was also awarded on November 27 a $2,000,000 contract for combat cars. Both contracts were awarded without competitive bidding. The first contract is justified on the ground of imperative need for Ford's facilities; the second apparently cannot be so justified.

The Ford Co has been found guilty of violations of the Labor Act in six separate rulings by the N. L. R. B., concerning plants at Dearborn, Dallas, Buffalo, Somerville (Mass.), St. Louis, Long Beach (Calif.). Hearings have been held and decisions are pending in three additional cases, concerning plants in Richmond (Calif.), Chicago, and Kansas City.

The N. L. R. B. decision in the Dearborn case has been upheld by the Circuit Court of Appeals (except as to the issuance of leaflets by Ford). Ford is appealing to the Supreme Court. The Circuit Court decision upholds the N. L. R. B. in finding that Ford had discharged 24 men for union activity, viciously and brutally assaulted union representatives peacefully attempting to distribute union literature, and assaulted union organizers driving past the plant.

The findings in the above case were made in 1937. In a more recent decision, issued August 8, 1940, the Board found on the basis of overwhelming evidence that in its Dallas, Tex., plant, the Ford Co. had engaged in labor espionage, organized a strong-arm squad that terrorized and assaulted union members and organizers, discharged two men for union activity, and compelled employees to contribute to an anti-union campaign by the company's agents. The Board has found that this program of systematic terror was approved by the main office of the corporation in Dearborn. The Board's findings were supported by uncontradicted testimony of company agents and victims of the acts of violence.

The issue in the Ford case is not whether a corporation should be barred from Government contracts because of a mere technical or minor violation of law. The question is whether a corporation with a labor policy so outrageous and un-American should be given the benefit of Government contracts and whether employees so treated can be relied upon by the country at large to produce armaments essential for the national defense.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the pending nomination? On that question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLMAN (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. STEWART]. I transfer that pair to the junior Senator from Kansas [Mr. REED] and will vote. I vote "nay."

Mr. THOMAS of Utah (when his name was called). On this question I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the junior Senator from Alabama [Mr. HILL] and will vote. I vote "yea."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote on this question, I withhold my vote.

Mr. VANDENBERG (when his name was called). On this question I am paired with the senior Senator from Mississippi [Mr. HARRISON]. If he were present, he would vote "yea." If I were at liberty to vote, I should vote "nay." I am unable to obtain a transfer and therefore withhold my vote.

The roll call was concluded.

Mr. DAVIS (after having voted in the affirmative). I have a general pair with the Senator from Kentucky [Mr. CHANDLER]. I am advised that if he were present he would vote as I have already voted. Therefore I will let my vote stand.

Mr. BANKHEAD (after having voted in the affirmative). I have a general pair with the Senator from Oregon [Mr. MCNARY]. I transfer that pair to the Senator from Florida [Mr. PEPPER], and will let my vote stand.

Mr. MINTON. I announce the necessary absence from the Senate of the Senator from North Carolina [Mr. BAILEY], the Senators from Mississippi [Mr. BILBO and Mr. HARRISON], the Senator from Michigan [Mr. BROWN], the Senator from

South Dakota [Mr. BULOW], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senators from Louisiana [Mr. ELLENDER and Mr. OVERTON], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from New Mexico [Mr. HATCH], the Senator from Iowa [Mr. HERRING], the Senator from Alabama [Mr. HILL], the Senator from West Virginia [Mr. HOLT], the Senator from Delaware [Mr. HUGHES], the Senators from Oklahoma [Mr. LEE and Mr. THOMAS], the Senator from Connecticut [Mr. MALONEY], the Senators from Tennessee [Mr. MCKELLAR and Mr. STEWART], the Senator from Montana [Mr. MURRAY], the Senator from Florida [Mr. PEPPER], the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], and the Senator from Massachusetts [Mr. WALSH].

Mr. AUSTIN. I announce the following general pairs:

The Senator from Oregon [Mr. MCNARY] with the Senator from Alabama [Mr. BANKHEAD].

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS].

I am advised that my colleague, the Senator from Vermont [Mr. GIBSON], would vote "yea" if present.

The Senator from Oregon [Mr. MCNARY] is absent on account of illness.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Kansas [Mr. REED], the Senator from Massachusetts [Mr. LODGE], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The result was announced—yeas 36, nays 14, as follows:

YEAS—36

Adams	Connally	Lucas	Schwartz
Ashurst	Danaher	McCarran	Sheppard
Bankhead	Davis	Mead	Thomas, Utah
Barkley	Gillette	Miller	Truman
Bone	Green	Minton	Van Nuys
Bunker	Guffey	Neely	Wagner
Byrnes	Hayden	O'Mahoney	Wallgren
Caraway	Johnson, Colo.	Reynolds	Wheeler
Chavez	King	Russell	Wiley

NAYS—14

Austin	Capper	Hale	Taft
Ball	Clark, Mo.	Holman	White
Burke	Frazier	Johnson, Calif.	
Byrd	Gurney	Nye	

NOT VOTING—46

Andrews	Ellender	Lee	Smathers
Bailey	George	Lodge	Smith
Barbour	Gerry	McKellar	Stewart
Bilbo	Gibson	McNary	Thomas, Idaho
Bridges	Glass	Maloney	Thomas, Okla.
Brooks	Harrison	Murray	Tobey
Brown	Hatch	Norris	Townsend
Bulow	Herring	Overton	Tydings
Chandler	Hill	Pepper	Vandenberg
Clark, Idaho	Holt	Radcliffe	Walsh
Donahey	Hughes	Reed	
Downey	La Follette	Shipstead	

Mr. CLARK of Missouri. Mr. President, may the result be again announced?

The PRESIDENT pro tempore. There are 36 yeas and 14 nays. Therefore, the Senate advises and consents to the nomination of Mr. Madden.

Mr. BARKLEY. I ask that the President be notified, Mr. President.

The PRESIDENT pro tempore. Without objection, the President will be notified.

POSTMASTER—JOHN LESTER GREENE

During the delivery of Mr. TAFT's speech,

Mr. HAYDEN. Mr. President, will the Senator from Ohio yield to me?

Mr. TAFT. Certainly.

Mr. HAYDEN. By direction of the Committee on Post Offices and Post Roads, I report favorably the nomination of John Lester Greene to be postmaster at Broken Arrow, Okla. I ask unanimous consent that the nomination be confirmed and the President notified.

The PRESIDING OFFICER (Mr. LEE in the chair). Is there objection to the present consideration of the nomination? The Chair hears none.

The legislative clerk read the nomination of John Lester Greene to be postmaster at Broken Arrow, Okla.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11:30 o'clock a. m. tomorrow, to meet in the regular Senate Chamber.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until tomorrow, Friday, January 3, 1941, at 11:30 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 2, (legislative day of November 19, 1940), 1941

UNITED STATES COURT OF CLAIMS

Joseph Warren Madden to be a judge of the United States Court of Claims.

DEPARTMENT OF COMMERCE

Edward P. Warner to be a member of the Civil Aeronautics Board in the Department of Commerce.

POSTMASTER

John Lester Greene, Broken Arrow, Okla.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 2, 1941

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art above all things—all tumults, all conflicts, all life, and supreme from everlasting to everlasting—hear us while we pray; let the musings of the eternal mind murmur around us. In our relation to our country, our homes, the good, the bad, the rich, and the poor, we pray that the sweetness and the tenderness of the Christian spirit may assert itself. Oh, let our souls bring from the fields of valiant faith the living sheaves of God. Blessed Father, may the hungry have bread, the homeless shelter, and our people everywhere comfort; help us all to follow the heavenly music of our Master's message. Our loved ones near and far, ever keep them beneath the shadow of Thy wing. We rejoice that Thou hast been our dwelling place in all generations. Before the mountains were brought forth or ever Thou hadst formed the earth and the world, even from the beginning of time, Thou art God. Let Thy work appear unto Thy servants and Thy glory unto their children. When our course runs out at the ebb of the world that we love so dearly, may we have a welcome to our Father's arms, through Him who became the manger Babe but now is glorified forever as the world's Saviour. In our dear Redeemer's name. Amen.

The Journal of the proceedings of Monday, December 30, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey;

H. R. 10712. An act to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.; and

H. J. Res. 623. Joint resolution to extend the date for filing a report by the United States Commission for the Celebra-

tion of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders of the day and the disposition of the legislative program today I may be permitted to address the House for 10 minutes on the proposal of the Federal Reserve Board.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE FEDERAL RESERVE BOARD

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

AGAINST FEDERAL RESERVE BOARD PROPOSALS

Mr. PATMAN. Mr. Speaker, the Federal Reserve Board, through Mr. Eccles, has made some very startling proposals. They are startling, coming from a Board that has caused this country so much misery and misfortune in the past. As one Member of Congress, I expect to oppose what Mr. Eccles has proposed to this Congress. We gave him power one time and he abused that power, and the Board on a number of occasions has abused its power. In 1936 and 1937 they doubled the reserve requirements of banks and thereby plowed under about $3,000,0000,000, and put this country into a tailspin from which we have not fully recovered.

I think instead of giving them more power we should abolish that Board and establish a new agency that will be an agency of the Congress to deal with these matters. [Applause.]

[Here the gavel fell.]

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

Mr. RANKIN. Mr. Speaker, reserving the right to object, I want to ask the gentleman a question.

The SPEAKER. The time of the gentleman has expired.

Mr. RANKIN. But the gentleman has asked unanimous consent to revise and extend his remarks, and I reserved the right to object. Let me ask the gentleman from Texas if it is not a fact also that the Federal Reserve Board, in 1920, right after the close of the World War, arbitrarily raised the rediscount rates and compelled the calling of loans that threw this country into a panic and broke practically every farmer in America?

Mr. PATMAN. I think the gentleman is correct in his statement.

Mr. COX. Will the gentleman yield? Is it not a fact that one of the serious objections raised against the Federal Reserve Board is that they will not recognize soap wrappers as good money? [Laughter.]

Mr. RANKIN. I will say to the gentleman from Georgia that it is owing to whose soap was wrapped in it. They do not seem to recognize anything except the interest of a certain group of bankers.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RESIGNATION FROM HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation:

DECEMBER 31, 1940.

Hon. SAM RAYBURN,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I have today transmitted a letter of resignation as a Representative in the Congress of the United States from the Eleventh District of Missouri to the Governor of Missouri, my resignation to become effective as of January 1, 1941, as upon that day I am taking the oath of office and qualifying as circuit attorney for the city of St. Louis.

Respectfully yours,

THOS. C. HENNINGS, Jr.

SIGNATURE TO ENROLLED BILLS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House the Clerk may be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills passed by the two Houses and found duly enrolled.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HOUSE CHAMBER

The SPEAKER. The Chair desires to announce that the temporary repairs to the Capitol have been completed and that the opening session of the Seventy-seventh Congress will be held in the Chamber of the House of Representatives at the Capitol at noon on Friday, January 3, 1941.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent that after disposition of matters on the Speaker's table and any other special orders I may be permitted to address the House for 8 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEWIS of Ohio. Mr. Speaker, I ask unanimous consent that after the disposition of the special orders already made I may be permitted to address the House for 10 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the President's speech and to include therein a very favorable appraisal, an editorial from the New York Times.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON WILD LIFE CONSERVATION

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a report on behalf of the Select Committee on Wild Life Conservation pursuant to House Resolution 65.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, is this a unanimous report of the committee?

Mr. ROBERTSON. It is a unanimous report.

Mr. MARTIN of Massachusetts. There are no minority views?

Mr. ROBERTSON. It was revised today. I could not, therefore, file the report until today.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein the text of a bill which I shall introduce tomorrow.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House today for 8 minutes after the other special orders.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House today for 10 minutes at the conclusion of the other special orders.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein one resolution from the State Hotel Men of California and two resolutions from the California State Firemen's Association.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein

a speech delivered by Hon. Joe Hutcheson, Jr., United States circuit judge of Texas, at Stratford, Va., October 12, the anniversary of the death of General Lee. With the accompanying notes and quotations, it will exceed by one page the two pages allowed under the rule. I ask unanimous consent that notwithstanding this I may extend it.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, if every local union in the country would take the attitude toward national defense that was taken by the members of Local Union 1864, S. W. O. C., of Berwick, Pa., in my congressional district, there would be no cessations of work on materials necessary for national defense. I quote from an article which appeared in the Berwick Enterprise:

WALK-OUT ENDS AS UNION VOTES TO RETURN TO WORK—RESPOND TO PRESIDENT'S PLEA OF NO CESSATION AND MEN BACK TODAY—SOLICITORS AT GATES

Members of Local Union 1864, S. W. O. C., voted to return to work today in response to the plea of the President of the United States that there be no cessations of work on national-defense contracts.

Feeling that it is their patriotic duty to cooperate with the national-defense program, the union members also voted to make up for the loss of the day's production by either working on a Saturday at straight time, or else working extra hours each evening at straight time until the time is made up, whichever the company desires.

A resolution adopted at the union meeting last night at West Side Park pointed out that the union feels that the stoppage of work yesterday was justifiable in the light of the incidents which provoked it, and that it was only because of the national emergency that the union took immediate steps to resume production and make up for any losses.

The members of the union are employed by the American Car & Foundry Co., which is engaged in building tractors.

I congratulate the members of Local 1864 on their good sense and patriotism.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a short newspaper article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 6 minutes today after the other special orders.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD, and include an editorial from the current issue of the Saturday Evening Post.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. COLE] may have an indefinite leave of absence on account of illness.

The SPEAKER. Without objection, it is so ordered.

Mr. MARTIN of Massachusetts. Mr. Speaker——

The SPEAKER pro tempore (Mr. MCCORMACK). The gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 647

Resolved, That the thanks of the House are presented to the Honorable SAM RAYBURN, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over its deliberations and performed the arduous duties of the Chair.

[Applause, the Members rising.]

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. MARTIN of Massachusetts. Mr. Speaker and my colleagues of the Seventy-sixth Congress, it is a distinct pleasure for me to offer this resolution on this occasion, which I believe we all will agree is the final session of this Congress. [Applause.] It is a pleasure to offer the resolution because it signifies my honest appraisal of a warm personal friend and one who has endeared himself to every Member of this House.

As majority leader the gentleman from Texas [Mr. RAYBURN] acquitted himself as a great American and as an able leader of a great party. He won the affection and respect of everyone, and we were all happy to see him elevated to the high position of Speaker. In the performance of the duties of the great office of Speaker he has given evidence of what we expected. He was able, impartial, and just, fully measuring up to the many brilliant Speakers who have preceded him. I am happy to pay through this resolution this tribute to a great American and a great parliamentarian.

I also wish to express at this time my appreciation of my good friend the gentleman from Massachusetts, who has lately been elected majority leader of the House. I have been privileged to enjoy his friendship for a good many years and I know the Democratic Party has honored itself in electing him to that high position.

If I may, I want also to express my appreciation to my own good friends on the Republican side of the aisle, who have so loyally supported me in my endeavors during the last 2 years. I am profoundly gratified and appreciative for their loyalty and splendid cooperation. [Applause.]

I wish to thank also those on the majority side for their many indications of approval and respect shown me. We all come to Congress actuated by but a single purpose, and that is to promote the welfare of the common country. We may differ as to how that objective may be achieved, but I believe all will agree with me we are all honest in our convictions and our purposes. That is what makes it possible for us to have such a splendid comradeship in the House. It is through honest differences of opinion and debate we reach the best conclusions. This is Americanism functioning in the American way. This must be continued if the people are to rule.

Mr. Speaker, I move the adoption of the resolution. [Applause.]

The SPEAKER pro tempore (Mr. MCCORMACK). The question is on agreeing to the resolution offered by the gentleman from Massachusetts [Mr. MARTIN].

The resolution was unanimously agreed to.

The SPEAKER. May I thank the gentleman from Massachusetts [Mr. MARTIN] and all of my colleagues. Tomorrow I hope to have the opportunity of making a statement to the House of Representatives and the new Congress.

To those who are leaving us I want to say that you carry with you into private life our friendship and our high regard. Many of you we hope and expect to see back here some time in the future.

CHOCTAW INDIANS OF THE STATE OF MISSISSIPPI

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3524) conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi and its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. PITTENGER].

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from Minnesota explain the bill?

Mr. PITTENGER. Mr. Speaker, this is a jurisdictional bill which was reported by the Committee on Indian Affairs. The gentleman from Wisconsin [Mr. SCHAFER] made a favorable report on this bill by direction of the Committee on Indian Affairs. The gentleman from Oklahoma [Mr. ROGERS] is interested in the bill. If he is here, I shall yield to him at this time for an explanation if he so desires.

This bill was framed to meet certain veto objections to another bill and, as I understand, it has the unanimous report of the Committee on Indian Affairs. The bill confers

jurisdiction on the Court of Claims to consider various Indian claims against the Government.

Mr. MARTIN of Massachusetts. These are claims that Congress has turned down in previous years?

Mr. PITTENGER. No; I do not think they have ever been presented to the Court of Claims.

Mr. MARTIN of Massachusetts. How old are these claims?

Mr. PITTENGER. I cannot say how old they are. They grew out of treaties and the failure of the United States Government to live up to its treaty obligations. There was only one objection to this bill when it was presented some 2 weeks ago and at that time it was not altogether an objection as I understand the situation. The request was made that it go over until another date.

Mr. MARTIN of Massachusetts. This permits the Indians to go to court and have their claims heard?

Mr. PITTENGER. That is correct. It does not involve an appropriation of money but simply permits the Indians to go into court, and if they have a legitimate claim under their treaties and dealings with the Government they will have a chance to establish that claim.

Mr. MARTIN of Massachusetts. How much money is involved?

Mr. PITTENGER. I do not believe I can state that. I do not think anyone knows.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, I received a letter from the Department of Justice in reference to this bill and in its present form, as reported by the Committee on Indian Affairs, it is highly objectionable because it takes away from the Government the power to defend itself in the Court of Claims; therefore I object.

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi [Mr. RANKIN] is recognized for 10 minutes.

AGRICULTURE AND THE FEDERAL RESERVE SYSTEM

Mr. RANKIN. Mr. Speaker, as the Representative of an agricultural State, and one who was sent to the Congress by the toiling farmers and the small businessmen of his district, I rise to voice my opposition to the most dangerous suggestions that have just been made by the representatives of the Federal Reserve System—a proposal to take from the Congress and the President of the United States and vest in the hands of a banker's fascisti the constitutional prerogative of controlling our monetary system.

The Constitution says that the Congress shall have the power to "coin money and regulate the value thereof"; yet, spread all over the front pages of the metropolitan press this morning, we find a suggestion by these bankers, these representatives of the vested interests, that the Congress and the administration surrender their prerogatives, their control over the finances of the Nation, and turn them over to these selfish interests, thereby establishing a financial fascisti in this country as dangerous, in my opinion, as any fascisti that exists in any other section of the world, so far as the toiling farmers of this country are concerned.

In 1920 the Federal Reserve System, under Gov. W. P. G. Harding, after collusion with certain big financial interests, and in the midst of crop time, when wheat, cotton, and corn were in the field, arbitrarily raised the rediscount rate and called loans all over the Nation, driving the prices of wheat, corn, cotton, hogs, lumber, and other raw materials far below the cost of production. It brought on one of the greatest depressions in all the history of the Nation and ruined farmers in every section of the country, and especially in the South and West.

In 1929, when the Hoover panic came on, they attempted to save a few big financial institutions, but let the farmers of the Nation go to ruin.

What they want to do now is free certain investments and guarantee that they will be paid for out of the blood and sweat of the American people. What they want to do is to stabilize the farmers of the country in their present misery. Agricultural prices are all out of line with the prices of things the farmer has to buy, with the result that the farmers of this Nation are losing their homes in every State in the Union. They are selling wheat and cotton at the same price or below the price at which they were sold during the Taft administration, when the farmers of the West, joining with the farmers of the South, revolted and changed the administration. The large banking institutions and the large insurance companies own more farms today than in all the history of the country, and more farmers are going into bankruptcy because of the low prices of the things they have to sell.

I read to the Congress just the other day a statement showing that our program of limiting farm production has increased production of cotton in Brazil. Where they made less than 100,000 bales of cotton in the State of Sao Paulo, Brazil, in 1932, in 1939 they made 1,260,000 bales, which is more than the State of Mississippi will make this year, and remember that Mississippi is the second largest cotton-growing State in the Union.

It makes me sympathize with the farmers from the West and the Midwest who are complaining that their meat market is being transferred to Argentina when I see this condition prevailing throughout the length and breadth of the land.

If we agree to this proposal and take from ourselves and from the President this power of control over our financial system what can we hope for? Shall we continue to borrow from the rich to give to the unemployed poor, to pile up a national debt for our children and our children's children to pay interest on for the next thousand years? Does any intelligent man think that we can ever balance the Federal Budget on the present price levels? Are we to gather the gold of the world and bury it in the ground in Kentucky, denature it, if you please, and refuse to issue money against it, and then turn it over to this banking fascisti, while the farmers and small businessmen of the Nation are ground into the dust of depression and their hopes for recovery destroyed? I, for one, do not propose to remain silent while such a proposition is being advocated.

I was one of the men who introduced the bill to give the President the right to reduce the gold content of the dollar and to give him the right to issue $3,000,000,000 in currency. My only regret is that he has not exercised it. If he had issued that $3,000,000,000 in 1933, in my opinion we would have averted a great deal of the troubles through which we have passed.

The small farmer, the man who tries to own his own home, the man who is maintaining this Government, the man whose son volunteered first, is losing his home because he is compelled to sell his crops below the cost of production and to leave home and seek employment in some other enterprise in order that he may be able to meet his daily needs.

What are we coming to? What will the Republic be worth when you destroy these people who produce the raw materials that feed and clothe the world? What is the world fighting about today? Living space, soil, territory, raw materials of every kind of which we can produce an abundance.

If we follow this dangerous policy that is outlined by the Federal Reserve System, we will finish the strangulation of the toiling farmers of America. I for one do not propose to sit idly by and see them get by without a protest. [Applause.]

EXTENSION OF REMARKS

Mr. HOFFMAN asked and was given permission to revise and extend his remarks in the RECORD.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein a resolution of inquiry regarding Nazi and Communist activities in the other American republics.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

The SPEAKER. Under the previous order of the House, the gentleman from Michigan [Mr. WOODRUFF] is recognized for 8 minutes.

THE UNITED STATES AND THE EUROPEAN WAR

Mr. WOODRUFF of Michigan. Mr. Speaker, aside from any question of where the sympathies of the American people

lie in the present World War, and aside from any question of the extent to which the American people are willing to go in aiding Great Britain, Greece, and China in the wars, and aside from any question of whether or not the opposition of an overwhelming percentage of the American people against our becoming involved in the war has been changed by propaganda into a willingness to go part way into the conflict, it remains a grave and important fact that the American people, who will have to do the fighting and the dying and the paying in any war in which we are concerned, ought to be told frankly and candidly just whither we are bound, what steps are being taken to get us there, and what the military, economic, political, and sociological results will be.

Therefore, it is aside from all of these considerations, and solely in the interest of giving the people a chance to look squarely at facts which are having and will continue to have a grave bearing upon their welfare, if not their lives, that I am making this statement today.

The administration's proposal to make the United States "an arsenal" for Great Britain, Greece, and China is a proposal to take the United States into the war further and further, step by step, on the lease-lend plan without the consent of the Congress or of the people.

Of course the United States is in the war now—and has been for many months. We were taken into the war by Presidential action without the knowledge or consent of either the Congress or the people. That fact is not now denied by those who would deal frankly with this question.

The latest proposal to "lend" or "lease" equipment and munitions of war, food, clothing, and other necessities to Great Britain and her allies, and to China, is a proposal to give all these supplies and equipment to the belligerents on one side of the conflict. The shallow pretense that the billions piled upon billions of dollars' worth of equipment and supplies will be returned "in kind" after the war is so absurd as to be an insult to American intelligence. Not a dime or a dollar's worth of equipment or supplies "in kind" will ever come back to us after the war, and no one knows that any better than the President and his advisers.

Now that the neutrality statutes have been summarily kicked aside and the United States is in the war, actually if not actively and aggressively, the administration proposal is for us to act as the world's banker for war. That also means that after the war is ended we will be called upon to act as the world's banker for rehabilitation and recovery. That we will be propagandized to feed the world and to provide the money for rebuilding it after the war is over is just as certain as it is that we are being taken actively into the war now against the overwhelming opposition of the American people.

Our national debt will rise to uncounted billions not now even foreseeable or imaginable.

All of these are facts of today. Regardless of whether or not we agree or disagree with the policy behind them, it certainly is true that the American people ought to face squarely the facts and the fruits of the administration's policy so the Nation may know whither we are being led, what we are getting into, and what we must look forward to in the future.

The propagandists for war currently insist that our contribution will be dollars and not men. A little while ago these same propagandists were vehemently insisting that if we would only manufacture and sell planes and other munitions and implements of war to Britain and France there would be neither need nor demand on the part of Britain and her Allies for money or credits.

It is a fact which cannot be denied by any honest and intelligent person that England cannot be the victor in this war, Germany and Italy cannot be defeated, and the subjugated countries released from the oppressions of these dictators without a huge army fighting its way through the subjugated countries and into Germany. England does not have this manpower, and it is perfectly certain that when we are in the war far enough the demand will come for an American expeditionary force of several million American boys to be sent across to do the fighting. The Navy will, of course, go in first.

Whether all of these moves are or are not proper ones, it is dishonest, un-American, and utterly dangerous to the security of this Nation to try to fool the American people into this war. The necessity now is for a united nation to put forward every possible effort to build up a defense and to send aid to Britain, Greece, and China, since we are now fully and irretrievably embarked on that course. Common sense ought to show the members of the administration and the Congress, as well as the leaders of thought in every section of the country that if the American people are fooled into this war, if they are blindfolded and led step by step into it, we will not be in the war as a united nation but as a divided nation—and that would be fatal in any event.

The American people are entitled to the truth about what is being done. Some of us in Congress are still determined that they shall have those facts, insofar as it remains in our power to reveal them.

Of course, since the President's radio address of Sunday evening, December 29, any citizen, Member of Congress or otherwise, who dares to call for facts, logic, and reason instead of agreeing with whatever policy the administration desires to pursue may expect to be branded either as a "fifth columnist" or "an unwitting aide of the dictators." An attempt has been made to foreclose free and fair discussion of this question of going into war. There are some Members of Congress, however, who do not intend to be terrorized or intimidated by the prospect of the abuse which will come to them for endeavoring to pursue at least a frank and open course in this question of the Nation going to war. [Applause.]

Mr. Speaker, I ask unanimous consent to include, following my remarks, a short article by Mr. John T. Flynn, the eminent economist and writer.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The article referred to follows:

NEW YORK, December 30.—A strange report comes from Washington. It has a direct bearing on the proposal to lend merchant ships and warships to Britain.

The report is that Britain has not been able to get enough men to form crews for the destroyers—the 50 destroyers—we have already traded to Britain. Several of these destroyers, we are told, have not yet been put into service because of the lack of crews.

This is due to the fact that England has not been able to train men fast enough to make up for the immense losses that have been sustained by the Navy and the merchant marine as the result of sinkings. Whether this report is true or not remains to be seen. We can only say it comes from a source friendly to England.

If this be true, then what will be the first consequence of lending large numbers of merchant ships and naval vessels to England? There seems little doubt that the next demand will be for men to handle them.

Thus every step we take seems to lead inevitably to the very brink of war. First, lend money to Britain. This cannot be done very well because a loan of money would be grotesque. So, following the logic of the slogan that "This is our war," we find a way around that. Therefore we say lend Britain, not money, but planes, ships, naval vessels, arms. But having gone this far, we are confronted with the proposition that these will be no good to Britain unless we can furnish the skilled men also to handle them. Will we just lend them? And will we say this is not going to war?

At least Congress should, before it takes any step along this fatal road, investigate what it is doing.

Is it a fact that any part of the destroyer fleet already sent to Britain is tied up for lack of men? Is it a fact Britain has not the skilled men to handle such ships and war vessels as we may "lend" to her? And if this is a fact, how will she use these vessels without our loan of men as well as the ships and planes?

This is so vital, so grave a step Congress must ask for unmistakable evidence, not merely the assurance of some interested propagandist. It must have facts, for it is playing with the lives and the democracy of the American people.

The truth is that the "Get into the war" groups were getting bolder every day in this country until William Allen White brought them up with a jerk with his statement. And the basis on which the war groups want us in the war is this very one of men—men in Europe when the time comes, men now where they are most needed in the skilled positions. The other reason, of course, is to create a war dictatorship to speed production.

We have set fire to a little patch of trees in the forest. It will be only a little while before the whole forest will be on fire.

ANNOUNCEMENT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I desire to announce to my Democratic colleagues that the caucus called for this afternoon at 4 o'clock will be held in the Chamber of the House of Representatives in the Capitol.

THE UNITED STATES AND THE EUROPEAN WAR

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, I dislike to find myself in opposition to views expressed by my long-time and devoted friend the gentleman from Michigan [Mr. WOODRUFF] who has just addressed the House, but there are two sides to the picture which he has been exhibiting to you, and both are hideous. We have reached the point where the road forks and must take either one branch or the other and, as sensible men, we know that both lead to a state of misery and distress, but as upstanding Americans, we must make our choice.

I grant you that pursuing the course outlined by the President may probably lead us to war, and that war would virtually bankrupt the Nation and possibly mean our coming out in some form of totalitarian state, but I get comfort out of the thought that in the building of a great Army we are creating a stabilizing influence that will bring us through as a free people, and that we will survive as a democracy.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

[Here the gavel fell.]

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 3 minutes provided he will yield for a question or two.

The SPEAKER. The Chair thinks the Chair should not entertain that request unless it is satisfactory to the gentlemen who have permission to address the House, but the Chair will put the request if it is satisfactory to the gentleman from Ohio [Mr. LEWIS], the gentleman from Michigan [Mr. HOFFMAN], the gentleman from California [Mr. VOORHIS], and the gentleman from Pennsylvania [Mr. RICH]. Is there objection to the request on the part of any of these gentlemen?

There was no objection.

The SPEAKER. Without objection, the gentleman from Georgia is recognized for 3 additional minutes.

There was no objection.

Mr. COX. Mr. Speaker, I do not want to transgress upon the time already allotted to these gentlemen; but if they have no serious objection, I would like to proceed for at least a few more minutes.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. COX. In just a moment, please.

I gladly concede that the so-called fireside message of the President may be subject to fair criticism because it was, in effect, a Presidential declaration of a will to war if war be the consequence of continued aid to England, but I understood the message as it was spoken in the only language I know; and if I had any criticism to make at all of what he said, it would be that, possibly, it amounted to some encroachment upon the prerogatives of the Congress and that it failed to tell the whole story. The President could have said a great deal more, and all of which I would have approved. I am not criticizing his message. We have committed ourselves to the proposition of extending all possible aid to England short of war, and yet I realize, and I think I know, that going further in this direction means our active participation in war.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. COX. And I know, too, that it will not be a limited affair so far as we are concerned, but that it will be a total war not only as to England but as to the United States as well.

I yield to the gentleman.

Mr. KNUTSON. What has occurred since election to have brought out the remarks made by the President in his bedside talk, or, I mean, fireside talk, Sunday?

Mr. COX. Nothing; unless it be an aroused sentiment that is spreading throughout this entire country. I think the President's message reflects the will, the wish, and the determination of the American people. [Applause.]

Mr. KNUTSON. Does the gentleman think that by our getting into the war we will more securely perpetuate democracy in this country?

Mr. COX. Well, I am not going to say that we will, but it may result—and I have the hope to believe it will result—in saving the British Empire, and in saving the British Empire we save ourselves.

Mr. KNUTSON. Has the gentleman given any thought to the danger that if we get into the war——

Mr. COX. Of course, I have.

Mr. KNUTSON. That we will have totalitarianism in this country?

Mr. COX. Of course, I have given thought to it and the thought has given me great distress. I am not overlooking the fact of what it means to our people to become involved in this war. I know, as I have said, it possibly means bankruptcy and it may mean the loss of our form of government, but I do not think so.

Mr. KNUTSON. Is the gentleman more concerned with the preservation of democracy or the preservation of the British Empire which he just mentioned a moment ago?

Mr. COX. The gentleman knows that I often differ from the President, but I think the President is here trying to save America and he believes that in saving England he makes America secure. That is what I believe.

Mr. KNUTSON. How can we save ourselves by bleeding ourselves white, such as the war will entail?

Mr. COX. We can save ourselves by helping curb the influence which, left unbridled, will enslave our people economically. We want to live a free people and are willing to war for that right.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman have 1 additional minute.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. COX. I yield to the gentlewoman.

Mrs. ROGERS of Massachusetts. I know in the last session of Congress the gentleman from Georgia was very anxious to have us given full and complete advice as to how we stood regarding national defense. He was not successful. We felt speed, more speed, was needed for our Nation's defense. I tried, as did others, to have that information given to us. I introduced a number of resolutions of inquiry for that express purpose. I know the gentleman in the next session of Congress will insist that we be given full information.

Mr. COX. I think the President should, of course, work in close cooperation with the Congress.

Mrs. ROGERS of Massachusetts. Regarding what is going on in Europe, also the Near East and the Far East and in the Western Hemisphere.

Mr. COX. I think there should be a single mind and a single thought on this whole subject.

Mr. McCORMACK. Will the gentleman yield right there?

Mr. COX. With pleasure.

Mr. McCORMACK. Of course, in making that statement the gentleman recognizes, and I am sure the gentlewoman from Massachusetts recognizes, that there are some things that are not compatible with public interest to make public.

Mr. COX. Why, of course, I do.

The SPEAKER. The time of the gentleman from Georgia has again expired.

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, the trouble with the fireside chat and the thing that bothers real Americans is this: Is it a cloak to cover up the deficiencies of our production of defense supplies? Is it a cloak to cover up the deficiencies which are delaying the construction of cantonments for months and months? That is the thing that bothers real patriotic Americans. [Applause.]

[Here the gavel fell.]

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. LEWIS] is recognized for 10 minutes.

THE PANAMA CANAL

Mr. LEWIS of Ohio. Mr. Speaker, on December 21, 1940, I returned from a trip to the Panama Canal Zone, where I spent 4 days. I am sure that all of us recognize that the Panama Canal is the life line of the Nation, not only in a commercial sense but in a military and naval sense as well. With a one-ocean navy and the imminent possibility of having to face naval enemies in two oceans, the Panama Canal affords us the only means of quickly shifting our naval forces from one ocean to another to meet whichever threat is most imminent. It is therefore in a military and naval sense an absolutely vital link in our national defense.

I had previously visited the Canal before Congress had appropriated the hundreds of millions of dollars that have since been authorized or appropriated for its defense, and because I realize that the Canal is such a vital link in our chain of national defense I was anxious to see what progress has been made in its protection. I found the Canal Zone a beehive of activity, with barracks for troops being erected in many parts of the zone and defense works of many kinds in process of construction. I had hoped to see the work of defense much further advanced than it is. It will be months yet before the protective works are completed. Fortresses already existing mount 14-inch and 16-inch guns at both entrances to the Canal, and these in time of war would doubtless be supplemented by mine fields and other defense works, so that an attack by surface ships upon the Canal is practically out of the question.

The rugged terrain on both sides of the Canal for hundreds of miles, covered as it is with tropical jungles and practically completely devoid of highways, or even trails, makes a successful attack from the land almost impossible. The danger to the Canal, therefore, in my opinion, and in the opinion of the military authorities on the grounds with whom I talked, will come from an air attack which will seek to block the Canal by either destroying the locks or the dams that hold back the waters of Gatun Lake or Miraflores Lake, or both. The planes making such an attack could come from an airplane carrier protected by warships and lying several hundred miles at sea in either ocean, or the planes could come from land bases such as the island of Martinique, where a hundred American-made bombers destined for France were taken after the collapse of France last spring. The existence of those bombers at the island of Martinique consitutes a serious potential threat to the safety of the Canal.

There are also in certain Central American and South American countries landing fields for airplanes already constructed, and while no known force of bombing planes is located on any of these fields it might be possible for a potential enemy to transport planes to such fields by means of some of the commerce raiders that are now known to be at sea. It might also be possible for enemy agents to transform existing commercial airplanes into bombers for an attack upon the Canal.

Existing means for defense against an attack from the air consist first of antiaircraft batteries placed at strategic intervals throughout the Canal Zone. These batteries, however, for the most part consist of guns not of the most modern and effective type. Every battery of antiaircraft guns in the Canal Zone should consist of the very latest and best types of antiaircraft guns available. That change should be made immediately.

The other means of defense against bombing from the air is, of course, pursuit planes for the purpose of destroying or driving off an attacking fleet of bombers. In this means of defense the Canal is almost wholly lacking. It is true that there is a force of pursuit and fighter planes in the Canal Zone, but these planes are not of the latest type and their effectivenes against the latest type bombers is very doubtful. Their speed is not the speed of the latest type, and speed in the air as well as armament seems to be the determining factor of air battles. If there is one place in our whole system of national defense where we should have an overwhelming force of the most modern pursuit and fighter planes it is the Canal Zone. Congress should see to it that this vital defect in the defense of the Canal is remedied at once.

In this connection it should be stated that the fortified area around the Canal is entirely too restricted. The Canal Zone consists of a strip of land running across the Isthmus of Panama approximately 10 miles in width. For the successful operation of the Canal in peacetime that width is entirely adequate, but for the adequate protection of the Canal against attacks from the air by modern bombers that now fly at a speed of 350 miles per hour a 10-mile-wide zone is nothing. The United States should proceed immediately to acquire from the Government of Panama the right to fortify strategic points for a distance of at least 300 miles on each side of the Canal. Until this is done it cannot be said that we have adequate protection for the Canal against raids from the air. The acquisition of strategic areas for fortification in the Republic of Panama will, of course, have to be worked out with the authorities of that Republic, but it should be done immediately.

Perhaps the most serious and imminent danger to the Canal, however, is from sabotage. The Canal Zone is, of course, the crossroads of the Western Hemisphere. Upon the Canal converge all steamship lines from east to west. The ships of every nation use the Canal for transit between the oceans. At one time I counted from the air over the Canal 12 ocean steamers anchored off the Pacific end of the Canal awaiting transit and within a few minutes I was able to count an almost equal number anchored off the Atlantic end of the Canal awaiting transit in the other direction. Because it is a crossroads of the western world the population of the Canal Zone is made up of people of practically every race and nationality. In such a polyglot population it is very easy for spies and saboteurs to conceal their identities. It is not too much to say that the Canal Zone and the Panamanian territory adjacent thereto is a hotbed of international spying and intrigue and potential saboteurs. Precautions have naturally been taken by the American authorities charged with the protection of the Canal against possible acts of sabotage. High woven-wire fences surmounted by barbed wire enclose all such vital areas as the locks and dams. Constant guard is maintained both day and night in all such areas. At one time the slopes of Gatun Dam were used as a public golf links. No such use is now permitted. I was informed that only those having official business inside the forbidden areas are permitted to enter, and yet while I was there an exception was made in behalf of certain civilian unofficial guests and they were permitted to see the most secret points of certain vital areas. Doubtless no harm was done by this one exception to the general rule, as I am sure that these unofficial guests were and are loyal, patriotic, and discreet, but the disturbing thing in this instance to me was that there would be any relaxation, especially in times like these, of this most salutary precaution for the protection of the Canal. The disturbing thing is that if the precaution was relaxed in this instance it might as readily be relaxed for some other plausible but unofficial reason advanced by some clever person bent upon sabotage.

It is, of course, a credit to the Canal authorities that when it was learned by them that this exception had been made there was more or less consternation among them and on subsequent days there was no other relaxation of the rule.

Of all the dangers threatening the Canal, the military authorities in charge fear sabotage the most, and, of course, no precaution against sabotage should be omitted and no relaxa-

tion of those precautions should be permitted under any circumstances so long as the present critical situation exists in the world.

I should not close this report to Congress on what I learned at Panama without telling you of a most unfortunate situation that exists with respect to the Government of Panama. The present President of Panama is anti-American and a pro-Nazi in his sympathies. Although he has been in office but a few months he has initiated and procured the adoption of a new constitution along Nazi or Fascist lines. This constitution was approved by a vote of the people of Panama on Sunday, December 15, the day I left Cristobal. I saw the process by which this change was brought about. The polling places were tables placed on the open sidewalks. The voters formed long lines awaiting their turns to vote. There was no secrecy about the ballot. As the voter approached the table, at which the election officers appointed by the President were seated, he was asked whether he wanted to vote for or against the adoption of the constitution. A red ballot was for the adoption of the new constitution and a blue ballot against it. He made his choice known to the Government officials and was given then the ballot which he asked for. Naturally, under such a procedure, threats of reprisals against those who opposed the change in the constitution had tremendous effect and the constitution was overwhelmingly adopted.

The Panama-American, the newspaper published at the city of Panama by Hernando Arias, a former President of the Republic of Panama and a brother of the present President, carried the story while I was in Panama of the appointment by the President of a certain Dr. Brunner from Vienna, Austria, as an adviser in city planning for the Republic of Panama. The story also stated that Dr. Brunner was a member of the Nazi Party of Germany, and in addition to being an expert on city planning he was also an expert aerial photographer. It was further stated that Dr. Brunner had said in an interview that one of the first steps he expected to take in laying out a plan for the cities of Panama was to make an aerial map of the areas under discussion. The areas in question are the cities of Colon, at the Atlantic end of the Canal, which is immediately contiguous to the American city of Cristobal, built within the Canal Zone and only about 4 miles distant from the Gatun locks on the Canal, and the city of Panama, located on the Pacific side and immediately contiguous to the American city of Balboa in the Canal Zone and but 2 or 3 miles distant from the Miraflores locks on the Canal.

The evident purpose of the appointment of Dr. Brunner is to enable the Nazis to obtain aerial photographs of the Canal and the locks. The ostensible purpose of his appointment as a city planner is but the thinnest kind of camouflage for its real purpose. Anyone who has visited the Canal and who has seen the cities of Colon and Panama City can understand that there is no problem of city planning presented by either of these cities. Their populations are small, their areas for expansion are unlimited. There is no problem of crowding or of the necessity for making the most of a limited space.

The American military authorities are tremendously disturbed by the appointment of Dr. Brunner and what he proposes to do and I say to you, Mr. Speaker, that this Nazi spy must at all costs be prevented from making aerial photographs of the Panama Canal and its locks, or adjacent terrain. I sincerely trust that the officials of our Government who are entrusted with the safety of the Canal see to it that the contemplated action of Dr. Brunner shall not be taken.

I shall not be a Member of the Seventy-seventh Congress, but, Mr. Speaker, I sincerely trust that those of you who are will take whatever action is necessary to the end that this life line and vital link in our national defense shall be made impregnable. [Applause.]

The SPEAKER. Under previous order of the House, the gentleman from Michigan is recognized for 8 minutes.

SELFISHNESS OR WORSE—ARE WE SLACKERS?

Mr. HOFFMAN. Mr. Speaker, back of the war talk, behind the drive for aid to Britain, is a potent, powerful force which we seem to have ignored. It is secret, yet almost universal. All seem to have a little of it; some appear to be controlled by it. It can be described in one word—selfishness.

Workers in factories, in cantonments, on projects, and in those industries having to do with national defense, as a rule, are demanding higher wages. They are demanding pay and a half and double pay for overtime and holidays.

Unions are taking advantage of the situation to sell permits to work, which, of course, they have no right to do—a practice which is not only lawless but vicious, and which the legislative authorities seem to lack the courage to stop.

EVERYONE WANTS HIS

Industrialists and businessmen—everyone who has anything to sell—are looking for a higher price. You and I, consciously or unconsciously, perhaps, all too often are wiggling and twisting, wondering whether a real-estate speculation, a purchase of stock or bonds, or some other business transaction, carried on with the war as a background, may not return to us a profit over and above that which we ordinarily would be able to get.

This selfishness, which is characteristic of no particular group or class, which is common to all of us, has not been given the credit due it, nor has its full influence been recognized.

I have talked with farmers about the war, and far too often somewhere in the conversation, after the horrors of war and its cost and its uselessness have all been recognized, has come the question, What will the effect be on the price of farm products?

Many times businessmen seeking war orders, discussing this, that, or the other, have revealed a determination that, if money is to be spent, if profits are to be made, they intend to get their share of it.

SELFISHNESS OR SABOTAGE?

It is to be hoped that it is selfishness, or, to put it in more palatable form, a desire to improve one's condition—a laudable ambition—that is back of the present labor troubles, threats to strike, and strikes which are hindering our national-defense program.

If it is not selfishness or, as stated, a desire to better one's condition, the only other apparent cause is a desire to aid the enemy, who would prevent preparations for adequate national defense.

STRIKES HOLDING UP DELIVERY OF SHAFTING FOR NAVY

When last the House met your attention was called to the threatened strike at the Allis-Chalmers Co. plant at Milwaukee, which has under construction for the United States Navy $18,000,000 worth of turbine and shafting, and which was threatened with a strike by the C. I. O. if two A. F. of L. workers were restored to their jobs. Such a strike is an absurdity. The threat of a strike for such a reason is preposterous.

MASS PICKET LINE

Under date of December 31 we learned that at Fort Wayne, Ind., where the International Harvester Co. is working on defense orders, 3,300 employees are thrown out of work by a strike. We learned that a picket line of 2,000, including the wives of some of the strikers, has been established around the plant. Does anyone labor under the delusion that a picket line of 2,000 around a plant of that size is peaceful picketing?

THREATENED STRIKE AT FLINT, SCENE OF SIT-DOWN

Under date of January 1 and a Flint, Mich., date line we find a United Press dispatch stating that approximately 12,000 employees at Chevrolet plant No. 9, engaged in the production of motors for Army trucks, will vote next week as to whether they will go on strike.

The coming week the President will probably ask Congress for the appropriation of anywhere from one to three billion dollars for national-defense orders or for aid to Britain.

LESS MUNITIONS FOR SAME MONEY

Let us assume that $100 buys one rifle. If labor organizations so arrange it that pay and a half or double pay must be paid to the men manufacturing those rifles, it necessarily follows that $500 will not buy five rifles, but four and one-half or three and one-third or less, depending on the amount of time and a half and double time that the men work.

The extra cost to the taxpayer growing out of limited hours and time and a half and double time for overtime cannot be estimated. It runs into billions or more. It means, too, a material lessening in the quantity of matériel produced. It means, therefore, a curtailment of our defense program.

Likewise advances in the prices of material bring the same result. So, too, will the demand for excessive prices of the finished product.

WHETHER SABOTAGE OR SELFISHNESS, REMEDY NEEDED

The result is the same whether these various activities be caused by selfishness or by desire to aid our enemies or defeat our defense program.

Several remedies have been suggested. One is the outlawing of strikes. Another is the fixing of prices. Another is the drafting of industrial plants and workers.

DICTATORSHIP

It is quite certain that if our national existence is in danger there must be unity of effort. Throughout the past 8 years this administration, by teaching that employees and employers were necessarily enemies, has created a situation where drastic remedies appear to be necessary. The administration itself and through the Senate Civil Liberties Committee, the National Labor Relations Board, and various other governmental agencies, has created in the minds of businessmen and industrialists a suspicion that they will not be fairly treated. It has caused labor organizations and labor organizers to believe that the strong arm of the Government will be extended to aid them in their organizing drives, and that they will receive privileges over and above those available to other citizens.

The result is that now, in this time of at least apparent if not real emergency, we may find ourselves compelled to submit to dictatorial methods and measures.

If men are to be drafted for military service, there are many of us who can see no reason why men should not be drafted for industrial service; no reason why all should not be compelled by law to contribute the financial sinews of war for the common good.

RIGHT TO STRIKE

There are those who say the right to strike shall not be taken from labor. There are others who insist that industrial plants shall not be taken over by the Government. But again if men are to be taken from their homes, put into camps, and forced to face the enemy's guns, there would seem to be no reason why those who remain should not render service when and where and to the extent necessary for the preservation of our Government.

UNITY

We should all be riding in the same boat together and, if it can stem the tide and, by the efforts of all, reach a safe port, well and good. If, on the other hand, it is to be swept over the falls, then all should go down together.

DICTATORSHIP BY THE PEOPLE

Advocating a dictatorship, you say? If that be necessary. But let it be a dictatorship, not of the executive branch, not a dictatorship imposed by a President, for he has no such authority and he should be impeached if he tries to impose one—but of the people, through their representatives; a dictatorship for the people.

Let whatever measures are necessary for the preservation of our union originate and be made law by the people's representatives, the Congress of the United States.

CONGRESS LAYING DOWN ON THE JOB

Too long has Congress ignored the situation, refused to act. Certainly the destiny of our Nation does not rest in the hands of one man. If we refuse to deal with the situation in this coming Congress and to do it promptly and effectively; if we fail to enact and put into force the legislation necessary to give us adequate national preparedness, to meet danger from without and from within, then by our inaction we acknowledge our incompetency or our lack of courage, and we should resign our offices and let the people select representatives equal to the task which confronts the Nation. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a radio speech by our colleague the gentlewoman from Ohio [Mrs. BOLTON].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Under special order previously made, the gentleman from California [Mr. VOORHIS] is recognized for 10 minutes.

THE FEDERAL RESERVE SYSTEM

Mr. VOORHIS of California. Mr. Speaker, I thought today, when a number of special orders were asked for, that most of the Members who asked for those special orders were going to discuss the so-called report of the Federal Reserve Board, to which the gentleman from Mississippi [Mr. RANKIN] and the gentleman from Texas [Mr. PATMAN] made reference. Since that has not taken place and since this is a matter which calls for most careful thought on the part of every Member of Congress, I do not propose to say most of the things I had asked for this time to say. I do want to say one or two things, however.

And first let me say that if the Federal Reserve Board were, as it ought to be, an agent of Congress controlling the monetary system of this Nation through a public institution and solely in the public interest, we could view this matter differently from what we can do at present. For at present the Board, though appointed by the President, runs an essentially private business. The 12 central Federal Reserve banks are owned completely by the private member banks of the System, and increases in the Board's powers therefore will always be likewise increases in the power of those privately owned banks until we do what should have been done in the first place, namely, make the 12 central Federal Reserve banks the property of the people of the United States.

Turning to the Board's recommendations, I certainly think we have got to consider the many problems connected with our present monetary system. There should be adequate means in someone's hands of preventing inflation. But from the standpoint of conditions at present, I believe strongly that the Board's proposition is premature. The price level at present is not yet back to 80 percent of the price level of 1926. We are very far from full employment as yet. I do not understand why we should get in such a panic every time there is danger of our getting full employment and restoring the price level for basic commodities, but do not correspondingly get excited when a deflation takes place which deprives real wealth of a great proportion of its value with reference to money and causes loss of employment and foreclosure of farms.

I think that one of our difficulties is that we are the victims of what Prof. Irving Fisher calls the "money illusion." We think that property rises and falls in value. We think, for example, that there is less nourishment in the crops you get off the farm in one period than in another, and so with other real wealth, when as a matter of fact, what happens is not that real wealth is worth more or less but that the volume of money is contracted or expanded, and thus each dollar changes in its value relative to real wealth. It is a strange thing that whenever real wealth is rising in value and the dollar declining in purchasing power there is general alarm and concern, whereas when the dollar is becoming dearer and real wealth declining in dollar value, we think a very salutary process is taking place and that somehow we are being punished for some mysterious past misdeeds.

The truth is, of course, that inflation and deflation are both evils to be avoided like the plague, but if one is worse than the other for the people generally and their industry it certainly is deflation.

Mr. RANKIN. Mr. Speaker, now will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. RANKIN. Farm prices are about 50 percent of what they were in 1926. At that time cotton was 22 cents a pound; now it is around 10 cents or less. I think if the gentleman will investigate, he will find that the price of wheat at that

time was $1.50 or $1.75 a bushel, whereas today it is probably down to 70 cents.

Mr. VOORHIS of California. That is true, and I am thankful to the gentleman from Mississippi for his contribution, for it strengthens the point I was trying to make.

I should like to warn that these proposals of the Board are illustrative of many, many things and food for much more thought than appears on the surface, and they will require the most careful study of every one of us. I do not propose to try to make an exhaustive speech, obviously, on so important a subject today. I do want to point out, however, that the Board's recommendations propose that the power of the President to issue $3,000,000,000 of money should be revoked. Why? Basically, because the Board knows, as does everyone else, that the putting of that money into circulation would increase reserves in the banks and thus increase the chance of bank credit inflation at some future time. For every single one of those banks has power to create credit on the basis of fractional cash reserves according to our present law.

As it is, therefore, there would be a multiple expansion, for so long as the fractional reserve system exists the banks themselves can exercise what should be the sovereign right of Congress to create money which the Constitution says belongs to Congress, and to it alone. So the Board wants to take this power from the President mainly, I think, because this money-creating power is exercised by the private banking system.

Mr. RANKIN. Mr. Speaker, will the gentleman yield further?

Mr. VOORHIS of California. I yield.

Mr. RANKIN. Let me say to the gentleman from California that this power in the hands of the President to issue $3,000,000,000 of currency is the greatest club that could be placed in the hands of the President to forestall such a panic as the Federal Reserve System brought about in 1920.

Mr. VOORHIS of California. I am inclined to believe that it may have operated that way.

To further illustrate my point and to show why the Board asks for power to increase reserve requirements, as well as for abolition of the President's authority, let me point out that the Board has asked that no more Treasury bonds be sold to banks, but that they be sold to individuals and corporations instead. Here again the reason is that if such Treasury bonds are sold to banks the banks create new money in the form of deposits to buy them with.

In this connection I read the last paragraph of an Associated Press article on the subject:

> Experts explained that when a bank buys a Treasury bond the Treasury spends the proceeds, the recipients deposit the money, and this tends to double the volume of bank deposits. However, if an individual or corporation buys the bond, he must first withdraw money from a bank to pay for the security, and this offsets the new deposits to be made by persons receiving Treasury cash.

That is just what I have been saying all these years, but the article is a little ambiguous, as most of these articles are. The point is that when a bank buys a Government bond it simultaneously creates a deposit with which to buy the bond, thus creating in each private bank in effect a little mint. Then the bond becomes security for the deposit and can, in fact, be used as collateral for an issue of Federal Reserve notes. The Board proposes that bonds be not sold to banks because it does not want an expansion of the money. It suggests sales to individuals and corporations. I would point out, however, that, although in such a case the individual or the nonfinancial corporation cannot, of course, create money to buy the bond with and must originally draw from a deposit or supply cash with which to make the purchase, nevertheless, as long as we permit Government bonds to be used as collateral for Federal Reserve notes and leave the fractional reserve system in effect, the purchaser of a bond can take it to a bank and borrow against the bond and the bank can make the loan out of a newly created deposit.

The only point I want to stress at the moment is that with various monetary powers existing in the Federal Reserve System, the President, the Secretary of the Treasury, and every private bank in this country you have a complex and jumbled pattern of attempted control over your monetary system that simply cannot work effectively. It seems to me that what the Board should propose, instead of withdrawal of this one power from the President, is a clear-cut establishment of a 100-percent safe, 100-percent workable, 100-percent controllable monetary system by establishing over a reasonable period of time dollar-for-dollar reserves behind demand deposits. It is, in my opinion, a very difficult thing for many of the smaller banks to be confronted from time to time with changes in reserve requirements. I am convinced they would be better off if we provided now the means of enabling and requiring all banks to establish 100-percent reserves. This could be done under present circumstances without any disturbing effect, for the volume of excess and required reserves, plus the Government bond holdings of the banks, are, in my opinion, very close to the total of their demand deposits. Certain things would have to be done, of course, to assist the banks in covering their deposits. It would simply mean that there would have to be sufficient cash to cover those demand deposits, but it could be done without harm. Earnest and careful consideration should be given to this 100 percent reserve proposition. And I should like to add that if the banks are permitted to count Government bonds as part of their reserves, and if gradually as the bonds mature they are redeemed or retired simply by replacing them with new cash for reserves, then, in effect, we will have provided for orderly and easy retirement of a great portion of the public debt. Nor could the slightest inflation take place when the new money was created to retire the bonds for the cash would simply replace the bonds as part of legal reserves.

If we have finally come to the place where we really desire to solve this problem, then, in my judgment, what we have got to come to is the setting up of an agency, one agency under the direct control of the Congress of the United States, to exercise in an orderly fashion and according to definite congressional mandate the central economic function of maintaining a dollar of stable purchasing power in the United States. If we would view the whole problem from this standpoint, then, for the first time, it seems to me we would get a better and clearer understanding of these most difficult matters that are so often brought to our attention, and we might arrive at a monetary system which would not only be completely dependable but would make possible continuous expansion of production without periodic inflation and deflation.

Mr. Speaker, I should like to conclude by saying that as far as the Board's recommendation regarding taxes is concerned, it seems to be clear that we will have to have higher taxes, that they should be raised gradually, that they should be raised until the Budget is ultimately balanced, and I am in fundamental agreement with that. However, I would stress that the all-important matter from that standpoint is an increase in the production of wealth and an increase of employment in order to bring about a situation where we are operating our economy on the basis of full production of wealth, because unless we do that first the tax revenues will not be forthcoming. So I come back to where I started from and say I do not believe that any deflationary influences should be put into effect, at least not until such time as we have every man at work and every factory working at full capacity.

[Here the gavel fell.]

The SPEAKER. Under a previous order of the House the gentleman from Pennsylvania [Mr. RICH] is recognized for 6 minutes.

WELFARE OF NATION

Mr. RICH. Mr. Speaker, a happy New Year to all. [Applause.]

Mr. Speaker, when the majority leader makes the motion that the House do now adjourn and the Speaker's gavel falls, that will be the end of the Seventy-sixth Congress. That will be the first time in history that a Congress has adjourned because it outlived its time, or because it died for lack of more time. It has run the length of days allotted by law. In the year 1940, a continuous session of 366 days.

We ought to consider whether the Congress that adjourns today and dies tomorrow at 12 o'clock noon a natural death,

a Congress that has not adjourned sine die, has been a good Congress. Are you satisfied with all the things you did during the Seventy-sixth Congress, This is a question that ought to be considered very seriously by every Member of the House so that he will not do something during the Seventy-seventh Congress that he was dissatisfied with during the Seventy-sixth. A good time to make a New Year's resolution.

When I came in here today a couple of Members of the House, and I do not know whether they did this seriously or in jest, asked me the question whether I was going to ask the House, Where are you going to get the money? So far as I am concerned, I did not make any New Year's resolution that I would not ask that question during the next session of the Congress. I believe it is a serious question and one which needs the earnest consideration of good statesmen and the very greatest consideration should be given to that particular question by every Member of the House of Representatives, not simply as a monetary proposition, but from the standpoint of the welfare and the good of America. To me it is an essential question, a difficult question to answer. However, a most important question.

Mr. Speaker, when I think of the exorbitant expenditures of the last session, not only for the routine operation of the Government, but the expenditures that have been requested for national defense, it causes me to shudder and ask myself whether we have done the right thing for the perpetuation of American ideals, the perpetuation of the form of government which we enjoy, and for the perpetuation of the good that may accrue to our children and our children's children for all time.

Mr. RANKIN. Will the gentleman yield?

Mr. RICH. Just for a question.

Mr. RANKIN. The gentleman asked, Where are you going to get the money? Where would the gentleman suggest we get the money? I would like him to discuss that matter.

Mr. RICH. That is a question I can answer very quickly for the most part. I would say, economize in the expenditure of Government funds. I will take the floor at some time in the future to explain that more fully. I have done so in the past many, many times on the floor of the House. I will continue to do so for 2 more years, the Lord being my helper. I asked for this time today not because I want to take a few minutes during the closing hours of this session of Congress, but because I have in my heart and in my mind the great benefit that it means to this country to do just that.

We have talked a lot during the past 2 or 3 years—that is American neutrality and keep America out of war. The very first question that will be brought up during the first session of the Seventy-seventh Congress will be national defense. What for? For the protection of whom? Why, the American people. I am interested in the protection of the American people because I believe in America, and I believe in the American form of government more than I believe in any other people on the face of the earth. I want to do everything I can to preserve our ideals. But when we talk about neutrality, and then hear the fireside chat which we heard on Sunday, a day given over to religious worship, and when I think that the President of the United States chose that time to talk about what is essential for our benefit to protect this country in case of war, in my opinion that was an ill-chosen time.

Then we heard the request for aid to Great Britain on Sunday night. What kind of aid? Was it for food, clothing, and things to make the people happy and contented? No; sorry to say, it was for cannon, tanks, powder, dynamite, submarines, war vessels, TNT—anything that will kill, murder, shoot, annihilate. Where is our good-neighbor policy? Where is the Golden Rule—"Do unto others as ye would that men should do unto you"—exemplified in war? War is hell as it is conducted in Europe today. Hell on earth for those people engaged in it. I quite agree with Senator WHEELER, of Montana, that we should offer all aid and assistance to try to settle the differences if it can be done by arbitration, by peaceful methods, by kindness, before we commit acts of war that will bring trouble, that will bring hardships, anguish, and destruction to our American Government and desperation to our American people. God grant that we be kept from such hell on earth as the aerial warfare now being conducted in Europe.

Let us try, first, to stop the war. Do not try to get into war. Do not let war prosperity fool us into thinking it is good for American business, American jobs. It is anything but that, as time will only reveal. Do not let it fool you into thinking it will cover up the errors of the past 10 years and that they will be forgotten. To get into war will wreck America forever and set up a dictatorship absolute. Stop un-American activities by placing any person who would destroy our Government that may be in our midst in concentration camps, and do it at once. Do not procrastinate.

When I heard the gentleman from Georgia [Mr. Cox], a few moments ago, make the statement that, in effect, the President's fireside chat, and I quote, "was a Presidential declaration of war," I say that we are confronted at the present time with a serious situation. I say we do not want any Presidential declaration of war. You should not permit it. You have been elected by your people to do your duty to them and to this country sincerely and fearlessly. You should not be persuaded by anybody but your own conscience and by the constituents you represent. I have many constituents in my district who say, "Loan, lend, spend, and do everything you can to help somebody else," but I say my first obligation, my first duty, and my first principle is to protect and defend America and have our own defenses prepared before we give anything away to some foreign country.

Mr. Speaker, now that we are about to adjourn, this Congress ought to reflect on what it did during the past 2 years and resolve that those things it does in the future will be for the benefit of our country, our people, and our flag. God save America! Give us peace, happiness, and love for all mankind. Guide our every act and deed for the good of all is my prayer. I now adjourn this Congress, so far as I am concerned, sine die.

[Here the gavel fell.]

MINORITY VIEWS OF HOUSE COMMITTEE INVESTIGATING THE LABOR BOARD AND WAGNER ACT

Mr. HEALEY. Mr. Speaker, in behalf of the gentleman from Utah, Congressman MURDOCK, and myself the minority members of the House Committee Investigating the Labor Board and Wagner Act, I had intended to request special permission from this House to prepare and issue a detailed report after the close of this session. This was made necessary by the action of the majority in filing a voluminous report only 4 days ago. Of course, we are not in accord with all of the views expressed in the majority report. I understand, however, that under the rules we cannot be permitted to file our report after midnight tonight. I ask unanimous consent, therefore, that the minority members of this committee may have until midnight tonight to file our minority views, which must, because of these circumstances, be expressed in summary fashion. It is our intention, however, to make known in detail our conclusions with respect to the investigation of this committee, although this future report must necessarily lack formal status.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? There is no objection.

EXTENSION OF REMARKS

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein an article I have written for a magazine.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE UNITED STATES AND THE EUROPEAN WAR

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I have asked for this time in order to reply very briefly to the statement made by the gentleman from Georgia [Mr. Cox] in his interpretation of the Presi-

dent's fireside chat. He said very frankly on the floor of the House that he interpreted it as a Presidential declaration of war. I listened to that fireside address, and I approve of it. I believe the President made one of the soundest and most forceful addresses he has ever made to the American people. I do not interpret any part of the President's radio speech as a declaration of war. Nothing he said in that address could possibly be construed as asking this country to go to war.

The President very properly served notice upon the dictator nations, upon the Axis Powers, that we would continue with our own American foreign policy regardless of threats from them. I interpret it to be sound American doctrine when he said that we would continue to aid Great Britain short of war, that we would provide more than we have in the past, that we would increase our production, and that we would give additional priority to Great Britain, all of which is short of war, short of war under our own law, under international law, and under the Constitution.

As the President well pointed out, Sweden and Soviet Russia have been supplying Germany with arms and ammunition during this war, and for years Germany has likewise been supplying belligerent nations with arms, ammunition, and airplanes—all of which is under and within well-recognized principles of international law.

If the gentleman from Georgia wants to raise the issue of war or peace, then let us raise it right now, but openly and aboveboard. Ninety percent of the American people are opposed to our entrance into a war unless we are attacked. On the other hand, 90 percent are in favor of aid to Great Britain short of war, but they are not in favor of aid to Great Britain when it means short cuts to war, or where it means short of peace.

In the next Congress there will be one great issue that will transcend all party lines—that will be greater than any political party or both parties combined—because it affects the security and destiny of America and the safety of its people. This issue will be, Shall we participate in this war or shall we stay out? If the Members of Congress represent their constituents, 90 percent of whom want us to stay out of war, they will not vote for war in the next Congress; but if we listen to the siren, warlike voices of the 10 percent and of the big international press of the East and those who are urging by every possible means, not measures short of war but short cuts to war, then we will be in the war in the next Congress. After all, we of Congress are the ones who must decide, with the advice of our constituents back home, whether or not we will be involved.

I agree, however, with the remarks of the gentleman from Georgia [Mr. Cox] when he said, and properly so, that there is no such thing as a half-way war. If we are involved in war, it will be a total war—a war on all continents. Millions of American soldiers will be sent to the battlefields of China, Africa, and Europe. I know no other kind of war. If war is declared by Congress, then I expect to enlist. I hope to serve if war is declared, but God forbid that we become involved. I know no other way to fight or to wage war except to final victory. That means a total war, no matter what the expense, whether it is $200,000,000,000 or whether it takes a million lives. I predict that if we are involved in a war, it may mean that children yet unborn may be fighting in that war, and that the lives of millions of American soldiers will be sacrificed on many foreign battlefields—in Europe, in China, and in Africa.

So before we decide this issue of war or peace, I want to state that I believe that the speech of the President was sound American doctrine, asking for nothing more than aid to Britain short of war. But if he should ask the Congress for a modification of the Neutrality Act to permit our ships to go on the high seas into the war zones and to escort or convoy British ships, then everybody knows that would be virtually an act of war, as our ships will be torpedoed and we will then be in the war within a few months' time. However, the President made no such suggestion. I take this opportunity to contradict the interpretation made on the President's speech by the gentleman from Georgia, and I believe the next Congress will reflect the opinion of the American people and keep this country out of war. [Applause.]

[Here the gavel fell.]

GENERAL LEAVE TO EXTEND REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members be granted until midnight tonight to extend their own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain remarks made at the celebration of Pan American Aviation Day.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey;

H. R. 10712. An act to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.; and

H. J. Res. 623. Joint resolution to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills and a joint resolution of the House of the following titles:

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey.

H. R. 10712. An act to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.

H. J. Res. 623. Joint Resolution to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 4085. An act for the relief of Max von der Porten and his wife Charlotte von der Porten;

S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch; and

S. 4415. An act to amend the act entitled "An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof," approved June 25, 1910.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 30 minutes p. m.) the House adjourned.

APPROVAL OF HOUSE BILLS AND JOINT RESOLUTION SUBSEQUENT TO FINAL ADJOURNMENT

The President of the United States, subsequent to the final adjournment of the third session of the Seventy-sixth Congress, notified the Clerk of the House of Representatives that on the following dates he approved and signed bills and a joint resolution of the House of the following titles:

December 30, 1940:

H. R. 8665. An act to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis.

January 7, 1941:

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey.

H. R. 10098. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce' approved February 4, 1887, as amended, and for other purposes", approved February 28, 1920.

H. R. 10712. An act to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.

January 9, 1941:

H. J. Res. 623. Joint Resolution to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

MESSAGE FROM THE SENATE SUBSEQUENT TO FINAL ADJOURNMENT

The Secretary of the Senate, subsequent to the final adjournment of the third session of the Seventy-sixth Congress, notified the Clerk of the House of Representatives that the President of the United States had informed him that on January 3, 1941, he approved and signed bills of the Senate of the following titles:

S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch.

S. 4415. An act to amend the act entitled "An act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof", approved June 25, 1910.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2087. A letter from the Secretary of War, transmitting a report of awards made in accordance with the act of March 5, 1940; to the Committee on Military Affairs.

2088. A letter from the Secretary of War, transmitting a report of awards made in accordance with provisions of the act of March 5, 1940; to the Committee on Military Affairs.

2089. A letter from the Acting Secretary of the Interior, transmitting a report pursuant to section 3 (c) of the amendatory Helium Act approved September 1, 1937 (50 Stat. 885), showing the amount of moneys credited to such helium-production fund and the amount of disbursements made therefrom during the preceding fiscal year, and the unexpended and unobligated balances on hand in such fund as of the end of the fiscal year ended June 30, 1940; to the Committee on Military Affairs.

2090. A letter from the Acting Secretary of the Interior, transmitting a report covering the fiscal year 1940 for the National Park Trust Fund Board; to the Committee on the Public Lands.

2091. A letter from the Acting Secretary of the Treasury, transmitting an itemized report of transactions for account of the Pershing Hall memorial fund; to the Committee on Expenditures in the Executive Departments.

2092. A letter from the Chairman of the Board of Governors of the Federal Reserve System, transmitting a special report to Congress by the Board of Governors of the Federal Reserve System, the presidents of the Federal Reserve banks, and the Federal Advisory Council; to the Committee on Banking and Currency.

2093. A letter from the Chairman, Federal Trade Commission, transmitting the Twenty-sixth Annual Report of the Federal Trade Commission for the fiscal year ended June 30, 1940; to the Committee on Interstate and Foreign Commerce.

2094. A letter from the President, Electric Home and Farm Authority, transmitting the fifth annual report, covering operations from July 1, 1939, to June 30, 1940, inclusive; to the Committee on Banking and Currency.

2095. A letter from the chairman of the board for the board of directors, Tennessee Valley Authority, transmitting a report of expenditures for the 12 months ended November 30, 1940, of funds derived from the sale of bonds under section 15c of the Tennessee Valley Authority Act of 1933, as amended; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HEALEY: Special Committee to Investigate the National Labor Relations Board. Part II, minority views on House Resolution 258. Resolution creating a select committee to investigate the National Labor Relations Board (Rept. No. 3109). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Select Committee to Investigate Campaign Expenditures. Report pursuant to House Resolution 344. Resolution providing for the appointment of a special committee of the House of Representatives to investigate the campaign expenditures of the various candidates for the House of Representatives, and for other purposes (Rept. No. 3110). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Maryland: Committee on Interstate and Foreign Commerce. Report pursuant to House Resolution 290. Resolution authorizing the Committee on Interstate and Foreign Commerce to conduct an investigation of the petroleum industry (Rept. No. 3111). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTSON: Select Committee on Conservation of Wildlife Resources. Report pursuant to House Resolution 65. Resolution authorizing the Special Committee on Wildlife Conservation, appointed under authority of House Resolution 237, Seventy-third Congress, continued under authority of House Resolution 44, Seventy-fourth Congress, and House Resolution 11, Seventy-fifth Congress, to continue its investigations during the Seventy-sixth Congress (Rept. No. 3112). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOLAN: Select Committee to Investigate the Interstate Migrations of Destitute Citizens. Report pursuant to House Resolution 63. Resolution authorizing a select committee to investigate the interstate migration of destitute citizens (Rept. No. 3113). Referred to the Committee of the Whole House on the state of the Union.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9425. By the SPEAKER: Petition of the Portland Association of Technical Engineers and Architects, Portland, Oreg., urging consideration of their resolution with reference to bills S. 4390, H. R. 10584, and H. R. 10586; to the Committee on Rivers and Harbors.

9426. Also, petition of the National Seaway Council, Washington, D. C., urging consideration of their resolution with reference to the St. Lawrence seaway and navigation and power project; to the Committee on Foreign Affairs.

SENATE

FRIDAY, JANUARY 3, 1941

(Legislative day of Tuesday, November 19, 1940)

The Senate met in its Chamber at 11:30 o'clock a. m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, Creator of all things visible and invisible, who art without beginning or end of days: Into Thy holy keeping we commit ourselves this day as the sum of our endeavors in this momentous period of time is completed. Do Thou bless and strengthen all that hath been ably done; pardon whatever hath been left undone or done amiss and grant, as we stand upon the threshold of a new emprise, that

we may learn wisdom from the past and find the comfort of Thy leading in the future.

As we review the past we find no uniformity in days, for Thou didst touch some of them with shadow, allowing others to pass all shimmering with laughter, till, like the sea wave chased by cloud or sun, they broke in foam to pass away in the music of a sigh along Time's beaten sand. So teach us, dear Lord, to number our days that we may ever apply our hearts unto wisdom. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, January 2, 1941, was dispensed with, and the Journal was approved.

PETITION

The VICE PRESIDENT laid before the Senate the petition of George Rublee, Dean Acheson, and sundry other citizens of the United States, praying that full, prompt, and effective aid be extended by the United States to Great Britain and Allies in the present European conflict, which was referred to the Committee on Foreign Relations.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Johnson, Colo.	Sheppard
Andrews	Davis	King	Smathers
Austin	Downey	La Follette	Stewart
Ball	Ellender	Lee	Taft
Bankhead	Frazier	Lucas	Thomas, Idaho
Barbour	George	McCarran	Thomas, Utah
Barkley	Gerry	Maloney	Townsend
Bilbo	Gillette	Mead	Truman
Bone	Glass	Miller	Tydings
Brooks	Green	Minton	Vandenberg
Bulow	Guffey	Murray	Van Nuys
Bunker	Gurney	Neely	Wagner
Byrd	Hale	Nye	Wallgren
Byrnes	Harrison	O'Mahoney	Walsh
Capper	Hayden	Overton	Wheeler
Caraway	Herring	Radcliffe	White
Chandler	Hill	Reed	Wiley
Chavez	Holman	Reynolds	
Clark, Mo.	Hughes	Russell	
Connally	Johnson, Calif.	Schwartz	

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. MCNARY] is absent because of illness.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Vermont [Mr. GIBSON], the Senator from Massachusetts [Mr. LODGE], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

COMMITTEE SERVICE

On motion of Mr. BARKLEY, and by unanimous consent, it was

Ordered, That the Senator from Texas [Mr. CONNALLY] be excused from further service as chairman of the Committee on Public Buildings and Grounds and that he be appointed chairman of the Committee on Privileges and Elections to fill the existing vacancy.

FEDERAL BOARD FOR VOCATIONAL EDUCATION—ROBERT WATT

Mr. BARKLEY. Mr. President, there is nothing in the legislative program demanding attention at the moment; but I desire to complete the confirmation of nominations pending. Therefore I ask unanimous consent, as in executive session, for the consideration of the only nomination on the Executive Calendar—that of Mr. Robert Watt, of Massachusetts, to be a member of the Federal Board for Vocational Education.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none. The nomination will be read.

The legislative clerk read the nomination of Robert Watt to be a member of the Federal Board for Vocational Education, to serve for the duration of the term expiring July 16, 1941.

The VICE PRESIDENT. Is there objection to the present consideration of the nomination? The Chair hears none. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask that the President be immediately notified of the confirmation of the nomination of Mr. Watt.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

RECESS

Mr. BARKLEY. In the absence of any important business, I ask that the Senate stand in recess until 5 minutes before 12.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Thereupon (at 11 o'clock and 43 minutes a. m.) the Senate took a recess until 11:55 o'clock a. m., when it reassembled.

The third session of the Seventy-sixth Congress expired automatically, under constitutional limitation, when the hour of 12 o'clock arrived.

CONFIRMATION

Executive nomination confirmed by the Senate January 3 (legislative day, November 19, 1940), 1941

FEDERAL BOARD FOR VOCATIONAL EDUCATION

Robert Watt to be a member of the Federal Board for Vocational Education.